

WHARTON PLANNING BOARD
REGULAR SCHEDULED MEETING
July 12, 2016

The Regularly Scheduled Meeting of the Wharton Planning Board was called to order with Chairman Ken Loury reading the Open Meeting Statement as required by law.

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

The approval of the bills was next. A Motion was made by Jared Coursen and Seconded by Mark Harris to approve the bills that were read. YEA – 8 NAY – 0

The Minutes of the April 12, 2016 Planning Board Meeting was next. A Motion was made by Charlotte Kelly and Seconded by Brian Bosworth to approve the minutes.

YEA -6 NAY- 0 ABST – 2 (Coursen, O'Malley-Dorr)

The Resolution for PMG Sign Variance was read. A Motion was made by Mark Harris and Seconded by Brian Bosworth to approve the resolution.

YEA- 5 NAY – 0 ABST – 3 (Coursen, O'Malley-Dorr, O'Brien)

Next, under New Business was the Variance Application and Subdivision for Cicchetti. Borough Attorney Zakin explained to pro se applicant, who had sent 1 notice to a property owner's property address and not his mailing address, that the property owner was contacted, given the notice and voluntarily sent back in writing that he waived the proper notice. Attorney Zakin also stated for the record that Board member Jared Coursen lives within 200 feet of the property and will step down.

Colleen M. Cicchetti of 11 Hurd St., Mine Hill, N.J. 07803 was sworn in by Attorney Zakin. She stated that both 89 & 91 E. Central Ave. have been in her family since 1849. Ms. Cicchetti owns both properties. She needs a minor subdivision to straighten the lot line between the 2 properties. Lot 7 is 89 W. Central Ave. was owned by her father William Donnelly who has passed away and the property then came to her. It is a single family home. Lot 6 is 91 W. Central Ave. and is a L shaped property. She is proposing to have the property line between Lot 6 & 7 go straight back to make the properties conform to the rest of the properties in the neighborhood. Ms. Cicchetti owns both properties.

There are 2 parts to this application and a question was brought up - should they vote on them together or separate? Planner Caldwell thought it would be better to discuss and vote on the use first and then the subdivision.

Ms. Cicchetti stated that Lot 6, 91 W. Central Ave belonged to her great, great, great grandmother and was passed down to her grandmother. That property was always utilized as a 2 family home, at least since the 1950's and the deal was that it was only family that lived upstairs. There were never separate bills such as water, sewer and electric, they were always just split in half. Ms. Cicchetti is before the Board tonight to make it a legal 2 family home. It is her understanding that a couple years ago the mayor sent the zoning officer out to find any 2 family homes that were not legal and give them an opportunity to come before the Board to legalize them. This 2 family home was missed. The zoning officer advised her to come before the Board. She is before the Board tonight to legalize her 2 family home. She doesn't feel there is any detriment to the area because on W. Central Ave. there are 6 – 2 family homes, 1 – 4 family and 1 commercial bar 2 doors from them. It would not be detrimental to the neighborhood, it would be conforming to the neighborhood. The 2 family has an

upstairs and a downstairs with separate entrances. She is looking to get separate water meters. Because there was always family living there the 1 meter was never an issue. It is not a requirement by the town that you have to have 1 or 2 meters, it is up to the homeowner stated the Secretary Patricia Craven who is also the utility collector for the Borough.

Planner Caldwell stated that if the Board accepts the testimony they would vote on it to determine if this is a preexisting, non-conforming use and then it would be in preexisting, non-conforming use status, which means that if it burned down you can rebuild it. If not then they would need use variance testimony. She stated that it sounds as though it has been there before the ordinances. Attorney Zakin stated that the Board, based on the testimony, needs to be convinced that it was a preexisting 2 family prior to the ordinances being put into place. Most towns, prior to the 60's have no record of any ordinances. We do not have a date when this particular ordinance was enacted. It would seem, giving the recent history that it was preexisting.

Engineer Borinski stated that he had a few comments in his memo of July 11, 2016 about the survey that he feels can easily be addressed. The plans need to be revised. Ms. Cicchetti stated that she received the memo from the Engineer yesterday July 11th and tried to call her surveyor but he was out in the field.

Ms. Cicchetti stated that both units of the house are empty and she plans to renovate the entire house. She will be renting at least one unit to family if not both.

The meeting was open to the public and then closed.

Mark Harris stated that this property is historic and he has no problem keeping this as a 2 family home.

Attorney Zakin brought up the letter from the Housing/Zoning officer Chic Moreno who backed up the testimony of Ms. Cicchetti.

Ms. Cicchetti stated that 91 W. Central Ave. is a 2 family and the house adjacent to it is a single family dwelling owned by her aunt and uncle. There is a driveway that services # 91 which Engineer Borinski pointed out on the plans.

Attorney Zakin stated that 91 W. Central Avenue, Lot 6 is a preexisting, non-conforming use of a 2 family in a R-75 single family zone. There was proper notice, Mr. Coursen stepped down and the revised plans will show the corrections and comments noted in the Engineer's report of July 11th.

A Motion was made by Mark Harris and Seconded by Brian Bosworth to accept the preexisting non-conforming property as a 2 family home with all the conditions stated by Attorney Zakin.

YEA – 7 NAY – 0

As far as the lot line adjustment Roger Steele's opinion as well as most of the Board members is that it is a no brainer. Planner Caldwell stated that it brings the property into conformance and decreases the non-conformity.

The meeting was open to the public and then close.

A Motion was made by Mark Harris and Seconded by Brian Bosworth to approve the lot line adjustment with the condition stated. YEA – 7 NAY – 0

The discussion on Wharton Self Storage followed. Attorney Zakin state the Resolution for the Wharton Self Storage site was approved in 2004. It was approved as a 2 story structure and they are now planning to build it as approved but only as a 1 story structure with the same footprint. The square footage will now be less. They want to verify that they do not have to come back before the Board. Attorney Zakin generally agreed with that but wanted our Board Engineer and Planner to review the plans which they did and forwarded a report to the

applicant. Attorney Zakin wanted it to be discussed with the Board to make sure that they were ok with the applicant not having to come back before the Planning Board with a new application. CCKK, LLC owns this site which is a different site than the warehouses. Attorney Zakin stated that there would have to be some material changes for the Board to be able to make them come back before them. It is the same footprint and it is minimizing the square footage. The approvals are still intact. If they were made to come back before the Board they could have a legitimate cause of action against the Board. That is why he had the professionals review the plans. They have started construction and were advised that it is at their own risk.

Planner Caldwell stated that the zoning and the permitted use is the same as well as the building footprint and layout. There may be some minor site design standards that are different. The permit extension act was expiring for this site at the end of June, so that is why they started construction on the site. She explained the permit extension act.

Attorney Zakin stated that going from a two story to a one story is less burdensome and does not have a material impact. Chairman Loury agreed and stated that there will be less traffic as well. Wharton Self Storage has asked that they not have to reapply in order to build the one story storage unit.

A Motion was made by Mark Harris and Seconded by Brian Bosworth that Wharton Self Storage does not have to reapply to the Board to build their revised plans for a one story building based on their 2004 approval and affirmed by the applicant. YEA - 8 NAY - 0

A discussion followed about allowing 2 family homes that are preexisting.

A Motion was made by Mark Harris and Seconded by Charlotte Kelly to adjourn.
YEA - 8 NAY - 0

Meeting adjourned at 8:30 P.M.

Patricia M. Craven – Secretary

Ken Loury - Chairman