

WHARTON PLANNING BOARD
REGULAR SCHEDULED MEETING
December 12, 2017

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, Mr. Roger Steele, Mr. Peter Rathjens and Mr. Brian Bosworth. Also present were Attorney Alan Zakin, Planner Jessica Caldwell and Secretary Patricia Craven. Excused were, Mayor Willaim J. Chegwiddden, Councilman Thomas Yeager, Mr. Patrick O'Brien, Ms. Jennifer O'Malley-Dorr, Mr. Mark Harris and Ms. Charlotte Kelly. Mr. Jared Coursen was present via phone during the application for Stillman.

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 Peter Rathjens to approve the bills as read. YEA – 4 NAY – 0

The Minutes of the October 17, 2017 was next. A Motion was made by Roger Steele and Seconded by Brian Bosworth to approve the minutes.
YEA– 2 NAY – 0 ABST – 2 (Rathjens, Loury)

The Resolution for the Vega Application was next. A Motion was made by Roger Steele and Seconded by Brian Bosworth to approve the Resolution as corrected.
YEA– 2 NAY – 0 ABST – 2 (Loury, Rathjens)

The Resolution for Escrow Refund for Alarcon was next. A Motion was made by Roger Steele and Seconded by Brian Bosworth to approve the Resolution.
YEA– 4 NAY – 0

The discussion by Planner Jessica Caldwell on front yard exceptions was next. Ms. Caldwell explained that this came up during the Vega application where there is interest in building a structure in between homes that are closer to the street than the required setback and would require them to come before the Board for a variance. If this is their only variance then they would not have to come before the Board. Jon Reinhardt asked Ms. Caldwell to put something together for the Board to consider to recommend to the Council.

This would be a front yard exception with 3 provisions:

1. Where lots have a similar front yard setback and the new structure could use the average of the 2 adjacent setbacks as their front yard setback.
2. Where there is only one non-conforming setback on an adjoining lot and a vacant lot they could take the average of the non-conforming setback and the required setback for the zone.
3. Where there is a prevailing set back along the street you would be able to use that prevailing setback.

Attorney Zakin stated that the symmetry of the street would take precedence over the symmetry of the town.

Ms. Caldwell stated that this would give some flexibility but ultimately the Zoning Officer would make the final decision.

After a brief discussion a Motion was made by Brian Bosworth and Seconded by Roger Steele to recommend this front yard exception to the Mayor and Council, YEA – 4 NAY – 0

Next, under new business was the application for John Stillman. Attorney Zakin explained to the applicant that his application is for a D use variance. We have a combined Board but tonight he is before the Board of Adjustment which has 7 members. Tonight we only have 5 voting members not 7 and he needs 5 affirmative votes. Mr. Stillman was told he could reschedule and have 7 members present or proceed tonight with only 5. Mr. John Stillman stated that he would proceed. Chairman Loury got member Jared Coursen on the phone. Mr. John Stillman was sworn in. He is the owner of 45 S. Main St. which is located on the corner of Mill St. and Main St. The zone is a mixed use which allows for a small business on the first floor and apartment on the second. At one time there was a flower shop on the first floor. He purchased it about 4 years ago with the intent to continue the mixed use. He has found that it has been difficult to rent the first floor to a business but easier for an apartment. Most of the inquiries he has gotten were for an apartment and has made him think that it might be better suited for a 2 family home than a business. His proposal tonight is to make it a 2 family dwelling. He explained the layout of the first floor. He proposed to put a kitchen in the back room and add a shower to the bathroom. It will be a 1 bedroom apartment. There is a large parking lot on the property that will accommodate 10 cars so there is no issue with parking for a 2 family. They are not changing the exterior of the building or landscaping. They may have to take down the business sign that is in the front yard. One of the benefits to the neighborhood is that a 2 family residence would have a stable amount of people going in and out whereas a business could have a lot of traffic. It would also blend very well with the neighborhood. He has upgraded that property since he has owned it. It has new plumbing and electrical as well as a new roof. It has been painted and maintained. Mr. Stillman explained to the Board the neighboring homes and businesses surrounding him. His home was built by Joseph Wharton in 1902 as a single family home.

Planner Jessica Caldwell stated that she submitted a report dated December 2, 2017. The property is in the B1 zone where apartments are allowed over commercial but not multi families. Residential is not permitted on the first floor. Based on what Mr. Stillman was describing that it was formerly residential, has residential character, that area is more residential in character, adequate parking, building is readily adaptable to an apartment, no change to the outside, less traffic and tenants feeding the local businesses it shows that this is a suitable use for the site. He will be removing the sign and maintaining the property which will improve the visual appeal of the property. Having this use is better than having a vacant space downstairs. Jessica stated that she found 7 parking spaces which is adequate parking for the tenants and their visitors.

Mr. Stillman stated that there are motion sensor lights for the parking lot and the stairs. There was some discussion about the staircase inside the first floor which has a door at the top of the stairs that has a lock on both sides.

The meeting was now open and closed to the public.

Attorney Zakin stated that we have a use variance application. They are in the B-1 zone which does not allow a residence on the first floor. There are no bulk variances and no structural change.

Conditions would be:

- 1: Removal of the Sign
- 2: Fire Chief to see that existing egress is adequate on the 2nd Floor.

A Motion was made by Roger Steele and Seconded by Brian Bosworth to approve the application with the 2 conditions listed. YEA – 5 NAY – 0

Next was an update by Attorney Zakin about CCKK, LLC. They filed a lawsuit against CCKK, LLC. and soon after CCKK, LLC. asked to settle. The paperwork should be signed today or tomorrow by Judge Brennan. They bifurcated the agreement in order to settle. For the first part they have to have a plan to fully restore the conservation easement with the approval of the DEP, EPA and Borough. The second part is filing for an amended site plan for Lots 20 and 23 which must be submitted no later than January 5, 2018. We are planning on a special meeting to be held no later than January 31, 2018 with a tentative date of January 30, 2018. If a second meeting is needed it must be held no later than February 28, 2018 with a tentative date being February 27, 2018. If all this goes through they will hold a status meeting with the Judge on February 1, 2018 to make sure everything is being complied with. Meanwhile their stop work order remains until the Judge and Borough are satisfied. Some discussion followed about all the violations on the site and because these violations were not on the original site plan they have to come back before the Board with an amended site plan.

Secretary Craven will send out an email to the Board members and professionals to see if the tentative dates of January 30th and February 27, 2018 work for everyone.

A Motion was made by Roger Steele and Seconded by Peter Rathjens to adjourn the meeting. Meeting adjourned at 8:32 p.m.

Patricia M. Craven – Secretary

Ken Loury - Chairman