

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

Mayor Chegwidden swore in the following member: Class IV: Daniel Mize: 4-year term to expire 12/31/2029

ROLL CALL: Chairman Ken Loury, Mayor William J. Chegwidden, Councilwoman Jennifer Hobbs, Peter Rathjens, Marc Harris, Christopher Fleischman, Barbara Chiappa, James Gottshall and Daniel Mize

EXCUSED: Brian Bosworth 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 Chegwidden and seconded by Peter Rathjens to approve the meeting minutes from the following as presented: January 13, 2026 Re-Organization meeting and January 13, 2026 regularly scheduled meeting.

YEA - 7 NAY - 0 ABSENT - 2 ABSTAIN - 2

Motion by James Gottshall and seconded by Chris Fleischman 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.

DISCUSSION:

1. **Affordable Housing:** Chairman Loury requested that Board Planner, Jessica Caldwell provided an overview of the Borough's affordable housing obligations for the benefit of new Board members. The Chairman clarified that the discussion was for educational purposes only. Ms. Caldwell provided a general summary of the Borough's affordable housing obligations under the Fair Housing Act, including an explanation of prior rounds, the recently concluded Third Round, and the current Fourth Round (2025–2035). She explained the concepts of prospective need and rehabilitation need, as well as the mechanisms the Borough has utilized to satisfy its obligations, including overlay zones, inclusionary zoning requirements, redevelopment plans, and extensions of affordability controls. She further explained the concept of a density variance and the associated affordable housing set-aside requirements. The Board was also advised of the potential consequences of non-compliance, including exposure to builder's remedy litigation. The presentation was informational only. No action was taken.
2. **Snow Removal and Safety on Main Street:** Chairman Loury reported that he received communication from the Fire Department regarding snow accumulation at 10 North Main Street. He stated that the approved resolution for the property includes a condition requiring the removal of excess snow from the site, due to concerns regarding emergency vehicle access. Upon review of the resolution, Condition No. 11 requires that excess snow be carted off-site pursuant to a removal contract. The Chairman noted that access to the site is tight and that snow storage could impede fire apparatus access as well as available parking. Chairman Loury requested that such snow removal conditions be considered as a standard requirement for larger development applications where site circulation is constrained. It was discussed that enforcement of resolution conditions falls under the jurisdiction of the Zoning Officer, and the matter will be referred accordingly. Peter Rathjens, further noted concerns regarding deteriorating signage at 10 North Main Street, specifically that letters from the building sign are missing. The issue will also be referred to the Zoning official for review. No formal action was taken.

NEW BUSINESS: 365 North Main, LLC. (Block: 102, Lot: 49) – Site Plan with Use and Bulk Variances

Mayor Chegwidden and Councilwoman Hobbs recused themselves from the hearing of this application.

Michael Castore, Esq., of Day Pitney LLP (Parsippany, New Jersey), appeared on behalf of the applicant, 365 North Main Street, LLC. Mr. Castore provided an overview of the application. The applicant is seeking Preliminary and Final Major Site Plan Approval with associated variance and waiver relief to permit construction of a four-story, 18-unit rental apartment building, including three (3) affordable housing units, 34 parking spaces, and related site improvements. The subject property consists of approximately 0.7 acres and is located in the B-1 Neighborhood Business Zone and AH-4 Affordable Housing Overlay Zone. The site is currently vacant and contains remnants of a prior structure, paved areas, and retaining walls. Mr. Castore confirmed that proper notice was provided in accordance with statutory requirements.

Kevin Robine, P.E., of Dykstra Walker (Lake Hopatcong, New Jersey), testified on behalf of the applicant; was duly sworn and accepted by the Board as an expert in engineering. Mr. Robine introduced Exhibit A-1 (dated 02/10/2026), an existing condition aerial of the subject property. The site is located in the B-1 Zone and AH-4 Overlay Zone and fronts on North Main Street. The property is currently vacant and contains remnants of prior pavement and a retaining wall approximately 15 feet in height at the rear. The lot is undersized where one acre is required. He noted a discrepancy between the tax map and the boundary survey regarding Lot 48; the Board's professionals accepted the boundary survey as accurate.

Exhibit A-2 (dated 02/10/2026) was introduced as the color site layout exhibit. The proposal consists of a four-story, 18-unit residential building (10 one-bedroom, 7 two-bedroom, 1 three-bedroom), including three affordable units. The building height is 41.6 feet, below the 50-foot maximum permitted. A density variance is required, as 15 units per acre are permitted and the proposal equates to approximately 25.7 units per acre. A total of 34 parking spaces is proposed, including four under the building and two ADA-compliant spaces. Six EV spaces are provided in accordance with State requirements; the applicant is not utilizing the EV parking credit and is providing the full required parking. Circulation will function with a two-way entrance drive and one-way internal circulation. A refuse enclosure (16' x 10') will be located at the northwest corner and serviced by a private hauler.

An impervious coverage variance is requested (74.8% proposed where 70% is permitted). Stormwater runoff from the parking lot will discharge to the existing system in North Main Street, and roof runoff will be directed to a subsurface infiltration system. The applicant will comply with County requirements. No additional right-of-way dedication is anticipated. Water and sewer connections will be made to existing utilities. Landscaping includes foundation plantings, street trees, and buffering along property lines. A variance is requested where a parking space is approximately three feet from the side property line. Adequate sight distance is provided. Site lighting will consist of decorative streetscape fixtures wall-mounted LED fixtures, fully shielded and downward directed. A design waiver is requested for limited foot-candle exceedances near the street frontage. The Board conditioned that fixtures match the Borough streetscape and that shielding be provided along the southern property line.

No emergency generator is proposed. Rooftop equipment will be screened. Mountable curbs will be provided for fire access. The applicant agreed to comply with the Board Engineer's, Planner's, and Police Department's review letters, except for the requested waivers. Fire Department comments regarding overhead utilities will require further coordination. Additional conditions discussed included private trash hauling; signage directing deliveries to the rear with no deliveries on North Main Street; no premium parking charges; installation of a fence along the top of the retaining wall; management of EV spaces by the property owner; and no charging of e-bikes or scooters in the garage area, subject to code compliance.

OPENED TO THE PUBLIC: Spencer Reckford of 391 North Main Street asked about the proposed building height in relation to existing trees on the property. Mr. Robine stated the building height is 41.6 feet and did not have the exact height of the existing trees.

No further questions were raised, and the public portion was closed.

Stephen N. Bias, AIA, of Stephen Bias Architect (Denville, New Jersey), testified on behalf of the applicant, was duly sworn and accepted by the Board as an expert in architecture. Exhibit A-3 (dated 02/10/2026) was introduced as colored elevation at North Main exhibit. Exhibit A-4 (dated 02/10/2026) was introduced as colored elevation at parking area exhibit. Mr. Bias described the proposed four-story, 18-unit building. The ground floor will be constructed of concrete block with a brick or stone veneer, and a concrete slab floor. The upper three floors will be typical wood-frame construction with wood trusses. The building will be fully sprinklered in accordance with code.

Stephen Bias testimony continued.

The ground level includes parking beneath the building, residential units, a sprinkler room, and a mechanical room. Following Board discussion, the applicant agreed to modify the ground-floor layout to better separate garage parking from residential entrances, enclose the corridor area, and provide a direct exterior exit from the stair tower rather than requiring egress through the parking area. Mailboxes will be located near the main entrance area, either within a dedicated interior space or mounted externally, subject to coordination with the U.S. Postal Service.

Upper floors contain a central elevator and common corridor, with one-bedroom units generally located toward the rear and two-bedroom units toward the front. A trash chute is proposed, terminating at the first floor, with refuse to be manually transported to the exterior dumpster enclosure.

Exterior materials will consist of a brick base, vertical composite siding, and stucco. The applicant agreed that the building will be constructed substantially consistent with the renderings presented, subject to Board Engineer and Planner review, and to provide a material board for final approval. Proposed garage doors will be modern in design, likely dark-colored with glass panels. Rooftop mechanical equipment will be screened. Building height is measured from average grade to the highest point of the flat roof in accordance with the ordinance, resulting in a height of approximately 41.6 feet. Parapets and stair towers are treated as permitted architectural appurtenances under the ordinance.

The Board expressed concern regarding placement of the affordable units on the ground floor. The applicant agreed to distribute the affordable units, consistent with ordinance requirements, to be addressed further during planning testimony. The requirement for a hydrant flow test was acknowledged, and the applicant agreed to comply with all conditions outlined in the Board professionals' review letters.

Patrick Turzi, of 105 W. Dewey representing the firm that owns 365 North Main, was duly sworn and testified regarding operational aspects. He confirmed that the affordable housing units comply with requirements, and agreed to having one three-bedroom on the first floor and others distributed elsewhere. The building owner will reside in one of the units, helping ensure proper management, though long-term operations must account for future ownership changes. The garages provide on-site parking for residents (one will be utilized by the property owner), and the project will comply with parking requirements for the proposed density. Refuse will be collected via a chute to a first-floor bin, managed by a maintenance staff, with potential subcontracting. Mail and package delivery can be accommodated either inside a designated cluster box in the sprinkler room or outside, subject to U.S. Postal Service approval. The building's location was chosen due to site constraints; moving it back would compromise drive aisles and parking compliance. Emergency contacts will be available 24/7, consistent with standard apartment management practices. Overall, the firm plans to maintain operational control and ensure safety, code compliance, and tenant services while adapting industrial experience to this residential project.

OPENED TO THE PUBLIC
CLOSED TO THE PUBLIC

A recess was taken: 9:30 P.M. – 9:37 P.M.

ROLL CALL: Chairman Ken Loury, Peter Rathjens, Marc Harris, Christopher Fleischman, Barbara Chiappa, James Gottshall and Daniel Mize

EXCUSED: Mayor William J. Chegwiddden, Councilwoman Jennifer Hobbs, Brian Bosworth and Lawrence Biehler

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

McKinley Mertz, PP, AICP, of MJ Planning (Atlantic Highlands, New Jersey), was duly sworn and accepted by the Board as an expert in the field of professional planning. Ms. Mertz testified that in preparation for her testimony, she reviewed the Borough's planning documents, including the Housing Element and Fair Share Plan, Master Plan Reexamination Report, zoning ordinance, and all materials submitted in support of the application. She also visited the subject property and consulted with the project team.

Ms. Mertz described the property as a 0.7-acre parcel that is currently vacant and previously contained a restaurant that burned in 2008. She noted that remnants of the former foundation and parking lot remain and that the site is presently overgrown and in a deteriorated condition. The application proposes construction of an 18-unit residential rental development, including three affordable housing units consisting of one one-bedroom, one two-bedroom, and one three-bedroom unit. The plan provides 34 parking spaces, including six EV spaces, and complies with RSIS parking standards.

The applicant seeks a d(5) density variance, as the zone permits 15 units per acre and 18 units are proposed. Bulk variances are also requested for minimum lot area, impervious coverage, and residential buffer setbacks, along with design waivers relating to lighting intensity and driveway setback. Ms. Mertz testified that the use is permitted within the overlay zone; therefore, the applicant is not required to demonstrate site suitability as would be necessary for a d(1) use variance. She stated that the applicable standard is whether the site can accommodate the increased density without creating substantial detriment. She confirmed that the site can accommodate the proposed development, noting compliance with parking, height, setback, and building coverage standards. She further testified that a reduction in unit count would not necessarily reduce site intensity, as fewer but larger units could generate comparable impacts.

Ms. Mertz addressed the affordable housing component of the project, testifying that the overlay zone was intended to assist the Borough in meeting its affordable housing obligation. She explained that the subject property and the adjacent lot were anticipated to contribute affordable units toward the Borough's third-round obligation; however, the applicant was unable to acquire the adjoining property and therefore proceeded independently. She stated that the requested density variance allows the site to produce an additional affordable unit, thereby contributing toward the Borough's obligation.

Regarding the bulk variances, Ms. Mertz testified that the undersized lot presents difficulties under the c(1) criteria. She further testified that the impervious coverage and residential buffer variances can be justified under the c(2) criteria, as the benefits of providing compliant parking, improved circulation, and site upgrades outweigh any potential detriments. She noted that the site was previously developed and that proposed stormwater improvements will address runoff conditions. She also testified that existing fencing and proposed landscaping provide visual buffering to adjacent properties. Ms. Mertz testified that the proposal advances several purposes of the Municipal Land Use Law, including promotion of the general welfare through provision of affordable housing, appropriate residential development in a permitted zone, provision of adequate light, air, and open space through compliance with bulk standards, and improvement of a site that is currently in disrepair.

She concluded that the requested variances can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance. During Board questioning, discussion occurred regarding architectural design and recreational space. Ms. Mertz acknowledged the Board's comments concerning aesthetics and indicated a willingness to review architectural elements. She also testified that, given site constraints and the availability of nearby municipal recreational facilities, the proposal remains consistent with the Master Plan and Housing Element.

Chairman Loury commented on the discussion regarding the adjacent lot referenced in the planner's testimony and noted some confusion regarding the tax map depiction of Lot 48 and its relationship to Lots 49 and 50.

Ms. Mertz responded that, based on her review, the intention of the overlay appeared to contemplate development of Lots 49 and 50 together in order to achieve the minimum acreage necessary to support the anticipated affordable housing yield. She stated that because the lots could not be consolidated, each parcel independently is undersized and unable to produce the anticipated density.

The Board questioned whether there may have been additional acreage attributed to the overlay area due to the configuration of the lots. Ms. Mertz reiterated that the project proceeded independently because the applicant was unable to acquire the adjacent property.

The Board then raised a question regarding Highlands Council requirements and whether the affordable housing set-aside should be increased to 20 percent, referencing changes applicable to certain Highlands municipalities. Ms. Mertz testified that the Borough is not a fully conforming Highlands municipality and that the current ordinance requires a 15 percent set-aside for rental developments. She stated that the project was designed in reliance upon the existing ordinance and the third-round affordable housing framework. Board Planner, J. Caldwell and the applicant's attorney acknowledged that the application was filed under the time-of-application rule and is governed by the ordinances in effect at that time.

OPENED TO THE PUBLIC
CLOSED TO THE PUBLIC

Chairman Loury advised the applicant that the Board typically has a 10:30 p.m. hard stop, but may proceed into deliberations if close to completion. The applicant's attorney indicated that the applicant was resting its case on direct testimony. Counsel further stated that the architectural design is not fixed and, if architecture is the primary concern of the Board, the applicant would be willing to consider revisions or carry the matter to address those concerns.

Chairman Loury explained that the Board would deliberate in public session so that the applicant could hear the discussion and feedback.

OPENED TO THE PUBLIC: TESTIMONY

1. Spencer Reckford, 391 North Main Street, was duly sworn and testified that he works for Habitat for Humanity and expressed concern that the proposed building is too large for the site and surrounding neighborhood. He referenced nearby developments and stated that the height appears excessive in comparison to adjacent properties. He questioned whether the building would extend above the tree line and expressed concern regarding density, impervious coverage, parking demand, delivery traffic, and potential congestion along North Main Street. He encouraged the Board to adhere to existing zoning standards and deny the requested variances.
2. Ruby Pacheco, 54 North Main Street the subject property owner was duly sworn and testified that she has an ownership interest in the subject property and values the character of the Borough. She stated that she believes the proposed design blends with other architecture in town and expressed support for enhancing the site aesthetically.
3. Suco Mize, 90 E. Central Avenue, was duly sworn and testified that that she appreciated the testimony and architectural explanation provided. She commented that, in her opinion, the proposed design aligns with the Borough's traditional architectural character while incorporating modern elements. She noted that the concept reflects a balance between preserving the aesthetic of older homes in the community and introducing updated design features.
4. Charlene Rollins, 244 Brokaw Avenue, North Plainfield, was duly sworn and testified that she is a co-owner of 355 North Main Street, located two properties south of the subject site. She expressed opposition to the application, stating that the lot is too small for the proposed development and that the requested density variance should be denied. She raised concerns regarding traffic congestion, access, left-turn movements toward Route 80, and the single ingress/egress driveway. She also inquired about security cameras, potential historic mining conditions, property taxes, property values, and a reported leaking fire hydrant.

The Board's professionals responded that no mining activity was identified in available state records and that the hydrant issue had been observed previously and would be addressed. After no further public comment, the Chairman closed the public portion.

The Board then reviewed proposed conditions of approval, including but not limited to: private garbage collection; lighting to match Borough standards and be approved by Board professionals; shielding of lighting on the south side; signage directing deliveries to the rear of the building; compliance with Board professionals, police, and fire memoranda (subject to outstanding fire review); screening of rooftop equipment; prohibition of exterior charging of bikes or scooters; fencing atop the retaining wall; substantial compliance with submitted renderings subject to professional review of materials; integration of affordable units on separate floors; repair and testing of the fire hydrant; mail and package delivery coordination; no increase in stormwater runoff; and standard time-to-commence construction requirements.

The Board deliberated regarding density and building aesthetics. Several members expressed concern that the proposed 18 units represent excessive density for the site and that the building height may be out of character with the immediate area. Other members noted that the project complies with parking and bulk standards and that the use is permitted within the overlay zone. Discussion also occurred regarding the architectural design, with members requesting modifications to break up the roofline and facade to soften the building's appearance.

The applicant's architect addressed the Board and stated that revisions could be made to enhance façade and roofline elements without materially altering the overall structure. The Board Planner advised that any approval should include clear direction regarding architectural revisions to guide final design review.

Following deliberation, a motion was made by Marc Harris and seconded by Barbara Chiappa to approve the application with the conditions as discussed, including architectural refinements to be reviewed by the Board's professionals.

YEA - 7 NAY - 0 ABSENT - 4 ABSTAIN - 0

CLOSED SESSION:

Chairman Loury requested a motion to introduce resolution R-06-26 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 James Gottshall to approve the resolution for a closed session.
Motion by Chris Fleischman and seconded by Marc Harris to return to open session. No action taken.**

ADJOURNMENT AT 11:24 P.M.

Respectfully submitted,



**Desi Ruffo
Planning Board Secretary**