CALL TO ORDER: October 13, 2026 AT 7:01 P.M. by Chairman Loury
OPEN PUBLIC MEETING LAW STATEMENT OF COMPLIANCE

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

OTHERS PRESENT: Alan Zakin, Board Attorney; Christopher Borinski, Board Engineer; Jessica Caldwell, Board Planner and Monica Saldarriaga, Planning Board Secretary

Motion by Chris Fleischman and seconded by Councilwoman Jennifer Hobbs to approve the meeting minutes from the August 11, 2026 regularly scheduled meeting.

YEA -9 NAY – 0 ABSENT – 2 ABSTAIN –0

Board Secretary provided escrow report: The Planning Board engaged in significant discussion regarding delinquent escrow accounts, agreeing on the necessity of enforcing stop-work orders and exploring a tiered escrow funding system for larger developments.

Motion by and Marc Harris seconded by Barbara Chiappa to approve the bills as presented.

YEA – 9 NAY – 0 ABSENT- 2 ABSTAIN – 0

Resolution of Approval: Davis: 27 Church Street (Block: 1202, Lot: 15) -Variance and Minor Subdivision

The applicant and their legal representative were not present. The Board reviewed the resolution for the Davis minor subdivision application at 27 Church Street (Block 102, Lot 15) and discussed revisions to the findings, testimony, and conditions of approval. Revisions were identified for Pages 1–21, including clarifications to parking requirements, fence conditions, and property maintenance during construction. The Board clarified that only members who voted at the September meeting were eligible to vote on the resolution. Motion by Brian Bosworth and seconded by Councilwoman Jennifer Hobbs

YEA – 8 NAY – 0 ABSENT- 2 ABSTAIN – 1

DISCUSSION: Wharton Borough Master Plan: Update and Climate Change Vulnerability Assessment

Jessica Caldwell, Board Planner, presented the Climate Change Vulnerability Assessment as part of the Borough Master Plan update. The assessment identified flooding, extreme heat, and warming trends as key hazards. Board members reviewed the report and provided comments and recommendations regarding flooding, infrastructure, stormwater management, and resiliency measures.

New BUSINESS: 292 and 300 South Main St. (Block: 2010, Lots: 1 & 2) Site Plan with Use and Bulk Variances- A motion by Marc Harris and seconded by Councilwoman Hobbs to carry the application to November 10, 2026. The Chair advised the public that no additional notice would be mailed and that this announcement served as notice of the continued hearing

YEA – 9 NAY – 0 ABSENT- 2 ABSTAIN – 0

170 North Main St. (Block: 301, Lot: 1) Amended Preliminary and Final Site Plan

Richard Schkolnick, Esq., representing for Virya Development LLC, presented the proposed amended site plan for Block 301, Lot 1, located at 170 N. Main Street within the Borough's redevelopment zone. The proposal maintains the previously approved project with design updates, reduced commercial space, revised stormwater management, and updated flood hazard compliance. The new plan reduces the commercial space from 9,000 sq ft to 2,000 sq ft of commercial space and eliminates the previously approved 26 seat restaurant. Parking is now compliant with 135 spaces, including added EV parking. Stormwater has been redesigned to the new NJDEP flood hazard standard. Paving is no longer required as since the prior approval the Borough has paved Ross Street. The applicant requested a design waiver for the monument sign location and confirmed that the existing approval conditions would generally remain in effect. The Board discussed environmental remediation requirements and requested access to the Phase I environmental assessment (referred to as a "Preliminary Assessment" in regard to federal EPA compliance). The applicant agreed to comply with the review letters of August 25, 2026 from the Fire Department, September 25, 2026 from the Board Engineer Christopher Borinski, PE of CHA Solutions, the October 5, 2026 Report from Board Planner Jessica Caldwell from JC Caldwell Associates and other reviewing agencies as conditions of approval.

The Amended Site Plan approval includes the previously approved variances for adding a side walk and for Ross Street for emergencies only.

Ahmed Emara architect of **Emara Ghobrial Architects** of Lyndhurst, NJ was duly sworn and qualified as a professional architect and testified regarding the architectural plans for 170 North Main Street, including the four-story building, 75 residential units, 12 affordable units, two retail spaces, parking, building materials, and proposed signage. He addressed Board questions regarding lighting, garage screening, fire safety, and building amenities. They will no longer install a pool as an amenity.

Mr. Mohammed Hadla, a principal at the applicant entity Virya Development LLC was duly sworn and testified regarding the proposed resident lounge and co-working space. Board members discussed truck and vehicle headlights, screening, retail tenant use, and the building's layout. He testified that the building would be fully code compliant, grills would not be allowed on patios or balconies, a material board will be provided to the Board professionals so that they can approve, colors and materials for the façade. The applicant agreed to a condition that ensure that the submitted plans and renderings presented during the application and at the hearing shall accurately reflect the proposed construction. Building design to include provisions to ensure communication can be maintained for first responders; provisions to be tested during construction. Developer agrees to maintain the property in a clean and aesthetically pleasing fashion

OPEN TO THE PUBLIC FOR QUESTIONS REGARDING TESTIMONY OF APPLICANT ARCHITECT EMARA

Mr. Michael Elardo from 21 Ross St asked about signage locations**.**
Mrs. Kelly Elardo from 21 Ross St asked possibility of mandating that cars are required to back into parking spots facing Ross Street, to stop headlight glare, she was advised that the parking headlights would be screened with fencing and landscaping

CLOSED TO THE PUBLIC

OPEN TO THE PUBLIC FOR QUESTION REGARDING TESTIMONY OF APPLICANT MR. HADLA

CLOSED TO THE PUBLIC

Robert Colucco, Civil Engineer with Dynamic Engineering, was duly sworn and testified regarding the amended site plan, including grading, screening, parking, sidewalks, crosswalks, lighting, and stormwater management. He also addressed the proposed monument sign relocation and agreed to submit a separate Title 39 plan for review and approval. Dumpster moved to Chegwidden Way, Screening will be used, including a three to five foot wall, shrubs and a surrounding 4 foot high wooden fence. Stormwater management plan is complete, Applicant added a cross walk, driveway to path, Ross & North Main St, Chegwidden and North Main. The following Exhibits were submitted:

A1-10-13-26: "Architectural Package / Site Plan"
A2: "Aerial Plan"
A3 "Site Plan Rendering" (Colorized), Dynamic Engineering10/13/26

Chief Dave Young stated – Title 39 Plan, Per approval of Board Police Chief, Board Engineer and Board Planner

The applicant agreed to a condition suggested by Chair Lowry that Monument sign at Chegwidden Way / North Main Street shall be centered with sidewalk surround it with detail and landscaping to the satisfaction of the Board Planner.

Applicant's Engineer Colucco testified that they will maintain variances for deviations from the following elements of the Redevelopment Plan:

1. Mobility Regulations (Access and automobile circulation) permitting Ross Street to be used for emergency access only (with key-fob/gate retained for residents and emergency vehicles).
2. Pedestrian and bicycle access and circulation requiring sidewalks of a minimum six (6) feet wide (including paver strip) along all streets, as refined by the amended plans (including added sidewalks and crosswalks at Chegwidden Way / North Main Street and Ross Street intersections)

Applicant's Engineer Colucco further testified that:

- He will work with the fire department, engineer and planner to implement rolled curbs
- Applicant agreed to a condition to produce a title 39 plan – per approval of Board Police Chief, Board Engineer and Board Planner
- Stormwater management plan is complete

- 21.7% **building** coverage is proposed, where 50% is permitted
- **76.6% impervious coverage is proposed, where 85% maximum is allowed**
- Applicant agrees to keep proposed gate and key fob entrance at Ross Street
- EV spaces added per state requirements:
    - 135 spaces, 6 retail spaces
    - Includes 23 compact spaces
    - 149 parking required (14 EV = 14 credits)
- Outdoor lighting shall match that in Port Oram
- Stormwater & Sanitary elements shall include:
    - Bio retention system
    - Pervious paving system
    - There will be an O&M Manual (to be approved by the Board Planner and Board Engineer as a condition of approval)
- Trash will be wheeled out by maintenance staff of building to garbage dumpsters from the trash room
- Lights similar to those presently on Main Street will be installed along sidewalk including Ross Street
- Hydrant on N Main will be removed (as noted in C Borinski Engineering Report, will be a condition of approval)
- **Applicant agreed to revise the affordable unit mix to 2 one-bedroom, 7 two-bedroom, and 3 three-bedroom units (still totaling 12 affordable units)**

Applicant will update the site plan to show interior loading space, Per Board Planner Caldwell, was agreed to by the applicant as a condition of approval.

OPEN TO THE PUBLIC FOR QUESTION REGARDING TESTIMONY OF APPLICANT ENGINEER COLUCCO

Mr. Michael Elardo of 21 Ross Street raised concerns regarding street parking, sidewalk width, pedestrian safety, headlight glare, and truck turning movements. The applicant's engineer agreed to further evaluate the turning radius and truck access.

Ms. Julie Williams from 5 Ford Ave asked whether any studies had been conducted to assess housing demand and occupancy. The applicant, Mohammed Hadla, cited his experience in real estate since 2001 and stated that demand for housing in New Jersey remains strong. The Board explained the State's affordable housing requirements and the potential consequences of a builder's remedy if the municipality does not comply.

Question of Engineer R Collucco by Mike Elardo – 21 Ross Street re traffic flow based on county requirement of entrance on Main , Only Ross & Chegwidden Way. Per applicant traffic study and police chief analysis - site importance of two way ingress and egress on Ross for safety and efficiency. Mayor Chegwidden suggested that the parking be allowed only on one side of Ross Street. Mike Elardo 21 Ross Street inquired about a preference for residents of Ross Street to park on that street. In response to a question by Julie Williams, 5 Ford Avenue, Chief inquired re shortening the turning radius in county road for the Ross Street Cross Walk, applicant engineer will consider the same.

CLOSED TO THE PUBLIC

Daniele Cervino, Esq., of Beattie Padovano, LLC, was introduced as an environmental remediation attorney, who provided a status report. She explained that the site is a legacy part of the "LE Carpenter Superfund Site", subject to NJDEP and EPA oversight, with soil remediation to residential standards, groundwater monitoring, and a vapor mitigation system required to protect future residents. She stated that remediation plans and reports would be reviewed by the agencies and made available to the public. Board members asked questions regarding soil removal, vapor mitigation, and precautions during excavation. More specifically she **indicated** that:

- The project is subject to the Industrial Site Recover Act
- DEP Reviews progress by their LSRP (mandated Licensed Site Remediation Professional)
- They must meet w/ DEP & EPA who shall certify that they conform to a higher standard; "residential standard" is a higher / more stringent classification than "residential use"
- EPA will certify sealing of two wells
- There is an administrative consent order that must be followed and certified as complete before occupancy can occur; this certification shall be in the form of a "No Further Action Letter"

- This process includes a 'Passive Vapor Plan' (no active vapor mitigation system is required as residential units are elevated above the ground floor to avoid residual concerns)
- Most ground floor parking / Commercial – good / residents will be at a higher elevation from any ground / underground contamination
- "Preliminary Assessment" will be completed; like Phase I for DEP, but for EPA
- The prior DEP Lien has been extinguished

OPEN TO THE PUBLIC FOR QUESTION REGARDING REPORT OF APPLICANT'S ENVIRONMENTAL ATTORNEY CERVINO -

CLOSED TO THE PUBLIC

The Board reviewed the amended site plan and discussed the design waiver for the monument sign location. Michael Elardo from 21 Ross St raised concerns regarding street lighting along Ross Street. He asked the Borough to request that JCP&L remove their overhead cobra-style lights along to Ross Street.

Planner Caldwell noted that she agreed with the substance of the application as presented by the Applicant.

Board members noted that the amended proposal:

- is consistent with the conditions placed on applicant previously
- is well done and complete
- appropriately addresses new environmental requirements
- Makes the property safe for residential use
- Appears to have a quality capable ownership team

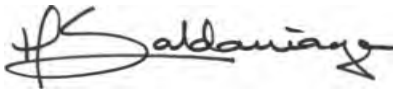
The applicant agreed as conditions of approval to comply with the Fire Department, Engineering, and Planning reports; complete required soil studies; substantially conform to the submitted plans; provide a centered monument sign and horizontal parking louvers; submit a color and material board and Title 39 plan for approval; remove the hydrant at North Main Street; provide non-illuminated signs visible to Ross Street; update the parking layout and interior loading space; address emergency communications; and include ongoing exterior maintenance of exterior finishes in the redevelopment agreement, and remain **compliant** with all applicable prior conditions.

The Board expressed support for the proposed revisions and the applicant's efforts to address its concerns. A motion to approve the amended site plan including prior variances, with modifications as noted at the hearing, was made by Peter Rathjens and seconded by Christopher Fleischman. The motion passed unanimously.

YEA – 9 NAY – 0 ABSENT- 2 ABSTAIN – 0

ADJOURNMENT AT 10:25 pm

Respectfully submitted,



Monica Saldarriaga
Planning Board Secretary