



October 19, 2020

Revised November 9, 2020

Revised December 7, 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. **The Applicant submitted revised site plans and revised comments are provided below.**

1. **The following documents were reviewed:**
 - a. **Twelve (12) sheets of Site Plans entitled, "Preliminary & 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 November 30, 2020.**
 - b. **Two (2) sheets of Drainage Plans entitled, "Proposed Drainage Areas for 170 North Main Street, Lot 1 Block 301, Borough of Wharton, Morris County, N.J.," prepared by Stewart Surveying & Engineering, LLC, dated November 25, 2020.**
 - c. 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.
 - d. Nine (9) sheets of Architectural and Elevation Plans, prepared by Peter Raymond Wells Architects, LLC, dated August 21, 2020.

- e. Ten (10) sheets of Architectural and Elevation Plans, prepared by Peter Raymond Wells Architects, LLC, dated August 21, 2020. REVISED – Approval V.2
 - f. Drainage Report for 170 North Main Street, Lot 1 Block 301, Borough of Wharton, County of Morris, New Jersey, prepared by Steward Surveying and Engineering, LLC, dated September 23, 2020 and REVISED November 25, 2020.
 - g. Traffic and Parking Study for 170 North Main Street, Proposed Mixed-Use Development, prepared by Dolan & Dean Consulting Engineers, LLC, dated October 8, 2020.
 - h. 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 170 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

Unit Type	Per Floor	Total Until	Description	Square Feet
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
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
<u>Commercial</u>	1 space per 400 SF	7,819 SF / 400 SF = 19.5 Spaces	---
Eating Establishments	1 space per 4 seats	98 Seats / 4 Seats = 24.5	---
2nd – 4th Floors – Residential (RSIS)			
1-Bedroom	1.8 space / unit	54 units x 1.8 = 97.2 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	---
Total		184	170 (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. **There is a wall proposed around the parking; however, the engineering plan detail shows a 6-foot wall, which I don't believe correlates to this wall. The Applicant should clarify.**

- 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 170 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.

[A] The Applicant is proposing ornamental street trees along the North Main Street Extension and Ross Street.

[B] The Applicant is proposing hedges to screen off-street parking areas and drive aisles from the street. Shrubs are proposed in front of the parking garage louvers.

[C] The site plan notes, "All landscaping must have a two-year maintenance guarantee. If any plantings material dies within two years of planting, it must be replaced the following planting season." The Applicant should testify to this.

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.

According to the Lighting Section (A) of the Plan, street lighting is required along the North Main Street and North Main Street Extension. Street lighting and streetscape amenities shall match the standards of the Borough Master Plan. The Applicant is proposing streetlighting along the North Main Street and North Main Street Extension consisting of single- and double-fixture lighting as envisioned in the Borough of Wharton 1994 Master Plan. There is proposed lighting along Main Street that appears to meet the standard, however the Applicant should clarify the locations. Also, there is no sidewalk proposed along the Main Street Extension. The Applicant should testify as to communication from the County.

- 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.

The dumpster locations have been moved and screening enclosures and landscaping proposed.

- 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 proposed monument signs are both eight (8) feet high and have a sign area of twelve (12) square feet. This complies with the Ordinance.

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.

According to Section 165-105(B)(1)(m), wall signs shall not exceed two (2) square feet of signage for every linear foot of the front façade of the portion of the building occupied by the use being advertised.

The Applicant is proposing eight (8) storefront façade signs, with each sign having an area of 11.2 square feet. This complies.

The Applicant is proposing two (2) wall signs, with each sign having an area of eighteen (18) square feet. This complies.

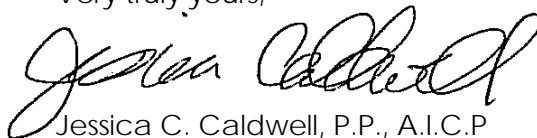
The Applicant is proposing a parking clearance sign with an area of twenty-four (24) square feet. This complies.

- 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 three (3) feet high **concrete wall with a brick interface** (will match the building) and a three (3) feet high **vinyl** fence (color to match the building siding) above the brick wall, which results in a six (6) feet high wall. **The Applicant should clarify where this wall is proposed.**
- 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 enclosed with a brick veneer and horizontal metal louvers above. The Applicant should testify as to the operation of the garage. Additionally, the Applicant should testify to the proposed colors.

The Architectural Plans provide a wall detail which is unclear as to which wall it is representing. The Redevelopment Plan requires screening around the parking area by a 3.5 to 4 foot wall. It appears from the engineering plans that a wall is proposed. The Applicant should clarify.

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