

CALL TO ORDER: AT 7:00 P.M. by Chairman Ken Loury
OPEN PUBLIC MEETING LAW STATEMENT OF COMPLIANCE AND FLAG SALUTE

ROLL CALL: Chairman Ken Loury, Peter Rathjens, Mayor Chegwiddden, Councilwoman Wickenheisser, Marc Harris, Patrick O'Brien, Christopher Fleischman, Barbara Chiappa, and Ana Jones.

EXCUSED: Charlotte Kelly, Brian Bosworth

OTHERS PRESENT: Alan Zakin, Board Attorney; Christopher Borinski, Board Engineer; Jessica Caldwell, Board Planner and Desi Ruffo, Board Secretary.

Motion by Christopher Fleischman and seconded Barbara Chiappa to approve the minutes, with noted revisions to the following: page 1 Proposed building square footage: 11,026 square feet and proposed square footage of Jersey Mikes: 1,248 square feet.

YEA – 9 NAY – 0 ABSENT – 2

Motion by Peter Rathjens and seconded by Marc Harris to approve the bills as presented.

YEA – 9 NAY – 0 ABSENT – 2

The board reviewed and discussed potential 2023 meeting dates, to be voted on January 10, 2023.

OLD BUSINESS:

1. Extension of Approval: 170 North Main/Ashour Investments

Applicant came before the board to request an extension of approval.

- **C. Borinski:** confirmed the site was previously cleared for commercial standards, the building can be demolished, but the foundation must remain.
- **M. Harris:** asked the applicant to bring the soil testing results within the two-month extension.

After a discussion between the board members, it was determined the current condition of the site does not conform to the Master Plan.

Motion by Marc Harris and seconded by Peter Rathjens the approve a two-month extension, during which time the condition of the site must be properly cleaned in compliance with board professionals' recommendations as well as local and state agencies. The applicant must also provide the requested test results during the two-month extension.

YEA – 9 NAY – 0 ABSENT – 2

2. Wharton 15 Developers: 320 Route 15 – Resolution of Approval

The board reviewed the resolution of approval. Discussions between the board members and board professionals regarding revisions to the resolution occurred. Revisions to the following pages were determined: 1, and 4 thru 10.

A motion made by Barbara Chiappa and seconded by Peter Rathjens to approve the resolution with the revisions as noted.

YEA - 9 NAY - 0 ABSENT - 2

NEW BUSINESS:**Application: Wharton Developments A (Block: 903 Lots: 2 and 2.03)**

PETER WOLFSON, APPLICANT'S LEGAL REPRESENTATIVE at DAY PITNEY, PARSIPPANY, NJ: *First Duly Sworn:* The applicant has applied for preliminary and final site plan approval for the property located at the intersection of Harry Shupe Boulevard and North Main Street. The property constitutes a portion of the L.E. Carpenter Redevelopment Plan adopted by the Borough Council pursuant to Ordinance 0-10-22 on June 13th of this year. To the North of the property is the Rockaway River and wooded lands along with residential and retail redevelopment along East Dewey Avenue and West Union Turnpike. To the South is the Quaker Oats Company facility, a senior living apartment community, and residential neighborhoods. To the East are additional wooded lands and residential neighborhoods and to the west is Washington Pond, commercial properties and single-family dwellings along North Main Street. The applicant is proposing on Block 903, Lot 2.03, a multifamily residential development of the vacant lot; the development will consist of one four-story building containing 182 dwelling units, 28 of which will be affordable housing. The proposed building will also consist of common areas, amenities such as a pool and patio area to the rear of the building, landscaping, parking and loading areas and other related site improvements. The dwelling units will be divided between 103 one-bedroom units, 73 two-bedroom units, and 6 three-bedroom units. There will be no residential development on adjacent Lot 2; it will remain a tractor-trailer lot. The applicant is proposing storm water management improvements on Block 903, Lot 2, which would partially serve the multifamily development on Lot 2.03, along with a realignment of the existing tractor-trailer parking spaces. The applicant fully conforms to the redevelopment plan and does not require any variance relief.

JOSHUA WIRRY, PROJECT MANAGER at DYNAMIC ENGINEERING, CHESTER, NJ

First Duly Sworn: **Submitted Exhibit A-1 dated 11/22/2022, Aerial Map.** The property is located at the northeast intersection of North Main Street and Harry Shupe Boulevard. Lot 2.03 is the westernmost property and is approximately 6.14 acres. This property currently contains open grass, wooded areas and abandoned railroad tracks that run along the north property line. It also contains a stormwater retention pond, which the applicant has proposed to relocate to Lot 2. The Wharton Rail Trail that runs through the property will also be relocated under the proposed conditions. This property is located in the multifamily district, which was included in the redevelopment plan and approved by the Borough earlier this year.

Lot 2, the eastern property, is partially developed as hard compacted gravel and is approximately 16.14 acres. This lot is utilized for truck parking and is located within the MFI Overlay District, which supplements additional zoning requirements to the underlying zone, which is the Mixed Business Zone (MB Zone). It contains two existing driveways along Harry Shupe as well as a stormwater retention pond located near the eastern property, which will remain under the proposed conditions. Modifications to the truck layout are proposed. Extensive review of these properties and their environmental constraints were performed. There is a floor hazard area associated with the Rockaway River as well as wetlands and buffers that do run through the northern portion of the properties; a submission was made to NJDEP who reviewed and approved the proposed plans in September 2022. As part of the NJDEP review, the relocated stormwater pond and the proposed stormwater design was included in their approval.

Submitted Exhibit: A-2 dated 11/22/2022, Site Plan - A Rendering. For access and circulation, the applicant is proposing three new driveways along Harry Shupe. The westernmost driveway is a right-in/right-out driveway due to the existing curb divider along Harry Shupe. The two most eastern driveways will be full-movement driveways. Applicant proposes compliant 24-foot-wide drive aisles for two-way movement to access the surface area parking spaces at the front and sides of the building. A 10-foot by 20-foot masonry trash enclosure is also proposed at the northwest corner of the site, which will have a private hauler remove trash two to three times a week.

A front-loading garbage truck is anticipated for trash removal and could maneuver throughout the site efficiently, the applicant agrees to this being a condition of approval. The enclosure is sized accordingly for this redevelopment and the trash and recycling room is also being proposed by the architect internally in the building. Management will be able to wheel out garbage to the trash enclosure as needed. 273 parking spaces are proposed and comply with the redevelopment plan; this includes 6 surface ADA spaces located adjacent to the front entrance. An additional surface ADA will be provided along with two separate ADA garage spaces internal to the building, as well as 14 electric charging stations to comply with State Law. All on-site paved areas will be cleared on snow and removed by a private hauler.

The applicant complies with both the Borough and NJDEP stormwater requirements; the proposed design consists of one underground infiltration basin, one rain garden, three water quality units, and nine impervious pavement systems throughout the site. The stormwater runoff generated by the site will be captured and detained to meet the required flow reductions, improving existing drainage patterns. Stormwater runoff generated by vehicular-related impervious surfaces will also be treated for 80 percent TSS removal. Extensive landscaping is proposed, which includes ornamental and shade trees throughout the parking areas, as well as along the entire frontages. A mix of Evergreen and Deciduous shrubs and other low-level plantings around the building are also proposed. A total of 918 plantings and maintenance of the open grass areas for the residents to utilize is proposed. As noted in Chris Borinski's letter there are several Maple Trees along Harry Shupe, the applicant will survey and try to maintain under the proposed conditions and would shift the proposed street trees as needed to accommodate. In compliance with the redevelopment plan, a portion of the Wharton Trail will be removed and relocated to connect to the existing sidewalk along North Main Street. As recommended in Chris Borinski's letter, the applicant has agreed to replace the portion of the sidewalk to match the 8-foot-wide trail as well as provide the 2-foot brick paver section so that there is a cohesive 8-foot-wide trail along the entire property. The natural wooded buffer along the northern property line will remain untouched, and in addition a 29.9-foot buffer will be provided to the eastern property, which also complies with the redevelopment plan.

The applicant proposes new decorative LED light fixtures throughout the development, as well as along North Main Street, which is required per the redevelopment plan. The proposed street lights will be the Borough's latest standard model, the design will comply with the Borough's light intensity requirements by providing half a foot-candle within the proposed parking areas as well as the sidewalks. The analysis will be revised to ensure sufficient lighting along the sidewalks on both frontages; the design will provide adequate site lighting for safety, security, and to minimize off-site glare. Two freestanding signs are proposed, one located near the intersection of North Main and Harry Shupe and the second is proposed near the westernmost driveway. Each sign will be 36 square feet and will comply with the redevelopment plan.

Submitted Exhibit A-3 dated 11/22/2022, Site Plan- B Rendering. The site improvements on Lot 2 are limited to modifications to the truck parking lot layout, which is required to accommodate the relocated pond in the western portion of the site. Under the existing conditions there are 162 trailer spaces. The pond relocation required the loss of 14 spaces; the proposed layout will provide an additional 25 spaces totaling 173 trailer spaces, which are compliant at 11-feet wide by 50-feet in length. The proposed layout is more efficient and will provide a reduction in impervious coverage of approximately 7,000 square feet and improved existing drainage conditions. A proposed 104,665 square feet of storage and parking area is proposed whereas 290,000 square feet is permitted. The driveway will be reconstructed with a concrete apron and rumble strips. No changes are proposed to the secondary driveway at the end of the cul-de-sac, which is gated and utilized for emergency purposes only. Applicant has proposed to provide sufficient driving aisles for two-way truck traffic to enter and exit the spaces.

The applicant has requested one design waiver for the proposed on-site curb at Lot 2.03. Where granite curb is required, the applicant agrees to provide granite block curb within the existing driveways where visible; however, there will be a transition to concrete curb when it enters the site. The applicant has reviewed letters from both the Board Planner and Board Engineer and agrees to comply with all the comments with exception of this one waiver.

- **Marc Harris:** asked to explain the 80 percent TSS removal and if any neighboring residential properties would suffer from light coming off of the proposed design. Asked for the applicant to provide NJDEP documentation.
 - **J. Wirry** responded: 80 percent TSS removal is a NJDEP guideline for water quality treatment. The applicant is proposing three water quality treatment devices to comply with the NJDEP requirements. There will be no significant overlap of glare onto the roadway; the proposed building is setback from the roadway approximately 200 feet from the front lot line. Agreed to provide NJDEP documentation to the board. The proposed building height is approximately 47.18 feet and that is measured from the top of the building to the proposed parapet; a max height of 55 feet is permitted.
- **Chairman Loury:** asked for the applicant to confirm if there are any existing easements for the abandoned railroad track, confirmed with the applicant that the NJDEP has approved the exact plans submitted before the board. Asked to further explain the trash removal and the rain garden.
 - **J. Wirry** responded: the applicant will confirm if there are any existing easements, the plan submitted before the board is approved by the NJDEP. There are trash chutes and a trash room proposed on the first floor. The intent is for the operations maintenance staff to wheel out as needed. A rain garden is a NJDEP permitted stormwater management system.
- Discussion between the board members and applicants' legal representative about removing the tracks and making it into a walking path. The applicant will need to review with legal counsel regarding potential liability issues.
- **Chairman Loury:** asked Board Planner if the 273 parking spaces comply with redevelopment plan. Asked the applicant to confirm what the RSIS parking spaces would be for 182 units. Asked for the impervious coverage for both parcels.
 - **J. Caldwell** responded: A de minimis exception from the RSIS is expected and is common, because RSIS is more for suburban development. It is similar to a variance, but the applicant will need to prove that they meet what's required for the use on the site, which was already anticipated as part of the redevelopment plan.
 - **P. Wolfson:** If snow removal can't be accommodated on-site without losing parking, the applicant would remove the snow from the site. Agreed to snow removal off-site if the specific number of spaces to be determined by the Board Planner and Board Engineer is impacted.
 - **J. Wirry:** For Lot 2.03, which is the proposed residential property it's 169,884 square feet, which is 63.5 percent whereas 85 percent is permitted. Lot 2, the truck parking lot, is compliant.
 - **J. Caldwell:** the parking area in Lot 2 is not permitted in the plan to be residential and it has to remain tied to the industrial parking.
 - **A. Zakin:** Will note in the resolution as to the ownership and the history of the L.E. Carpenter, the new zone in the redevelopment zone and multifamily industrial.
 - Discussion between Board Planner and J. Wirry, the applicant agreed to work with J. Caldwell with regards to the supplementation of Cherry trees and Red Maple trees, also rear buffers.
 - **C. Borinski:** asked for a copy of the approved NJDEP flood hazard wetland, asked for the applicant to provide a security fence around the concrete structure near the abandoned rail road tracks, the applicant agreed fencing the structure and cleaning the graffiti.

STUART A. JOHNSON, ARCHITECT at MINNO WASKO ARCHITECTS and PLANNERS, LAMBERTVILLE, NJ: First Duly Sworn: Submitted Exhibit A-4 dated 11/22/2022, Colorized Ground Floor Plan. The application being considered is for a new four-story rental apartment building of 52.69 feet in height (measured to the midpoint of roof), 55-feet is permitted. There will be inclusionary affordable housing of 15 percent, which totals to 28 units consisting of one, two and three bedrooms that comply with UHAC requirements. In addition to the 273 surface parking spaces, 20 private “tucked-under” garages are being proposed, which will be rented out to individual units; residents will have secure key fob access to the garage door. The on-site leasing and management office of approximately 444 square feet will be located on the ground floor, as well as residential amenity spaces consisting of a new club room, private event room, fitness center, private co-working area, children’s playroom of approximately 340 square feet with direct visibility from the gym area, and a pet spa and dog wash station. The outdoor amenity area complies with the minimum requirement for outdoor passive and active recreation space, inclusive of a resort-style pool with a seating area that would be open seasonally from Memorial Day to Labor Day. There will be a lifeguard on duty when the pool is operational and open, a 4-foot fence will be surrounding the pool as required by state and health codes. Proposed are 103 one-bedroom units, 73 two-bedroom units, and 6 three-bedroom units; 150 units will be market-rate and 28 on-site units will be affordable housing, all units will have a ceiling height of 9 feet. There will be separate trash chutes for recycling, trash and rubbish off of each floor that terminates to the ground floor refuse termination room where a compactor internal to the building will be located as well as storage for two cubic yard rolling containers. Trash and recycling pickup will be by a private hauler one to two times a week. The RSIS requirement for parking would require 344 spaces on-site. A building management representative will be on-site during the daytime Monday through Friday and half day on Saturday, and a 24-hour maintenance service will be available. **Submitted Exhibits: A-5 dated 11/22/2022, Colorized Rendering North View, A-6 dated 11/22/2022, Building Elevation South & West and Exhibit A-7 dated 11/22/2022, Building Elevation North and East.** The exterior building materials for the façade consist of manufactured stone veneer on the base of the building; vertical fiber cement panel being used on the upper portions of the building and horizontal siding and dark fiber cement trim on the rake boards and the eave of the building. New dark vinyl windows. 182 condenser units located on the roof, which are about 42 inches in height; mono roof truss design will screen that from view of the public right-of-way on all four sides of the building. The building will be equipped with NFPA 13 sprinkler system, and two egress stairways leading to the roof to allow for maintenance and first responder access. All four sides of the building will contain the same building materials with slightly different percentages.

- **M. Harris:** recommended filing with the FAA for a determination, the applicant agreed.
- **J. Caldwell:** suggested the affordable housing units be substantially similar in appearance, which will only impact the interior finishes, suggested a condition that if the applicant is amendable if parking is an issue the garages are not rented to one-bedroom units.
- **P. Wolfson:** the applicant agreed all surface parking spaces will be charged the same rate. The garage spaces will have a premium rate.
- **A. Zakin:** The board professionals will review and approve the operations and maintenance manual, applicant agreed.
- **Chairman Loury:** asked for a condition of only outdoor furniture allowed on the balconies.
- **C. Borinski:** confirmed with the applicant, 8 units will have private walk-out terraces approximately 6-8 feet deep.

OPENED TO THE PUBLIC
CLOSED TO THE PUBLIC

PETER HANSEN, LICENSED REMEDIATION PROFESSIONAL at ECOL SCIENCES, ROCKAWAY, NJ:

First Duly Sworn: This property was voluntarily investigated and historic fill was the item that needed investigation, hundreds of sites in Morris County impacted with fill material are capped, deed noticed, permit and functioning well long-term. Historic fill material is many times a combination of asphalt, brick, concrete. It is safe for the residents and will comply with NJDEP remedy requirements. Excess material will be consolidated and capped as part of the development. There are no documented spills from a truck or any other open cases for Lot: 2. Ground water was not encountered as part of the test pit investigation.

**OPENED TO THE PUBLIC
CLOSED TO THE PUBLIC**

Discussion between Chairman Loury, board members and board professionals occurred, it was determined that reports from the Police and Fire must be received prior to the board making any final decisions.

Motion by Marc Harris and seconded by Chris Fleischman to carry the application to the next scheduled on December 13, 2022.

ADJOURNMENT AT 10:18 P.M.

Respectfully submitted,

A handwritten signature in blue ink that reads "Desi Ruffo". The signature is written in a cursive style and is positioned above a horizontal line.

**Desi Ruffo
Planning Board Secretary**