

CALL TO ORDER: AT 7:02 P.M. by Chairman Ken Loury
OPEN PUBLIC MEETING LAW STATEMENT OF COMPLIANCE AND FLAG SALUTE

ROLL CALL: Chairman Ken Loury, Charlotte Kelly, Patrick O'Brien, Peter Rathjens, Brian Bosworth, Christopher Fleischman, and Barbara Chiappa

EXCUSED: Mayor Chegwidden, Councilwoman Wickenheisser, Marc Harris

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

OATHS OF OFFICE:

Planning Board Member Class IV (Remainder of Term to Expire 12/31/2023): Christopher Fleishman
Planning Board Member Alternate 2 (Remainder of Term to Expire 12/31/2022): Ana Jones

Motion by Barbara Chiappa and seconded by Brian Bosworth to nominate Peter Rathjens as Vice Chairman.

YEA – 8 NAY – 0 ABSENT – 3

Motion by Christopher Fleischman and seconded Barbara Chiappa to approve the bills, with noted revisions to the following: Line 6: CHA Re: Ashour - \$1,587.72
Line 15 : NJ Advance Media Re : Nouvelle - \$42.12

YEA – 8 NAY – 0 ABSENT – 3

Motion by Patrick O'Brien and seconded by Barbara Chiappa to approve the minutes as presented.

OLD BUSINESS:

Wharton Woods: Resolution of Approval

The board reviewed the resolution of approval. Discussions between the board members, board professionals and applicant's legal representative regarding revisions to the resolution occurred. Revisions to the following pages were determined: 1, 3, 4, 5, 7 thru 24, 26, 27, 28, 29, 31, 32, and 34.

A motion made by Brian Bosworth and seconded by Barbara Chiappa to approve the resolution with the revisions as noted. Final resolution approval based on review of Chairman and Vice Chair.

YEA - 5 NAY - 0 ABSTAIN – 3 ABSENT - 3

NEW BUSINESS:

Ashdyl Properties, LLC: Application
79 West Central Avenue
(Block: 1308 Lot: 9)

RICHARD OLLER, APPLICANT'S LEGAL REPRESENTATIVE: Currently the property is an existing non-conforming building, the applicant is proposing to eliminate the bar/tavern on the first floor and convert the first floor into a 3-bedroom residential apartment. The resulting structure would be a 2-family property in the R75 zone, which is a nonconforming use; there are two variances required: a D-1 variance for multifamily use and C relief for front yard setback deviation to allow for a more residential aesthetic in the form of a portico.

- Jerry Lesch, Property Owner/Applicant – Applicant has been renovating properties for 35 years and wants to remove the bar/tavern located on the first floor and convert it to a 3-bedroom residential apartment. No changes will be made to the existing second-floor apartment. Changes to the exterior of the property will include: new windows to the front and sides of the building, new egress windows to the first-floor apartment, new front doors, new siding - where needed. The application will be removing the asphalt and adding a sidewalk to allow for a more residential appearance. There are several existing two-family homes located near this property, most have one lane driveways. Applicant would like to have parking in front of the property to allow for easier accessibility to potential renters who are disabled or elderly. The front of the property is flat with additional parking in the back, the applicant would like to keep the parking gravel for better drainage.
 - **Chairman Loury** – Will the parking spaces be specifically marked for the first-floor apartment? Will the applicant agree to a condition of the application that the basement is not habitable and the entrance from inside the bar/tavern to the basement must be removed? Size of the entire unit? What are your thoughts of a potential sub-division?
 - **Alan Zakin, Board Attorney**- The board can make a recommendation to the Borough to reevaluate to move or add a no parking sign.
 - **Brian Bosworth** – Will there be a handicap space, what will the basement be, is there a rear-entrance? How is front setback determined? Does the master bedroom have a closet?
 - **Peter Rathjens** – Is that enough room in the front for the two parking spaces if they're turned parallel to the road? Can landscaping be added in place of the one parking space closest to the road to appropriately screen headlights shining in neighbor's property?

J. Lesch response: The spaces will be specifically marked as needed with reserved signs, such as for handicapped parking. The basement will be used for storage and utilities. They agree to a condition of the basement not be habitable for living, sleeping, and/or use as a bedroom; access to the basement from the bar will be removed. There is a set of stairs and side deck that is accessible to the basement for utilities, if needed. There will be a portico over the front door, no front porch. The parking spaces will be turned to allow for easier access. Landscaping will be added to the areas in from where they will remove the one parking space. The second floor is roughly about 1200 sq. ft. and the first floor will be similar square footage. Closets are in every bedroom and there are two full bathrooms, the master has a shower and a tub in the second bathroom. Everything on the plans is existing, they are reconfiguring what is there. The applicant has no interest in subdividing, nor do they have plans to sell the property for subdivision. Applicant is in the business of buying and renting.

- **Jessica Caldwell, Board Secretary** – Will gravel remain in the back? A handicap space is not required for a 2-family property. The closest corner, the eastern side determines the setback. The property is already non-conforming. A total of 4 spaces is required.
- **Christopher Borinski, Board Engineer** – The board may want to think making full faced curbing a condition. The water department is requiring the following: two separate water meters and shut-off valves to create two separate water accounts. The one existing sanitary sewer service and account can remain.
- **Alan Zakin, Board Attorney** – who will be paying the water bills?

J. Lesch response: Yes, the back parking will remain gravel to allow for better drainage, can add railroad ties to separate the parking from the yard. Yes, will agree to adding full faced curbing. The water bills will be under the property owners name, the tenants will be billed separately.

**OPENED TO THE PUBLIC
CLOSED TO THE PUBLIC**

ALEXANDER DOUGHERTY of JOHN MCDONOUGH ASSOC., APPLICANT'S PROFESSIONAL PLANNER (Submitted to the board Exhibit: A1 dated 07/12/2022, 5 pages consisting of street views, aerial views and tax map of the property): I have reviewed the current conditions, the proposal and the memos from Board professionals as it relates to the applicant. The proposed parking is not out of character for the area, the property is currently commercial, not consistent with residential zone intent. The condition and use of the site is also not consistent the character of the neighborhood. The plan converts the ground floor commercial unit to a residential unit more aligned with the conforming residential zoning. The ground floor will be a three-bedroom residential unit and the upper floor will retain the three-bedroom unit. The current commercial use is not permitted in the zone and the proposed two-family is not permitted in the zone, but is more aligned with the zoning intent. The zoning requirement is 7,500 sq. ft. and this lot is 21,188 sq. ft. The applicant is seeking a D-1 use variance relief to allow a two-family in a single-family zone. Applicant is also seeking a C-variance for the front yard setback, which requires 25 feet, existing is 18.3 feet and with the proposed front feature, about 13.5 feet of relief will be needed. Parking in the front of the property will be 15 feet. The site is suited for the proposed use, the site is exiting and able to accommodate the use. The surrounding area has two family properties. The plan is consistent with the purposes of the MLUL, specifically A, G, I, and N. The site will function safely and efficiently, the improvements will provide for added aesthetics, relief can be granted without undermining the entire zone. The advantages of the applicant substantially outweigh the detriments. The parking is an added benefit for organization, and will add to public safety allowing for seniors and the disabled closer access to their unit. The added portico would enhance the structure and bring it more to confirmatory with the residential fabric of the neighborhood. The setbacks will not have any negative effects, the applicant is making a positive change and repurposing a nonconforming commercial space to a more conforming use, the relief is minimal.

**OPEN TO THE PUBLIC
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- **Chairman Loury:** Recommended adding landscaping around the bollards, asked about the repaving the driveway.
 - J. Lesch responded: can make the pavement more uniform with sealant, will add landscaping around the bollards.
- **Christopher Borinski, Board Engineer:** Under storm water management rules, a compacted gravel driveway is considered impervious, loose stone and gravel would not be considered impervious.
- **Jessica Caldwell, Board Planner:** requested an as-built submitted and coordination with the Board Planner and Board Engineer and applicant.
- **Alan Zakin, Board Attorney:** A 2 -story property with a basement in the R75 zone, preexisting non-conforming with a bar/tavern on the first floor, to be converted into a two-family non-confirming property with 2 residential apartments in a zone where multifamily residences are not allowed. Conditions: two parking spaces as designated parallel to the street, landscaping surrounding in the front on the dwelling, full faced curbed as described by Board Engineer, new Belgian block, removal of the bollards with approval by utility company. Removal of the third parking space closest to the road. Consulting with the Board Planner and take reasonable recommendations regarding the landscaping and parking arrangements. Rear parking and landscaping approval by Board Planner and Board Engineer based on new survey to be submitted by the Applicant.

Motion by Brian Bosworth and seconded by Christopher Fleischman to approve the application with the changes as noted.

YEA – 8 NAY – 0 ABSENT – 3

ADJOURNMENT AT 9:50 P.M.

Respectfully submitted,

A handwritten signature in blue ink, reading "Desi Ruffo", is written over a horizontal line.

Desi Ruffo
Planning Board Secretary