

Susan R. Rubright
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March 2, 2023

VIA OVERNIGHT DELIVERY

Lou Gara
Zoning Officer/Land Use Administrator
Borough of Raritan
22 First Street
Raritan, New Jersey 08869

Re: The Colfax Apartments, LLC Block 95, Lots 12 and 13
19 Colfax Street and 17 Colfax Street

Dear Mr. Gara:

This firm represents The Colfax Apartments LLC (“Applicant”) on its Preliminary and Final Site Plan Application along with related bulk variances for the above referenced property in the Borough of Raritan. In support of the application, please find the following materials:

1) Twenty-two (22) collated sets of the following materials:

- Borough of Raritan Application: Site Plan Application with attachments:
 - Rider describing the proposal.
 - Resolution No. 22-08-PB dated May 25, 2022 memorializing use variance approval for a three (3) story, eight (8) unit apartment building at the property on April 6, 2022.
- Preliminary Site Plan Checklist, Checklist #5
- Final Site Plan Checklist, Checklist #6 with Rider for waivers
- Green Checklist, Checklist #7
- Ownership disclosure form

5 Penn Plaza, 23rd Floor
New York, New York 10001
212.898.3974

101 Eisenhower Parkway
Roseland, New Jersey 07068
973.228.5700

777 South Flagler Drive
Suite 800, West Tower
West Palm Beach, Florida 33401
561.899.0177

www.bracheichler.com

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- Certification of applicant/owner as authorized agent to file the application.
- “Preliminary & Final Site Plan Major for 17-19 Colfax Street”, prepared by MCB Engineering Associates, LLC, dated January 26, 2023 (6 full size sets and 22 half-size sets).
- Architectural plans, “New 3 Story Building To Be Erected For Colfax Properties, LLC”, dated Sept 27, 2021, latest revision date of May 10, 2022, prepared by James P. Cutillo Associates (6 full size sets and 22 half-size sets).

2) Six (6) full sized sets of:

- “Preliminary & Final Site Plan Major for 17-19 Colfax Street”, prepared by MCB Engineering Associates, LLC, dated February 8, 2023.
- Architectural plans, “New 3 Story Building To Be Erected For SD & RR, LLC”, dated Sept 27, 2021, latest revision date of May 10, 2022, prepared by James P. Cutillo Associates

3) Eight (8) copies of Drainage Calculations prepared by MCB Engineering Associates, LLC, dated February 8, 2023.

4) One of each of the following:

- Confirmation of payment of real estate taxes
- W-9 Form
- USB drive (containing documents)
- Fee and escrow calculation sheet per Ordinance Section 207-24
- Check in the amount of \$ 950.00 as the application fee
- Check in the amount of \$ 2,850.00 as the escrow deposit

Thank you for your attention to this matter. Please advise if you require anything further.

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Sincerely,

A handwritten signature in black ink that reads "Susan R. Rubright". The signature is written in a cursive style with a large, looped initial "S" and a distinct "R".

Susan R. Rubright

SRR:mas
Enclosures

cc: Stan Schrek, Board Engineer

BOROUGH OF RARITAN APPLICATION
SITE PLAN - SUBDIVISION PLAN - VARIANCE

A map of plat must be annexed hereto showing a plan of current and proposed uses and structures, see checklist for plat details. (Note: It is necessary for this application to be fully completed. All application and plats are to be submitted to the Administrative Officer. A 45 day review period for completeness will start upon submission of documents.)

FOR OFFICE USE ONLY:

Tax Map Page: 22 Date Received: _____
 Block: 95 Fee Received: _____
 Lot(s): 12 & 13 Board of Adjustment No.: _____
 Zone: R-4 Planning Board No.: _____
 Street: Colfax Street Phone No.: _____

NATURE OF APPLICATION AND/OR RELIEF REQUESTED:

Minor Subdivision "a" Appeal "b" Interpretation
 Preliminary Plat "c" Variance "d" Variance
 Site Plan Final Plat Other

DESCRIPTION OF PROPOSED PREMISES AND USE:

1. Record Title Owner Kevin Hidayat - 19 Colfax Street The Colfax Apartments LLC - 17 Colfax St
 Address 106 Liberty Corner Rd, Warren, NJ 07059
 2. Applicant The Colfax Apartments, LLC
 Address 106 Liberty Corner Rd, Warren, NJ 07059
 3. Date of purchase _____
 4. Current (or last) use Residence and apartment with empty store
 5. Size of parcel(s) 15,394 sf Size of building 3,850.18 sf (footprint)
 Total square feet (in all floors) _____
 6. Number of new lots (including remainder) combine 2 lots into 1
- | | PROVIDED | REQUIREMENT
OF ZONE <u>R-4</u> |
|---|--------------------------|-----------------------------------|
| 7. Percentage of lot occupied by building | <u>25%</u> | <u>-</u> |
| 8. Height of building/ # of floors | <u>31.75' /3 stories</u> | <u>35'(max)/2.5 stories</u> |
| 9. Area of lot | <u>15,394 sf</u> | <u>7,500 sf</u> |
| 10. Setback from front of property line | <u>10.1/12.7 *</u> | <u>25'</u> |
| 11. Setback from left side line | <u>0.35/40.35</u> | <u>8'/20 one/both</u> |
| 12. Setback from rear property line | <u>70'</u> | <u>35'</u> |
| 13. Percentage of impervious lot coverage | <u>82.9%</u> | <u>30%</u> |
14. Has there been any previous appeal involving these premises? Yes
 15. If so, state character of appeal and date of disposition: _____
use variance granted, see Resolution Memorialized May 25, 2022.
 16. Other contiguous lots owned by applicant or owner:
 Block(s) NONE Lot(s) _____
 17. Are there currently any violations of building codes or zoning ordinances known to applicant (include non-conforming uses)?
Existing building on Lot 13, Block 95/17 Colfax is a non-conforming use with an apartment and a vacant commercial use.
 18. Taxes paid to date. _____

Signature of Tax Collector _____

[Signature]
Applicant Signature

2/17/2023
Date of Submission

* To balcony/to principal wall.

REQUEST FOR VARIANCE

In connection with your application for zoning and/or subdivision variance relief from the terms of the Borough Land Use Ordinance, please set forth:

1. Nature of Relief Requested Section of the Zoning Ordinance from which relief is requested

_____	"a" appeal	_____
_____	"b" appeal (interpretation)	_____
x _____	"c" variance appeal See Rider	Section 207-104 Schedule of Bulk Requests
_____	"d" variance appeal	_____
_____	Other	_____

REQUEST FOR "C" VARIANCE INFORMATION SEE RIDER

2. In what manner does the strict application of the foregoing present practical difficulties and/or hardship?

3. What exceptional circumstances or conditions affect the site which are in support of the request.

REQUEST FOR A,B, AND D VARIANCE INFORMATION

4. State the nature of the variance being sought, including dates of any decisions previously made on this tract.

5. What are the "special reasons" for such a "d" variance request which apply to this particular case which would justify the appeal?

6. State other pertinent facts which support the request.

(Please note that an application presented to the Board also requires a plat submission in conformance with the Borough Development Checklist.)

RIDER

SITE PLAN, BULK VARIANCE AND WAIVER APPLICATION

FOR THE COLFAX APARTMENTS, LLC,

17 AND 19 COLFAX STREET

Summary of Application

The Applicant is seeking to repurpose and combine two (2) lots at 17 and 19 Colfax Street and known as Lot 13 and 12, Block 95. The lots are currently occupied by a deteriorated brick building at 17 Colfax and a single family house at 19 Colfax. The brick building formerly housed an electrical business on the first floor and an apartment or apartments on the second floor. The first floor is currently empty and there is one apartment on the second floor.

The Applicant proposes to remove the brick building and construct a multifamily building in the same style. The single family house at 19 Colfax Street will be removed and the driveway and parking area to serve the new apartment building will be construed there.

This proposal was previously granted a use variance under N.J.S.A. 40:55D-70d(1) on April 6, 2022 with a memorializing resolution adopted on May 25, 2022. That approval was based on the Board's findings that the grant of the use variance will advance the purposes of zoning set out in N.J.S.A. 40:55D-2 and the Borough's zoning ordinance and master plan, including the provision of new affordable multifamily housing that is close to mass transit and the downtown, which is consistent with the Housing Plan Element.

Included as part of and in support of the use variance application previously approved were architectural drawings showing the layout of the three (3) story building. The building includes three (3) one-bedroom units and five (5) two-bedroom units. A concept site plan was also provided in connection with the use variance application. The conditions necessitating the bulk variances and waivers now being requested existed and were discussed during the use variance application. It was determined at that time that, because the site plan was not fully engineered, the setback variances should not be granted until the fully engineered site plan was presented as adjustments to the site plan might change the extent of the variances required. That proved to be the case, requiring slight adjustments in the setbacks and impervious coverage numbers that were shown in the concept plan supporting the use variance and as set forth below. Variances are now being requested for these conditions.

Bulk variances required under Ordinance Section 207-108F are the following:

	<u>Required</u>	<u>Proposed</u>	<u>Concept Plan</u>
Front yard setback:	25'	10.1/12.7 (to balcony/to principal wall)	12.1' (to principal wall)
Side yard setback:	8'/20' (one/both)	0.35'/40.35' (one/both)	0.77'
No. of stories:	2.5	3	Same
Impervious coverage:	30%	82.9%	82.1%
Dwelling unit size	1000 sf	Unit 1-770SF; Units 2,3,4- 700SF	Same

The application proposes fourteen (14) parking spaces. While fifteen (15) parking spaces are required under standard Residential Site Improvement Standard (RSIS) requirements, as three (3) electric vehicle make-ready parking spaces are proposed, the total number of spaces required is reduced to fourteen (14), so no variance is required.

Variance Rationale

Bulk Variances- Positive Criteria

The positive criteria for the “c” variances may be satisfied by (i) proving hardship in accordance with the criteria set forth in N.J.S.A. 40:55D-70c(1), or (ii) by demonstrating that the application relates to a specific piece of property and the purposes of the MLUL will be advanced by a deviation from the ordinance requirements. N.J.S.A. 40:55D-70c(2). An application made under the c(2) variance also involves a balancing test between the positive and negative criteria showing that the benefits of granting a variance for the deviation would substantially outweigh the detriments. Ketcherick v. Borough of Mountain Lakes, 256 N.J. Super. 647, 657 (App. Div. 1992).

In this case, the c(2) standard applies. When reviewing the c(2) rationale, one looks at the purposes of zoning that are furthered by grant of the bulk variances. Purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. (“MLUL”) at N.J.S.A. 40:55D-2 that are furthered by the proposed application are the following:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- c. To provide adequate light, air and open space;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement.

The arguments supporting the grant of the use variance are equally applicable to supporting the grant of the several bulk variances needed in connection with the construction of the building and the development of the site as shown in the plans. As stated in the Resolution:

- 2. The Applicant's proposal requires relief pursuant to N.J.S.A. 40:55D-70(d)(1) to permit the construction of a multi-family dwelling. The Board finds that the relief is justified. The Board found in support of this conclusion that:
 - a. The proposed use would be less intensive than the current approved use;
 - b. The surrounding uses include a range of densities;

- c. The proposal satisfies the purposes of zoning in that it promotes the public health, safety and general welfare by redeveloping a nonconforming commercial space into a modern residential building that is in scale with the surrounding neighborhood and adds newer housing stock among older structures;
- d. The location encourages/promotes the free flow of traffic while discouraging locations that may result in congestion;
- e. The existing building footprint would not be enlarged; and
- f. The proposal provides sufficient space in appropriate locations for a variety of uses and contributes to a wide range of housing types in the Borough which are consistent with the scale of the neighborhood and satisfies ordinance requirements since the affordable housing component is consistent with the Housing Plan Element.

Negative Criteria

As to the negative criteria, “no variance or other relief may be granted . . . without a showing that such variance or other relief can be granted without substantial detriment to the public good” and that it “will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.” N.J.S.A. 40:55D-70. In evaluating the negative criteria, a significant part of the test of whether there is a substantial detriment to the public good is the extent to which the grant of the variance will impact nearby properties. DiNizio v. Planning Board of Town of Westfield, 312 N.J. Super. 225 (Law Div. 1998) (citing Medici v. BPR Co., 107 N.J. 1, 22-23 n. 12 (1987)) (citing Yahnel v. Jamesburg, 79 N.J. Super. 509, 519 (App. Div. 1965)).

The rationale supporting the satisfaction of the negative criteria for the grant of the use variance are also applicable here:

3. The Board believes that the Applicant has satisfied the negative criteria associated with its use variance request and that granting the relief requested would not result in substantial detriment to the public good or zoning ordinance or zone plan based upon the following:

- a. The modern building would meet all applicable safety standards and that minimally invasive lighting and landscaping designed to maximize green space would be addressed at Site Plan.
- b. The proposal furthers the land use goals of the Master Plan by preserving the residential character of the Borough, maintaining a balance of housing choices, providing for compatible infill housing and planning for appropriate residential development.
- c. The proposal is particularly suited for the site, consistent with the goals of the Master Plan and would advance the goals of the Zoning Ordinance.

Waivers

The following waivers for ordinance sections are requested in connection with the site plan application:

Section 207-63. A. (4)- Parking Screening

Required: Required

Requested: to not provide along front yard
(Parallel stalls not screened facing street)

Section 207-63. A. (9)- Parking Location

Required: not permitted in front yard

Requested: to provide in front yard
(Portion of one parallel stall)

Section 207-63. B. (3)- Minimum driveway width

Required: 24'

Requested: 20'

Section 207-66. F. (12)- Light fixture locations

Required: not permitted within side or rear yard setbacks

Requested: to permit in side & rear yard setbacks

Section 207-67. C. (9)- Minimum buffer

Required: 15'

Requested: 5.5'

Section 207-67. C. (9)-Buffer planting

Required: evergreen

Requested: fencing

Rationale

The waivers are minimal and are necessary in order to locate the building on the property.

**RESOLUTION MEMORIALIZING GRANT OF USE VARIANCE RELIEF TO SD & RR
LLC TO PERMIT THE CONSTRUCTION OF MULTI-FAMILY HOUSING IN A
SINGLE-FAMILY ZONE ON LOTS 12 & 13 IN BLOCK 95, CONGINGENT UPON
FINAL SITE PLAN APPROVAL**

**Approved: April 6, 2022
Memorialized: May 25, 2022**

WHEREAS, SD & RR LLC (“Applicant”) is the owner of Lots 12 & 13 in Block 95 (“Property”) as noted on the Tax Map for the Borough of Raritan with a street address of 17-19 Colfax Street;

WHEREAS, the Applicants submitted an Application for Development with the Borough of Raritan Land Use Board (“Board”), on or about November 18, 2021, seeking use variance relief to construct a multi-family dwelling on the Property as well as various bulk variance relief associated with the Development (“Project”); and

WHEREAS, the Applicant bifurcated its Application and proceeded to seek use variance approval and reserved preliminary/final site plan with associated bulk variance relief for a subsequent hearing pending the outcome of its use variance application; and

WHEREAS, the Applicants submitted with their Application the appropriate fees and escrow deposit;

WHEREAS, the Application was deemed administratively complete by the Board’s Engineer and a public hearing was subsequently scheduled and held on April 6, 2022, notice being required and lawfully provided. Susan Rubright, Esq. represented the Applicant at all times during the application process;

WHEREAS, the Board Engineer and Planner, Stanley J. Schrek, P.E., issued a report regarding the Application prior to the public hearing dated January 18, 2022;

WHEREAS, at the conclusion of the public hearing on April 6, 2022, the Board rendered a decision on the Application in accordance with the requirements set forth in N.J.S.A. 40:55D-10(g);

WHEREAS, the Board received as part of the hearing process the following testimony and documentary evidence:

Engineer Matthew Clark was sworn and qualified. Exhibits prepared by the Planner were distributed.

Exhibit A1 was identified as a “real time photo” of the site and marked into testimony. Mr. Clark identified the subject property and spoke about the diversity of the uses in the neighborhood.

Exhibit A2 was identified as a survey prepared by George Anderson used in preparation of the Site Plan. It was marked into testimony and discussed.

Mr. Clark testified to the proposed general layout of the Project and noted that if the use

variance was approved, a full site plan would be submitted as part of that application.

Architect James Cutillo was sworn and qualified. Mr. Cutillo made reference to 4 pages in the packet which were later marked into testimony as **Exhibit A3**. He explained that demo would involve lowering the structure to grade and re-using the brick from the façade while maintaining the existing footprint. Mr. Cutillo provided testimony with respect to the height of the structure and spoke about the style. He responded to a question from Mr. Brown as to how the height compares with existing structures and how it impacts the view of neighbors. Mr. Cutillo explained that the front would be higher than the back with the top of the wall ending up 3-4' higher than what currently exists. Ms. Rubright deferred to the photos in the Planner's Exhibit. Mr. Cutillo testified that the overall height is within the allowed 35' when measured to the ridge. He provided details about the façade and then provided testimony with respect to the interior layout.

Mr. Cutillo testified that the building will include three (3) one-bedroom units and five (5) two-bedroom units. One of the 2 bedroom units will be an affordable unit. He testified that four units will be (2 story) units on the second floor and that there would NOT be wheelchair ramps or an elevator. He testified that the building would be constructed to Code. Mr. Cutillo testified that the building would be fully sprinklered. Amenities were discussed (limited to washer/dryer on site). He confirmed that there would be a ½ bath on the first floor.

Landscaping and façade materials were discussed. Mr. Cutillo testified that there would be an allotment for greenery and that earth tones/durable materials would be used in conjunction with the repurposed brick.

Lighting was discussed. Mr. Cutillo testified that it would be installed to Code and in accordance with the engineered plans. Mr. Cutillo confirmed that the existing brick would be re-used. He identified the property line in response to a question from Ms. Rubright about decks/patios.

A discussion about the location of utilities ensued in response to a question from Mr. Cunningham. Referencing a view of the building from the street, Mr. Cutillo spoke about same.

Chairwoman Thomas asked about design elements that could improve curb appeal. Mr. Cutillo offered that the windows could be replaced with French doors and that design could be added into the brick. She spoke in support of repurposing the brick. Mr. Gara confirmed that the basement would get filled in.

Mr. Cutillo responded to a comment from audience member, **Mr. Jacobs** about how an alternate layout would have resulted in fewer apartments.

Planner Sean Moronski of Langan Engineering was sworn and qualified. Mr. Moronski testified that he visited the site and reviewed the Master Plan, recent Re-exam, Zoning Ordinance and Tax Records. Making reference to Exhibit A1, he reviewed the existing conditions on the site.

Mr. Moronski presented a color coded tax map demonstrating the surrounding uses within 200' of the subject property which he marked into testimony as **Exhibit A4**.

Exhibit A5 was identified as a series of 4 photos entitled “Colfax Street facing west from site,” “Front façade of existing commercial building at site,” “Multifamily building on north side of Colfax Street” and “Residential buildings on south side of Colfax Street” and marked into testimony.

Exhibit A6 was identified as a series of 4 photos entitled “Site view from across Colfax Street,” “Commercial building adjacent to east side of site,” “Rear yard east of project site” and “View of residential buildings at Colfax and Lincoln Streets” and marked into testimony.

Mr. Moronski reviewed the D1 variance requirements and advised that the bulk variances would be subsumed into it or considered later in Site Plan. He confirmed that the bulk relief would consist of variances for front yard, side yard, impervious coverage, FAR and height. He testified that while the proposed height is 3 stories which exceeds the permitted 2.5, it still meets the maximum height permitted of 35.’

Mr. Moronski confirmed that there would be no deviation from the existing footprint/foundation in response to a question from Mr. Cunningham about same. He advised that they would respect it “as much as possible.”

Board Member Brown commented that so much is being made about honoring the footprint and asked why the architecture is not being built in such a way as to minimize or eliminate the other variances given that the buildings are being razed. Calling it a better design alternative, Mr. Moronski provided justification for the proposal which he related provides sufficient room to accommodate a drive aisle for parking. Mr. Brown suggested that pushing the building back in order to alleviate or minimize the relief needed in the front might be a better choice. Ms. Rubright offered that it was relative to the other properties in the neighborhood. Mr. Moronski suggested that it depends on parking. Mr. Brown offered that it would allow for more conformity with the existing buildings and spoke about elimination of the concrete in front in an effort to clean it up.

Using the aerial photo, Mr. Moronski provided testimony on how consistent the existing building is with the setbacks of the neighboring buildings. Mr. Moronski testified that it would be similar to the neighbor to the west and that most of the setbacks along Colfax are “generally closer” than 25’ and most lot widths are non-conforming.

Mr. Brown suggested that it was “more based on aesthetics” and again mentioned the removal of the concrete in the front to accommodate grass. Mr. Moronski advised that landscaping would be part of Site Plan review and would be considered from an aesthetic point of view.

Mr. Moronski provided testimony with respect to site suitability as it relates to the D1 variance. He testified that the site would be able to accommodate the use, that parking is adequate and that the building is in scale/keeping with the surrounding neighborhoods. He testified that historically speaking, the proposed use would be less intensive and that the surrounding uses include a range of densities. He noted the location of the train nearby and proximity to the business district (Somerset

St.), which he suggested make this type of housing not just ideal but also in keeping with the goals of the Master Plan.

Mr. Moronski testified that the proposal satisfies the purposes of zoning in that it promotes the public health, safety and general welfare by redeveloping a nonconforming commercial space into a modern residential building that is in scale with the surrounding neighborhood and adds newer housing stock among older structures.

Mr. Moronski testified that the proposal provides sufficient space in appropriate locations for a variety of uses and contributes to a wide range of housing types in the Borough which are consistent with the scale of the neighborhood. He added that it also meets ordinance requirements since the affordable housing component is consistent with the Housing Plan Element.

Mr. Moronski testified that the location encourages/promotes the free flow of traffic while discouraging locations that may result in congestion. He advised that 3 make ready EV spaces and an ADA space would be provided (in addition to 4 handicapped accessible/ADA compliant units located within ¼ mile of mass transit).

With respect to the negative criteria, Mr. Moronski testified that there would be no substantial detriment to the public good. He advised that the modern building would meet all applicable safety standards and that minimally invasive lighting and landscaping designed to maximize green space would be addressed at Site Plan.

Mr. Moronski testified that there would be no substantial detriment to the zoning ordinance or zone plan. In keeping with Medici, he testified that the proposal furthers the land use goals of the Master Plan by preserving the residential character of the Borough, maintaining a balance of housing choices, providing for compatible infill housing and planning for appropriate residential development.

With respect to the goals of the Circulation Plan Element, Mr. Moronski testified that changes of use allow for a range of uses including residential that compliment mass transit. He testified that the green measures checklist supports creative living situations that encourage walkable communities, electric ready parking spaces and re-use of the brick material.

Mr. Moronski testified that the proposal is particularly suited for the site, consistent with the goals of the Master Plan and would advance the goals of the Zoning Ordinance. He asserted that the benefits of granting the variance would substantially outweigh any potential detriments.

In response to a question from Board Attorney Wenner, Mr. Moronski confirmed that the purpose of Exhibits A5 and A6 was to support the proposition that the variance would not result in a substantial detriment on the negative criteria.

Questions from the public were fielded, with most having to do with site plan concerns as opposed to questions about the use variance itself.

WHEREAS, the Board after hearing the testimony delivered and the documentary evidence provided, made the following finds a fact and in conclusion of law:

1. The Applicant is seeking a use variance, pursuant to N.J.S.A. 40:55D-70(d)(1) to construct a multi-family dwelling located on Lots 12 & 13 in Block 95, having an address of 17-19 Colfax Street in the Borough of Raritan. The property is located in the Borough's R-4 Medium High Density Residential Zone.
2. The Applicant's proposal requires relief pursuant to N.J.S.A. 40:55D-70(d)(1) to permit the construction of a multi-family dwelling. The Board finds that the relief is justified. The Board found in support of this conclusion that:
 - a. The proposed use would be less intensive than the current approved use;
 - b. The surrounding uses include a range of densities;
 - c. The proposal satisfies the purposes of zoning in that it promotes the public health, safety and general welfare by redeveloping a nonconforming commercial space into a modern residential building that is in scale with the surrounding neighborhood and adds newer housing stock among older structures;
 - d. The location encourages/promotes the free flow of traffic while discouraging locations that may result in congestion;
 - e. The existing building footprint would not be enlarged; and
 - f. The proposal provides sufficient space in appropriate locations for a variety of uses and contributes to a wide range of housing types in the Borough which are consistent with the scale of the neighborhood and satisfies ordinance requirements since the affordable housing component is consistent with the Housing Plan Element.
3. The Board believes that the Applicant has satisfied the negative criteria associated with its use variance request and that granting the relief requested would not result in substantial detriment to the public good or zoning ordinance or zone plan. It finds this based upon the following:
 - a. The modern building would meet all applicable safety standards and that minimally invasive lighting and landscaping designed to maximize green space would be addressed at Site Plan.
 - b. The proposal furthers the land use goals of the Master Plan by preserving the residential character of the Borough, maintaining a balance of housing choices, providing for compatible infill housing and planning for appropriate residential development.
 - c. The proposal is particularly suited for the site, consistent with the goals of the Master Plan and would advance the goals of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Raritan, County of Somerset, State of New Jersey does hereby approve the grant of the use variance relief to the Applicant, SD & RR LLC, to permit the construction

of a multi-family dwelling more particularly described on the engineering plans entitled "Use Variance Site Plan, 17-19 Colfax Street, Block 95, Lots 12 & 13, Borough of Raritan, Somerset County, New Jersey" prepared by MCB Engineering Associates, LLC, dated October 8, 2021, consisting of one (1) sheet, subject to the following conditions:

- 1. The Applicant shall apply for and obtain Final Site Plan Approval from the Board and comply with all conditions of said approval, if granted.
- 2. The Secretary of the Board shall file a copy of this Resolution with all governmental bodies as shall be deemed necessary and appropriate.

ATTEST:

BOROUGH OF RARITAN
LAND USE BOARD

Nancy Probst, Secretary

By: _____, Chairmadam

DATED:

THE VOTE:

IN FAVOR: ____
OPPOSED: ____
ABSTENTIONS: ____

I hereby certify that the above is a true copy of the Resolution adopted by the Borough of Raritan Land Use Board at its meeting on May 25, 2022.

Nancy Probst, Board Secretary

LAND USE AND DEVELOPMENT

207 Attachment 6

Borough of Raritan

Checklist 5

For Determining Completeness of Application For
Preliminary Site Plan
 Chapter 207, Land Use and Development
 Borough of Raritan, Somerset County, New Jersey
[Amended 4-11-2017 by Ord. No. 2017-07]

Name of Application The Colfax Apartments, LLC Application No. _____

Block 95 Lot 12 & 13 Date Filed _____

An application shall not be considered complete until all the materials and information specified below and on the specific checklist for the proposed development have been submitted. Waivers shall be considered upon receipt of written waiver request from the Applicant.

Note: See Article VIII of Chapter 207, Land Use and Development, of the Code of the Borough of Raritan for further details of submission requirements and procedures.

1. Application form, including checklists, 22 copies; one CD, USB flash drive or the most recent compatible technology (please contact the Borough to determine its capabilities), with all submission materials, including plans and reports, in PDF format.
2. Plans: six sets of full-sized plans that have been signed and sealed by a New Jersey professional engineer or New Jersey professional licensed surveyor, as required, and folded into eighths with the title block revealed, and 22 sets in 1/2 size. All submission materials must be collated into 22 packets using the 1/2 size plan sets. All plans must be folded. Non-collated materials and/or unfolded plans will be rejected and all materials returned to the Applicant.

Applicant Portion			Borough Portion		
Plats Comply	Not Applicable	Waiver Requested	Plats Comply	Do Not Comply	Waiver Approved
X					
X					

RARITAN CODE

3. Protective covenants or deed restrictions applying to the land being subdivided (20 copies).
4. Application fee, executed escrow agreement and appropriate review fee.
5. Separate application (and fee) for any conditional use or variance with the application.
6. Certification from the Borough Tax Collector that all taxes and assessments on the property are paid in full.
7. Disclosure form pursuant to N.J.S.A. 40:55D-48, providing the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant.
8. Proof of filing with the Somerset County Planning Board, Somerset-Union Soil Conservation Service and any other outside agencies from which approval is necessary; and proof of filing by mail, hand delivery or electronic submission, with the Bridgewater Planning and Zoning Division and the Somerville Municipal Engineer when the project for the subject application meets the following thresholds:
 - a. More than 50 dwelling units within 500 feet of a municipal border;
 - b. More than 50,000 square feet of nonresidential building space within 500 feet of a municipal border.
9. Certification that applicant is owner or authorized agent, or consent of owner to file application.

Plans shall show or include the following:

10. Map scale not less than 1 inch equals 100 feet, showing the entire tract on one sheet, using 1 of 4 standard sheet sizes: 8 1/2 x 13; 15 x 21; 24 x 36; or 30 x 42 inches per ordinance.
11. A key map showing the entire tract and lands within 2,000 feet, at a scale of 1 inch equals not less than 1,000 feet.
12. Name, address and telephone number of the following:
 - a. Professional responsible for preparing the plans.
 - b. Owner or owners of the site.
 - c. Subdivider or developer.

Applicant Portion			Borough Portion		
Plats Comply	Not Applicable	Waiver Requested	Plats Comply	Do Not Comply	Waiver Approved
	X				
X					
X					
X					
X					
		X			
	X				
	X				
X					
X					
X					
X					
X					

LAND USE AND DEVELOPMENT

	Applicant Portion			Borough Portion		
	Plats Comply	Not Applicable	Waiver Requested	Plats Comply	Do Not Comply	Waiver Approved
13. The names of all adjoining owners of any and all property located within 200 feet of the site, as shown on the most recent tax list prepared by the Borough Tax Assessor.	X					
14. The Tax Map sheet, and existing block and lot numbers of tract to be subdivided or developed and all adjacent lots.	X					
15. Scale, North arrow and reference meridian. The reference source (i.e., deed, etc.) of the meridian should be identified.	X					
16. Zoning district(s), including district names and zone schedule.	X					
17. Boundary and acreage of original tract to the nearest tenth of an acre; number, acreage and configuration of all proposed lots; location of all existing buildings or structures to be removed or relocated.	X					
18. Title block containing the name of the development, the name of the Borough, county and state, date of original preparation and all revisions.	X					
19. An index for the complete set of plans.	X					
20. Location, size and nature of the entire lot or lots in question and contiguous lots in common ownership or interest.	X					
21. Location, use and ground floor area of all existing and proposed buildings or structures and all accessory buildings or structures, with setbacks, sideline and rear line distances, and finished grades at all corners.	X					
22. Location, names and widths of all existing and proposed streets, including cross sections and profiles across the tract and within 200 feet; and the location of proposed entrances and exits, traffic signals, channelization, acceleration and deceleration lanes, etc.	X					
23. Location, size and nature of all existing and proposed rights-of-way, easements and other encumbrances affecting the tract.	X					
24. Location, size and nature of all existing and proposed curbs, sidewalks, driveways, fences, retaining walls, parking areas, and the layout thereof, all off-street loading areas, with dimensions, on site and within 100 feet.	X					
25. Location, type and size of all existing and proposed catch basins, storm drainage facilities and utilities, per ordinance.	X					

RARITAN CODE

	Applicant Portion			Borough Portion		
	Plats Comply	Not Applicable	Waiver Requested	Plats Comply	Do Not Comply	Waiver Approved
26. Existing topography based on NJ Geodetic Control Survey datum and proposed grading, per ordinance.	X					
27. All existing and proposed signs and lighting standards, utility poles and their sizes, type of construction and location.	X					
28. Location, size and description of any lands to be dedicated to the Borough or county.		X				
29. A soil erosion and sediment control plan if required by N.J.S.A. 4:24-39 et seq.	X					
30. A landscaping plan showing the size, species and spacing of trees, plants and other landscaping treatment of unpaved areas.	X					
31. The nature and location of public and private utilities, including maintenance and solid waste disposal and/or storage facilities.	X					
32. Preliminary architectural plans for the proposed buildings or structures, with typical floor plans, elevations, heights and general architectural styling.	X					
33. Cost estimates of all on-site improvements.			X			
34. Signature and seal of a licensed professional engineer.	X					
35. Environmental impact statement, per § 207-69.			X			
36. For industrial or manufacturing uses, a description of any proposed machinery, products, by-products and processes on site; and a statement of the hours of operation, anticipated number of shifts and employees for shift.		X				

LAND USE AND DEVELOPMENT

The Board reserves the right to acquire additional information before granting preliminary approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and the surrounding area. Such information may include but not be limited to drainage calculations and traffic analyses; provided, however, that no application shall be declared incomplete for lack of such additional information.

Application Deemed Complete Date _____

Application Deemed Incomplete Date _____

Completeness subject to the Board approving the written requests for the following completeness items:

Application Deemed Incomplete Date _____

Submission of additional information or written request for waivers of the following completeness items is required.

LAND USE AND DEVELOPMENT

207 Attachment 7

Borough of Raritan

Checklist 6

For Determining Completeness of Application For
Final Site Plan
 Chapter 207, Land Use and Development
 Borough of Raritan, Somerset County, New Jersey
[Amended 4-11-2017 by Ord. No. 2017-07]

Name of Application The Colfax Apartments, LLC Application No. _____

Block 95 Lot 12 & 13 Date Filed _____

An application shall not be considered complete until all the materials and information specified below and on the specific checklist for the proposed development have been submitted. Waivers shall be considered upon receipt of written waiver request from the Applicant.

Note: See Article VIII of Chapter 207, Land Use and Development, of the Code of the Borough of Raritan for further details of submission requirements and procedures.

1. Application form, including checklists, 22 copies; one CD, USB flash drive or the most recent compatible technology (please contact the Borough to determine its capabilities), with all submission materials, including plans and reports, in PDF format.
2. Plans: six sets of full-sized plans that have been signed and sealed by a New Jersey professional engineer or New Jersey professional licensed surveyor, as required, and folded into eighths with the title block revealed, and 22 sets in 1/2 size. All submission materials must be collated into 22 packets using the 1/2 size plan sets. All plans must be folded. Non-collated materials and/or unfolded plans will be rejected and all materials returned to the Applicant.

Applicant Portion			Borough Portion		
Plats Comply	Not Applicable	Waiver Requested	Plats Comply	Do Not Comply	Waiver Approved
X					
X					

RARITAN CODE

3. Protective covenants or deed restrictions applying to the land being subdivided (20 copies).
 4. Application fee, executed escrow agreement and appropriate review fee.
 5. Separate application (and fee) for any conditional use or variance with the application.
 6. Certification from the Borough Tax Collector that all taxes and assessments on the property are paid in full.
 7. Disclosure form pursuant to N.J.S.A. 40:55D-48, providing the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant.
 8. Proof of filing with the Somerset County Planning Board, Somerset-Union Soil Conservation Service and any other outside agencies from which approval is necessary; and proof of filing by mail, hand delivery or electronic submission, with the Bridgewater Planning and Zoning Division and the Somerville Municipal Engineer when the project for the subject application meets the following thresholds:
 - a. More than 50 dwelling units within 500 feet of a municipal border;
 - b. More than 50,000 square feet of nonresidential building space within 500 feet of a municipal border.
 9. Certification that applicant is owner or authorized agent, or consent of owner to file application.
- Plans shall show or include the following:**
10. Map scale not less than 1 inch equals 100 feet, showing the entire tract on one sheet, using 1 of 4 standard sheet sizes: 8 1/2 x 13; 15 x 21; 24 x 36; or 30 x 42 inches per ordinance.
 11. A key map showing the entire tract and lands within 2,000 feet, at a scale of 1 inch equals not less than 1,000 feet.
 12. Name, address and telephone number of the following:
 - a. Professional responsible for preparing the plans.
 - b. Owner or owners of the site.
 - c. Subdivider or developer.

Applicant Portion			Borough Portion		
Plats Comply	Not Applicable	Waiver Requested	Plats Comply	Do Not Comply	Waiver Approved
	X				
X					
X					
X					
X					
		X			
	X				
	X				
X					
X					
X					
X					
X					
X					

LAND USE AND DEVELOPMENT

	Applicant Portion			Borough Portion		
	Plats Comply	Not Applicable	Waiver Requested	Plats Comply	Do Not Comply	Waiver Approved
13. The names of all adjoining owners of any and all property located within 200 feet of the site, as shown on the most recent tax list prepared by the Borough Tax Assessor.	X					
14. The Tax Map sheet, and existing block and lot numbers of tract to be subdivided or developed and all adjacent lots.	X					
15. Scale, North arrow and reference meridian. The reference source (i.e., deed, etc.) of the meridian should be identified.	X					
16. Zoning district(s), including district names and zone schedule.	X					
17. Boundary and acreage of original tract to the nearest tenth of an acre; number, acreage and configuration of all proposed lots; location of all existing buildings or structures to be removed or relocated.	X					
18. Title block containing the name of the development, the name of the Borough, county and state, date of original preparation and all revisions.	X					
19. An index for the complete set of plans.	X					
20. Location, size and nature of the entire lot or lots in question and any contiguous lots under common ownership or interest.	X					
21. Location, use and ground floor area of all existing and proposed buildings or structures and all accessory buildings or structures, with setbacks, sideline and rear line distances, and finished grades at all corners.	X					
22. Location, names and widths of all existing and proposed streets, including cross sections and profiles across the tract and within 200 feet; and the location of proposed entrances and exits, traffic signals, channelization, acceleration and deceleration lanes, etc.	X					
23. Location, size and nature of all existing and proposed rights-of-way, easements and other encumbrances affecting the tract.	X					
24. Location, size and nature of all existing and proposed curbs, sidewalks, driveways, fences, retaining walls, parking areas, and the layout thereof, all off-street loading areas, with dimensions, on site and within 100 feet of tract.	X					
25. Location, type and size of all existing and proposed catch basins, storm drainage facilities and utilities, per ordinance.	X					

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	Applicant Portion			Borough Portion		
	Plats Comply	Not Applicable	Waiver Requested	Plats Comply	Do Not Comply	Waiver Approved
26. Existing topography based on NJ Geodetic Control Survey datum and proposed grading, per ordinance.	X					
27. All existing and proposed signs and lighting standards, utility poles and their sizes, type of construction and location.	X					
28. Location, size and description of any lands to be dedicated to the Borough or county.		X				
29. A soil erosion and sediment control plan if required by N.J.S.A. 4:24-39 et seq.	X					
30. A landscaping plan showing the size, species and spacing of trees, plants and other landscaping treatment of unpaved areas.	X					
31. The nature and location of public and private utilities, including maintenance and solid waste disposal and/or storage facilities.	X					
32. Preliminary architectural plans for the proposed buildings or structures, with typical floor plans, elevations, heights and general architectural styling.	X					
33. Cost estimates of all on-site improvements.			X			
34. Signature and seal of a licensed professional engineer.	X					
35. Environmental impact statement, per § 207-69.			X			
36. Final contours on site and within 100 feet at two-inch intervals; final elevations at building corners, paved areas and property corners.			X			

LAND USE AND DEVELOPMENT

The Board reserves the right to acquire additional information before granting preliminary approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and the surrounding area. Such information may include but not be limited to drainage calculations and traffic analyses; provided, however, that no application shall be declared incomplete for lack of such additional information.

Application Deemed Complete Date _____

Application Deemed Incomplete Date _____

Completeness subject to the Board approving the written requests for the following completeness items:

Application Deemed Incomplete Date _____

Submission of additional information or written request for waivers of the following completeness items is required.

CHECKLIST WAIVER REQUESTS
THE COLFAX APARTMENTS, LLC,
17 AND 19 COLFAX STREET

Preliminary & Final site plan checklist:

Item 8 – submission to the county & soil conservation district shall be made post municipal board approval. Copy of such submission can be made at that time.

Item 33 – upon approval of the site plan a cost estimate of all onsite improvements can be provided.

Item 35 – based on the scope of development a waiver is requested. Testimony at the pending hearing can be provided if necessary.

Final site plan checklist:

Item 36 – waiver requested for final contours within site and at 100'. These conditions shall not change based on the scope of development.

LAND USE AND DEVELOPMENT

207 Attachment 8

BOROUGH OF RARITAN

**Checklist 7
for Determining Site Plan Application Completeness for
GREEN DEVELOPMENT
Chapter 207, Land Use and Development
Borough of Raritan, Somerset County, New Jersey**

Name of Application The Colfax Apartments, LLC Application No. _____

Block 95 Lot 12 & 13 Date Filed _____

This checklist must be completed and submitted with any application for site plan approval. Failure to do so will render the application incomplete. While completion of the checklist is mandatory, it is for information purposes only, and compliance with the items found herein will not become a condition of approval.

The checklist includes various green building design strategies that can be implemented as part of a residential or commercial development. The information provided in the checklist will guide and inform the dialogue between an applicant and the Borough regarding possible options and opportunities to use resources more efficiently, promote smart economic development, improve the environment, and generally improve the quality of life in the Borough.

The checklist is organized into three sections: first, it addresses the site within its regional and local context, looking at its physical location, development status, and availability of certain infrastructure; second, it addresses the impact of the proposed development on the site itself; and third, it addresses the structures on the site.

The applicant should provide examples of how they meet or address each of the items on the checklist.

Note: See Article VIII of Chapter 207, Land Use and Development, of the Code of the Borough of Raritan for further details of submission requirements and procedures.

	YES	NO	COMMENTS
A. CONTEXT			
1. Is the site a redevelopment or brownfield site?		X	
2. Is the site served by public transit, or easily accessible on foot or by bicycle?	X		
3. Is there train service within 1/2 mile or bus service within 1/4 mile?	X		

RARITAN CODE

	YES	NO	COMMENTS
4. Do the roads within the development comply with the Borough's Complete Streets policy? (Examples: sidewalks, enhanced crosswalks, traffic calming, bike lanes, transit shelters)			N/A No new roads proposed
5. Does the development include historic preservation, or adaptive reuse of existing facilities?	X		
6. Does the site's location, scale or use support the historic context of surrounding historic properties?	X		
7. Does the development provide or enhance the following:			
a) A mix of land use types? Please list.	X		
b) Housing diversity by type and income?	X		
c) Civic and public spaces or have proximity to them? (Examples: open plazas, courtyards, public art)	X		
d) Recreation facilities and green space/parks (or have proximity to them) and is it part of an integrated network?	X		
e) Alternative parking designs such as reduced parking ratios, compact stalls, banked parking, shared parking, priority parking for low emission vehicles and provisions for bicycle storage?	X		EV Stalls Provided
f) Access to or partnerships with local farms or farmers' markets to promote local food production?		X	
g) Natural features such as streams, wetlands, forests or the Raritan River?		X	
h) Regional stormwater management? (A regional stormwater management plan addresses stormwater-related water quality and water quantity impacts of new and existing land uses on a drainage area basis and is not limited to on-site stormwater management measures.)	X		Complies w/ Code
	YES	NO	COMMENTS
B. SITE DEVELOPMENT			
1. Does the design provide for the following:			
a) Minimum site disturbance during construction?	X		
b) Increased erosion and sedimentation control beyond county or municipal requirements?		X	
c) Low-impact design features such as:			
• Bioswales		X	
• Rain gardens		X	
• Green roofs		X	
• Pervious pavements		X	
• Green walls (Also known as vertical gardens, they are designed and engineered for maximum biofiltration of indoor air, thermal regulation and aesthetics.)		X	
• Trees (beyond that required by the ordinance)		X	
• Indigenous plant species (noninvasive species, low-maintenance landscaping)	X		

LAND USE AND DEVELOPMENT

	YES	NO	COMMENTS
• On-site management of vegetative waste		X	
d) Regenerative design?			
• Does the site design conserve habitat, wetlands or water bodies?			N/A
• Does the site design include restoration of habitat, wetlands or water bodies?			N/A
• Does the project include long-term conservation management of habitat, wetlands or water bodies?			N/A
2. Does the site minimize heat island effects through reduced paving, enhanced landscaping or other methods?	X		
3. Does the site provide alternatives to single-occupancy vehicles such as van spaces, bike storage and changing facilities, and alternative energy vehicle parking?	X		EV stalls provided
4. Does the site include light pollution reduction techniques that help prevent misdirected or excessive light to reduce glare, light trespass, and sky-glow?	X		
5. Does the site include energy efficient site lighting and controls?	X		
6. Do the landscape and stormwater management specifications employ integrated pest management practices?	X		
	YES	NO	COMMENTS
C. GREEN BUILDING			
1. Will the building(s) meet any criteria for a Certified Green Building? (A green building — also referred to as sustainable or high-performance building — is a collection of better design, construction, and operating practices that have the potential to reduce or eliminate the negative impacts of development on the environment and on human health. Green building programs and guidelines commonly address energy efficiency and carbon emissions reduction, water conservation, waste reduction, healthy and sustainably produced materials, indoor air quality, occupant productivity and health, and other components of green building. For more info visit http://rrgb.rutgers.edu or https://new.usgbc.org/leed .)		X	
2. Is the building oriented to maximize the benefits of daylighting and energy conservation and minimize any detrimental impacts on surrounding sites? (Example: Maximize southern building exposure for solar energy, orient building to minimize effects of cold winter winds and maximize cool summer breezes. Minimize shadows on open space and other buildings.)	X		

RARITAN CODE

	YES	NO	COMMENTS
3. Water Reduction			
a) Does the building provide a 20% or greater reduction beyond minimum water efficiency standards set by the EPA? http://www.cepa.gov/WaterSense/docs/matrix508.pdf		X	
b) Does the building employ water conservation features, including low-flow fixtures, waterless urinals, or sensor-controlled faucets?	X		
c) Does the building capture and re-use rainwater, gray water and storm water?		X	
4. Energy			
a) Does the building reduce energy usage through efficient heating and cooling, geothermal technology, enhanced daylighting, efficient lighting, occupant controls and an efficient building envelope?	X		
b) Does the project incorporate Energy Star-labeled building products?	X		
c) Does the building include on-site energy generation, e.g., solar or wind?		X	
d) What is the anticipated energy savings expected to be realized from any or all of the above?			Not calculated yet
5. Indoor Air Quality			
a) Does the building utilize natural ventilation and efficient use of outdoor air during heating and cooling periods?	X		
b) Are other measures, such as reducing the quantity of VOCs from adhesives, sealants, paints, composite wood systems and carpet systems, being used to improve indoor air quality?	X		
6. Materials			
a) Is an existing building being reused? If so, to what extent: 100%, 75%, 50%?	X		Reuse brick % not known
b) Are there waste management/recycling plans in place to divert construction, demolition and land clearing debris from landfill disposal?			Not yet known
c) Are any building materials reused on or off site?	X		
d) Do new building materials contain recycled content? If so, to what extent (%)?	X		
e) Are building materials extracted, processed or manufactured locally or within the region?			

THE COLFAX APARTMENTS, LLC

10% or more ownership

17-19 Colfax Street
Raritan, New Jersey

Owner Name

Percentage

Kevin Hidayat
42 Thompson Road, Raritan, NJ 08869

100%

AFFIDAVIT OF OWNERSHIP

The undersigned states that I reside at 106 Liberty Corner Road in the Township of Warren, County of Somerset and State of New Jersey, and that I am the owner in fee of Block 95, Lot 12 and I am the sole member of the LLC that owns Block 95, Lot 13. These properties are the subject of a preliminary and final site plan application with related bulk variances before the Raritan Borough Planning Board.

As owner, I have read this application and the applicant is authorized to proceed.


Kevin Hidayat, Owner

STATE OF NEW JERSEY :

: SS

COUNTY OF *somerset* :

BE IT REMEMBERED that on this 17 day of February, 2023 Kevin Hidayat, residing at 106 Liberty Corner Road, New Jersey, the subscriber, personally came and appeared before me, who, being duly sworn by me on his oath, deposes and makes proof to my satisfaction, that he is the individual named in the within instrument.



