

WHARTON PLANNING BOARD
SPECIAL MEETING
JUNE 29, 2021

The Special meeting of the Wharton Planning Board was held virtually and was called to order with Chairman Ken Loury reading the Open Meeting Statement as required by law as well as a statement regarding allowing the remote meeting and 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. Chiappa. Also, present were Attorney Alan Zakin, Planner Jessica Caldwell, Engineer Christopher Borinski and Secretary Patricia Craven. Excused were Mayor Chegwiddden and Councilwoman Wickenheiser. Ms. Charlotte Kelly was on by phone but at this time could not be heard.

The Pledge of Allegiance was next.

The reading of the bills was next. A Motion was made by Christopher Fleischman and Seconded by Barb Chiappa to approve the bills as read.

YEA – 8 NAY – 0

The Minutes of the June 15, 2021 Special Planning Board Meeting was next. A Motion was made by Roger Steele and Seconded by Pat O'Brien to approve the Minutes with some minor edits by Attorney Alan Zakin YEA – 8 NAY- 0

First on the agenda was the application for Grace Martinez/Rigoberto Aguayo. Owner Grace Martinez was sworn in She is the owner of 33 Kitchell Ave. and purchased it in 2015. She lives there with her husband and 3 children. The home is currently a 3 bedroom 1 ½ bath with the ½ bath in the unfinished part of their basement, which they do not use so they consider their home a 1 bath. Their laundry is currently in the basement The are looking to modernize their home and make it more functional for their growing family. Their dining room and kitchen are very small. They plan, for the first floor to enlarge the kitchen, add a mud room and ½ bath and be able to move the laundry to the first floor. They are adding a master suite on the second floor and this way their children will each have their own bedroom. Ms. Martinez grew up in Wharton and they plan to grow their family in Wharton as well and make this their forever home.

Architect Jeffry McEntee with an office in Denville, N.J. was sworn in and qualified as an expert architect. The home on 33 Kitchell Ave. was built in 1929 and is situated on a corner lot in the R75 zone. The home is currently 1732 sq. ft and a non-conforming structure that does not comply with the minimum front yard setback on both Orange St. and Kitchell Ave. They are currently in excess of building coverage and impervious coverage.

Exhibit A-1 shows the proposed 1st and 2nd floor plans. The addition they are proposing will bring the sq. footage up to 2555 sq. ft. making it a 4 bedroom 2 ½ bath home.

Exhibit A-2 shows the property with the existing elevations, zoning table, the existing and proposed line setbacks, the existing driveway, existing detached garage and adjoining car port with off street parking which is in compliance with the 2.5 spaces required by ordinance. The new roofing and siding materials will match the existing.

They are seeking 3 variances. Minimum front yard along Orange Street - 7.3 ft existing and 15.6 proposed. Building coverage – 22.41% is existing and 27.19% is proposed. Maximum impervious coverage – 40.43% is existing and 44.91% is proposed.

As far as the positive criteria – for the Orange Street setback 15.6 ft set back does not create a line of site issues for vehicle or pedestrians at the intersection. As a corner lot the proposed addition would not impact the light and air of the houses across the street. It does comply with the side yard setback for a corner lot. As far as building coverage they understand that this will worsen the non-conformity but the additional footprint would allow the owner to modernize the home with practical needs such as a bathroom, mudroom and large kitchen for a growing family. They are suitable and desirable needs for any single-family home. As far as impervious surface coverage the proposed improvement will be 4.9% more than what is allowed. The 2nd story addition is 6.2% of the lot size and they are agreeable to adding a dry well. Not granting this would put undo hardship upon the applicant and feel the benefits of this addition from a practical and aesthetical standpoint will not result in a substantial detriment to the neighborhood. They respectfully request the variance relief.

Chairman Loury asked why they are removing the chimney – Mr. McEntee stated that they have gas which will be vented directly out of the basement and there will be no need for a chimney. Mr. Loury asked if there was any other way to get to the master suite other than the stairs from inside the home. Mr. McEntee stated that there was no other way. This is a single-family home. Mr. Loury asked that that be a condition of approval that it remain a single-family home.

Planner Caldwell asked about the existing layout and how a new structure might meet the existing ordinance. Mr. McEntee stated that they are trying to keep some of the character of the existing home such as the covered porch and trying to work with what they have does limit where and what can be added on to try to modernize the structure. Ms. Caldwell stated that a modern home does benefit the community. This plan also shows a sufficient use of the land. She stated that corner lots tend to exacerbate the front yard setbacks. They had a preexisting non-conforming set back on Kitchell which they are not increasing and on Orange by adding the addition will not be encroaching any further than what is existing. Also, they will be adding drainage as a condition of approval. They are under the C2 criteria where the benefits outweigh the detriment.

Engineer Borinski stated that he will work with the architect on the dry well.

Mr. Steele thought that the only neighbor that might be affected by this addition is on the corner of Ford and Orange. Mr. Steele asked if they were making any changes to the existing garage, carport and driveway. Mr. McEntee stated that they are not making any changes. The 2-lane wide driveway gives them access to the carport and helps them meet the off-street parking standard. The house on the corner of Ford and Orange also has a detached garage on the westerly

corner of their property adjacent to Ms. Martinez driveway. Mr. Steele asked about the condition of the fence and if it was on the applicant's property. Mr. McEntee thought that it was on the applicant's property but doesn't think that it comes out to the right of way.

The meeting was open to the public for questions and then closed to the public.

Attorney Zakin stated, for the record, that Ms. Kelly has been having technical difficulties but has been on thru all the testimony.

Mr. Harris brought up an email that the Board received from a resident. Attorney Zakin stated that this person was given all the information to be on this meeting. Mr. Loury stated that there was nothing of any substance in the email regarding this application to be able to ask a question of this applicant.

The meeting was open to the public for testimony.

Mr. Allan Paradise of 36 Ford Ave. was sworn in. He stated that the fence is on his property. His only concern was rain water. Mr. Borinski stated that a dry well will be installed for rain water. Mr. Loury stated that it will be to the engineer's satisfaction and a condition of approval.

The meeting was closed to the public for testimony.

Mr. Zakin stated that this application is seeking bulk variances for an addition to a single-family home at 33 Kitchell Ave., Block 2009, Lot 15 in the R75 zone. They are seeking 3 variances, Front Yard Setback, increase in Building Coverage and increase in Impervious Coverage. The conditions will be that it remain a single-family home and a dry well to be installed with the approval of the Board Engineer.

Mr. Rathjens stated that this home may have predated the zoning requirements and should that be part of the minutes or resolution. Mr. Loury stated that there was reference in the testimony that there were pre-existing conditions which will also be in the resolution.

A Motion was made by Marc Harris and Seconded by Peter Rathjens to approve the applications with the conditions. YEA – 8 NAY – 0

Next, on the agenda was the continuation of the application for Wharton Woods LLC. John Wyciskala, Attorney for the applicant, addressed the Board. This is the 3rd public hearing for this application.

Traffic Engineer Corey Chase who was previously sworn in and qualified, took questions from the public. Priority was given to 3 members of the public who were in the que when the meeting ended past 10:30 pm at the prior June 15 special meeting.

Mr. Bezney asked in reference to page 1, bullet point 6 of the Traffic Study, what is the size of a delivery truck? Also have they looked into the large fire truck being able to maneuver their big boom during a fire. Mr. Chase stated that the fire truck from the Borough would be the largest

vehicle. Mr. Zakin stated that there was testimony that the circulation would accommodate the largest fire truck. Mr. Wyciskala and Mr. Chase both stated that testimony was given by their engineer in reference to this and that the fire dept. was satisfied with their design and layout.

Mr. Bezney asked about page 2 of Mr. Chase's report where it stated that there was no parking on either side of the roadway on both Bartek and Old Irondale. After a lengthy discussion Ms. Caldwell stated that after looking at Section 325 of the Borough parking ordinance that identifies what streets have no parking on them, both Bartek Lane and Old Irondale are not on the list. So, she would assume that there is on street parking currently. It is legal parking at this time.

Mr. Bezney asked about the adjustment of 1.5% increase in traffic that was in the first paragraph on page 3 of the Traffic Report. He also asked that during that time had he done any counter measures or counting of cars on Old Irondale, Bartek Lane, Irondale Rd. New Irondale Road, Kice Ave. or Robert St. Mr. Chase responded no that they only adjusted the 2013 counts. Mr. Bezney asked what the widths are on Bartek Lane and Old Irondale Rd. Mr. Chase stated that the width of the Bartek Lane is 22 ft. wide and Old Irondale is 20 ft. wide but it varies in width so this may not be the widest point of the roads. The minimum road travel width by RSIS standards is 16 ft. wide for a travel lane in a residential area. This was updated in May of 2021. Mr. Chase stated that the road width of the adjacent streets does not factor into his report. The width of the road does affect the speed of a vehicle. Narrow roads do help reduce the speed. They typically recommend 25 mph for a 16 ft roadway. Mr. Bezney referenced paragraph 3 on page 3 and asked how many cross streets intersect Mill St. and how many intersect Old Irondale. Mr. Chase stated that there are 3 cross streets that intersect Mill Street and they are Old Irondale, Robert St. and Main St. and for Old Irondale you have Mill and Bartek and terminates at the intersection of Robert St. Mr. Bezney asked if Mr. Chase was aware that Old Irondale Road does not go through to Robert St. Mr. Chase corrected his statement. Mr. Chase explained paragraph 3 and stated that Table II shows the existing conditions and Table IV shows the future conditions and you cannot compare the 2 charts. Mr. Bezney asked, in reference to the 1st paragraph on page 3, if the 1.5% increase could be higher with all the development. Mr. Chase stated no, especially over an 8-year period.

Mr. Chase explained that a D rating is a more than acceptable rate of service in all areas of the state of New Jersey. He also stated that he mentioned in his report the Santander driveway because it forms the 4th leg of the intersection of Mill St. and Main St. so it is analyzed as a 4-leg intersection.

Mr. Chase stated that he took into consideration the 3 developments referenced on page 5 of his report but did not factor in the industrial site on the Smith Farm property off of New Irondale Road in his analysis. He did take into consideration the 3 stop signs on Mill St. He also stated that eliminating the sidewalk on Old Irondale and instead just had curbing and drainage it would not substantially change the traffic flow. Mr. Chase explained the 3 pages in Appendix B. Mr. Chase stated that the narrowing of the streets because of snow was not considered in his report.

Mr. Lance of 113 Old Irondale Rd asked if they looked at the 4-way intersection of Mill and Robert St. in his analysis. Mr. Chase did not, they oriented all the traffic to Mill and Main St. and was consistent with the prior traffic study. Mr. Lance stated that this is a very heavy traffic area

and is surprised that it was not part of the study. Mr. Lance asked if the study was based upon 90 units in a 9 acres area? Mr. Chase stated it was not, the trip generation is based on 90 units of multi-family housing and not based on single family dwellings. Mr. Lance asked if the town has their own traffic study experts. Mr. Loury stated that they do not but they have our Board Planner and Engineer. Mr. Chase stated that both the Planner and Engineer have reviewed his traffic study. Mr. Lance asked where the stop sign will be for exiting the South Phase. Mr. Chase pointed out on Exhibit A-4 the cross walk and stop bar. The stop sign will be about 12 to 13 ft. back from the intersection.

Mr. Edward Porter of 10 Bartek Lane asked if they looked at the logging trucks and commercial vehicles traveling up and down the roads. Mr. Chase stated that they did not analyze the impact of any logging trucks. Mr. Porter stated that Mr. Wyciskala's statement about the neighbors taking over the street was not correct. They have never had any no parking sign on their street.

Mr. Brandon Rodkewitz of 41 Robert St. asked if the traffic study was done under the assumption that Old Irondale Rd does connect to Kice St.. Mr. Chase stated that they oriented all the traffic down Mill St. to Main St. as a worst-case scenario. Mr. Rodkewitz asked if there are any proposed changes to the flow of traffic or parking regulations on Old Irondale Rd. or Bartek Lane. Mr. Chase said there are not. Mr. Rodkewitz ask if the traffic impact at Mill and Main take into account traffic that flows into the alternate routes. Mr. Chase stated that it does not. Mr. Rodkewitz asked if there was any consideration of sight lines and parking regulations at the Main St. and Mill St. and also Robert St. and Mill St. and do they take that into consideration. Mr. Chase stated that they are not proposing any changes to those intersections. They do take into consideration sight lines.

Mr. Bezney stated that 16 ft is the minimum width of a neighborhood road, is there a minimum or maximum length. Mr. Chase stated that there is no limit to length.

Mr. Bezney asked if Ms. Caldwell agrees 100 percent with the traffic report. Ms. Caldwell stated that she agrees with the report and has no issues or concerns.

The meeting was now closed to the public.

John Caniglia was sworn in and qualified. His title is Area Counsel for K Hovnanian and has been with them for 24 years. He is responsible for contracts, new acquisitions and oversight of the preparation of Condo Association & HOA Association documents. He has been involved with common interest communities for about 35 or so years that he has been in the home building industry. He stated that each unit will be distinct. The various color schemes will be pre-selected, the homeowners cannot pick their own color or façade. They will agree to receive input & consultation from Board professionals on this to make sure they are maintaining a variety of colors and façades. Chairman Loury stated that this is different from the previous testimony. Mr. Zakin stated that one of the conditions that had been agreed to was they would add more stone than what had been shown on the plans. The other condition was input from our professionals in the overall schematic scheme which Mr. Caniglia just confirmed. Mr. Caniglia stated that the types of siding and the amount of stone that was shown on the plans is the appropriate amount of stone and appropriate for this type of townhouse.

Mr. Caniglia stated that they will not allow homeowner to fence in their rear yards because of the size of the lots and the aesthetics. It would also make access for maintaining the landscaping very difficult. The HOA is responsibly for the lawn maintenance in the rear yards.

Mr. Caniglia testified that a common interest association can take multiple forms with the 2 most common being the Condominium Association or one where the lots are owned by the homeowners. Buyers prefer to have their own lot. A Home Owners Association HOA is basically no different that what you find in a Condominium Association. There is a Board of Trustees elected by the homeowners, you would have a budget and reserves for common property. The main difference is the form of ownership. The applicant's proposal consists of 90 individual unit owners who own their own lots and are members of the homeowner association and they own the common property which includes the roads, buffer and common landscaping, recreation amenities, etc. The HOA would maintain the roads, stormwater management, all the common property and landscaping and snow removal. The Applicant/HOA will procure the casualty and fire insurance for all the buildings.

Mr. Caniglia stated that decks and/or patios are optional except for the single decks on Building 6 & 7. They would have a standard for the size, color and materials for the decks. The owners would have to notify the Association and obtain the permits and materials.

Chairman Loury has a big issue with the buildings themselves not being a common element. What happens if you an owner needs a new roof over their unit. Now you have a new roof that is different from all the others. Mr. Caniglia stated that repair or replacement decisions are by the Board and Association at the cost of all the unit owners and the same for the façade. The individual homeowner is not making that decision. This will be all in the association documents. There may be a different cost that is applicable to each unit depending on the façade. Mr. Loury stated that the whole community benefits from the different façades so the burden should be divided equally among all the units. Mr. Caniglia stated that that was a fair point and they can divide it equally among all the units.

Chairman Loury asked about decks and owners building their own decks. Mr. Caniglia stated that the person building would need proof of insurance and unless they are a builder, they wouldn't have insurance. The declaration can include major DIY projects. Major renovations have to be approved by the Board and Association.

Mr. Zakin stated that a condition of approval would be that the Board and Board Professionals approve the HOA documents. Mr. Wyciskala agreed. Mr. Loury wants the documents to be very specific.

Chairman Loury asked about sheds. Mr. Caniglia stated that sheds are not allowed and this will be included in the HOA documents. Homeowners will be allowed to add landscaping shrubs and flowers on their property. Mr. Caniglia stated that the homeowners will be responsible for the upkeep of their decks which will be also in the HOA documents.

Chairman Loury wants it to be clearly delineated in the documents what is the responsibility of the homeowner and what is the responsibility of the HOA. Mr. Loury does not want any confusion, 30 or 40 years down the road about who is responsible for what. Mr. Caniglia agreed, they always list this in their documents. Mr. Wyciskala stated that it will all be included in the document. and approved by the Board and Board professional.

Mr. Caniglia state that the association is responsible for the roads, retaining walls, stormwater and the maintenance of trail head access. They are also responsible for any retaining walls that go over the property of any of the homeowners.

Peter Rathjens asked about COA. Mr. Caniglia stated that there are no COA units on site they are all located off site. Mr. Zakin stated that this will be a condition.

Chairman Loury stated that part of the maintenance fee is reserved for use in future repairs, as will be specified in the HOA documents.

Mr. Caniglia stated that there will be no screening of the air conditioner units because of the lot width. They will allow 6 ft. privacy fences for the patios of the garage under units that have access to a rear yard. They will be optional. Again Mr. Loury would like that to be very specific in what is allowed. Mr. Caniglia stated that it would be part of the document.

Mr. Caniglia stated that they did a thorough market analysis before they start and they feel this is a viable, feasible and a good product for this area. It is the right size homes, the right size purchase price and they definitely think they are very marketable.

Mr. Steele stated that when this application was previously approved for significantly less units, Mr. Crimi and others came in and said that the application as approved with less units that were larger was not viable in the market. Now with this increase in the number of units, in density and increase in traffic, etc. you are back looking for approval. That was pre pandemic when they came in and they made a compelling case that they could not sell units that large and now post pandemic when the real estate market is booming is there really a need to increase the number of units to 90 in order to make this a viable project. Mr. Steele did ask if Mr. Caniglia was the right person to answer this question. Mr. Caniglia stated that this was the deal and design that was negotiated with the seller. He could not answer whether a project with larger homes would be the right fit for this area. He is not the one to answer this question.

Chairman Loury asked why do we need 90 units up there, Mr. Steele made a good point, this was approved for 67 units and why do they need 23 more units. Mr. Wyciskala stated that it's the cost of infrastructure, etc. and there has been substantial discussion about this in the past and this is the application they have before you.

Ms. Caldwell agreed that many of the town home developments are set up the same way with the common interest association and she doesn't feel there will be an issue with the exterior of the buildings.

The meeting was open to the public.

Mr. Bezney asked about barbeque grills. Mr. Caniglia stated that electric grills will be allowed on the decks and in the yards.

Mr. Bezney asked if this was an adult community or a regular community with children. Mr. Caniglia stated that it is a regular community with children.

Mr. Bezney asked about the maintenance of the decks and the fact that material compositions change over the years. Mr. Caniglia stated that the materials would have to be comparable to the materials they are using on the decks and that the Board and Association would have to modify the specs of the materials over time based on new building materials. It was suggested that the colors of the decks be neutral tones. Mr. Caniglia agreed.

Mr. Caniglia stated that interior structure changes have to be approved by the Association and Board. Chair lifts do not impair the structure. Handicap ramps probably would not be prohibited under the law. These units are considered town houses and the owners own the property in front, under and in back of the unit. He stated that condominium is a form of ownership not a type of housing.

Chairman Loury stated that the original 67 units were town house style. Mr. Wyciskala stated that with the first approval there were no condominium documents put in place. This approval will be contingent on the establishment of a HOA with documents that are prepared by Mr. Caniglia and approved by the Board and Board professionals which are the same conditions that were imposed by the previous application.

Ms. Caldwell sees no concerns with the Common Interest Association that they are proposing. From a planning perspective condos and town homes are legally different types of units. From the exterior and from what people experience they are the same as a community or a neighborhood. In this case she feels they will function well. Mr. Loury stated that the big difference is the maintenance of the units and the maintenance of the buildings. This will all be in the documents. Mr. Bezney was concerned if the HOA ever went broke.

Mr. Zakin stated that the applicant has testified that the HOA would operate the same whether they are a condo or townhouse.

Mr. Bezney asked about the snow removal. Mr. Caniglia stated that in smaller snow storms the snow will be pushed on site and for larger snow storms the snow would be removed off site. This would be a condition of approval. This is the responsibility of the HOA.

Mr. Bezney asked about the price range of these units. Mr. Caniglia stated the price would range from \$400,000 to \$475,000.

Mr. Lance asked about pets in this development and if they looked at pet waste removal. Mr. Caniglia stated that they don't prohibit pets and that pets would have to be leashed outside and the owners would have to pick up after their pets. He is sure that the municipality has an

ordinance that requires that. Mr. Lance suggested they put out pet waste bags throughout the development.

Mr. Lance asked if the homeowner were allowed to have construction vehicles, larger trucks or trailers. Also, what are the HOA fees. Mr. Caniglia stated that each home will have a one car garage and one parking space so you would not be able to fit a large construction vehicle. The document would include that you have to park your own vehicles in your driveway not in the visitor space. Normally they prohibit business vehicles even in the driveways. Unless they can fit a business vehicle in the garage there would be no place to park it on the site. They have no study or budget done but based on his experience, his guess for HOA fees would be \$250 to \$300 per month. Mr. Loury would guess that those prices are a little low.

Mr. Caniglia stated that the units will all be 3-bedroom units. The Garfield's will be 1700 to 1800 sq. ft. and the Paten is about 2000 to 2100 sq. ft. He is not aware of any tax abatement with this project.

Mr. Lance asked if they looked at his property as part of this development. Mr. Wyciskala stated that Mr. Lances property is not part of the development. Mr. Caniglia said it was not part of the deal.

Chairman Loury answered additional questions posted by the public for Mr. Caniglia

- Members/owners of the HOA will have to pay their full assessed real estate taxes.
- Warranty and Guarantee question – Mr. Loury does not know the answer to that. Mr. Caniglia stated that it is new construction so they are subject to the NJ Home Warranty Law in addition to any manufacturer's warranty.

Mr. Bezney asked about the disposition of trailers, motor homes as well as the prohibition of animals of certain breeds or size. Mr. Caniglia stated that they will only allow trailers or motor homes if they can fit into the garage. They do not allow exotic animals. They limit the number of pets but any breed is allowed and any size is allowed.

Mr. Lance asked if this application is not approved will the approval of the 67 units still stand. Chairman Loury stated that the 67-unit application still stands. Mr. Zakin agreed.

The meeting was now closed to the public.

Planner Jim McDonough was sworn in and qualified as an expert Planner.

The question here is can the site accommodate the density or any problems associated with the additional density. From a planning perspective he sees no issues.

He marked into evidence:

A-19, 6-29-21 – Series of maps and photo's – Titled Planning Exhibits consisting of 6 sheets, which he explained to the Board.

Sheet 1 – Parcel Map of block 1603 lot 14 - Butterfly Shape

Sheet 2 – Aerial Map shows the physical characteristics of the site as it looks now

Sheet 3 – Land Use Map – green – undeveloped, gold – residential land uses, red – nonresidential, gray – utilities.

Sheet 4 – Zoning Map – AH-2 zone – Affordable Housing Low Density.

Sheet 5 – View of Subject Site – Looking Southeast – shows the butterfly shape of the land and shows the surround green landscaping – the impact of the additional 23 units to this development as testified to by the other professionals, will be minimal

Sheet 6 – View of Site from Old Irondale Rd. What the neighborhood has seen over the last few years.

Mr. McDonough stated they are proposing 90 – 3-bedroom units with a 1 car garage, each situated on their own lots. 18 Buildings total in the 2 phases. There will be 49 common parking spaces. The roads will mimic the prior approval. They are proposing heavy perimeter plantings. The key is how it integrates with the neighborhood. The plan is to maintain the buffer system that was there before which will maintain harmony with the surrounding neighbors. The 24 credits for affordable housing will be off site unit which meet the 2014 Fair Share and Housing Plan. 18 units off site will meet that plan.

The primary relief is the D-5 density variance to allow the equivalent of 9.7 units per acre where as 8 would be the cap. Looking at the positive criteria. These units are going to be smaller units than what were approved but in the same general arrangement. An arrangement that will provide for a realistic opportunity meeting the requirement of a name brand. This is a permitted use in the zone. Can the site accommodate any problems with the added density? This project will promote multiple purposes under the Land Use Law. Under Purpose A of the Land Use Law the project will promote the general welfare with the new contemporary housing style and a realistic opportunity for affordable housing. The housing stock is aging here and there is a current need for contemporary housing. Wharton's Housing Element states that Wharton's housing stock is much older than the rest of Morris County. The applicant is refreshing the housing stock. The affordable housing is a paramount public interest and weighs heavily on this application. They see the advancement of Purpose M which is efficient use of land by reversing the sites stagnation and putting stagnant land to use by finishing this incomplete construction. This project will generate approximately 230 residents that will benefit our local CBD district who would spend over a million dollars a year at the local businesses. Environmentally this is a site that is cleared, primed and ready for development and can accommodate the 90 units. Purpose I – promotion of a desirable, visual environment would be advance by the very attractive buildings and landscaping. Purpose G – provide for a variety of land uses –a variety of housing types. The site is well suited for this density.

Looking at the negative criteria – the site can accommodate any problems from the additional density as was testified to by the other professionals. Visually the layout is substantially the same as what was previously approved. They have adequate sewer and water supply. It has been vetted with the police and fire dept. and also in accordance with the RSIS. There was just testimony that the site can accommodate the density from a traffic safety and parking standpoint. The environmental impact is minimal. He believes that the density relief can be granted without substantial detriment to the public and surrounding properties. As far as the D-5 Bulk variance relief he bundled them into 3 categories which he explained to the Board.

1. Building
 - a. Height – only 2 of the buildings, #6 & #7 need the relief. These are the buildings with the raised rear slabs. The buildings are not going to be overpowering. They are less than 2.5 ft above the maximum allowed.
 - b. Stories – 2.5 versus 3.5 which allows for the garage under.
 - c. Length – 60 ft versus 72 ft. which is similar to the relief given in the prior plan.
 - d. Separation – 20 ft versus 37.47 ft. – which is adequate for fire access.
 - e. COAH– located off site
2. Site Related
 - a. Right of way width 45 ft versus 50 ft.
 - b. Center line radius at 37 ft versus 100 ft. RSIS related relief
 - c. Site will Function safely and efficiently
 - d. Yard dimensions – list was given by Mr. Hansen in his tables relating to each unit being situated on their own lot.
 - e. Recreation area of zero percent versus 15 percent is similar to the prior relief.
3. Design Related
 - a. Wall terracing previously approved and already constructed
 - b. Buffer Width less than 25 ft.
 - c. Buffer Composition to have some structures in the buffer similar to the prior approval
 - d. Lighting Illumination of 2.5 ft. candles versus 1 ft candle similar to the prior approval.
 - e. Slope Disturbance – less disturbance of slopes than previously approved.

Based on all the testimony on the record, this is going to be a positive refinement to the previously approved plan and a more realistic opportunity for affordable housing.

Chairman Loury stated that he will table the questions until the next meeting. He just wanted to say a few things as a take away for the applicant – He did not hear why it has to be 90 units, there was not testimony as to why it has to be all 3 bedrooms. The testimony was that it will generate 230 persons. How can 230 be minimal and an inconsequential impact.

Mr. Steele agreed. The testimony just given gave the positive criteria as if it were a new application. To be fair they already approved the plan for this site. The original proposal of that application was for more units, that included COA but that was reduced to the 67 units specifically because of density. He understands that more is better from a commercial aspect but he has questions but the one single question is why 90 units.

Mr. Harris stated that his question is the impact of this many homes as a general impact to the area versus the number of homes that are currently in the area. Is it a minimal impact or a maximum impact?

Mr. Steele asked that both attorneys look at the 29 bullet items in the old resolution to see which need to be carried over and which do not. Mr. Zakin stated that he had sent the resolution over to our Planner, Chairman, Engineer and Mr. Wyciskala for their review and it has been addressed to some extent.

A discussion about the next meeting followed and it was decided that this application would be carried to the July 13, 2021 Regular meeting. Their Planner would be able to call in to that meeting as long as there is someone at the meeting to put up the exhibits. The subdivision application that is on for the July 13 would be heard after Wharton Woods.

A Motion was made by Roger Steele and Seconded by Christopher Fleishman to carry this application to the July 13, 2021 in person meeting with no further notice. YEA – 8 NO – 0

A Motion was made by Roger Steele and Seconded by Barb Chiappa to adjourn.
YEA – 8 NAY – 0

Patricia M. Craven – Secretary

Ken Loury - Secretary