July 2, 2020

MEMORANDUM TO: Ms. Patricia Craven, Planning Board Secretary

FROM: Jessica C. Caldwell, P.P., A.I.C.P., Planning Board Planner

SUBJECT: Wharton CHA Urban Renewal, LLC
Preliminary and Final Site Plan Review
Block 1317, Lots 1-3, 9, 10 & 12
10 North Main Street
Borough of Wharton, Morris County

Dear Ms. Craven:

The Applicant is seeking Preliminary and Final Site Plan approval to construct a four-story mixed-use building consisting of retail/commercial space, residential amenity space and 50 residential units along Main Street. In addition, the Applicant proposes to construct sixteen (16) townhouses along the Second Street frontage. Parking is proposed via 83 on-site parking spaces.

The subject parcels cover 1.711 acres and are currently developed with three residential buildings, a mixed-use commercial building and the municipal parking lot. The subject parcels are located in the Main Street Redevelopment Area which is governed by the Main Street Redevelopment Plan dated March 23, 2020.

1. <u>Items Submitted:</u> The Applicant has submitted the following:

i. Fifteen (15) sheets of Site and Engineering Plans entitled "Preliminary and Final Site Plan for Wharton CHA Urban Renewal, LLC 10 North Main Street Block 1317, Lots 1-3, 9, 10 & 12; tax map sheet 13 – latest rev. dated July 1974 Main Street (CR 634), Central Avenue and Second Street Borough of Wharton Morris County, New Jersey," prepared by Robert P. Freud of Dynamic Engineering, dated May 13, 2020.

ii. Land Survey Plan entitled "ATLA/NSPS Land Title Survey", prepared by Craig Black of Dynamic Survey, LLC, dated February 20, 2019.

iii. Three (3) sheets of Drainage Plans entitled "Wharton CHA Urban Renwall, LLC, Proposed Mixed-Use Building Block 1317, Lots 1, 2, 3, 9, 10 and 12 Main Street and Central Avenue and Second Street Borough of Wharton, Morris County, New Jersey.

iv. Five (5) sheets of Architectural Plans containing a Floor Plan and Building Elevations prepared by Donnelly Architecture, LLC, dated May 13, 2020.

v. Report titled, "Traffic Impact Study for Metro Real Estate," prepared by Corey M. Chase, P.E. and Nick Verderese, P.E. of Dynamic Traffic, dated November 20, 2019.

vi. Report titled, "Environmental Impact Report for Wharton CHA Urban Renewal, LLC," prepared by Robert P. Freud, P.E., P.P. of Dynamic Engineering, dated May 2020.

vii. Report titled, "Stormwater Management, Groundwater Recharge and Water Quality Analysis for Wharton CHA Urban Renewal, LLC," prepared by Robert P. Freud, P.E., P.P. of Dynamic Engineering, dated May 2020.

viii. Copy of application, checklist and additional supporting documents

2. **Existing Site & Use:** The subject property is 1.711 acres and covers six (6) tax lots. The subject property is currently developed with three residential buildings and a mixed-use commercial building. The subject property also includes the municipal parking lot.

3. **Proposed Development:** The Applicant proposes to construct a four-story mixed-use building with frontage along Main Street. A total of 7,740 square feet of retail/commercial space as well as 3,138 square feet of residential amenity space is proposed on the ground floor fronting on Main Street. Five (5) apartments are proposed on the rear of the ground floor of the mixed-us building facing away from Main Street. A total of 46 residential units are proposed on floors 2-4 of the building. A total of 50 apartments are proposed including twenty (20) one-bedroom units, twenty-nine (29) two-bedroom units, and one (1) three-bedroom unit. Additionally, the Applicant proposes to construct sixteen (16) townhouses along the Second Street frontage that will include eight (8) one-bedroom units and eight (8) two-bedroom units. (The site plan states that there are eighteen (18) one-bedroom apartments, thirty (30) two-bedroom apartments and two (2) three-bedroom apartments. This should be clarified).

   The site plan states that the mixed-use building is a five (5) story building, however the architectural plans show a four (4) story building. This should be clarified and revised.

4. **Area & Bulk Requirements:** The subject site is located in the Main Street Redevelopment Plan Area. The following table notes the development's compliance/non-compliance with the same.

Zone Requirement	Main Street Redevelopment Plan for Block 1317, Lots 1-23	Existing	Proposed
Min. Lot Area	3,000 SF	74,540 SF (1.711 Acres) (All Lots)	74,540 SF (1.711 Acres)
Min. Lot Width	40 Ft	50.81 Ft (Lot 2)	236.4 Ft
Min. Lot Depth	75 Ft	110.78 Ft (Lot 1)	± 305 Ft
Min. Front Yard Setback (Main Street)	0 – 12 Ft	0.1 Ft (Lot 2)	2.5 Ft
Min. Front Yard Setback (Central Avenue)	0 – 12 Ft	N/A	1.0 Ft
Min. Front Yard Setback (Second Street)	0 – 12 Ft	0 Ft (Lot 12)	3.7 Ft
Min. Side Yard Setback	0 Ft*	0 Ft (Lot 2)	8.6 Ft
Min. Rear Yard Setback	25 Ft	**3 Ft (Lot 12) (E)**	N/A
Max. Building height	4 Stories 55 Ft	< 4 Stories (55 Feet) (All Lots)	4 Stories/46.67 Ft (Mixed-Use Building) 2 Stories/27.25 Ft (Townhouses)
Max. Building Coverage	50%	10.9% (8,145.86 Sf) (Lot 2)	31.1% (23,187 Sf)
Max. Impervious Coverage	90%	61.5% (45,540 Sf) (Lot 3)	87.3% (65,079 Sf)
Max. Density	50 Units/Acre	N/A	38.6 Units/Acre
N/S: No Standard	**N/A: Not Applicable**	**(E): Existing Non-Conforming**	**(V): Variance**

There are no deviations required from the bulk standards of the Main Street Redevelopment Plan.

5. **Affordable Housing:** The Redevelopment Plan requires that any redevelopment with residential uses include an affordable housing set-aside. The developer has entered into an agreement with the Borough to provide nine (9) affordable units as part of this project with three (3) rental apartments proposed on this site and one (1) six-bedroom group home at an off-site location in the Borough. This should be made a condition of any approval considered by the Board. The on-site units proposed are required to meet the Borough's Affordable Housing ordinance and all of the affordable units should be constructed prior to issuance of a final Certificate of Occupancy on the project. The affordable units should be identified on the plans. Deed restrictions must be provided to for review by the Board Attorney and Planner.

6. **Site Plan Review:**

   A. ***Signs:*** According to Section 165-105(B)(1b) each business shall be entitled to only one wall-mounted sign, except that, where a building has street frontage on more than one street, one additional sign may be permitted. The Applicant is proposing three (3) wall business signs and ten (10) blade business signs, where only three (3) wall signs are permitted. **A variance is required.**

   According to Section 165-105B(1)(L1), projecting signs shall have a maximum area of six (6) square feet. The Applicant is proposing ten (10) blade business signs with an area of ten (10) square feet and eight (8) project identification blade signs each with a sign area of 45 square feet. **A variance is required.**

   According to Section 165-105B(1d), no wall signs which is placed parallel to the building wall shall be permitted to project forward more than six inches from the building nor be attached to a wall at a height of less than eight feet above the sidewalk or ground. Wall signs which are placed perpendicular to the wall of the building shall be attached at a height of no less than 12 feet. The Applicant is proposing a wall sign on the north facade for "10 North Main Street" to be mounted approximately 7.67 feet above grade whereas eight (8) feet is required. In addition, there are ten (10) blade signs mounted at ten (10) feet above grade whereas twelve (12) feet is required. **A variance is required.**

   B. ***Parking:*** According to the Parking Requirements of the Plan, the following parking is required for residential mid-rise apartments, retail uses, mixed-use and townhouses.

Parking Requirements

Land Uses	Required Off-Street Parking Spaces	Proposed	# of Spaces
Retail Uses	1.0 space per 400 SF of gross floor area	6,858 SF gross floor area	17.1
Apartments	1.0 space per 1-bedroom	18 units	18
	1.5 spaces per 2-bedroom	30 units	45
	2.1 spaces per 3-bedroom	2 units	4.2
		Total (Retail & Mixed-Use)	**50**
Townhouses	1 space per 1-bedroom	8 units	14.4
	1.5 spaces per 2-bedroom	8 units	18.4
		Total (Townhouses)	**33**
83 Total Spaces Required			
83 Spaces Proposed			

Eighty-three (83) parking spaces are required as per the off-street parking requirements and the Applicant is proposing eighty-three (83) spaces, which complies with the Ordinance. At least 60% of the spaces in the lot must be available to business day use by the public according to the Redevelopment Plan. The Applicant should address how this requirement is met. At a minimum signage identifying the fifty (50) spaces that are available the public for daytime parking should be identified.

According to Parking Requirements Section B.1 of the Main Street Redevelopment Plan "the Plan," parking must be located on the ground floor of any proposed residential building and in the rear of such building. Up to 40% of the required parking may be located in the side or front yard. Any parking located along the Main Street frontage must be screened from view. The Applicant is proposing off-street parking in the rear of the proposed mixed-use building and townhome development, which complies with the ordinance.

According to Area and Bulk Requirements of the Plan, the minimum distance to the right-of-way line is five (5) feet. The Applicant is proposing parking that is more than five (5) feet from the right-of-way line, which complies.

According to the Area and Bulk Requirements of the Plan, the minimum setback to side rear lot is five (5) feet. The Applicant is proposing parking that is more than five (5) feet from side yard setback lot line, which complies.

According to Section 165-65D(2), parking stalls shall be nine (9) feet by 18 feet in dimension, provided that parking stalls serving lots which contain retail uses utilizing shopping carts shall be 10 feet by 20 feet. Each off-street parking space must measure no less than 8.5 feet in width by eighteen (18) feet in length. If a parking space is less than nine (9) feet in width, it must be labeled a "Compact" space. Compact parking spaces must not constitute more than 30 percent of the parking area. The Applicant is proposing 61 off-street parking spaces that are 9 feet in width by 18 feet in length and 22 labeled "Compact" parking spaces. This complies with the ordinance.

C. Loading: According to Parking Requirements Section F.1 of the Plan, a minimum of one (1) loading area must be provided for every new building in the Redevelopment Area. The Applicant is proposing one (1) loading area, which complies.

According to Section 165-66B, each loading space shall not be less than 12 feet in width and 35 feet in or more in length, depending upon the functions to be performed. The overall floor-to-ceiling height or clear height distance shall not be less than 12 feet, which may be increased where required. The Applicant is proposing a loading area that is 12 feet by 35 feet, which complies with the ordinance.

According to Section 165-66C, except for required buffer areas, each such loading space may occupy any required side or rear yard but shall not located in any required front yard. When adjoining a residential use, institutional use or place of general assembly, a suitably screened or landscaped buffer shall be provided. The Applicant is proposing a loading area on the side yard of the subject property adjacent to a single-family residential dwelling with a fence that is eight (8) feet in height. This complies with the ordinance.

According to Section 165-66D, off-street loading spaces shall not be located within any fire prevention zone, within 25 feet of any fire hydrant or within 10 feet of any stairway, doorway, elevator or other general means of entry to and from a building for the general public, nor shall it block or in any matter interfere with the free flow of pedestrians from any means of ingress or egress, nor shall it interfere with the free flow of pedestrians or vehicles. All such loading spaces shall be appropriately

indicated by a sign or other visual communication to said location. The proposed loading space location complies with the ordinance.

D. Driveway/Drive Aisle: According to Section 165-65D(1), a minimum drive aisle width of 24 feet must be maintained for 90˚ perpendicular parking. The Applicant is proposing drive aisle widths of 24 feet, which complies.

According to Section 165-65D(4a), all entrance and exit driveways to a public or private street shall be located so as to afford maximum safety to said roadway, to provide for safe and convenient ingress and egress and to minimize conflict with the free flow of traffic. In no case shall un-restricted access along the length of the street or streets upon which the parking area abuts be permitted. The primary access points should be from driveways on Second Street, Fern Avenue and East Central Avenue. One (1) primary access on Main Street is permitted. The Applicant is proposing two (2) driveway access points – one (1) on Main Street and one (1) on Second Street. This complies with the ordinance.

According to Section 165-65D(4c), where a site is located at the intersection of two (2) streets, no driveway entrance or exit shall be located within 50 feet of the point where the curb return of the street intersection and the curbline meet. The proposed driveway access is more than 50 feet from the intersection of Main Street and Central Avenue, which complies with the ordinance.

According to Section 165-65D(4d), no part of any driveway shall be located closer than 20 feet from any other driveway on the adjoining parcel, nor shall more than one driveway be located closer than 40 feet to another driveway on the same site, as measured from the closest edge of any two driveways along the same right-of-way-line. The Applicant is proposing a driveway on Second Street which is to be located 12.9 feet from the adjacent driveway on the adjoining parcel where 20 feet is required, which does not comply with the ordinance. **A variance is required.**

According to Section 165-65D(4f), driveways used for two-way operation will intersect a public or private street at an angle to as near 90˚as site conditions will permit and in no case will be less than 60˚. Driveways used for vehicles in one direction of travel (right turn only) shall not form an angle smaller than 45˚ with a public street. The proposed driveways abutting Main Street and Second Street comply with the ordinance.

E. Pedestrian Circulation (Internal): According to Section 165-52, sidewalks shall be required along both sides of a street in all commercial subdivisions, unless waived by the approving authority. A minimum walkways width of four (4) feet shall be constructed in accordance with the requirements of the Borough Engineer and in conformance with this chapter of the Code of the Borough of Wharton. The Applicant is proposing a sidewalk that is 8 feet and 4 inches in width in the rear of the mixed-use building and a five (5)- foot wide sidewalk in the rear of the townhouses. This complies with the Ordinance.

According to Section 165-65D(3d), pedestrian circulation within a parking area shall be, to as great an extent as possible, separated from vehicular traffic. Safety zones, crossing points and sidewalk areas, where warranted, shall be provided. Pedestrian crossings and amenities must be installed where deemed necessary by the Planning Board and the Planning Board Engineer and Planner. The Applicant is proposing sidewalks in the rear of the mixed-use and townhouse buildings as well as a painted crosswalk striping. Such measures will ensure pedestrian safety within the parking area, which complies with the Ordinance.

F. Buffer/Landscaping: According to Parking Requirements Section D.1 of the Plan, landscaping in and around parking areas should be provided to screen parking from street rights-of-way and sidewalks. The Applicant is proposing landscaped islands and landscaping around the parking area, which complies with the Ordinance.

According to Section Parking Requirements D.2 of the Plan, parking lots visible from any right-of-way must be screened by decorative fence or masonry wall with additional hardy, low-maintenance shrub plantings no higher than three (3) feet. If off-street parking is located along Main Street, the parking must be fully screened from Main Street by a decorative screening wall or fence, a minimum of eight (8) feet in height. The Applicant is proposing a vinyl fence with a height of eight (8) feet, which complies.

According to Buffer Requirements Section A of the Plan, decorative fences must be provided along the rear property line of new North Main Street commercial and mixed-use buildings to separate, screen, and protect the adjoining residential properties on Fern Avenue, Second Street, and East Central Avenue. The Applicant is proposing a decorative fence along East Central Avenue.

According to Buffer Requirements Section B of the Plan, fences and walls must not exceed ten (10) feet in height above ground level in the front yard and eight (8)

feet in the side and rear yards. The Applicant is proposing a fence that is eight (8) feet in height, which complies.

According to Buffer Requirements Section C of the Plan, fences and walls must have a minimum setback of one (1) foot from the property line when adjoining residential properties. The Applicant's proposed fencing complies.

According to Landscaping Requirements Section A of the Plan, ornamental trees should be provided throughout the site, particularly at key locations such as site entrances, focal points and along existing roadway frontages. The Applicant has provided a landscaping plan that details the placement of such trees. No street trees are proposed along Main Street. The Applicant should provide testimony as to the adequacy of street trees along the Main Street frontage of the site. Additional trees may be required.

According to Landscaping Requirements Section B, hedges, shrubs, and ground cover must be used to define space and provide privacy. Foundation plantings should include evergreen and deciduous shrubs. The Applicant is proposing several evergreen and deciduous shrubs which complies with the ordinance.

According to Section 165-65E(1), loading areas shall be screened with landscaping, fencing, berms, walls or any combination thereof and shall not be less than six (6) feet in height. The screening shall be sufficient to obscure the view of the parked vehicles, loading platforms and loading activities from any lot line or street line throughout the year. An eight (8)- foot high fence is proposed, which complies with the ordinance.

According to Section 165-65E(2), parking areas with 20 or greater parking spaces shall be screened from the street with landscaping fencing or a wall, and interior parking lot landscaping shall be required. Landscaped areas should be located in protected areas such as along walkways, in center islands, or at the end of parking bays and shall be distributed throughout the parking area to mitigate the view of the parked vehicles without interfering with adequate sight distance for vehicles or pedestrians. The landscaping shall consist of hardy, low maintenance variety of trees, and shrub plantings no higher than three (3) feet. The Applicant is proposing a vinyl fence with a height of eight (8) feet to screen the off-street parking area from street rights-of-ways. This complies with the ordinance.

According to Section 165-65E(4), one (1) shade tree, with a minimum diameter of 2 ½ inches measured three (3) feet above the ground, shall be provided for every ten (10) parking spaces. Trees shall be staggered and/or spaced so as not to

interfere with driver vision and shall have branches no lower than six (6) feet. The Applicant is proposing twelve (12) shade trees with diameters ranging between 2 ½ - 3 inches to 3 – 3 ½ inches, which complies with the ordinance.

G. Sidewalks: According Mobility Requirements Section B.1 of the Plan, sidewalks must be provided along all streets and must be a minimum of four (4) feet wide on Fern Avenue, Second Street, and East Central Avenue and a minimum of six (6) feet wide along North Main Street to provide safe and convenient movement for pedestrians. The Applicant is proposing a width a 10-foot wide sidewalk along Main Street and 5-foot wide sidewalks along Central Avenue and Second Street.

According to Mobility Requirements Section B.2 of the Plan, pedestrian-only walkways must be at least four (4) feet wide and constructed according to Section 165-68 of the Borough Code. This complies with the ordinance.

According to Mobility Requirements Section B.3 of the Plan, all building entrances must provide pedestrian access to adjacent streets and parking areas. The Applicant is proposing pedestrian access to building entrances, adjacent streets and parking areas through the use of sidewalks, which complies with the ordinance.

According to Building Standards Section B of the Plan, buildings fronting North Main Street must be oriented to face the roadway, with windows and entrances on the North Main Street frontage. The frontage should allow for an increased sidewalk width of ten (10) feet or more along at least 50 percent of the building frontage. This can be achieved through colonnades, stepbacks along the building façade, or an overall setback of the building frontage. The Applicant is proposing the mixed-use building to front North Main Street with windows and entrances facing towards the right-of-way, which complies with the Ordinance.

H. Lighting: According to Section 165-74D, the light intensity at ground level shall average 0.5 footcandle; however, variations are permitted depending upon the intensity of the use. The light intensity shall not exceed 0.3 footcandle along any property line and shall be so arranged and shielded to reflect the light away from adjoining streets or properties. The Applicant is proposing footcandles with a minimum of 0.5 footcandle for streets, sidewalks and parking on the subject property. **Footcandles along the property line for the most part, are less than 0.3 footcandles except along the northerly side yard line where footcandles range between 0.4 and 1.5 along the section of the driveway that abuts Main Street.**

According to Section 165-74F, the mounting of lighting fixtures shall not be more than twenty (20) feet or the height of the building, whichever is less, measured from the ground to the center line of the light source. The Applicant is proposing five (5) freestanding light fixtures with heights of twenty (20) feet, which complies with the ordinance.

According to Section 165-74G, shade trees shall be planted a minimum of ten (10) feet from any freestanding light fixture. The Applicant is proposing a total of twelve (12) shade trees that comply with the Ordinance.

I. ***Waste:*** According to Section 165-84, landscaping and/or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner. The Applicant is proposing a 10-foot by 20-foot masonry trash enclosure, which complies with the Ordinance.

J. ***Accessory Structures/Uses:*** According to the Main Street Redevelopment Plan, patios are permitted as an accessory use. The Applicant is proposing a patio area behind the mixed-use building. **The Applicant should testify to the use of the proposed patio area. If outdoor dining is suggested, a permit is required via application with the Wharton Borough Zoning Officer.**

7. **Variances/Deviations from Redevelopment Plan Standards:** The Applicant requires variances (technically known as deviations) as noted in this report. Deviations/variances can be granted by the Board, pursuant to N.J.S.A. 40:55D-70c where two (2) provisions exist:

i. The provision for granting a "c" variance is under N.J.S.A. 40:55D-70c(1) where the Board must find whether there has been a showing of peculiar exception practical difficulties or exceptional undue hardship arising out of the exceptional narrowness, shallowness, or shape of a piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting this specific piece of property or the structures uniquely affecting this specific piece of property or the structures lawfully existing thereon.

ii. The second provision for granting a "c" variance is under N.J.S.A. 40:55D-70c(2) where the Board must find that the application related to a unique situation on a specific piece of property, that the purposes of the MLIL would be advanced by the requested deviation, that the variance can be grated without substantial detriment to the public good, that the

benefits of granting the variance outweigh any detriments and that the variance will not substantially impair the zone plan or ordinance. Under c(2), the Applicant should show that the proposal is a better zoning alternative to what is permitted by the ordinance and provides benefits to the community as a whole, not just the Applicant.

iii. In both cases, the two-part negative criteria must also be addressed. There must be a finding by the Board that the variances can be granted with no substantial detriment to the public good and no substantial impairment to the zone plan or ordinance.

Very truly yours,

Jessica C. Caldwell, P.P., A.I.C.P
J. Caldwell & Associates, LLC
Wharton Planning Board Planner

cc: Alan Zakin, Esq., Board Attorney
Christopher Borinski, P.E., C.M.E., Board Engineer
Alex Farrell, P.E., Applicant's Engineer
Lisa John-Basta, Esq., Applicant's Attorney