

WHARTON PLANNING BOARD
REGULAR SCHEDULED MEETING
November 24, 2015

The Regularly Scheduled Meeting of the Wharton Planning Board was called to order with Chairman Ken Loury reading the Open Meeting Statement as required by law.

ROLL CALL was taken and the following members were present: Chairman Ken Loury, Mayor William J. Chegwiddden, Councilman Thomas Yeager, Ms. Charlotte Kelly, Mr. Mark Harris, Mr. Roger Steele, Mr. Mark Harris, Mr. Jared Coursen, Mr. Patrick O'Brien, Mr. Peter Rathjens, Ms. Jennifer O'Malley-Dorr and Mr. Brian Bosworth. Also present were Attorney Alan Zakin, Engineer Christopher Borinski, Planner Jessica Caldwell and Secretary Patricia Craven.

The pledge of allegiance to the flag followed.

The approval of the bills was next. A Motion was made by Thomas Yeager and Seconded by Mark Harris to approve the bills. YEA – 11 NAY – 0

The approval of the October 20, 2015 Planning Board Meeting was next. A Motion was made by Jared Coursen and Seconded by Charlotte Kelly to approve the minutes.
YEA - 11 NAY - 0

The Resolution for Ghebreal was read and the following changes were made:

Page 2 -

first paragraph was taken out

last paragraph - 2014 was changed to 2015.

Page 3

#2 – the word though was changed to through

Last sentence to read - There is also an inside exit for the basement

Page 4

#7 - 3rd sentence, 5th word should be at

Page 6

#2 – last sentence should be restaurant diners from being visible to outside neighbors

A Motion was made by Mark Harris and Seconded by Peter Rathjens to approve the Resolution as corrected. YEA– 11 NAY – 0

The Resolution for Morris Ventures, LLC was moved to be read after their application is heard tonight.

The Resolution for Equinet Properties, LLC was next. The following changes were made:

Page 1 – paragraph 2 – 3rd sentence – the word compliant was removed.

Page 2 – Last paragraph – 4th sentence from the bottom – the word Manger should be Manager

Page 4 - #2 – should read – The site must be immediately cleaned and the perimeter fences must be repaired and maintained in that condition for both aesthetic and safety reasons....

Page 7 - #18 – Borinsky should be Borinski

#19 – confirm should be conform

A Motion was made by Peter Rathjens and Seconded by Roger Steele to approve the Resolution as corrected. YEA – 11 NAY - 0

Under New Business was the application for PMIG DPNJ, LLC. Attorney Jason Tuvel for the applicant addressed the Board. The application is for a preliminary and final site plan approval. His client purchased the property over a year ago, it was an existing gulf station with a repair shop. They are proposing a C store and gas pumps. The property is split between Rockaway Township and Wharton Borough along Route 15 north with a large majority of the site located in Rockaway Township. Typically the Borough of Wharton would advocate jurisdiction to Rockaway Township in connection with this entire property as to zoning and building permits. After reviewing case law and council his client chose to come before this Board as well as the Rockaway Township Board. The Rockaway Township Board approved the application for the C store, which is located entirely in Rockaway Township and will be open 24 hours. The Resolution for that approval was included in this application. They are seeking approval for the gas part of the application which is located in Wharton Borough as well as variances for signage.

Mr. Tuvel stated that as far as the technical part of the Wharton Borough Professional's memo they had no objections. The gas station will receive 1 delivery a day or 5 to 6 a week. Box trucks for the C store are every other day and trash pickup is 1 to 2 times a week. There is no cooking in the C store and it is open 24 hours. They have approval from the Rockaway Board of Adjustment and letter of no interest from the NJDOT as far as access.

Roger Steele asked the Board Attorney to explain to the Board what it means to have a property that is between 2 municipalities and what potentially would be the benefit or detriment. Attorney Zakin explained to the Board in detail what they will be voting on and what to consider.

Rich Kendarian of Maser Consulting of Red Bank was sworn in and qualified as an expert in Site Engineering.

A-1, 11-24-15 Color Photo of Existing Conditions was entered into evidence.

Mr. Kendarian stated that the property, Block 107, Lot 2, fronts on Rt. 15 in Wharton and has 3 frontages: Rt. 15 on the South, Rt. 15 ramp on the West and Richard Mine Rd. on the North. The .93 acres is divided diagonally between Wharton Borough and Rockaway Township. You can enter the site from Richard Mine Rd. and also Route 15 but can only exit onto Route 15. Circulation on the site is very limited. Currently they have 4 pumps for gasoline with 8 fueling positions. The current site is a hodge podge 50's typical service station with no landscaping, 3-5 parking stalls. It is surrounded by commercial uses and vacant land. The closest residence is 300 ft. away in Rockaway Township. They plan on demolishing everything on the site and rebuilding.

A-2, 11-24-15 Color version of the Site Plan was marked into evidence

Mr. Kendarian explained the site. He stated they are proposing a canopy over the gas pumps, 15 parking spaces including 3 for employees and 1 handicapped. The 3 employee spaces will be located over the underground storage tanks. Delivery for the fuel will be during off hours. You will be able to enter and exit the site from Rt. 15 and Richard Mine Rd. which will provide full circulation. They are also proposing a C store with a Subway kiosk. There will be no seating. There will be a 10 x 10 trash enclosure. The current site has no storm water and they are proposing a storm water basin. They are proposing landscaping: deciduous, decorative and shade trees. They are asking for a waiver for shade trees along Rt. 15 because there is no frontage along Rt. 15 to plant the trees. They are proposing LED lighting. They are asking for a waiver for the lighting that is spilling off site that will be lighting up the access points to the site. They are also over what is allowed for the canopy and for safety and security reasons they want to be able to light up this area where people will be pumping gas and it will not affect the neighbors, no sky or offsite glare. It is standard with this use. The existing 80 sq. ft. Gulf sign is 18 ft. high, zero setback and internally lit with fluorescent lighting. The proposed sign will be 149 sq. ft. with

multiple products on the sign – Subway, Circle K and Exxon. It will be 28 ft. high with a 10 ft. setback and internally illuminated with LED lighting. They will have the sign and prices internally illuminated as required by state standards. The prices will be controlled electronically and not manually. It also will have controlled lighting with no blinking, flashing or scrolling.

Mr. Kendarian addressed the professional memos and all the technical comments were acceptable. Planner Caldwell asked about the landscaping and landscaping design waiver. Mr. Kendarian stated that the colorized version of the landscaping is the same as what was submitted. Because the frontage is in the DOT right of way they would need a DOP permit for landscaping and it would obstruct the site visibility.

Ken Loury asked about the logic in making the access to Richard Mine Road 2 way. Mr. Kendarian stated that it is a 2 way now and that with that exit onto Richard Mine Road travelers would not have to go out onto Route 15 to get to Richard Mine Rd. Rockaway Township asked that they put in directional signage to deter cut through traffic.

Mr. Kendarian stated that they are installing 6 new environmentally efficient double wall gas pumps. There are 4 there now. It is a high intensity station and this new station will service the traffic more efficiently.

The meeting was opened and then closed to the public.

The Attorney for the applicant stated that no one from the public came out to the Rockaway Township meeting.

Jeffery Fiore of Maser Consulting was sworn in and qualified as a traffic expert. He stated and explained that they received a letter of no interest from the DOT in reference to his submittal to the DOT. They are not changing the access points to Route 15 and they are not creating a significant increase in traffic. This use is utilized by pass by traffic and will have little traffic from Richard Mine Rd. For the most part this traffic is already there on the roadway and is considered a pass by use.

As far as parking the ordinance requires 1 space per 200 sq. ft. and 1 space per pump which would be 21 spaces required. They are proposing 15 spaces and will need a variance for 6 spaces. For a C store they are required to have 11 spaces and are providing 15. There is enough for the C store which has a high turnover where customers will be in and out in 2-3 minutes. They feel they will have enough spaces. They met Rockaway Township requirements for parking. The 8 – 12 fueling positions are also parking spaces, where a lot of people leave there cars and run in the store. They had originally had 12 parking spaces and Rockaway Township asked for 3 employee spaces which they put over the fuel tanks. Deliveries for fuel are during off peak hours. They are proposing 30 foot wide circulation aisles around the exterior of the gas pumps to help with circulation. This will enable customers to maneuver and be able to use any pump at any time and also be able to enter and exit to Richard Mine Road without going onto Route 15.

The pylon sign they are proposing is 149 sq. ft. where the ordinance allows for 50 sq. ft. The existing sign is about 80 sq. ft. They need a larger sign because of being on Route 15 with traffic coming off of Route 80 at 55 mph, the sign needs to be seen. Based on the site distance required you need to see the sign 810 feet before the gas station in order to process what it says and pull over. At 810 feet each letters must be 27” in height in order to be visible. Each letter would be 5 sq. ft. and given the number of letter needed it would be 116 sq. ft. of letters. Figuring in the area around the letters it would be 174 sq. ft. of white area. So with the letters and white area you would need 290 sq. ft. total and they are proposing ½ of that area. The sign they are proposing is 149 sq. ft. and feel the sign size is justified.

Ken Loury asked about the Subway kiosk. Mr. Fiore stated that there is no seating in the store or the kiosk. The Subway is a grab n go.

Planner Caldwell asked about the parking for the gas station. Mr. Fiore stated that the gas station is self-parking spots so they looked at a convenience store for their calculations. They don't need parking for the gas station because they have no car service station. The Subway kiosk is only a couple 100 sq. ft. in size and is just an extension of the counter of the convenience store. They do not cook there and there is no seating. They have signage proposed "employee parking only" for the employee spaces, but not for any of the other spaces. Peter Rathjens asked if a vehicle pulling a boat would have any problem circulation through the site. Mr. Fiore state that a 46 ½ ft. fire truck as well as a fuel truck will be able to access the site with no problem and feels the circulation will work for a vehicle pulling a boat. The aisles will be 30 ft. wide. The area of the sign that he spoke about earlier does include the pricing on the sign.

Mr. Fiore spoke about the impact, if any, the site would have going from a 6am to 10 pm business to a 24 hour business. He explained that if the C store was 24 hours and the gas station was not, passer by traffic would see the unlit gas station first and think that the store was closed as well. You would not see the open C store until the last minute and then quickly try to turn in. If the gas station were open it would provide advance notice to passing motorists. He stated that there is minimal traffic at night and the site caters to pass by traffic. There is no impact on the residents of Wharton Borough but provides for convenient hours and off hours for getting gas. There is no air hose on the plan but they can provide it if the Board wants.

The Professional's memos were next. The applicant will comply.

Engineer Borinski asked about the time of the gas deliveries. Mr. Fiore stated they would either be mid-day or after 6, off peak hours. He pointed out where the delivery would be and stated that the rest of the site would be open. There will be 3 shifts for the employees. The entrance to the site is about ½ mile from Route 80 and the sign cannot be seen from Route 80. They can apply for a gas sign that would be put on Rt. 80. Right now Mr. Fiore does not know if his client is going to apply for the sign.

The meeting was opened to the public and then closed.

Planner John Madden of Maser Consulting was sworn in and qualified as a Planner. He gave the Board an overview of the existing condition of the site. The site is on the edge of town and is isolated from the town by Rt. 15. Surrounding the site is open space and a data center. There are no residence within 300 ft. of the site. It is located in the I-2 manufacturing and warehouse zone. A conditional use is a permitted use, but you have to meet all the conditions which they meet all but 1: Hours of operation – 6am to 10pm. They must show that there is no detriment to the public good and no detriment to the zone. The greater number of pumps will eliminate the congestion on Route 15. They are upgrading the facility which will make a better looking site. The greater amount of gas pumps will also help eliminate any congestion and back up on Route 15 which was a safety issue. They are upgrading the site so it will be a better looking site and a benefit to the area. This is a use that is compatible to Rockaway, they comply that this is a desirable use. Having a gas station that is not open 24 hours will hurt the C store. The 24 hours is a benefit because it is the first stop off of Route 80 and will give motorist a break especially at night. Most people expect a convenience store when they stop for gas. The 24 hour gas and store also benefits people who work shifts. Having the gas station dark and the C store open is not aesthetically pleasing to the area. The site will be state of the art when it is finished. He sees no negative impact to having the extended hours. It is a positive to the travelling public and to neighbors. This is a site that they are replacing what is already there so it is a continuation of what is already there and being continued with a much better design and appearance. It won't impact the neighbors, there are no residential properties within 300 ft. Rockaway has already approved this site. This plan will alleviate the stacking on Route 15. This will enhance the visual character of one of the gateways when you are leaving Wharton. He agreed with the testimony of the traffic expert and agreed that they need a larger sign because of the location and topography of the site. He sees no negative impact because of the free standing sign and the canopy sign

because they are both internally lit with LED lighting and LED lighting is a little more directed. He feels the benefits outweigh any detriments and it is a very desirable deviation from the condition it is in now.

The meeting was now open and closed to the public.

Attorney Tuvel stated that the site plan they are proposing will function much better as far as on site circulation and access. They do meet 5 out of the 6 conditions of the conditional use standards. They are eliminating the service station aspect and the 24 hour service will be a benefit. They are in agreement with a condition of no future seating and in agreement with the professional's memos as well.

Attorney Zakin went over all the variances and conditions:

Conditional use variance for 24 hour gas station

Variances:

Parking – 6 additional spaces

Free Standing Sign – size, height, set back and internal illumination

Canopy sign – internal illumination – the sign is much smaller than required

Design waiver for the trees

Conditions:

Accommodate all professional requests that are in their memos

No seating allowed inside or outside

Deliveries limited to non-peak hours

Title 39 for Wharton and will coordinate with Rockaway Township for Title 39

Provide an air hose

Mark Harris stated that this application will be an improvement to what is currently there now and likes the lighting and 24 hours.

Roger Steele agrees with the internally illuminated lighting in this area taking into consideration the speed of traffic coming off of Route 80.

A Motion was made by Mark Harris and Seconded by Jared Coursen to approve the application with the variance, waivers and conditions discussed. YEA – 7 NAY – 0

Next on the agenda was the application for Morris Ventures, who is the contract purchaser for the property located at 316 Rt. 15. Attorney John Wyciskala addressed the Board. The property is adjacent to 320 Rt. 15 which is the Town Square Diner property. They are proposing a cut through between the 2 properties. They are proposing a Bob's Discount Furniture Showroom in the former Branch Brook Building. They were before this board last month for approval of the signs for Bob's Discount Furniture Showroom. This will be a showroom for Bob's Furniture where patrons can see the furniture but cannot buy it there, they have to order it and have it delivered. They will be able to buy such things as lamps at this location. Deliveries to the site will be once a week. They will have employee parking in the rear. They will have cross with the diner as well as shared parking on Morris Ventures property. There is more than ample parking on both sites but during special holidays they might need more parking. They are not proposing any changes to the building.

Joseph Jaworski, Engineer for the applicant was sworn in and was previously qualified as an expert in Engineering.

Mr. Jaworski addressed the Board and stated that he had prepared the plans for this application.

A-1, 11-24-15 Colorized version of Site Plan dated 10-26-15 was marked into evidence.

Mr. Jaworski stated that the plan shows the entrances and exits of the diner onto Route 15 as well as the applicant's property. The applicant's property is L shaped with frontage on Rt. 15, Shop Rite to the west, the diner property in front of their property and a driveway to Route 15. The driveway serves as a common driveway for Shop Rite as well and is a access easement for the Bob's Property. There is a double row of parking in front of the building and parking in the rear of the building. They had gotten approval last month for a building sign, a freestanding sign on their property and a freestanding sign on the Diner property. The main improvements to this site is the driveway cut from the diner to Bob's where the dumpster is located behind the diner. This cut through is for traffic that is traveling north on Route 15 who can use the left hand turn lane to come into the driveway and they can then cut through to Bobs. There is no left hand turn lane to come into the driveway that takes you back to Bob's. It promotes nice circulation between the sites for emergency vehicles. There is also another cut through between the 2 properties at the front of the site which they are proposing to enhance with an island, stop bar and stripping. They are planning on seal coating and restriping the entire lot of Bob's. Handicapped parking, sidewalk work and ramps in the front. In the rear they plan on eliminating 2 of the loading doors and using only 1. Their deliveries are done only once a week. The site contains 159 parking spaces and the ordinance states that they need 151. There is plenty of parking. At peak hours the demand is for about 20 parking spaces for customers. The customer's entrance is in the front of the building and the rear of the building is for employees and loading operations. There is also a trash enclosure behind the building and the employee entrance is also in the rear of the building. The most amount of employees at any one time is 35 with 70 parking spaces in the rear. They will be upgrading the landscaping and will add landscaping between the diner and Bob's. They will clean up the landscaping on the West side by the road and add new landscaping along the side of the building where there is a sidewalk from the rear to the front of the building. The side doors are for employees only or emergency only.

The dumpster will be moved to the corner of the diner property and surrounded by a new chain length fence with slats and arborvitaes trees to screen it so you won't be able to see it. Bob's will also have a chain length fence with slats but not trees. It is not visible from anywhere but the back parking lot. Bob's dumpster will be emptied 1 to 2 times per week.

They are asking for a design waiver for the 16 shade trees required by ordinance for visibility of Bob's building. They are certainly willing to put some shade trees in the back or on the sides if the Board wishes. There is a decent amount of vegetation on the westerly side of the building and they are planning on adding more along the building. The parking along Route 15 will be shared with the diner.

As far as the lighting they will be upgrading the lighting and replace the fixtures with new LED lights. They were not able to do a lighting study because the lights are off now but they are willing to add additional lighting if necessary. They will provide our Engineer with a lighting plan. The LED lights are much more efficient. They are planning on security lighting.

They are also seeking a design waiver for the loading spaces, 2 are required and they are only proposing 1 loading space. 1 loading space is all they need. He stated that the tractor trailers that will be unloading will block the driveway in the back of the building but it will only be temporary and have no impact on employees who will be able to exit around the building. They are Bob's drivers and truck so they have control over the timing of deliveries. They deliver at off peak hours.

They are willing to add directional signs possibly near the diner dumpster directing patrons to Bob's. For the cut through area they would like to stay away from speed bumps and would prefer striping and signage. They are willing to work with our Engineer and our Police Dept.

Both dumpsters are large enough for both trash and recycling.

The applicant is fine with all the technical issues in both the Planner and Engineer's memos.

The Diner panel on the Bob's Furniture sign was condition of last month's approval. Coming south on Route 15 the regular diner sign is after the entrance to the diner where the Bob's sign is before the entrance and the Diner panel on the sign would clarify where the diner entrance is. This directional sign was placed here years ago at the request of the Police Dept.

Attorney Wyciskala stated that the easement with Shop Rite will remain and the cross easement with the diner can be a condition of approval.

Mr. Jaworski went over the Engineer's report dated 11/11/15.

#1 – no changes

#2 – will work with the experts.

#3 – will have an agreement for both

#4 – testified to this.

#5 – clean up and add more landscaping

#6 – they did present the façade drawings at last meeting, will provide architectural plans when approved

#7 – Storm water – they are adding some islands

#8 – Design waiver

#9 – Providing ADA spaces and ramps

#10 – Shop Rite easement – not impact – add cross access with diner

#11 – upgrade and will work with our Engineer

#12 – 20 – they are agreeable to

As far as the Planner's memo they are agreeable to all her comments. Planner Caldwell asked about the employee parking. Attorney Wyciskala stated that talking to Bob's Furniture people they have 35 employees at their peak time and on a busy day they have about 30 cars parked at any one time. Ms. Caldwell asked about the dumpsters on the diner property. The dumpsters are emptied at 6 am in the morning. She also asked about the parking and was told that they have 70 spaces in the front for parking which is more than enough for customers so the back area will be enough spaces for employees. The 2 loading doors in the rear can be replace by any future purchaser of the property. They are just going to frame them and close them up. As far as the trees between Bob's and the diner they would like to stay away from blocking the new façade.

Mr. Wyciskala stated that they have no arraignment with Shop Rite for overflow parking. They will have a cross access easement between the diner and Bob's as well as an agreement drawn up in reference to the shared sign and shared parking.

Mr. Jaworski stated that they will meet the foot candle average. He explained LED lighting which is a different type of lighting.

Mr. Wyciskala stated that they have no issue with Title 39 and the diner owners have no issues with it either.

Attorney Zakin went over the conditions:
Cleaning up and upgrading the vegetation
Dumpster placement for recycling and trash
Lighting Upgrades

All to be approved by the Board Professionals.

More trees added – not in the front but on the sides or the back - as many as they can subject to Planner's approval – Waiver and a condition.

Waiver for loading – 2 are required, 1 proposed.

The meeting was opened and then closed to the public.

Attorney Zakin added a condition:

The Borough Professionals review the easement agreement

Design waiver for landscaping at the discretion of the Borough Planner to add as many trees as possible.

The applicant will submit revised lighting plans per Attorney Wyciskala

Title 39 for both properties.

No trees to be added to the front of the building between the properties.

Design Waiver for 1 loading bay

A Motion was made by Thomas Yeager and Seconded by Brian Bosworth to approve the application with the conditions and waivers discussed. YEA - 11 NAY - 0

The Resolution for Morris Ventures, LLC was next. A discussion followed and Items 2 & 3 on page 9 are no longer needed. Acting Chairman Steele read the resolutions. Some spelling errors were corrected as well as a correction on the Lot numbers was made. A Motion was made by Mark Harris and Seconded by Roger Steele to approve the resolution as corrected.

YEA-7 NAY-0

A Motion was made by Mark Harris and Seconded by Roger Steele to adjourn.

YEA – 11 NAY - 0

Meeting adjourned 10 P.M.

Patricia M. Craven – Secretary

Ken Loury - Chairman