

WHARTON PLANNING BOARD
REGULARLY SCHEDULED MEETING
August 14, 2018

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 as well as the Judicial Proceeding Statement

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

The Pledge Allegiance to the flag was next.

Next, was the reading of the bills, A Motion was made by Brian Bosworth and Seconded by Jared Coursen to approve the bills as read. YEA – 8 NAY – 0

The Minutes of the July 10, 2018 Planning Board Meeting was next. A Motion was made Peter Rathjens and Seconded by Brian Bosworth to approve the Minutes
YEA - 7 NAY- 0 ABST – 1 (Harris)

Next, was the Resolution for escrow refund for Yaros and Canal House. A Motion was made by Brian Bosworth and Seconded by Peter Rathjens to approve the Resolution as read.
YEA – 8 NAY – 0

The Resolution for CCKK, LLC & JR BON 7 was next. After the Resolution was read, a lengthy discussion followed, the meeting was opened and then closed to the public and the following changes were made:

Page 1 Paragraph 1 – 6th line – take out the first word in the sentence – **industrial**

Page 3 Paragraph 2 – Last line – **an** should be **a**

Page 4 Paragraph 2 – Last Exhibit should be **A-7**

Paragraph 2 – Add **Exhibit A-8-5/08/18 Amended Final Site Plan by Dykstra Walker, With red markings by Dean & Dolan indicating signage and striping**

Page 4 Paragraph 3 – take out **no other members of the public availed themselves of the opportunity to comment on the Applicant's project**

Page 4 Paragraph 4 - #1 – line #3 the word **for** should be **far**

Page 5 Paragraph 5 – 4th line – take out **cash performance bonds**

Page 6 #5 – 2nd line – change **west** to **western portion**

Page 8 #12 – second line – add the word **of** after configuration

#13 – Mark should be **Marc**

#13 – 3rd line – **space** after the word about

#14 – 2nd line – **space** after the year 2001

Page 9 #20 – 2nd line -), after the word road

- #21 – 2nd line – replace the word **internally** with **back** and take out the word “Building
 - #22 – 1st line should read after the word facilities – **(other than the Haunted Scare House), whose original conditions were established in 2007, will continue to apply where applicable; and**
 - #22 – **Remove a through j**
 - Page 10 Paragraph after Item J – 2nd line add after force – **if not already satisfied or if satisfied by the Resolution herein:**
 - Page 12 Item #2- 3rd line – **borough** should be **Borough**
 - Page 13 Item #2 – 3rd line – after **enforceable** change to **by all legal means**
 - Page 14 Item #4 – **take out completely**
 - Page 15 Item #5 – **Period** at the end of sentence
 - Item #10 2nd line – after the word again add **in accordance with the plan and**
 - Page 16 Item #11 3rd line – after G add **storage**
 - 4th line – **site** should be **sight**
 - 4th line – after sight) add **,in accordance with the plan and as designated by the Borough Engineer and Planner.**
 - Item #14 2nd line – **professional** should be **professionals**
 - 6th line – replace **as soon as possible** with **in accordance with Attachment B**
 - Item #18 Changed to read: **If recreation uses are located in Building D or Building G, fencing along the perimeter of the site adjacent to Route 80, extending as far as necessary for safety, must be constructed by the Applicant to the specification of, and to the satisfaction of municipal official(s) designated by the Borough Planner, Engineer, Fire Chief and Police Chief, or no CO will be granted to the recreational tenant applicant.**
 - Page 17 Item #19 Changed to read: **Original approval for the recreation facilities (other than the Haunted Scare House), whose original conditions were established in 2007, will continue to apply where applicable; and**
 - Item #19 take out **a through h**
 - Item #21 **take out completely**
- Items 1 through 25 to be renumber 1 through 23**

ATTACHMENT A changes:

Page 1 Title – 2nd line – add **Summary of** in front of Land

ATTACHMENT B changes:

Page 1 – Paragraph 1 - 1st line – replace **suggested** with **agreed**

2nd line – take out **and appropriate**

Paragraph 2 - 2nd line – after elements add **as**

take out **final resolution** and add **Resolution and Attachments herein**

5th line – take out **the entire sentence that starts with Reasonable and**

A Motion was made by Jennifer O’Malley Dorr and Seconded by Jared Coursen to approve the Resolution and Attachments A & B as amended. YEA – 7 NAY – 0 ABST – 1 (Harris)

Next, under New Business, was the Presentation and Discussion by Planner Caldwell of the Sign Ordinance. Ms. Caldwell addressed the Board who all had a copy of the Sign Ordinance O-xx-18, which is the Borough's sign ordinance with some proposed additions. Ms. Caldwell stated that she and the Zoning Officer, Chick Moreno had worked on the proposed additions. Many of the additions are items he addresses on a consistent basis. They are primarily addressing lighting for signs and gas station signs.

Ms. Caldwell went over the proposed additions:

Pages 1, 2 & 3 are the proposed additional definitions which she went on to explain each one to the Board. They were clarified to help the Zoning Officer when reviewing zoning permits.

Page 7 – (i) Holiday decorations and light – after some discussion it was agreed upon to change it to read **no more than 45 days before and 45 days after the holiday.**

Page 9 – 2(a)/2/ - **delete all**

(a)/3/ - change **below** to **above**

Page 10- (3) **Freestanding signs** was added

Page 12 – (n) **Roof signs 1 through 4** was added

Page 12-13 (o) **Gas stations Signs 1 through 5** was added

Page 14 – C – line 3 - **Housing and Zoning Officer** was added

Page 15 –

Illumination

B – **Line 1** was added

C – **Halo-lit signs are prohibited**

G- **Digital Pricing Signs – permitted** was added

General Regulations

B – **Last Line – nor shall it project on or over a sidewalk – was deleted**

F – **Last Line – add the word not before be**

Delete last sentence that start with – Notwithstanding.....

The meeting was opened to the Public. Mr. Parikh mentioned about the stores with all the signs in the windows and was told that that was an enforcement issue and was advised to see Mr. Moreno. He also brought up the subject of the bright tube lights in the windows of some stores and was told that they were prohibited in town. The meeting was then closed to the public.

A Motion was made Mark Harris and Seconded by Peter Rathjens to adopt the proposed changes and recommend them to the Mayor and Council. YEA – 8 NAY – 0

Planner Caldwell went on to inform the Board that they are starting to work on the Redevelopment Plan and looking to have it ready by either September or October. They are considering mixed use; residential over retail along Main Street and similar standard to what they did for the Green Tent. She will take any suggestions, ideas or thoughts from the Board as well as the public. They will have a review either in September or October and then they will refer it to the Mayor and Council.

Mr. Rathjens stated that he would like to keep some Free Municipal parking.

Planner Caldwell stated that they also have some Highlands Plans coming up for adoption.

Mayor Chegwidden stated that Dover and Wharton are in the Enterprise Zone which brings in developers that want to build within Wharton. It gives them the tax breaks to build in Wharton and more incentive than the Redevelopment.

The meeting was now open to the public. Bryan Lance of 113 Old Irondale Rd., Wharton brought up the subject of both sides of the street parking on Main Street and was concerned about cars and people getting hit. He suggested possibly alternate side of the street parking. Mayor Chegwidden stated that that concern has been brought up to the Mayor and Council. They certainly do not want to hurt the businesses in town. People do not want to walk, if they can't park in front or behind the businesses they won't stop. Maybe when they put in the parking lots they might consider the alternate side parking. They had the spaces striped for that reason. Peter Rathjens stated that the Chief had said that the striping slows people down when coming through town.

Mr. D. Parikh of 22 N. Main St. asked how the area will be redeveloped if they don't acquire the land. What plans do they have? Ms. Caldwell stated that it is basically like a zoning plan. They can zone for the area without acquiring the parcels. It is up to a developer to acquire the parcels to develop the land. It puts the zoning regulations in place so that certain things can be built. Rita Parikh asked about the parcels next to her property and what was planned. Ms. Caldwell stated that they would be retail with apartments above. The developer will have to come before the Board with a site plan.

The meeting was now closed to the public.

Next on the agenda was the MEL Land Use Liability Policy training by Attorney Zakin. Board members Roger Steele, Marc Harris, Jennifer O'Malley-Dorr, Jared Coursen and Secretary Craven were in attendance.

Attorney Zakin went through the presentation titled 2018 Land Use Liability Seminar with the Board members present. Attorney Zakin stated that proposed legislation may allow individuals to OPRA your personal and/or Wharton emails and text.

The members in attendance signed the sign in/out sheet and returned it to the Secretary.

A Motion was made by Mark Harris and Seconded by Jared Coursen to adjourn.

YEA – 4 NAY – 0

Meeting adjourned at 10:00 pm

Patricia M. Craven – Secretary

Acting Chairman Roger Steele