

MINUTES
Special Scheduled Meeting
Wharton Borough Planning Board
December15th, 2020

Chairman Loury called the meeting to order

Chairman Loury read the Open Public Meeting Statement

Roll Call:

Chairman Ken Loury – Present

Mayor William Chegwiddden – Present

Councilwoman Nicole Wickenheisser – Present

Ms. Charlotte Kelly – Absent, Excused

Mr. Roger Steele – Present

Mr. Marc Harris – Present

Mr. Patrick O'Brien – Present

Mr. Peter Rathjens – Present

Mr. Brian Bosworth – Present

Mr. Christopher Fleischman – Present

Ms. Barb Chiappa – Present

Attorney Alan Zakin – Present

Planner Jessica Caldwell – Present

Engineer Chris Borinski – Present

Secretary – Robin Ghebreal

Pledge of Allegiance was commenced.

Bills:

A motion was made by Mr. Bosworth and seconded by Mr. Harris to approve the bills.

All in favor - All bills on the agenda were approved.

Old Business:

Minutes from the December 8th, 2020 meeting.

A motion was made by Mayor Chegwiddden and seconded by Mr. O'Brien to approve the minutes.

All in favor – The minutes were approved

New Business:

The continuation of the application for 170 No. Main Street

Correspondence:

None

Attorney Alan Zakin stated there was a new schematic sent to all the Board members today regarding conditions that previously still exist. All witnesses have been sworn in.

Mr. Inglesino stated he was grateful for the special meeting today. Mr. Stewart and Mr. Dean were introduced as witnesses. The applicant reconfigured the project by removing some retail to accommodate parking. The applicant has removed of one restaurant for retail space. This will change the need for the parking variance to “not required”. The applicant is seeking a variance for Ross Street and that it be only accessible for residential and not commercial. The applicant would also be willing to pave Ross Street. The applicant would like to charge residents for covered parking spots in specific spots. All parking options will be available on leases to provide an opportunity to purchase covered parking. The applicant will extend the wall on No. Main Street area.

Mr. Stewart stated under oath with his license still valid, the exhibits shown were in regard to previously submitted documents. The 3 ½ foot high wall will extend down to the desired area. The applicant will add additional light fixtures on No. Main Street. The lights are 50 feet apart and on Ross Street there will be striping changes and a gate for resident access will be added.

Attorney Zakin asked about whether the applicant would be willing to grant Title 39 to the Borough.

Mr. Inglesino stated that they would grant Title 39 to the Borough. He stated that if they could shift over the access area from the covered parking area to the No. Main Street extension there would be less cars out on Ross Street. He stated that by eliminating some retail space they would now be able to provide a common are for the residents of approximately 1500 square feet. The common area would only be for residents of the building to use. There would be no third party rentals of the common area. He stated by removing the restaurant and some retail it would reduce needs for parking. There will be 167 stalls for parking, though they may lose 1 stall due to DEP issues. He stated that there were previously going to be 98 seats in one restaurant and that has been reduced to 26 which will reduce needs for parking spots.

Mayor Chegwiddden asked what is to stop them from opening the common area up to retail in the future? Will it be deed restricted?

Mr. Inglesino stated that they would have to come back before the Planning Board to ask for an approval due to parking increase if so. The applicant leaving the common area as such for the residents would be a condition of approval. If the applicant chose to make changes to the common area they would come back to the Planning Board for a variance.

Attorney Zakin stated that once residents are comfortable with the common area it would be difficult to take that space away.

Chairman Loury asked if the 7 plus areas for usage could be labeled as to what they will be.

Mr. Inglesino stated that the applicant will label the areas on the revised plans.

Chairman Loury asked about the fire hydrant in the northwest corner of the property as to whether it was viable.

Mr. Inglesino stated that he was aware that there were a few hydrants on site. He stated that the hydrant that Chairman Loury was referring to was old and it may not be operational. He stated that the Planning Board could make the "hydrants must be working" as a condition of approval. The hydrants, sidewalks, berm and paving could all be conditions of approval. He stated that the Planning Board should understand that the Borough will have the chance to discuss these issues in the Redevelopment Agreement.

Attorney Zakin stated that the conditions for the Redevelopment Agreement with the Borough would also need to include the Boroughs professionals to weigh in.

Chairman Loury asked if the applicant is still looking to do underground parking and when parking begins it could skew the RSIS numbers.

Mr. Inglesino stated that there will be one space designated per unit. The balance of the spaces will be first come, first serve. The balance will be available to residents, guests and retail.

Chairman Loury asked if a resident pays for a spot, then moves out and the new tenant opts to not buy a spot that will skew the parking number requirements?

Mr. Inglesino stated that if no one wants to pay for a covered parking spot they can not force them to do so. The applicant does believe that there is a desire and market for residents to have these and it should not be an issue. There will be 38 covered parking spots.

Chairman Loury asked what happens if tenants do not buy all of the covered parking spots and they sit unused, who will use them and will they have to stay open?

Mr. Inglesino stated he believes that it would not be an issue. The residents will want and pay for covered parking. The applicant has the ability to designate one spot per unit and still be compliant with RSIS. If there is no market for the paid covered spots, they will open them up for anyone's use.

Chairman Loury asked how the Borough can in 10 years hold the owner of the property compliant to the RSIS?

Mr. Inglesino stated that a condition of approval could require all residents who live there on site must park on the property. The Borough would be able to issue zoning violations if people park outside or on the streets. He attested that there will be sufficient parking on the site. He stated that they will put as a provision on the resident's lease that they must park on site.

Mr. Steele asked how public parking will be enforced on Ross Street?

Mr. Inglesino stated the Borough will have to regulate general parking on Ross Street. He stated that witnesses would have to tell the Borough that they saw a residents parking on Ross Street and not in the lot. The Borough may want to issue parking permits for the residents of Ross Street who need the on-street parking to determine them from residents of this property.

Chairman Loury asked, if each unit has one spot and they have 2 cars then they choose to pay for one spot, which is their allotted spot?

Mr. Inglesino stated the paid spots will only be the covered area and the other assigned spot would be in the open parking area. He stated that you can not buy 2 spots per unit. If there is a waiting list, the applicant could designate other spots that are uncovered for paid area but not a designated spot. He again stated that there will be 38 undercover spots for residents at all times.

Chairman Loury stated that he did not like the idea of paid parking spots. He stated that it will skew the numbers on available parking and asked Ms. Caldwell to address.

Mr. Harris stated that indeed he was not a parking expert on RSIS but it does not sound like it would work with 167 spots and only 38 covered area spots. He also asked how this will be enforced. The available parking without the covered area spots would only leave 128 open for remaining usage.

Mr. Inglesino stated that the applicant is satisfying with regards to residential and mixed use and that they will no longer be seeking a variance for parking.

Mr. Harris stated that if commercial and residential are used to capacity would there be enough spots on site?

Mr. Inglesino stated that yes, they have taken in to account both residential and commercial will be fully accommodated.

Chairman Loury stated that there would be a fair availability with out paid spots in covered area.

Mr. Harris stated that the numbered assigned to spots will only be used and they could not park anywhere else.

Mr. Steele asked, if everything is full and someone does not want to pay for a spot in covered area, will it cause a problem if every paid spot is taken and the assigned spots are full?

Mr. Inglesino stated the applicant will not charge for covered spots then if it is going to cause a problem with numbers and availability, but each unit will be assigned a designated spot.

Mr. Rathjens stated that if the applicant charged for the covered area spots, it would create a whole separate business with covered area parking fees.

Mr. Inglesino stated that they will not charge for parking and assign each unit a designated spot.

Chairman Loury asked if they were fine with that being a condition of approval?

Mr. Inglesino stated, yes.

Mayor Chegwiddden asked if the applicant puts in a gate to the property, will there be a sticker or a key fob so only residents can enter the property for parking?

Mr. Inglesino stated yes, we will issue a key fob to residents.

Attorney Zakin asked, if the key fob was to be used by residents for ingress and egress?

Mr. Inglesino stated it would be used for both directions.

Mr. Steele asked, if the ingress and egress of No. Main Street will be only one way from the parking garage and that commercial vehicles can only exit on to No. Main Street?

Mr. Inglesino stated he would defer to the Planning Board for their input.

Mr. Steele asked, if a resident can go into the garage and exit out to either side but then everyone else in the open parking area has only one way in or out? He also asked if the new common area could be accessed from the parking garage? He asked about circulation in the lot and how residential and commercial will be determined as to where to enter or exit?

Mr. Stewart stated no there was no access into the common area from the parking garage.

Ms. Caldwell stated that the change to remove the request for a parking variance is good. She agreed it would be best not to charge for the covered area parking spots. She stated it was good that every unit would be assigned a spot with their lease. There would need to be better signage on site for the means of egress. We should ask the traffic expert about the circulation issue.

Mr. Borinski asked, that with the relocated exit and that it would be pulling out into an intersection, what would the site distance be? There are stop signs there at both sites.

Mr. Stewart stated that the site distance will be put on the new plan.

Mr. Borinski asked, if there will be landscaping on the sides of the building?

Mr. Stewart stated that there will be beds on the south side of the building.

Attorney Zakin asked if the applicant would agree to the site distances being set forth by the Borough's professionals could be a condition of approval?

Mr. Borinski stated that the exits from the property and the garage lot needs to also be on the new plan.

Mr. Steele asked, if the engineer doesn't think that the site lines and distance would work, would you come back to the Planning Board?

Mr. Inglesino stated yes, we will handle any issues with site distances and they will be on the new plan.

Mr. Borinski asked, on Ross Street, the south side, the plan says the paving will be done by the Borough, will there be anything done of the north side of Ross Street?

Mr. Inglesino stated that there are currently no plans.

Chairman Loury opened the meeting up to the public for questions regarding any testimony given by Mr. Stewart.

Michael Elardo, 21 Ross Street, asked about the proposed gate. He asked if the gate will look nice and fit into the community? He also asked if the gate will be noisy and heard throughout the day and night?

Mr. Stewart stated that the gate will be behind a 3 ½ foot wall and it will probably not be visible from his property. The access will be shielded from their residence. The motor for the gate is electric and is hardly audible. The sound will not be heard from his residence.

Chairman Loury asked that the maintenance of the gate and motor be part of the conditions of approval.

Mr. Stewart stated, yes.

Mr. Elardo asked how the applicant got to the number of parking spaces that would no longer require a variance?

Mr. Stewart stated that by limiting the restaurant space and retail space they were able to reduce the calculation of spots.

Mr. Elardo asked, you can limit the remaining restaurant to 26 seats to make the parking numbers work?

Mr. Stewart stated that is correct.

Attorney Zakin stated that if the numbers for parking spaces goes over the required numbers of the resolution, it could be a zoning violation and a fine by the Borough.

Mr. Elardo stated that the Fire Ordinance could be higher and that the applicant may want to put more people in there.

Mr. Stewart stated, it wouldn't matter, it would be a zoning violation.

Mary Cerenzio, 17 Michigan Ave., asked if there were any traffic studies done for that area of town?

Chairman Loury stated that they were not going over Mr. Dean's testimony right now. He will be the next witness.

Attorney Zakin stated that she will have an opportunity to ask those questions after Mr. Stewart's testimony and questions.

Mr. Stewart stated that there have not been any yet but the traffic professionals testified.

Mr. Steele asked, could there be a way for a restaurant or a retail to take up 3 or more spots and take up a residential spot? How are you making the walls configurable?

Mr. Stewart stated that there will be a separation of spots for residential and commercial parking. We have to comply with the Ordinance and we will do that.

Chief Young stated that the applicant had mentioned removing the parking on Ross Street and letting the Borough decide and if the applicant is inclined to install on North side of Ross Street curbing and sidewalks as well as paving?

Mr. Stewart stated that if the Planning Board wants both sides done, he would discuss it with his client. It could be discussed in the context of the Redevelopment Agreement. If the Board were to say that they wanted it on the opposite side and not the resident's side, they would consider it.

Chief Young asked if there would be a 28-foot section of improvements on the North side of Ross Street by the Borough's property is still being considered?

Mr. Stewart said, they removed that improvement.

Chief Young stated that there will need to have a crosswalk put in and emergency vehicles will need a key fob to get onto the property during an emergency. He also thanked the applicant for meeting the parking requirements and the improvements to be done on Ross Street.

Mr. Stewart said, yes.

Chief said the limited egress onto Ross Street would cause too much of a burden to have everyone going out on to No Main Street only.

Chairman Loury asked Chief Young regarding the sidewalk and cross walk. Should they do a "Don't Block the Box".

Chief Young said yes, that he would discuss with the Borough to have that implemented.

Mr. Dean, under oath, license still valid, stated traffic flow will be on the new plans. He stated that the applicant has addressed the concerns to not overburden the site. The applicant will no longer be seeking the variance for parking. He stated that it is very common for a charge to be imposed for covered areas parking spots and he believes that residents will want them and pay for them. The plan does now comply with RSIS. There will be ½ a spot for guests on site. The applicant will be compliant with the new numbers for parking. He stated that residents will be leaving in the morning and returning at night which will free up space during the day for commercial and retail. He believes with the staggered times of people leaving and returning there will not be much traffic on Ross Street. The primary access shall be off of Main Street and the No. Main Street Extension. The relief we are seeking are under mobility regulations A2 that the primary access points shall be from Main Street and the No. Main Street extension. Unfortunately, because of the approval or denial of County Planning Board we are in direct access from the site to Main Street was prohibited. The applicant being willing to provide a controlled access onto Ross Street will help with commercial traffic as well. This plan will keep the typical or characteristically the traffic on Ross Street now will stay the same with residential not commercial. The underground parking exits on to the No. Main Street extension. The residents will most likely go that way and head down the extensions unless they need to go north. We feel that the majority of residents will use the No. Main Street extension. If residents were not allowed to use Ross Street it would congest the intersection by the new road. The residents being able to use Ross Street would eliminate people making a left on to the site at the intersection and backing up traffic.

Mr. Inglesino asked Mr. Dean to speak about both residential and commercial traffic being able to exit on to Ross Street not just residents.

Mr. Dean stated that until they know the tenants and the needs, it should not be permitted at the onset of the project opening. He stated that Chief Young made commentary on that as well. The concern is that if there is a restaurant that was open late that the residents would be burdened with exiting on Ross street at late night hours.

Chairman Loury asked if anyone else had questions. None. Chairman Loury closed to the public.

Jessica Caldwell asked, how would you advise a means of egress traffic wise by the gated side?

Mr. Dean stated that the gate will only be able to be opened by residents with the key fob and there will be signs that say "Residents Exit Only" so other vehicles and commercial vehicles will exit on to the No. Main Street extension. He stated that the emergency vehicles will be given a key fob for ingress and egress.

Mr. Steele asked, will residents need to key fob to exit the property? What would the traffic flow be like if Ross Street was egress only? Would there be any circulation issues with having a gated ingress and egress on site?

Mr. Dean said, yes, they would need the fob. Having two means of ingress and egress, especially with emergency vehicles is critical.

Mr. Steele asked, what would the traffic flow be like if the gate on Ross Street was opened to everyone?

Mr. Dean stated that the morning traffic would be more significant on Ross Street and that the applicant has been mindful to the traffic on Ross Street with this project. The option will be that of the Planning Boards to decide if it should be restricted or unrestricted access on Ross Street.

Mr. Steele asked if there will be signage on Ross Street that says it is for residential use only? If not, there will be a lot of vehicles making U-turns on Ross Street to get back out.

Chief Young stated that depending on the location of the gate and how wide the turn might be to get into it could back up traffic with people waiting to get in.

Chairman Loury asked, could there be an issue if people do not know before they turn on to Ross Street that it is for residential use only?

Mayor Chegwiddden stated that there should be some kind of signage that lets people know that it is for residential use.

Mr. Dean stated that the applicant will provide whatever signage that the Board thinks is necessary to provide.

Attorney Zakin stated that the Borough Administrator will confer with the Police Chief and the Planner for advice on that.

Mr. Dean stated that any of the new businesses there would not have a Ross Street address.

Mr. Inglesino stated that the post office will provide the address, that they could not control that.

Mr. Dean stated that he was pointing towards way finding and GPS, that those businesses on site would use the No. Main Street address so there would not be more people on Ross Street following GPS directions.

Mr. Harris stated that more often than not the addresses to places are assigned by Emergency Services and less so by the Post Office.

Mr. Borinski asked, will there be an updated traffic flow plan with the updated plan submitted?

Mr. Dean stated that if it is requested as part of the approval conditions, they will do so.

Mr. Steele asked, will the tenants of the commercial spots also get a key fob and access to Ross Street?

Mr. Inglesino stated that he will defer to the Planning Board for that.

Mr. Borinski asked, will you work with the Borough on a signage plan?

Mr. Dean stated that they will work with Mr. Stewarts Office and CHA on that.

Attorney Zakin asked if the updated report will include the updated traffic flow report and current status of Ross Street access?

Mr. Dean stated, yes.

Chief Young stated that he agrees with Attorney Zakin on the updating of plans and that we can make any changes if necessary, going forward.

Chairman Loury opened the meeting to the public regarding Mr. Dean's testimony.

Mary Cerenzio, 17 Michigan Ave., asked, when the traffic study was done, did it include the proposed plans for the Canal House Project and the Main Street development?

Mr. Dean stated that it did not, the traffic study was done and focused on this specific location. The traffic plans were seemingly OK without the two proposed new projects included.

Chairman Loury asked if Mrs. Cerenzio had any other questions.

She stated no.

Chairman Loury closed it to the public.

Mr. Inglesino asked Mr. Dean to testify on the variance testimony. He notified Planner Caldwell that they are still seeking the variance for Ross Street requesting access to Ross Street for emergency vehicles, access to Ross Street for residents of the site on a key fob basis and egress for tenants only.

Attorney Zakin stated that he would like to clarify that Mr. Dean was sworn as a Traffic Expert and a Planning Expert and now you're questioning him now as a Planning Expert?

Mr. Inglesino stated that that was correct.

Planner Caldwell stated that she didn't see any other variances that was he just stated.

Mr. Dean stated that they are seeking a deviation from the Redevelopment Mobility Regulation, they are seeking a C1 or hardship under Municipal Land Use Law. The site change hardship due to the triangular shape of the property and the hardship from the need for the Ross Street access County Road driveway that had to be removed to meet County Planning Board approval. That removal of the driveway represents a unique hardship of the redevelopment plan as originally drafted. In terms of the Municipal Land Use Law the driveway to Ross Street other than for emergency vehicles promotes one the stated purposes of the Land Use Law 40:55D2H which states provides the use and free flow of traffic while discouraging traffic congestion and blight. In light of the substantial investment to the new intersection on Main Street in the absence of providing some traffic relief to Ross Street in my opinion, restricting all means of ingress and egress to that site is counter to that provision of the Municipal Land Use Law. There are also certain requirements of subsection B towards safety and fire and emergency vehicles ability to use Ross Street does address that concern. Having the controlled ingress and egress meets the spirit and intent of the redevelopment plan language. The relief can be granted without detriment to the redevelopment plan language.

Chairman Loury asked if the Board has any questions. No questions.

Ms. Caldwell had no questions.

Mr. Borinski had no questions.

Chairman Loury opened it up to the public regarding testimony from Mr. Dean.

Michael Elardo, 21 Ross St., asked if Avalon Bay has only a one main entrance and an emergency exit behind their building with 250 units?

Mr. Dean stated that his testimony was for this application and this address only.

Mr. Elardo also asked if there are any traffic issues at Avalon Bay?

Mayor Chegwidden deferred to Chief Young to reply.

Chief Young stated that there are no traffic issues on Dewey Ave. due to Avalon Bay.

Mr. Elardo asked if one entrance and exit off of Main Street would work and they just use Ross St. as emergency exit only?

Mr. Dean stated that this site would not only have residential, but a commercial component to it. He would defer to the Planning Board on how it works at Avalon Bay.

Mayor Chegwidden stated that the parking garage that was built behind Avalon Bay was a condition that they would not be using Union Tpk. and causing traffic on that street and at a commercial intersection. One concern from the residents was traffic in and out of the street. Residents do not leave or return all at once into Avalon Bay's Main entrance.

Chairman Loury stated that the entrance off of Dewey Ave. on to Avalon Bay is very long in the driveway. It would be very difficult to have stacking of cars with how long the driveway is and how many cars it can hold.

Mr. Dean stated that more people working from home right now would reduce traffic although that could change in the future. It would be more of a slow flow on Ross Street with start and exit times of

residents. He stated to Mr. Elardo that having the access off Ross Street is critical. The traffic would be a burden to Main Street and the extension if there was no other option but those roads. The controlled access of Ross Street and the fact that not everyone will be coming from the site or leaving the site at the same time should not overwhelm Ross Street.

Chairman Loury closed the meeting to the public.

Mr. Inglesino asked Chairman Loury if there were any comments from the public on any testimony given tonight.

Chairman Loury opened the meeting to the public for any questions on any testimony given at the meeting.

Mary Cerenzio, 17 Michigan Ave., was sworn in by Attorney Zakin. She asked if traffic now without the new road being open and the Canal House project and the Main Street project in the works, will it be too much for the town to handle? She also asked why something so big as this project would need to be put on a dangerous curve on Main Street? If we have this building built, what about making a right hand turn on to Dewey at the light be made possible by cutting down the Pine trees there?

Attorney Zakin stated that this is a redevelopment project, a process where the Council had objectives with Land Use Ordinances and to meet the goal of Master Plan they created redevelopment areas and it complies with redevelopment plan and many of the other projects also do that to meet the objectives and that has got us to this point regarding land use objectives.

Mary Cerenzio stated that now with Costco, new stores and shopping centers on Route 15 and more apartments in town it will be too congested for residents to drive.

Mayor Chegwiddden stated that they had looked at traffic studies when Avalon Bay was being considered. He stated that there are so many people who use our roads from out of town as a cut through to get somewhere else. There is very little traffic from our residents. Most of the traffic is to go into our commerce places. When the old companies like LE Carpenter and Lock Joint were open, they were the destinations, now we are a cut through for people to go elsewhere. He stated that traffic will be there whether we want it or not, but we can not let that hinder our ability to grow our town. Residents were surveyed some time ago and the responses were the people wanted the town revitalized. The public had an opportunity to put their needs in the redevelopment project.

Chairman Loury stated that the applicant has been very cooperative with parking requirements and traffic concerns regarding this project.

Mayor Chegwiddden stated that the Main Street and Dewey Ave. intersection has been taken by emanate domain twice.

Mary Cerenzio asked if the trees on the corner of Main Street and Dewey Ave can be cut down and a right turn only lane be made.

Mr. Steele stated that we all know what it is like to be sitting on Main Street trying to make a right onto Dewey Ave., but people will now be able to use the No. Main Street extension and that will help with traffic on No. Main and on Dewey Ave. He stated that Avalon Bay made traffic no worse as to what is already there with Costco, ShopRite and the mall.

Chairman Loury stated that's why we have professionals at the town level that we can bounce things off of and they can corroborate or dispute what the applicant is saying. We rely a lot on our experts.

Mary Cerenzio thanked everyone for their answers.

Attorney Zakin sworn in Mr. Elardo, 21 Ross St., Mr. Elardo stated that I did submit a document for the Planning Board with pictures. He shared these pictures on his screen with the Planning Board members. His view of the pond and the trees will now be lost when this project is built. He was disappointed with this. He asked if there are other sites that the Borough has slated for redevelopment?

Mayor Chegwidden stated that Harry Shupe Blvd. is a redevelopment area. The old Thatcher Glass to the old Air Products property. The owner of the old Air Products is waiting on doing any redevelopment.

Attorney Zakin stated that you can go to the Borough's website under Planning Board, you can view the redevelopment plans. The Board wants to be transparent as to their plans the redevelopment areas and they encourage the residents to be involved and get involved.

Mr. Elardo asked if there are any other buildings around that are taller than 3 stories? He said that even though this project meets code, it does not coincide with the look of the town in this area. He asked if anyone had looked at the Fire Chiefs report? He read to the Planning Board members what the Fire Chief had put in his report. The Fire Chief's report stated that the existing high voltage power lines on No. Main Street, aerial ladder operations from No. Main Street would not be possible. In addition to parking on the North side of the structure would impede any type of fire emergency operation of a high-volume fire and a collapse zone must be established. A basic rule to establish a collapse zone is one and a half times the wall height. This should be at a minimum from the base of the structure. The building would be 50 feet high and the collapse zone would be about 75 feet. Did the Planning Board discuss this?

Chairman Loury stated that he did not believe that any testimony was given by Chief Cronin.

Attorney Zakin stated that Borough Officials will comply with all first responders needs.

Mayor Chegwidden stated that if you look at the Port Oram project you will see that the wires are high there and it was a concern. The plans went through the Borough's Construction Department and the resolution to the problem was to use the back of the building for the emergency vehicles and equipment to go over the building. It would be about 6 million dollars to put the wires underground. He stated that he believes that these concerns were put into the report for the experts to address. There were supposed to be balconies on the front of the apartments at Port Oram, but because of the wires they could not put up the balconies.

Mr. Inglesino stated that there was testimony about the fire suppression system that would be in the building and testimony about emergency vehicles being able to circulate around the property. He stated that they are in compliance.

Mr. Elardo stated that he is happy that anything would replace the abandoned building that is there now and to the redevelopment of traffic and commerce. All residents on Ross Street like being on a dead-end street with not much traffic but this will turn into a thoroughfare with this project. He will no longer be able to see the pond or to see the tress and have the view he has now. It directly impacts him as a homeowner as the other homes on Ross Street are two family rentals.

Chairman Loury thanked Mr. Elardo for all his input during the meetings and for his passion regarding the project.

Chairman Loury closed the meeting to the public.

Mr. Inglesino stated that the only variance will be Ross Street now. The applicant will look into sidewalks on Main Street, although there is a letter from the County that they will not permit the sidewalks. If the Town could reach out to the County and see if they can get them to change their mind then they could look into doing them. They will also reach out to the licensed Landscape Architect regarding any issues. He thanked the Planning Board and for all their questions and concerns. The meetings they have had have been very productive and there was much dialogue on this project. The applicant will make this a successful project. It will meet the goals of the redevelopment project. In regards to Ross Street, request for variance with egress and ingress for their residential tenants at this site. We are prepared to do key fob access if the Planning Board feels it is necessary and if it needs to be expanded for commercial usage due to circulation issues on the property, they are open to the idea. He realizes there will be a host of conditions to memorialize this application. He stated that it is critical to the project that the residents be able to enter and exit off of Ross Street. We are prepared to regulate that access.

Chairman Loury stated that they will want Attorney Zakin to go over anything before it is in the minutes. He also asked who will speak with the County regarding sidewalks on the Main Street extension.

Mayor Chegwidden stated that he would ask the County, but he was sure that the experts would agree with him that due to the wetlands in the corner area, it may be a problem.

Attorney Zakin stated that we should see if the County and the environmental officials will allow for a crosswalk and sidewalk. If that is allowed it would be preferred. We could put it in the resolution if so.

Mr. Inglesino stated that that could not be a condition because it may be something that is not viable.

Attorney Zakin stated that it could just be memorialized.

Mayor Chegwidden stated that he would speak with the County to implement those things but because of the marsh, it may not be possible.

Chairman Loury asked if sidewalks and crosswalks by the Main Street intersection is possible. We don't want to send folks up to No. Main Street extension and they could be speeding across the lot. He said that there was testimony by Mr. Dean that they are discouraging having a cross walk in the middle of the street.

Mayor Chegwidden stated that he thinks Chief Young would frown upon having a crosswalk in the middle of an intersection.

Ms. Caldwell stated that for the purpose of the road traffic to decrease and then adding a crosswalk would only increase pedestrians. She suggested that the County did not want sidewalks on that side.

Mr. Harris stated that in the wetland area you will find a trail and they are going to go right through the marsh to get where they want to go as people are lazy. People will end up going through and making a trail and the County and DEP should look into resolving this with some semi permeable solution.

Attorney Zakin stated that they should approve a 4-story mixed use approximately 7750 commercial space with parking on the first floor with 75 residential apartments which is located in an economic redevelopment zone dated August 17th, 2020. The revised plans were submitted on 12/13/20.

Conditions as follows:

Updated maps and site plans

Relocation of the sanitary sewer

Full time but not live in Superintendent on site

The Board Engineer and Planner can approve screening of parking

Permits for wetlands from DEP for flood hazard

Approve with Police and Professionals on a Signage plan

Board Planner to approve welcoming aesthetics for gateway and monument signs pending what is allowed by environmental regulations and the County

Street lights to match the current scheme of downtown

Redevelopers Agreement with the Borough

Plans should have turn radiances

Safe pedestrian traffic flow

Designated loading zones, one for residential and one for commercial. No loading or off loading on Main Street or adjacent streets

A 24-hour phone number for community to call regarding question or concerns

Comply with trash times being during working hours

Comply with COAH regulations and will be detailed and memorialized in the Redevelopment Agreement

Building materials will match buildings across the street and be approved by our professionals and the plans will include the brick color match and pantone scale

Grills on balconies will be prohibited which will be listed in the Redevelopment Agreement

No HVAC units will be visible from the ground at any angle

Plan will add brick aesthetics to where the white panels were on the front of the building

Timelines for the project to commence and follow through

Test well readings

Water service and sewer service scheme will be indicated on the plan

Title 39 access

Storm water management operations and manual will be approved by our professionals

Traffic flow and road capacity analysis will be provided

Site distances analysis provided and approved by our Engineer

Landscaping surrounding the project will be approved by our Planner

Circulation for emergency vehicles will be approved by our Professionals

Perennials and architectural landscaping will be approved by our Planner

Foot candles will be compliant and approved by our Engineer

Review of the Affordable Housing deed restrictions by Attorney Zakin and the professionals prior to filing with the County and to the Certificate of Occupancy

Louvers will be approved by the Planner

Tax lots will need to be confirmed to separate this site project to what is owned by Talisker

Final plans to Engineer and Planner for approval

Handicap accessibility must be approved by the Planner

North Main Street pavers must match the current scheme

Light fixtures will be 50 feet apart

DEP status report should be provided

RVRSA sewer needs to be relocated

Reroute water lines with easements relocated accordingly, approved by Engineer

Changes to Ross Street will be in the Redevelopment Agreement

Parking same side as Ross Street residents, will be the pervue of the Council

Applicant will improve, pave and stripe Ross Street

Relocate parking garage exit across from North Main Street Extension side for egress

Wall to be extended to rave curve area for the approval be Planner

Reserved parking will be limited to 1 spot per unit

Residents will be mandated to park on site

Redevelopers Agreement will be approved by the Borough

Commercial spaces labeled as to where they are going to be on plans as well as common area

Engineer will approve fire hydrants

No separate delineated charge for parking

Key Fob for ingress and egress but as conditions necessitate the Administrator may change in consultation with the Borough Police and Planner

Gate properly maintained for aesthetics and noise

Borough emergency vehicles will have key fobs for access

Applicant will amend parking report with current numbers

Work with the Planner and Engineer on signage plan

Attorney Zakin stated that that was all he had.

Chairman Loury asked if a quiet electric motor can be used on the gate so the residents on Ross Street will not be interrupted.

Mr. Inglesino stated that they will put one in with an electric motor that will be much quieter.

Mr. Stewart stated that the electric motor for the gate would be the quietest option.

Chairman Loury asked that the applicant just be conscience of the noise from the gate for the residents on Ross Street.

Attorney Zakin stated the Planner would approve that.

Planner stated if they could provide the specs for that so that she and Engineer could look at it

Chairman Loury asked if anyone had any other questions.

Mr. Rathjens asked if the traffic report and plans be looked over by the Planner and Engineer and that the plans will reflect the applicant will be removing the Land Use 936 coffee shop. The trip generation projections are going to remove that and that will significantly change the traffic report. It went from 201 morning trips and 152 are the coffee shop and if the plan gets revised it makes a big difference. It's important for our resolution to have that component in it.

Mr. Inglesino stated that it will be reflected in the revised application

Attorney Zakin stated that he believed it would reflect those changes and that they took out one restaurant and it could be either the coffee shop that was removed or a restaurant that was removed.

Mr. Inglesino said that they will reflect those changes in the revised application

Attorney Zakin stated that either way its limited to 26 tables and 6 ½ parking spaces.

Mr. Inglesino agreed

Chairman Loury asked Mr. Rathjens if he was OK with that answer.

Mr. Rathjens said the coffee shop has been pulled out and replaced with an eating establishment with 6 tables.

Mr. Inglesino stated that regardless of what the report said in regards to traffic as it relates to the commercial it doesn't matter because they have a permitted use and there is no denial of a use based on number of trips. If they just have the application revised it will reflect the changes that have been made by the Board. There will be a clear record of numbers on the traffic report.

Chairman Loury asked anyone if anyone else had any other questions.

Mr. Harris asked, as the property it a super fund site with test wells, he would like to see something with what the last reading was on the test wells. He asked if that could be provided.

Attorney Zakin said that it will be a condition of the application.

Mr. Inglesino said they will supply the board with the reading.

Mr. Harris asked that all test wells on the property be included as there are probably more than one on the site.

Mr. Ing said yes, they will provide for all the wells.

Mr. Harris said he understood what Mr. Rathjens questions and said and that they cannot deny based on counts, but they can deny based on design and how that plays into the traffic counts.

Mr. Inglesino said that they will provide the updated numbers.

Mrs. Wickenheisser asked if this project is subject to a PILOT.

Mr. Inglesino said it is not.

Chairman Loury asked if anyone had any other questions.

Mr. Borinski asked if Title 39 was included in the conditions.

Attorney Zakin said yes, it would be.

Chairman Loury said that they need to put in the caveat that there is a timeline for the project.

Attorney Zakin stated to Mr. Inglesino that the project includes the variances run two years and that construction must begin with in the two years or you would need to come back to the Board and reapply for the variances.

Mr. Inglesino stated that the variance runs with the land. He said he had never heard of that condition and legally variances run with the land. He told Attorney Zakin he would look into it.

Mr. Inglesino said that there is a site plan time line and he's happy to look into it.

Chairman Loury said that it's to protect the town from a developer coming in, getting approved and then the project will sit for years without it being completed and it looks unsightly.

Attorney Zakin stated that they had an applicant in the past that had approvals but then the applicant sat on them for 12 years before starting work. The Board members had mostly changed by then and

they were wondering who approved it because so much time had gone by. This is to avoid confusion and for the community not to be taken by surprise when a project starts years later.

Mr. Steele asked about the difference between the site plan application and the variance. He understands a variance has no time limit. He stated that the site should just not be left there unimproved for years.

Mr. Inglesino said a variance is forever and runs with land, but a site plan approval is a right to build. If the zone and or redevelopment area changes, they are protected for 3 years for any type of changes, they then have the right to petition for two (1) year extensions. The only way the applicant can protect their rights is an agreement between the Borough and the applicant to not change the zone.

Mr. Steele thanked Mr. Inglesino for the clarity. In regards to the Oak Tree project and the land still empty, we would just like to have some teeth to make this project move forward. We want protection that we approve something that doesn't sit their empty without the applicant coming back to notify us the need for an extension.

Chairman Loury asked if anyone from the Board had comments. He stated that it's a great development, its big for that spot but it looks good and the applicant worked with us on the parking and the façade, the wall and monument signs. He stated that something has to go there. There needs to be an improvement there. We all want something new in that corner of town and this was a good compromise to make it happen.

Mr. Rathjens said it's a really nice project and it will be very nice with the architectural detail and lots of housing.

Mr. Steele said he agrees that the town wants redevelopment in that area. The Borough has been looking to improve that area. Its not a perfect project, it feels a bit big and compromised by reducing the impact without reducing the footprint. We're all non-expert experts on traffic and the No Main Street Extension was to help with traffic and to help reduce truck traffic by using that road. It's something new and nice at the entrance of town. I like it overall. I want to thank the public for weighing in and help to mold the project.

Chairman Loury said that the developer's agreement will also to help develop Ross Street, which is a benefit to the town

Mr. Harris said that the project is not perfect and said that it's not a perfect space, but even the shape of the property and wetlands area don't lend to an easy design. To be honest, there was no way to solve this better. This is a useful design and utilizes the mixed-use requirement. It will maximize the space you have and it looks good. Hard to see anywhere where the applicant has failed on that. It could be shorter or smaller but as a developer I don't think I would change the plan. It's a great solution for this spot. It's hard to find any conclusive issues with this project.

Mayor Chegwiddden wished to thank the Board for working with the Redevelopment Agreement. The Town has been working on revitalizing many areas. It will bring the rest of the values in town up by taking out dilapidated buildings and slowly but surely were cleaning up parks, paving of streets and these projects have helped us do that. It is a win win situation. Thanks to the Board for working so hard and holding people's feet to the fire and asking great questions.

Chairman Loury asked if they could get a motion on this application.

Mr. Steele made a motion to approve the application and Mr. Rathjens second.

Roll call:

Chairman Loury - yes

Mayor Chegwidden - yes

Councilwoman Wickenheisser - yes

Mr. Steele - yes

Mr. Harris - yes

Mr. O'Brien - yes

Mr. Rathjens - yes

Mr. Bosworth - yes

Mr. Fleishman - yes

Ms. Chiappa - yes

Mr. Harris made a motion to adjourn and Ms. Chiappa seconded the motion to adjourn.

Adjourn 10:09 pm

Patricia M. Craven – Secretary

Ken Loury – Chairman