

WHARTON PLANNING BOARD  
ANNUAL REORGANIZATION MEETING  
January 14, 2020

The Annual Reorganization Meeting of the Wharton Planning Board was called to order at 7:00 p.m. with Attorney Alan Zakin reading the Open Meeting Statement as required by law as well as the Judicial Proceeding Statement.

Attorney Zakin swore in Members Brian Bosworth, Ken Loury, Roger Steele, Mark Harris and Barb Chiappa.

ROLL CALL was taken and the following members were present: Chairman Ken Loury, Mayor William J. Chegwiddden, Mr. Roger Steele, Mr. Marc Harris, Mr. Patrick O'Brien, Mr. Peter Rathjens, Mr. Brian Bosworth, Mr. Christopher Fleischman and Ms. Barb Chiappa. Also, present were Attorney Alan Zakin, Planner Jessica Caldwell, Engineer Christopher Borinski and Secretary Patricia Craven. Excused were Ms. Charlotte Kelly and Councilwoman Nicole Wickenheisser.

Attorney Alan Zakin led those present in the Pledge of Allegiance to the Flag.

Mayor Chegwiddden nominated Ken Loury for Chairman. A Motion was made by Mayor Chegwiddden and Seconded by Roger Steele to nominate Ken Loury as Planning Board Chairman. YEA - 9 NAY - 0

Ken Loury nominated Roger Steele for Vice Chairman. A Motion was made by Marc Harris and Seconded by Brian Bosworth to nominate Roger Steele as Vice Chairman.  
YEA - 9 NAY - 0

Chairman Ken Loury read the following appointments:  
Planning Board Attorney – Alan Zakin, Planner – J. Caldwell and Assoc., Engineer – CHA,  
A Motion was made by Brian Bosworth and Seconded by Christopher Fleischman to approve the appointments YEA - 9 NAY - 0  
Secretary – Patricia Craven - A Motion was made by Christopher Fleischman and Seconded by Marc Harris to approve the appointment YEA - 9 NAY - 0

Chairman Ken Loury read the following designations: Official Paper – Star Ledger, Second Official Paper - Daily Record. A Motion was made by Brian Bosworth and Seconded by Christopher Fleischmann to approve the designation. YEA - 9 NAY - 0

The Resolution for the Meeting Dates for February 2020 through January 2021 was read. A Motion was made by Brian Bosworth and Seconded by Roger Steele to approve the dates. YEA - 9 NAY - 0

A Motion was made by Roger Steele and Seconded by Brian Bosworth to adjourn the reorganization meeting. YEA - 9 NAY - 0

WHARTON PLANNING BOARD  
REGULARLY SCHEDULED MEETING  
January 14, 2020

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 as well as the Judicial Proceeding Statement.

ROLL CALL was taken and the following members were present: Chairman Ken Loury, Mr. Roger Steele, Mr. Marc Harris, Mr. Patrick O'Brien, Mr. Peter Rathjens, Mr. Brian Bosworth, Mr. Christopher Fleischman and Ms. Barb Chiappa. Also, present were Attorney Alan Zakin, Planner Jessica Caldwell, Engineer Christopher Borinski and Secretary Patricia Craven. Excused were Mayor William J. Chegwiddden, Councilwoman Nicole Wickenheisser and Ms. Charlotte Kelly.

The reading of the bills was next. Bill for 170 N. Main St escrow refund should read \$5137.00 A Motion was made by Peter Rathjens and Seconded by Christopher Fleischman to approve the bills as corrected. YEA – 8 NAY – 0

Chairman Loury stated the application for DePiano, that was scheduled for tonight, was asked to be carried to the March 10, 2020 Planning Board Meeting, without further notice. A Motion was made by Christopher Fleischman and Seconded by Marc Harris to carry the application to the March 10, 2020 Planning Board Meeting. YEA – 8 NAY – 0

The Minutes of the December 10, 2019 Planning Board Meeting was next. Attorney Zakin stated that he had given the secretary some minor changes prior to the meeting. A Motion was made by Peter Rathjens and Seconded by Barb Chiappa to approve the Minutes with the prior changes.  
YEA -8 NAY- 0

The Resolution for 9<sup>th</sup> Wave was read by Chairman Loury. The following changes were made:  
Page 1 #4 - #2 should not be in parentheses

Page 4 #1 – add the daughter's name Lacey, who was not present and serving in the Navy  
#2 – should be August 2018

Page 5 #11 – change already to, /status

Page 6 #1 - Add rear yard after 0.5 ft

Page 8 #2 – Add no living area

Page 9 #15 – should read Recommendations must be approved for appropriate markings for parking on street outside of building as approved by Board Engineer and Borough Police in order to facilitate ingress and egress for off street parking.

A Motion was made by Roger Steele and Seconded by Christopher Fleischman to approve the resolution with the corrections. YEA – 8 NAY - 0

The Resolution for Escrow refund for Kamson Corp for \$3922.19 and 170 North Main St. LLC for \$5137.00. A Motion was made by Brian Bosworth and Seconded by Marc Harris to approve the refund. YEA – 8 NAY – 0

Next on the agenda was the update from Engineer Borinski on Wharton Industrial/CCKK, LLC. Attorney Zakin stated that because Wharton Industrial/CCKK, LLC did not comply with the most recent construction schedule which was to have the removal of the rocks completed by Friday January 10<sup>th</sup>. We have Mr. Patrick Turzi, representing Wharton Industrial, CCKK, LLC and their Attorney Ermel here tonight. Borough Attorney Bill Johnson was also present. After a lengthy discussion about the timeline dates Mr. Turzi stated that there have been multiple breakdowns of the rock crushing equipment that have caused the delays. They have 2 crushers on site and they are very difficult to repair. They are up and running at this time. They have 1 weeks' worth of processing, if the equipment runs well, so they should be done in about 1 week. They are about 90% complete. The gooseneck lighting is complete.

Attorney Zakin stated that they have sent them a revised schedule and asked if there were any other deadlines that they would not be able to meet. If for some reason they cannot meet any of the deadlines going forward, they want to be timely notified of the same. Ms. Ermel stated that all the dates work except for the date for the wall. Mr. Turzi stated that if for some reason the equipment breaks down and they cannot get the crushing done by the deadline they will bury the remainder of the rocks under Building G. Engineer Borinski stated that a reasonable date for completion would be February 10<sup>th</sup>. If not, they will be back before the Board on February 11<sup>th</sup>. Attorney Zakin asked them to submit an update on the progress on February 4<sup>th</sup>. Mr. Turzi agreed.

Mr. Johnson would like Mr. Turzi to pre order plantings for the conservation easement. Mr. Turzi stated that he would be ordering in February.

Chet Mosko from Port Oram addressed the Board with a site plan change presentation. He presented page 3 of the site plan as well as an as-built showing the locations of the existing crosswalks and bus stop. The second sheet of the as-built shows the wall and parklet area they are proposing which they shifted away from the venting area of the underground gas utility infrastructure. They will be removing some existing fencing where they are proposing to locate the new wall. The size of the new wall at each end will be 5ft 2" and the white existing fencing is 8ft high. Chet stated that the construction of the wall will be built out of pressure treated, marine grade plywood. They will not have continuous footings; they will have random sonic tubes with threaded rods that will anchor the wall down. They will face the wall with thin slices of real brick that will match the building. They will have an inlay section for the sign. The cap material will be made out of wood, fiberglass and resins to pick up the precast that they have on the building. The last page shows the configuration of the wall, which is more central now near the crosswalks and also the plantings they are proposing. He pointed out the placement of the 2 benches and the property line for the site and stated that the proposed grass area between the proposed arborvitae and the road is town property. He stated that he can put pavers in the entire area in front of the wall if the Board prefers. The Board agreed that the pavers would in fact be preferred. Some discussion followed on the wording and design of the sign and it was that it would be branded with Wharton Borough and/or something along that line indicating the section of Wharton, perhaps with the same shape as the Wharton logo.

Planner Caldwell stated that she felt this plan was substantially similar to what was approved and feels this would be a field change. She does not feel they need a site plan amendment. Chairman Loury thinks it is a great compromise and in the spirit of what was originally approved. He has no issues with this plan but was just a little concerned with the location of the parklet. He feels it is not in the center as you come up Main Street but more on the side and wondered if it will look

awkward. Ms. Caldwell thought it faces the street more this way, there is not much more you can do with it. Ken reiterated that they want all pavers.

Chet stated that they expedited the louvers and they will be shipped next week.

Next on the agenda was the application for Equinet. Attorney for the applicant, John Wyciskala addressed the Board.

They are here tonight for the property located at 47 Kossuth Street, the Canal House property Block 1212, Lot 14. This is the second part of their bifurcated application. This Board granted them use, density, height and bulk variance relief by resolution that was memorialized November 2019 which permitted them to redevelop this site with a 60 unit, multifamily residential 4 story apartment building over underground parking. They are here for the 2<sup>nd</sup> phase and are seeking preliminary and final site plan approval. The plans that they have submitted are consistent with the plans that were presented to the Board throughout the 1<sup>st</sup> part of the application. They have made improvements to the landscaping. They are compliant with all the variances. They had proposed an 8 ft. fence at the prior meeting but he didn't think a variance had been granted for that. They have added more parking spaces and are now proposing 122 spaces.

Engineer Marc Gimigliano, Architect Johnson, Samuel Masucci and Rick Reimers were all sworn in.

Engineer Gimigliano was accepted as an expert witness in Engineering. He gave an overview of the application. He highlighted what was agreed upon at the last meeting and the numbers.

A-1, 1/14/20 – Color copy of the site plan layout was marked into evidence.

Building will be in the same spot - same footprint

Original building and variance were for 48 ft – 4 story apartment building over below grade parking

Building will be 47.4 ft. – 4 story apartment building over below grade parking garage

60 units – Same as what was proposed

4 - studio units

40 – 1-bedroom units

15 – 2-bedroom units

1 - 3-bedroom unit

RSIS standard 112 parking spaces

Proposed 122 **parking spaces** – 29 below grade, 93 surface spaces (gives them a little leeway in case they have to eliminate any spaces in the garage for storage area or utility meters)

They will still have more than the 112 spaces required. They were able to eliminate 2 tandem spaces leaving 10 spaces nearest the property to the west and added landscaping in that area.

They eliminated 5 spaces along the north property next to lot 14.01 that faced the neighbors. The 8ft. fence along there will fully screen the parking lot from all the neighbors and there will be no headlights shining on the neighbor's property.

**Impervious coverage** that was approved was 78% and these changes have brought it down to 75%.

**Building coverage** approved at 20% and is now 19%.

The front, side and rear yard setbacks will remain the same and comply with the ordinance.

**Fencing** - they are still proposing an 8 ft fence around the property

**Landscaping** – evergreen trees around the perimeter of the property

Shrubs along the foundation of the building

Shade trees in the parking lot.

**Lighting** – 12 ft high pole mounted lights, all shoe box downward facing LED lights that have shields on them so they do not illuminate onto any of the neighbor's properties.

**2 Entrance driveways** – they will add regular pavers to the main entrance driveway at the intersection of Orchard Street and Kossuth to delineate it as the entrance to the complex and not a continuation of Kossuth St. They will add landscaping around the entrance and a site identification sign which will be 4ft. high x 6 ft. wide, monument sign on the north side. It will comply with the ordinance.

**Parking lot** – the outer parking lot will be asphalt; the closer parking lot will have permeable pavers which have wider gaps between the pavers with sand or gravel in between to allow water to flow through and get to the stone beneath the pavers. There will be no run off onto adjoining properties and will comply with storm water management. They will also have drains around the parking lots and an overflow pipe.

**Utilities** – water and sewer

8" water main off of Kossuth St. to the site will remain

New service to the building from the existing water main on Kossuth St.

They added 2 fire hydrants on site in front of the building

Underground utilities will be electric, gas and cable.

Sewer – gravity sanitary sewer system on Washington Street which extends down Kossuth Street to the westerly end of their property. That manhole is higher than all the homes on Orchard St. and the Canal House and is why all the homes on Orchard Street and the Canal House all have individual grinder pumps. Unfortunately, they cannot extend the live sewer lines to those homes. This project will be connecting to the sewer line beyond where the Orchard Street residence are connected, that way they will not disrupt their service when they connect and there will be no change to how their sewer systems work on Orchard Street. They are proposing a new pump station on site to pump into a gravity man hole.

They went over the Engineer's report dated 1/9/20.

#2 – Waivers - Mr. Gimigliano stated that there were design waivers required for the parking setback from the front property line. Parking spaces have to be 15 feet from the front property line, 5 ft from the side line and 25 ft from the street intersection. Currently the parking is only 7 ft. from the front line, on the original application it was 9 ft. and now they have moved it back to 11 ft. They will need waivers for the front line and also several spaces along the side property line. They will also need waivers that were not discussed at the last meeting for the parking which has to be within 150 ft of the building entrance – some of the back-parking lot space are about 275 ft. and will require a design waiver. Driveway entrances are required to have 40 ft between them and the 2 entrances are 23 ft. apart.

#8 Loading Spaces – they have 2 – 12'x 30' loading spaces in the back of the building which are required to be no less than 12'x 35' each. They are away from the residential neighbors. They have a 1 way- 18' wide road around the building which narrows down to 12 feet near the loading area. It is wide enough for most vehicles to get around the building even if the loading spaces are occupied. The loading area is mainly for move in/move out procedures and the total of the 2 spaces would be 12' x 60'. That area behind the building is 24' wide including the loading area. They will provide signage for the loading area.

#9 Parking Garage – there will be a ramp leading down to the parking garage which drops down a couple feet but the entire parking garage area is level with either concrete or asphalt paving. The tenants can then walk to the building elevator or stairs both located in the garage. There are no sidewalks in the garage area. The only opening in the back of the garage is the door way.

#10 – Sidewalks – there is a sidewalk on the north side of Kossuth St. They have no sidewalk connection from their parking lot to the sidewalk on Kossuth St. They can add a sidewalk along the driveway entrance that wraps around to the right of way so that it lines up with the sidewalk.

#11 – they are proposing proper illumination in the parking lots and the front of the building to make it safe for pedestrians to get to and from the vehicles to the building. They will exceed the maximum foot candle in the front of the building but feel it is an appropriate illumination level for the safety of the pedestrian. They will need a design waiver. They will be below the maximum level in the rear of the building. There will be no building lighting except at the entrance.

#15 – Fencing – an 8 ft. perimeter fence was approved. They will be removing the existing 6 ft. fence. After some discussion with the Board and Orchard St. resident Paula Biseglia it was decided that they will put the fence along the property line and plant the landscaping on the applicant's side of the fence and not the adjacent Orchard Street property owner's side as shown on A-1. At Ms. Biseglia's request they will plant evergreens that do not produce pinecone. They will have a fence along the parking lot adjacent to Ms. Biseglia's property to screen any headlights. The fencing they are proposing is a 8 ft fence with the decorative top like the one at Port Oram. It may be slightly different to ensure the headlight do not shine through to the neighbors' homes.

#16 – Ok

#17 – OK

#18 - #25a – OK

#22 – Recycling/Trash – No superintendent – The front entrance area will be open 24/7. From that point on it is only accessible by resident with a key code. Maintenance people will be on site every day and they will manage the recycling and trash daily. Every floor has shoots for recycling and trash. The trash and recycling will be picked up 2 – 3 times a week, depending on the need, by a private hauler. They will have a management company and call service for any problems on the off hours. Typically, you have a super on site for 100 units or more.

#25b – For the most part the grading in the parking lot is 2-3%, but there are a couple areas on the access drive on either side of the building where the slope is 4% which is still a fairly flat slope. These pavers function up to a 4% grade which is the reason they designed it that way. They would like to maintain that 4% slope. They will provide more information from the manufacturer on the pavers as requested by Engineer Borinski.

25C-L – ok

26 – ok

27 – ok

Engineer Borinski asked for more shade trees in the parking lot. They can add 2 more as well as change some of the flowering trees to shade trees and that should comply with the ordinance.

Marc Harris thought that the overall design and modifications is a step in the right direction as far as taking care of the existing residents of the area.

Mr. Gimigliano stated that the sign for the entry to the Irondale Commons apartments will be brick. Planner Caldwell stated that the materials should be coordinated with the building.

Attorney Zakin read and asked both professionals about condition #14 of the Resolution for the 1<sup>st</sup> part of this application. Engineer Mark Gimigliano stated they did look at that and because of the elevation differences they are not able to provide a linkage from the homes on Orchard St. to the sanitary sewer. They will be tying into the sanitary sewer and will not have any effect on the Orchard Street properties. Engineer Borinski stated he agrees with Mark and that for the homes

on Orchard there is no way to get gravity to the existing sewer on Kossuth. Attorney Zakin stated that he will take this condition out for the new resolution.

Item K will stay,

Item L as discussed

Item J & M were addressed

Item P – after much discussion there was already testimony adding a small section of sidewalk on the applicant’s property near the entrance and will be shown on the revised plans. There will be no crosswalks on the plans.

Attorney Zakin stated that the new site plan reflects all the changes presented that were memorialized in the last resolution.

The meeting was now open to the public.

Paula Biseglia of 2-4 Orchard St. addressed the Board. She stated that at the last meeting Officer Young talked about a canvas that they were going to be doing in regard to parking on the street. She has not had anyone come to her door to question her about this. The Board has not heard any more about this from the police dept. It was suggested that she reach out to Officer Young. She asked where the fire hydrants would be located which was pointed out on the plans by Engineer Gimigliano. She also reminded them that she wants evergreen trees behind her property that don’t produce pinecones She thanked the applicant for working with her concerns and felt they went above and beyond.

The meeting was now closed to the public.

Architect Stuart Johnson, of Minno Wasko was qualified as an expert Architect and Planner. He prepared the architectural plans for the new 60-unit multi-family apartment building. They will have 4 studio units, 40 – 1- bedroom units, 15 – 2- bedroom units and 1 – 3- bedroom unit. 6 of these units will be affordable units consisting of 1 - 1-bedroom units, 4 – 2 - bedroom units and 1 – 3- bedroom units. They will comply with the Borough Ordinance as well as state regulations. The project, as designed, generally matches the building footprint and envelope that were presented at the first part of the application, they are still at 60 units, 4 levels of apartments and below grade parking garage. The building height of 47.4 ft complies with what is allowed.

Mr. Johnson went over the concept building plans that were submitted in the packets.

Page 1 – shows the layout of each of the floors and the concrete 29 space basement garage.

The building is 4 levels at the front and 5 at the rear, which represents 4 levels of apartments and 1 below grade parking garage. There is access around the building. The entrance to the garage is at a lower level in the rear. There are 93 surface spaces on site which were mismarked on the plans as 95. They have a total of 122 parking spaces. They also have the garbage and recycle termination room in the basement and also the elevator. Each floor has their own refuse shoot. There are approximately 15 units per floor which shifted from what was previously testified to but they still comply with the affordable housing. The units with the C are the COAH units which are located on the 1<sup>st</sup> and 2<sup>nd</sup> floors. You will not be able to tell which units are COAH units, they will have the same exterior look as all the other units. The COAH units will have the same or comparable appliances and cabinetry.

They will comply with all of the life safety measures mentioned in the Fire Chief’s memo dated March 29, 2019 and what was previously presented and agreed upon.

Attorney Wyciskala stated that the number of COAH units were based on the net increase in units. Ms. Caldwell stated that they are not in compliance with the ordinance the way they are proposing it. It was part of the discussion during the use variance and she would like it to be a condition and they get some kind of final approval. She has some additional information since the last hearing. She is hoping to get approval from Fair Share Housing to change the ordinance to allow the net. Mr. Wyciskala stated that if that does not happen, they will comply. Attorney Zakin stated that they will make that a condition of approval and will work with the Borough Attorney in drafting the developer's agreement. Chairman Loury asked that the plans going forward and any marketing not delineate the COAH units. Mr. Johnson stated that they were marked on the plans only for the purpose of the site plan application and will not be on any future plans.

Mr. Johnson went on to the exterior of the building. Attorney Zakin mentioned a condition from the resolution – building material and façade per approval of the Borough Engineer and Planner. A-2, 1-14-20 – Concept Building Elevations – colored rendition

Item #1 – Proposed South Elevation – Right Side

Item #2 – Proposed West Elevation - Front Side

The elevation submitted here are the same as what was submitted except that they are color.

They added exterior building material call outs and building height cads to show building height compliance.

#2 shows the primary front elevations which is the main entrance to the building. They have enhanced the proposed architecture; they increased the stone veneer to wrap around all 4 sides of the building. They have 2 colors of vinyl siding to help break up the mass of the building - gray and tan. They also added vertical and horizontal articulation to the building with box bays and Juliet balconies to further help break up the height of the building. The balconies are not a habitable area, you can open the slider doors but cannot step out onto the balcony. It is a great way to get light into these units. There is no exterior balcony lighting. There are 2 small sconces adjacent to the front entrance doors of the building. They are proposing asphalt shingles. The roof is a half truss on all 4 sides of the building and is 10 ft higher than the flat roof behind it. This is an upgrade from the original plans where they proposed only on 3 sides with the back open. This would screen all the mechanical units on the roof. They have 2 emergency access to the roof per a request of the Fire Chief.

A-3 – 1-4-20 Color rendition of the Building Elevations

1 – left side elevation – north facing elevation

2 – rear elevation – east facing elevation

Shows the very attractive façade on all 4 sides of the building

The garage is a naturally open garage with an open garage entry area and vents for ventilation. There will be no garage door. They will provide punch openings along the rear and at both ends of the garage to allow for air flow. It should comply with all building codes and if not they will install the mechanical ventilation system needed. Planner Caldwell asked that as a condition, they provide drawings showing the elevations with the 2 side and back punch openings. There will be no opening in the front of the building which is a grade. The front entrance is slightly higher than the sides.

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

Attorney Wyciskala stated that they are requesting a variance for the 8 ft. high fence. They are also requesting the design waivers are that Chris identified as well as the additional ones that



were reflected in the report. Mr. Wyciskala stated that the plans show 122 parking spaces but they may lose 1-3 spaces in the garage if they need that area for the service meters but they will still exceed the parking requirements.

Attorney Zakin went over the variances, waivers and conditions. This is for a preliminary and final site plan for the RM75 zone.

Variance – 8ft fence

Waivers – all that are in the reports from Planner Caldwell and Engineer Borinski specifically related to parking, driveway and loading areas.

Conditions:

1. No Parking Loading Zone signs in the loading area in the rear of the building
2. Approval of Pavers and grading
3. Sidewalk near the front entrance to the site to be shown on the plans and approved by the Borough Engineer and Planner
4. Increase the number of shade trees in the parking area to meet the number of trees in the ordinance
5. Supply drawing for the punch openings for the side and rear of the garage to be approved by the Borough Planner
6. Developers Agreement memorializing the affordable housing
7. COAH – comply with ordinance which may necessitate a change in the number of COAH units
8. Planting along the fence at the rear portion of the property will be on applicant's side of the fence and will be modify in the plan
9. Approval of the façade by Borough Engineer and Planner
10. Remove L, P, R from the Resolution
11. Agree to comply with the Engineer and Planners Reports.

John Wyciskala stated that they were granted a variance for 78% impervious and they are showing 75% on the site plan as presently presented but it could change with the addition of the sidewalk and other tweaks to the plans. Everyone was in agreement that 78% is fine.

The house number for 2-4 Orchard St. was missing on the plans. They will add it to the revised plans.

A Motion was made by Mark Harris and Seconded by Peter Rathjens to approve the application with the conditions, waivers and variance discussed.

YEA – 8    NAY – 0

A Motion was made by Mark Harris and Seconded by Peter Rathjens to adjourn.

YEA – 8    NAY – 0

Meeting adjourned 10:35 pm

---

Patricia M. Craven – Secretary

---

Ken Loury - Chairman