

# BRACH | EICHLER LLC

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May 25, 2023

## **VIA OVERNIGHT DELIVERY**

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

Re: Amrutha, LLC/ Block 44, Lot 5; 31 Frelinghuysen Avenue, Raritan, New Jersey

Dear Mr. Gara:

This firm represents Amrutha (“Applicant”) on an application minor site plan approval in connections with its proposal to occupy the existing building on the property located at 31 Frelinghuysen Avenue and known as Block 44, Lot 5 on the Raritan Borough tax maps as a wine and liquor store. 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 a Rider describing the proposal and including separate sheets setting forth the square footage allocations for the proposed use.
- Minor site plan checklist with Rider setting forth rationale in support of wavier requests.
- “Resolution by the Planning Board of the Borough of Raritan Granting of Bulk Variances”, to Theodore Bench, for property known as Lot 5, Block 44, dated June 26, 1985.
- “Resolution by the Planning Board of the Borough of Raritan Granting Bulk Variances for the Installation of Six New Parking Spaces and New Rear Addition”,

5 Penn Plaza, 23rd Floor  
New York, New York 10001  
212.896.3974

101 Eisenhower Parkway  
Roseland, New Jersey 07068  
973.228.5700

777 South Flagler Drive  
Suite 800, West Tower  
West Palm Beach, Florida 33401  
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to Theodore C. Bench and Ronald C. Bench, for property known as Lot 5, Block 44, dated March 23, 1994.

- “Survey of Property, Lot 5, Block 44, Borough of Raritan, County of Somerset”, prepared by Morgan Engineering & Surveying, dated February 27, 2023.
- “Site Plan for Lot 5, Block 44, Tax Map Sheet, Borough of Raritan, Somerset County, N.J.”, prepared by Herbert A. Lauterwald, Jr., dated October 6, 1993.
- “Fixture Layout for Wine Grand Raritan, 31 Frelinghuysen Avenue, Raritan, NJ 08869”, prepared by Modern Store Equipment, dated April 10, 2023.

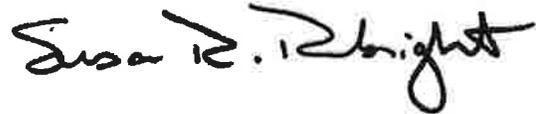
2) One of each of the following:

- Ownership Disclosure of Amrutha, LLC.
- Confirmation of payment of real estate taxes.
- List of property owners located within 200’ of the subject property. (Letter sent to Borough).
- W-9 Form.
- USB drive (containing all documents).
- Fee and escrow calculation sheet per Ordinance Section 207-24.
- Check in the amount of \$500.00 made payable to the Borough of Raritan as the application fee. (To be delivered directly by Applicant).
- Check in the amount of \$1,500.00 made payable to the Borough of Raritan as the escrow deposit. (To be delivered directly by Applicant).

Thank you for your attention to this matter. Please advise if you require anything further. We look forward to presenting the application before the Board.

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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, stylized initial "S".

Susan R. Rubright

SRR  
Enclosures

cc:

Stan Schrek, P.E., P.P.  
Lawrence Cohen, Esq.  
Amrutha, LLC

**BOROUGH OF HANCOCK 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: \_\_\_\_\_ Date Received: \_\_\_\_\_  
 Block: \_\_\_\_\_ Fee Received: \_\_\_\_\_  
 Lot(s): \_\_\_\_\_ Board of Adjustment No.: \_\_\_\_\_  
 Zone: \_\_\_\_\_ Planning Board No.: \_\_\_\_\_  
 Street: \_\_\_\_\_ Phone No.: \_\_\_\_\_

**NATURE OF APPLICATION AND/OR RELIEF REQUESTED:**

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

**DESCRIPTION OF PROPOSED PREMISES AND USE:**

1. Record Title Owner: Rihaan, LLC  
 Address: 4 Pierce Farm Road, Whitehouse Station, NJ 08889
  2. Applicant: Amritha LLC  
 Address: 4 Pierce Farm Road, Whitehouse Station, NJ 08889
  3. Date of purchase: \_\_\_\_\_
  4. Current (or last) use: Flooring store
  5. Size of parcel(s): 0.394 Acres/17,162.64 SF size of building: 6,189 SF  
 Total square feet (in all floors): 7,592 SF
  6. Number of new lots (including remainder): NA
- |   | PROVIDED            | REQUIREMENT OF ZONE <u>R-2</u> |
|---|---------------------|--------------------------------|
| 7. Percentage of lot occupied by building                                       | <u>36.06%</u>       | <u>Not stated</u>              |
| 8. Height of building   | <u>2 stories</u>    | <u>2 stories</u>               |
| 9. Area of lot  | <u>17,162.64 SF</u> | <u>14,000 SF</u>               |
| 10. Setback from front of property line measured from <u>Frelinghuysen Ave.</u> | <u>30.3'</u>        | <u>50'</u>                     |
| 11. Setback from left side line measured from <u>Frelinghuysen Ave.</u>         | <u>11.5'/16.5'</u>  | <u>5'/15'</u>                  |
| 12. Setback from rear property line measured from <u>Frelinghuysen Ave.</u>     | <u>0.9'</u>         | <u>20'</u>                     |
| 13. Percentage of impervious lot coverage                                       | _____               | <u>75%</u>                     |
14. Has there been any previous appeal involving these premises? \_\_\_\_\_
  15. If so, state character of appeal and date of disposition: \_\_\_\_\_  
See Resolutions included herein from 1985 and 1994
  16. Other contiguous lots owned by applicant or owner: No  
 Block(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_
  17. Are there currently any violations of building codes or zoning ordinances known to applicant (include non-conforming uses)? \_\_\_\_\_  
No
  18. Taxes paid to date: \_\_\_\_\_ See email from tax collector dated May 19, 2023  
 Signature of Tax Collector \_\_\_\_\_

05/24/2023  
 Date of Submission

Satyama Prasad  
 Applicant Signature

## **RIDER TO MINOR SITE PLAN APPLICATION**

**AMRUTHA, LLC**

**31 Frelinghuysen Avenue/ Block 44, Lot 5**

The Property is located at the corner of Frelinghuysen Avenue and Route 206. It is known as 31 Frelinghuysen Avenue and as Block 44, Lot 5 on the Raritan Borough tax maps. It is an existing lot with an existing building and parking area. The building on-site has been occupied by Bench Flooring for many years. The Applicant is proposing to use the building as a wine and liquor store, which is a permitted use. No other changes are proposed. The wine and liquor store use will include the selling floor area as well as a storage area, all of which will be located within the existing building space. The wine and liquor store will be accessed via the Frelinghuysen and Route 206 frontages of the building. The second floor of the building will continue to be used as an existing apartment. A small space that fronts on the Route 206 frontage of the building will be used for an ice cream parlor.

As set forth on the Application form there are a number of pre-existing site conditions that do not meet the zoning ordinance standards. These conditions are not being changed.

The wine and liquor store will operate from 10:00 a.m. to 10:00 p.m., as per the New Jersey State guidelines. In the Applicant's experience, customers stay in the store for a total of approximately 5-10 minutes. The proposed store floor layout is shown on the drawings enclosed.

**31 Frelinghuysen Avenue Raritan NJ - Building Size**

**1. First Floor – 6,189 SFT**

**Unit 1 (Proposed Wine & Liquor Store)**

**Total Area – 3,813 SFT**

**Retail Area – 3,211 SFT**

**Non-retail Area – 602 SFT (Cooler space – 535 SFT, Counter space – 51 SFT, Lock FSGC – 16 SFT)**

**Unit 2 (Proposed Wine & Liquor Store Storage)**

**Total Area (Non-Retail) – 973 SFT**

**Unit 3 (Retail Vacant Space, which is on front left corner on the plan)**

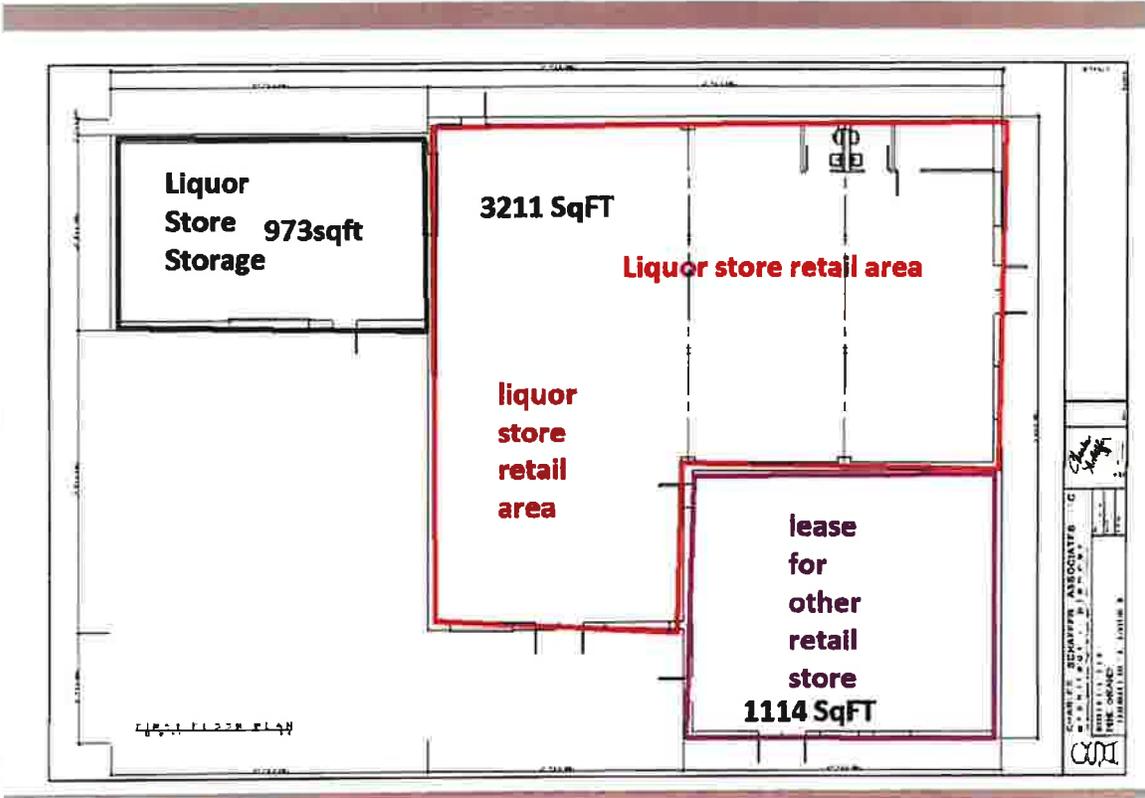
**Total Area – 1403 SFT**

**Retail Area – 1114 SFT**

**Non-retail Area – 289 SFT (Mechanical Room Area – 95 SFT, Stairs Area – 194 SFT)**

**2. Second Floor – 1,403 SFT**

**For details, See below layout diagram:**



LAND USE AND DEVELOPMENT

207 Attachment 3

**Borough of Raritan**

**Checklist 2**

For Determining Completeness of Application for  
**Minor 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 Amrutha, LLC Application No. \_\_\_\_\_

Block 44 Lot 5 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		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.
  9. Certification that applicant is owner or authorized agent, or consent of owner to file application.
- Minor site 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.
  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.
  14. The Tax Map sheet, and existing block and lot numbers of tract to be subdivided or developed and all adjacent lots.
  15. Scale, North arrow and original date, with any revision dates.
  16. Zoning district(s), including district names and zone schedule.

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	X			
X					
		X			

LAND USE AND DEVELOPMENT

- 17. Site plan layout, showing boundaries of site, natural features, all developed, undeveloped and to-be-developed portions of tract, including buildings, circulation, parking, landscaping.
- 18. Preliminary building plans, conceptual floor plans and elevations.
- 19. The locations of existing streets with names, utilities, easements and their purpose, restriction with description thereof, rights-of-way, streams and natural features, wetlands or floodplains and drain ditches.
- 20. Existing contours at sufficient intervals to determine general slope and natural drainage.
- 21. Location of existing sewer lines and waterlines to serve the tract.

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

RARITAN CODE

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.

## WAIVER REQUESTS, MINOR SITE PLAN CHECKLIST

AMRUTHA, LLC

31 Frelinghuysen Avenue/ Block 44, Lot 5

The Applicant is seeking waivers or partial waivers from the following items in the checklist for the following reasons:

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.*

Partial waiver requested. We have provided a survey in 1/2 size. We are requesting a waiver from the full size requirement as the 1/2 size provides all site details. We are requesting a waiver from submitting a site plan as the Property is fully developed. We are also submitting a former site plan from the last approval obtained for the Property. No changes to the Property are proposed from that which exist currently.

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.*

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.*

14. *The Tax Map sheet, and existing block and lot numbers of tract to be subdivided or developed and all adjacent lots.*

16. *Zoning district(s), including district names and zone schedule.*

17. *Site plan layout, showing boundaries of site, natural features, all developed, undeveloped and to-be-developed portions of tract, including buildings, circulation, parking, landscaping.*

20. *Existing contours at sufficient intervals to determine general slope and natural drainage.*

21. *Location of existing sewer lines and waterlines to serve the tract.*

Waiver or partial waiver requested for the above items. We are seeking waivers from the strict site plan requirements as the Property is fully developed. The conditions on the Property are existing and will continue. The survey includes the relevant details of the onsite conditions.

RESOLUTION BY THE PLANNING BOARD OF THE BOROUGH OF RARITAN  
GRANTING OF BULK VARIANCES

WHEREAS, THEODORE BENCH, owner under Contract of property commonly known as Lot 5, Block 44, as set forth on the tax map of the Borough Raritan, has applied to the Planning Board of the Borough of Raritan for the granting of a Variance and site plan approval to allow the conversion of a single family residence into a retail and wholesale carpet business consisting of a warehouse, office and a showroom, and;

WHEREAS, the Planning Board of the Borough of Raritan heard testimony from the owner under Contract and from Herbert A. Lauterwald, Jr., Professional Engineer and Land Surveyor, retained by the applicant and considered the site plan marked into evidence prepared by said Herbert A. Lauterwald, dated May 1985, and;

WHEREAS, the Planning Board also heard testimony from various adjoining property owners expressing concern with the Use in question, drainage of the property in question, the properties compliance with all fire regulations, and the buffering of the property in question, and;

WHEREAS, the Planning Board, concerned with the effect of the change of Use and granting of bulk variances would have on adjoining residential properties, insisted that site plan approval not be granted at this time until further architectural renderings are presented to the Board to allow the Board to make an appropriate judgment, and;

WHEREAS, the Planning Board, after considering all of the testimony and evidence on behalf of the applicant, has made the following findings of fact:

1. The property in question consists of 16,875 square feet and is located in the B3 zone. The proposed Use complies

with the Uses permitted in the zone in question, and the size of the lot is in excess of the minimum required.

2. The only bulk violation involved in the within application consists of the lot width, front yard set-back, parking spaces provided, and the buffering detail. In terms of the front yard set-back, although there is a 50 foot minimum requirement and the applicant is only 31 feet, this set back is in accordance with the other adjoining properties in the area, and hence in conformity with the existing development. The lot width violation is rather insignificant since the requirement is 120 feet and the applicant has provided 103 feet.

3. Although the number of parking spaces required according to the zoning code is 39, and the applicant proposes only 15 at the present time with six additional potential parking spaces, the applicant has testified based on a similar business maintained in Manville that the maximum number of cars utilizing the business projected by him would be between nine and ten since only four or five cars are used at his present business which is approximately half the size of the proposed business.

4. The applicant further testified that a large portion of the proposed building would be utilized for warehouse storage (4,400 square feet) and that the showroom would be restricted to 1,000 square feet and the office 1,160 square feet.

5. Based upon the applicant's testimony, the number of parking spaces appear to be adequate at this time. The applicant further indicated that the parking situation would be kept to a minimum on a basis of the fact that only two or three shipments will be received on the property in question during any given week, and those shipments will not be from tractor trailer type vehicles but from 14 to 15 foot trucks.

6. The applicant also testified that any material to be disposed of will be disposed of at the customers personal

residence, or the customer's business when the installation of rugs will be completed.

7. The applicant further testified that the business would be conducted between 10:00 a.m. and 5:00 p.m. on a daily basis Monday through Friday and Thursday the business would be opened until 8:30 p.m. On Saturdays the business would be conducted from 10:00 a.m. until 3:00 p.m. The existing building and proposed new additions will not exceed two and a half stories.

8. The applicant also testified that he would submit to a condition that no tractor trailer frequent the premises. The Borough Engineer indicated in his correspondence that there is a buffer requirement between the B3 zone and the adjoining residential R3 zone of 50 feet along the rear and perhaps the side yard of the property in question. Although the applicant has indicated that he has not proposed such a buffer, it appears that adequate alternative buffering can be supplied and will be reviewed in detail during site plan consideration. The Adjoining neighbors testified that they would be satisfied with the installation of a stockade fence along the periphery of the premises in question with the exception of the westerly sideline of the property from Frelinghuysen Avenue 31 feet back to the set back of the building in question.

9. The applicant testified that at site plan review he would be willing to install said buffer in the area in question.

10. The engineer also indicated that drainage calculations still must be submitted to evaluate the drainage situation in the handling of the runoff and that an NJDOT drainage permit is also necessary. The engineer further indicated that the NJDOT should be consulted as to the curb cuts and a deceleration and acceleration lane should be constructed

as part of the new curbing along Route 206. The turning radii at the entrance drive should accomodate any truck delivery traffic.

Based upon the foregoing, the Planning Board of the Borough of Raritan reached the following ultimate conclusions:

1. That the within application is for bulk variances only and that the Use proposed is permitted in the zone.

2. That the property in question is in excess of the size required for the B3 zone, and the only variances involve set back, lot width, parking and buffer. Although the set back line is violated, it is in compliance with the other structures in the neighborhood, and the lot width violation is minor in scope. It is impossible to comply with the buffer requirement giving the confines of the lot in question, although the adjoining property owners seem to be satisfied with the installation of a stockade fence. The parking provided should be sufficient for the Use in question since its partially confined to a warehouse facility.

3. Certain statutory purposes will be encouraged by the granting of the Variance including allowing for the appropriate use of the premises in question in accordance with the zone, providing for a variety of residential and commercial Uses in order to meet the needs of all New Jersey citizens, and providing for the more efficient use of land and the maximum utilization of renewable energy sources by reusing the existing structure in question.

4. The only detriment to the granting of the Variance is securing adequate buffering for the adjoining property owners, which seems to be satisfied by the installation of the stockade fence requested by the adjoining property owners. The parking facility seems to be satisfactory based upon the applicant's testimony given the use of the property in question.

5. There seems to be no substantial detriment to the public good, particularly if the structure to be developed on the

property is reviewed (architectural renderings) at site plan review level, and there seems to be no substantial impairment to the intent and purpose of the zone plan and ordinance.

NOW WHEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Raritan that the within application with the Bulk Variances aforesaid be and is hereby approved subject to the following terms and conditions:

1. No tractor trailer shall make deliveries to the premises in question.
2. That the existing and new structure be set back 31 feet from Frelinghuysen Avenue in accordance with the plot plan submitted.
3. That all other improvements shall be installed in accordance with the plot plan submitted by Herbert A. Lauterwald, Jr., dated May 1, 1985.
4. Subject to final site plan approval at which time architectural renderings of the premises in question shall be submitted to the Planning Board.

PROPOSED BY: \_\_\_\_\_  
Frederick Dirla

SECONDED BY: \_\_\_\_\_  
Gino DeLuca

DATED: \_\_\_\_\_  
June 26, 1985

**RESOLUTION BY THE PLANNING BOARD OF THE BOROUGH OF RARITAN  
GRANTING BULK VARIANCES FOR THE INSTALLATION OF  
SIX NEW PARKING SPACES AND NEW REAR ADDITION**

WHEREAS, THEODORE C. BENCH AND RONALD C. BENCH, owners of property commonly known as Lot 5, Block 44, as set forth on the Tax Map of the Borough of Raritan, have applied to the Planning Board of the Borough of Raritan for expansion of their utilization of the property in question by the installation of the new addition and six additional parking spaces, and;

WHEREAS, the Board marked into evidence site plan prepared by Herbert A. Lauterwald, Jr. dated October 6, 1993, and;

WHEREAS, the Board also considered the testimony of Donald C. Bench, and;

WHEREAS, various adjoining property owners appeared expressing their concern with the expansion in question, and;

WHEREAS, the Board, after carefully considering all of the evidence, made the following findings of fact:

1. The property in question consists of 60,875 square feet, upon which is located a retail carpet sales and installation business, which is a permitted use in the B-3 zone.

2. The applicant testified that the State of New Jersey was in the process of condemning the frontage along Route 206, which, in effect, would eliminate three of its parking spaces.

3. The applicant also indicated that he proposed to install an addition on the southwest corner of the property in question with dimensions of 24 by 40 feet to be used for the storage and transportation vehicles delivering carpet.

4. Referring to a portion of the original Resolution granting site plan approval, the applicant made mention of the fact that the zoning requirement was to provide 39 parking spaces, but the applicant could only provide 15 at that time, leaving six potential additional spaces for when they became necessary.

5. The applicant's inquiry was that, now that they had become necessary, mainly because of the condemnation in question, would the Board consider allowing the same. Left unaddressed was the loss of some of the parking spaces to accommodate the proposed addition. However, a review of the plans seem to indicate that perhaps only three or four additional parking spaces could be picked up in this location. In any event, the applicant testified that he proposed to install six new parking spaces in the front of his facility along Frelinghuysen Avenue. Access would be gained through the present entrance way to the existing structure in question, with the entrance way simply expanded in allowing for the additional parking spaces in the front yard of the property in question.

6. The applicant was also questioned as to the existing fences along the westerly and southerly sidelines of the property, which were used as a buffer for adjoining property owners. He testified that the fences were in somewhat poor condition. The adjoining property owners indicated that the fence was probably not necessary along the westerly side since that side was effectively shielded by the

buildings in question. The adjoining property owners along the southern border of the property, however, continued to evidence concern that the southern dilapidated fence needed to be repaired and sections replaced.

7. The Borough Engineer raised a number of questions in addition to the fence situation, including the relocation of the dumpster, the need for new driveway openings on Frelinghuysen Avenue and the possible extension of sidewalks along the properties fronting on Frelinghuysen Avenue in lieu of sidewalk installation along Route 206. The need for County approval and shade tree installation was also mentioned by the Borough Engineer.

8. The concerns raised by the Engineer were met with a positive response from the applicant, and he also agreed to install curbing around the new parking lot for the six cars in question and agreed to use the same construction material and coloration on the proposed additional building.

9. There were numerous bulk violations generated by the within application as set forth in the following table. However, most of these violations represent pre-existing conditions and are certainly unavoidable, given the location, layout and configuration of the property in question.

	<b>REQUIRED/ALLOWED</b>	<b>PROPOSED</b>
LOT AREA	14,000 SQ. FT.	16,875 SQ. FT.
LOT WIDTH	120 FT.	103 FT. (EXISTING)
FRONT YARD	50 FT.	30 FT. (EXISTING)
REAR YARD	20 FT.	5 FT. *
ONE SIDE YARD	5 FT.	5 FT.
BOTH SIDE YARDS	15 FT.	15 FT.
EXISTING SIDE YARDS	15 FT.	--
BUILDING HEIGHT	2 STORY (28')	EXISTING
LOT COVERAGE	30%	37%
PARKING	46	17*

**\*DENOTES VARIANCE REQUIRED**

Based upon the foregoing, the Planning Board of the Borough of Raritan reached the following ultimate conclusions:

1. The use proposed is permitted in the area, and the expansion, which results in numerous bulk variances, seems to be a logical extension of the former site plan approval granted to the applicant.
2. In terms of the bulk violations, although they seem to be numerous and include lot coverage and side yard violation, they appear to be inescapable given the lot size, location and configuration of the same.
3. There are certain statutory purposes served by the granting of the variance, including promotion of health and safety by the installation of necessary parking and the promotion of utilization of renewable energy resources by the continuing utilization of the existing building for a permitted use.

4. The benefits derived by the granting of the within bulk variances, including the safety benefits and the allowance of the applicant to effectively utilize the premises, outweigh the detriments in terms of the bulk variances, most of which are unavoidable due to the lot's location and the recent condemnation procedure.

5. In terms of the negative criteria, there would be no substantial impairment to the public good since protection from the bulk violations will be afforded the adjoining residential areas, both by repairing the fencing in question and additional buffering gained by the installation of the additional structure.

6. In terms of the impairment to the intent and purpose of the zoning ordinance, although there are some substantial violations, again, they seem to be unavoidable under the circumstances.

**NOW, WHEREFORE, BE IT RESOLVED BY THE** Planning Board of the Borough of Raritan that the within application for site plan approval, together with bulk variances, be and is hereby approved subject to the following terms and conditions:

1. The present stockade fence located along the westerly sideline of the premises shall be removed.

2. The fence along the southerly sideline portion of the premises shall be repaired and replaced, where necessary.

3. The garbage dumpster shall be maintained inside the premises.

4. A new driveway opening from Frelinghuysen Avenue shall be constructed. Details must be presented to the Borough Engineer for a depressed

curb and patching the roadway. Similarly, a permit must be secured from Somerset County for the driveway opening.

5. A stone cavity is proposed for means of control of runoff from the proposed parking, and the run-off system is connected to the State Highway system. Therefore, the within approval is subject to the approval from the N.J.D.O.T.

6. In lieu of construction of sidewalk along the easterly sideline of the property near Route 206, the applicant shall install sidewalk in front of lots 3, 4 and 5 (its own lot) in the public right-of-way. The sidewalk shall continue to within five feet of Route 206 and terminate at that point.

7. A shade tree shall be planted by the applicant along the westerly sideline of its property near Frelinghuysen Avenue (the vicinity of the new parking lot), which is subject to the approval of the Borough Engineer.

8. Curbing shall be provided around the entire new parking lot.

PROPOSED BY: \_\_\_\_\_  
Ronald Kortbawi  
SECONDED BY: \_\_\_\_\_  
Anthony Sacino  
DATED: \_\_\_\_\_  
March 23, 1994





