

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

ROLL CALL: Chairman Loury, Mayor Chegwiddden, Councilwoman Wickenheisser (via phone), Peter Rathjens (via phone) Marc Harris (arrived at 7:17p.m.), Brian Bosworth, Christopher Fleischman, Barbara Chiappa and Ana Jones.

EXCUSED: Charlotte Kelly

OTHERS PRESENT: Alan Zakin, Board Attorney; Christopher Borinski, Board Engineer; Alison Kopsco, Board Planner Representative and Desi Ruffo, Board Secretary.

Motion by Barbara Chiappa and seconded by Ana Jones to approve the bills as presented.

YEA - 9 NAY - 0 ABSENT - 1 ABSTAIN – 0

OLD BUSINESS:

1. 43 Columbia: Resolution of Approval

(Block: 2002, Lot: 26)

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, 2, and 4.

A motion made by Brian Bosworth and seconded by Ana Jones to approve the resolution with the revisions as noted.

YEA - 5 NAY - 0 ABSENT - 1 ABSTAIN – 2

2. West Dewey, LLC: Application

100 East Dewey (Block: 801, Lot: 5.01)

Chairman K. Loury introduced himself to the applicant, it was put on the record that he listened to the complete recordings of the September 12, 2023 meeting.

K. Loury: Enquired about the intended solution regarding traffic, requested more enforcement from the property owner.

Discussion between the Chairman, board members and applicant about traffic flow within the area occurred. Mayor Chegwiddden offered, that with approval from the County of Morris, directional signage can be placed on East Dewey and Chegwiddden Way.

Andrew Vischio: Offered a travel option for drivers of the following: Right-turn egress movement from the site onto East Dewey Avenue, left turn onto Roue 15, making a U-turn at Pond View Drive and then using the side ramp to enter Route 80 Westbound.

K. Loury: Mentioned that the applicant should add directional signage on-site and mentioned possible enforcement on tenant leases.

Discussion between the Chairman and board members about possible routes to and from the site occurred.

Andrew H. Billing: The building is not designed as a cross-dock warehouse, there is 1 – loading dock per 6,600 square feet. The tenant leases are negotiated with attorneys and usually filed away; they do not refer to the lease on a regular basis.

The applicant agreed to adding appropriate directional signage approved by the Board Engineer as a condition of approval.

K. Loury: Asked about the details shown on sheet C110 in regard to the function of the existing driveway.

M. Iannelli: Explained the function of the existing driveway and reasoning for it to remain in its location. Further explained the details shown on sheet C110. The Board Engineer confirmed that the details shown on sheet C110; location and function of the existing driveway are acceptable.

A. Vischio: Explained two additional options for drivers:

2. Right turn onto Easy Dewey Avenue, left turn onto Route 15 northbound, taking the ramp onto Route 80 eastbound, immediately exiting onto Mount Hope Avenue, turning left and then making another left turn.
3. Right turn onto East Dewey Avenue, right turn onto Route 15 southbound, left turn onto Mount Pleasant Avenue, left turn onto Mount Hope Avenue, left turns as previously stated.

P. Rathjens: Asked if smaller box trucks would utilize the same traffic flow as the larger trucks.

Discussion between the Chairman and board members occurred, it was confirmed smaller box trucks will not be able to make a left-turn onto East Dewey Avenue.

A. Vischio: Explained it will be difficult for a smaller box truck to make a left-turn onto Chegwidden Way, agreed to adding on-site directional signage for smaller box trucks.

Councilwoman Wickenheisser: Expressed safety concerns for the walking path and requested additional signage for the walking path.

The applicant agreed to provide additional signage for the following: traffic flow, proper direction for smaller box trucks, pedestrian traveler safety as well as cross-walk striping.

A. Vischio: There are ADA pedestrian ramps and cross-walks.

C. Borinski: Reminded the applicant to include proper verbiage on the signage for commercial vehicles and smaller delivery vehicles. Recommended adding crosswalk signage and a no left turn sign on East Dewey, with approval from the county.

Discussion between the Chairman, board members and applicant about traffic flow within the area occurred. The Chairman informed that no trucks should be entering from Route 46. It was noted that, the Police Department requested Title-39. The possibility of changing the mailing address to Chegwidden Way was discussed as a condition of approval. The applicant agreed to Chegwidden Way as the primary mailing address and to displaying the same mailing address on their website and all other published materials as their address of record. It was noted the applicant should go to the Borough Tax Assessor, or alternative appropriate legal source to assign the address.

OPENED TO THE PUBLIC

CLOSED TO THE PUBLIC

Rosemary G. Vinitzky, ESQ: The Morris County planning board application was filed on 09/14/23. Morris County Soil Conservation application was filed on 10/06/23, a landscape buffer plan was agreed upon with Wharton Investors, the property owner of the neighboring residential property located on Harry Shupe BLVD.

Mario Iannelli: *Submitted Exhibit A-7 Landscape Buffer Planting Plan dated 101023*

The neighboring property owner requested additional landscape buffering. An additional 23 plants (American Holly) native to the area and noninvasive are proposed to satisfy their concern. The evergreens will be planted at 8ft – 10ft and have a mature height of about 30 feet. There is email communication confirming the neighboring property owner is agreeable to the proposed additional landscape buffer.

M. Iannelli and M. Harris discussed the equation and how the aggregate rate of storm water run-off was calculated.

C. Borinski: Confirmed that the applicants stormwater plan satisfies stormwater regulations.

P. Rathjens: Asked about adding a buffer along East Dewey Avenue to block vehicle headlights from the parking lot.

Applicant agreed adding an evergreen hedge or other planting approved by the Board Planner to block vehicle lighting as a condition of approval.

OPENED TO THE PUBLIC

CLOSED TO THE PUBLIC

K. Loury: Asked about the following: the number of proposed units, the use of office space, further clarification of the proposed signage and the location of the two freestanding signs.

K. Loury: Requested the following as a condition of approval: building height, and the 30-inch parapet on the rooftop making no rooftop equipment visible.

Discussion between the Chairman and board members about the possibility of recreation at the site occurred. The Board expressed concern about prospective recreation use due to concerns regarding parking and traffic flow, but they did prohibit that use as a condition of approval.

A.H. Billing: Confirmed the site will contain a maximum of 12 units, with the possibility of some tenants renting out more than one unit for a common use. The office spaces will only be used in association with the other warehouse uses in the building.

C. Shaffer: Confirmed the signs above the entrance doors will be uniform in size and appearance, the applicant will comply with the sign ordinance.

M. Iannelli: Confirmed the location of the freestanding signs.

The applicant agreed to as a condition of approval, the Board Planner approving the aesthetic of the design of the building signs.

K. Loury: Asked about the status of the site testing.

M. Iannelli: In preparation for the application, the site is being cleaned by the current property owner, Air Products. The cleaning began in the early 2000's. The sediments built in one of the streams have been removed and placed in the proper landfill. The banks have been restored, 85% of what is planted must survive and will be monitored for stability. The site is being monitored an LSRP (Licensed Site Remediation Professional) the remedial action report will be submitted to the DEP. The LSRP is responsible for obtaining the approvals and acts as an agent of the state, they ensure all proper environmental remediation is completed to safely build on site.

Discussion between the Chairman, board members and applicant regarding site remediation occurred.

C. Borinski: The site is under NJDEP jurisdiction, there's been testing and sampling on site for years under the direction of the LSRP. The contamination recently cleaned was in the soil where the additional landscaping was shown. There is no ground water contamination on the site. The original vegetation adjacent to the bank was removed and as part of the clean-up, the required planting has been completed. It is required that 85% of the plantings must survive during the 5-year monitoring period.

K. Loury: Asked if businesses will be allowed to have multiple vehicles on site and if any nonstandard delineated parking on site will be available.

A.H. Billing: The building is not designed to allow for the storage of many vehicles. The leases do not allow for outdoor storage. There may be an agreement with a tenant who has some vehicles where the use is existential to their business (examples: plumbing or restoration services).

K. Loury: Asked for a condition of approval that outdoor storage must comply with the local ordinance.

The applicant agreed to comply with the ordinance for outdoor storage and agreed as a condition of approval, prohibiting reserved parking on site.

The applicant has agreed to fully comply with the reports from the Fire Department and Police Department. The applicant addressed the comments listed on the reports of the board professionals to their satisfaction.

OPENED TO THE PUBLIC
CLOSED TO THE PUBLIC

R.G. Vinitsky: The applicant has proposed to construct a new 92,361 square foot 1-story warehouse with associated office space. 12 tenant spaces are proposed with associated improvements: off-street parking, loading, signage, storm water management, and landscaping. The proposed use is permitted in the zone and complies with all bulk requirements with the exception of the variances. The applicant proposes the following variances: minimum off-street parking buffer at the intersection, minimum off-street parking buffer (front yard), minimum landscape buffer across from the residential zone, and minimum off-street parking located within the setback of Chegwiddden Way. The applicant also proposes a design waiver, the Borough ordinance permits (1) freestanding sign and (2) are proposed. The applicant believes the waivers and variances requested can be granted without substantial detriment to the public good and will not impact or impair the intended purpose of the Master Plan.

A. Zakin: The applicant has agreed to the following: submittal of construction and zoning permits to the Board Professionals, will comply with the reports from the Board Professionals, will copy Board Professionals on all DEP correspondence and reports, will provide ADA spaces as needed and approved by the Board Professionals, additional reasonable landscaping buffer as approved by the Board Planner (neighboring residential property and East Dewey Avenue side), additional directional signs approved by Board Professionals will be added with specific verbiage (box trucks, and pedestrian traveler safety), ADA accessible pedestrian paths will be provided across driveways, appropriate signage at crosswalks will be added, applicant has agreed to Title-39. Signage will maintain appropriate aesthetic character in conformance with the Master Plan, roofing equipment will be completely screened by a 30-inch parapet and will not be visible from the site, the LSRP final report (RAO) will be submitted to and approved by the Board Engineer prior to construction. Outdoor storage will comply with the local ordinance; reserved and/or paid parking will be prohibited on site.

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

YEA - 8 NAY - 0 ABSENT - 1 ABSTAIN - 1

CLOSED SESSION: Chairman Loury 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 Christopher Fleischman and seconded by Marc Harris to approve the Resolution for closed session.
Motion by Mayor Chegwiddden and seconded by Christopher Fleischman to return to open session.**

ADJOURNMENT AT 9:20 P.M.

Respectfully submitted,



Desi Ruffo
Planning Board Secretary