

WHARTON PLANNING BOARD  
REGULAR SCHEDULED MEETING  
August 11, 2015

The Regularly Scheduled Meeting of the Wharton Planning Board was called to order with Acting Chairperson Charlotte Kelly reading the Open Meeting Statement as required by law.

ROLL CALL was taken and the following members were present: Mayor William J. Chegwiddden, Councilman Thomas Yeager, Mr. Mark Harris, Ms. Charlotte Kelly, Ms. Jennifer O'Malley-Dorr, Brian Bosworth and Mr. Peter Rathjens. Also present were Attorney Alan Zakin, Engineer Christopher Borinski, Planner Jessica Caldwell and Secretary Patricia Craven. Excused were Chairman Ken Loury, Mr. Roger Steele, Mr. Jared Coursen and Mr. Patrick O'Brien.

The pledge of allegiance to the flag followed.

The approval of the bills was next. A Motion was made by Thomas Yeager and Seconded by Jennifer O'Malley-Dorr to approve the bills. YEA – 7 NAY – 0

The approval of the June 23, 2015 Planning Board Meeting was next. A Motion was made by Mayor Chegwiddden and Seconded by Brian Bosworth to approve the minutes. Mayor Chegwiddden complimented Secretary Craven on the great job she does on the minutes.

YEA –5 NAY – 0 ABST – 2 (Harris & Rathjens)

Next on the agenda was the Resolution for CCKK, LLC Wharton Industrial Center. A Motion was made by Mayor Chegwiddden and Seconded by Jennifer O'Malley-Dorr to read the Resolution by title only. YEA – 7 NAY – 0 Acting Chairperson Kelly read the title Resolution Borough of Wharton Planning Board, CCKK, LLC Approval of Amended Site Plan and Use Variance .

The Resolution O-11-15 was next to be read. A Motion was made by Mayor Chegwiddden and Seconded by Jennifer O'Malley-Dorr to read the Resolution by title only. YEA – 7 NAY – 0 Acting Chairperson Kelly read the title An Ordinance Adopting an Amended Redevelopment Plan for Block 301, Lot 1 and Block 801, Lot 3 in the Borough of Wharton.

The Resolution O-12-15 was next on the agenda. A Motion was made by Thomas Yeager and Seconded by Mayor Chegwiddden to read the Resolution by title only. YEA – 7 NAY – 0 Acting Chairperson Kelly read the title An Ordinance Adopting a Redevelopment Plan for Block 1319, Lots 1 and 1.01 in the Borough of Wharton.

Under New Business was Mark Pomeroy, Ref: Pet Shop Ordinance. The Planning Board Attorney Alan Zakin explained to the Board what he had previously explained to Mr. Pomeroy was that our Board is a Land Use Board and we do not have the ability or power to do what Mr. Pomeroy wants but he is free to speak to the Board. He also stated it is his understanding that Governor Christie signed legislation that did speak to this.

Mr. Pomeroy of 40 E. Sterling St, Wharton was sworn in by Attorney Zakin. Mr. Pomeroy addressed the Board stating that the legislation signed by Governor Christie pertains to existing pet stores and has nothing to do with Wharton because they have no existing pet stores. What he would like the Board to consider is a law that has been adopted in 59 major cities across the U.S. and many towns in N.J. including Randolph that would ban the retail sale of cats and dogs but would allow shelters to have adoptions and private breeders to sell them. He is a volunteer at the Randolph Animal Shelter where he sees firsthand the results of the cats and dogs that are sold in retail stores which he explained in detail to the Board. He stated that stores such as Petco and PetSmart do not sell dogs or cats, they work with adoption agencies. He asked the Board to read the Ordinance adopted by Randolph and consider this Ordinance for the Borough of Wharton. The Mayor explained that the Planning Board is not the Board where this is decided, it is the Mayor and Council. Mr. Harris recommended that when he comes before the Mayor and Council he should present them with numbers, such as number of pets euthanized, the number of artificial population increase and the number of pet stores in the area selling dogs and cats which would all help make his case that much stronger.

Mr. Pomeroy summed up his presentation stating that this is a best practices technique which supports the hobby breeders and eliminates the breeders in other states that do not have any regulation for their breeders. This would be a local ordinance that would allow private breeders and nonprofit shelters and ban for-profit retail establishments from selling dogs and cats. He would like our Mayor and Council to consider and approve an Ordinance. He asked that they look over the Ordinance that was approved in Randolph. He invited all of the Board members to come to the Randolph Animal Shelter to talk to the volunteers and see firsthand what he is talking about.

Under Correspondence was a letter from the Morris County Planning Board referencing Wharton Woods. They pointed out the recommendation of the COAH being architecturally treated to be indiscernible from the non-COAH units. Engineer Borinski stated that they are reviewing the amended storm water management plans that were submitted by Wharton Woods.

A Motion was made by Thomas Yeager and Seconded by William Chegwiddden to adjourn.

YEA – 7    NAY – 0

Meeting adjourned at 7:50 pm.

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Patricia M. Craven – Secretary

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Ken Loury - Chairman