

WHARTON PLANNING BOARD  
REGULARLY SCHEDULED MEETING  
February 8, 2022

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, Ms. Charlotte Kelly, Mr. Roger Steele, Mr. Marc Harris, Mr. Peter Rathjens, Mr. Christopher Fleischman and Ms. Barb Chiappa. Also present were Attorney Alan Zakin, Engineer Christopher Borinski and Secretary Patricia Craven. Excused were Mayor William J. Chegwiddden, Councilwoman Nicole Wickenheisser, Mr. Patrick O'Brien and Mr. Brian Bosworth.

The reading of the bills was next. A Motion was made by Peter Rathjens and Seconded by Marc Harris to approve the bills as read. YEA – 6 NAY – 0 ABST – 1(Kelly)

The approval of the Minutes of the January 11, 2022 meeting was next. A Motion was made by Peter Rathjens and Seconded by Christopher Fleischman to approve the Minutes.  
YEA - 4 NAY- 0 ABST – 3 (Kelly, Steele, Chiappa)

The Resolution for escrow refund for Klein was read. A Motion was made by Roger Steele and Seconded by Barb Chiappa to approve the Resolution as read. YEA- 6 NAY-0 ABST -1(Kelly)

Next was the Application for Wharton Woods that was carried from the January 11, 2022 Planning Board Meeting. Chairman Loury stated that the applicant is not here tonight because they are not ready to be heard and are requested that their application be carried to the March 8, 2022 Planning Board meeting. Attorney Zakin stated that the applicant will re-notice the meeting. A Motion was made by Marc Harris and Seconded by Roger Steel to carry the application for Wharton Woods to the March 8, 2022 meeting.  
YEA – 6 NAY – 0 ABST – 1 (Kelly)

The application for 57 S. Main St., Nouvelle, LLC, was next on the agenda. Attorney Matthew Capizzi addressed the Board. The application is for property located at 57 S. Main St., a corner property that fronts on S. Main St. and Thomas St. It is currently improved with a single-family home and out building. They are proposing to subdivide the lot into 2 new building lots which they have identified for purposes of discussion this evening as proposed Lot A and Lot B.

They are proposing:

Lot A - 11-unit, 100% affordable housing apartment building with 17 parking spaces.

Lot B – 4 Bedroom Community Residence, operated by Pilar Care and will be a residence for people with physical or developmental disabilities. They will reside at the property with a full time care taker. The residents will go to a full-time work program during the day. It will be a full-time managed property by Pillar Care and will have a full time care taker on site 24/7. From the outside it will look like a single-family residence with a common driveway that will accommodate 5 vehicles.

Both properties will have standard drainage, landscaping and lighting improvements. They are located in a commercial zone and neither are allowable uses. They are seeking a D1 use variance for both of the projects. They are also seeking minor bulk variances for both buildings for rear yard setbacks, building coverage and a minor parking variance for the affordable housing apartment building project. They are also seeking waivers for steep slopes and buffer requirements.

Mr. John Crimi is the owner of the property. Pillar Care is the contract purchaser and the property is being donated to them by Mr. Crimi. Pillar Care will own and operate the residence and Nouvelle, LLC will own and operate the affordable housing apartment building. Nouvelle is a for profit company and are a recognized affordable housing provider in the state.

Chairman Loury explained to the public the meeting process.

Mr. Michael Fisher, Civil Engineer from Dykstra Walker was sworn in and qualified. He presented to the Board members and to the public a colorized version of the revised plan dated 11/12/21. It was marked into evidence as:

A-1, 2/8/22 – Aerial of Site Plan – colorized version

Mr. Fisher explained the existing conditions of the site. The property, Block 1605, Lot 4, is a 33,667 sq. ft. corner lot located on the corner of S. Main St. and Thomas St. S. Main St. is a county road and has a 49 1/2 ft right of way. Thomas St. is a municipal road and has a 40 ft. right of way. The property is located in the CBD zone, Central Business Zone. The property has lawn, trees and has man-made slopes. There is a 2 1/2 story dwelling and a barn on the property. There are 5 parking spaces along the S. Main St. frontage and parking on Thomas St. The property drains in 3 different directions because of the way the property is currently graded. Approximately 1/3 of the property drains to the county drainage system, 1/3 to the northerly property line and the remainder drains to the south westerly corner along the Thomas Street frontage. There currently is no on-site storm water management.

Mr. Fisher explained that they are proposing to subdivide the property into 2 lots, Lot A & B. Lot A will be the corner lot with 19,106 sq. ft. and 111.6 ft of frontage on S. Main St. and lot depth of 194.7 ft. Lot B has 48.4 ft of frontage on Thomas St. with 11, 506 sq. ft. and a lot depth of 94.8 ft. Both lots will be fully conforming lots with regards to the bulk requirements. Frontage along both of the properties is proposed to be dedicated to the County of Morris and the Borough of Wharton for right of way widening purposes. The county would have a half width right of way of 33 ft. which is a standard width and likewise on Thomas St. it would be 25 ft. as apposed to the 40 ft.

Mr. Fisher spoke about the development of the property. They are proposing on Lot A, a 3 story, 11-unit apartment building with 17 parking spaces with 1 handicap space. Access to this building will be from both the front and the rear of the building. Both access points will be full ADA compliant. They are proposing 3 – 1-bedroom, 6- 2-bedroom and 2 – 3-bedroom apartments for a total of 11. The parking requirement is 22 spaces and they are proposing 17 so they will need a variance for parking. On the north side of the building is the location of all the air conditioner condensers and a generator. The dumpster enclosure will be located near the parking lot. Lot B is

located on Thomas St. They are proposing a 4-bedroom group home that will be ADA compliant. They are providing multiple forms of egress with ramps to the front and rear of the building. They are seeking a use variance for both properties, a variance for building coverage for Lot A for 23% as well as a building height variance for the 3-story building where 2 ½ is allowed. For Lot B they need variances for rear yard, side yard setback and use variance. The parking lots will be paved and curbed. The garbage for the group home will be collected at the curb. The utilities will be connected to both building primarily from Thomas St., to avoid any disturbance to the county right of way.

Mr. Fisher stated that from a storm water management aspect this site doesn't meet the criteria for a major development so it is not subject to the NJ stormwater management rules. They did provide management on site to control the run off. They have proposed across both lots a basin to control the runoff which was approved and reviewed by the Morris County Planning Board who have accepted their storm water design. All disturbances on the property will be within the soil erosion measures which includes silt fence, silk sacks, wheel cleaning tracking pads, protective tree fencing, etc. There are man-made steep slopes on the property that they will be disturbing and they are proposing standard stabilization for the construction. There is a 4 ft. high retaining wall on the inside of the proposed basin that is needed for adequate volume and stabilization. It is shown on the plans as a brown line which Mr. Fisher pointed out to the Board.

Mr. Fisher stated that they are proposing 4 shade trees around the perimeter of the parking lot as well as a 6 to 8 ft. high evergreen (eastern white pines) buffer between the 2 properties and along the perimeter of the property on the north west corner where the adjacent residential areas are located. They are also proposing foundation plantings for the apartment building. They are proposing 4 – 15 ft. high LED light fixtures, 3 on Lot A and 1 on Lot B that will not have spillage onto neighboring properties. They will provide a lighting plan. Access to the 2 lots will be from Thomas Street.

Mr. Fisher stated that they are proposing a 10 x 15 ft. pad enclosed with board-on-board fence and gated front for the refuse area for the apartment building which will be adjacent to the handicap spaces. This will be used by the 11-unit building. They will coordinate with the Department of Public Works for pick up. Chairman Loury stated that all the other apartment complexes in town use a private hauler for garbage removal. Mr. Fisher stated that under New Jersey law apartment developments are provided with refuse collection. Ms. Caldwell was not aware of that but will look into that. Mr. Fisher will provide Attorney Zakin with the statute that supports that. He stated that the group home will utilize cans and bring them to the curb for pick up.

Mr. Fisher stated that they are proposing sidewalks on both frontages with sidewalks and curbing on their side of Thomas St. They will also be providing handicap access ramps across both of the driveway entrances and a pedestrian crosswalk across the driveway entrance on lot A. They will work with our professionals in reference to their memos on any issues they may have.

Chairman Loury asked how many parking spaces for Lot B and why are they not delineated on the plan? Mr. Fisher stated there are 5 parking spaces - 3 spaces, 1 space in front of the garage and 1 in the garage. He stated that parking spaces aren't delineated in a common driveway of a

residential home. Chairman Loury asked how can they know the size of each space if they are not delineated on the plans. Mr. Fisher stated that the 3 spaces line up with the adjacent Lot A spaces which are 27 ft. Mr. Fisher also stated that the distance between the 2 driveways was 40 ft. Chairman Loury thought it had to be 50 ft. and asked Planner Caldwell to verify that. Mr. Fisher stated that the yellow circle in that area was a shade tree.

Chairman Loury stated that the man-made steep slopes on the property are 100 year old man-made slopes and was concerned with what the impact would be on the neighbors when they are disturbed. Mr. Fisher stated that they have prepared a soil erosion and sediment control plan with silt fencing. Chairman Loury was concerned if the plan does not work. Attorney Zakin stated that they can make conditions. Engineer Borinski stated that the drainage area going off site is going to be reduced so there will be less runoff. The basin itself is graded and cut into the ground. Water will fill that basin up and the overflow will be directed to Main Street. If that doesn't work it would be directed to the off-site properties which would be the worst-case scenario, but the basin is designed to prevent that.

Marc Harris asked about the sheet flow on the parking lots. Mr. Fisher explained how the front lot sheet flow drains into the basin. For the back parking lot they are matching the drainage patterns that exist today and also explained how that lot and the driveway are pitched to drain towards Thomas St. Mr. Fisher identified and explained the point of discharge below the basin. The drainage area has decreased in size and with that they have decreased the flow. He also explained what is currently going off the property and what they are proposing which was in the drainage report. They are reducing the flow significantly by 60%. The County is involved because Main St. is a county road.

Chairman Loury asked about the height of the proposed pine trees around the border of the property. Mr. Fisher stated they will be a planted height of 8 ft. and about 16 ft. when mature. Chairman Loury stated that it seems like a lot of trees.

Chairman Loury asked how visible the retaining wall will be to the neighbors. Mr. Fisher stated that the neighboring property will be below the wall and the wall will not be visible, they will see the berm of the basin. The face of the wall will face the back of their building and will be enclosed with a safety fence as per the recommendation of the Borough professionals.

Mr. Steele asked who will maintain the basin since it is on 2 properties with 2 owners. Mr. Fisher stated that there will be a stormwater maintenance plan per the recommendation of the Borough Engineer. It will be cleaned every couple months to half year; inspection of the retaining wall, berm, lawn care and general maintenance will be performed with the same frequency to keep the natural design that has been implemented. Attorney Zakin stated that there will have to be an easement for the maintenance of the basin and will be a condition of approval. Attorney Capizzi was in agreement with that being a condition. Chairman Loury asked about the fence. Mr. Fisher stated that the fence around the basin is not shown on the plans. The fence was a request in the Borough Engineer's letter. Engineer Borinski stated that the fence was to keep people from wandering into the basin. He suggested a 4 ft. nice looking fence, not chain length. Mr. Fisher was fine with that suggestion.

Chairman Loury asked where the recreation area is located, as required in the Borough Master Plan. Mr. Fisher stated that there is no recreation area proposed. Attorney Capizzi stated that they are encouraging the residence to frequent the downtown area. Mr. Fisher stated that there is some lawn area in the back and quite a bit of green space they can utilize. Mr. Fisher is not sure where the closest park is to this property. Mr. Fisher also stated that they will comply with the recommendation in the Planner's memo to screen the mechanical equipment on the side of the apartment building. Chairman Loury asked about the noise from these units. Mr. Fisher stated that they did not do a noise study. Attorney Capizzi stated that they will meet all the noise regulations.

Mr. Fisher stated that they will be cutting the grade of the property and removing the wall along Main Street. They will be adding landscape buffering along Main Street. Mr. Rathjens was concerned about the glare of the headlights shining onto Main Street from the parking lot. Mr. Fisher stated that the landscape shielding will be enough to prevent any headlight glare. He also stated that they will be removing the barn that is on the property. All existing site improvements will be demolished.

Mr. Fisher stated that for both properties there is a net increase in impervious coverage of 10,880 sq. ft. Engineer Borinski agreed. Attorney Capizzi stated that they comply with the ordinance in overall impervious coverage on both lots. Mr. Fisher stated that the walkways are impervious coverage.

Mr. Fisher stated that they will be removing the existing sidewalk and stairs that access Main St. The proposed access to Main Street would be the walkway by the driveway onto the sidewalk on Thomas St. Chairman Loury said that the applicant stated that they want to encourage the use of the downtown by the residents but they don't have any stairs to access Main Street in their plans. Mr. Fisher stated that the Planners memo did suggest that and they will work with her on adding a connection to access Main St.

Planner Caldwell stated that she wants a connection to S. Main St. She also stated that the white pines along the perimeter are too much. She asked if they would consider fencing and Arborvitaes. She would like to hear from the neighbors to see if they were interested in fencing. She would like to see more street trees along S. Main St. Mr. Fisher stated that they are open to consideration and working with her office. She asked if they considered shared parking and looking at what would make sense from a circulation standpoint. Planner Caldwell stated that they do share a yard and there really is no delineation between the 2 lots Attorney Capizzi stated that the sites will be 2 separate lots and will operate separately other than the detention basin but they can address the delineation. Chairman Loury would like to see some kind of curb stops between the 2 parking lots. She stated that the front of the group home and parking is awkward. Attorney Capizzi stated that at the group home the tenants do not drive and there is a van that transports the tenants. The total trips in and out a day is about 5. The van is kept on the site. The parking is for the one aid that is on site and for the monthly state inspector visit. There is not a high volume of visitors.

Mr. Steele asked about snow removal. Mr. Fisher stated that there is some lawn area available to stockpile the snow. Attorney Capizzi stated that they will also look into off site removal.

Chairman Loury suggested that if parking is diminished, they would have to take the snow off site and wants that to be a condition of approval.

Attorney Capizzi agreed to Title 39 as a condition of approval.

Engineer Borinski stated that with 2 different owners of the property they need an easement for the basin. He also stated that they need a O & M Manual. Attorney Capizzi stated that 1 party will be responsible to maintain the basin. This will not affect the Borough and he will let us know who that party is before the conclusion of this application.

As far as affordable housing, Attorney Zakin stated that it is deed restricted for 30 years for the apartments and the group home. Attorney Capizzi stated that they can spell out the conditions in the resolution as to the affordable housing and the shared responsibilities.

The meeting was now open to the public.

Robert and Alice Wagner, 58 S. Main St.- asked what the distance between the façade of the building and the sidewalk. Mr. Fisher stated that it is 10 ft. to the property line and 20 ft to the sidewalk. Mr. Wagner stated that all the neighboring homes are 2 story homes and a few 1 story homes. Why are they proposing a 3-story home? They are proposing 12 parking spaces for an 11-unit building when the average family has 2 cars per family which totals 22 cars. Where are they going to put 22 cars? Mr. Fisher state that the traffic engineer will address that in her testimony.

Matt McDermott, 85 New Irondale Rd., 30-year resident asked if there is a historical value to this house and have they looked into that. Chairman Loury stated that the Board has not. Attorney Capizzi stated this house is not on the historic registry. Mr. McDermott asked the engineer to confirm that the towns existing infrastructure of all the drains are clear and can handle all the drainage from this project. Mr. Fisher did submit a drainage report and stated that they have approval from the County that their system can handle any drainage from this proposed development. The drainage report can be found on the website.

Dan Murphy, 24 E. Thomas St. asked where the 5 parking spots were on Main Street that they spoke about. Mr. Fisher pointed them out on the state aerial image plan. Mr. Murphy stated that any time you go by E. Thomas St. there are solid cars parked on the one side of Thomas St. which are from people who live along the other side of Thomas and the business. Parking is already a problem for that neighborhood and now they are adding to the problem. Parking on Main Street will also be a problem because it is so narrow in that area. Mr. Fisher stated that they are not using any spaces on Thomas St. They are proposing curbs and sidewalks along Thomas St. and once that is done there will be no parking on Thomas St. Attorney Capizzi stated that they will look into not curbing along Thomas St., to preserve the parking area along their side of Thomas St. Mr. Murphy asked that they take that into consideration for the neighborhood residents and business.

Mr. Steele stated that the Fire Chief's report highly recommended no parking on both sides of E. Thomas St.

Michael Bezney, 1 Bartek Lane stated that a group home is a good thing for the town. He asked about the 2 for 1 for rentals. Planner Caldwell stated that 25% of the COAH rentals we get 2 for 1, sometimes group homes count for that but she cannot say for sure that this will be a 2 for 1 credit. Chairman Loury explained to Mr. Bezney that the affordable housing/group home is 30-year deed restricted. The apartment building is 100% affordable housing and also 30-year deed restricted. Attorney Capizzi stated that after 30 years the use usually continues. Mr. Fisher stated that the existing garage will be removed. He also stated that the property owners will maintain the parking areas.

Planner Caldwell stated that the COAH credit is per bedroom for the group home, so the 4-bedroom group home would be 4 credits.

Mr. Bezney asked what the elevation from the parking lot to the drainage basin is and how deep is the detention basin? Mr. Fisher stated that the elevation is 9 ft. and the basin is 5 ft. into the ground. At this time, they are not sure which owner will be responsible for the maintenance of the basin.

Ron Pellegrino, 99 S. Main St., stated that with all the impervious coverage being above street level, he is concerned that all the water will be going onto neighboring properties. Mr. Fisher stated that is how it drains today but with the proposed grading plan the property will be level with S. Main St. and the runoff will flow into the drains and to the catch basin; any overflow will drain into the County system. The applicants will be providing landscape buffering between the proposed 2 lots and the neighbors. Mr. Pellegrino asked if there is enough room to turn around in parking Lot A. Mr. Fisher stated they comply with RSIS standards. Mr. Pellegrino asked if they are able to keep some of the current trees that are on the property and also suggested that an area for tenants to barbeque would be nice. He also pointed out to the applicant where Robert St. and Memorial Parks are located nearby on the plans. Mr. Fisher stated that they will be keeping a few of the larger trees that are on the perimeter of the property.

Gina Pellegrino, 99 S. Main St. asked if the handicapped ramp on Lot B was going past the side setback area? Mr. Fisher stated that it is and that is permitted. Ms. Pellegrino also asked if the yellow tree on the plans was existing or proposed and was concerned that it is surrounded by impervious coverage and may not be viable. Mr. Fisher stated that it is a proposed tree.

Andrew Bizub, 10 W. Thomas St. asked what the difference was between his parking lot and the applicants proposed parking lot and what is going to stop the water from coming into his building? Mr. Fisher stated that the road is 2 ft. higher than his parking lot and they are lowering the grade. The grade of Thomas St. is towards Robert St. in that area. The grade from Main St. to the parking area is relatively flat with a 1 ½ ft grade difference. The plans depict a natural crown on Thomas St. The runoff flows from the intersection of S. Main St. to Robert St. and won't cross over the crown to Mr. Bizub property. The crown is approximately a 2% cross slope but he has not checked it.

Mr. Bizub stated that he has been there for 16 years and there is not a 2% cross slope.

Mr. Bezney asked if there was going to be only 1 care taker at the group home. Mr. Fisher stated yes that was correct and meets state regulations.

Mr. Fisher pointed out on the plans the 2 trees that will remain.

Mike Elardo, 21 Ross St., asked Mr. Fisher to show on the plans the variances and easements that they are asking for. Mr. Fisher pointed out and explained all the variances that they are proposing.

Mr. Fisher stated that there is no storm water management area on the site as it exists today. Mr. Harris asked Mr. Fisher if he agreed that at least for the drainage component this is now a more controlled location and should benefit the surrounding properties, especially to the north and to the west. Mr. Fisher agreed.

Mr. Fisher stated that the proposed finished floor elevation, which is the interior hardwood floor or carpet elevation, of Lot A is 705 ½ ft. and the existing is 711 so they are lowering it. For the group home it is 707.25 and the garage is 705.75ft. The grade around the buildings is 2 ft. lower. From the garage towards the street, it is a little over a foot pitch across the driveway. With the crown in the road, it will run towards Robert St. Mr. Bizub is worried about water coming onto his property. Mr. Fisher stated that they have calculated that the flow coming off of their property will be reduced from what the current conditions are now, so there will be less water. Their drainage plan has been approved by the County. Engineer Borinski stated that the County did consider Thomas Street when they reviewed the drainage plan.

Mr. McDermott want to make sure that the pipes on the county road are able to handle drainage from this site. Chairman Loury stated that our Borough Engineer reviews all the plans and was asked numerous times tonight if he was comfortable with this and he was. Mr. McDermott stated that what they are doing to this property will impact the Borough's infrastructure so he wants to make sure our infrastructure can handle what this applicant is adding to it. Attorney Zakin stated that our Borough Engineer Borinski, who is an expert on our infrastructure sent 2 memos to the applicant which can be found on line.

Mathew Klose, 58 Elizabeth St. stated that when they lower the elevation of the parking lot area, he was concerned about the headlights from the parking lot shining into the Main Street traffic. He knows it was discussed earlier but he pointed out, for safety reasons, that he felt they needed to add more landscaping along Main Street, than what they were proposing, to buffer the headlights. Attorney Capizzi stated that they can add more landscaping to buffer the parking lot. Chairman Loury asked that it be a condition.

The meeting was now closed to the public.

Architect Yogesh Mistry, of Mistry Sedign, LLC, Budd Lake, N.J. was sworn in and qualified as an expert Architect. He stated that he has worked on many group homes and affordable housing units. Mr. Mistry referenced and explained the following 3 drawings dated 5/19/2021 that had been included in the application:



A2.00 – Group home floor plan and exterior elevations.

A2.01 – Wharton Housing floor plan

A4.01 – Exterior elevations Wharton Housing

A2.00 is the floor plan of the group home and is depicted as a single-family home. The square footage is 2,259 sq. ft. for the living area, 217 sq. ft for the garage and 191 sq. ft for the covered porch. It is an approximately 14'8", one story building. The upper half of the plan shows the elevation.

Exhibit A-2, 2/8/22 – Color Rendering of the front elevation of both buildings, was marked into evidence. This shows the front of the Thomas St. group home which looks like a single-family house with a garage and handicap ramp to the front porch. The front door faces S. Main St.

A2.00 - The Thomas Street ranch style building looks like a single-family home and shows the 4 bedrooms, caretakers office, den, kitchen, dining area and family room. There are 2 areas of egress. The caretaker does not live on site, each caretaker is there for 8 hours a day. Because it is a ranch style home it has a larger footprint and adds to the building coverage variance they are asking for. They cannot have a 2-story home because of the handicap residents.

A2.01 – This depicts floor plans of the affordable housing 11-unit building on Lot A which faces Main St. There is a rear entrance which is the main entrance to the building. There are 3 doors at the front of the building that face Main St. which are the entrances to 3 of the units on the first floor. The first floor has 5 affordable and ADA compliant units, 2 – 2 bedrooms, 2 – 1 bedroom and 1 efficiency. There is a staircase to the second and third floors. On the second floor there are 4 – 2 bedroom units and the 3<sup>rd</sup> floor has 2 – 3 bedroom units. Each unit has their own furnace for heating and cooling, hot water heaters, washer and dryer (some stacked, some side by side), dishwasher and individual meters. The rear half of the building has a basement which will be used for utilities and storage.

A4.01- Proposed exterior elevations – Mr. Mistry pointed out and explained all the elevations of both buildings. They are seeking a variance for the number of stories. The height allowed is 35 ft. and the proposed height is 32 ft 8 ½". 2 ½ stories is allowed and they are proposing 3 stories. The 3<sup>rd</sup> floor is really built into the attic space and includes dormers. From the outside it appears as a 2 ½ story building.

Mr. Mistry pointed out on Exhibit A-2 – the top sketch shows the front building on S. Main St. which appears as a 2 -story home with attic dormers. They tried to vary the colors and materials on the exterior of the building with vinyl shakes, vinyl siding and a canopy roof to break up the horizontal mass of the building and the façade. There is a lower layer of brick along the base of the building. The 3 doors facing Main St. lead to 3 of the units on the ground floor. The building is more residential in nature.

Mr. Mistry stated that the CBD zone is set up for commercial type buildings and some of the requirements in that guideline and standards relate more for retail type buildings. One of the requirements is that you have to have a certain percentage of glass on the ground floor. The requirement is 60% and they are proposing closer to 25% on this building and 11% on the group

home, so they are asking for a waiver on that. It is required to have the main front door on the S. Main St. side of the building and they are proposing the main front door on the rear side of the building because of the grading and the location of the handicap parking spaces, so they will need a waiver for that as well. Because the front of the building looks like a front entrance it meets the intent of the code. They broke up the mass of the front of the building by having different elements every 30 ft or so. There is a requirement for a clear division between the lower floor and the upper floors which relates more for buildings that have retail on the ground floors and apartments above. Mr. Mistry believes they have created some horizontal banding with the roof element they have added which helps achieve that goal. The code also references a primary and secondary exterior finish. Their primary finish is the siding and/or shakes and the secondary is the brick. The group home has only the primary finish of vinyl siding with the trim and shutters as access elements. The colors they chose are earth tone colors, they are trying to stay neutral and blend in with the neighborhood.

Chairman Loury asked why 2 of the group home bedrooms have egress doors. Mr. Mistry stated that it is a requirement of the provider Pillar Care that 2 of the bedrooms have egress doors. They have ambulatory occupants and in case of emergency they have direct access to get out of the building. Chairman Loury was concerned because this would have to live in perpetuity. Attorney Capizzi stated that in the future if the layout changes they would have to come back before the Board. Chairman Loury also stated that he does not like all of the ground level apartments on Lot A having their own means of egress out of the building. Planner Caldwell stated that a window can also be a means of egress. Mr. Mistry stated that each of the ground floor units need 2 means of egress and is required. The ground floor units are ADA adaptable. Mr. Mistry stated that they have designed buildings similar to this and it is a requirement. Ms. Chiappa stated that as a tenant she would like to have an exit to the outside. Mr. Harris stated that it looks aesthetically pleasing. Chairman Loury stated that he thought it looked like a motel with all the exterior entrances. He also stated that if he was a resident, he would like the security of knowing that you would have to enter the building through a locked door and corridor. Mr. Mistry stated it is the same as living with a sliding glass door that you can use and lock.

Chairman Loury stated that there was testimony that the 2 buildings would be run totally independent of each other so why did they make the buildings look so much alike. Mr. Mistry stated that if the Board would like different colors, they could do that. Chairman Loury stated that he will let Planner Caldwell address that.

Chairman Loury asked if the 5 ADA compliant apartments had any affiliation with the group home. Mr. Mistry stated they do not. He also stated that electric and gas meters will be individually metered.

Chairman Loury liked the look of the siding, dormers, the roofing and the delineation. He asked what is the quality of the materials. Mr. Mistry stated they are using brick on the bottom, vinyl shakes, vinyl siding and asphalt roofing. Mr. Harris stated that this site is ultimately tied to Wharton Woods. Attorney Capizzi stated that they will be using quality products and will adhere to all the standards.

Mr. Steele stated that they are under the height requirement but are ½ a story higher than what is required. He asked what the heights are of the surrounding homes in the area and will this be the biggest building in the neighborhood? Mr. Mistry is not sure of the other heights but driving down Main St. most of the homes are 2 story with tall gables. He thinks they would be close, but really cannot answer that question. Attorney Zakin asked if their Planner will address that question. Attorney Capizzi stated that he would.

Planner Caldwell asked if they would be open to different color schemes, she feels the tan is a little industrial looking. Mr. Mistry stated they are open to any ideas. Planner Caldwell stated that she would like them to submit a material board that shows materials and the exact specs of the materials they will be using. Attorney Zakin asked that they send it in pdf so that it can be put on the website.

Planner Caldwell asked where the garbage will be handled in the building. Mr. Mistry stated that the tenants in the 11-unit building will bring their garbage down to the dumpster. There is no internal trash system in the building. The trash for the group home will be brought to the curb for pick up the same as a single-family home.

Planner Caldwell asked about a mail room. Mr. Mistry stated that the group home will have a single mailbox and the 11-unit building will have mailboxes in the lobby area and a package drop off that is through a second door. The first door is locked. Ms. Caldwell suggested that they have some kind of signage so people delivering or visiting will know where to go to get into the building. Mr. Mistry was agreeable to that as a condition. He also stated that they are not proposing any signage on either building. Mr. Steele asked if they need a waiver from signage because they are in the CBD zone. Ms. Caldwell stated that it is not a requirement but she would like to see a directory sign to let people know where the entry to the building is located. Mr. Mistry stated that they could put one above the doorway or near the parking lot area. Attorney Capizzi stated that they would have to write to the post office to see what address they will use for the buildings.

Planner Caldwell asked if the doors that lead to the outside have patios. Mr. Mistry said they would not. The rear doors will have a paved area because that is the entrance way to the main door of the building and along the side there is a walkway. He also stated that in Ms. Caldwell's memo she wanted a walkway down to Main St.

Engineer Borinski asked how they compare to the other Nouvelle and Pillar Care developments. Mr. Mistry stated that they are similar to others they have developed. He does not know the number of other projects they have done in New Jersey.

The meeting was now open to the public.

Mr. Bezney asked if they would consider moving the AC units for Building A to the back so you can't see them from Main St. He was also concerned with the noise from 12 condensers. Chairman Loury stated that they had previously testified that they will shield them with fencing and shrubs. If they move them around the corner, they would be under the tenant windows and facing the group home. They also testified that they will comply with any noise ordinances.

Mr. Mistry stated that there is no onsite manager for Building A. The heating system is individual units and are a closet type unit located in a closet in each unit. Both buildings have to have sprinkler systems, the group home by state regulation and the apartment by building code. There will be storage in the basement but Mr. Mistry does not have any details on the storage area. There is no elevator in this building, it is not required. The wood stairway is fire rated and will comply with building codes. The AC is separate for each unit as well as the water is separate for each unit. Fire escapes are not allowed.

Mr. Bezney asked if they will be charging for preferred parking. Mr. Mistry stated that there will be assigned parking spots. The lease will provide for a certain number of parking spaces and the monthly fee will include that parking spot. There will not be preferred parking or a fee for preferred parking. They agree with that being a condition.

The meeting was now closed to the public.

Marc Harris asked where the furnaces are located for the 3 bedrooms on the 3<sup>rd</sup> floor. Mr. Mistry stated that they are located in the attic but if that is a problem there is enough room to located them within the unit.

Mr. Rathjens stated that they testified earlier that the 4-unit group home would have 1 person per bedroom. He asked if they had the same per person bedroom count for the 11-unit building. Mr. Mistry stated the it is specific to the group home and is a totally different use than the apartment building. The 11-unit building is essentially an apartment building specifically for affordable housing.

A Motion was made by Roger Steele and Seconded by Christopher Fleishman to carry the application of 57 S. Main St. to the March 8, 2022 meeting without notice.

YEA – 7    NAY – 0

Attorney Capizzi stated that they may bring back the professionals that have testified tonight, to the March 8<sup>th</sup> meeting.

A Motion was made by Peter Rathjens and Seconded by Barb Chiappa to adjourn.

YEA – 7    NAY – 0

Meeting adjourned 10:15 p.m.

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Patricia M. Craven – Secretary

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Ken Loury - Chairman