

WHARTON PLANNING BOARD
REGULARLY SCHEDULED MEETING
December 14, 2021

The Regularly Scheduled Meeting of the Wharton Planning Board was called to order with Chairman Ken Loury reading the Open Meeting Statement as required by law as well as the Judicial Proceeding Statement.

ROLL CALL was taken and the following members were present: Chairman Ken Loury, Councilwoman Nicole Wickenheisser, Mr. Roger Steele, Mr. Marc Harris, 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, Mr. Patrick O'Brien and Charlotte Kelly.

The Pledge of Allegiance was next.

The reading of the bills was next. A Motion was made by Roger Steele and Seconded by Christopher Fleischman to approve the bills as read. YEA – 7 NAY – 0

The Minutes of the November 29, 2021 Special Planning Board Meeting was next. A Motion was made by Barb Chiappa and Seconded by Christopher Fleischman to approve the Minutes. YEA - 6 NAY – 0 ABST – 1 (Wickenheiser)

Next on the agenda was the approval of the Resolution for Wharton Woods. Attorney for Wharton Woods, John Wyciskala addressed the Board. He had sent an email earlier today asking to be adjourned to the January 11, 2022 Planning Board meeting. They are going to submit a request to reopen the hearing with proposed amendments. They are proposing a reduction in the number of units. They will provide legal notice. They would like to extend the Resolution to February. Attorney Zakin stated that he received the email and forwarded it to Secretary Craven.

Chairman Loury said to Attorney Wyciskala that it was 2 ½ months ago that this application had been denied and did they not know in the last couple months that they were going to do this? Mr. Loury was concerned because the Board had reviewed this 32-page Resolution document multiple times in two or three different versions over several months and then 5 hours before the meeting they want to carry this. Attorney Wyciskala stated that it has been an ongoing discussion since the night it was denied, as well as months of meetings and prior discussion before that. Chairman Loury was pleased to hear about the reduction of units, density was a very big issue with the Board. He asked if they vote to carry would Attorney Wyciskala be agreeable to conditions. Mr. Loury has visited the site over the last 7 months about 10 times and the condition of this property is terrible and embarrassing especially for the neighbors who have to look at it. It has been like this for 6 years or so. Chairman Loury handed Attorney Wyciskala pictures that he just took of the property and asked that he pass them along to the applicant. Chairman Loury asked Attorney Zakin if they can carry this with the condition that the property gets cleaned up. Attorney Zakin stated they can ask the applicant to consider it. He was sure that Attorney Wyciskala will tell the applicant that this will be a topic of discussion when they do come back before the Board. Attorney Wyciskala stated that he will convey that to Mr. Crimi and share the pictures with him. Chairman Loury asked that he also convey to Mr. Crimi that he has to maintain the property.

Chairman Loury opened the meeting to the public.

Mr. Besney asked why the Board is even considering this from the applicant when they have turned it down. Attorney Zakin stated that the Board stated the reasons why there was a denial and how there could be an approval and this will give the applicant the opportunity to come back to the Board. They will have to notice. This will hopefully avoid litigation. Mr. Harris stated that the applicant has listened to the Boards concerns and hopefully they will meet the benefits of both sides the best they can.

Attorney Wyciskala asked that they carry the Resolution to January 11, 2022.

Chairman Loury asked the Board members to notify the Secretary if they would like to receive electronic copies or hard copies of the plans. The electronic copies will also be on the website.

Mr. Besney asked about the affordable housing for this project that will be located at 57 S. Main St. Attorney Wyciskala is not the attorney for that application. He is not sure if that site has been donated to cerebral palsy. Secretary Craven stated that they are supposed to come back before the Board in either January or February but she has not heard back from them. Chairman Loury stated that the Wharton CHA site will not get a CO until the affordable housing obligation is satisfied.

The meeting was closed to the public.

A Motion was made by Roger Steele and Seconded by Marc Harris to carry the application for Wharton CHA which is at the stage of approving the Resolution to the February 2022 meeting date. YEA – 6 NAY – 0 ABST – 1 (Wickenheisser)

Next on the agenda was the approval of the Resolution for 10 N. Main St. Attorney Zakin stated that he had sent the Resolution to Attorney John-Basta for her review but has not heard back from her. The following corrections were made to the Resolution.

1. Page 5 – Attorney Zakin will add a paragraph stating that Councilwoman Wickenheisser was not noticed because of a mistaken belief that she was conflicted from participating and that her lack of participation in no way prejudiced the Board decision which was a unanimous one of 8 – 0. In the future all Board members shall receive notice of the meetings whether or not they may be on record as having a conflict.
2. Page 8, #16 – 2nd sentence - add “provision” after the word “this”
3. Page 11, #30 – 4th sentence – add “On the south side, interesting architectural detailing will be added.”
4. Page 11, #31, 2nd sentence – take the “s” off of the word windows
5. Page 11, #31, 3rd sentence – add “be” after would.
6. Page 15, #4 - Ms. Caldwell confirmed that there were 4 retail tenant wall signs (flush with the building), 3 on Main St. and 1 on the corner angle of Main St.
7. Page 15, #7- Ms. Caldwell confirmed that the 1st floor rear brick coverage is 25%
8. Page 15, #7 4th sentence – add after scheme “through the rear of the building”
9. Page 15, #7, 2nd sentence – take the “s” off of the word windows
10. Page 16, #8 – take this out because it is the same as #25.
11. Page 16, #12, add - there will be no paid parking.

Planner Caldwell stated that it makes sense that the off-site affordable housing has to be done before any CO’s are issued. She stated that there are 5 on site affordable housing units on the

rear first floor of the Main Street Building. Engineer Borinski stated that the Architect's name is Michels and has no "a" in the name.

A Motion was made by Marc Harris and Seconded by Barb Chiappa to approve the Resolution as amended. YEA – 6 NAY – 0 ABST – 1 (Wickenheisser)

Next was the discussion on the Statewide Municipal Electric Vehicle Ordinance. Planner Caldwell addressed the Board. A state law was passed that requires that electric vehicle charging stations have to be completed for new site plans. They require the DCA to create a model ordinance and when the law was passed it was immediately in effect. She wants them to look at the model ordinance and have it fit into the town ordinances. The parking spot for this is a 2 for 1 credit. There are different requirements depending on whether it is a private or public parking lot. There are some issues with this, such as is it a parking spot for anyone or just electric vehicles, especially for Wharton where parking is an issue. Planner Caldwell was not sure if this will affect Wharton Woods.

A Motion was made by Roger Steele and Seconded by Christopher Fleischman to have Attorney Zakin and Planner Caldwell draft a letter to recommend the Mayor and Council look at the State Wide Municipal Electric Vehicle Ordinance and create an ordinance for the Borough. Roger Steele wants to make sure they understand the pitfalls and the parking concerns of the town.

YEA – 7 NAY – 0

Attorney Zakin asked if the town had an ordinance for solar canopies. Planner Caldwell was not aware of one. Mr. Harris also mentioned the mini cell towers that are in Morristown that look terrible. Councilwoman Wickenheisser stated that it would be good for the Council to look at these.

Councilwoman Wickenheisser stated that the Council and Police were recently discussing new fees for the municipal parking lots and paid parking in the apartment complexes was discussed.

Some discussion followed tonight with the Board about Avalon and Port Oram parking lots charging for parking as well as there should be an enclosure around the dumpsters on Mr. Quinn's property where Hot Rods use to be. Chairman Loury asked if Ms. Craven would forward the Resolution for Port Oram and Hot Rods to the Board to see what was said about paid parking as well as the dumpster being enclosed.

Peter Rathjens asked if there is any recourse to what happened with the 10 N. Main St., of constructing the building differently than what was approved. Planner Caldwell stated that it happens a lot when the architect who designed the building and came to the hearing is not the same architect during construction and the building changes. Maybe something can be put in the resolution as a condition that addresses this.

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

YEA – 7 NAY – 0

Meeting adjourned at 8:30 pm

Patricia M. Craven – Secretary

Ken Loury - Chairman