

WHARTON PLANNING BOARD
SPECIAL MEETING
November 29, 2021

The Special 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 Chegwiddden, Councilwoman Nicole Wickenheisser and Charlotte Kelly.

The Pledge of Allegiance was next.

Chairman Loury announced that he would not be reading the Resolution for Wharton Woods tonight, it will be read at the next regularly scheduled meeting on December 14th. He also announced that they would not be hearing the application for 22 E. Sterling Street tonight and at this time there is no date for the 22 E. Sterling St. application

The reading of the bills was next. A Motion was made by Barb Chiappa and Seconded by Marc Harris to approve the bills as read. YEA – 8 NAY – 0

The Minutes of the September 2, 2021 Planning Board Meeting was next. A Motion was made by Roger Steele and Seconded by Patrick O'Brien to approve the Minutes.
YEA –8 NAY – 0

Next on the agenda was the amended application for 10 N. Main St., Wharton CHA. Chairman Loury clarified that there was not relationship between the applicant's name CHA and Board Engineering firm CHA. Attorney Lisa John Batista confirmed that there is no connection or affiliation between the two and Engineer Borinski verified the same.

Attorney John-Batista addressed the Board. They are before the Board with an amended application for 8 N. Main Street. In August of 2020 they received site plan approval for a 4 story multi use building along N. Main St. and townhome style development along Second St. They are seeking amended site plan approval to add 2 additional retail tenants on the first floor of the mix use building. They are also seeking some modifications to the exterior of the multi-use building. They are not proposing any site plan changes just architectural design element revisions. They are back before the Board as Board professionals considered these revisions to be "material", requiring approval of the Board for a new site plan

Chairman Loury questioned the 8 N. Main Street and asked if it was supposed to be 10 N. Main St. Ms. John-Batista stated that the tax records now show 8 N. Main St. Attorney

Zakin stated that the address is 8-14 N. Main St. but for project purposes it was commonly referred to as 10 N. Main St.

Architect Arthur J. Michels of Michels & Waldron Assoc. LLC, 945 Westwood Ave., River Vale, N.J. was sworn in and qualified as an expert architect. Mr. Michaels went over the interior changes. He presented to the Board some modified architectural plans that were marked into evidence as:

A-1, 11/29/21 – 4 Story Building Floor Plans revision #3 date 11/29/21

A-2, 11/29/21 – Main St. and Central Ave side elevation revision #3 dated 11/29/21

A-3, 11/29/21 – Rear, left and Right-side elevations revision #3 dated 11/29/21

The additional information that the Borough Professionals have asked for have been added to these exhibits.

Mr. Michels went over the A-1 plan and explained the difference between the exhibit and originals. The difference is that the original plan had no trash chutes on each floor. They added a trash room on each floor with 2 chutes and a large trash room on the first floor. They also moved the stairs from parallel to the exterior wall to perpendicular to it, which gave the units more window space and they were able to place the 2-bedroom units on the corners. This then shifted the exterior bump outs of the building which they felt was justified for the benefits they were providing the occupants in the building. The lobby area was reduced from 3188 sq. ft to 2255 sq. ft because of the need for the first-floor trash room. The retail spaces were now larger going from 7740 sq. ft to 7822 sq. ft., an addition of 82 sq. ft. which they believe was di minimis and did not affect the parking requirements.

A-2 shows the exterior changes which Mr. Michaels went over. The original plans on the Main Street side of the building had the small bump outs on either end of the building and the larger bump outs in the middle. The revised plans show, on the Main Street side of the building, the larger bump outs on the ends and the smaller bump outs in the middle. They felt it was an undetectable change. The previously approved number and size of the signs have remained the same but some have shifted slightly which he pointed out to the Board on the plans. Aesthetically the building looks the same on the Main Street side. They have the same brick façade very similar from what was approved. The inset balconies will have the siding on them. They will have some stone bases and EIFS (Exterior Insulated Finish System) on the building which material is shown on the exhibit A-3 under finish legend.

Marked into evidence was:

A-4, 11/29/21 – Main Street Rendering and A-5 11/29/21 - aerial of the rear elevation of the building.

A-4 shows the brick on the front of the building as well as the hardy plank in the recessed areas which is very similar to the previous design. He pointed out the approved signs which the number of signs has not changed, 4 are on Main St. and 1 on the angled part of the building.

He stated, when asked, that the balconies were always actual balconies and not just faux balconies for architectural detail.

A-5 shows the rear elevation. They have changed the rhythm of the balconies as well as some of the materials. The original plan had brick on the bottom and all EIFS above. They have maintained the cornice line that goes around the second floor of the entire building. The top of the building and the treatment also wraps around the entire building. The treatment of the balconies remains the same. From the cornice up they have introduced vinyl siding and the detailed treatment of the balconies will remain the same. From the cornice up they have introduced vinyl siding and have carefully detailed out the corners so they are solid panels and you will not see the edge of the siding. They introduced vertical elements in the siding patterns with colors to break up the height of the building. From the cornice down will be darker siding similar to the dark on the front of the building. The back of the building will be similar to the back of the townhouses.

Marked into evidence was exhibit:

A-6, 11/29/21 – Material sample Board – these are a sample of the products they will be using on the building which Mr. Michels explained in detail. There are 4 different vinyl siding colors that they will be using on the back of the building.

Mr. Michels explained that the original air conditioner units had louvers underneath all of the windows. They are now proposing to duct in the air conditioning so they have removed all the louvers and will be putting the small condensers for the air conditioning on the roof over the corridor and bathrooms in the building. They will be out of site and will not be seen from any angle.

Mr. Michels explained that EFIS is the abbreviation for Exterior Insulation & Finish System which is a synthetic stucco. It is less susceptible to cracking. He also stated that there will be insulation under the vinyl and under all the other covers.

There were several reasons for them to switch to the vinyl siding. One was supply chain issues, getting the materials. Second was an economic decision. When this building was being built wood was up 300 percent. All building materials were up which put extreme pressure on the developer and builder. They did not want to shut the project down and have it sit there waiting for the prices to come down, so they elected to keep going. Then they hit the supply chain issues in getting the materials. So, they looked for materials they could get and materials that economically worked for the project.

Mr. Steele asked if they were having trouble getting the EIFS for the full building. He stated that he is looking at it as the image for the town and it was certainly presented as a centerpiece for the town and how nice it was going to look. Now you have 3 sides that are going to be vinyl siding. Mr. Michels stated that only ½ of the sides will be vinyl. Mr. Steele was concerned with the aging of the vinyl over the years. Mr. Michels pointed out the bands on the sides which will help break down the size of the building and the fact that there will not be any joints showing on the siding. He stated that the vinyl is

more durable than EIFS, holds up better and lasts longer. Mr. Steele stated that it may last longer but it may fade and not look very nice.

Chairman Loury stated that on the Main Street side you have a nice symmetrical feel to the building and then you come down to the ends and it looks like they ran out of money and now you are making both ends vinyl. Mr. Loury understands that they want something that is economically pleasing to the developer but this building is the centerpiece of the town and he wants to make sure that this building will look good forever. Chairman Loury does not want to see vinyl on the ends of the building. He also stated that they have eliminated the nice archway on the one side which gave it some architectural detail and made it look somewhat pleasing instead of a vinyl wall. Mr. Michels stated that they could integrate some archway detail into that area. Chairman Loury would also like to see EIFS added. Mr. Michels stated that they had made provisions for a restaurant in that area and incorporated an area in the back for a kitchen exhaust.

Mr. Michels stated that the commercial units would not be using the trash room on the first floor and can be a condition of approval. They will not be adding any new retail signs.

Marked into evidence was exhibit:

A-7 – 11/29/21 – shows exhibit A-4 from last year dated 7/31/21 Signs – this shows the location of the signs.

Mr. Michels pointed out and stated that there are 4 tenant signs – 3 on the Main Street front of the building and 1 on the corner angle of the building along Main Street. There are 4 smaller blade signs which are now in a slightly different position along Main Street and 4 large blade signs along Main Street. Every business has a small blade sign and 1 retail sign. They are not proposing any additional signs. The large blade signs say 10 N. Main. The name on the building is 10 N. Main St.

Planner Caldwell asked that the resolution clearly state that there are 4 total tenant signs on the building, 3 on Main Street and 1 on the corner. She stated that the prior resolution was incorrect on the number of tenant signs listed.

Chairman Loury wanted to make sure that the air conditioning units on the top of the building won't be visible to the neighbors and the townhouses in the rear and that this would be a condition of approval. Mr. Michels agreed. Mr. Rathjens stated that he can see the top of that building from Grove Street and was concerned about the noise from the air conditioners. Mr. Michels stated that the noise from the air conditioners is the same as the units on a residential home. Attorney John-Batista stated that they will comply with all state and local noise ordinances. She also stated that they are not proposing any changes to the parking lot or any site plan changes.

Chairman Loury stated that even though this was one project the nice part was that there was a definite delineation between the townhouses and the apartments on Main Street

which was discussed in length and great detail prior to the previous approval. He stated that the testimony tonight was that they are trying to assimilate it to look all the same. He stated that the back of the Main Street building is very sterile looking and he doesn't like the fact that it looks like the back of the townhouses because then it doesn't delineate.

Mr. Steele read from Planner Caldwell's memo where she sighted from the building development of the Main Street Development Plan "side and rear façade should receive architectural treatment comparable to front façade when abutting a public street or when public access and parking is provided next to the building". Mr. Steele stated that the straight vinyl siding clearly doesn't meet this. Mr. Michels stated that how he read that was that it wasn't mandatory ("should vs shall") and what they did was try to integrate some of those features such as the bands, cornices and detailing the balconies the best that they could.

Chairman Loury stated that after receiving the new plans he drove by the building and the building is already build out to the specs of the new plans. They went ahead and built it and then after it's already built, they come back to the Board for approval. He then asked the applicant if he is wrong. Attorney John-Batista stated that it is already framed out, there was a tiny window of time and they wanted the project to keep going and try to get back before the Board. Chairman Loury stated that that is not the proper process; which puts the Board in a position that if they do not approve the new site plan, they will have to tear down the building. Attorney Zakin stated that they could do so or they, at the Boards discretion, can find some suitable amendments that would be acceptable to the Board to allow the building revisions that were already made contrary to the original approvals. The applicant did the unapproved work at their own risk. Because it is a material change, it is up to the Board to decide otherwise they have to comply with the original approval. The concern of the Board is the aesthetics of the building because this is the centerpiece of the town. Marc Harris stated that this project is on the corner of Central and Main Street and could not be more in the center of town. Attorney John-Batista stated that the front façade is in keeping with the original façade and they will work on both the north and side façade. Chairman Loury does not want any vinyl on either end of the building. Mr. Michels stated that on both the north and south façades they will go back to the materials that are consistent with the rest of the Main Street elevation as per the original concept. It won't be vinyl and will be a condition of approval.

Mr. Steele stated that he felt they were glossing over all the significant interior changes that were already made to the building such as the changing of the stairs, the changing of the 2-bedroom unit, the changes in the retail spaces, the trash rooms and the bump outs. He doesn't have a problem with the changes, it is really a reconfiguration. He was curious as to why they went from 2 retail to 4. Mr. Michels doesn't know if it will be 2,3 or 4 retails but the applicant wanted to have the flexibility in leasing. The street slope also had an impact of the locations of the entrances to the retail units.

Mr. Rathjens stated that on the original plans the back matched the front façade. Now in the back they have a block of vinyl and no arches. This is what people in the neighborhood will be looking at.

Mr. Steele stated that the public parking will also be in the back and anyone visiting the building or going to any of the retail shops are going to see the back. He is sympathetic to the supply chain challenges, but honestly doesn't like the aesthetics of the back as proposed. Chairman Loury stated that the Board has to think what's best for the town in perpetuity. He liked the original plans where even though this was all one project it looked like two separate projects.

Mr. Michels stated that there are dumpsters in the back for both the retail and apartments. He also pointed out in A-1 – the dotted lines and said they are for the walls which can go anywhere depending on the size of the tenant spaces. Board members concurred with this concept.

Mr. Bosworth stated that he is fine with the front façade and agrees with the sides being consistent with the front façade because of their visibility along Main St.

Planner Caldwell stated her concern is how they can address the rear of the building. She suggested brick below the cornice on the rear of the building and something else to break up all the vinyl. The Board is correct in that the public will enter and see the building from this side.

Attorney Zakin stated that this was a redevelopment project to specifically promote the development of the downtown of Wharton with certain aesthetic criteria.

Attorney John-Batista asked for a 5-minute break to speak with the applicant.

Planner Caldwell asked that the resolution be specific as to what signs were approved. No variances are needed and any changes to the façade will need Board approval. She wants the Board to be comfortable with the colors presented. The Board was pleased with the colors.

Mr. Michels will give Planner Caldwell a printed copy of the Material Board that was presented tonight.

Engineer Borinski pointed out on sheet A-2 – building elevation along Main Street – 2 goose neck lights over each sign – he would like them to be labeled on the plans. There are also 2 exterior lights on each deck which should also be labeled on the plans. He asked about the small box on the outside right corner of each unit. Mr. Michaels stated that they are vents.

Mr. Borinski asked about the height elevation of the roof. Mr. Michels stated that the original was 48.67 feet and because of a grade change it is 49.34 feet so there is a slight deviation of 8". What is allowed is 55 ft so it is still 6 ft. less than what is allowed.

Chairman Loury stated that 8” is not insignificant and should be memorialized in the resolution. Mr. Borinski would like this updated on the site plan as well as the retail square footage. Mr. Michels agreed.

The meeting was now open to the public.

Michael Bezney, 1 Bartek Lane asked how they would repair any of the air condition units on the roof, how will they get to the roof and how many units will be on the roof. Mr. Michels stated that there are 50 units in the building and every unit has a condenser. There are steep stairs that access the roof through a hatch. He doesn't know if the units would fit through the hatch or they would probably be lifted by a crane or lift. They are not big, a couple hundred pounds, just cumbersome.

Chairman Loury stated that there will be no parking underneath the building and no reserve or paid parking. Right now, they have no tenants for the retail.

The meeting was now closed to the public.

Mr. Steele stated that the Borough of Wharton recently rezoned this area for redevelopment to attract this type of development. A lot of people were against it because it is big in the center of town and that's not the way a lot of people view Wharton but it was approved, it's done and it was meant to be nice. The Board approved it with a very nice look. He thinks of customers coming, tenants, prospective tenants and all the adjacent neighbors that have to look at all this large vinyl wall on the back of the building. It is clear that the Board would like the look that was previously approved for the entire building and would think that it is in the best interest of the owner and applicant in perpetuity and the attractiveness of getting the right kind of people, tenants and customers.

Mr. Harris asked if the building materials they are using meets the ignitability standards. Mr. Michels stated that they meet the NJ Building code requirements including the ignitability standards.

Chairman Loury stated that the economics is not really part of this application. He stated that they are getting an economic improvement from the new bigger units on the north side because of the reconfiguration. Mr. Loury understands the increased cost and supply chain issues but he also sees a benefit for them as well.

Mr. Michels stated that the bedroom count is 1 – 3 bedrooms, 29 – 2 bedroom and 20- 1 bedroom.

Chairman Loury brought up an important part of this application is the affordable housing which is off premise. This project is contingent on the affordable housing requirement. It is a condition and there will be no CO issued until the affordable housing is met. Attorney John-Batista agreed.

Mr. Rathjens stated that one of the conditions is that the police and fire chief have to approve the plans. Have they reviewed the revised plans? Mr. Michels reviewed the change with the Fire Dept. and they asked that a window be added to the end stairwell which they have done. Chairman Loury likes the change in the staircase. The previous staircase came down and directly out of the building. This one you come down to a small area before exiting. Attorney Zakin stated that it can be a condition of approval. He also stated that this is a welcoming gateway to the town of Wharton and he just wants everyone to be mindful of that.

Chairman Loury stated that they would take a break at this time so that the attorney, and professionals of the applicant can meet with their client to discuss how they would like to proceed.

Roll Call was taken and the following were in attendance. Chairman Loury, Mr. Steele, Mr. Harris, Mr. O'Brien, Mr. Rathjens, Mr. Bosworth, Mr. Fleischman, Ms. Chiappa, Attorney Zakin, Planner Caldwell, Engineer Borinski and Secretary Craven.

Attorney John-Batista stated that they were able to have a discussion with their client about what could be done in regards to the facades.

Mr. Michels stated that his client has agreed, on both end sides to continue the materials around to the back. They will have wood trim to transition around the corner. In the back of the building, they have all the breaks with the balconies. The larger area in the center of the back of the building is the entrance to the residential building and amenities space. They are proposing an EFIS façade on the first floor from the cornice down to accentuate the entry with different materials and different colors. They will work with the Borough Planner. All the other entrances are entrances to apartments. There are no retail entrances in the rear.

Mr. Bosworth asked about the front façade, looking at Exhibit A-2 there is a vent behind one of the blade signs in the center. Mr. Michels stated that the blade signs are a little bit off the walls and there is air flow.

Planner Caldwell asked that they be more specific on what they are proposing on the rear of the building. Ms. Caldwell suggested brick rather than EFIS on the back around the rear entrance and 2 windows widths on either side. On the front of the building, they have brick with EFIS on the top so it would make more sense. Chairman Loury stated that brick would make it pop more. Mr. Michels stated they had no objections to brick instead of EFIS and would incorporate the rear entrance door and 2 windows on both sides. They will make up some sketches for the Planner to review. Attorney Zakin stated that it would be subject to the approval of the Board Planner. Attorney John-Batista agreed.

The meeting was now opened up to the public for testimony.

Mike Bezney, 1 Bartek Lane was sworn in. He stated that they are going to have 50 air conditioners running at one time (one for each apartment unit). Chairman Loury stated that they will be shielded and they will have to comply with the local noise ordinance. Mr. Bezney stated that he was concerned about how they are going to get up to the roof and replace an air conditioner unit if it breaks. He asked that they make sure the hatch to the roof is big enough to accommodate the air conditioning units. Mr. Bezney agreed with the Board about the façade of the ends of the building and as far as the back he feels that they should break it up with different colors and maybe do something decorative around the windows to dress it up.

The meeting was now closed to the public.

Attorney Zakin went over what the Board will be voting on. He stated that they have in this redevelopment zone a project that was approved in 2020. They are proposing amendments to the façade and external dimensions and features. They will maintain the current conditions of the approval in addition to the following conditions.

1. The commercial units will not use the trash rooms intended for the tenants.
2. HVAC units on the roof won't be seen from 200 ft. from the property line.
3. North and South side will have no vinyl and will be the same as the front of the building with the architectural design and approved by the Board Planner
4. Photos of the Material Board will be sent to the Board Planner and Secretary to include manufacturing name and colors.
5. The lighting that the Board Engineer mentioned will be labeled on the plans.
6. Police and Fire Chief to review and approve the amended plans in writing. Any concerns will be remedied prior to approval.
7. Ignitability standards of the materials must comply with N.J. state standards and approved by the Board Engineer and Planner.
8. Add brick around the rear entrance and 2 adjacent windows to be approved by the Board Planner
9. CO for the offsite affordable housing issued before a CO for this development is issued.

Ms. John-Batista stated that the affordable housing provisions are in the developer's agreement that has already been approved. Planner Caldwell stated there are 5 affordable units on site on the ground floor. There is a staggered approach to how many affordable have to have COs before the development COs are issued.

Chairman Loury asked if he can get a copy of the developer's agreement and in the future be on the distribution list for these agreements. Attorney Zakin will get that information.

Mr. Harris stated that after calculating the decibels of an air conditioning unit it looks like the 50 units will be under 50 decibels which is like a refrigerator in the parking lot. Attorney Zakin stated that they will memorialize in the resolutions that there was testimony that the air conditioning units won't be any louder than a residential air

conditioner. Ms. John-Batista asked that they also add that they will comply with all state and local standards.

Chairman Loury feels it is a win on the sides of the building because it was important to have the EFIS and architectural detail on both ends of the building as an amenity for the town, as well as a selling point for the applicant. As far as the back he did not like it but felt it is a good compromise with the addition of the brick. He also likes the 4 retail spaces.

Mr. Bosworth wanted to make sure that, as was testified to at the prior meeting; you will be able to see the Wharton Pharmacy sign from the corner of Main Street and Central Ave. Wharton Pharmacy was told at the prior meeting that this building would not block his sign. Mr. Bosworth just wants to make sure that is still true. Right now, with all the construction around the building you cannot see if the sign is blocked. Attorney John-Batista stated that they have not changed the location of the building and have not change anything that was testified to at the prior meeting.

Mr. Steele likes the project and is fine with the changes except for the back which looks so plain. He suggested even the entire first floor having EFIS. He feels it is non impressive for a redevelopment plan. Ideally, he would like it to look like what was approved especially since it was going to be the same material as the front of the building. He is not pleased with the very minor change they are proposing around the back door entrance. Chairman Loury stated that it's like you painted 3 sides of your house and didn't paint the back of the house.

Mr. Michels stated that there is a lot of detail if you look close at the rendering. He feels that when it is up you will see the fine detail and it will not look like a big vinyl wall. He feels the changes to the piece in the middle will go a long way.

Mr. Rathjens stated that he wants the back to match the front of the building.

Attorney John- Batista stated that this is the façade of the interior parking lot and people won't be looking up at the building. With the change to the back entrance, she asks that the Board look favorably on that. The costs of this project was three times the amount they were anticipating. They continued with the project rather than put it on hold. With what has been incurred they have already taken a substantial hit. They feel they have done the best they could to make this aesthetically pleasing.

Mr. Steele is sympathetic to the cost but the fact that they went ahead with the changes and then come back to the board for approval.... He is ok with the changes but the Board does not look favorably on asking for forgiveness after making such significant changes.

Chairman Loury is also sympathetic to the cost but this project was already started during the pandemic. That is not the burden of the Board.

Mr. William Colgar, managing partner for this application was sworn in. He asked that the Board consider that when they started the project, they had no idea of the price increases especially when the cost of wood is 3 times the cost now. In order to be a good neighbor, they weighed the idea of letting this sit for 6 months while they wait for the prices to drop. A lot of the changes they made out of necessity. They are already well over budget and trying to make this project economically viable. He asks that the Board take this into consideration.

Mr. Steele asked if vinyl is cheaper than EFIS. He asked, looking at the supply chain, can they get EFIS as easily as they can get vinyl. Mr. Colgar said vinyl is cheaper and stated that the supply chain does not affect EFIS. The decision to go with vinyl was cost. They do not believe the changes on the back of the building will have that much of an impact.

Chairman Loury asked if they have changed any of the interior materials in the units such as countertops, flooring, etc. Mr. Colgar stated they did not. They actually, when changing the air conditioning, removed all the louvers from the outside of the building which helped enhance the building façade.

Mr. Rathjens asked if a percentage of the back could be EFIS. Mr. Steele would like to see the entire first floor brick not just around the door. Chairman Loury stated that they understand but is there any more they can offer them. He suggested they bring the brick around the corner of all 4 floors like the front, which would help tie it in with the brick accent around the door. It would also match the townhouse. Mr. Rathjens suggested they can also take the brick around the back entrance all the way up to the roof. It is obvious that the Board does not love the back. Mr. Colgar stated that they can agree to incorporating at a minimum of 25% of the first floor will be either brick or EFIS. He will work with our Planner on this.

Planner Caldwell would like to see color changes on the columns in the back to try and break up the white look by alternating the darker and lighter vinyl to mirror the front of the building and any articulation on the ground floor that they can come up with as was discussed.

The meeting was open and then closed to the public.

A Motion was made by Peter Rathjens and seconded by Brian Bosworth to approve the amended application with the conditions that were listed.

YEA - 8 NAY - 0

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

YEA - 8 NAY - 0

Meeting adjourned 9: 35 p.m.

Patricia M. Craven – Secretary

Ken Loury - Chairman