

WHARTON PLANNING BOARD
REGULAR SCHEDULED MEETING
October 17, 2017

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

ROLL CALL was taken and the following members were present: Mayor Chegwidden, Councilman Yeager, Mr. Roger Steele, Ms. Charlotte Kelly, 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, Chairman Ken Loury, Mr. Patrick O'Brien and Mr. Peter Rathjens. Mr. Mark Harris arrived after roll call but in time for the Vega application.

The Pledge Allegiance to the Flag was next.

The reading of the Bills was next. A Motion was made by Brian Bosworth and Seconded by Jennifer O'Malley Dorr to approve the bills as read. YEA – 7 NAY – 0

The Minutes of the July 11, 2017 and August 8, 2017 were next. A Motion was made by Jared Coursen and Seconded by Jennifer O'Malley Dorr to approve the minutes.
YEA– 1 NAY – 0 ABST – 6 (Chegwidden, Yeager, Kelly, Bosworth, Coursen, Steele)

The Resolution for the Gottshall Application was next. A Motion was made by Jennifer O'Malley Dorr and Seconded by Brian Bosworth to approve the Resolution.
YEA– 1 NAY – 0 ABST – 6 (Chegwidden, Yeager, Kelly, Bosworth, Coursen, Steele)

The Resolution for the Costco Application was next. A Motion was made by Jennifer O'Malley Dorr and Seconded by Brian Bosworth to approve the Resolution.
YEA– 1 NAY – 0 ABST – 6 (Chegwidden, Yeager, Kelly, Bosworth, Coursen, Steele)

Next, under new business was the application for Christian Vega Minor Subdivision and Variance Application. Attorney Remo A. Caputo of Denville, N.J., attorney for applicant Christian Vega addressed the Board. Christian Vega was sworn in at this time. He is a local realtor and owner of several properties in Wharton. He purchased the subject property 4 months ago. It is a 2 family home in poor condition. His plan is to subdivide the property, convert the existing 2 family home into a single family home and build a new home on the new lot. He spoke to some of the neighbors and they were happy about his plans. His plan is to have 1 single family home on each lot.

The meeting was open to the public. There was no public in attendance and was then closed to the public.

Stephen Smith of Jamon Engineering was sworn in and approved as a professional planner. He prepared the subdivision plans.

He presented and marked into evidence a 5 page set of sheets that were included in our packets (some have been revised)

Exhibit A-1-5 – 10/17/17

A-1 is Sheet 1 of plans - Key Map of Subdivision dated 4/15/17 – Not revised

A-2 is Sheet 2 of plans – Existing Conditions & Demolition Plan – Revised with highlights

A-3 is Sheet 3 of plans – Subdivision Geometry & Grading Plan - Revised

A-4 is Sheet 4 of plans – Soil Erosion & Sediment Plan - Not revised

A-5 is Sheet 5 of plans – Details - Not revised

Mr. Smith stated that they are proposing a minor subdivision on Block 2110, Lot 10 whose address is 75-77 Michigan Ave. in the R-10 zone which is located on the west side of Michigan Ave., in the middle of the block. Sheet 2 shows a 2 family, 2 story dwelling with 2 driveways, covered porch and 2 garages. The lot is 10,492 sq. ft. which they plan to subdivide to make 2 lots, 10.01 would be a vacant lot and 10.02 would have the existing structure on it. Sheet 2 shows in orange what they are planning to remove and pink shows the existing pavement to be removed. He pointed out the wire fencing along Michigan and in the center to the rear line that they are proposing to remove as well.

Mr. Smith listed what is required and what variances they need:

Lot area – R10 zone requires 10, 00 sq. ft. lots

Minimum Lot width of 100 ft. required

Front yard setback of 30 ft. required

Rear Yard setback of 30 ft. required

Side Yard setback of 15 ft. required

Non-Conforming Conditions are:

They will remove the garages that are non-conforming

Side yard on the southerly side is 9.64 ft. to the covered stoop which they will be removing so the setback will then be 13.28 ft.

Front Yard setback is 7.98 ft.

Proposed Lot 10.01 will have the following non conformities and need a variance:

Lot area 5,492 sq. ft. where 10,000 is required

Front Yard setback 21.50 ft. where 30 ft. is required

Side Yard setback – southerly side – 10.50 where 15 is required
northerly side – 10.48 where 15 is required

Rear yard 38.62 ft.

Variance for the patio 27.50 ft. setback

Lot width is 50.61 where 10,000 is required and will be revised on the plans.

For Lot 10.02 is the existing 2 family dwelling will be converted to a single family

Variance are needed for:

Lot area 5,000 where 10,000 is required

Front yard 7.98 preexisting condition where 30 ft. is required

Side yard – 12.32 ft. preexisting condition where 15 ft. is required

Lot width – 50 ft. where 100 ft. is required. Which he will add to the plans.

The wire fence that parallels Michigan Ave. will be removed. The existing tree on proposed lot 10.01 will be removed. They will require Morris County Soil approval. 8650 sq. ft. will be disturbed and the net impervious coverage will be reduced by removing the existing garages and partial removal of the driveway. There will be a net reduction of impervious coverage by a little under 300 sq. ft.

Sheet 3 shows the Building heights. The height of the existing dwelling is 25.5 ft. and the proposed is 26.3 ft. Both heights comply with the ordinance.

A-6, 10-17-17 is a Series of 9 photos of homes on the same side, westerly side of Michigan Ave., as the existing dwelling.

The pictures were taken on 3/25/17 (Lots 8 – 10) and 10/14/17 (Lots 11-14).

They show from Lot 10 to the right:

1st – Lot 9 – 2 story home

2nd – Lot 9.01 – 2 story home

3rd – Lot 8 – Cape

4th – Lot 8.01 – this home faces the side street

To the left of Lot 10:

1st – Lot 11 – 2 story home

2nd – Lot 12 – 2 ½ story home

3rd – Lot 13 – 2 ½ story home

4th – Lot 14 – corner home facing the side street.

A-7, 10/17/17 – 5 photos of homes across the street in Block 2116 and a colorized portion of the tax map. Of the homes that front on Michigan on their side of the street and excluding their lot there are 8 other lots. Of those 8 lot there is not another lot that complies with the 10,000 sq. ft. lot area. 5 of those lots that are 50 ft. wide. As far as front yard setbacks no other house on their side of the street complies with the minimum 30 ft. setback. They vary from 7 ft. to 21.70 ft. For side yard setbacks vary with the minimum being 3.8 ft. and between Lots 11 and 12 there is only 4 ½ ft. between the dwellings. The side yard for the adjacent Lot 9 is 11.75 ft. to their property line. Lot area of 5,000 sq. ft. is in keeping with the most of the other homes on their side of the street. The front yard setback is similar to the adjacent property and is significantly more than the others on their side of the street.

Mr. Smith stated that they will need a rear yard variance for the patio at the rear of the proposed new dwelling. He stated that the property in the rear rises up 2 – 4 ft. and is heavily screened with evergreen trees along the rear that blocks it from the property behind them. He presented into evidence

A-8, 10/17/17 – 3 photos

A – view from Michigan Ave. of site and the trees at the rear of the property

B – view from proposed front porch of the trees at the rear of the property

C – view from rear patio of the trees at the rear of the property

Attorney Caputo stated that the trees are holly trees.

On Sheet 2, Mr. Smith pointed out the sidewalks on Lot 8.01, Lot 9, Lot 11 and half of Lot 12. Lots 8, 9.01, 10, 13 and 14 have no sidewalks. The sidewalks are like hopscotch on their side of the street. There is a sidewalk on the opposite side of the street. He believes this property was 2 lots at one time.

Acting Chairman Steele asked why they are removing the large tree on the proposed building site. He would like to see them save the tree if possible. Mr. Smith marked into evidence: A-8 D- 10/17/17 – tree - which shows the 48” tree they will be removing. The tree falls about half way into the proposed new driveway. They could flip the house and put the driveway on the other side which would require a variance but feels the tree routes would still be disturbed. In his experience when you disturb the route system you usually lose the tree. The tree would be 10 ft. off the front of the new proposed house and the limbs over the top of the roof. The existing house is about 25 ft. away and the picture shows the limbs over that house. They would be willing to replace this tree with another tree planted on the property.

Attorney Caputo stated that there are sidewalks on the other side of Michigan and there side is sporadic. He doesn't feel there is any point to sidewalks in front of their property when they are not continuous. Owner Vega agreed to add sidewalks in front of their property. They have concrete curbs. The Mayor stated that when they redo that street they will fix the curbs.

Mr. Smith referenced the Architectural drawings by Michael Bengis of the proposed 2 story home with a covered porch, which carries the covered porch feature of other homes on their side of the street. He pointed out on the plans for the existing home the southerly basement door that they will be removing as well as the left side door on the main level floor plan. They will be keeping the basement door on the right side. The plans show the side stoops that they will be removing but under the stoops are the basement doors. The access to the home will be from the front and sliders out the back. The deck will be added to the sub division plans. They will revise the plans to show these changes and have our experts approve them.

Mr. Smith went over the Engineer's memo dated 10/9/17.

1. Ok
2. Ok
3. Ok
4. Add to plans and requesting a variance.
5. Pump is required
6. Was discussed tonight
7. Ok add a curb detail for concrete curbs
8. Add sidewalks
9. Not needed for minor subdivision per ordinance
10. Ok
11. Ok
12. 27.05' is correct.
13. Ok

Mr. Smith believes that granting the variance and having a non-conforming use go away is a significant benefit over the variances. They are converting a non-conforming use of a 2 family

dwelling to a single family dwelling. They are reconfiguring the 2 residential units in one dwelling and putting them on 2 separate lots which will then remove the non-conformity. The variances they are requesting are in keeping with the neighborhood and can be granted without substantial detriment to the neighborhood and public good and without substantially impairing the zone plan and ordinance. It will actually be advancing it by having the 2 family use eliminated. It is also an upgrade aesthetically to the character of the neighborhood. In the demolition of the 2 garages they will also be eliminating some other non-conforming uses.

Mr. Smith went over the Planner's report. He already addressed items a, b & c. The applicant will be selling both properties. There is a full bath in the basement of the new dwelling and the basement is not a walkout basement. Councilman Yeager questioned the proposed full bath in the basement. The applicant, Mr. Vega stated that they would be ok with a ½ bath in the basement. The garages will be removed and the driveway will go back 60 ft. from the property line to the back of the existing house along the left side. They will need a variance for 20.9% building coverage of the existing dwelling where 20% is permitted. The new home will have a 1 car garage and a 21 ft. driveway from the front of the structure to the property line.

Planner Caldwell had no comments.

Engineer Borinski asked about the stairs to the basement on the existing dwelling. Mr. Vega that there are stairs there now on the northerly side that they will repair and show on the plans. Mr. Smith stated that the access to the basement on the existing dwelling will be on the northerly side of the house but they will be removing the porch on that side as well as the southerly side. The access to the basement on the driveway side, the southerly side will also be removed. They will show this on the revised plans. They will be removing the fencing on 3 sides of the property and at this time they have no plans to add any new fencing.

Attorney Zakin asked that one of the conditions be that the deeds be reviewed by our professionals and himself. Attorney Caputo agreed.

The meeting was now opened and then closed to the public.

After some discussion about the removal of the large tree on the property it was decided that the Board would like to see the applicant plant a new tree on each lot. The applicant agreed.

Planner Caldwell feels they have made a good case showing that many of the surrounding lots are similar. Eliminating the 2 family, improving the dilapidated structure and adding the sidewalk is a public benefit which is important to the C2 variance they are asking for. Eliminating the 2 family will help eliminate the potential for stacking which is another benefit.

Attorney Zakin went over the Variances and conditions. The application is for a minor subdivision and C variances. The one lot has an existing 2 family dwelling which will be converted to a 1 family. On the other part of the lot they are proposing to build a 1 family dwelling.

Lot 10.02 which is the existing lot, will need variances for:

- Lot size
- Front yard setback
- Side yard setback
- Minimum lot width
- Maximum building coverage

Lot 10.01 which will be the lot with the new structure, will need variances for:

- Lot Area
- Front yard setback
- Side yard setback
- Rear yard setback for the patio
- Minimum lot width

Conditions:

- Successful application to the Morris County Soil Conservation
- Deeds to be reviewed and approved by the Board Attorney and Borough Engineer
- Sidewalks along both lots and approved by the Borough Planner and Engineer
- 2 new trees – one in the front of each lot and approved by the Borough Planner
- ½ bath – not a full bath - in the basement of the new dwelling on Lot 10.01
- Approval of the revised plans by the Borough Engineer and Planner.

Mr. Smith stated that there is a reduction of 295 sq. feet of impervious coverage.

A Motion was made by Thomas Yeager and Seconded by Mark Harris to approve the application with the variances and Conditions just listed. YEA – 8 NAY – 0

A Motion was made by Mark Harris and Seconded by Brian Bosworth to adjourn.
YEA – 8 NAY – 0

Meeting adjourned at 9:00 pm.

Patricia M. Craven – Secretary

Ken Loury - Chairman

