



October 19, 2020

MEMORANDUM TO: Ms. Patricia Craven, Planning Board Secretary

FROM: Jessica C. Caldwell, P.P., A.I.C.P., Planning Board Planner

SUBJECT: Ashour Investment Group Wharton, LLC
Preliminary and Final Site Plan
Block 301, Lot 1
170 North Main Street
Borough of Wharton, Morris County

Dear Ms. Craven:

The Applicant is seeking Preliminary and Final Site Plan approval to construct a four-story mixed-use building consisting of retail and commercial space on the ground floor and 75 apartments above along North Main Street at the intersection of the Main Street Extension. Parking is proposed via an on-site parking area and parking beneath the building. The property is located in the MU, Mixed-Use Overlay Zone, which is governed by the 170 North Main Street Redevelopment Plan dated August 17, 2020.

1. **The following documents were reviewed:**

- a. Ten (10) sheets of engineering plans entitled, "Preliminary and Final Site Plan 170 North Main Street Lot 1 Block 301 Borough of Wharton, Morris County, N.J.," prepared by Stewart Surveying & Engineering, LLC, dated August 10, 2020.
 - b. Nine (9) sheets of Architectural and Elevation Plans, prepared by Peter Raymond Wells Architect, LLC, dated August 21, 2020.
 - c. Traffic and Parking Study for 170 North Main Street, Proposed Mixed-Use Development, prepared by Dolan & Dean Consulting Engineers, LLC, dated October 8, 2020.
 - d. Copy of application, checklist and additional supporting documents
2. **Existing Site & Use:** The subject property is located on Block 301, Lot 1 in the MU, Mixed-Use Overlay Zone. The property fronts on North Main Street, the Main Street Extension and Ross Street and is 2.954 acres. There is a 12,145 square-foot one-story vacant building on the property. To the south of the subject property lies the Wharton Rail Trail, vacant land and light industrial buildings and to the east are vacant parcels followed by a highway commercial shopping area. To the north is Ross Street, which is lined with

residential uses and a commercial building. To the west is Wharton Pond and 175 North Main Street, a mixed-use building former industrial building. The property is located in the MU, Mixed Use Overlay Zone, which is governed by the 170 North Main Street Redevelopment Plan (“the Plan”) dated August 17, 2020.

3. **Proposed Development:** The Applicant proposes to construct a four-story mixed-use building consisting of eight (8) retail and commercial spaces on the ground floor and 75 residential units on the second through fourth floors. The Applicant is also proposing 167 off-street parking spaces. The following is a table of the proposed units:

Unit Type	Per Floor	Total Until	Description	Square Feet
1-A	11	33	1 Bedroom, 1 Bathroom	753
1-B	4	12	1 Bedroom, 1 Bathroom, Den	911
1-C	3	9	1 Bedroom, 1 Bathroom, Enlarge LR	911
2-A	3	9	2 Bedroom, 2 Bathroom	1,194
2-B	1	3	2 Bedroom, 1 Bathroom	1,102
3-A	1	3	3 Bedroom, 2 Bathroom	1,434
3-B	1	3	3 Bedroom, 2 Bathroom, Enlarge LR	1,605
3-C	1	3	3 Bedroom, 2.5 Bathroom, Enlarge LR, Den	1,932
Total	25	75	24,315 Square Feet	72,945
Total 1 BR	18	54	14,660 Square Feet	49,980
Total 2 BR	4	12	4,684 Square Feet	14,052
Total 3 BR	3	9	4,971 Square Feet	14,913

4. **Area & Bulk Requirements:** The subject site is located in the MU, Mixed Use Overlay zone. The following table reviews existing and proposed requirements:

MU Overlay Zone	Required	Existing	Proposed
Min. Lot Area	2 Acres	2.954 Acres	2.920 Acres
Min. Lot Width	300 Ft	345 Ft	345 Ft
Min. Lot Depth	150 Ft	172 Ft (AVG)	172 Ft (AVG)
Min. Front Yard Setback			
North Main Street	5 Ft Min. / 60 Ft Max.	34.0 Ft	58.0 Ft
Ross Street	30 Ft	55.3 Ft	53.3 Ft
North Main Street Extension	5 Ft Min. / 60 Ft Max.	22.2 Ft	58.0 Ft
Min. Side Yard Setback	10 Ft	70.0 Ft	34.6 Ft

MU Overlay Zone	Required	Existing	Proposed
Min. Rear Yard Setback	15 Ft	N/A	N/A
Max. Bldg. Height	4 Stories 55 Ft	1 Story	4 Stories 52 Ft
Max. Bldg. Coverage	50%	26.9%	21.3%
Max. Impervious Coverage	85%	49.0%	74.3%
Residential Density	35 Units / Acre	N/A	25.4 Units / Acre
Parking Frontage Requirements			
North Main Street	45%	---	14%
North Main Street Extension	45%	---	18%
Parking			
Min. Setback to R.O.W.	5 Ft	7.5 Ft (E)	10.0 Ft / 6.0 Ft / 10.0 Ft
Min. Setback to Building	5 Ft	0 Ft (E)	5.3 Ft
Min. Side/Rear Lot Line Setback	5 Ft	0 Ft (E)	6 Ft
(E) = Existing Non-Conforming		(V) = Variance Required	
N/A = Not Applicable			

5. **Review:**

- a. **Parking:** Section Parking Standards of the 170 North Main Street Redevelopment Plan ("the Plan") and RSIS parking standards demonstrate the parking requirements for the proposed parking area as follows:

Use	Minimum Space Requirement	Required	Proposed
Office / Retail / Retail Services	1 space per 400 SF	19.5 (20 spaces)	---
Eating Establishments	1 space per 4 seats	24.5 (25 spaces)	---
2nd – 4th Floors – Residential (RSIS)			
1-Bedroom	1.8 space / unit	53 units x 1.8 = 97.2 (98 spaces)	---
2-Bedroom	2.0 space / unit	12 units x 2.0 = 24 spaces	---
3-Bedroom	2.1 space / unit	9 units x 2.1 = 18.9 spaces (19 spaces)	---
Total		184	167 (V)

According to Section Parking Standards (B)(1) of the Plan, each off-street parking space must measure no less than 8.5 feet in width by eighteen (18) feet

in length. The Applicant is proposing parking space dimensions of nine (9) feet in width and eighteen (18) feet in length. This complies.

Parking along Main Street and the Main Street Extension is limited to one row of parking and is required to be screened from view. A screening wall or landscaping screen shall be provided.

- b. **Traffic:** The traffic report prepared by Dolan & Dean provides a review for the redevelopment of the subject property.

The following table summarizes the total trip generation projections for each use, for the weekday morning and evening peak hours and the Saturday midday peak hour. Additional testimony should be provided as to how traffic is expected to operate on the Main Street Extension.

Peak Hour	Land Use	Enter	Exit	Total
Morning	1,500 SF Restaurant	8	7	15
	1,500 SF Coffee/Donut Shop	76	76	152
	7,819 SF Retail	4	3	7
	75 Apartments	7	20	27
	Total	95	106	201
Evening	1,500 SF Restaurant	9	6	15
	1,500 SF Coffee/Donut Shop	27	27	54
	7,819 SF Retail	41	41	82
	75 Apartments	21	13	34
	Total	98	87	185
Saturday	1,500 SF Restaurant	9	8	17
	1,500 SF Coffee/Donut Shop	44	44	88
	7,819 SF Retail	42	42	84
	75 Apartments	19	19	38
	Total	114	113	227

Note: The estimates do not account for public transportation or for shared trips between residential and commercial uses.

In terms of shared parking, the Applicant’s traffic report identifies a shared parking demand of 135 spaces for weekday parking and a shared parking demand of 150 spaces calculated for Saturday parking. Testimony should be provided. **The Applicant is proposing 167 parking spaces, which requires a variance for failing to meet the required minimum parking of 184 spaces.**

- c. **Affordable Housing:** According to the Affordable Housing Requirements of the Plan, any residential development within the Plan Area must provide an affordable housing set-aside that provides for a 15% affordable unit set-aside for rental units and a 20% affordable unit set-aside for for-sale units. The affordable units are subject to Section 165-111 through Section 165-123 of the Borough Code. The following is a description of the unit types required for the affordable housing units to be set aside. The Applicant shall revise the plans to show the affordable housing as shown below and deed restrictions shall be provided to the Board Attorney and Board Planner for review and filed with the County prior to any certificate of occupancy issued for any building on the subject property.

Affordable Housing Requirement	
Unit Type	15% Set-Aside for Rental Units
1-Bedroom	2 – 1 Bedroom Affordable Units
2-Bedroom	7 – 2 Bedroom Affordable Units
3-Bedroom	3- 3 Bedroom Affordable Units
Total	12 l/m income units

- d. **Landscaping:** According to the Landscaping Requirements of the Plan, landscaping must be provided to promote a desirable and cohesive natural environment for residents, downtown patrons and employees and passing motorists and recreators. Landscaping must also be utilized to screen parking and loading areas, provide windbreaks for winter winds and summer cooling for buildings, streets and parking, according to the following standards: [A] Ornamental trees should be provided, particularly at key locations such as site entrances and along existing roadway frontages; [B] Hedges, shrubs and ground cover must be used to define space and provide privacy. Foundation plantings should include evergreen and deciduous shrubs; and [C] All landscaping must have a two-year maintenance guarantee. If any planting material dies within two years of planting, it must be replaced the following planting season. The landscape plan should be updated to meet the requirements of the plan.
- e. **Streetscape and Lighting:** Sidewalks four (4) feet in width with a two (2) foot wide brick paver strip and lighting to match the Main Street lighting shall be provided on Main Street and the Main Street Extension. Street trees shall also be provided to match existing trees along Main Street. Pedestrian connections between the sidewalks and the buildings shall be provided.

- f. **Waste:** According to Section 267-19(A), any person who controls, whether owner, leased, or operate, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing. The Applicant should testify if the two (2) proposed refuse containers will be covered at all times.

According to Section 267-19(B), any person who owns, leases, or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquid, semi-liquid or solids to the municipal separate storm water system(s) operated by the Borough of Wharton. The Applicant should testify that the two (2) proposed refuse containers do not discharge liquids.

One dumpster enclosure is close to the building and the other is more remote. The Applicant should testify as to how each unit will handle garbage including the commercial spaces.

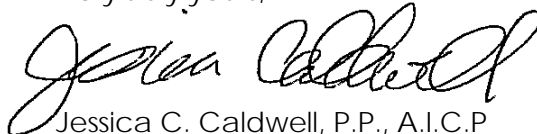
- g. **Signs:** According to the Signage Section (A)(1) of the Plan, each site plan proposal in the Plan Area may have up to two (2) ground signs, with one at each entrance to the site. The ground signs shall be no larger than thirty-six (36) square feet with a maximum height of ten (10) feet. The Applicant is proposing two (2) monument signs in the westerly and easterly portions near the two (2) access drives of the subject property. The Applicant should testify to the dimensions and height as well as the design of the proposed signs.

According to the Signage Section (B)(1) of the Plan, each business is permitted one (1) façade sign and one (1) projecting sign per street frontage. The building may also have one (1) façade sign per street frontage providing the name of the building and/or address of the building. The Applicant is proposing ten (10) façade signs including, eight (8) storefront façade signs and two (2) wall signs for the building. There is one additional façade sign on each street frontage which would require a variance. I recommend eliminating that sign. Sign sizes should be provided for review.

- h. **Fences:** According to the Buffer and Screening Requirements (C) of the Plan, fences and walls shall not exceed eight (8) feet in height above ground level. The Applicant is proposing a wood board-on-board fence with a height of six (6) feet tall to surround the proposed dumpster enclosure. This complies with the Ordinance.

- i. **Architectural Plans:** The architectural plans show a garage under the building behind and to the side of the commercial spaces. The garage area is open without screening. The Applicant should testify as to the operation of the garage. Additionally, the Applicant should testify to proposed colors and façade materials.
6. **Criteria for Granting "C" Variances:** Variances can be granted by the Board, pursuant to N.J.S.A. 40:55D-70c where two provisions exist:
- a. The first provision for granting a "c" variance is under the N.J.S.A. 40:55D-70(c)(1) where the Board must find whether there has been a showing of peculiar exceptional practical difficulties or exceptional undue hardship arising out of the exceptional narrowness, shallowness, or shape of a piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting this specific piece of property or the structures uniquely affecting this specific piece of property or the structures lawfully existing thereon. The two-part negative criteria must also be addressed.
 - b. The second provision for granting a "c" variance is under N.J.S.A. 40:55D-70(c)(2) where the Board must find that the application related to a unique situation on a specific piece of property, that the purposes of the MLUL would be advanced by the requested deviation, that the variance can be granted without substantial detriment to the public good, that the benefit of granting the variance outweigh any detriments and the variance will not substantially impair the zone plan or ordinance. Under (c)(2), the Applicant should show that the proposal is a better zoning alternative to what which is permitted by the ordinance and provide benefits to the community as a whole, not just the Applicant. The two-part negative criteria must also be addressed.

Very truly yours,



Jessica C. Caldwell, P.P., A.I.C.P

J. Caldwell & Associates, LLC

Wharton Planning Board Planner

cc: Via E-Mail Only

Alan Zakin, Esq., Board Attorney

Christopher Borinski, P.E., C.M.E., Board Engineer

Ashour Investment Group Wharton, LLC, Applicant