

**CALL TO ORDER: AT 7:01 P.M. by Acting Chairman Roger Steele**  
**OPEN PUBLIC MEETING LAW STATEMENT OF COMPLIANCE AND FLAG SALUTE**

**ROLL CALL:** Councilwoman Wickenheisser, Acting Chairman Roger Steele, Patrick O'Brien, Brian Bosworth, Barbara Chiappa, Charlotte Kelly and Peter Rathjens were permitted to attend via phone call; Marc Harris advised the board he would be late and arrived at 7:21p.m.

**EXCUSED:** Mayor Chegwiddden, Chairman Ken Loury, Christopher Fleischman

**OTHERS PRESENT:** Alan Zakin, Board Attorney; Christopher Borinski, Board Engineer; Jessica Caldwell, Board Planner; and Desi Ruffo, Acting Board Secretary.

Motion by Barbara Chiappa and seconded by Patrick O'Brien to carry Wharton Woods from the May 10, 2022 meeting to the June 14, 2022 meeting, in which notice is not required.

YEA – 7                  NAY – 0                  ABSENT – 4

Motion by Brian Bosworth and seconded by Barbara Chiappa to approve the bills as presented.

YEA – 7                  NAY – 0                  ABSENT – 4

**APPROVAL OF MINUTES:** Motion by Charlotte Kelly and seconded by Brian Bosworth to approve the minutes of the April 12, 2022 meeting as presented.

YEA – 7                  NAY – 0                  ABSENT – 4

**NEW BUSINESS**

**L.E. Carpenter Redevelopment Plan Consistency Review**  
(Block: 801 Lot: 3, Block: 903 Lots: 2 & 2.03, Block: 301 Lot: 1.01)

**PRESENTATION BY JESSICA CALDWELL, BOARD PLANNER:** A redevelopment plan dated March 9, 2022 and the Master Plan consistency review dated March 31, 2022 were submitted. This plan had been introduced by the Mayor and council, the site was the former L.E. Carpenter industrial site, it was a former super fund site and has been vacant and underutilized for over 35 years. The property has been cleaned at a cost of over \$30 million dollars. With the installation of Chegwiddden Way, which extends North Main Street, the area has become a gateway for Wharton Borough. The proposal for the redevelopment would allow for a 2-phase residential development providing upscale apartment style living with many amenities. Permitted use includes multi-family, an area of which includes the existing industrial use which is permitted to remain. The boards mandate is to evaluate consistency with the master plan. An economic development plan was done in 2018 with goals to create a highlands center for mixed use development to bolster the downtown creating a walkable community with more amenities and connecting open space and parks. This plan conforms with that vision. The trail will be relocated to offer a more efficient use within the property, but will continue through to the new proposed park along Washington Pond. The redevelopment plan will benefit the community and economic development of the downtown. The plan meets several goals of the Boroughs Master Plan, including: goals 1, 2, 3, 4, 9, and 10. Based on meeting those goals, the plan is consistent.

- Acting Chairman Roger Steele stated the plan appears to be consistent with the Master Plan, and confirmed with Jessica that consistency is what the board will be reviewing today.

**OPEN TO THE PUBLIC:**

**Resident Michael Bezney, 1 Bartek Lane, Wharton NJ 07885**

Asked Jessica Caldwell about the following aspects of her testimony:

- The height restrictions and reason for the height difference of the structures, location of the structure, maximum square footage of the units, availability of retail in the buildings, availability of age restrictions or disability units, who changes the Master Plan, will the area be rezoned, can a new mayor and council make changes, will the redevelopment affect traffic.

**Resident Cheryl Smith, 132 Old Irondale Road, Wharton NJ 07885**

Asked if the walking path will be removed.

**Jessica Caldwell, Board Planner responses:** The height difference of the buildings is due to the existing lot layout and environmental constraints (One building to be along Harry Shupe Blvd: 4 stories and 55ft, and the second building to be on the right-hand side (coming from North Main) along Chegwiddden Way: 5 stories and 65ft). The area will be rezoned; information on the size of the units is not available as this is a concept plan only, no retail will be available, but high-end amenities available to residents of the property. There is a 15% affordable housing permitted to be both onsite and offsite, will be at the discretion of the developer. The Master Plan is created by the planning board, the Mayor and council implement the Master Plan by adopting ordinances and ordinances are what govern how development happens. A new mayor and council do have the power to make changes. Wharton is a walkable community, the development is very similar to Avalon, which does not affect traffic, usually industrial and retail properties cause traffic. The walking path will be relocated, but will remain as it is a key part of the plan.

**CLOSE TO THE PUBLIC**

**BOARD MEMBER QUESTIONS:**

- Brian Bosworth asked the following: how the Rockaway River will affect the redevelopment plan, the setbacks on the front street, road parking.
- Marc Harris asked the following: the type of setbacks, the availability of test results regarding the cleaning of the former Superfund site.

Jessica Caldwell, Board Planner responses: There will be a buffer from the Rockaway River that will affect both sides. There will be a 25ft setback on Harry Shupe and a 43ft setback on Chegwiddden Way, which includes the trail right-of-way, a right-of-way is the dedicated area of the street. No parking will be allowed on the road. The setback types are believed to be a category 1 as the developer has been working the with D.E.P., the developer will provide testing results regarding the status of the Superfund remediation.

**OPEN TO THE PUBLIC:**

**Resident Frank Smith, 132 Old Irondale Road, Wharton NJ 07885**

Expressed concerns over the flooding that has previously occurred at the site.

**Christopher Borinski, Board Engineer response:** The developer will be working with the D.E.P. with regards to flood hazard permits.

**CLOSE TO THE PUBLIC**

- Christopher Borinski asked to make a note of the change to the name of Harry Shupe “Industrial Center” to Harry Shupe “Interstate Commerce Center”.

Motion by Marc Harris and seconded by Barbara Chiappa to acknowledge and confirm that the board agrees with the redevelopment plan meeting the requirements and objectives of the Master Plan.

YEA – 7      NAY – 0      ABSENT - 4

**RESOLUTION:**

**57 South Main Street**

**(Block: 1605 Lot: 4)**

- Alan Zakin entered the 12-page resolution for approval.

The following were recommended changes:

Page 2 of 12 – remove the extra dash

Page 3 of 12 – remove the question marks, formatting issue on exhibit A-3

Page 5 of 12 – line 2 change from 22ft to 33ft and a period at the end of the sentence

Signature block needed

- Alan Zakin, Board Attorney stated: There is a process where the plans must comply with the resolution, there were several issues involving the final number of parking spaces. The applicant has recently suggested to rearrange the apartment building to front on Main Street instead of Thomas Street, this would provide one additional parking space and allow for a more favorable configuration for the dumpster. This was considered by Board professionals to be a non-material change and would enhance the positive features of the building and the spirit of the approval; therefore, we would like to put it on the record for the public and give the professionals an opportunity to comment further.
- Marc Harris asked: would the change affect the footprint of the building?
- Brian Bosworth asked: would the setbacks or access for handicap accessibility change and are additional variances or changes required?

Jessica Caldwell, Board Planner response: The footprint of the building will not be changed, access will still be available from the parking lot, the new change complies better with the zoning requirements. There are no additional variances or changes required.

- Alan Zakin, Board Attorney: confirmed this discussion regarding the change is a non-material change and is an informational session not a conditional session, there is no legal relevance.

**OPEN TO THE PUBLIC:**

**Resident Michael Bezney, 1 Bartek Lane, Wharton NJ 07885**

Asked about the following:

- Was there always a plan to have an entrance on Main Street, will the change affect the sidewalks?

**Jessica Caldwell, Board Planner responded:** There was never a main entrance on North Main, the change will not affect the sidewalks, the sidewalks will remain. The change will only affect the location of the main entrance. The change correlates to a more walkable community.

**CLOSE TO THE PUBLIC**

Motion by Brian Bosworth and seconded Barbara Chiappa to approve the resolution for the subdivision with the minor changes as noted.

YEA: 6      ABSTAIN: 1      NAY: 0      ABSENT: 4

- Marc Harris brought to the attention of the board the lack of property maintenance and safety concerns at the Wharton Woods site. A discussion followed between the board members and board professionals Alan Zakin, Board Attorney and Jessica Caldwell, Board Planner. The possibility of making the cleaning of the property as a condition and the possibility of a restoration bond was raised by Jessica Caldwell. Alan Zakin recommended a policy or ordinance that would affect this and all future applications. Alan Zakin mentioned the “Protection of Public and Private Properties During Construction” recommended policy, which was proposed in the draft Wharton Woods resolution sent to the Board in December 2021. It was decided, the applicant will be made aware prior to the June 14, 2022 meeting that they must address the current state of the property.

**OPEN TO THE PUBLIC:**

**Resident Michael Bezney, 1 Bartek Lane, Wharton NJ 07885**

Expressed his concerns with the following:

- The open trench from Wharton Woods causing flooding at the Smith property. Water also going into his driveway and his neighbor’s driveway. Sandbags that were placed in front of his property by the applicant that have since opened and remain on his property.

**CLOSE TO THE PUBLIC**

- Alan Zakin, Board Attorney put on the record that DePiano submitted a letter requesting a construction extension and that it was a non-material request; he requested that it be added to the agenda of the June 14, 2022 meeting to be entered into the public record.

**ADJOURNMENT AT 8:38 P.M.**

Respectfully submitted,



**Desi Ruffo**  
Planning Board Secretary