

CALL TO ORDER: AT 7:00 P.M. by Chairman Loury  
OPEN PUBLIC MEETING LAW STATEMENT OF COMPLIANCE

ROLL CALL: Chairman Loury, Peter Rathjens, Mayor William J. Chegwiddden, Councilwoman Vasquez, Marc Harris, Brian Bosworth, Christopher Fleischman, Barbara Chiappa, and Roshan Patel

EXCUSED: Michelle Molde, and Lawrence Biehler

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

Motion by Mayor Chegwiddden and seconded by Chris Fleishman to approve the June 17, 2025 meeting minutes as presented.  
YEA - 7      NAY - 0      ABSENT - 2      ABSTAIN - 2

Motion by Barbara Chiappa and seconded by Mayor Chegwiddden to approve the bills as presented.  
YEA - 9      NAY - 0      ABSENT - 2      ABSTAIN - 0

Board Secretary Desi Ruffo provided an update to the board on the outstanding escrow account balances.

Motion by Marc Harris and seconded by Brian Bosworth to deny the application for:

C. Palacios: 183-185 South Main Street (Block: 1801, Lot: 16)

Residential variance: Site Plan to the August 5, 2025 meeting, the applicant will need to re-notice.

YEA - 9      NAY - 0      ABSENT - 2      ABSTAIN - 0

**NEW BUSINESS:**

*D Variance, Mayor Chegwiddden Class I, Councilwoman Vasquez Class II did not participate*

**Randolph Foreign Car, Inc.: 285 South Main Street (Block: 2004, Lots: 1 & 2)**

**Minor Subdivision, Site Plan, Use and Bulk Variance**

**John P. Wyciskala, ESQ. (Inglesino Taylor: Parsippany, New Jersey)**

This application involves two adjacent properties located at 284 South Main Street and 15-17 Cutler Street. Both properties are owned and controlled by Isabella and Chris Marek. The auto repair business was acquired by the applicant nearly 20 years ago and Lot 2 was acquired in 2022. The properties are currently developed with a one-story commercial auto repair building on Lot 1 (B-1 zone district) and a two-family residence on Lot 2 (R-75 Zone district). The applicant is seeking approval for minor subdivision and site plan approval with use variance and bulk variance relief for the properties. The applicant is also seeking site plan approval from the Board to remove the existing dwelling and improvements from Lot 2 and to construct a two-story addition of approximately 2,083 square feet, with three additional service bays to the existing auto repair building, which currently has three bays. A new total of six bay, improvements to driveways, signage and parking are also proposed. Auto repair is not a permitted use in the R-75 zone according to the Borough code; therefore, the applicant seeks a use variance for the extension of the auto repair building into the R-75 zone as a result of merged lots. The applicant has outgrown the existing commercial building. There will be no outdoor repairs or outdoor storage.

**Chris Marek, (Applicant: 284 South Main Street, Wharton New Jersey) Was duly sworn and provided testimony**

The applicant stated that he and his wife, Isabella, have owned the auto repair business and the residential property for the past 19 years. They are seeking to expand the business due to space constraints in the existing building. Currently, the space within the facility is very limited, with insufficient room for their five employees and no designated lunchroom. Additional space is needed to improve operational efficiency and allow for the hiring of more employees. The proposed expansion would include the addition of service bays. The applicant also expressed interest in preparing the facility to accommodate the repair and servicing of electric vehicles. The overall goal is to enhance the functionality of the business and clean up the surrounding area. The current hours of operation are 8:00 AM to 5:00 PM, Monday through Friday. The business is not open on weekends. The applicant expressed interest in offering training opportunities to local high school auto shop students but noted that the current facility lacks adequate space to accommodate such a program. He clarified that the business is not a quick-service oil change shop, but rather focuses on larger automotive repair projects.

*Chris Marek continued:*

Typical deliveries consist of car parts and occur approximately four to five times per day. Oil deliveries and waste oil disposal take place about once a month. All deliveries are brought directly inside the building, and no materials or parts are stored outside. The applicant noted that the amount of garbage generated by the business is minimal, consisting primarily of office waste and lunchroom refuse. Plastic and cardboard are recycled, with cardboard being dropped off at the town recycling center. There is currently one above-ground oil tank located outside; the applicant indicated that the intention is to relocate this tank indoors as part of the future expanded facility. The tank is regularly pumped out by a licensed waste hauler. Regarding lighting, the proposed LED fixtures will have adjustable levels, and lighting will be dimmed after business hours, the intent is not to illuminate the back area. No exterior generators are proposed.

*B. Bosworth:* Asked how vehicles are currently dropped off after hours and what the percentage is of return customers and how many cars are serviced daily.

The applicant explained that customers who drop off their vehicles after business hours, usually park directly in front of the shop's front doors. On average, four to five vehicles are left overnight. To address potential parking concerns, the applicant stated that clear instructions will be provided to customers making after-hours drop-offs, advising them not to park on the street. Ninety-percent of the business generated is from return customers. Approximately ten to fifteen vehicles are serviced daily and about twenty vehicles are stored outside.

*P. Rathjens:* Asked about the noise generated from the compressor.

The applicant noted that the existing air compressor is located inside the building. As part of the proposed upgrades, the intent is to install a quieter rotary compressor. Additionally, the shop is air-conditioned, and the doors are typically kept closed during operations.

*Chairman Loury:* Asked what types of vehicles are serviced at the facility.

*C. Fleischman:* Asked what type of mechanical equipment is proposed to be installed.

The applicant stated that approximately 80% of the vehicles serviced are foreign vehicles. They are looking to expand their services to include work on electric vehicles and are also considering the potential installation of an electric vehicle charging station in the future. Three additional bays each containing a car lift is proposed.

*J. Dykstra:* Asked whether the applicant would be willing to accept the stated hours of operation as a condition of approval, with the flexibility to allow for possible Saturday hours in the future.

The applicant agreed and agreed to provide the hours of operation to the board planner and remain compliant with the Borough code.

*Chairman Loury:* Asked the applicant to confirm that the two lots in question are located in two different zoning districts. While the lots are proposed to be merged, each portion of the merged lot would remain within its respective existing zone.

*J. Wyciskala, Esq.:* Confirmed this and clarified that a variance would be required to allow the proposed use within the applicable zoning district.

## OPENED TO THE PUBLIC

Rachel Morrison of 11 Lane Way expressed concerns about noise, noting that tow trucks have been arriving at all hours of the night. She asked what measures would be taken to prevent this and to mitigate the noise—such as installing sound barriers, adding trees or landscaping, or other strategies. She emphasized that the area is currently very noisy during nighttime hours. Ms. Morrison also inquired about the expected duration of construction and expressed concern about the noise generated by the dumpster pickup, which occurs directly in front of her property. She asked if the applicant intends to have their own dumpster.

The applicant responded that they have no control over tow truck vehicle delivery times. However, they have proposed the addition of trees and fencing to facilitate vehicle drop-offs at the rear of the building.

**Isabella Marek (Applicant: 284 South Main Street, Wharton New Jersey)** *Was duly sworn and provided testimony*  
Confirmed that they have no control over the garbage pickup schedule, as it's owned by the neighboring laundromat and shared with the applicant's business.

Chairman Loury advised the public to notify the Borough if the waste collection service is not complying with any Borough codes.

Rachel Morrison of 11 Lane Way expressed concern regarding Lane Way, noting that it is extremely narrow between the laundromat and the car garage. Tow trucks frequently block the roadway, creating access issues for residents attempting to leave for work. While detours are possible, the issue remains significant and disruptive.

Chairman Loury advised the public that these statements were considered testimony, and the meeting was opened to the public for questions related to the testimony provided.

Daniel Morrison of 11 Lane Way asked the applicant how they intend to address noise concerns, noting that vehicles dropped off after business hours often have car alarms that go off multiple times throughout the night. He also inquired about the possibility of installing sound barriers around the proposed parking spaces.

Chairman Loury reminded the public that they were only permitted to ask questions pertaining to the applicant's testimony. Any personal statements or comments would need to be reserved for their own testimony later in the meeting.

Mike Ryan of 25 Cutler Street asked the applicant to confirm that the proposed addition consists of three bays and asked the applicant to clarify how much work is conducted outside the auto shop facility.

The applicant responded that vehicles are inspected, including opening the hood, checking tires, and working on brake pads; however, no heavy work is performed on engines or transmissions outside of the facility.

Mike Ryan of 25 Cutler Street requested clarification, noting that since the proposed expansion includes doubling the lift capacity, it is assumed that the number of vehicles serviced per day will increase from 15–20 to 30–40. The purpose of the proposed expansion appears to be to grow the business and service as many vehicles as possible.

The applicant responded that the facility will not have the capacity to service 20 to 30 vehicles per day. The proposed expansion may involve adding one additional mechanic and possibly one executive staff member. It was noted that the volume of work is not expected to increase significantly beyond current levels. The applicant explained that the current facility is limited in space, with no designated area for storing parts, which are currently being stored in the office, which is intended as a customer seating area. The bathrooms are small, and the overall shop space is constrained and deteriorating. Additionally, to comply with Tesla's requirements, the facility must include an indoor bathroom, a proper customer waiting room, and a minimum of 2,000 square feet of space.

## CLOSED TO THE PUBLIC

**Mark Walker, PE (Dykstra Walker Design Group: Lake Hopatcong, New Jersey)**

*Was duly sworn, accepted by the board as a qualified expert in his field and provided testimony*

Exhibit: A1 Colored Site Plan Proposed Layout dated 070125

The application involves two lots Block 2004, Lots 1 and 2. Lot 1 contains the Randolph Foreign Car operations and is located within the B-1 (Business) Zone. Lot 2 is a two-family residential property located in the R-75 (Residential) Zone. As shown in Exhibit A1, is the zoning boundary line. This line runs down Lane Way, toward Main Street, cuts across the subject property, and then back in the same direction to the east, ultimately extending down toward the road. The site is bordered by an electrical contractor to the south and a laundromat to the north. Notably, when viewing the site plan in totality, a line drawn parallel to the proposed paved parking area would intersect with the upper limit of Lane Way and continue across the street, intersecting the property of the electrical contractor. The plan is to avoid development too close to the residential properties located behind the site. The proposed improvements will be set back approximately 45 feet from the existing dwelling on Lot 3.

The existing building is approximately 2,200 square feet, including an attached shed, and is served by 16 parking spaces. Lot 2, which contains a two-family home, has frontage on both Lane Way and Cutler Street. The home faces Cutler Street and backs up to Lane Way. The proposal involves a minor subdivision and a site plan application. The subdivision merges Lots 1 and 2. All existing improvements on the residential lot will be removed.

The existing building footprint, excluding the shed, is 1,765 square feet. The proposed addition will add 2,038 square feet, resulting in a total footprint of 3,803 square feet. A mezzanine of 764 square feet is also proposed within the building. The total floor area of the proposed building is 4,567 square feet. It is a two-story structure consisting of a mezzanine and a shop area.

The proposed building height is 23.8 feet. In the B-1 Zone, the maximum permitted height is 35 feet, and in the R-75 Zone, it is 30 feet. The proposed height is below both limits. The proposed addition measures 32 by 63.7 feet. It matches the width of the existing building and extends it, no bump-outs or encroachments toward side property lines are proposed. There are open curb cuts on Cutler Street, Lane Way, and two on Main Street, one of which is 17 feet wide on the south side. The applicant proposes to close the unnecessary 17-foot curb cut. Other proposed changes include a new entryway and paved area. The paved area will be set back approximately 45 feet from the existing dwelling on Lot 3, Block 2004. Several mature holly trees and a large deciduous tree are located along this boundary. The proposed fence will be set back from the property line to avoid crowding, due in part to the narrow width of the lot. The proposed fence will be a six-foot-high solid PVC fence.

A 20-foot utility easement runs through this portion of the property, serving Lot 2.01, Block 2004. Utilities cross through the applicant's property in this area. There is currently no dedicated easement for a two-inch water line that runs from Cutler Street to the laundromat, passing directly through the applicant's property, the applicant has spoken with the laundromat owner, and arrangements have been made for the laundromat to reconnect to a new water line from South Main Street. This is a private matter and will be resolved directly between the parties.

The parking layout will be updated to provide 18 parking spaces, including one ADA-accessible space and one EV charging space. The applicant proposes to remove pavement adjacent to the building and Lane Way. Currently, vehicles park partially within the public right-of-way and partially on the lot; the proposal ensures all parking is clearly striped and contained entirely within the property boundaries. Landscaping will be added, and parking on the north side, currently extending into Lane Way will be pulled back onto the lot. Two additional spaces are proposed along Cutler Street. All deliveries will occur at the rear of the building. The front will maintain three bays, with three new bays added at the rear, totaling six bays. Parking requirements are based on bay count, requiring 18 spaces. The plan provides 17 spaces, but the inclusion of an EV space grants a bonus parking spot under state regulations, satisfying the requirement.

All garbage, waste oil, parts, and materials will be stored indoors. Existing lighting at the front will remain. Two new LED, downward-facing lights are proposed, one 16-foot fixture at the rear and one 12-foot fixture on the front. Lighting will be dimmed after business hours for security purposes only, and will be on a timer.

*Mark Walker, P.E., continued:*

There is a pre-existing freestanding sign located at the corner of Main Street and Cutler Street, which the applicant proposes to retain. Two building-mounted signs are proposed, one of which currently exists on the left side of the building's front facade and will be relocated to the right side. At the rear of the building, where deliveries will occur, an 8-foot by 2-foot sign will be installed to indicate the delivery area. The building-mounted signage is conforming. While the freestanding sign is pre-existing, and the applicant proposes to maintain it as is.

The proposed design respects existing drainage patterns; project adds 2,538 square feet of impervious coverage, classifying it as a minor stormwater project, not subject to state-level stormwater rules. The variances relate to the B2 zones use due to the proposed use, as well as the R75 zone at the rear. Regarding project intensity, the B2 zone allows 70% lot coverage, and the project proposes 66%, which complies with that requirement. The addition follows the existing building's sidelines and remains below the minimum permitted building size. For the B2 zone, the combined lot area after merging will be 20,242 square feet, where 40,000 square feet minimum is required. The lot width is 102 feet, below the 150-foot minimum required. Lot depth in the B2 zone requires 200 feet; the combined lot measures 185.7 feet, which is an improvement over the existing condition.

Lot frontage is a conditional use requirement of 200 feet; the existing frontage is 102.1 feet. The front yard setback in the B2 zone is 50 feet, with the existing building at 38.8 feet. Along Cutler Street, the B2 zone requires a 55-foot minimum setback, while 25.1 feet is proposed. In the R75 zone, a 30-foot minimum setback is required along Cutler Street, with 25.1 feet proposed. For Lane Way, the B2 zone requires a 62.5-foot minimum setback, with 13.6 feet proposed. The R75 zone requires a 37.5-foot minimum setback along Lane Way, with 13.6 feet proposed. The site triangle requirements are, from the property's driveway, 90 feet in from the right-of-way line, measuring 300 feet down the road. 90 feet in on Main Street puts us in the middle of the existing building. It does not comply as it exists.

*M. Harris:* asked whether there is adequate sight distance and expressed concern about vegetation potentially obstructing visibility within the sight distance.

*Mark Walker, P.E:* responded, the sight triangle encompasses all relevant areas, and compliance is not achievable. Sight distance is measured approximately 10 to 15 feet from the right-of-way line at a height of 2.75 to 3.5 feet, looking in both directions. The application complies with all applicable sight distance requirements. This portion of the site will be restricted to employees only. As a result, vehicle access will be limited to individuals familiar with the site conditions. Additionally, any obstructive vegetation can be trimmed to maintain clear visibility. The Police Department report dated June 16, 2025, recommends that the area between the parking space and the right-of-way line along Main Street be striped with yellow markings to clearly indicate it is not a parking space. The applicant has no objections to this recommendation. Additionally, there are no objections to the comments outlined in the reports from the board professionals. The applicant has received the reports and as a result will be required to submit updated plans and a letter outlining the changes.

*Jessica Caldwell, Board Planner:* Reviewed the requested variances and asked whether the applicant would agree to adding additional trees within the grass area located outside of the proposed fence.

*Chris Borinski, Board Engineer:* Requested the water service to the laundromat will be abandoned.

*Mark Walker, P.E:* A utility easement exists in that area, and the utilities will need to be marked to ensure that any additional trees do not interfere with existing infrastructure.

*Chairman Loury* stated that a condition of approval will be the ongoing maintenance of all landscaping. The applicant agreed with the condition.

Board members discussed the parking concerns related to the site.

*Mark Walker, P.E.:* Indicated a curb could be placed in the area, the pavement removed, and a strip of grass planted. This would prevent parking and secure the space. From that location, there is approximately 200 feet of sight distance looking to the right down the street from the intersection, which is considered a reasonable distance. Eliminating that area would provide a clear and extended line of sight to the north along South Main Street.

This was accepted by the board and applicant as a condition of approval.

*Chairman Loury:* Inquired about the maintenance of the gate and confirmed with the Board Engineer whether the stormwater management plans were acceptable. Additionally, requested that a condition be included regarding sight distance.

*Mark Walker, P.E.:* The gate will be open during business hours for deliveries and will remain closed after business hours.

*Chris Borinski, Board Engineer:* Confirmed additional calculations will be requested; however, the project does not meet the strict definition of a major development. Therefore, it is not required to comply with the stormwater management regulations.

*P. Rathjens:* Asked about snow removal and its impact on runoff.

*Mark Walker, P.E.:* The snow removal is preexisting and will not change. The current runoff from the rear area would be directed off the paved surface into the lawn, allowing meltwater to flow across the parking area toward the proposed stormwater basin. In the front parking area, there is an existing drain leading to the basin. The street's curvature facilitates water flow into the existing stormwater system.

## OPENED TO THE PUBLIC

Daniel Morrison of 11 Lane Way asked about after-hours operations and inquired whether tow trucks would be allowed at the rear of the site. He expressed concern about keeping tow trucks off Lane Way, highlighting the road's narrow width and residential nature. Asked for clarification of a detail on the plans regarding trees and plantings along the Lane Way.

The applicant clarified that no tow trucks would be permitted at the rear of the facility, only employees and delivery vehicles. The applicant acknowledged the concern and agreed to stipulate to restricting tow truck access on Lane Way.

Rachel Morrison of 11 Lane Way expressed concern regarding tow trucks entering and dropping off in a very tight area. The speaker described the process of removing vehicles down Lane Way as excessive and impractical. They noted that Main Street is a busy thoroughfare with significant traffic due to nearby businesses, electricians, and restaurants. The question was raised about how additional tow trucks could be accommodated on such a congested street.

*J. Wyciskala, Esq.:* Explained that two bays per mechanic are needed for efficient work. Currently, vehicles must be pushed outside due to space limits, but the plan aims to avoid this by maintaining two bays per mechanic. No additional mechanics are planned, though there may be a new student or service advisor.

The meeting recessed for a brief break and then reconvened.

*J. Wyciskala, Esq.:* Responded to the previous public question by noting that there is a proposed fenced area on the site which will allow vehicles still in service to be maneuvered into spots that keep the front area clear. There is an intention to secure customer vehicles behind the enclosed gate, minimizing operations in the front. Acknowledged that drop-offs will continue, the additional space should improve maneuverability and better control over vehicle movements compared to current conditions. The existing building currently has virtually no parking, with vehicles often parked on sidewalks.

Mike Ryan of 25 Cutler Street asked the applicant to speak to site circulation, specifically regarding access for flatbed tow trucks.

*Mark Walker, P.E.:* Noted that the site has a depth of approximately 50 feet and a width of about 70 feet, providing a substantial area for vehicle maneuvering. A flatbed or tow truck would be able to enter the site front-first, perform a K-turn within the space.

## CLOSED TO THE PUBLIC

### **Kenneth Fox, AIA (Fox Architectural Design: Ledgewood, New Jersey)**

*Was duly sworn and accepted by the Board as an expert in his field and provided testimony*

Described the existing interior conditions, noting that the service counter area near the front door is only large enough for two people. The space labeled as the break room functions as a multi-use area, serving as an office, break room, and storage. Currently, the facility contains three service bays, one of which is slightly oversized. The other two are relatively tight, leaving limited space for tool access and maneuvering. The proposed new bays are designed to provide adequate working space for mechanics, with operations planned along the right-hand side and three bays extending across the width of the building. The building includes a small, raised storage area accessed from the rear, used for storing parts, equipment, and supplies. The proposal includes 32-foot-deep bays, as specified by Mr. Walker, across the width of the structure. At the rear of the building, three bays are shown with four garage doors. The bay closest to Cutler Street will serve as a delivery entrance, featuring a lower door height as it is not intended for vehicle entry. This area will accommodate deliveries and equipment such as a waste oil tank, drum shed, and other necessary items.

Noted the revised design provides additional interior space and includes two access points from the existing bays to the rear area, allowing for improved circulation. A partial second-floor mezzanine has been designed and is accessible via stairs located within the bays. The mezzanine is open to the area below to accommodate vehicle lifts, maintaining necessary vertical clearance. The mezzanine spans a 12-foot-wide section beneath the peak roof and includes a lavatory with a shower, an employee break room with lockers, and an office. This office will provide private space for administrative tasks or client meetings. It was clarified that the shower area is intended solely for employees and is not designed for residential use. The space cannot function as habitable living quarters, as access is only available from within the vehicle service bays. The existing facility includes one bathroom accessible from the outside only. The proposed improvements will include a new, ADA-accessible restroom with access from the interior of the building. This addition will occupy a portion of the interior space, but is necessary to comply with current accessibility requirements.

A peaked roof design was selected to keep the overall building height as low as possible. At the rear, the building height reaches 19 feet 8 inches at the soffit to accommodate three 14-foot-high overhead doors. A fourth overhead door in the delivery area is proposed at a height of 10 feet to meet functional needs for deliveries. A sign over the delivery door is proposed to clearly identify that area. Additionally, a sign is proposed above the main entrance door on the front facade.

*B. Bosworth:* Asked about the height of the existing doors and the condition of the existing roof.

*Kenneth Fox, AIA:* Responded that the existing door height is 9 feet at the base. The current roof is flat with a minimal inward pitch, which has led to significant water problems and deterioration typical of older concrete block construction. The proposed project aims to add to and improve the existing building, providing additional space and addressing these issues.

*C. Fleischman:* Asked for the estimated construction duration.

*Kenneth Fox, AIA:* Estimated the construction period to be approximately six months and confirmed the business will be operational during construction.

*Chairman Loury:* Asked about the purpose of the second exterior door and expressed concerns regarding the proposed kitchenette and full bathroom on the mezzanine, citing potential issues with residential stacking. He also inquired whether the inclusion of a shower is required. Additionally, he requested a condition of approval ensuring that the building's exterior aesthetic remains architecturally consistent and continuous.

The applicant clarified the existing exterior bathroom door will be removed. The proposed kitchenette would be typical of many offices, consisting of an under-counter refrigerator, a sink, and likely a microwave on the counter. The shower is intended for emergency use and employee hygiene, not residential purposes. The current facility has one sink with a pull-out faucet. The proposed design includes a separate, unisex-accessible shower adjacent to the lockers on the second floor and is intended for emergency use. The proposed windows are surface-mounted to allow visibility into the service bays from above. From both the break room and the office, the windows provide direct sightlines down into the bays.

*P. Rathjens*: Asked whether the applicant had addressed emission control and ventilation.

The applicant stated that emissions are currently vented through a pipe to the exterior, but detailed specifications have not yet been provided. It was noted that since the area will be air-conditioned, a large exhaust system is not planned.

*B. Bosworth*: Asked about the location of the existing air conditioning unit.

*Jessica Caldwell, Board Planner*: Asked if the applicant had any ideas on exterior colors for the building.

The applicant responded the existing air conditioning unit is located outside and the proposed exterior color is dark grey.

*Chris Borinski, Board Engineer*: Asked whether the existing exterior spotlight fixtures on the building would be replaced.

*Mark Walker, P.E.*: Indicated that the existing front lighting will remain, while new LED fixtures are proposed for the side of the building. The new lighting will have adjustable levels, intended to provide security while keeping overall lighting levels low.

#### OPENED TO THE PUBLIC

Daniel Morrison of 11 Lane Way asked if the six-month construction timeline includes removal of the previous house and building. Asked how deliveries of large amounts of lumber and materials will be managed and planned. Expressed concern about the size and duration of construction, particularly related to the house and impact on parking and neighborhood disruption. Noted the inconvenience caused by previous nearby construction lasting several months. Asked how the disposal of construction materials will be handled.

*Kenneth Fox, AIA*: Stated that while the overall project could be completed in six months, the house removal would likely occur first and might extend the schedule to six to eight months. Material ordering and specification may affect the timeline, but the intention is to complete construction promptly. Explained that the general contractor will develop a delivery and construction sequence plan. To maintain business operations, materials will be at the rear. Deliveries will be staggered as necessary to accommodate ongoing operations and space constraints. Clarified that the new building is a large, open box structure, expected to take less time than a house to complete. Acknowledged the size will still cause some inconvenience. Committed to installing a construction fence, that will remain in place around the site until construction is complete. The applicant agreed to, construction fencing measures as a condition of approval. Demolition materials, such as a dumpster, will be managed during construction, and demolition activities are subject to both building code and municipal requirements, including mandatory inspections and certifications for hazardous materials such as asbestos prior to demolition.

Mike Ryan of 25 Cutler Street asked the overall height to the peak.

*Kenneth Fox, AIA*: Stated that the building height from average grade to the midpoint of the roof is approximately 24.3 feet, meeting the definition of height per code. The overall height from grade to the highest point of the roof is approximately 28 feet.

*M. Harris*: Asked the average height of the homes in the surrounding area.

*Kenneth Fox, AIA*: Responded a typical two-story home, generally ranges from 26 to 28 feet at the peak. The design aims to be consistent with the surrounding neighborhood in terms of scale and height.

#### CLOSED TO THE PUBLIC

**Matthew Flynn, Professional Planner (John McDonough Associates: Morris Plains, New Jersey)**

*Was duly sworn and accepted by the Board as an expert in his field and provided testimony*

The applicant seeks approval for an addition on an undersized 8,000 sq. ft. lot, where 40,000 sq. ft. is typically required for a mobile service station. The proposed addition improves operational efficiency and better aligns with zoning intent. The site is bordered by B1 zoning on two sides and now provides over 40 feet of separation from adjacent residential uses, an improvement over the prior condition. Most bulk variance relief is existing or minimal, including a minor front setback variance due to the angled lot line. The site is suited for the expanded commercial use, replacing a less compatible residential use. The project enhances the transition between residential and commercial zones and advances the general welfare (MLUL Purpose A), satisfying the positive criteria for variance approval.

The proposed addition represents an investment in an existing business, aiming to modernize the facility and improve operational efficiency. It will enhance ADA accessibility and landscaping, supporting MLUL Purposes G, I, and N. The proposed fencing and tree placement will provide a buffered transition to adjacent residential properties.

The application meets the positive criteria for both D3 conditional use and C variances. The addition is well-sited, maintaining appropriate separation from residential uses and surrounded by B1 zoning. The project complies with key zoning requirements including impervious coverage, building height, and side setbacks. Under the C2 balancing test, the benefits of the project outweigh any detriments. Negative criteria are also satisfied, with no substantial harm to the public good or zoning plan. Design waivers requested are appropriate and reasonable due to the site's existing development conditions. The project is compatible with the surrounding area and zoning and supports approval.

*Alan Zakin, ESQ:* Asked whether the proposed expansion would increase staffing levels.

The applicant responded that they currently have five employees and anticipate possibly adding one to two additional employees.

Daniel Morrison of 11 Lane Way asked for clarification on the benefits and enhancements of the proposed project for the residents in the R-75 zone. asked whether this sets a precedent for further encroachment into the R-75 zone. Asked the potential impact of the proposed development on neighboring residential property values.

*Matthew Flynn, Professional Planner:* Responded the existing house in the R-75 zone is situated between non-residential uses and will be removed to allow a more logical extension of the existing commercial use. The proposal improves the buffer between the business and the residential area by increasing separation, pulling fencing back from the property line, and enhancing landscaping. These steps are intended to soften the visual transition between zones and create a more appropriate zoning relationship. Any future application would be subject to review by the Board and emphasized that the current case is unique due to the subject property being directly sandwiched between two B-1 zoned lots, unlike the adjacent residential homes. Could not offer testimony on property value impacts.

*Alan Zakin, ESQ.:* Noted concerns regarding sight lines, particularly at the south end of the site. As part of the resolution, a condition should be included requesting that larger vehicles (such as vans) be parked along the southeast side of the building to preserve visibility. While not an enforceable restriction, the applicant is expected to make a good faith effort to manage vehicle placement to maintain safe sight lines.

#### OPENED TO THE PUBLIC FOR TESTIMONY

Rachel Morrison of 11 Lane Way, expressed concerns about the impact of the proposed project on her day-to-day life. She noted that any reduction in parking along Lane Way and Cutler Street to address sight line issues would eliminate essential parking spaces. Which could result in more vehicles being left outside overnight, leading to noise issues such as car alarms, especially on weekends. She voiced concerns about the demolition and construction process, citing the already poor condition of surrounding street. Morrison described how the removal of trees over the years has left homes increasingly exposed, contributing to a sense of lost privacy. She emphasized the cumulative effects of nearby commercial activity, including the laundromat and dumpster use on her quality of life and expressed a general fear and anxiety about additional disruption from the new development.

*Public Testimony Continued:*

Daniel Morrison of 11 Lane Way expressed his appreciation for the applicant's business as a past customer, commending their character and service. He raised concerns regarding employee parking logistics and vehicle movement within the lot, seeking clarification, which was provided that only employees, not customers, would move vehicles, and that tow trucks would have designated drop-off areas to avoid obstructing Main Street. He highlighted longstanding issues on Lane Way, including poor road conditions, congestion, and insufficient maintenance, urging that these concerns be acknowledged. Additional concerns included potential negative impacts on property values, stormwater management, and the proper handling and disposal of hazardous materials such as oil and sewage. Regarding future electric vehicle servicing, he inquired about the disposal of EV batteries; it was confirmed that all such waste would be managed per applicable regulations by licensed private handlers.

Mike Ryan of 25 Cutler Street expressed concerns regarding the proposed expansion of the repair facility into a residential neighborhood. He cited the potential increase in congestion and traffic from tow trucks, delivery vans, and daily customer visits, which he believes poses a safety risk to pedestrians, especially children. He noted existing disturbances such as car alarms and late-night activity, stating these issues would likely worsen with the expansion. He argued that the use is incompatible with the residential character of the neighborhood and emphasized that the business does not primarily serve local residents. Instead, he noted the facility specializes in high-end vehicles (Mercedes-Benz, BMW, Audi, etc.) that are typically owned by customers from more affluent communities, while the median income in the neighborhood is comparatively low. Suggested that alternative, more appropriate commercial sites exist within the town, including along Main Street, which would better accommodate the business without disrupting residential life. He expressed concerns about personal and neighborhood financial impacts, sharing that he plans to sell his home within 6 to 12 months. Based on real estate feedback, he anticipates a potential reduction in home value due to the expansion representing a personal loss of \$20,000–\$60,000. Mr. Ryan disclosed his prior experience as a planning board member in Bloomingdale and emphasized the importance of making decisions that preserve community character in accordance with the New Jersey Municipal Land Use Law. Mr. Ryan concluded by urging the Board to fulfill its legal and ethical responsibilities under the zoning code, the master plan, and principles of public welfare. He emphasized that approvals should only be granted when applications meet strict legal criteria and are compatible with the surrounding community. He reminded the Board of its obligation to serve the broader public interest and to act with fairness, impartiality, and transparency. Mr. Ryan asked the Board to consider the long-term impacts of the proposed expansion, particularly the potential for increased noise, traffic, environmental risk, and property damage. He stated that such impacts would primarily burden local residents while benefiting customers from outside, more affluent communities. He urged the Board to uphold current zoning regulations and protect the character and value of the neighborhood.

*B. Bosworth* responded to Mr. Ryan's assertion in regard to the Applicant's customer base questioning his assertion that most of the applicant's customers are from outside of the Borough, stating that from his personal experience, as a resident and representative of the community and a long-time customer of the Applicant's enterprise, that he believes that many of his fellow Borough residents use and value the services provided in the community by the Applicant to maintain their vehicles within the community that they reside.

Alan Zakin, ESQ: Summarized that the application proposes to expand a commercial use into an R-75 residential zone by demolishing an existing conforming two-family home. Several *C variances* are involved, most of which are pre-existing nonconformities.

Conditions to be included in the resolution include:

- Coordination with Board professionals to manage traffic and tow truck operations, including establishing appropriate delivery hours and private hauler logistics.
- Ongoing maintenance of landscaping.
- Compliance with ordinance requirements for evergreen screening buffers, with additional landscaping to be reviewed and approved by the Board Planner and Board Engineer.
- A strict condition that no residential living space will be permitted in the proposed addition; the space is not to be used as a residence.
- The shower will be located separately from the bathroom to avoid creating a full bath.
- Curbs and grass buffers will be installed on the north and south sides along Main Street, as described.
- Delivery and drop-off areas for tow trucks will be clearly designated.
- Facade Continuity: The applicant shall ensure a seamless transition between the existing building and the new addition, using matching or closely similar materials to maintain visual consistency.

- A curb shall be installed in the specified area, with the existing pavement removed and replaced by a landscaped strip of grass.
- Construction and Delivery Access Restrictions:
  - No construction-related vehicle traffic or deliveries will be permitted via Lane Way, except where absolutely necessary for work on that side of the building.
  - Construction activity in this area must be minimized, and any unavoidable work shall be screened appropriately to limit disruption to neighboring residential properties.
- Screening During Construction: The applicant will install construction screening fences along the Lane Way and southern property line where work is being performed, to buffer neighboring properties from noise and visual disruption these fences and the aesthetics of the construction site will be properly maintained per the approval of the Board Planner and Engineer throughout the construction process.
- No parking will be permitted adjacent to the building on the Lane Way side, per the submitted site plan.
- There will be no outdoor repairs or outdoor storage.
- All parking shall be clearly striped and contained entirely within the property boundaries.
- All garbage, waste oil, parts, and materials shall be stored indoors.
- Lighting shall be dimmed after business hours for security purposes only, and shall be on a timer.
- Agreed to comply with Board Planner and Board Engineers Reports.

*John Wyciskala, ESQ:* The proposal effectively addresses longstanding site deficiencies. The planned addition provides essential space to improve operational efficiency, safety, and overall site management. With the inclusion of additional service bays and internal parking, vehicles can be moved and serviced more efficiently, minimizing the need for exterior vehicle shuffling or prolonged on-site storage while awaiting parts. The expansion also supports a cleaner and more organized facility. All deliveries, fluid and parts storage, and refuse handling will occur entirely within the property limits, eliminating off-site overflow issues currently observed at neighboring businesses such as the laundromat. A designated area for tow truck deliveries will help reduce congestion on Main Street and adjacent roadways. Architecturally, the proposed structure, with pitched roofs and a building height well below permitted limits is designed to better align with the residential character of nearby properties. The application includes substantial buffering for adjacent residences, replacing a previously unbuffered condition with a solid six-foot fence and robust evergreen landscaping. Overall, the site plan improves efficiency, enhances site control, and remains within zoning parameters for height, lot coverage, and setbacks. It represents a thoughtful and responsible redevelopment that supports the continued operation of an established business in a safer, cleaner, and more visually compatible manner with the surrounding neighborhood.

A motion was made by Brian Bosworth, seconded by Peter Rathjens, to approve the application with the stated conditions of approval. YEA - 7 NAY - 0 ABSENT - 4 ABSTAIN - 0

CLOSED SESSION:

**Chairman Loury requested a closed session to discuss litigation: *Glass/Paramus, LLC v. Borough of Wharton Planning Board and Wharton 15 Developers, LLC.***

**Motion by Chris Fleischman, seconded by Barbara Chiappa to approve the resolution for a closed session.  
Motion by Marc Harris and seconded by Chris Fleischman to return to open session. No action taken.**

ADJOURNMENT AT 11:05 P.M.

Respectfully submitted,



Desi Ruffo  
Planning Board Secretary