

WHARTON PLANNING BOARD
ANNUAL REORGANIZATION MEETING
February 10, 2015

The Annual Reorganization Meeting of the Wharton Planning Board was called to order at 7:00 p.m. with Attorney Alan Zakin reading the Open Meeting Statement as required by law.

Attorney Zakin swore in Councilman Thomas Yeager and Ms. Charlotte Kelly.

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

Attorney Alan Zakin led those present in the Pledge of Allegiance to the Flag.

A Motion was made by Roger Steele and Seconded by Mark Harris to nominate Ken Loury as Planning Board Chairman. YEA - 9 NAY - 0

The Meeting was turned over to the Acting Chairman Roger Steele.

A Motion was made by Mark Harris and Seconded by Charlotte Kelly to nominate Roger Steele as Vice Chairman. YEA - 9 NAY - 0

Acting Chairman Steele read the following appointments: Planning Board Attorney - Steve Azzolini, Planner - J. Caldwell and Assoc., Engineer - CHA, Secretary - Patricia Craven

A Motion was made by Mark Harris and Seconded by William Chegwiddden to approve.

YEA - 9 NAY - 0

Acting Chairman Steele read the following designations: Official Paper - Daily Record and the Meeting Dates for February 2015 through January 2016. A Motion was made by Thomas Yeager and Seconded by Charlotte Kelly to approve.

YEA - 9 NAY - 0

A Motion was made by Thomas Yeager and Seconded by Mark Harris to adjourn the reorganization meeting. YEA - 9 NAY - 0

WHARTON PLANNING BOARD
REGULAR SCHEDULED MEETING
FEBRUARY 10, 2015

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

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

The approval of the bills was next. A Motion was made by Thomas Yeager and Seconded by Patrick O'Brien to approve the bills. YEA – 9 NAY – 0

The approval of the August 12, 2014 Planning Board Meeting was next. A Motion was made by Mark Harris and Seconded by Peter Rathjens to approve the minutes.

YEA – 6 NAY – 0 ABST – 3 (O'Malley-Dorr, Yeager, Bosworth)

The Resolution for MT Realty Assoc. was read and with 3 punctuation corrections and the date change on page 7, paragraph 3, changed to 10th day of February, 2015 A Motion was made by Peter Rathjens and Seconded by Charlotte Kelly to approve as corrected.

YEA – 8 NAY – 0 ABST – 1 (Bosworth)

A Motion was made by Roger Steele and Seconded by Mark Harris to carry the Wharton Reexamination of the Master Plan in accordance with the Plan Conformance for the Highland Planning Area to the March 10th 2015 meeting or our next Regularly Scheduled Meeting.

YEA – 9 NAY -0

The application for CCKK, LLC., Gun Range was next. James Pryor attorney for the applicant addressed the Board. Their application is for a use variance relief for a firing range which is not an approved use. It is an entirely indoor facility and they are no exterior changes to the buildings.

Mr. Pryor stated that their Planner will not be here tonight but will ask him to submit a report 10 days before the next meeting.

Engineer David Fantina was sworn in and qualified as an expert witness. He prepared the plans and the revisions. He described the overall site to the Board. The plans he referred to were the ones in the Board members packets. He stated that Building C presently houses the Baseball Station and will be moved to Building D. The vacated space in Building C and some additional space will be for the gun range. There is an access off of West Dewey Ave. As part of this application and the approval of Building G they have been working with the Fire Dept. and Engineer Borinski to revise the site plan. They will be improving the signage and lighting on the

site as well as access up to Building D. The speed bump will be removed and the drainage improved per comments from the Borough Planner.

Building C currently houses the Baseball Station on the second floor mezzanine which is shown on Sheet 3 of 6 which he described to the Board. They will be moving this use to Building D. The indoor firing range will be moving into Building C were the baseball area was as well as other areas of Building C which currently houses offices.

Parking was a concern of the Borough Engineer. Mr. Fantina stated that this site was build for light manufacturing and warehousing. He feels they have adequate parking for both Building C and D. Many of the spaces are not used at this site. He stated that for Building C, the gun range is not a heavy use for parking; it has less demand than the Baseball facility.

Mr. Fantina addressed the Engineers report dated February 4, 2015 CHA report - pg.4 -

Off street parking

#6 – discrepancies will be resolved

#7 – less of a demand with the gun range than what there is today with the Baseball facility.

Sheet 4, Building D shows more parking than Building C which will provide adequate parking for the new location of the Baseball station. There is no specific standard for parking for a firing range as pointed out by CHA. Everything they have found is that they do not generate a high volume of parking. Mr. Fantina has visited a firing range in Midland Park.

#8 – The original site plan dated May 21, 2007 prepared by Dykstra Walker show 121 – he does not know why the difference. They show Building C having 103 parking spaces which is more than ample.

Off Street Loading

#9 – no answer

#10 – they can delineate the loading areas and traffic lanes.

#11 – they can add additional pavement marking directional arrows.

Curbs

#12 – they will comply

Lighting

#13 & 14 – they will comply

Soil Erosion

#15 – they will comply

Architectural Plans

#16 & 17 – Attorney Pryor stated that they will comply

#18 – nothing on the roof

#19 – Mr. Fantina prepared the EIS. Air quality, safety and noise are a concern. The architectural plans will show the positive air flow away from the shooters. They will also have ear protection and safety education on the use of firearms. No one touches the lead from the ammunition; they have a system that collects it. They also have inspections from various agencies which they will explain further.

They are adding signage which was part of the approval of the Building G site plan. They will include building mounted signs, directory signs and signs around the site directing traffic to the buildings.

Roger Steele stated that right now when you go into the site you cannot find anything, there are no signs or directory that he could see. Originally this site was not designed for recreational use and it is changing. The traffic flow was designed for tractor trailers and loading docks. There is lots of wide open spaces and some striping. Now they will have all ages of people on the site and he is concerned with traffic and signage. Mr. Fantina agreed they do not have good signage; they are week on directional signage. They will have an overall directory sign at the entrance as well as directory signs for each building with a list of tenants. The police department and the Borough Engineer were also concerned with the safety and they have included in the Building G site plan the improvement of signage and striping which should address everyone's concerns. The traffic flow will be improved with signs and striping. They are agreeable to have a condition that the improvements be approved by the Borough Engineer and the Police Dept.

Mr. Fantina stated that since they are not having anything on the roof the HVAC units and any other systems would be going on the ground. He is not sure exactly where they will be going.

Jennifer O'Malley Dorr asked that the building themselves be clearly lettered on all sides.

Brian Bosworth asked them to explain how the air would be filtered for not only the workers but the shooters. The environmental report talk about outside air quality but not the inside air quality. The expert will address that question later.

Engineer Christopher Borinski stated that since there are other businesses and uses in the buildings he asked about their hours of operation and is concerned with the parking. The owner will address that.

Engineer Borinski asked that the striping and signage improvements that are on the Building G site plan be include in the plans for this application. Both plans should agree. He would like to add any input of the Police Dept as well.

As far as lighting Engineer Borinski stated that some of the lighting is below the minimum. Mr. Fantina stated that they will comply.

Planner Jessica Campbell asked about the parking for Building D. Mr. Fantina did not do a study for Building D and the Baseball facility. It is not a real high demand. There has been ample parking where they are now and Building D has more parking spaces available.

Planner Campbell asked what kind of noise levels Mr. Fantina recorded with the noise meter and what uses are surrounding this use that might be impacted by the noise. Mr. Fantina will provide the noise level information and the applicant can tell them what the surrounding uses are. She also asked about the hours of operation which the applicant will address. She also asked that the lighting be brought up to standard which Mr. Fantina agreed would happen

The meeting was open to the public.

Wharton Police Chief Anthony Fernandez addressed the Board. He asked if the improved signage would be for the entire site and not just these Buildings. Mr. Fantina stated that is would

be for the entire site. Chief Fernandez stated that the signage is not good on the site, many of the doors are not marked so you have no idea what is inside the building, he asked for uniform signs on all doors. Mr. Fantina stated they would address the signs on the doors.

Chief Fernandez was concerned with cars exiting through the loading dock area which is a trucking area with large trucks backing in and out. The property is wide open and was originally set up for industry with tractor trailers and not entertainment and recreation. This is a concern with the police department. He has visited the site with the engineer and expressed his concerns.

The retention ponds are also a concern of the police department especially now that you are bringing children to the site and the ponds are not fenced in. How deep are the ponds. This site has to be improved to deal with the new recreational use.

Attorney Pryor stated that they will satisfy the Chief's and police departments concerns. They will also provide a picture of where the signs will be located.

Roger Steele stated that foot traffic is also a concern of his.

Mr. Fantina stated that the baseball station will occupy the same amount of space in the new building.

Patrick Turzi, General Manager of the site, was sworn in. He stated that some of the other tenants in the building are machine shops, shopping cart distributors, road maintenance, small wholesale company as well as offices on the second floor. The hours of operation for most of the existing tenants are 8 to 5 or 8 to 6, Monday to Friday. The current baseball hours are from 3 to 8 or 9pm which may overlap with some of the businesses. They do anticipate some overlap with the shooting range as well.

Mr. Turzi addressed the Chiefs concerns with not having signs of every door, he stated that, for example, the shopping cart distributor occupies 2/3's of the building but only has 1 directory sign at the main entrance that designates their entrance. The front of that building looks as though they have no signs but there is only 1 sign for that tenant. He asked the Chief if they should have signage on every door. Chief Fernandez stated that if they know that if there is no sign there is nothing there they are ok with that. If they put another company in there should be a sign over that door. He is all for uniformity and having all the same signs for all businesses and have them put their sign over their main door.

Mr. Turzi stated that they have not told the other tenants in the building that there will also be a gun range in the building with them. There is not much sound that would impact the other occupants of the building or to the outside area of the building. The other offices in the building are accessory uses to their warehouse or manufacturing businesses. The 2 offices on the 2nd floor are offices for the machine shops on the 1st floor which he feels would generate more noise than the gun range. One of the tenants manufactures gun parts. The tenants operate Monday thru Friday with one machine shop sometimes operating on a Saturday.

Mr. Turzi testified that at this time they do not have much tractor trailer traffic. Building D has 2 deliveries a day, Building A has no tractor trailer traffic and Building B has 1 at 3am in the morning. They have some box trucks but not many deliveries.

Engineer Borinski thought it might be helpful for the police department to have a tenant plan to show which units are occupied and who occupies them. Mr. Turzi stated that he has given a list to the police and fire inspector. 70% of the tenants are stable, 90 to 95% of the site is occupied. Building A has no vacancy, B has 4, 4,000 sq ft units are available, C and D have no vacancy except where the Baseball Station is going. Mr. Borinski stated that the times he has visited the site there was not a lot of traffic moving on the site. Mr. Turzi stated that the Haunted House is only open 6 weeks of the year.

Mr. Turzi stated that there are 3 recreational field located on the Rockaway Township part of the site that was approved in Rockaway Township. The fields have their own parking area. He also explained why the shooting range could not go into Building D. They have an existing tenant at the end of Building D and they would be shooting into the end where the tenant is located. They do have a unit at the end of the gun range in Building C that is used for the bullet trap.

Mr. Turzi stated that they will be submitting an updated architectural plan before the next meeting.

The meeting was now open and then closed to the public.

Eric Rebels was sworn in as an expert in fire arms, range operations and safety expert. He is the owner of Fire Arms Support and Storage which is a State and Federal Licensed fire arms retail and training facility in Whippany since November 2012. They do not have a firing range at this location. They sell new and used fire arms. They also store fire arms. They support and train State and Local police officers as well as the public. He is a former Federal Officer, a civilian NRA instructor, law enforcement training instructor, handgun retention instructor and has been an instructor for most of his adult life. He also listed his firearms certificates, cards and licenses. He has been involved in firearms since 1989 and is familiar with and has used most of the public, private and government ranges in N.J. He has familiarized himself with how these ranges are run. He is qualified as an expert in firearms range, safety and operations. He is qualified and currently trains many police officers, state police officers and air marshals. He listed his credentials. All of his training instructors are former local, state and federal police, and marshals. Mr. Rebels will be in charge of the operation and management of the range. There will be a firing range, retail and training facility.

Mr. Rebels gave the board an overall picture of what they are proposing. He explained that there will be a single point of entry and exit with a greeter at the door to sign people in. Everyone will be questioned, qualified and given a badge and then directed to the area they need to go to, which he explained in detail. This gives them some control over who is in the facility. There are a lot of agencies that oversee this type of facility such as the EPA, ATF, State Police as well as other federal and state agencies that can come inspect them at any time.

They are working on their hours of operation. They are looking at 9 am to 8 pm. But they want to be flexible so that they can have special hours for police officers only to come in during their off hours such as 2 am. These hours would not be for the general public. The Police need to qualify their officers and right now there is a shortage of ranges in the county as well as the state. He stated that a few of the portals are 75 yards and these are longer so that police can qualify with scoped rifles and for hunters. The longest indoor range around is 50 yards.

Mr. Rebels went over the architectural plans pointing out the ports, the firing range, the training areas and the retail areas. The Board and Borough professionals did not get copies of the architectural. Mr. Pryor stated that they did not submit the architectural plans to the Board. Mr. Steele stated that it is very hard to envision what they are talking about without seeing the plans. Mr. Pryor will have updated plans at the next meeting. Mr. Rebels explained in detail the operations and safety of the range. He went on to speak about the staff and stated that he would have at least 3 Range safety officers on the site at one time, of which 2 would be in the range firing area at all times. All his employees are Fire arms instructors as well as chief range safety officers, this way anyone can step into another position. They will also have a greeter and people working at the counters. They all need a license from the NJ State Police to work at this facility.

He went on to explain the retail operation of the business, they buy and sell fire arms, sell ammunition and fire arms accessories and protection items for eyes and ears. They also rent firearms on site, which requires a firearms ID card. He also spoke about the safety procedures they will be using and enforcing at the range as well as the rules and regulations they have to go by. Mr. Harris stated that he like all the safety procedures they will be using.

Mr. Rebels stated that the architect will address the design standard. Planner Campbell asked about the maximum occupancy, maximum employees, maximum people allowed in the building. Attorney Pryor stated that the architect will address that at the next meeting.

Mark Harris asked how close the nearest residence is to this facility. Chief Fernandez stated that it is a blank area from there to Dewey Ave. and to Overlook Village and they have had complains from Overlook Village. Mr. Pryor stated that they will get that information for them.

Attorney Pryor asked that they be continue to the next Planning Board meeting in March. A Motion was made by Peter Rathjens and Seconded by Mark Harris to continue to the next meeting. YEA – 9 NAY – 0

A Motion was made by Mark Harris and Seconded by Roger Steele to adjourn the meeting YEA – 9 NAY – 0

Meeting adjourned at 9:35 pm.

Patricia M. Craven – Secretary

Ken Loury - Chairman