

CALL TO ORDER: AT 7:02 P.M. by Acting Chairman Peter Rathjens
OPEN PUBLIC MEETING LAW STATEMENT OF COMPLIANCE AND FLAG SALUTE

ROLL CALL: Acting Chairman Peter Rathjens, Mayor Chegwidden, Councilwoman Wickenheisser, Marc Harris, Brian Bosworth, Barbara Chiappa and Ana Jones.

EXCUSED: Chairman Ken Loury, Charlotte Kelly, Christopher Fleischman, Steven Dickinson

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

Motion by Brian Bosworth and seconded by Ana Jones to approve the minutes from the July 11, 2023 meeting as presented.

YEA – 5 NAY – 0 ABSENT – 4 ABSTAIN - 2

Motion by Mayor Chegwidden and seconded by Barbara Chiappa to approve the bills as presented.

YEA - 7 NAY - 0 ABSENT - 4 ABSTAIN – 0

OLD BUSINESS:

Ashour Investments: Site Status Update

170 North Main (Block: 301, Lot: 1)

The applicant was informed prior to the meeting that their presence was not required and at their discretion, the applicant was unable to attend. A quarterly update on the progress of the site and application from the Board Engineer was requested by the board at the February 7, 2023 meeting.

Chris Borinski, Board Engineer: Additional soil sampling for the EPA has been completed and accepted. Five samples collected showed a concentration of PCP and/or Lead that exceed the New Jersey Residential Soil Remediation Standards. The EPA is working with NJDEP site remediation, NJDEP are working on options to address the contamination. They plan on providing options to the EPA by the end of the month. A phone conference in July was held with the applicants' engineer to discuss utility relocations for water and sanitary sewer and an online call with RVRSA was held in August to discuss sanitary sewer relocation. The applicants' engineer is working on finalizing the final site plans and working with NJDEP for storm water and flood hazard permits. The applicants' engineer reports that they hope to have a definitive answer by the end of the month.

NEW BUSINESS:

1. Gustavo Madrid: Application

43 Columbia Street (Block: 2002, Lot: 26)

Gustavo Madrid, the applicant and property owner was duly sworn. The applicant is seeking to expand his existing single-family property. The property will not be used for his business, but strictly residential. The expansion will be primarily the second-floor and an addition of a front porch. The two variances proposed are a pre-existing non-conforming side-yard setback and a non-conforming front-yard setback. The applicant plans to build according to the specifications shown in the architectural drawings submitted to the board. Applicant agreed to have final plans approved by the board professionals. Applicant agreed to the conditions mentioned in the reports from the Board Planner and Board Engineer. Applicant agreed to submit required construction permits and must confirm with the Zoning Official of the requirements of driveway paving permits and soil disturbance permits. The existing gazebo will be relocated to be compliant. Applicant agreed to remove the existing shed and boat parked in the driveway.

OPENED TO THE PUBLIC

CLOSED TO THE PUBLIC

Motion by Barbara Chiappa and seconded by Marc Harris to approve the application with the conditions mentioned.

YEA - 5 NAY - 0 ABSENT - 4 ABSTAIN – 2

2. West Dewey, LLC: Application 100 East Dewey (Block: 801, Lot: 5.01)

All professionals prior to providing their testimony were duly sworn and qualified.

Rosemary G. Vinitzky, ESQ (Legal Representative: Law Offices of Thomas A. Buonocore – Parsippany):

The applicant is the contract purchaser of the property 100 East Dewey (Block: 801, Lot: 5.01), which consists of approximately 11.16 acres and is located in the I-1 planned industrial zone. The proposed use is for approval of a Preliminary and Final Major Site Plan for the construction of a new 1-story warehouse building and 12 tenant office spaces and associated improvements, such as: off-street parking, loading zones, signage, storm water management, and landscaping. The proposed building height is 39.94 feet and will consist of 92,361 square feet. The applicant proposes 137 parking spaces when 125 are required. The applicant seeks the following variances: minimum off-street buffer: 25 feet is required and 7 feet is proposed; minimum off-street parking buffer (front yard): 15 feet is required and 6.1 feet is proposed; minimum landscape buffer: 30 feet is required and 26.4 feet is proposed; off-street parking in the front yard. The applicant also seeks a sign variance, the Borough ordinance permits (1) freestanding sign and (2) are proposed. Additional waivers were noted in the review letters from the board professionals.

Andrew H. Billing

(Representative of the Applicant/Contract Purchaser/General Manager at Commercial Realty Group – Parsippany)

The proposed building will be considered Class A Light Industrial and is divisible by 12 units, each unit will be about 8,000 square feet, but it is expected that future tenants may occupy more than one office unit. The proposed use is approved in the zone and the property is one of the best primary locations for such use because of local roadway access and access to Route 80. It is a redevelopment of a previously developed site; the applicant is creating less impervious area post development than what was present with Air Products. The office spaces will be used only by the tenants also utilizing the warehouse component. There will be no “office use only” on the property. This application provides an opportunity to put the building back on the tax rolls after 25-years.

Discussion between the board members and board professionals occurred in regard to possibly prohibiting recreational uses (recreation is approved in the subject zone) at the Property, as a condition. Recreation is not a desired or planned use by the Applicant, but they will consider recreation if market conditions so dictate. The Board did not prohibit recreation use as a condition of approval.

OPENED TO THE PUBLIC

Public: Mike Bezney, (Bartek Lane): Asked the applicant about the possibility of using the proposed building for public storage.

A.H. Billing: Public storage is more of a business than real estate and the applicant has never done a public storage project.

CLOSED TO THE PUBLIC

Charles Schaffer (Architect at Charles Schaffer & Assoc. - Newton) Submitted Exhibit A-1 Colored Rendering of Building Frontage dated 091223, Exhibit A-2 Large Detailed Elevation of Signage dated 091223, and A-3 Entrance Sign dated 091223

The proposed structure will be one-story and slightly over 90,000 square feet with a building height just less than 40-feet, which meets the zoning code criteria. Each space will have its own entrance with a canopy over the door, which will each protrude about 5-feet. There will be loading docks at the rear of the building (4-feet high). The roof structure will be a flat roof; the structure of the building will be concrete slab. Proposed colors are light gray, medium gray, and dark gray. There are (12) signs proposed, all signs will be uniform in size and appearance, each sign will be approximately 42 square feet (3x14). The (2) proposed entrance signs to be located on Chegwidden Way and East Dewey will be 4-feet wide and 6-feet tall, the proposed material will be a mixture of steel, concrete and noncorrosive signage material. If a tenant rents more than one unit, they will use one sign.

M. Harris: Asked how the sign will be lit and for the aggregate total of signage. Asked about the proposed color of the building.

C. Schaffer: Ground lighting will be used on the sign and the square footage is about 1,100 square feet for the building and 48 square feet for the freestanding signs.

P. Rathjens: Asked if each entrance will require a sign; mentioned to the applicant that first responders may require unit numbers.

C. Schaffer: If there are 12 separate tenants, yes, each tenant will have a sign. There will be no signs in the rear of the building. The gray coloring is the most resilient.

C. Borinski: Asked about the possibility of a mezzanine.

C. Schaffer: At this time there are no plans for a mezzanine, it is unlikely as mezzanine space is difficult to rent in an industrial building.

OPENED TO THE PUBLIC

Public: Mike Bezney, (Bartek Lane): Asked about the possibility of increasing the building height and the possibility of public storage and materials of the roof.

C. Schaffer: There will be no changes to the proposed building height. The possibility of public storage would be decided on by the applicant. The proposed roof material has not been decided yet.

CLOSED TO THE PUBLIC

Mario Iannelli (P.E. at Dewberry - Parsippany) Submitted Exhibit A-4 Aerial View from 2002 dated 091223, Exhibit A-5 Rendered Landscape Plan (090623) dated 091223, and Exhibit A-6 Current (2022) Aerial dated 091223.

The site is roughly 11-acres, formerly occupied by Air Products which operated until the early 2000's. The site was completely impervious, paved from one side to the other and has been going through the remediation process for almost 20-years. There are three streams that drain to the Rockaway River; there is only one regulated stream which drains more than 50 acres. The other two were created when Air Products was developed and are not regulated streams; the category-1 buffer is only applied to the regulated stream. The site is encumbered by a flood plain. The wetland buffers on the site were designated as 50-feet. In order to create safe and effective access, the original driveway access along Dewey Avenue will remain as it contains both proper site distance and width to accommodate the trucks. A second driveway is proposed from Chegwidden Way. The trucks will enter from Chegwidden Way and follow along the apron to the loading docks at the rear of the building, they then will continue onto Dewey Ave., which will remain a right-turn out only. The applicant met with the Fire Department and made modifications on some curbing in response to their concerns. There are 125 parking spaces required and 137 parking spaces provided, including (4) - EV charging spaces proposed. One ADA parking space is required to be an EV charging space. The total parking spaces will not go below the required amount of 125. The proposed lighting levels at the rear and side property lines are at 0 and at the front property line will be at .3. The lighting at the rear will be on a motion sensor, when there is no activity, the setting will be low to dark and when there is activity, the lighting will turn on. There are almost 8,000 individual landscape plants proposed to the site; about 320 plants proposed to the front of the site and 190 trees proposed to the rear of the property that will be 8-10 feet tall when planted. The proposed plants are native species and conform to DEP requirements of returning the area to its native state as a buffer; DEP requires the plants at the rear of the property to be monitored for 5-years. The applicant agrees to submit all DEP reports to the Board Engineer as a condition. The freestanding signs will be clear of vehicle sight distances. Most of the runoff will sheet flow into the newly mitigated area. Vehicular pavement is being reduced by almost an acre. The floodplain calculations show that storage requirements have been met. The proposed site will not be overly developed; building coverage and impervious coverage comply with zoning requirements. The building height proposed is less than 40-feet, based on the average grade. Two solid waste containers are proposed. The freestanding signs will be clear of site distances. The following DEP permits were issued: flood hazard area line verification, transition area waiver, and redevelopment waiver all are approved until 2028. There was a meeting with the adjacent property owner representative (recently approved 182-unit residential development, Wharton Developments A at Harry Shupe Blvd., Block: 903, Lot: 2.03, memorialized by the Board in a Resolution on January 10, 2023); additional plantings were requested to increase and improve the buffer visibility, and the applicant has agreed to address their concerns as long as it does not affect the DEP permit.

P. Rathjens: Asked about the riprap rock and how the meadow area will be maintained.

M. Iannelli: The riprap will be no higher than 4 to 6 inches of stone and it is intended for the meadow area to revert back to nature, but, if necessary, it will be accessible.

Board Planner, J. Caldwell Dykstra: Asked about the height of the wall and the open fence. Asked about adding evergreens to the front of the property for screening. Requested additional reasonable landscaping buffer approved by the Board Planner as a condition of approval.

M. Iannelli: The wall is no higher than 4-feet and the fence is 4-feet. There are spaces in between the shade trees along Dewey Avenue and there is a possibility to add intermediate evergreens or bushes, from the corner going to East towards the entrance. The applicant agreed to the condition.

C. Borinski: Asked if the DEP required a conservation area, requested copies of DEP reports. Asked if an application was filed with the Morris County Planning Board. Asked about the proposed operating hours.

M. Iannelli: The applicant will forward copies of any DEP requirements of a conservation area to the Board Engineer. The applicant has not filed with the Morris County Planning Board, but a pre-application meeting was held.

A.H. Billing: The applicant is not yet familiar with town requirements, but it is intended to be normal working hours, ultimately hours will be dependent on the future tenants.

OPENED TO THE PUBLIC

Public: Mike Bezney, (Bartek Lane): Asked about the maximum occupancy load versus the proposed parking spaces, asked about the possibility of light assembly being allowed and the types of trees to be planted.

B. Bosworth: Maximum occupancy is not determined by the number of parking spaces.

M. Iannelli: The site is zoned for assembly; the occupancy would be based on the intended use of the tenant. The trees will be native to the area.

Public: Amanda Curley, Day Pitney (One Jefferson Road, Parsippany) Legal Representative of Wharton Developments A (the adjacent property owner).

Clarified that the request of Wharton Developments A is that before approval is memorialized, both parties mutually agree to the landscaping plan to show the additional buffering.

CLOSED TO THE PUBLIC

Andrew Vischio (Traffic Engineer at Dewberry - Bloomfield)

The content of the traffic report includes the following: existing conditions, description of the proposed development, trip generation assessment of the development and overview of the access points and their intended usage. The report also addresses requests made by the county at the pre-application meeting held earlier this year. The site is located in a transition area for the speed limit; the speed at East Dewey is 35mph and transitions to 25mph at the site. The trip generation projections were prepared utilizing the Trip Generation 11th Edition manual. That study states that the trip generation for the development would total approximately 35 total trips during the morning peak hours and 38 total trips during the weekday evening peak hours. By ITE (Institute of Transportation Engineers) and NJDOT standards, the levels of trip generation from the proposed site will unlikely result in a significant traffic impact. The proposed site access on Chegwiddden Way is intended to all ingress heavy vehicle (truck) movements; those trucks would circulate to the rear of the site and exit via only the right turn egress movement onto East Dewey Avenue. Passenger vehicles can access both driveways. Table 2 in the study differentiates between passenger vehicles and trucks, it is anticipated that 30% of all site traffic will be trucks.

B. Bosworth: asked about the travel route for trucks traveling from Route 80 westbound, mentioned that traffic studies do not take obstacles into consideration.

Discussion between board members about travel routes and potential obstacles occurred.

A. Vischio: Traffic follows the path of least resistance, accessing the site will be a learned behavior for drivers. The site has been designed so that trucks can safely enter and exit.

M. Harris: Asked where a truck would be stationed when waiting for another truck to exit a loading dock.

A. Vischio: The trucks would stay on-site, there are several hundred feet along the driveway where roughly 4 to 5 trucks can fit onsite. Trucks will be able to pass a stationary loading vehicle.

M. Harris: Asked M. Iannelli to provide information at the next meeting about the stormwater report and the increase to the proposed stormwater run-off rate.

Motion by Barbara Chiappa and seconded by Marc Harris to carry the application to next meeting scheduled for October 10, 2023.

YEA - 7 NAY - 0 ABSENT - 4 ABSTAIN - 0

CLOSED SESSION: Acting Chairman Rathjens requested a motion to introduce a Resolution for a closed session to discuss Litigation: Glass/Paramus, LLC v. Borough of Wharton Planning Board and Wharton 15 Developers, LLC.

Motion by Barbara Chiappa and seconded by Ana Jones to approve the Resolution for closed session.

Motion by Mayor Chegwidan and seconded by Ana Jones to return to open session.

ADJOURNMENT AT 10:22 P.M.

Respectfully submitted,



**Desi Ruffo
Planning Board Secretary**