

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

ROLL CALL: Chairman Ken Loury, Councilwoman Jennifer Hobbs, Peter Rathjens, Marc Harris (arrived late), Christopher Fleischman

EXCUSED: Mayor William J. Chegwiddden, Brian Bosworth, Lawrence Biehler, Barbara Chiappa, James Gottshall and Daniel Mize

OTHERS PRESENT: Alan Zakin, Board Attorney; Christopher Borinski, Board Engineer; Jessica Caldwell, Board Planner; Borough Administrator Dave Young, Cheryl Muzzillo, Borough Clerk and Monica Saldarriaga, Acting Secretary

Motion by Chris Fleischman and seconded by Marc Haris to approve the meeting minutes from the March 10, 2026 regularly scheduled meeting. YEA - 4 NAY - 0 ABSENT - 6 ABSTAIN - 1

Escrow Report Review

Motion by Chris Fleischman and seconded by Councilwomen Jennifer Hobbs to approve the bills as presented.

YEA - 5 NAY - 0 ABSENT - 6 ABSTAIN - 0

The outstanding escrow account balance report was shared, Board Attorney Alan Zakin reminded that no further work should be performed on any applications with outstanding escrow balances until those balances are paid in full. He noted that, due to limited enforcement authority, the Board is requesting an update and emphasized the need to ensure compliance, as work should not proceed while escrows remain unpaid.

DISCUSSION:

1. Boilerplate additions clarifying fee/compliance: The Board discussed adding standard boilerplate conditions to resolutions to ensure all required fees are clearly stated and paid. This includes water and sewer connection fees, to be paid prior to building permit issuance, and affordable housing development fees, with specified rates. The Board also noted the need to address deed restrictions for inclusionary developments in a future discussion.

NEW BUSINESS: DAVIS 27 CHURCH ST. (Block: 1202, Lot: 15) – Minor Subdivision with Bulk Variance

Larry Calli, Esq., appeared on behalf of the applicant and stated that the application concerns 27 Church Street (Block 1202, Lot 15) in the RM-75 one- and two-family zone. The property is currently developed with a two-family dwelling occupied by the Davis family, who indicated that they intend to remain in the Borough, and to live in one of the two units in the new structure planned for the proposed new subdivided lot. The proposal involves a minor subdivision creating two lots and the construction of a new two-family dwelling on the existing side yard. The existing two-unit dwelling will remain, and the new structure will contain two (2) two-bedroom units with associated parking. The applicants have agreed that the attic and basement of the proposed new structure are not proposed as habitable space and / or sleeping area, as a condition of approval. Mr. Calli stated that testimony would be provided by the applicant, site engineer, and project planner regarding the subdivision layout, parking, and any required variance relief.

Tim Davis, the applicant and property owner, was duly sworn and testified that he and his wife have lived in the Borough for approximately five years and wish to remain in the community. He explained that their current two-family home does not adequately meet their space needs, and due to housing market conditions, they prefer to expand, living in the proposed new structure, rather than relocate to a new town. Mr. Davis stated that the proposal was revised over time to ensure it was properly designed and compliant. He noted his professional background as an engineer, employed a Picatinny Arsenal, and emphasized his intent to ensure the project is executed correctly. He further stated that the existing tenants have lived in the home for approximately three years and have been reliable tenants. Mr. Davis also described his prior efforts to maintain and improve the property in compliance with permits and inspections, and his cooperation with local officials and neighbors when assistance or access to property resources was needed. Mr. Davis

confirmed that the proposed development is a side-by-side two-family dwelling, with two-bedroom units in each unit, and that he and his family intend to reside in one of the units. He stated that the attic will not be a habitable space and / or sleeping area, and will only contain mechanical equipment, and that the basement will be limited to laundry and storage uses only and agreed to this restriction as a condition of approval.

A Board member inquired as to the square footage of the applicant's current residence and whether his existing unit was a one-bedroom.

Mr. Davis stated that the first-floor unit is approximately 900 square feet and is a legal two-bedroom. He stated that the upstairs unit is a three-bedroom created during prior renovations. The new dwelling is approximately 1,100 square feet. He explained that, although there is sufficient space, the layout of the older home is inefficient and not well-suited for modern use. He stated that the proposed new dwelling is designed with a more efficient side-by-side layout, which will provide more usable living space to accommodate his family's needs. A Board member questioned whether the increase in size would be sufficient, and Mr. Davis responded that the improved layout and design would better meet their needs despite only a modest increase in overall square footage.

A board member inquired about the fence, gravel area, and unit configuration. Mr. Davis responded that the fence is a chain-link fence with privacy screening rather than a solid structure, and that the gravel area was installed primarily to facilitate snow removal and not intended for regular parking, though gravel is considered impervious surface under the ordinance. Impervious coverage is currently 67%, whereas 40% is allowed. He also confirmed that the existing home contains one three-bedroom unit and one two-bedroom unit, and that the proposed additional structure, to be built on the proposed new subdivided lot adds two additional two-bedroom units, which will be reflected in updated plans for parking compliance review.

OPENED TO THE PUBLIC:

Mrs. Jean Mortola of 21 Church St. asked about the house distance and zoning variances. Larry Calli, Esq. responded that the engineer will address distances and plans, and the planner will explain variances and setbacks.

CLOSED TO THE PUBLIC

Harrison Barany - Civil Engineer, P.E., C.M.E. of E 2 Project Management LLC (Rockaway, NJ) was duly sworn and accepted as an expert in engineer. *Submitted Exhibit A1-14-26 "Conceptual Driveway" dated 04/14/26 and Exhibit A2-14-26 "Revised Driveway Concept with Fire Hydrant Relocation" dated 04/14/26.* Testified that the property at 27 Church Street (Block 1202, Lot 15) is located in the RM-75 medium-density zone, where one- and two-family homes are permitted, and currently contains a two-family dwelling on a 10,916-square-foot lot. The proposal seeks to subdivide the lot into two equal parcels each approximately 5,450 square feet, with the existing home remaining on one lot and a new two-family dwelling proposed on the other, both complying with required setbacks.

The existing 14ft wide driveway, would be impacted by the subdivision, requiring design adjustments including a new layout and possible easement to maintain adequate access. Revised plans were introduced to address prior concerns, including updated parking calculations, vehicle maneuverability and revised alternative options for driveway configuration, one maintaining two curb cuts due to a hydrant constraint, and another proposing hydrant relocation for a more conventional single driveway. Applicant engineer Barany confirmed that parking requirements are met for both the existing and proposed units, though tandem parking and maneuverability would require coordination among neighboring residents / tenants within the Property. There was a suggestion from the public in regard to moving one of the driveways to the other side of the new home which would be more consistent with the neighborhood scheme.

The board raised concerns about driveway design, congestion, impervious coverage, and overall functionality, suggesting alternative layouts, potential relocation of the driveway, and consideration of additional features like walkways, landscaping, impervious surfaces and snow management, all of which the applicant agreed to further evaluate and revise in a future submission.

OPENED TO THE PUBLIC:

Mr. John Mortola of 21 Church St. asked whether relocating the driveway would require an easement from his property and what the distance would be between the driveway and his property line. Mr. Barany responded stated that no easement would be required and that the driveway would be entirely on the applicant's property. The exact separation distance has not yet been determined, but will be established in the final design, with intent to maintain adequate separation and allow for privacy screening.

Mr. Mortola expressed concern about limited space on his property due to a previously installed fence and requested sufficient distance from the proposed improvements. The Board advised that revised plans will be submitted for review at a future meeting, at which time additional questions may be addressed.

Closed to the Public

Alexander Dougherty, AICPP, PP of Dougherty Planning & Development (Chatham, NJ) was duly sworn and accepted as an expert in planning. *Submitted Exhibit A3-4-14-26 "Planning Exhibit Packet – 12 pages dated 04/14/26."*

A3-4-14-26 "Planning Exhibit Packet (12 sheets)"

A3-4-14-26, P.1 "Planning Exhibit Packet (12 sheets)", "Zoning Map of Wharton Borough Source: 2021 Zoning Map 11x17 "

A3-4-14-26, P.2 "Zoomed View of Zoning Map of Wharton Borough Source: 2021 Zoning Map 11x17"

A3-4-14-26, P.3 "Image of Wharton Borough District Regulations "

A3-4-14-26, P.4 "Image of Wharton Borough Tax Map: Property Outlined in Red"

A3-4-14-26, P.5 "Block 1202 Lot 13 is the only compliant property for this neighborhood by bulk area)

A3-4-14-26, P.6 "Blue = Church owned & Green = 4 family dwellings (15.7%) & Red = 2 family dwellings (47.3%), uncolored dwellings are single family (31.5%) "

A3-4-14-26, P.7 "Street View of Subject Site Along Church Street "

A3-4-14-26, P.8 "Aerial Drone View of Subject Site"

A3-4-14-26, P.9 "Aerial Drone View of Subject Site & Neighboring 2 family Dwellings Along Church Street - roof view "

A3-4-14-26, P.10 "Aerial Drone View of Subject Site & Neighboring 2 family Dwellings Along Church Street - panoramic view "

A3-4-14-26, P.11 "Aerial Drone View of Subject Site & Surrounding Neighborhood "

A3-4-14-26, P.12 "4 Color photos "

Applicant planner Dougherty testified the application proposes subdividing an existing lot into two significantly undersized parcels to accommodate a new two-family dwelling, necessitating approximately 13 bulk variances, including substantial deviations from minimum lot area requirements. He emphasized that the surrounding neighborhood contains a pattern of undersized lots and mixed housing types and suggested the proposal is consistent with existing conditions. He explained the application is consistent with the municipality's master plan particularly with respect to density and the cumulative impact on neighborhood character. Current lot coverage is 13.2% for existing lot; with proposed subdivision, lot coverage would rise to 26.1%. Applicant Planner Dougherty was in favor

of the newly proposed alternating driveway scheme and added the applicant would accept adequate screening for the new driveway, as approved by Board professionals as a condition of approval. Planner Dougherty noted that walkways, patio and other impervious surfaces were missing from the current plan, and would be added with an effort to minimize the increase in impervious surfaces. Planner Dougherty stated that benefits under C2 include: diversified housing stock, appropriately sized, Purpose “A”, ‘Health Safety Welfare’, Purpose “C”, Light, air and open space, Purpose “E”, Appropriate Population Densities, Purpose “I”, Visual Environment, Purpose “M”, Efficient Use of Land.

The applicant indicated the proposed new building would be pre-fab construction, each of the two units would use both stories, in a side-by-side configuration. The applicant also agreed to fencing per approval of Board Planner and Engineer, that would meet proper screening aesthetics and municipal ordinances.

Board Chair Loury commented that he likes the large “grassy side yard” as a benefit, not a ‘missing tooth’, as characterized by the applicant’s representative. Board Planner Caldwell suggested that use of the “C2” variance should include that the applicant make an effort to conform with the scheme of front yards in the zone; she suggested consideration of adding a porch for added aesthetics, to have symmetry with neighboring properties. The Board agreed to carry the hearing for the applicant to the next meeting, without further notice, with the condition that all new documents should be submitted at least ten (10) days prior to next meeting, and so the Board secretary can ensure that they are posted online for review by the public.

OPENED TO THE PUBLIC: no comments. Public hearing closed.

The board determined that the application would be carried to the next hearing date, May 19th, to allow the applicant to revise the proposal in response to the comments received. The applicant is expected to return with updated plans, along with new engineering and planning testimony reflecting those revisions. Board professionals will also prepare updated reports after reviewing the revised submission, ensuring both the board and the public have adequate time to evaluate the changes. The matter was formally carried to May 19th, without the need for re-noticing, and members of the public were advised they could review application materials through the planning office or online as available.

CLOSED SESSION:

Chairman Loury requested a motion to introduce resolution R-08-26 for a closed session to discuss litigation: *Glass/Paramus, LLC v. Borough of Wharton Planning Board and Wharton 15 Developers, LLC.*

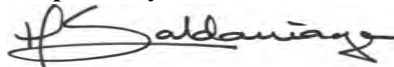
Motion by Christopher Fleischman seconded by Councilwomen Jennifer Hobbs to approve the resolution for a closed session.

Motion by Councilwomen Jennifer Hobbs and seconded by Marc Harris to return to open session. No action taken.

The Board discussed a parking issue at Randolph Foreign car related to a County Planning Board requirement to eliminate a corner parking space, which may result in a shortage of required stalls. Members discussed whether a replacement space could be reconfigured on-site, but raised concerns about whether the change would constitute a field change and how it should be noticed given prior public opposition. The Board agreed to place the matter on the next agenda as a discussion item and carry it to the May 19th meeting, with revised parking plans to be reviewed and properly noticed.

ADJOURNMENT AT 10:26 P.M.

Respectfully submitted,



Monica Saldarriaga
Acting Secretary