

WHARTON PLANNING BOARD
SPECIAL MEETING
JUNE 15, 2021

The Special meeting of the Wharton Planning Board was held virtually and was called to order with Chairman Ken Loury reading the Open Meeting Statement as required by law as well as a statement regarding allowing the remote meeting and the Judicial Proceeding Statement.

ROLL CALL was taken and the following members were present: Chairman Ken Loury, Mr. Roger Steele, Ms. Charlotte Kelly, Mr. Marc Harris, Mr. Patrick O'Brien, Mr. Peter Rathjens, Mr. Brian Bosworth, Mr. Christopher Fleischman and Ms. Chiappa. Also, present were Attorney Alan Zakin, Planner Jessica Caldwell, Engineer Christopher Borinski and Secretary Patricia Craven. Excused were Mayor Chegwiddden and Councilwoman Wickenheiser.

The Pledge of Allegiance was next.

The reading of the bills was next. A Motion was made by Marc Harris and Seconded by Brian Bosworth to approve the bills as read.

YEA – 9 NAY – 0

The Minutes of the May 11, 2021 Regular Scheduled Planning Board Meeting was next. A Motion was made by Roger Steele and Seconded by Pat O'Brien to approve the Minutes.

YEA – 9 NAY- 0

Planner Caldwell explained Ordinance O-12-2, referencing cannabis establishments, introduced by the Mayor and Council, First reading 5/24/21; Second reading scheduled for 6/28/21. A discussion followed. Ms. Caldwell's finding is that the Ordinance is not inconsistent with the Borough Master Plan. A Motion was made by Roger Steele and Seconded by Marc Harris to agree with the Councils direction and that it is not inconsistent with the Borough's Master Plan. Attorney Zakin will send a letter to the Mayor and Council with the Boards findings. YEA – 9
NAY – 0

Next, on the agenda was the continuation of the application for Wharton Woods LLC. John Wyciskala, Attorney for the applicant, addressed the Board. Wharton Woods is the owner of the irregularly shaped, 9 ½ acre subject property located on Old Irondale Rd., Block 1603, Lot 14, located in the AH2 zone. They are seeking Preliminary and Final Site Plan approval, subdivision and variance approval for a 90-unit townhouse development. This parcel was previously approved for a 67-unit project. He gave a brief recap of the May 11th 2021 meeting.

Mr. Wyciskala stated that since the last meeting they have met with our Professionals, Fire Chief and Police Chief to go over some of their concerns.

Engineer John Hansen, still under oath, addressed the Board. He stated that he had met with the Borough Engineer and Planner on May 19, 2021 to go over their reports and concerns and feels they were all in agreement in addressing all the issues. Public access to the trail system was discussed. Mr. Hansen presented into evidence:

Exhibit A-10, 6-15-21 – labeled Public Parking Exhibit dated 6/15/21. The title on the website is 06-Site Parking Exhibit Site Plan- South. The plan shows the south side of the project. He pointed out, marked on the plan in red, the addition of 3 parking stalls. They are located on open

space property. They will work with our professional on a way to connect them to the trail. They can also add signage to the parking spaces for public parking only and/or trail use parking as well as signage for the trail. It will be a condition of approval. Since the road is on their property, they will grant an easement for the public to use the road to access those spaces.

Mr. Steele asked that they work with our professionals on this area and that it also be a condition of approval.

Mr. Hansen introduced about a tot lot on the North Parcel which will be located on the north side of Building 5 which is shown on the Phase 1 exhibit. The tot lot will be about 700 – 800 sq. ft in size.

Mr. Hansen stated that they had met on June 2, 2021 with the Fire Chief and Police Chief. Mr. Hansen pulled up on the screen Sheet 6 of 42. He stated that there was a concern about access, for the Borough's largest fire truck, to the North side of the property from Old Irondale because of the width of Old Irondale Rd. Mr. Hansen agreed to make a larger radius at that access point which would give the trucks sufficient room to maneuver into the site. There was also some concern about landscaping being too close to the curb line and would interfere with the trucks coming through the development. They agreed to comply with that specified adjustment as well. A condition of approval will be approval by the Fire Chief and Police Chief on the He stated that they are no longer looking at additional access to both phases.

At Ms. Caldwell's request, at the last meeting, they have provided detailed tables of each lot to identify the bulk standards. Testimony will be provided from a planning perspective.

A-11, 6-15-21 – Steep slope Exhibit 1 of 1 dated 5-26-21 – this shows the preexisting slopes before the site was disturbed and the summation is that they still need relief from 4 of the categories which was granted under the previous approval, which he explained in detail. Most of the disturbance has already been done with only .37 acres not disturbed.

Engineer Borinski stated that he had met with the applicant's professionals and went over all his comments and he feels that they can work through everything. Overall, the amended site plan is generally consistent with the prior approval and sees no problem with them submitting revised plans to meet all his comments in his review letter. As far as any water issues and water coming off the mountain, it will be a vast improvement when everything is finally constructed. The storm sewer that has already been installed on site is not functioning as intended because the overall grading of the pavement and curbing is not done yet. Right now, the runoff is not being directed where it is supposed to go. Once everything is installed the runoff will be directed to the underground basins and detained. It will not be going off site.

Planner Caldwell also attended the meetings with the applicant and she appreciates the changes. She asked if they plan on constructing the trail access down to the parking area which would be something more off site. The grant for the trail does not cover from the hillside to the parking area. Jon Rheinhardt stated that the trail would be a primitive trail. Mr. Wyciskala stated that they would assume that responsibility and since it is on Borough property the Borough would then maintain the trail when completed.

Ms. Caldwell did not have a chance to look at the building tables that were submitted. She will wait for their Planner's testimony on these tables. Mr. Hansen stated that they included the

optional decks and patios so that if an owner wants to add a patio or deck the relief will have already be granted.

The meeting was now open to the Public.

Bryan Lance of 113 Old Irondale asked about his previous comments from the last meeting and are they set in stone. Where are they listed? Mr. Loury stated that if the applicant agreed to anything at the last meeting pertaining to Mr. Lance it should be included in the resolution. Mr. Zakin agreed but asked Mr. Lance to confirm those items now. Mr. Lance stated that one of the items was to lower the curb for his second driveway on the Phase 1 side shown on Sheet 33 of 42. They will work with Mr. Lance and the Borough Engineer on this. Mr. Lance stated that this driveway is shown on his survey map. They also spoke about fencing and taller shrubs or tree varieties on the north side of his property. Mr. Hansen stated that this is shown on the plans and the intent is to make the landscaping work for the privacy of both Mr. Lance and the development. They will agree to a condition to modify some of the species and locations of them so that they are best situated to provide the maximum privacy. They will also work to keep the lighting minimal on their property. Mr. Hansen stated that Mr. Lances property is higher than the development and the lighting should be minimal to Mr. Lances property especially with the combination of fencing and landscaping. Mr. Wyciskala stated that the sidewalk in front of Mr. Lances property is not on Mr. Lances property but it is the applicant's property so it is not Mr. Lances responsibility. Mr. Lance stated that they will also need to replace and relocate his mailbox. Mr. Hansen stated that that would be part of the pre-construction phase and they would be willing to do that.

Mr. Bezney of 1 Bartek Lane had concerns about the notice of this meeting. Attorney Zakin stated that this meeting was noticed properly and carried from the last meeting. Mr. Bezney asked who would maintain the public parking spaces. Mr. Wyciskala stated that it would be a common element and part of the HOA responsibility. The trail is on Borough property and would be maintained by the Borough. Mr. Wyciskala agreed that whatever conditions the applicant agrees to would be also agreed to by the HOA. The size of the spaces are 9 x 18. Mr. Bezney asked if they needed permission from JCP& L to extend the trail since JCP&L has an access line through that area. Mr. Hansen stated that they do not need permission for the parking spaces but the Borough would need it for their extension of the trail. Mr. Wyciskala stated that they were not limiting the parking time for a vehicle. They will have signage for public parking. Mr. Bezney was concerned with people leaving their car in these spaces for days. Mr. Wyciskala stated that they can look into putting restrictions on it such as no overnight parking and make it part of Title 39. Mr. Wyciskala didn't think there was a curfew time when using the open space.

Mr. Bezney asked if they were planning on a tot lot on the south side. Mr. Hansen stated that there is no tot lot on the south side just the north side. They considered the recreation to be satisfied on the south side by having access to the trail to open space. Mr. Bezney asked if they were planning on using the trail behind Mr. Lances property for the children from the south side to access the north side tot lot. Mr. Hansen pointed out the sidewalk to access the open space. He does not have a trail on the open space property.

Mr. Bezney asked how many public parking spaces are on the south side and where are the drains in that area. Mr. Hansen stated that there are 136 spaces of which 28 are common area spaces which he pointed out on Sheet 8 of 42. They tried to sprinkle them throughout the site.

He pointed out the 28 spaces and also the drainage. He also pointed out the 9 car & 6 car parking areas that are located on top of the drainage. This was shown on Sheet 17 of 42. There is adequate access to the drains for any maintenance. They will be maintained by the HOA. Mr. Hansen stated that Mr. Blevins can answer any drainage questions.

Mr. Bezney asked about the access to the site of the Borough's largest fire trucks. Mr. Hansen stated that they were going to make the radius sufficient to accommodate those trucks. Mr. Wyciskala stated that they are widening it out to satisfy the concerns of the Fire Dept. which they have agreed to as a condition of approval. Mr. Hansen stated that the roadways vary from 22 to 24 ft. at the entrance. Old Irondale will be widened to 20 ft. from their side of the road. Right now, the width of Old Irondale varies from 16 ft to 19 ft. They are not proposing any drainage on Old Irondale, just curbing.

Mr. Marvin Blevin was previously sworn in. He was qualified as a mine expert. He stated that he went through all the mine planning that was done in the previous approval. On the North Phase they did a remediation plan between 2 of the buildings and separated the 2 buildings. One of the shafts looked like it had been used as a dumping ground for years. They removed it all the dumping's, added large stones and flowable fill and then added a 3 ft cap on top. All the reports and pictures are on the website. He met with the Mine Engineer Gary Gartenberg and Engineer Borinski on the 20th of May to go over Mr. Gartenberg's report. The report was updated after more testing and remediation was done. The North Phase is complete. On the South Phase they did more testing to see if there were any voids in the building area. They added flowable fill in the area with voids and the final testing showed that in the areas where the buildings will be located that it was solid all the way through the voids and the voids were remediated. The North and South Phases both have full remediation and they are good to go. Everything has been retested, mapped and remediated. All the reports have been sent to the state. Both the North and South Phase files were sent to Mr. Borinski.

Mr. Blevin spoke about the stormwater plan. It is the exact design and layout as what was approved as far as the infiltration, infiltration basins and water quality systems. They added a few more chambers in the basins on the south side because of the increase of units to 91. It did not change the overall system. These were just added to take care of the volume in a 100-year storm. The change in impervious coverage was not a significant change. In reference to the Engineers memo Mr. Blevin stated that after speaking to the manufacturer of the filters they are using, the filters are approved filters. He also updated his report to show the water quality volume. As far as Mr. Steele's concern about ponding at the intersection of Mill and Robert Street they have updated the report to show that for the regional flow there will be a 10% reduction post development going into that system. There was also a number that was backwards in his report that was corrected. In the overall scheme of things, the stormwater plan is the exact plan that was approved.

Mr. Steele asked if any of the buildings are over the mines. Mr. Blevin stated that on the north side they separated the buildings so they were far enough away from the centerline of one of the capped shafts so that would be a non-issue. On the south side they filled the void. He pointed this out on the plan dated 12/1/18 Test Hole Drilling Location and stated that after it settled, this area should now be the same density as everything around it which creates a non-settling effect. Mr. Steele asked if it would settle over the years. Mr. Blevin can't say that it won't settle.

Mr. Gary Gartenberg is the Mine Engineer for CHA who addressed Mr. Blevins testimony.

Mr. Gartenberg agreed with Mr. Blevins geometric analysis and everything they did. He stated that there are 3 mines on the property, 2 on the south side and 1 on the north side. At the meeting in May with Mr. Blevin, Mr. Borinski and Dynamic it was decided that they needed additional logs. Mr. Wyciskala agreed. Mr. Gartenberg stated that the collapses in Wharton are typically from the overburden, the dirt at the surface running into the mine void. It's not the rock that collapses which is important because it allows you to do flowable fill. Filling the void helps prevent any of the overburden from going down into the rock and filling the void which alleviates a majority of the issue.

The meeting was now open to the public for questions for Mr. Blevin.

Mr. Bezney asked if the mines interconnect between Phase 1 and 2. Mr. Blevin stated that there are 3 separate mines. On the north side is the North River Mine that interconnects with the Sterling Mine which is on the other side of Mill Street. The mine behind the Lance property is the Hubbard Mine which is off site. The south side has the New Pleasantville Mine. The 3 mines do not interconnect. Mr. Blevin was the mining expert on the previous application.

Mr. Bezney asked if the drainage pipe in front of Mr. Lances house going to stay. Mr. Blevin stated that there is a connection between the north and south side in front of Mr. Lances property. Mr. Wyciskala stated that there may have been a temporary pipe put in to deal with drainage. Mr. Blevin stated that he was not involved during the previous construction and does not know what the pipe is that is going from the south side to the north side. He stated that the Stormwater Maintenance and Operations Plan is for the underground system which he explained to the Board. This document is online. He stated that the HOA will be responsible for the maintenance and cleaning this system.

Mr. Bezney asked Mr. Borinski if he was involved when there was runoff during previous construction of this site and any measures done to correct it. Mr. Borinski was aware that during previous intense storms there was runoff leaving this site. During the previous construction temporary measures were installed for temporary conditions. Temporary silt fences were installed and on-site sediment basins were excavated for additional storage on site. The site is still under construction so the stormwater system has not been fully implemented.

Mr. Lance asked where the runoff from Phase 2 will run to since there won't be a storm drain in front of his house, just curbing. Mr. Blevin stated that there are 2 manholes in front of his property, one on the south side and one on the north side which are connected by a pipe in front of Mr. Lances property. Some of the runoff from the south phase, in larger storms, will go into the basin and some will run along the curb on Old Irondale. Mr. Lance stated that during the construction the water runoff going down Mill St. would hit the sewer drains on Robert St. and blow water into Robert St. filling Robert St. with water. Mr. Blevin stated that the runoff, post construction will be 10% less on all storm years at the Mill St. and Robert St. intersection.

Mr. Bezney asked if the sidewalk would be on top of the connecting pipe that runs between the south and north side. How will they clean out this pipe? Mr. Hansen stated that it is partially under the sidewalk. The pipe is 18 inches and is considered a self-cleaning pipe but, if necessary, the pipe can be cleaned out from both ends. Mr. Blevin stated that it would be cleaned out just like they clean out sewer pipes, you would have someone come in and rotor rooter the pipe. Mr. Rheinhardt stated that as part of the Borough's 2022 DOT grant submission they are asking for improvements to the intersection of Mill St. and Robert St. which he explained to the Board.

They have a Highlands grant to look over the entire stormwater sewer system for the town. Mr. Bezney asked if the town is pursuing drainage on his side of Old Irondale Road. Mr. Rheinhardt said that there was none at the present time.

Architect Dawn Korbela, of 90 Matawan Rd., Madawan, N.J. was sworn in and qualified as an expert architect. Ms. Korbela went over the revised architectural plans. Marked into evidence: A-12, 6-15-21 Color rendition Bld. 5 Front Elevation – which is fairly representative of the color approach for this community and will vary between the 3 – to 7-unit buildings. She is hoping that the revised plans are responsive to the Boards comments from the last meeting. The main points she pulled from the transcript was the quality of the material, color and delineation between the units. The quality of materials and workmanship is the same as they use in the very expensive homes that they build. There is no reduced quality in these units. They put more variety on the building so there is a unique aspect to each unit. The look is more of a modern country style. They have added some stone and more color. They removed the street trees from the plans so that you can see the building better.

A-13, 6-15-21 Color rendition of Bld. 5 Rear elevation was marked into evidence. This shows a full 3 stories with the optional decks. The trees have also been removed to show the building. These 7 units represent the 3-to-6-unit buildings.

A-14, 6-15-21 Color rendition of Bld. 6 Front elevation was marked into evidence. This shows the front of Building 6. Again, showing the variations in the colors and materials to differentiate each unit.

A-15, 6-15-21 Color rendition of Bld. 6 Rear elevation was marked into evidence. This particular building, because of the topography, is called a raised slab. This shows a raised slab with no living space behind it. The first-floor decks on this building are standard and the second-floor decks will be optional. The plantings are there to hide the raised slab and there will also be trees planted.

A-16, 6-15-21 – Color rendition of Bld. Rear elevation was marked into evidence- this shows a buried basement where you are walking directly outside from the kitchens area. The back of this building shows 2 floors where the front elevation is 3 floors.

A-17, 6-15-21 – 6 slides of exterior color selections. – These are just samples and they can change the colors if the Board wants to. They are colors that meet that muted country look with earth materials and stone. They have added high quality vertical siding as well as horizontal siding. The stone veneer is real stone that is cut thin. The companies they use are prominent companies that use high end and quality products and are listed on the selections which she went over for the Board. Mr. Lorry liked the look but would like to see more stone. Ms. Korbela stated that they can make that part of the conditions. She feels that these changes responded to the comments by the Board. Again, the materials that they are using are the materials they use on all of our high-end homes and there is no deficiency in the quality of the materials they are using.

Mr. Wyciskala stated that the intent of this type of development is to reach out to a wide demographic of homeowners. It is providing an opportunity for young adults and first-time homeowners as well as empty nesters and retirees. Ms. Korbela agreed.

Mr. Zakin asked if they are open to the professionals, as a condition, having some reasonable input as far as types of materials, more stone and maybe color changes where available. Ms. Korbela agreed.

Mr. Loury was pleased with the changes but would like to see more brick or stone in the mix on each row.

Mr. Steele asked if there is going to be the option of a slab patios. The renderings did not show any patios. Ms. KorbelaK stated that the patios are optional, what comes with each unit is a small concrete slab.

Mr. Loury stated that his big issue is with all these items that are optional, that should be common in a condo, are the responsibility of the homeowners. He feels it's going to be a nightmare to maintain and enforce. Mr. Wyciskala stated that they will defer to John Caniglia on that. This is something that this developer does all the time.

Mr. Harris asked if fencing is allowed between the units and how would that look. Ms. KorbelaK stated that John Caniglia would be able to answer that question.

Pat O'Brien asked for the location of the air conditioning units. Will they be screened? Ms. KorbelaK stated that they would be next to the back door. She is not sure if they will be screened. For Building 6 they would be in back of the slab. She also pointed out that the Garfield's have a bump out on the top back of the building but the Payton's do not.

Ms. Caldwell agreed that the improvements did address the concern and comment of the Board. She would like to hear how the color and stone will be selected. If the homeowners are picking their own colors and stone she is concerned with repetition if everyone is choosing the same colors. Ms. KorbelaK stated that there will be control over the colors and stone in some manner. The stone is actually pre-selected and the homeowner picks the elevation they want for the stone placement so you won't get the repetitive look.

Ms. Caldwell would be interested to know more information on how the air conditioners are screened, the size of the patios, any other utilities outside, will they be screened, any fencing between the units and the Juliet balconies where there are no balconies.

The meeting was now open to the public.

Mr. Bezney asked about the height at the back of Building 6. Ms. KorbelaK marked into evidence Exhibit A-18, 6/15/21 – Building String Plans and Elevations which is 33 pages. Ms. KorbelaK stated that this building height is 42 ft. 4" to the mean and they are seeking a variance. The actual height at the rear of the building is about 46 ft from the ground to the top of the roof. The raised slab has no living space, it is solid with earth behind it. There is no access to the ground from the back of the building, they would have to come out the front door and around the building to get to the back of the building. There are only 2 buildings like this and are both located on the north side. Mr. Bezney asked how many feet behind the building does the owner of each unit have. Mr. Hansen stated that there is 17.8 ft from the rear of Building 6 to the retaining wall which is the rear property line and there is 17.7 ft from the rear of Building 7 to the retaining wall which is the rear property line. Ms. KorbelaK stated that they are not offering stairs off the decks at this time.

Mr. Lance asked about the outdoor lighting on the back of the buildings, he doesn't see any lighting on the plans. Ms. KorbelaK stated that they have typical lighting on the back and fronts

of the units. There will be no spotlights. The HOA bylaws will control the lighting. Mr. Lance liked the added stone.

Corey Chase of Dynamic Traffic was qualified as an expert Traffic Engineer. He prepared the Traffic Impact Study dated 2/25/21 which reflects the current 90 units. They reviewed the prior traffic impact study and used that as the basis for the updated traffic study. He referred to Table III on page 6 which showed the comparison between the prior development proposal and this development proposal. The current proposal results in an additional 3 trips in the weekday am peak hour and an additional 9 trips in the weekday pm peak hour when compared to the prior approval. The total trip generation in the townhome units represents a maximum increase of 54 trips during the evening peak hours. That would equate to 1 additional vehicle on the adjacent roadway every minute during the peak hours. The NJDOT and the Institute of Transportation have determined that 100 vehicle thresholds during peak hours is considered a “significant increase in traffic”. This development represents about 50 percent of that threshold and based on that; the development would not create a significant increase in traffic on the adjacent roadways. They did a pre and post development analysis at the South Main St. intersection with Mill St. and found that all the egress and entering traffic for the development would use that intersection and found that that intersection would operate at an acceptable level of service or better. This is shown on Table IV on page 6 of his report. The parking on site does exceed the RSIS requirements. The roadways are 22 and 24ft wide which also satisfies the RSIS requirement of 20 ft widths which should provide adequate circulation.

Mr. O’Brien stated that under Future Considerations which includes 3 of the projects in Wharton they are missing 1 of the projects that has been approved in the Borough which wasn’t include. How did they take into consideration the additional traffic patterns to determine what traffic those are going to be generating? Mr. Chase stated that they had the traffic study from only 1 of the projects, they weren’t able to obtain the report from the other 2. They were able to determine what these developments yield was and then calculated the trip generations for those developments. They found they would not have any substantial impact to their results. It would decrease the percent of increase in traffic associated with this development.

Mr. Harris asked what the percentage of increase was at the primary intersection on Main Street from the current numbers to the proposed numbers. Mr. Chase calculated the increase to be 5% increase in peak hour traffic at the intersection of Mill St. and S. Main St. Mr. Harris stated that it seems a bit odd because of the number of homes back there now and the number of homes being added which would be about double. Main Street is where everyone would congregate and he’s having a hard time with only 5% increase. Mr. Chase stated that this is the calculation for Main and Mill St., it might be different for Bartek and Old Irondale. The calculation is for 90 units and all the traffic from this development would be accessing Main Street from Mill St. and not using any of the other streets to get to Main St.

Mr. Borinski agreed with the findings of the report, there is an increase in traffic but will not exceed the standard for a significant increase. Mr. Borinski stated that there were some comments in his report and that Mr. Chase should be revising his report to address these comments. Mr. Chase agreed and stated that the revisions would not change the results. Mr. Borinski agreed.

Mr. Loury stated that we were stopping the meeting now and that there were 3 questions from the public for Mr. Chase, (Mr. Bezney, Mr. Lance and Mr. Porter) that they will start with at the next meeting.

Mr. Wyciskala asked about getting on the agenda for the special meeting on June 29th. They will follow the application that is currently on that agenda.

A Motion was made by Marc Harris and Seconded Pat O'Brien to carry this application to the June 29, 2021 Special Meeting at 7:00 pm without notice. YEA – 9 NAY – 0

Mr. Zakin stated that this application will follow another application that is on the agenda for that night. He asked Mr. Wyciskala to update his index on the website as well as any new document and exhibits in sufficient time. Mr. Wyciskala agreed.

A Motion was made by Brian Bosworth and Seconded by Christopher Fleischman to adjourn the meeting. YEA – 9 NAY – 0

Patricia M. Craven – Secretary

Ken Loury - Chairman

A Motion was made by Roger Steele and Seconded by Mr. Harris to carry the meeting to a special meeting date of June 15, 2021. It is a special meeting because the June 8th meeting date that was originally advertised is election day.

YEA – 9 NAY – 0

A Motion was made by Brian Bosworth and Seconded by Marc Harris to adjourn. Meeting adjourned at 10:35 pm YEA – 9 NAY – 0

Patricia M. Craven – Secretary

Ken Loury - Chairman