

CALL TO ORDER: AT 7:01 P.M. by Chairman Loury
OPEN PUBLIC MEETING LAW STATEMENT OF COMPLIANCE AND FLAG SALUTE

ROLL CALL: Chairman Loury, Mayor Chegwiddden (via phone at 7:05p.m.) Councilwoman Wickenheisser, Peter Rathjens, Brian Bosworth, Christopher Fleischman, Barabara Chiappa, Ana Jones, Michelle Ann Molde and Roshan Patel

EXCUSED: Marc Harris

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

Motion by C. Fleischman and seconded by B. Chiappa to approve the bills as presented.

YEA - 10 NAY - 0 ABSENT - 1 ABSTAIN - 0

Motion by P. Rathjens and seconded by A. Jones to approve the meeting minutes from September 12, 2023 as presented.

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

Motion by C. Fleischman and seconded by B. Chiappa to approve the meeting minutes from October 10, 2023 as presented.

YEA - 10 NAY - 0 ABSENT - 1 ABSTAIN - 0

Motion by A. Jones and seconded by P. Rathjens to approve the meeting minutes from November 21, 2023 as presented.

YEA - 6 NAY - 0 ABSENT - 1 ABSTAIN - 4

OLD BUSINESS:

1. Resolution of Approval - West Dewey, LLC: 100 East Dewey (Block: 801, Lot: 5.01)

The board reviewed the resolution of approval. Discussions between the board members, board professionals and applicant's legal representative; **Rosemary G. Vinitzky, ESQ (Law Offices of Thomas A. Buonocore – Parsippany, New Jersey)** regarding revisions to the resolution occurred. Revisions to the following pages were determined: pages 2 and pages 6 thru 15.

Motion by Mayor Chegwiddden and seconded by B. Bosworth to approve the resolution with the changes as discussed.

YEA - 10 NAY - 0 ABSENT - 1 ABSTAIN - 0

2. Resolution of Approval - Delton, LLC: Extension of Minor Subdivision Approval (Block: 106, Lots: 3 & 16)

The board reviewed the resolution of approval. Motion by P. Rathjens and seconded by B. Chiappa to approve the resolution as presented.

YEA - 4 NAY - 0 ABSENT - 1 ABSTAIN - 6

NEW BUSINESS:

1. Application - ARC Development: 50 Fern Avenue

Motion by B. Chiappa and seconded by P. Rathjens to carry the application to the January 9, 2024 meeting.

YEA - 10 NAY - 0 ABSENT - 1 ABSTAIN - 0

2. Application – Costco Wholesale Corporation: 315-325 Route 15 (Block: 402, Lots: 1 & 4)

Board member, Roshan Patel who is employed by Costco recused himself from hearing the application.

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

John Wyciskala, ESQ (Applicant's Legal Representative: Inglesino, Webster, Wyciskala & Taylor, LLC – Parsippany, New Jersey):

The applicant is the owner and operator of Costco Wholesale located at 315-325 Route 15 (Block: 402, Lots: 1&4), the subject property is located in the B-2 Regional Business Zoning District. The gasoline canopy area is a conditional use. The applicant is proposing preliminary and final site plan approval for the expansion of the existing gasoline canopy at Costco Wholesale; a permitted principal use. The applicant is proposing to add 5 new fuel pumps (10 fuel dispensers; two to each pump), under an expanded canopy resulting in a total of 11- fuel pumps (22 fuel dispensers) on site. The applicant received approval in 2017 for a 6,392 square foot addition; the prior approval included a parking waiver. The applicant seeks to increase the efficiency of the gasoline sale component. The proposal will not result in any changes to the operations or hours of operations. New smaller signage is proposed to replace the existing canopy signage. An application was submitted to the Morris County Planning Board and was deemed exempt.

Matthew Kunsman, (P.E. at Boehler Engineering – Warren, New Jersey) (Submitted Exhibit A-1 Colorized Aerial View from 06/02/23 dated 12/12/23, Exhibit A-2 Colorized Rendering of Site Plan dated 12/12/23, Exhibit A-3 Fueling Facility Elevation from 06/02/23 dated 12/12/23) Currently the gas station is located on the western portion of the property. The total area of the property is 30.16 acres. There are two main points of access, an intersection on the western portion of the property and a right-in/right-out driveway on the eastern portion of the property; the property surrounds Busy Lady Plaza and there is a drive aisle that connects both properties. There are currently 6 existing gas dispensers, with 12 fueling positions; the applicant has proposed 5 additional fueling dispensers which provides 10 fueling positions. In total there will be 11 gas pumps with 22 fueling positions. The proposed expansion does not change the impervious coverage and is within the pavement limits of the site, no modifications to the curbs. Changes to grading and storm water will maintain the current conditions in regard to storm water management. There will be no changes to accessing the gas facility. The gas canopy provides enough clearance for a truck to travel underneath if necessary. Modifications for underground piping to the new dispensers are proposed. A waiver is requested for the amount of parking spaces; 626 parking spaces are required and 622 spaces are proposed with the 4 spaces being utilized as cart corrals. The existing gas canopy and existing gas dispensers will remain; the proposed expansion will contain the same materials. The proposed new signage area is 20.85 square feet; the total for 4 signs is 83.04 square feet and will require a variance. Lighting above each sign will be similar to what exists. New recessed LED lighting underneath the gas canopy to be replaced will provide a uniformed look, a 30.3 foot candle is proposed and a 1 foot candle is allowed. A waiver for the average light intensity is requested a 21.65 foot candle under the gas canopy area is proposed and a 0.5 foot candle is permitted. The intent is to continue operating during construction.

J. Wyciskala: The lights are shut when gas operations close; around 9:30 p.m. The applicant is in agreement with the Police Chief's report. The applicant will comply with Board Engineers technical review comments.

Chairman Loury: Asked about empty space above the underground storage. It will be a condition that the expansion uses the same materials and looks like the existing gas canopy.

M. Kunsman: The area can be driven on, but cannot contain gas dispensers. Applicant agrees to the condition.

C. Borinski: Asked the following: if any state permits are required for the fuel pumps? Will there be a need for parking areas to be closed for storage and equipment staging area? What is the estimated construction time line?

J. Wyciskala: The applicant will comply with all NJDEP requirements for the underground storage tanks, the fuel pumps will meet or exceed the NJDEP requirements for the highest level of fuel containment.

M. Kunsman: Yes, parking spaces will be utilized for storage of equipment.

J. Alvarado: 60 to 90 days estimate for construction timeline.

Chairman Loury: How many parking spaces to be used for storage?

M. Kunsman: 15 or more spaces

J. Wyciskala: Spring or summer planned for the start of construction pending approval.

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John Harter, (P.E. at Atlantic Traffic – Warren, New Jersey) (*Submitted Exhibit A-4 Vehicle Stacking dated 12/12/23*) The progression of Costco fuel sales has evolved since the original site was built, this site is now considered the first generation. The current standard is 24 fuel positions. The goal is to modernize facilities such as this site. The intent is to increase the efficiency of the fuel operations. Customers usually do a combined trip to the warehouse and the fueling station. A letter of no interest from NJDOT was received on September 26, 2023. The expansion will the site will get about 46 vehicles stacking which will be an improvement. The distance between fuel dispensers is increasing and will be easier for vehicles to pull forward into a space. All dispensers will contain lights (red and green) that will provide indication to vehicles when a dispenser is available. Striping to create lanes can be an option for vehicle stacking. Many older Costco sites tend to be smaller

P. Rathjens: mentioned that Costco locations in other states are self-service stations and their queuing times are different as New Jersey has gas attendants.

B. Bosworth: They've created an 83% increase in the ability to flow fuel if every dispenser is used at the same time. It won't always be the case, but more cars will be able to go through the station at a faster rate.

J. Harter: The width between dispensers will not change and is 28 feet.

K. Loury: What is the current average of stacked cars on the site?

J. Dykstra: Has the parking on site in terms of usage and appropriateness of the amount? Any proposals for future electric vehicle charging stations?

J. Hartner: Not recently, the older sites tend to be smaller, we will limit the queuing which helps make parking spaces more effective. Future charging stations have not been discussed.

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J. Wyciskala: The applicant is proposing preliminary and final site plan approval for the project. Two variances are proposed for the 622 parking spaces, the plans will be revised to show the cart corrals. A variance relief for signage is proposed, the new signs will not be larger than what exists. The application will not pose a detriment to the public good and will benefit the public and the applicant. Two lighting waivers for footcandles under the canopy and average light intensity under the canopy. The application stays within the impervious area.

A. Zakin: The new canopy and dispensers will be uniform in appearance and materials to the existing canopy and dispensers. The applicant will comply with the Board Engineer's technical review comments, pavement striping will be added. The applicant will comply with the Police Chief's report.

Motion by B. Bosworth and seconded by C. Fleischman to approve the application with the conditions as mentioned.

YEA - 9 NAY - 0 ABSENT - 2 ABSTAIN - 0

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 P. Rathjens and seconded by B. Bosworth to approve the Resolution for closed session.

Motion by A. Jones and seconded by B. Bosworth to return to open session.

ROLL CALL: Chairman Loury, Mayor Chegwidden (via phone at 7:05p.m.) Councilwoman Wickenheisser, Peter Rathjens, Brian Bosworth, Christopher Fleischman, Barabara Chiappa, Ana Jones, Michelle Ann Molde and Roshan Patel

EXCUSED: Marc Harris

Motion by C. Fleischman and seconded by B. Bosworth that the Board Attorney take action and communicate with the Plaintiff as discussed in the closed session. YEA - 10 NAY - 0 ABSENT - 1 ABSTAIN – 0

Discussion between the board members and board attorney about the December 5, 2023 letter received from K. Hovnanian at Morris Woods, LLC occurred. The letter addressed the concerns of the board regarding the basement, or ground floor of the three-story townhome properties. The letter reflected agreement with the Board that the basement will not contain a bathroom of any kind, however the second floor could contain a half-bath (powder room), as the Board believed that was not likely to lead to an illegal fourth bedroom, which was not approved by the Board.

K. Loury: Asked about the status of the 11- unit building on South Main Street. Requested for the Board Engineer to contact the property owner about the status of the site and lack of maintenance.

J. Dykstra: The applicant called and confirmed they are about to receive funding for the project and requested documents from the affordable housing file. CO's will need to be obtained for the affordable housing buildings, before receiving CO's on the second phase of Morris Woods.

P. Rathjens: Asked about the status of the Harry Shupe Boulevard site.
Mayor Chegwidden is meeting with the property owners and will discuss their property maintenance.

ADJOURNMENT AT 10:04 P.M.

Respectfully submitted,



Desi Ruffo
Planning Board Secretary