

WHARTON PLANNING BOARD
SPECIAL MEETING
May 15, 2018

The Special 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 Loury, Mayor William J. Chegwiddden, Councilman Thomas Yeager, Ms. Charlotte Kelly, Mr. Mark Harris, Mr. Patrick O'Brien and Mr. Peter Rathjens. Also present were Attorney Alan Zakin, Planner Jessica Caldwell, Engineer Christopher Borinski and Secretary Patricia Craven. Excused were Mr. Roger Steele, Mr. Jared Coursen, Mr. Brian Bosworth and Ms. Jennifer O'Malley-Dorr,

The Pledge Allegiance to the Flag was next.

The reading of the bills was next. A Motion was made by Charlotte Kelly and Seconded by Thomas Yeager to approve the bills as read. YEA – 7 NAY – 0

For the record it was stated that Ken Loury, Patrick O'Brien and Mark Harris listened to the tapes of our last meeting and signed the certification papers.

Next, under New Business was the Continuation of the Application for CCKK, LLC and JR BON 7. Attorney Zakin stated that this is the 3rd meeting for this application. The witnesses that are testifying tonight have already been sworn in and remain sworn in.

Attorney Ermel stated that tonight they would be concentrating on the JR BON 7 side of the site which is Lot 23.

Attorney Zakin didn't know if Mr. Fantina needs to bifurcate his remarks but he wanted to clarify that there is the initial amended site plan which references part of his plans and also the D variance requested for parking, which the Board can consider and decide if they want to make that a part of the amended site plan or delay until after this site plan is considered. He asked that Mr. Fantina be mindful of the bifurcation, at least in the Board's mind.

Mr. Zakin stated that the parking lot above Building G was part of the original site plan but there was no variance for it. It was for truck parking for the principal use of Building G, not for storage or trucks used on the property.

Mr. Fantina was the Engineer for this applicant in 2012. He stated that in 2012 the parking lot above Building G was much smaller than what is there now. It was approved for truck parking ancillary for Building G. Since then the area has gotten bigger but will be restored to what was approved in 2012. They are changing the use. It will not only be for truck parking but also outside storage. The area around that will also be restored and reforested. The site is used for a variety of uses including recreational but the majority is somewhat industrial. They have different companies that have a need for pallet and vehicle storage. An area for outdoor storage would be useful for a number of tenants that would occupy Building G. Ms. Ermel stated that the

area would also be used for storage for the entire Wharton Industrial Site. The area is located behind the water tower and out of the way and would remove the items from the areas that have people and recreational uses. Marc Harris suggested some containment for spills with higher curbs around the parking lot. Mr. Fantina stated that that area is not curbed and he will work with our engineer on this suggestion.

Some discussion followed on what might be stored there. Chairman Loury was fine with trucks but not with items such as pallets because it can be seen from Route 80. Mr. Harris suggested screening. Ms. Ermel stated that it would be reforested and would provide a lot of natural screening. The Mayor stated that for the court proceedings they were asking for mature trees to be planted. Chairman Loury was concerned about the residential side as well as the Route 80 side because of all the trees that were removed. He doesn't want a sloppy storage area right under the brand-new water tower. He stated he can definitely see this area from Route 80. Pat Turzi stated that the area you can see from Route 80 that has parked trucks is where they will be constructing Building G in 2020. He pointed out on the plans, the parking area that they are seeking a variance for which is above the water tower and which you cannot see from Route 80. Mayor Chegwiddden stated that when you are traveling east on Route 80 you can look up and see the tower and the parking area with trailers. Mr. Turzi stated they had no trailers above the tower, what you can see is the area where Building G is going to be built. It is a very visible spot from Route 80. As part of the approval Chairman Loury would like to see this area cleaned up. Mr. Turzi agreed that it can be cleaned up. Right now, their salt pile is located in this area and will be moved to the new area once they build Building G. Once it's moved it won't interfere with any parking or tenants. The salt pile is another good reason for containment around the parking lot and Mr. Turzi has no problem with containment.

Attorney Zakin asked why the applicant wants the D variance, for the parking, as part of the amended site plan approval and not come back to the Board later. Mr. Fantina stated that when it was approved in 2012 it should have been called storage. They are comfortable with any reasonable restrictions of items stored on the site. The Mayor was concerned with trucks being started in the early mornings because of the closeness to the residential area. He would like to see this as one of the conditions. Mr. Turzi stated that the intent was not for truck usage on a daily basis but for storage. He is fine with this as a condition. The intent is not to store full fossil fuel trucks at this site, it is more for construction pieces of equipment, plows, etc. He is fine with the restriction of storage for tenant use and landlord use for the operation of the site, only. They will need storage for some of their equipment. Chief Fernandez would like to see this area fenced in and locked up because of the closeness to the residential homes and the children from that area that might be attracted to the site. After some discussion it was agreed to put a chain link fence with slats (similar to what is around the water tower) around the upper parking lot with no landscaping around the parking lot acceptable to our Engineer and Planner. The height will be the same as what is around the water tower – 8 ft. There will be no stacking of trucks on the site. Mr. Turzi stated that they have started removing the millings from that area and will be reducing the size parking lot.

Mr. Borinski noted the restriction of tandem trailers in the original Resolution which are still restricted. Mr. Turzi agreed. Mayor Chegwiddden remembered that there would only box trucks on the site and not tractor trailers. That was one of the biggest concerns of the Dewey Ave.

residents. Mr. Turzi disagreed and asked that they visit the original Mark Walker 1999 dated site plan which shows traffic patterns for tractor trailers. Their site is designed for tractor trailer use. Secretary Patricia Craven noted that the minutes of the 2012 meeting talks about tractor trailers on the site. Chairman Loury stated that if the rest of the site uses tractor trailers he does not see an issue with them parking them up there. The grade to get up there is very steep and not easy to turn around so they probably would not be parking there anyway. They will keep the restrictions of no tandem trailers.

Mr. Borinski asked about the additional paved area in front of Building G. They are going to be changing the plans. He marked into evidence:

A-1 5/15/18 – Wall regrading exhibit – It shows Building G, the existing wall and the area around it. Based on Mr. Tepper’s recommendations they will remove the pavement area so there is no runoff into the wall. They will curve the one area that was originally approved and add drainage in another area. There will be a steep slope to a grassy flat area in front of the wall. Approximately 130 feet of the wall along the driveway will be removed or buried. The wall is 8 – 9 ft. max. They will grade 35 ft. into the right of way which is under the power lines. Mr. Borinski stated that this seems reasonable.

Mr. Fantina had the Site Plan for Building G, Lot 23, sheet 2 of 13. He addressed the Engineer’s memo dated 4/18/18, page 3, #5-13

5- will be put back on the plans

6- they will update the lighting plan

7- the dumpster location will be taken off the plan as previously discussed

8 – will add the 8ft. aisle

9 - just spoke about this area

10 – they will provide.

11 – they will need an as-built from the Borough of this area and then they will provide.

Engineer Borinski will provide him with an as-built

12 – Not an engineering item but to clarify this is for the disturbed area on Lot 23 not the easement.

13- Additional areas have been disturbed so the variance that was requested has to be re requested for a larger area of steep slopes disturbed. They will be removing the millings and restoring. Mr. Borinski stated that it will not be a permanent disturbance.

14 – They will work with the Mr. Borinski’s office on this.

15 - Mr. Turzi stated that it was written in a previous resolution that they would put propane cages on the outside of the building for the tenants to store their extra propane tanks rather than store them inside the building. This was previously required by the Borough Fire Official. They will add bollards in front of the cages.

16 - They will provide this.

Planner Caldwell stated that they are removing the steep slope but the still need a height variance for the wall. They are requesting a D variance for the outside storage. They will be fencing the around the upper parking lot so it will not be visible from Route 80 and the neighborhood. If it can be seen then they will add additional landscaping around the fencing. Mr. Fantina stated that they still need a variance for the height of the wall and a D variance for the outside storage. He doesn’t think the fencing will be seen from Route 80 and the neighbors.

The meeting was open to the public. Chief Fernandez asked about the flow of traffic around Building G. Mr. Fantina explained the traffic flow around the building. There is one, two-way driveway to the building and one for emergencies. They will be revising the plans to make the two-way drive less steep which will make the emergency driveway steeper. They will put a sign for “No Truck Traffic” on the steep driveway.

The meeting was closed to the public.

Ms. Ermel concluded her testimony and they are hoping to finalize their testimony at the next meeting. They will have Mr. Tepper back at the next meeting to finalize his testimony. Mr. Robine and Mr. Fantina will also be back for any final questions. There will also be a wall expert from CHA coming to the next meeting.

Attorney Zakin stated that Attorney Johnson thought it would be advantageous for this Board to meet before their June 7th scheduled meeting with the Judge. After much discussion it was suggested by Attorney Zakin that he would summarize, from the Boards standpoint, some of the conditions and their views to date and Ms. Ermel would summarize their proposal, variances requested and the current status of their amended site plan to show that there is significant progress being made. June 12th is the next regularly scheduled meeting of the Board which hopefully will work for everyone. Attorney Ermel stated that the final report from Mr. Tepper is the only outstanding report. The mining report that was mentioned at our last meeting is in reference to the conservation easement which is not part of this application. They will get a copy to the Borough Engineer and be presenting it at the next meeting.

Ms. Caldwell brought up the signage and whether a variance was needed for any of the signs. Were the signs on the building going to be internally lit? Some of the free-standing directional signs were very large. They were very good signs but she wasn't sure if they fit our ordinance. She would like them to submit a plan subject to the approval of our professionals.

Attorney Zakin asked about the updated plans from Mr. Walker and Mr. Fantina and when our professionals can expect them. Ms. Ermel asked if the end of May would give them enough time to review the plans. May 31st would be good.

Engineer Borinski stated that the walls are a concern. The big issue is that there is no real background data on material behind the walls. If there are any non-intrusive methods to determine this that would be helpful. The other big issue with the wall by Building G is that the wall was constructed inside the easement and almost on top of the water main. Mr. Teppers testimony stated that sheeting could be used for any future maintenance but there is no room to get sheeting in, so any future excavation of that water main would definitely affect the wall. There is also a gas main and sanitary sewer line under the wall. He stated that Mr. Turzi offered land on the other side of the easement which is a possibility. The 10 ft. extension of that easement would go beyond the other wall that was approved on a previous site plan. Something could possibly be done but it really needs to be looked at.

Mark Harris suggested geo tech sampling to identify the material behind the walls. Ms. Ermel stated that there was prior testimony that stated that they could not do geo tech sampling because of the number of boulders and so they had to dig pits. Mark Harris agreed that this will not show them what the material is behind the wall. This would show the density and how strong it is.

Mr. Rathjens stated that he has other concerns about the wall such as drainage and the stability of the wall.

Engineer Borinski stated that the survey does show some information on the front and back of the walls. He would like a copy of the prior geo tech report that they spoke about at a prior meeting. Ms. Ermel will provide that report. The changes in the walls and the regrading need to be accounted for as well on the plans.

Chairman Loury stated that the walls and the mines are of grave concern for all of us.

Attorney Zakin will communicate to Mr. Johnson in a letter that he can pass along to the Judge, that we are making some progress and will be meeting on June 12th which is the regularly scheduled meeting to allow for more members of the Board and the public to attend and to make sure they have full information and possibly resolve it at that time. Chairman Loury wanted to make it clear that it is not a guarantee that it will be finalized at the June 12th meeting. They may have more questions. Mr. Zakin will also mention in his letter all the meetings they have had already on this application.

Chairman Loury stated that we are continuing this application on June 12th and will have all reports to our professionals by May 31st. Hopefully that will be enough time for our professionals and Board members to review it.

A Motion was made by Thomas Yeager and Seconded by Charlotte Kelly to carry this application to June 12, 2018 YEA – 7 NAY – 0

A Motion was made by Thomas Yeager and Seconded by Charlotte Kelly to adjourn.
YEA – 7 NAY – 0

Meeting adjourned at 8:45

Patricia M. Craven – Secretary

Ken Loury - Chairman