

CALL TO ORDER: AT 7:05 P.M. by Chairman Loury
OPEN PUBLIC MEETING LAW STATEMENT OF COMPLIANCE AND FLAG SALUTE

ROLL CALL: Chairman Loury, Councilwoman Wickenheisser, Peter Rathjens, Marc Harris (arrived 7:12 p.m.), and Ana Jones (arrived 7:10 p.m.)

EXCUSED: Mayor Chegwiddden, Brian Bosworth, Barbara Chiappa, Christopher Fleischman

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

Motion by Peter Rathjens and seconded by Ana Jones to approve the bills as presented.

YEA - 4 NAY - 0 ABSENT - 5 ABSTAIN – 0

NEW MEMBERS:

The following members were sworn in:

Roshan Patel: Class IV member term to expire 12/31/2025

Michelle Ann Molde: Planning Board Alternate term to expire 12/31/2024

OLD BUSINESS:

1. West Dewey, LLC: Resolution of Approval - 100 East Dewey (Block: 801, Lot: 5.01)

The board reviewed the resolution of approval. Discussions between the board members, board professionals and applicant's legal representative regarding revisions to the resolution occurred. Revisions to the following pages were determined: pages 1 thru 9, and pages 11 thru 13.

Discussion between the board members and the applicant's legal representative occurred; it was agreed by all parties that the revised resolution and final minutes be reviewed prior to a motion of approval.

Motion by Peter Rathjens and seconded by Ana Jones to carry the application to the next meeting, scheduled December 12, 2023.

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

2. Delton, LLC: Extension of Minor Subdivision Approval (Block: 106, Lots: 3 & 16)

A. Zakin: The applicant is requesting an extension of the deadline for recording a minor subdivision deed in connection with their approval.

Motion by Marc Harris and seconded by Ana Jones to approve the extension of approval until July 19, 2024.

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

3. Aspire at Morris Woods: Discussion of Construction Permits (Block: 1603, Lot: 14)

K. Loury: Requested the H.O.A. from the applicant as described in the conditions of the approved resolution. A status of the current conditions of the site was requested.

K. Lewthwaite: The first buildings that were constructed by the applicant contain on the first floor; a potential fourth bedroom with a closet, a full bathroom, and a wet bar with a microwave; all were not approved by the board. Due to the layout and separate entrance on the first floor, potential stacking is a concern; prior to all sale closings an inspection will be conducted and all CO's (Certificate of Occupancy) issued will specify these units being 3-bedroom units.

C. Borinski: NJDEP permits were required for water and sewer; the water demand is higher for a fourth bedroom as per NJDEP requirements.

John Caniglia, Area Counsel at K. Hovnanian: The HOA will be forwarded to the board secretary. The construction of the full bathroom, wet bar and first floor bedroom with closet was constructed without knowledge and approval from the legal office at K. Hovnanian; a timeframe for the removal will be provided to the board. The first floor will remain as shown on the plans approved by the board. The project was exempt from DCA registration, because there are fewer than 100 lots.

J. Caniglia: Asked the board to consider the possibility of adding a powder room on the first floor as an option to buyers.

Discussions between the board members occurred; the board concluded that the option of a powder room and wet bar would be a material change and cannot be offered without the applicant reapplying and receiving approval from the board.

Motion by Marc Harris and seconded by Peter Rathjens to approve that any modifications to the ground floor of the site and any modifications to the site plan that come to the level as indicated by the board professionals must first be approved by the board. YEA - 7 NAY - 0 ABSENT - 4 ABSTAIN - 0

DISCUSSION: In preparation of the 2024 Borough Calendar meeting dates were discussed, the 2024 meeting dates will be approved on January 9, 2024.

OPENED TO THE PUBLIC

Mike Bezney (Bartek Lane): Expressed concerns regarding the construction at Morris Woods.

Mr. Bezney was advised that the proper procedure is to address his specific concerns at a Mayor and Council meeting and with the Police Department.

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 Marc Harris and seconded by Peter Rathjens to approve the Resolution for closed session.

Motion by Ana Jones and seconded by Peter Rathjens to return to open session.

Motion by Marc Harris and seconded by Councilwoman Wickenheisser to allow the Chairman and Vice Chairman to review and approve the documents prepared by Alan Zakin, Board Attorney regarding Litigation: Glass/Paramus, LLC v. Borough of Wharton Planning Board and Wharton 15 Developers, LLC as necessary.

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

ADJOURNMENT AT 9:40 P.M.

Respectfully submitted,



Desi Ruffo
Planning Board Secretary