

The proposal allows bolstering the landscape and more open space. Setbacks variance to Building 8 which was removed, no longer a relief that is needed, due to the removal of the building footprint; the disturbance associated with footprint now allows for a 25ft landscape buffer, without encroachment of a principal structure. Applicant reduced building coverage for the entire site from 17.8% to 16.5%. Impervious coverage for the entire site was reduced from 45.4% to 44.3%. Both building and impervious coverage now remain compliant with the borough ordinance.

- A. Zakin: clarified the date error of 02/17/21 should be changed to 02/17/22 on the amended site plan. Two D-variances in the original application, the height variance no longer required, all plans have been previously submitted and are available on the borough website.
- J. Wyciskala: clarified while the height variation is likely small enough to meet the definition of a “C” rather than a D-variance, they will keep the D6-variance for height in their application as a precaution.
- Chairman Loury: asked the height of the retaining wall, J. Hansen confirmed it will be 4ft or less and was needed for grading issues. Summarized new proposal is 85 units.
- Peter Rathjens: asked about a specific number with relation to the percentage of recreation space. Asked about the reference to note 11, J. Wyciskala confirmed final revised drawings will be submitted with the proposed revisions, including the final percentage of recreation area, correction of any errors and final placement of building, curbing, and landscaping.
- Marc Harris: asked about the triangular space on drawings, J. Hansen confirmed it is a meter pit, which will eventually be removed.
- Discussion between the board members and Wyciskala occurred regarding the current state of the property of the applicant and the safety issues due to the lack of maintenance. The specific timeframe of remediation was asked and possibility of making the maintenance a condition was mentioned.
- **Christopher Borinski, Board Engineer:** asked applicant to meet with Fire and Police departments once final revised drawings are made to confirm their approvals. Note 11 should be changed to Note 9. Confirmed with the applicant each unit will have its own water connection, water meter and turn-off valve; the water department has approved.
- **Alison Kopsco, Board Planner Representative:** Read Jessica’s notes, “Overall the changes are positive. The density has been reduced, the amount of parking is satisfactory, more green space has been added and a second tot-lot. The applicant will need to address the remaining (2) affordable housing units, Wyciskala confirmed internal discussions with the town have occurred; the applicant is looking at additional off-site options or a contribution to the affordable housing trust fund subject to council approval.
- **Alan Zakin, Board Attorney:** confirmed he spoke with borough administrator who is confident about reaching reasonable accommodations with the applicant for the affordable housing requirements to ensure that 17 units are properly accounted for from this project as part of the Borough of Housing Fair Share Housing agreement.

OPEN TO THE PUBLIC:

Resident Michael Bezney, 1 Bartek Lane, Wharton NJ 07885

Asked about the following:

- Tot-lot location in relation to the neighboring residential pool location and skating rink, site maintenance and current status.
- J. Hansen – answered that he believed that there was sufficient buffer, Board Professionals had nothing to add to Mr. Hansen’s comments.

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- John Crimi, applicant stated: he will remove the cement mixer tomorrow, the site has been closed and entrances blocked, because any disturbance will create dust, which was an issue in the beginning. Will do the best housekeeping as possible while avoiding the creating of dust. The intention is to begin construction immediately.
- Peter Rathjens asked about ground cover: J. Crimi responded weeds have taken over the area and are being used as a current cover to protect the integrity of the site. If approval is received, there will be no delay as to the start of the project.

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Resident Michael Bezney, 1 Bartek Lane, Wharton NJ 07885

- Commented on the current status of the site and the applicants' intention to remediate.

Resident Bryan Lance, 113 Old Irondale Road, Wharton NJ 07885

Commented on the following:

- The high winds cause the silt fence to shred and blow into the neighboring properties, issue needs to be addressed. Thanked the applicant. Asked about dust control during construction

Chairman Loury: commented a condition could be made to maintain the silt fence.

A. Zakin: confirmed conditions still remain with the neighboring residential properties, where M. Bezney and B. Lance are specifically mentioned.

J. Crimi: responded the dust will be controlled on a as needed basis with a water truck and sweeper.

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

- Expressed concerns of the following flooding caused by water coming from the applicant's property.

Chairman Loury: advised taking pictures and forwarding to the Planning Board Secretary.

J. Wyciskala: commented preapplication and preconstruction meetings will take place where fencing, water and other items will be discussed.

A. Zakin: mentioned a condition the applicant has agreed to that if any issues regarding disturbances from the project affect the residents, the borough must be notified in writing, the matter will be investigated and addressed.

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OPEN TO THE PUBLIC:

Resident Michael Bezney, 1 Bartek Lane, Wharton NJ 07885

Presented a counter proposal that the applicant had reviewed prior to his presentation. M. Bezney gave testimony explaining why he believes his counter proposal works best.

Exhibits presented: P7 06/14/22 – modification of applicants Site Plan South dated 03/01/21

P8 06/14/22 – series of 7 colored photos of topography

P9 06/14/22 – color modification of applicants Site Plan South dated 03/01/21

P10 06/14/22 - modification of Site Plan South with counter-proposal plan

- Jessica Caldwell, Board Planner: responded, the counter-proposal creates: unsafe traffic issues and safety issues.
- Christopher Borinski, Board Engineer: responded re: counter-proposal, the one-way road does not work, the out driveway requires a 25ft landscape buffer, which the proposal does not allow for.

OPEN TO THE PUBLIC:

Resident Bryan Lance, 113 Old Irondale Road, Wharton NJ 07885

Commented on M. Bezney's proposal. While the current proposal is larger than is his preference, he prefers it to the alternative of the maintaining status quo as undeveloped land.

J. Wyciskala: stated the applicant does not accept M. Bezney's proposal as it does not work from an engineering perspective.

- Jessica Caldwell, Board Planner: asked about the design of the tot-lots, envisioned them being fenced. Would like the details to be a condition of approval.

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OPEN TO THE PUBLIC:

Resident Bryan Lance, 113 Old Irondale Road, Wharton NJ 07885

Commented on the applicant's proposal.

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OPEN TO THE PUBLIC:

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

Mentioned possibility of widening driveway.

Resident Michael Bezney, 1 Bartek Lane, Wharton NJ 07885

- Asked F. Smith about tax information regarding the lot mentioned.

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JOHN WYCISKALA, APPLICANT'S LEGAL REPRESENTATIVE: Thanked the board and residential neighbors. Explained the board has heard testimony from traffic engineers, professional planner, the proposal has removed the variance relief, the revisions are an improvement, additional modifications have been added to comply with police and fire departments requests. A national home builder will bring the K. Hovnanian brand to Wharton. The developer seeks to move quickly once approvals are received.

- Discussion between the board members: the plan seems to be a good faith re-proposal; the density and recreation issues have been addressed. The applicant has done a good job at maintaining the existing conditions within the previous resolutions. This proposal is a reasonable modification to reduce density. The applicant has answered concerns with the neighbors, likes the added benefit of the recreational area and open space.
- **A. Zakin, Board Attorney:** summarized the material modifications lower density but still requiring a d-variance for 85 units, also D variance for height although the planner has determined it to be a c-variance. The prior appropriate conditions remain, with revisions to conditions as memorialized at the various hearings, and the professionals will confirm their accuracy prior to the final approval of the subject Resolution. The previously memorialized conditions regarding Bezney and Lance properties will remain. The addition of the second tot-lot and recreation area as appropriately approved by professionals will be memorialized as a condition.

Further, the affordable housing condition will reflect approval of 15 off-site units and the remaining 2 will be accommodated through an agreement with the Brough to remain offsite or onsite, which will be memorialized prior to the completion of Phase-2. Protection of public and private property policy was discussed. A full set of news plans, correcting all errors and reflecting all new plans approved this evening, will be submitted to and approved by the Board's Planner and Engineer, and reviewed by the Borough Administrator in conjunction with Borough first responders, as a condition. Condition of any silt fences must remain intact and operational. Two easements from Mr. Lances property will be reflected.

- **Chairman Loury:** would like more verbiage regarding the reserve study contained in the conditions.

Motion by Marc Harris and seconded by Brian Bosworth to approve the application with the conditions as indicated.

YEA – 6

NAY – 0

ABSENT – 4

- 2) Chairman Loury mentioned Roger Steele, who submitted his resignation, as he moved out of state. On, behalf of the Board and Borough of Wharton, the Chairman thanked Mr. Steele for his many years of outstanding, selfless service and wished him and his family well.

ADJOURNMENT AT 10:24 P.M.

Respectfully submitted,



Desi Ruffo

Planning Board Secretary