

**CALL TO ORDER: AT 7:10 P.M. by Chairman Loury**  
**OPEN PUBLIC MEETING LAW STATEMENT OF COMPLIANCE**

**ROLL CALL:** Chairman Loury, Mayor William Chegwiddden, Councilwoman Paola Vasquez, Peter Rathjens, Marc Harris, Brian Bosworth, Christopher Fleischman, Barabara Chiappa, Roshan Patel, Lawrence Biehler

**EXCUSED:** Michelle Ann Molde

**OTHERS PRESENT:** Alan Zakin, Board Attorney; Christopher Borinski, Board Engineer; Alison Kopsco, Board Planner Representative, and Desi Ruffo, Board Secretary

Motion by C. Fleischman and seconded by B. Chiappa to approve the bills as presented.

YEA - 10      NAY - 0      ABSENT - 1      ABSTAIN – 0

Motion by C. Fleischman and seconded by B. Chiappa to approve the meeting minutes from December 12, 2023 as presented.

YEA - 7      NAY - 0      ABSENT - 1      ABSTAIN – 3

**OLD BUSINESS:**

**1. Resolution of Approval – Costco Wholesale Corp.: 315-325 Route 15 (Block: 402, Lots: 1&4)**

Board member, Roshan Patel who is employed by Costco recused himself from hearing the application.

The board reviewed the resolution of approval. Discussions between the board members, board professionals and applicant's legal representative; **John P. Wyciskala, ESQ (Inglesino, Webster, Wyciskala & Taylor – Parsippany, New Jersey)** regarding revisions to the resolution occurred. Non-material revisions were implemented.

Motion by B. Bosworth and seconded by P. Rathjens to approve the resolution with the changes as discussed.

YEA - 9      NAY - 0      ABSENT - 1      ABSTAIN – 0

**NEW BUSINESS:**

**1. Application - ARC Development: 50 Fern Avenue - REQUEST TO CARRY TO FEBRUARY 13, 2024**

Discussion between the board members and Board Attorney occurred. The applicant requested to carry their application to February 13, 2024. The applicant's attorney was not present due to illness. It was mentioned that the property owner did not shovel their snow-covered sidewalks as required by ordinance. In an effort to maintain transparency it was discussed and agreed that the applicant should re-notice for the February meeting as it was believed that this was their fourth request for a continuance.

Motion by Mayor Chegwiddden and seconded by P. Rathjens to require the applicant to re-notice for the February meeting.

YEA - 10      NAY - 0      ABSENT - 1      ABSTAIN – 0

OPENED TO THE PUBLIC  
CLOSED TO THE PUBLIC

**CLOSED SESSION:** Chairman Loury requested a motion to introduce a Resolution for a closed session to discuss **Litigation: Glass/Paramus, LLC v. Borough of Wharton Planning Board and Wharton 15 Developers, LLC.**

**Motion by M. Harris and seconded by C. Fleischman to approve the Resolution for closed session.**

**Motion by C. Fleischman and seconded by B. Chiappa to return to open session.**

**ROLL CALL:** Chairman Loury, Mayor Chegwiddden, Councilwoman Vasquez, Peter Rathjens, Marc Harris, Brian Bosworth, Christopher Fleischman, Barabara Chiappa, Roshan Patel, Lawrence Biehler

**EXCUSED:** Michelle Ann Molde

Motion by M. Harris and seconded by L. Biehler to authorize the Chairman and Vice Chairman to take specific action as advised by the Board Attorney on the matter of **Litigation: Glass/Paramus, LLC v. Borough of Wharton Planning Board and Wharton 15 Developers, LLC.**, prior to the February 13, 2024 meeting as discussed in the closed session.

YEA - 10      NAY - 0      ABSENT - 1      ABSTAIN - 0

**ADJOURNMENT AT 8:34 P.M.**

Respectfully submitted,

A handwritten signature in blue ink, reading "Desi Ruffo", is written over a horizontal line.

**Desi Ruffo**  
**Planning Board Secretary**