

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

ROLL CALL: Chairman Loury, Mayor William J. Chegwiddden, Councilwoman Vasquez, Peter Rathjens, Marc Harris, Brian Bosworth, Michelle Molde, and Lawrence Biehler

EXCUSED: Christopher Fleischman, Barbara Chiappa, and Roshan Patel

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 Marc Harris to approve the bills as presented.

YEA - 8      NAY - 0      ABSENT - 3      ABSTAIN - 0

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

**Old Business: Cesar Palacios: 183-185 South Main Street (Block: 1801, Lot: 16)  
Request to adjourn to next meeting.**

The applicant was not present at the meeting and requested that the application be adjourned to the next scheduled meeting in December. Discussion occurred among the Board members. A motion was made by Mayor Chegwiddden and seconded by Marc Harris to adjourn the application to the next scheduled meeting.

YEA - 8      NAY - 0      ABSENT - 3      ABSTAIN - 0

**New Business:**

**1. Davis: 27 Church Street (Block: 1202, Lot: 15) Request to adjourn to next meeting.**

Larry Calli, ESQ. (Legal Representative - Calli Law, Rockaway New Jersey)

Confirmed that there were witness availability issues which necessitated the postponement request. Discussion occurred among the Board members. A motion was made by Brian Bosworth and seconded by Michelle Molde to adjourn the application to the next scheduled meeting.

YEA - 8      NAY - 0      ABSENT - 3      ABSTAIN - 0

**2. Nielsen: 150 Princeton Avenue (Block: 2120, Lots: 1 & 2) Variance and Minor Subdivision**

Larry Calli, ESQ. (Legal Representative - Calli Law, Rockaway New Jersey)

Explained that the property consists of three lots primarily in the Town of Dover at 150 Princeton. The Dover Planning Board has already approved a subdivision reducing the three lots to two through a minor lot line adjustment, allowing the owner, Mr. Nielsen, to create a larger lot suitable for a new home on the currently vacant portion of the property. Although most of the land is in Dover, small portions of each resulting lot are located within the Borough of Wharton. As a result, when compared to Wharton's zoning standards, the lots appear significantly undersized and trigger multiple bulk variance conditions. Mr. Calli noted that the need for relief is minimal and stems solely from the small areas of the lots located within Wharton.

*Board Planner, Jessica Caldwell explained that the application is unique because only small portions of the lots fall within Wharton. The Wharton lot is not a stand-alone developable lot; it is a portion of a larger parcel that lies primarily in Dover. Therefore, Wharton's jurisdiction is limited to the parts of the property and proposed improvements located within its boundaries.*

**Jess Symonds, P.E. and Licensed Civil Engineer** (Boswell Engineering, Chester New Jersey) *Duly Sworn and accepted as an expert in civil engineering*

*Exhibit A1 – Floor Elevations dated 10/14/2025, Front Elevation Rendering, by Ken Fox, AIA*

*Exhibit A2 – Six Photos of Current Site Conditions dated 10/14/25*

Testified that Lot 1.01 requires a minor lot area variance, while Lot 2.01 requires multiple variances, including lot area, width, depth, front and side setbacks, building coverage, and impervious coverage. The rear yard setback does not apply in Wharton, as that portion of the lot is in Dover. He noted that most of the development is in Dover, and the Wharton variances are needed due to small portions of the lot within the Borough.

Mr. Symonds noted that Ken Fox, AIA of Fox Architectural Design, PC (Ledgewood, New Jersey) prepared the architectural exhibits submitted for the subject hearing but was unable to attend in person.

The proposed development on Lot 2.01 includes a three-bedroom dwelling with an open-concept design, a single-car garage, and a driveway meeting Residential Site Improvement Standards. The first house on the property was an existing Dover structure that was renovated.

The Board reviewed the proposed dwelling design. The elevation and footprint were noted, with the plan labeled as A1 and dated 10-14-25. The house includes a single-car garage measuring 12 by 24 feet, a first-floor open-concept layout, and three bedrooms on the second floor.

Jess Symonds explained, the total square footage, basement, and full attic were not finalized; the architect confirmed the dwelling fits within the allowable developable footprint. The dwelling height is approximately 32 feet, with a footprint of roughly 600–700 square feet plus the garage. If a basement were included, it would occupy approximately half of the footprint. For any attic space, ingress/egress must not create livable space suitable for a bedroom or sleeping area and would be located in a non-common area, such as a closet, as a condition of approval.

*Chairman Loury* questioned the width of the existing driveway, noting it is wider than originally approved. The Board discussed that the existing driveway may not match the original plans. It was clarified that the proposed new house will have a single-car garage and driveway, and the existing driveway's size does not dictate the new construction.

It was confirmed that Mr. Nielsen, whose primary occupation is that of an area car dealer does not intend to live in the new house, it is being developed as an investment property to be sold or rented. The Board emphasized that tenants of the new property will not be permitted to use parking on the existing lot, and this restriction could be enforced by a zoning officer if necessary. The applicant agreed to the condition of the basement containing no bedrooms or overnight sleeping areas.

The Board discussed why the existing driveway on the existing house, was not built exactly as shown on the subdivision plan. It was explained that the driveway was constructed according to the Dover-approved construction permits, and the subdivision plan does not control final construction. Field changes may occur under Dover's permitting process, and the Board would not necessarily be notified of minor adjustments.

*Board Planner, Jessica Caldwell* clarified that subdivision plans show what can be built but do not dictate the final building footprint unless variances are required. Changes must comply with impervious coverage limits and permit requirements.

*Peter Rathjens* noted that no parking is allowed in front of the proposed driveway due to the location of the existing fire hydrant.

*Board Engineer, Chris Borinski* asked whether calculations were provided for the proposed dry well shown on the plan. It was noted that while the dry well location is indicated, the calculations were not included on the plan but will be provided as a condition of approval.

*Chairman Loury* asked who would be responsible for enforcement of property-related issues. It was clarified that Dover would handle enforcement, including utilities and services, since the properties are assessed and taxed by Dover. Wharton would not be responsible for matters such as property maintenance complaints or utility enforcement.

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**Alexander Dougherty, MCRP PP AICP** (Dougherty Planning & Development, East Hanover New Jersey) *Sworn and qualified as a professional planner.*

Testified that the proposed dwelling height of 28 feet complies with the 30-foot, 2½-story limit. Side yard setbacks of 11.2 feet and 10 feet fall short of the 15-foot requirement, but he noted that the surrounding neighborhood consists of smaller lots with similarly tight setbacks, including adjacent Dover properties. Adequate light, air, and circulation would still be maintained. For proposed Lot 2.01, building coverage of 24.28% (20% permitted) and impervious coverage of 52.80% (40% permitted) exceed standards, these increases would not create a substantial negative impact given the surrounding open space, nearby parkland, and the project's compliance with modern construction and stormwater standards. He testified that the requested variances meet the criteria for a C (2) flexible variance, with benefits, including infill development, improved neighborhood aesthetics, and efficient land use outweighing any detriments.

*Board Planner, Jessica Caldwell* asked whether the sidewalk would be extended. The applicant confirmed that it will be extended as a condition of the Dover approval.

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Board Attorney, Alan Zakin confirmed the conditions of approval for the minor subdivision, which include:

- Attic access restricted to ingress/egress from a non-common area so the attic cannot be used or finished as livable space suitable for a bedroom or sleeping area.
- Basement permitted but no bedrooms or sleeping areas allowed, suitable only for storage and mechanical equipment.
- No spotlight lighting in the front yard.
- Building specifications to be reviewed and approved by the Board's professionals, new structure will closely approximate exhibit A-1 rendering, similar to existing structure on subject lot for proposed subdivision.
- Occupants of the new dwelling are prohibited from using the neighboring property's driveway.
- Dimensions of the driveway will conform to the dimensions as presented at the subject hearing.
- The proposed driveway must be constructed in accordance with the plans and comply with all Board professional requirements.
- The sidewalk will be extended through the full frontage of the property.
- Applicant will full comply with C. Borinski, CHA Board Engineering report dated 08/15/25 and J. Caldwell, J. Caldwell & Assoc. Board Planning report dated 08/11/25.
- Wharton reserves the right to enforce all legal rights as appropriate on their portion of the subject proposed subdivided properties.

A motion was made by Mayor Chegwiddden and seconded by Marc Harris to approve the application with the conditions as stated. YEA - 8 NAY - 0 ABSENT - 3 ABSTAIN - 0

Board Engineer, Chris Borinski provided a verbal compliance report on the status of Wharton Developments A and noted that a pre-construction meeting is scheduled for November.

CLOSED SESSION:

**Chairman Loury requested a motion to introduce resolution R-10-25 for a closed session to discuss litigation: *Glass/Paramus, LLC v. Borough of Wharton Planning Board and Wharton 15 Developers, LLC.***

**Motion by Marc Harris, seconded by Mayor Chegwiddden to approve the resolution for a closed session.**

**Motion by Mayor Chegwiddden and seconded by Brian Bosworth to return to open session. No action taken.**

ADJOURNMENT AT 8:47 P.M.

Respectfully submitted,



Desi Ruffo  
Planning Board Secretary