

WHARTON PLANNING BOARD  
REGULAR SCHEDULED MEETING  
May 9, 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, Ms. Charlotte Kelly, Mr. Roger Steele, Mr. Jared Coursen, Mr. Brian Bosworth and Mr. Peter Rathjens. Also present were Attorney Alan Zakin, Planner Malvika Apte and Secretary Patricia Craven. Excused were Mayor William J. Chegvidden, Councilman Thomas Yeager, Mr. Patrick O'Brien, Ms. Jennifer O'Malley-Dorr and Engineer Christopher Borinski. Mr. Mark Harris arrived after roll call at 7:15 p.m.

The Pledge Allegiance to the Flag was next.

The Minutes of the April 11, 2017 Planning Board Meeting was next. A Motion was made by Peter Rathjens and Seconded by Brian Bosworth to approve the minutes.

YEA - 5 NAY- 0 ABST - 1 (Kelly)

The Resolution for Quinolly, LLC Variance Application was read  
Corrections:

Page 4 - Item #4 – the word associate should be associated.

Page 8 – Item #40 is the same as #41 – Board agreed to eliminate #40 then renumbered.

Page 11 & 12 – Item #e – k – to be relettered to read c – i.

A Motion was made by Roger Steele and Seconded by Jared Coursen

YEA – 6 NAY – 0 ABST – 1(Kelly)

The Variance Application for Lastra and Filipski was next. Applicant Diana Filipski, co-owner of the property with her father, addressed the Board. Her father, Mr. Lastra, was at the meeting but had just stepped out. They own a 2 story building with a detached garage for mix use. There are 2 offices with a shared bathroom on the first floor and a 2 bedroom, 1 bathroom apartment on the second floor. They are proposing to convert the 2 offices on the first floor to a 2 bedroom apartment. Currently there are multiple vacancies for offices along Main Street and a high demand for apartments. They are located on Main Street and a have a U shaped driveway that would not affect the traffic on Main Street. There is ample parking behind the building. They have 7 parking spots. For a 2 bedroom they need 2 spots so in total they would need 4 and they have 7. The building sits back from the road, they have a front yard and a small porch. The building looks like a house and would clearly fit in with a residential area. They are not proposing any changes to the outside of the building. They will be removing the sign that is in the front yard. This section of Main Street has many multifamily homes. There is a mix of 2 to 4 family homes with some side by and some up and down. There are 3 multifamily across the street and one residential next door to the property. This property blends in very well with the neighborhood.

Ms. Filipski stated that she did speak with Planner Caldwell about her memo which stated they are proposing 3 apartments when they are only proposing 2 apartment with 2 bedrooms each. The offices downstairs had been previously rented to an attorney and a painter.

A-1 5/9/17 Front of the exhibit shows 2 pictures of the buildings across the street  
Back shows the parking in the rear of their building.

Ms. Filipski stated that the accessory building is used for storage/office and currently is used by a painting company to store his supplies. After some discussion it was agreed that the accessory building will only be used by the rental apartments. There will be no commercial use or any rental whatsoever of the accessory building. The painter that has his supplies there now would have to be out of there before they receive the Certificate of Occupation for the renovated downstairs apartment.

Planner Apte stated that they would need a variance for the residential use on the 1<sup>st</sup> floor. The apartment on the second floor is allowed. In the CBD zone residential usage is allowed on the second floor and retail and commercial usage on the first floor. They have enough parking, 4 are required and they have 7 spaces.

Ms. Filipski stated that they will include in the leases for their tenants that they prefer that they park in the lot behind the building rather than on Main St.

John Filipski was sworn in. The co-owners are his wife, Diana Filipski and father-in law Federico Lastra. He testified that the trash will be put out to the curb so a trash enclosure is not needed. There are 2 concrete slabs in the back of the house on either side of the where the back door juts out to keep the garbage cans. He pointed this out on the survey which he marked into Evidence as A-2, 5-9-17 Survey dated 3/23/17 by Thomas Yeager.

Planner Apte stated there is no site plan with this application and she suggested a waiver for the following items, Site plan, detailed zone table, landscaping plan, signage detail and lighting plan. Given the nature of the application she has no objection to these items not being provided. She asked how the parking would be lit in the back. Mr. Filipski stated that there is lighting on both the front and back porches. They agreed to put a sensory light in the back.

Planner Apte stated there are some preexisting conditions.

1. No rear yard setback because of the garage – 0 feet.
2. RM75 is right next to the CBD zone. The ordinance requires a 10 foot buffer between the 2 zones. There is no buffer because of the garage which is preexisting. It shouldn't matter because this use is a residential use.

Ms. Apte had some technical questions that she wanted put on record. A use Variance is needed for the first floor apartment. They must show the positive and negative criteria. She asked the applicants if it is their opinion that:

1. For the Positive criteria this application promotes efficient use of the land and promotes general welfare and wellbeing. The applicants agreed.
2. As far as the negative criteria there is no negative impact or substantial impairment to the public good. No substantial impairment on the zone plan or Master Plan. The applicants agreed.
3. Is this site suitable for this type of use? The applicants agreed.

Planner Apte stated that the driveway width allowed is 12 ft. They have one driveway that is 12 ft wide but the other is 11.5 ft. It is a preexisting non conformity.

The meeting was now open to the public and having no public it was closed.

The discussion expressed the sentiment that this was a good application, it is consistent with the homes in the area, has ample parking on the property, the landscaping is being updated so they should have no problem renting the apartment and there are plenty of other places along Main Street for commercial uses.

Attorney Zakin went over with the Board the variances and conditions.

Variance:

D-1 Use Variance to convert 2 offices on the first floor to 1 – two bedroom apartment.

Conditions:

1. Accessory building not to be rented for commercial use – only for use by the tenants in the building.
2. Applicant to let the tenants know that they would prefer that they park in the lot behind the building rather than on Main Street
3. Motion or sensor lights on the rear of the building to illuminate the parking.
4. Commercial sign in front yard to be removed.

A Motion was made by Mark Harris and Seconded by Jared Coursen to approve the application with the variance and conditions just listed. YEA- 7 NAY – 0

A Motion was made by Mark Harris and Seconded by Roger Steele to adjourn.

YEA – 7 NAY – 0

Meeting adjourned 8:15 pm.

---

Patricia M. Craven - Secretary

---

Ken Loury - Chairman