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December 27, 2023

VIA HAND DELIVERY

Lou Gara
Zoning Officer
Borough of Raritan
22 First Street
Raritan, New Jersey 08869

Re: Raritan Crossing, LLC
Block 112, Lot 3
Block 116.01 Lots, 25, 26.01, 27, 27.01

Dear Mr. Gara:

This firm represents Raritan Crossing, LLC (“Applicant”) with regard to an Amended Preliminary and Final Site Plan Application for the above referenced property in the Borough of Raritan, which supplements the application materials submitted under cover letter dated November 2, 2023. In support of the application, please find the following materials:

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

- Amended Preliminary Site Plan and Final Site Plan Application with Rider.
- Letter dated December 21, 2023 from David A. Stires, LLC in response to Van Cleef letter dated November 24, 2023.
- Parking Easement Agreement dated March 29, 2023 between Raritan Mall, LLC and Raritan Crossing, LLC recorded with the Somerset County Clerk’s Office on April 3, 2023 in Book 7499 at Pages 2204-2211 as Instrument Number: 2023008187.
- “Amended Preliminary and Final Site Plan, Raritan Crossing, LLC,” prepared by David A. Stires Associates, LLC, dated October 30, 2023, revised per Board comments dated December 14, 2023 (22 half-size sets).

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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- “Raritan Crossing Multifamily Redevelopment”, Architectural Plans, prepared by MidAtlantic Architecture and Design, dated October 31, 2023.

2) Four (4) full sized sets of “Amended Preliminary and Final Site Plan, Raritan Crossing, LLC”, prepared by David A. Stires Associates, LLC, dated October 30, 2023, revised per Board comments dated December 14, 2023. One (1) full sized set was sent to each of the Board Engineer and the Board attorney.

3) Six (6) full sized sets of “Raritan Crossing Multifamily Redevelopment”, Architectural Plans, prepared by MidAtlantic Architecture and Design, dated October 31, 2023.

4) USB drive (containing documents)

Thank you for your attention to this matter. Please advise if you require anything further. We look forward to presenting this application at the January 24, 2024 meeting.

Sincerely,



Susan R. Rubright

SRR
Enclosures

cc: Stan Schrek, Board Engineer
Raritan Crossing, LLC
Applicant's Professionals

BOROUGH OF RANTAN 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: 116.01 _____ Fee Received: _____
Lot(s): 25, 26.01, 27, 27.01, B 112/Lot 3 _____ Board of Adjustment No.: _____
Zone: B-3 and B-2 _____ Planning Board No.: _____
Street: Somerset St & Rt. 206 South _____ Phone No.: _____

NATURE OF APPLICATION AND/OR RELIEF REQUESTED:

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

DESCRIPTION OF PROPOSED PREMISES AND USE:

- Record Title Owner Rantan Crossing, LLC
Address 1250 Rt 202, Suite 101, Branchburg, NJ 08876
- Applicant Same
Address _____
- Date of purchase 2014
- Current (or last) use Shopping Center
- Size of parcel(s) 150,358 SF Size of building _____
Total square feet (in all floors) _____
- Number of new lots (including remainder) N/A

	PROVIDED	REQUIREMENT OF ZONE B-3 & B-2 but redevelopment area requirements apply
7. Percentage of lot occupied by building	_____	_____
8. Height of building	_____	_____
9. Area of lot	<u>150,358 SF</u>	<u>11,000 SF</u>
10. Setback from front of property line	_____	_____
11. Setback from left side line	_____	_____
12. Setback from rear property line	_____	_____
13. Percentage of impervious lot coverage	_____	_____

- Has there been any previous appeal involving these premises? Yes
- If so, state character of appeal and date of disposition: _____
Preliminary site plan approval granted. Resolution 2023-08-PB (see attached) Seeking amended preliminary herein to include use of parking spaces on adjoining lot 11.01
- Other contiguous lots owned by applicant or owner: _____
Block(s) _____ Lot(s) N/A BI 116.01, along with final site plan approval.
- Are there currently any violations of building codes or zoning ordinances known to applicant (include non-conforming uses)?
No
- Taxes paid to date. Yes, please see attached list from Borough website.
Signature of Tax Collector _____

December 27, 2023
Date of Submission _____ Applicant Signature David Gardner

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)	_____
<u> X </u>	"c" variance appeal	_____
_____	"d" variance appeal	_____
_____	Other	_____

REQUEST FOR "C" VARIANCE INFORMATION

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

The Applicant is seeking a variance for the number of parking spaces; 218 are required and 213 will be provided. The application initially complied with the required number of spaces but due to changes in the entrance to the parking deck area and the access driveway 5 spaces were removed. The Parking Agreement with the neighboring property provides 26 parking spaces which supports the grant of the variance for the 5 spaces on site.

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

The changes to the access drive and to the building entrance that create the changes necessitating the variance enhance safety and were discussed by the Board and Applicant during the preliminary site plan hearings.

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.)

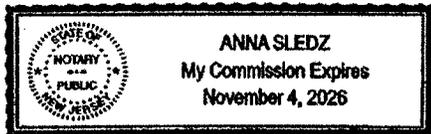
Certification of Raritan Mall, LLC Consenting to Reference to Parking Easement
in Raritan Crossing, LLC 's Amended Preliminary and Final Site Plan
Application

I certify that I am the representative of the Owner of Raritan Mall, LLC, which owns property known as Block 116.01, Lot 11.01 on the Borough of Raritan tax maps. Raritan Mall, LLC entered into an easement agreement with Raritan Crossing, LLC recorded in the Somerset County Clerk's Office on April 3, 2023 in Book 7499 at pages 2204-2211 allowing Raritan Crossing, LLC to use 26 parking spaces and adjacent drive aisles on Raritan Mall's property on a nonexclusive perpetual basis ("Parking Easement"). I understand that Raritan Crossing, LLC has included the use of the 26 spaces and drive aisles in an amended preliminary and final site plan application ("Application") before the Raritan Borough Planning Board. I consent to such reference to the Parking Easement in the Application.



Leonid Dimentman, Managing Member

Sworn to and subscribed
before me this 21 day of
December, 2023



RIDER

AMENDED PRELIMINARY SITE PLAN AND FINAL SITE PLAN APPLICATION

RARITAN CROSSING, LLC

Raritan Crossing, LLC ("Applicant") is the owner of the subject property that comprises five (5) tax lots known as Block 116.01, Lots 25, 26.01, 27 and 27.01 and Block 112, Lot 3 on the Borough of Raritan tax maps (the "Property") and is seeking to redevelop the Property in conformance with the "Raritan Crossing Redevelopment Plan" prepared by Van Cleef Engineering Associates, LLC (the "Redevelopment Plan"). The Redevelopment Plan was adopted by the Borough Council by Ordinance 2022-10 at its meeting on July 12, 2022. The Applicant is seeking herein Amended Preliminary Site Plan and Final Site Plan approval.

The Applicant is proposing to replace an existing commercial building on a portion of the Property and redevelop it with a four (4) story residential apartment building with underground parking, consistent with the standards set out in Section 4. A and B of the Redevelopment Plan. Twelve (12) Affordable Housing units will be provided in accordance with the requirements for same set out in Section 4. C of the Redevelopment Plan. The standards set forth in the Redevelopment Plan are considered an overlay to all provisions of the Borough of Raritan Land Use and Development Ordinance regulating development of the Property. The existing commercial strip center and stand-alone commercial office building on the Property are permitted uses in the underlying B-3 zone and will remain as permitted under the Redevelopment Plan, Section 4 A.1.

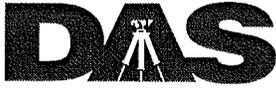
The Applicant received Preliminary Major Site Plan Approval from the Raritan Borough Planning Board on March 22, 2023 with Resolution No. 2023-08-PB adopted on April 26, 2023. The Board also granted a variance for insufficient front yard setback of the new residential building. The front yard setback of the existing commercial building to be removed is 30.5 feet. The new residential building will have a setback of 37.39 feet, making it less non-conforming but still necessitating a variance from the required setback of 50 feet. The Board found that the variance could be granted under both the "hardship" standard under N.J.S.A. 40:55D-70c(1) and the "better zoning alternative" standard under N.J.S.A. 40:55D-70c(2)

During the hearings the Applicant established that the application complied with the required number of parking spaces; 218 required and provided. Subsequently, in addressing conditions of approval, the Applicant made changes to the entrances to the parking garage, ultimately resulting in the loss of five (5) parking spaces. The Applicant is requesting a variance for these parking spaces.

Due to comments expressed by the Board regarding the number of parking spaces available at certain peak times, the Applicant agreed to work with the adjoining property owner of Block 116.01, Lot 11.01 to use parking spaces on the adjoining lot as overflow and/or employee parking spaces. The Applicant was subsequently able to enter into an easement agreement with the neighboring property owner to use 26 parking spaces and adjacent drive aisles on a perpetual basis. A copy of that easement agreement has been provided to the Board previously and another copy is included herein.

The use of the spaces on the adjoining lot eliminates the need for the variance for the parking spaces on site, or alternatively, serves as support for the grant of the variance. In sum, the required number of parking spaces is 218. Two hundred thirteen (213) will be provided on site and 26 spaces will be available on adjoining Block 116.01, Lot 11.01. Based on these changes the Applicant is seeking Amended Preliminary Major Site Plan Approval to include the use of the parking area on neighboring Lot 11.01, Block 116.01.

The Applicant is also seeking Final Major Site Plan Approval. The Application complies with all checklist requirements except, as in the Preliminary Site Plan application, the Applicant continues to request a waiver from the requirement to submit an Environmental Impact Statement (checklist item # 35) given the developed nature of the property. The application has also been reviewed by the New Jersey Department of Environmental Protection (NJDEP) and required conditions are included in a Deed Restriction (see copy attached). Cost estimates of all on-site improvements (checklist item #33) are pending and will be submitted for review to the Board engineer.



DAVID A. STIRES ASSOCIATES, LLC.

ENGINEERS • SURVEYORS • PLANNERS • ENVIRONMENTALISTS

David A. Stires, PE, PP, CME
George H. Folk, PE, PP
Gary V. Marmo, PLS

December 21, 2023

HAND DELIVERED

Lou Gara, Zoning Official
Borough of Raritan Municipal Building
22 First Street
Raritan, New Jersey 08869

**Re: Land Use Board Application
Raritan Crossing
Amended Preliminary & Final Site Plan w/variances
Lots 25, 26.01, 27 & 27.01, Block 116.01 and Lot 3 Block 112
East Somerset Street & Route 206 South
Borough of Raritan, Somerset County, NJ**

Dear Mr. Gara:

Enclosed please find herewith the following information necessary for the applicant, Raritan Crossing, LLC,, to achieve Land Use Board approval. The plans have been revised pursuant to the outstanding memorandum from Van Cleef dated November 24, 2023.

The following is an itemized account of the revisions performed to comport with said memo.

I. Completeness Review:

The Applicant has submitted an application for ~~Minor-Subdivision~~, Preliminary and Final Major Site Plan and has provided the associated checklists and plans to be considered by the Board. Should the Board not approve the waivers and/or the Applicant does not address the items in an acceptable manner to the Board, the Application should be deemed incomplete:

At the January 25, 2023 Planning Board Hearing, the Board deemed this application complete with all associated waivers and temporary waivers. The following exists as a record of temporary waivers with requirements to be addressed by the Applicant at a future date with updated from the November 2023 Final Site Plan Application **bolded in black**:

1. ~~Minor-Subdivision-Checklist~~

- a. ~~§207-47.B(1)(17) Boundary and acreage of original tract; number, acreage and configuration of all new lots; dimension of all lot lines; lot areas in square feet; required setback lines; dimensions to existing~~

structure.

~~(2022-11-24) Temporary Waiver Required – The Applicant's plans show the zoning and setback information for each existing and proposed building, however the zoning bulk schedule is configured for the overall parcel whereas each block and lot should be listed separately, therefore a waiver is required. As this project wholly comprising the redevelopment area, this office takes no exception to this presentation of the existing zoning data.~~

~~This comment is no longer applicable – Applicant has withdrawn the Minor Subdivision.~~

2. Preliminary Site Plan Checklist

- a. §207-47.B(5)(17) – Plans shall show or include the following: 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.

~~(2022-11-24) Testimony Required – Applicant has provided plans that generally indicate what structures are to be removed, however due to the lack of adequate legibility, it is not clear precisely what items are being removed. Testimony shall be provided by the Applicant at the Planning Board Hearing as to what structures are being eliminated, and a proper demolition plan should be prepared to support the testimony.~~

~~(2023-01-25) Outstanding – Demolition plan should be revised to clearly show what is being removed prior to final submission.~~

~~(2023-11-22) Outstanding – Above comment remains.~~

The plans have been revised to include the itemized demolition details.

- b. §207-47.B(5)(19) – Plans shall show or include the following: An index for the complete set of plans.

~~(2022-11-24) Temporary Waiver Required – The site plans submitted by the Applicant include an index for the site plan drawings, but the architectural plans do not have a sheet index, whereas one is required, therefore a waiver is required. It is understood that the architectural plans submitted for this sake are not comprehensive, and only intended for site plan and minor subdivision approval, therefore this office takes no exception to waiving this requirement.~~

~~(2023-01-25) Outstanding – Board must decide on granting a waiver.~~

~~This comment is no longer applicable.~~

- c. §207-47.B(5)(22) – Plans shall show or include the following: 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.

~~(2022-11-24) Temporary Waiver Required – The Applicant's site plan does not include profiles and cross sections whereas these are required, therefore a waiver is required. Applicant has requested a waiver from this requirements. This office takes no objection to waiving this requirement.~~

~~(2023-01-25) Outstanding – Board must decide on granting a waiver.~~

~~This comment is no longer applicable.~~

- d. §207-47.B(5)(26 to 36) – Checklist 5 – Preliminary Site Plan Checklist

~~(2022-11-24) Temporary Waiver Required – Applicant neglected to submit page 4 of Checklist 5, Preliminary Site Plan Checklist. The comments on these completeness items are otherwise covered under Checklist 6, which was submitted, therefore this office takes no exception in granting this waiver. For the sake of expedited review, any comments applicable to items 26-36 on Checklist 5 will be made in Checklist 6 instead.~~

~~(2023-01-25) Outstanding – Board must decide on granting a waiver.~~

~~This comment is no longer applicable.~~

3. Final Site Plan Checklist

- a. §207-47.B(6)(17) – Plans shall show or include the following: 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.

(2022-11-24) Testimony Required – Applicant has provided plans that generally indicate what structures are to be removed, however due to the lack of adequate legibility, it is not clear precisely what items are being

removed. Testimony shall be provided by the Applicant at the Planning Board Hearing as to what structures are being eliminated, and a proper demolition plan should be prepared to support the testimony.

(2023-01-25) Outstanding – Demolition plan should be revised to clearly show what is being removed prior to final submission.

(2023-11-22) Outstanding – Above comment remains.

The plans have been revised accordingly.

- b. §207-47.B(6)(19) – Plans shall show or include the following: An index for the complete set of plans.
~~(2022-11-24) Temporary Waiver Required – The site plans submitted by the Applicant include an index for the site plan drawings, but the architectural plans do not have a sheet index, whereas one is required, therefore a waiver is required. It is understood that the architectural plans submitted for this sake are not comprehensive, and only intended for site plan and minor subdivision approval, therefore this office takes no exception to waiving this requirement.~~
~~(2023-01-25) Outstanding – Board must decide on granting a waiver.~~
This comment is no longer applicable.
- c. §207-47.B(6)(22) – Plans shall show or include the following: 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.
~~(2022-11-24) Temporary Waiver Required – The Applicant's site plan does not include profiles and cross sections whereas these are required, therefore a waiver is required. Applicant has requested a waiver from this requirements. This office takes no objection to waiving this requirement.~~
~~(2023-01-25) Outstanding – Board must decide on granting a waiver.~~
This comment is no longer applicable.
- d. §207-47.B(6)(27) – Plans shall show or include the following: All existing and proposed signs and lighting standards, utility poles and their sizes, type of contraction and location.
~~(2022-11-24) Temporary Waiver Required – The Applicant's plans do not show the existing utility pole sizes and heights or the existing signage sizes or heights where this is required, therefore a waiver is required. This office takes no exception to waiving this requirement provided the proposed lighting and signage meets the requirements of the redevelopment plan.~~
~~(2023-01-25) Outstanding – Board must decide on granting a waiver.~~
This comment is no longer applicable.
- e. §207-47.B(6)(33) – Plans shall show or include the following: Cost estimates of all on-site improvements.
(2022-11-24) Waiver Requested – The Applicant has not provided cost estimates of all on-site improvements. Applicant has requested a waiving from this requirement. It is understood that this will be required prior to construction as part of the bonding requirements associated with the proposed improvements. Therefore, this office takes no exception to granting this waiving at this time.
(2023-01-25) Outstanding – Board must decide on granting a waiver.
(2023-02-17) Complete
- f. §207-47.B(6)(35) – Plans shall show or include the following: Environmental Impact Statement
(2022-11-24) Waiver Requested – The Applicant has not provided an Environmental Impact Statement whereas one is required, therefore a waiver is required. Applicant has requested a waiver from this requirement. While this office takes no issue granting this waiver for completeness and scheduling a Planning Board Hearing, the Environmental Impact Statement, or at the very least, a Stormwater Management Statement, should be provided, as the proposed improvements are considered a “Major Development” pursuant to the New Jersey Department of Environmental Protection’s (NJDEP) Stormwater Regulations, codified under N.J.A.C 7:8. Furthermore, the site is located within a regulated flood hazard area, and may be subject to NJDEP flood hazard area permits which may require an Environmental Impact Statement despite the Borough of Raritan waiving this requirement. Therefore, this office believes it prudent not to permanently waive this requirement for this particular project.

(2023-01-25) Outstanding – Board must decide on granting a temporary waiver for this requirement.

(2023-02-17) Complete

- g. §207-47.B(6)(36) – Plans shall show or include the following: Final contours on site and within 100 feet at two-inch intervals; final elevations at the building corners, paved areas and property corners.

(2022-11-24) Temporary Waiver Required – The Applicant’s plans do not show the final elevations at all of the building corners, paved areas or property corners, whereas this is required, therefore a waiver is required. The grading plan is coherent enough for deeming this application complete, however the spot elevations should be greatly increased prior to granting any approvals on this application, therefore this office takes no exception to granting this waiver.

(2023-01-25) Outstanding – Board must decide on granting a waiver.

(2023-02-17) Complete

III. Zoning

The subject site consists of the same blocks and lots as the Raritan Crossing Redevelopment Area: Block 116.01, Lots 25, 26.01, 27 and 27.01; and Block 112, Lot 3. The Raritan Crossing Redevelopment Plan, which was adopted on July 12, 2022 as Ordinance 2022-10. This adopted ordinance replaces the existing zoning parameters with the requirements located within the Redevelopment Plan. There are some minor variances to the bulk requirements of the Raritan Crossing Redevelopment Plan, however they are minor in nature or resulting of existing conditions that are not being affected by the proposed improvements. Please see the table on the following sheet that outlines the variances associated with the subject site in both the whole parcel view and as an individual lot view:

RARITAN CROSSING REDEVELOPMENT AREA
(BLOCK 116.01, LOTS 25, 26.01, 27 & 27.01; BLOCK 112, LOT 3)

DESCRIPTION	REQUIRED	EXISTING	PROPOSED (OVERALL)
Min. Lot Size (SF)	11,000	150,358	150,358
Front (Route 206) Setback (FT)	50	30.5	37.38 (V)
Building Setback – Side Yard (FT)	10	44.8	26.68
Building Setback – Rear Yard (FT)	10	13.2	13.2
Parking Setback – Building (FT)	5	0 (E)	0 (E)
Parking Setback – Side Yard (FT)	5	0 (E)	0 (E)
Parking Setback – Rear Yard (FT)	5	~3 (E)	N/A
Max. Impervious Cover (%)	85%	90.2% (E)	82.9%
Max. Bldg. Height	4 Stories 60 FT	3 Stories 34 FT	4 Stories 60 FT
(E) – Existing, Non-Conforming Condition (V) - Variance			

a. Variances

Per the Planning Board Resolution 2023-08-PB, dated April 26, 2023, the below variances were approved as part of the preliminary site plan application process. The changes to the site plan do not warrant any changes to the approved variances below.

- ~~i. Raritan Crossing Redevelopment Plan - Section 4.A.3)f.iii – Signs: “Building identification signs, not to exceed 10 square feet each, and limited to one per building face for faces fronting on either a street or parking lot.~~

~~(2022-11-24) Variance Required – Applicant is proposing two building mounted signs that each have a size of approximately 17.5 square feet each whereas 10 square feet is the maximum permitted per building face, therefore a variance is required. It is noted that this sign is mounted on the corner of the building facing Route 206 and is intended for building identification only.~~

~~(2023-01-25) Outstanding – Board must decide on granting a variance, testimony should be provided.~~
- ~~ii. Raritan Crossing Redevelopment Plan – Section 4.B.1) – Maximum Lot Coverage: 85% (Lot B)~~

~~(2022-11-24) Variance Requested – Applicant is proposing a maximum lot coverage of 96.0%, whereas 85% is the maximum permitted, therefore a variance is required. It is noted that this is an existing, non-conforming condition that is being unchanged, also, the overall tract is compliant as a result of the improvement to the adjacent Lot A. The Applicant has requested this variance.~~

~~(2023-02-17) Comment is no longer applicable.~~
- ~~iii. Raritan Crossing Redevelopment Plan – Section 4.B.2)a – Building Setbacks: From Route 206: minimum 50 feet (Lot A) (Overall Tract)~~

~~(2022-11-24) Variance Requested – Applicant is proposing a new residential complex 37.39 feet from Route 206 whereas the minimum is 50 feet, therefore a variance is required. It is noted that this is an improvement from the existing non-conforming condition of 30.5 feet. Applicant is requesting this variance.~~

~~(2023-01-25) Outstanding – Board must decide on granting a variance.~~
- ~~iv. Raritan Crossing Redevelopment Plan – Section 4.B.2)a – Building Setbacks: From Route 206: minimum 50 feet (Lot B) (Overall Tract)~~

~~(2022-11-24) Variance Requested – Applicant is proposing an existing building 34.00 feet from Route 206 whereas the minimum is 50 feet, therefore a variance is required. It is noted that this is an existing, non-conforming condition that is not being altered in any way. Applicant is requesting this variance.~~

~~(2023-01-25) Outstanding – Board must decide on granting a variance.~~
- ~~v. Raritan Crossing Redevelopment Plan – Section 4.B.2)b – Building Setbacks: To rear and side tract boundaries: to be determined and established by the Planning Board within site plan review and approval, but to be, at a minimum no closer than 10 feet (Lot A)~~

~~(2022-11-24) Variance Requested – Applicant is proposing a new residential complex with a 3.24 feet side yard setback whereas the minimum is 10 feet, therefore a variance is required. It is noted that this is an internal lot boundary formed as a result of the minor subdivision and that it is for the basement of the garage. The smallest distance from the building to other rear or side yards is 26.68 feet, which is compliant. Applicant has requested this variance.~~

~~(2023-01-25) Comment is no longer applicable.~~
- ~~vi. Raritan Crossing Redevelopment Plan – Section 4.B.2)b – Building Setbacks: To rear and side tract boundaries: to be determined and established by the Planning Board within site plan review and approval, but to be, at a minimum no closer than 10 feet (Lot B)~~

~~(2022-11-24) Variance Requested – Applicant is proposing an existing building with a 2.52 feet side yard setback whereas the minimum is 10 feet, therefore a variance is required. It is noted that this is an internal lot boundary formed as a result of the minor subdivision and that it is for an existing building that is otherwise unchanged. The smallest distance from the building to other rear or side yards is 13.32 feet, which is compliant. Applicant has requested this variance.~~

~~(2023-01-25) Comment is no longer applicable.~~

- vii. Raritan Crossing Redevelopment Plan – Section 4.B.3) – Parking Setbacks (Lot-B)-(Overall Tract)
(2022-11-24) Variance Requested – Applicant is proposing parking immediately adjacent to the building, whereas at least 5 feet is required, therefore a variance is required. It is noted that this is an existing, non-conforming condition that is not being altered in any way. The Applicant has requested this variance.
(2023-01-25) Outstanding – Board must decide on granting a variance.
- viii. Raritan Crossing Redevelopment Plan – Section 4.C – Affordable Housing.
(2022-11-24) Testimony Required – Applicant is providing 12 units as Affordable Housing. The breakdown is for two 1-bedroom units, seven 2-bedroom units, and three 3-bedroom units. Testimony is required to the spread of income information associated with each unit. Pursuant to the Borough of Raritan Fair Share Plan, adopted on February 9, 2022, Table-9 on Page 16 shows the required breakdown, including 2 units for very low income 4 units for low income, and 6 units for moderate income.
(2023-01-25) Outstanding – Testimony has not yet been provided.
(2023-02-17) Complete
- ix. Raritan Crossing Redevelopment Plan – Section 5.G – Off-Street Parking and Loading (Overall Tract) (2022-11-24) Testimony Required – Applicant has provided plans that indicate an overall parking count that meets the requirements, but only does so for the overall tract. Applicant shall provide testimony to the individual lot breakdown of the parking requirements.
(2023-01-25) Outstanding – Testimony has not yet been provided.

b. Design Waivers

- i. Raritan Crossing Redevelopment Plan – Section 4.B.10) – Traffic Circulation
(2022-11-24) Testimony Required – Applicant shall provide testimony to the pedestrian access to Glaser Avenue and Orlando Drive as required by this section of the Redevelopment Plan. If access does not meet the requirements a waiver shall be required.
(2023-01-25) Outstanding – Testimony has not yet been provided.
(2023-11-22) Complete
- ii. Raritan Crossing Redevelopment Plan – Section 5.B – Bicycle Facilities
(2022-11-24) Testimony Required – Applicant shall provide testimony to bicycle facilities on-site. If facilities are insufficient, a waiver shall be required.
(2023-01-25) Outstanding – Testimony has not yet been provided.
(2023-02-17) Complete
- iii. Raritan Crossing Redevelopment Plan – Section 5.H – Sustainable Design
(2022-11-24) Testimony Required – Applicant shall provide testimony to the LEED requirements being met as part of the proposed development, along with other sustaining building practices listed in the above-referenced section of the Redevelopment Plan. Formal LEED certification is encouraged but not required.
(2023-01-25) Outstanding – Testimony has not yet been provided.
(2023-02-17) Complete
- iv. Raritan Crossing Redevelopment Plan – Section 5.J – Windows and Doors
(2022-11-24) Testimony Required – Applicant shall provide testimony to the windows and door on the proposed residential complex, and whether or not they meet the 35% window/door requirement listed in the above-referenced section of the Redevelopment Plan.
(2023-01-25) Outstanding – Testimony has not yet been provided.
(2023-02-17) Complete
- v. Raritan Crossing Redevelopment Plan – Section 4.B.4) – Off-Tract Streetscape
Testimony Required – Applicant shall provide testimony to the off-tract streetscape improvements, if any, that are associated with this site in accordance with the above-referenced section. It is noted there is substantial landscaping improvements on-site, however, there are limited off-tract streetscape improvements.
Outstanding – Testimony has not yet been provided.

- vi. Raritan Crossing Redevelopment Plan – Section 4.B.9) – Fiscal Analysis
Testimony Required – Applicant shall provide fiscal analysis in accordance with the above-referenced section.
Outstanding – Testimony has not yet been provided.
(2023-11-22) Complete
- vii. Raritan Crossing Redevelopment Plan – Section 4.B.11) – Building Height
Testimony Required – It is noted that the building is listed as 60 feet tall on the Architectural Plans. Applicant shall provide testimony to the method in which this height was determined – is it measured from the average of each building corner, or is maximum value?
(2023-02-17) Complete
- viii. Raritan Crossing Redevelopment Plan – Section 5.A – Balconies, Overhangs, Flat Canopies, and Bay Windows
Testimony Required – Applicant shall provide testimony to the nature of the windows and balconies as they pertain to the above-referenced section. It is noted on the plans that each room above the ground floor has a balcony. Testimony should be provided to the number, material and appearance of the balconies.
(2023-02-17) Complete
- ix. Raritan Crossing Redevelopment Plan – Section 5.C – Building Massing and Articulation
Testimony Required – Applicant shall provide testimony to the nature of the building massing and articulation of the site as it pertains to the above-referenced section of the Redevelopment Plan. It is noted that the vertical appearance of the building is varied and not particularly flat, which is requested of the Redevelopment Plan.
(2023-02-17) Complete
- x. Raritan Crossing Redevelopment Plan – Section 5.D – Building Materials
Testimony Required – Applicant shall provide testimony to the material selection of the building. It is noted that bricks are employed for much of the façade – what colors are proposed? Further, what is the material of the balcony railing? A colorized elevation view may facilitate this testimony.
(2023-02-17) Complete
- xi. Raritan Crossing Redevelopment Plan – Section 5.E – Landscaping
Testimony Required – Applicant shall provide testimony to the overall landscaping on-site as it pertains to the above-referenced section of the Redevelopment Plan. This office notes that there are limited street trees proposed whereas they are required per this section.
Outstanding – Testimony has not yet been provided.
(2023-11-22) Complete
 - xii. Raritan Crossing Redevelopment Plan – Section 5.F – Lighting
Testimony Required – Applicant shall provide testimony to the overall lighting on-site as it pertains to the above-referenced section of the Redevelopment Plan.
Outstanding – Testimony has not yet been provided.
(2023-11-22) Complete
- xiii. **Raritan Crossing Redevelopment Plan – Section 5.G – Off-Street Parking and Loading**
Testimony Required – Applicant shall provide testimony to the parking facilities on the site in accordance with the above-referenced section of the Redevelopment Plan.
Outstanding – Testimony has not yet been provided.
(2023-11-22) Complete
- xiv. Raritan Crossing Redevelopment Plan – Section 5.J – Windows and Doors
Testimony Required – Applicant shall provide testimony to the windows and doors on the building in accordance with the above-referenced section of the Redevelopment Plan. What percent of the façade is occupied by windows and doors?

IV. Technical Review

a. Architectural Drawings

- i. (2022-11-24) *Applicant shall provide testimony to the breakdown of affordable housing within the proposed residential complex, in particular, what units will be moderate, low, and very low income units. Method of management shall be discussed.*

(2023-01-25) *Outstanding – Testimony shall be provided at the Board hearing.*

(2023-02-17) Complete

- ii. (2022-11-24) *Applicant shall provide testimony to the degree of ADA Accessibility in the individual units, such as lower light switches, turnaround spaces within the individual units, and other similar elements.*

(2023-01-25) *Outstanding – Applicant has noted all units will be accessible, however additional testimony shall be provided at the Board hearing.*

(2023-02-17) Complete

- iii. (2022-11-24) It appears that the elevation of the garage floor is within the flood hazard area design flood elevation. Signage shall be posted within the parking area notifying all residents and visitors of the potential flood risk.

(2023-01-25) Outstanding – Applicant has agreed to signage, however a detail should be included on the plans and locations shall be coordinated prior to construction. Additionally, testimony was given at the January 25, 2023 Public Hearing that offsite parking is contemplated in the event of a flood alert. Further discussion regarding such arrangements is necessary.

Testimony was presented.

(2023-11-22) Outstanding – Applicant has provided a detail for the flood warning signage, however testimony should be provided to the locations so that the Board is satisfied the signage is sufficient. This comment may be addressed outside of the site plan application process.

Testimony was presented.

- iv. (2022-11-24) *There is an entrance to the south of the building for garbage collection. What provisions, if any, exist to prohibit non-garbage vehicles from using this point of ingress/egress?*

(2023-01-25) *Outstanding – Applicant has indicated that signage shall be posted or similarly controlled in their letter, however, testimony should be provided and the resolution formalized to the plans.*

(2023-11-22) Complete

- v. (2022-11-24) *There are two ADA parking spaces near the elevator. Is there curb protecting the elevator shaft, or just bollards? Applicant shall provide testimony and revise the plans if necessary.*

(2023-01-25) *Complete – Applicant has addressed this in their letter.*

vi. (2022-11-24) *There is a striped area near the ramp to the garbage collection area. Is this intended as additional ADA parking spaces, or is it just striped to ensure access to the garbage collection area?*

(2023-01-25) *Complete – Applicant has indicated the striping is for ensuring clear space for trash removal. Consider adding a note to denote color of striping for clarity.*

vii. (2022-11-24) *The rooftop level has plantings and space for grilling and dining. Applicant shall provide testimony to the stormwater measures associated with the plantings. How are they connected to the roof runoff system? Please coordinate any and all revisions with the Site Plan Drawings.*

(2023-01-25) *Outstanding – Roof runoff has yet to be fully coordinated with Stormwater Management Plan and Site Plans and testimony shall be provided to roof amenities.*

(2023-11-22) Complete

viii. (2022-11-24) *What is the separation between the “Pathway to Exit Stair” and the rooftop equipment?*

(2023-01-25) *Outstanding – Testimony shall be provided.*

(2023-02-17) *Complete*

ix. (2022-11-24) *How will the rooftop equipment be screened? (2023-01-25) Outstanding – Testimony shall be provided. (2023-02-17) Complete*

x. (2022-11-24) *How will the furniture and equipment in the residential areas of the rooftop be secured for wind and storm events?*

(2023-01-25) *Outstanding – Testimony shall be provided.*

(2023-02-17) *Complete*

xi. (2022-11-24) *Applicant shall provide testimony as to compliance with RDP Section 5A, 5C & 5D. All building materials and colors must be noted by exact manufacturer/supplier specification to enable strict compliance during construction. It is strongly suggested that the applicant provides a material board during testimony.*

(2023-01-25) *Outstanding – Testimony shall be provided.*

(2023-11-22) Complete

xii. (2023-01-25) *On the revised site plans, the ramp into the garage has been increased from 5.0% to 7.0%. Please coordinate limit of grading with site plan drawings and revise parking accordingly.*

(2023-02-17) *Outstanding – Revised architectural plans have not been received.*

(2023-11-22) Outstanding – There are still discrepancies between the site plans and architectural plans regarding the slope of the ramps into the garage. This comment may be addressed outside of the site plan application process.

Plans have been revised to address discrepancies.

b. **Site Plan Drawings**

i. Sheet 1 – Location Map

1. ~~(2022-11-24) This office takes no comments to this sheet at this time. Comment is no longer applicable.~~
2. (2023-01-25) It is noted on the Location Map that there are line conflicts with the Somerset County Acceptance Stamp field – this space should be revised to be clear of CAD linework.

(2023-02-17) Complete

ii. Sheet 2 – Location and Topographic Survey

1. (2022-11-24) There is a 15'-wide water line easement (DBK. 1578 PG. 650) indicated on the plan that does not follow the alignment of the water main. Applicant shall testify to the validity of this discrepancy – can this corrected as part of the proposed improvements?

(2023-01-25) Outstanding – Applicant is in acknowledgement.

(2023-11-22) Outstanding – Applicant has not corrected the easement. This comment remains outstanding. This comment may be addressed as a condition of approval.

Comment noted. The easement will be revised per future utility alignment.

2. (2022-11-24) Consider adding finished floor elevations to the 3 story masonry building that is proposed to be removed.

(2023-01-25) Complete – Applicant has provided information.

3. (2022-11-24) Consider adding light hatching to note the areas that are easement controlled. The linetypes are cluttered on the plans making legibility difficult.

(2023-01-25) Outstanding – Applicant is in acknowledgement and has noted in their letter that the easements will be highlighted after they are realigned.

(2023-11-22) Outstanding – The hatching has not been corrected. This comment may be addressed as a condition of approval.

Comment noted. The easement will be revised per future utility alignment.

iii. Sheet 3 – Minor Subdivision Demolition Plan

1. ~~(2022-11-24) The Minor Subdivision should propose the actual Block and Lot designations of the proposed lots as they will appear on the Tax Map. “Lot A” and “Lot B” are insufficient. This office recommends “Block 116.01, Lot 25” for “Lot A”, and “Block 112, Lot 3” for “Lot B”. Coordinate with Tax Assessor.~~

(2023-01-25) This comment is no longer applicable.

2. (2023-01-25) The newly re-named Demolition Plan was included in the revised set as of January 3, 2023. This plan should be revised to clearly show exactly what is being removed on site, inclusive of utility infrastructure, pavement removal, the removal of any structures, and if any coordination is required with 3rd parties, such as utility companies.

(2023-01-25) Outstanding – Demolition plan does not display requested information.
(2023-11-22) Outstanding – Comment remains outstanding. This comment may be addressed as a condition of approval.

The plans have been revised accordingly to identify the demolition items.

Sheet 4 – Project Overview

3. (2022-11-24) *This office takes no comments to this sheet at this time. (2023-01-25) Complete – This sheet is for presentation purposes only.*

iv. Sheet 5 – Horizontal Control Plan

1. (2022-11-24) *This office strongly suggests renaming this sheet to “Site Layout Plan” as that is what it is serving as.*

(2023-01-25) *Complete – Applicant is in acknowledgement.*

2. (2022-11-24) Applicant shall provide testimony to the lack of sidewalk infrastructure outside of the building improvements – for instance, this office notes there is no way to walk to Glaser Avenue from the residential complex without walking on the driveway. This should be adjusted, as increased pedestrian and bicycle access are goals and objectives of the Raritan Crossing Redevelopment Plan. In general, the site should be fully walkable and bike-able with minimal crossings with vehicle traffic.

(2023-01-25) Outstanding – Applicant shall provide additional testimony during the Board hearing regarding sidewalks and site walkability, access has been increased to Glaser Avenue, however no details regarding ADA ramps have been provided. Applicant shall consider relocated sidewalk to the westerly portion of the parking deck to avoid vehicular traffic.

(2023-11-22) Outstanding – Applicant shall provide more detailed grading to all ADA ramps. The ramp provided coming off of Glaser Avenue leads into the drive aisle and would require pedestrians to walk along the drive aisle. The Applicant should consider moving this ramp to allow for a safer path to across the parking area. This comment may be addressed as a condition of approval.

Testimony was provided regarding the alignment of the driveway, as it comports with the Fire Departments request. The ramp is not an ADA ramp, the depressed curb is to facilitate bicycle usage.

3. (2022-11-24) *Applicant shall provide testimony to the garbage and recycling on-site. It is noted there is a relocated dumpster for the retail complex on*

Lot B, but it isn't clear where trash and recycling will be picked up for the residential complex.

(2023-01-25) Outstanding – Additional testimony at the Board hearing is required, however Applicant has indicated the residential complex's refuse will be collected internally, and the dumpster enclosure for the other sites has been relocated.

Outstanding – Additional testimony is still required regarding the locations of the dumpsters.

(2023-11-22) Complete

4. *(2022-11-24) There is a section of sidewalk to the south that follows this curb alignment around the parking lot. While this is typically good practice, it requires a pedestrian to follow an unintuitive path to an otherwise straightforward destination. It is this office's opinion that it would be a better alignment to have the sidewalk proceed straight and not follow the curb in this location.*

(2023-01-25) Complete – Applicant shall provide testimony regarding this item.

5. *(2022-11-24) There are ADA parking spaces for the proposed residential complex within the parking garage, however it is unclear if this is accessible to guests. ADA parking should be made available for guests and residents of the residential complex,*

therefore this office suggests shifting at least one space to the surface parking lot above the parking garage adjacent to Glaser Avenue to provide access for guests.

(2023-01-25) Complete – Applicant has included ADA parking spaces as requested.

6. *(2022-11-24) The existing driveway access to the site is being maintained. Applicant shall provide testimony as to any coordination required with NJDOT as associated with this change in use.*

(2023-01-25) Outstanding – Additional testimony by the Applicant's Traffic Engineer is forthcoming at the Board hearing.

(2023-11-22) Outstanding – Applicant shall provide testimony addressing safety concerns as raised by the Board during Preliminary hearings.

Testimony has been provided, in addition the area has received additional traffic markings to assist the motoring public.

7. *(2022-11-24) Does the "Speed Hump" at the westerly vehicular entrance to the residential complex conflict with traffic? This office suggests relocating the speed hump to better line up with the curb.*

(2023-01-25) Outstanding – Additional testimony by the Applicant's Traffic Engineer is required.

(2023-11-22) – Complies – Applicant's revised plans include a speed hump and striped crosswalks to help control traffic.

8. *(2022-11-24) Applicant shall provide testimony to wayfinding signage on-site.*

(2023-01-25) Outstanding – Applicant shall coordinate signage prior to construction, provide wayfinding signage details and provide testimony during Board hearing.

(2023-11-22) Outstanding – Applicant has still not provided details for wayfinding

signage nor located them on the plan. This comment may be addressed as a condition of approval.

Comment noted.

9. (2022-11-24) Circulation of fire equipment as well as need and adequacy of fire lanes shall be confirmed by Raritan FD.
(2023-01-25) Outstanding – Applicant shall address comments by Raritan Fire Department as required. Truck turning template?
(2023-11-22) Outstanding – Site layout must be approved by the fire department.

Comment noted, testimony has been provided that the site has been designed with the assistance of the Fire Department.

10. **(2023-01-25)** Applicant shall provide testimony to the low quantity of bike facilities on-site. There are only 4 bike U-style Bike Racks for a residential complex of over 70 units. This office suggests coordinating the site plans with the architectural plans to identify additional locations for potential bike storage.
(2023-11-22) Outstanding – Applicant provided testimony but is still providing insufficient parking spaces for bicycles. Please consider utilizing the large area of concrete on Block 116.01, Lot 27 by the existing commercial area for additional bicycle parking facilities. This comment may be addressed as a condition of approval.

The plan has been revised to include additional bike racks in the concrete area mentioned.

Sheet 6 – Grading and Utilities Plan

11. ~~(2022-11-24) This project is a “Major Development” and is subject to the requirements of N.J.A.C. 7:8-5. Please refer to comments below regarding the Stormwater Management Report, which has not yet been submitted.~~
~~(2023-01-25) Outstanding – This office has not yet receive a Stormwater Management Report.~~
This comment is no longer applicable. Please see Section IV.3 “Stormwater Management Report” below for additional comments.
12. (2022-11-24) *This project is located within a regulated flood hazard area of the Raritan River. Applicant shall provide testimony to the status of any and all NJDEP permits required as part of this proposed redevelopment.*
(2023-01-25) *Outstanding – Applicant shall provide status update on NJDEP Permit.*
(2023-11-22) Complete
13. (2022-11-24) Applicant is removing 18”Ø stormwater piping at slopes between 1.5% and 3.5%, and replacing it with 15”Ø stormwater piping at 1.0% slopes. Applicant shall provide supporting stormwater conveyance calculations for these changes.

(2023-01-25) Outstanding – Please provide stormwater conveyance calculations that verify this is adequate with current stormwater conditions.

(2023-11-22) Outstanding – Applicant has provided stormwater conveyance calculations for the proposed stormwater system, however this office finds the calculations insufficient. This may be resolved as a condition of approval.

Comment noted.

14. (2022-11-24) *There is concern regarding conflicts with the actual sizing of Inlet #1, Type 'E' Doghouse, and the proposed sanitary sewer line between the existing Sanitary Manhole and Sanitary Manhole #2. Please provide testimony and a sketch of the showing actual dimensions of these items.*

(2023-01-25) *Complete – Applicant has revised locations of structures.*

15. (2022-11-24) *The ADA Ramps provided for the 1 Story Masonry Building to remain on Lot B are not compliant. The maximum slope in any direction may not exceed 1:48 (2.083%), the proposed grading provided has a slope along the curb at 2.08% slope with an approximately slope of 1.0% slope perpendicular to the sidewalk – this results in a slope greater than the maximum allowable. Applicant shall revise.*

(2023-01-25) *Complete – Applicant has revised the ADA spaces as requested.*

16. (2022-11-24) *Applicant to provide testimony to the running slopes of the sidewalks. It appears they exceed 8.0% in some locations whereas 5.0% is the generally accepted threshold.*

(2023-01-25) *Complete – Applicant has provided testimony in their letter – the existing grade is generally too steep to accommodate 5.0% slopes. It is noted that slopes of sidewalks in areas of ADA pedestrian activity is maintained at less than 5.0% slopes.*

17. (2022-11-24) *Consider showing the updated NJDEP Flood Hazard Area Design Flood Elevation juxtaposed to the proposed contours on this sheet, not just the existing contours, as the grading has changed.*

(2023-01-25) *Complete – Applicant has provided a proposed NJDEP FHADF Elevation on the plans.*

18. (2022-11-24) *The proposed driveway from Glaser Avenue to the surface parking deck above the parking garage has a slope of over 10%. Applicant shall provide testimony to the need of slopes of this magnitude and why this design was selected.*

(2023-01-25) *Complete – Applicant has regraded this area as requested. Please note comment IV.2.e(ii) above requesting accessible sidewalk on the westerly side to avoid vehicular traffic.*

19. (2022-11-24) *Applicant shall provide testimony to the increase in water and sewer demand and the need for a Treatment Works Approval (TWA) permit or Water Main Extension Permit. Both demands are substantially increased from their existing conditions.*

(2023-01-25) Outstanding – Applicant has acknowledged the comment, however TWA permit status and will-serve letters from utility providers (specifically New Jersey American Water) have not been received.

(2023-11-22) Outstanding – TWA permit is being developed but has not been finalized by the State. No Water Main Extension Permit has been filed at this time. This comment may be addressed as a condition of approval.

Comment noted.

20. (2022-11-24) Site Plans should be fully coordinated with Architectural Plans in regards to proposed electrical, gas, sewer, telecom, and stormwater roof leader connections. (2023-01-25) Outstanding – Applicant has acknowledged the comment, however the utilities remain uncoordinated.

(2023-11-22) Outstanding – Applicant has not clearly identified locations of proposed utility connections on the subject plans. This comment may be addressed as a condition of approval

Comment noted.

21. (2022-11-24) Applicant shall provide testimony regarding the status of utility relocation/removal coordination with the applicable public utility agencies – have will- serve letters been received? Have JCP&L/PSE&G provided letters of support for the relocation of these poles?

(2023-01-25) Outstanding – Comment remains open until MEP plans are further developed.

(2023-11-22) Outstanding – This comment may be addressed as a condition of approval.

Comment noted.

22. (2022-11-24) *Applicant shall provide figures verifying zero net fill under the floodplain as required by NJDEP applications, or at least reference the figures on the subject drawings.*

(2023-01-25) Outstanding – Comment remains open until NJDEP application is developed.

(2023-11-22) Complete – Applicant has received approval from the NJDEP.

23. (2022-11-24) Applicant shall provide testimony to the lack of electrical supply on-site and the locations of necessary connections to the Electrical Vehicle Supply Equipment (EVSE) Spaces. Questions pertaining to the electrical demand, grid capacity, and underground electrical network should be addressed.

(2023-01-25) Outstanding – Further testimony to be provided at the Board Hearing.

(2023-11-22) Outstanding – While testimony was provided for the EVSE spaces,

a detailed plan for constructing them, included utility layout and connection to the building should be developed. This comment may be addressed as a condition of approval.

Comment noted.

24. (2023-01-25) On the revised grading plan, the slope has been increased at the easterly entrance to the garage to 7.0% slope. Per the Architectural plans, there are a number of parking spaces that will be perpendicular to this slope. Please show the limits of the required 7.0% slope on the plans and coordinate this slope with the Architectural Plans. Testimony should be provided as to whether or not these areas are intended to remain as parking spaces. (Comment connected to item IV.1.1 above).

(2023-02-17) Outstanding – Revised architectural plans have not been provided.

(2023-11-22) Outstanding – Discrepancies still exist between the site plans and the architectural plans for the garage ramp slope. The Applicant should revise the slopes such that both plans are in agreement. This comment may be addressed as a condition of approval

Comment noted.

v. Sheet 7 – Soil Erosion Control Plan

1. (2022-11-24) *Applicant shall provide testimony to the locations of the topsoil piles being in the proximity of the emergency access path. In practice, there should be unobstructed emergency access at all times during construction.*

(2023-01-25) Complete – Applicant has relocated the topsoil stockpiles.

2. (2022-11-24) Applicant should identify areas of soil de-compaction as directed by the Somerset-Union Soil Conservation District.

(2023-01-25) Outstanding – Comment remains open until approval from Somerset-Union Soil Conservation District has been obtained.

(2023-11-22) Outstanding – This comment may be addressed as a condition of approval.

The SUSCD permit is pending.

3. (2022-11-24) Applicant shall receive certification from the Somerset-Union Soil Conservation District as a condition of approval.

(2023-01-25) Outstanding – Comment remains open until approval from Somerset-Union Soil Conservation District has been obtained.

(2023-11-22) Outstanding – This comment may be addressed as a condition of approval.

The SUSCD permit is pending.

vi. Sheet 8 – Lighting Plan

1. (2022-11-24) The lighting at the westerly portion of the site spills over to the adjacent residential parcels. Consider reducing the height of the lighting along the rear emergency access path or otherwise reconfiguring the lighting to minimize this spillover.

(2023-01-25) Outstanding – Applicant has provided testimony in their letter that the lighting spillover is minimal and does not account for the PVC fence, and that the lighting could be further mitigated with light shields and LED dimming. This item should be addressed post construction in the form of an as-built lighting plan.

(2023-11-22) Outstanding –This comment may be addressed as a condition of approval.

Comment noted.

vii. Sheet 9 – Landscape Plan

1. (2022-11-24) *Landscape Plans should be signed by a Registered Landscape Architect.* (2023-01-25) *Complete – Applicant has provided plans that have been signed by a Registered Landscape Architect.*

2. ~~(2022-11-24) Please revise these plans to include the proposed light poles –it appears there may be more conflicts which must be addressed.~~

~~(2023-01-25) Outstanding There appears to be a light pole conflict on the northern most light pole and the second north-easterly most Green Giant Arborvitae tree that should be testified to and corrected if possible.~~

(2023-11-22) This comment is no longer applicable.

3. (2022-11-24) *Applicant shall provide testimony to the following utility conflicts:*
 - a. *One Stellar Pink Flowering Dogwood (CFR) tree is proposed to be planted on top of the stormwater sewer line between Inlet #1 and Inlet #2.*
 - b. *Two Shadblow Serviceberry (AC) trees are proposed to be planted on top of the stormwater sewer line between Inlet #4 and Inlet #5.*
 - c. *One Village Green Zelkova (ZS) tree is proposed on top of the water main near the driveway shared by Lot A and Lot B off Route 206.*
- d. *One proposed light in the planting area of the same ZS tree as noted above.*
(2023-01-25) *Complete – All of the above comments have been corrected.*

viii. Sheet 10-12 – Construction Details

1. (2022-11-24) Applicant shall provide testimony to the location of “Curb Transition” on the site plans and the intent of this detail.

(2023-01-25) Outstanding – Applicant shall provide callout on the site plan indicating the location of all details.

(2023-11-22) Outstanding – These comments may be addressed as a condition of approval.

2. (2023-11-22) Applicant should provide details for wayfinding signage for bikes and parking restrictions as noted on the plans and in the Resolution.

(iii)(2023-11-22) Applicant should provide details for the crosswalks in parking areas.

Comments noted.

2. Traffic Impact Statement

a. *(2022-11-24) Traffic Impact Statement provided shows a significant reduction in the anticipated trips generated pursuant to the Institute of Transportation Engineers (ITE) manual. This office finds no issue with the provided assessment.*

(2023-01-25) Outstanding – Comment remains open, testimony shall be provided during the Board Hearing.

(2023-11-22) Complete

b. *(2022-11-24) Applicant shall provide testimony as to need to review/amend existing NJDOT access permit as related to the amended use.*

(2023-01-25) Outstanding – Comment remains open, testimony shall be provided during the Board Hearing.

(2023-11-22) Outstanding – Applicant shall provide testimony addressing the Board’s concerns relative to ingress/egress at the existing entrance.

The plans have been revised to include channelization markings to address the Board’s concerns.

3. Stormwater Management Report (Found within Engineer’s Report)

Note: The Applicant has indicated that they will discuss these items in greater detail for the “Final Site Plan Application” process, and is only pursuing “Preliminary Site Plan Application” at this time.

This site has a limit of disturbance that exceeds 1.0 acres, and therefore is considered a “Major Development” pursuant to the N.J.A.C. 7:8 Stormwater Regulations. Therefore, this site must be reviewed in conformance with those standards.

~~a. *(2022-11-24) The proposed improvements meet the definition of a Major Development pursuant to the NJDEP Stormwater Regulations, as listed in N.J.A.C. 7:8-5, and the Applicant has not provided a stormwater management report with necessary calculations showing compliance. It is understood, pursuant to email correspondence with the NJDEP as provided by the Applicant, that Groundwater Recharge (N.J.A.C. 7:8-5.4) and Stormwater Runoff Quality (N.J.A.C. 7:8-5.5) are not required because the project is located in an urban redevelopment area and is reducing impervious coverage, respectively. However, the regulations for Green Infrastructure (N.J.A.C. 7:8-5.3) and Stormwater Runoff Quantity (N.J.A.C. 7:8-5.6) are not discussed within the plans. Applicant shall provide, at a minimum, stormwater runoff calculations, in compliance with the provisions above.*~~

This comment is no longer applicable, please see comments below for continuation.

b. *Green Infrastructure Standards – N.J.A.C. 7:8-5.3*

- (i) *Applicant is not providing any Stormwater Best Management Practices (BMPs).*
Pursuant to NJDEP Permit 1816-23-0001.2 LUP230001, Special Condition 1, the NJDEP has determined that “this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8.” Therefore, this comment is no longer applicable.

~~c. Groundwater Recharge N.J.A.C. 7:8-5.4~~

- ~~(i) Subject site is located within Planning Area 1 (PA-1) Metropolitan Planning Area and is previously disturbed, therefore, it is exempt from the groundwater recharge standards associated with this regulation. Applicant has noted this in their report and is compliant.~~
Pursuant to NJDEP Permit 1816-23-0001.2 LUP230001, Special Condition 1, the NJDEP has determined that “this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8.” Therefore, this comment is no longer applicable.

~~d. Stormwater Quality N.J.A.C. 7:8-5.5~~

- ~~(i) Stormwater quality regulations are only applicable to sites that are increasing the “regulated impervious surface” (post-2004) and/or the “regulated motor vehicle surface” (post-2021). Applicant is reducing impervious coverage on the site overall, however a map should be provided demonstrating that this requirement is being met by showing the “regulated motor vehicle surface” in pre and post construction conditions.~~
Pursuant to NJDEP Permit 1816-23-0001.2 LUP230001, Special Condition 1, the NJDEP has determined that “this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8.” Therefore, this comment is no longer applicable.

~~e. Stormwater Quantity N.J.A.C. 7:8-5.6~~

- ~~(i) In order to address stormwater quantity regulations the Applicant is using method (b)1, wherein they “demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm event...” The Applicant has provided tabular hydrographs for each storm event, however they should provide a comparative table that shows each storm juxtaposed to its post-construction condition to accurately demonstrate compliance with the requirement.~~
Pursuant to NJDEP Permit 1816-23-0001.2 LUP230001, Special Condition 1, the NJDEP has determined that “this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8.” Therefore, this comment is no longer applicable.

f. Stormwater Conveyance

- (i) *Applicant shall design the proposed pipe system for the 25-year storm, at a minimum.*
(2023-01-25) Outstanding.
(2023-11-22) Complete
- (ii) *No stormwater conveyance calculations or plan have been provided. Map and calculations shall be included in the Engineers Report.*
(2023-02-17) Outstanding.
(2023-11-22) Complete
- (iii) (2023-01-25) Applicant shall include discussion within the Engineers Report of the capacity of the existing pipe network and its ability to handle various storm events.
(2023-02-17) Outstanding
(2023-11-22) Outstanding – The possibility of upsizing the stormwater trunk line within the easement on the property should be addressed as a condition of approval.

This comment is being addressed directly with the Board Engineer.

g. Drainage Area Map

Pursuant to NJDEP Permit 1816-23-0001.2 LUP230001, Special Condition 1, the NJDEP has determined that “this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8.” Therefore, these comments are no longer applicable:

- ~~(i) The provided drainage area map is overcrowded with data. This office strongly suggest separation of this map into four (4) separate maps with associated information as listed below:
 - ~~(a) Existing Drainage Area Map (including segments used for time of concentration calculation, breakdown of land coverage per CN number with associated hatching). Outstanding.~~
 - ~~(b) Proposed Drainage Area Map (same information as above but for proposed conditions only). Outstanding.~~
 - ~~(c) Water Quality Map (two viewports showing pre and post conditions with regulated motor vehicle surface broken down by hatching). Outstanding.~~
 - ~~(d) Catchment Area Plan (shows each contributory drainage area for all existing and proposed inlets that are used in the conveyance calculation. Additional discussion may be warranted on the analysis required for flows of the existing inlets). Complete.~~~~
- ~~(ii) The drainage area map(s) should show, at a minimum: (Outstanding)
 - ~~(a) The full limits of the surface contributory drainage area for the point of analysis constrained by the proposed site improvements. It appears there is a section of runoff to the west side of the existing commercial buildings abutting the residential properties which is not represented by the drainage area limits.~~
 - ~~(b) The breakdown in acres of each sub-drainage area and the overall drainage area.~~
 - ~~(c) The Hydrologic Soil Group as per the U.S.G.S. Web Soil Survey or other approved soil database, pursuant to National Engineering Handbook (NEH) Part 630, Chapter 7.~~
 - ~~(d) The Hydrologic Soil Cover Complex (CN Number) for each contributory drainage area, pursuant to NEH Part 630, Chapter 9.~~
 - ~~(e) The Time of Concentration segments used in the calculation, preferably with start and end points labeled. (NEH Part 630, Chapter 15).~~~~

h. NJDEP Flood Hazard Area Review

- ~~(i) This office defers to the opinions of the NJDEP as it pertains to the Flood Hazard Area, however it is noted that the existing and proposed flood hazard elevations have been identified within the report and plans, and that a net-zero fill calculation has been completed for the site by the Applicant.
(2023-11-22) Complete~~

i. Additional Stormwater Management Comments (2023-02-17)/(2023-11-22)

- ~~(i) Applicant is advised that agencies such as the NJDEP and Somerset County may require additional improvements to the stormwater management system impacts the Raritan River and before that, the Somerset County R.O.W., therefore discussions and approvals with those respective agencies will be required.
(2023-11-22) Outstanding – While the NJDEP has provided approvals, Applicant shall provide testimony to the NJDOT and Somerset County approvals.~~

Testimony was provided during the preliminary site plan public hearing.

- (ii) (2023-02-17) Applicant shall provide testimony to the pedestrian and vehicular circulation in an inundation event. Questions like “where do they park when it floods” or “can they exit the building safely” must be answered.

(2023-11-22) Outstanding – Comments from Borough Police/Fire are warranted. This may be addressed as a condition of approval.

Comment noted.

4. *Environmental Impact Statement (Waiver Requested)*

- a. (2022-11-24) Applicant has requested a waiver from this requirement, however, it is very likely that an Environmental Impact Statement of some magnitude will be required by the NJDEP during its various reviews, therefore this office suggests the Applicant prepare an Environmental Impact Statement. This may be done in the future in conjunction with compliance reviews of other agencies (such as the NJDEP).

(2023-01-25) Outstanding – No Environmental Impact Statement or similar derivative has been submitted to this office. Comment remains open.

(2023-02-17) Complete – Board has waived the Environmental Impact Statement subject to the submission of a Stormwater Management Report and Environmental Phase 1 report.

5. **Outside Agencies**

a. Raritan Borough Fire Department

- (i) (2022-11-24) Applicant shall acquire a letter of approval or a letter of no interest from the Raritan Borough Fire Department.

(2023-11-23) Outstanding

b. Raritan Borough Police Department

- (i) (2022-11-24) Applicant shall acquire a letter of approval or a letter of no interest from the Raritan Borough Police Department.

(2023-11-23) Outstanding

c. Somerset County Planning Board

- (i) (2022-11-24) Approval from the Somerset County Planning Board shall be acquired as part of this review. Applicant shall advise on the status of this submission during the Board Hearing.

(2023-11-23) Outstanding

The Somerset County Planning Board has approved this project.

d. New Jersey Department of Environmental Protection

- (i) (2022-11-24) The subject parcels are located in an area of known flooding. Applicant shall acquire all necessary permits from the NJDEP associated with flood hazard areas as applicable.

(2023-11-23) Outstanding

The NJDEP Land Use Regulation has approved this project regarding the flood hazard areas.

e. New Jersey Department of Transportation

- (i) (2022-11-24) This Application is not altering physical driveways, but is *changing access to the associated lots via subdivision and* amending the use. This office recommends consultation

with the New Jersey Department of Transportation to verify if a Highway Access Permit is required.

(2023-11-23) Outstanding

- f. Somerset-Union Soil Conservation District
 - (i) (2022-11-24) Applicant shall acquire certification from the Somerset-Union Soil Conservation District.
(2023-11-23) Outstanding

Pending approval.

- g. Somerset Raritan Valley Sewerage Authority
 - (i) (2022-11-24) Applicant shall acquire TWA permits in conjunction with the Somerset Raritan Valley Sewerage Authority.
(2023-11-23) Outstanding – Applicant is undergoing this process. This may be completed as a condition of approval.
- h. New Jersey American Water Company
 - (i) (2022-11-24) Applicant shall acquire Water Extension permits in conjunction with the New Jersey American Water Company.
(2023-11-23) Outstanding

Comments noted. All required outside agency approvals will be received as necessary.

Should you have any questions about this matter, please contact this office.

Sincerely,
David A. Stires Associates, LLC

George H. Folk, PE, PP
Vice President

CC: Stanley Schrek, Borough Engineer, w/package
Susan Rubright, Esq.
David Gardner

Ltr/15\1147Gara4a



SOMERSET COUNTY
DOCUMENT COVER SHEET

HON. STEVE PETER
SOMERSET COUNTY CLERK
PO BOX 3000
20 GROVE STREET
SOMERVILLE, NJ 08876

WWW.CO.SOMERSET.NJ.US

Steve Peter, County Clerk
Somerset County, NJ
2023 Apr 03 11:13 AM
BK: 7499 PGS: 2204-2211
Instrument # 2023008187
Doc Type: EASEMT
Fee: \$113.00

(Official Use Only)

DATE OF DOCUMENT: March 29, 2023	TYPE OF DOCUMENT: Parking Easement Agreement
FIRST PARTY <i>(Grantor, Mortgagor, Seller or Assignor)</i> Raritan Mall, LLC	SECOND PARTY <i>(Grantee, Mortgagee, Buyer, Assignee)</i> Raritan Crossing, LLC
ADDITIONAL PARTIES:	

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY	
MUNICIPALITY:	MAILING ADDRESS OF GRANTEE:
BLOCK:	
LOT:	
CONSIDERATION:	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES, SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY			
BOOK	PAGE	INSTRUMENT #	DOCUMENT TYPE

DO NOT REMOVE THIS PAGE
THIS DOCUMENT COVER SHEET IS PART OF THE SOMERSET COUNTY FILING RECORD
RETAIN THIS PAGE FOR FUTURE REFERENCE

PARKING EASEMENT AGREEMENT

This Agreement made this 29th day of March, 2023, between

RARITAN MALL, LLC

whose address is 148 East 5th Street B7A, Bayonne, New Jersey 07002 “Grantor”,

and

RARITAN CROSSING, LLC

whose address is 1250 NJ-28 #101, Branchburg, New Jersey 08876 “Grantee” (collectively referred to as the “Parties”).

WHEREAS, Grantee is the owner of property located at 90 East Somerset Street and 11 Route 206 South, Raritan, New Jersey 08869 and known as Block 116.01, Lots 25, 26.01, 27 and 27.01 and Block 112, Lot 3 on the Borough of Raritan Tax Maps (“Grantee’s Property”); and,

WHEREAS, Grantor is the owner of property located at Route 206 South and known as Block 116.01, Lot 11.01 on the Borough of Raritan Tax Maps (“Grantor’s Property”) (collectively the “Properties”); and,

WHEREAS, the Properties are contiguous and share a common property line and common connection between the Properties (the “Common Access”); and,

WHEREAS, Grantor and Grantee have agreed that Grantor shall make available on a nonexclusive basis to Grantee on Grantor’s Property, the use of twenty-six (26) conventional sized parking spaces and the use of the related driveway aisles for vehicles and pedestrians to access such parking, all as shown on the attached Schedule A.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other true and valuable consideration, the sufficiency of which is herein acknowledged, the Parties state and agree as follows under this “Parking Easement Agreement”:

1. Grantor herein grants, conveys and establishes for the benefit of Grantee, its successors and assigns, and for the benefit of Grantee’s Property located at 90 East Somerset Street and 11 Route 206 South, Raritan, New Jersey 08869 and known as Block 116.01, Lots 25, 26.01, 27 and 27.01 and Block 112, Lot 3 on the Borough of Raritan Tax Maps an easement on Grantor’s Property located at Route 206 South and known as Block 116.01, Lot 11.01 on the Borough of Raritan Tax Maps to provide twenty-six (26) spaces, which exist in their current condition but when Grantor’s Property is redeveloped shall meet the size requirements of the Borough of Raritan ordinances and the Residential Site Improvement Standards (“RSIS”), and the use of related driveway aisles and Common Access for vehicle and pedestrian access to the parking spaces (the “Parking Easement Area”).

2. Grantor shall be responsible for maintaining the Parking Easement Area and driveways on which the Parking Area Easement is located. Maintenance items shall include snow plowing, paving repairs and re-striping so as to allow the Parking Easement Area to be safely utilized by pedestrians and private passenger vehicles.

3. Grantee's Property is currently in retail/commercial use but is being redeveloped with residential apartments. Grantee agrees to use the Parking Easement Area in its current as-is condition for its existing retail/commercial use. When Grantor's Property is redeveloped, Grantor will improve the parking spaces in the Parking Easement Area to municipal standards and in accordance with its approved site plan.

4. Nothing contained herein will be deemed to constitute a gift, grant, or dedication of the Parking Easement Area to the general public or for any public purpose whatsoever, it being the intention of the Parties that the Parking Easement Agreement and the use of the Parking Easement Area will be strictly limited and applicable to the Parties and their respective permittees.

5. Grantee shall not be obligated to pay any real estate taxes or assessments with respect to the Parking Easement Area, which shall remain the obligation of the Grantor

6. Grantee agrees to indemnify and hold harmless Grantor from and against all claims, costs, expenses and liability, (including reasonable attorney's fees and costs of suit incurred in connection with all claims) arising from or as a result of the injury to or death of any person, or damage to the property of any person or entity, which shall occur within the Parking Easement Area in relation to the use of the Easement Area and which claim(s) arise from any act or in any way related to any act or omission of the Grantee.

7. Grantee shall maintain or cause to be maintained with respect to the Parking Easement Area, commercial general liability insurance insuring against losses on account of loss of life, bodily injury or property damage that may arise from, or be occasioned by, the condition, use or occupancy by Grantee, its agents, assigns, successors, residents, employees, contractors or any person or entity utilizing the Easement Area or entering upon Grantor's Property for the purpose of utilizing the Easement Area. Said insurance shall be carried by an insurance company or companies qualified to do business in the State of New Jersey and having limits for loss of life or bodily injury in the amounts of not less than \$1,000,000.00 combined single limit for bodily injury or property damage, subject to an aggregate of \$2,000,000.00, and shall name the Grantor as additional insured.

8. The Parking Access Easement granted hereby shall be perpetual in duration, irrevocable, non-exclusive, and shall run with the land. This Parking Easement Agreement shall be binding upon all successors in title to each Property and shall be governed by the laws of the State of New Jersey.

9. This Parking Easement Agreement contains the entire understanding and undertaking by the parties hereunder and there are no terms, express or implied, relating to the subject matter hereof, except as contained herein. This Parking Easement Agreement and any provision herein contained may be modified or amended only with the express consent of the Parties.

The Parties sign this Parking Easement Agreement as of the date first written above.

Witness:

 _____

RARITAN MAUI, LLC/GRANTOR


By: Leonid Dimentman, Manager

Witness:

RARITAN CROSSING, LLC/GRANTEE

By: David B. Gardner, President/CEO

[Acknowledgements on Next Page]

9. This Parking Easement Agreement contains the entire understanding and undertaking by the parties hereunder and there are no terms, express or implied, relating to the subject matter hereof, except as contained herein. This Parking Easement Agreement and any provision herein contained may be modified or amended only with the express consent of the Parties.

The Parties sign this Parking Easement Agreement as of the date first written above.

Witness:

RARITAN MALL, LLC/GRANTOR

By: Leonid Dimentman, Manager

Witness:

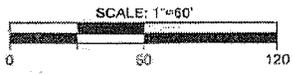
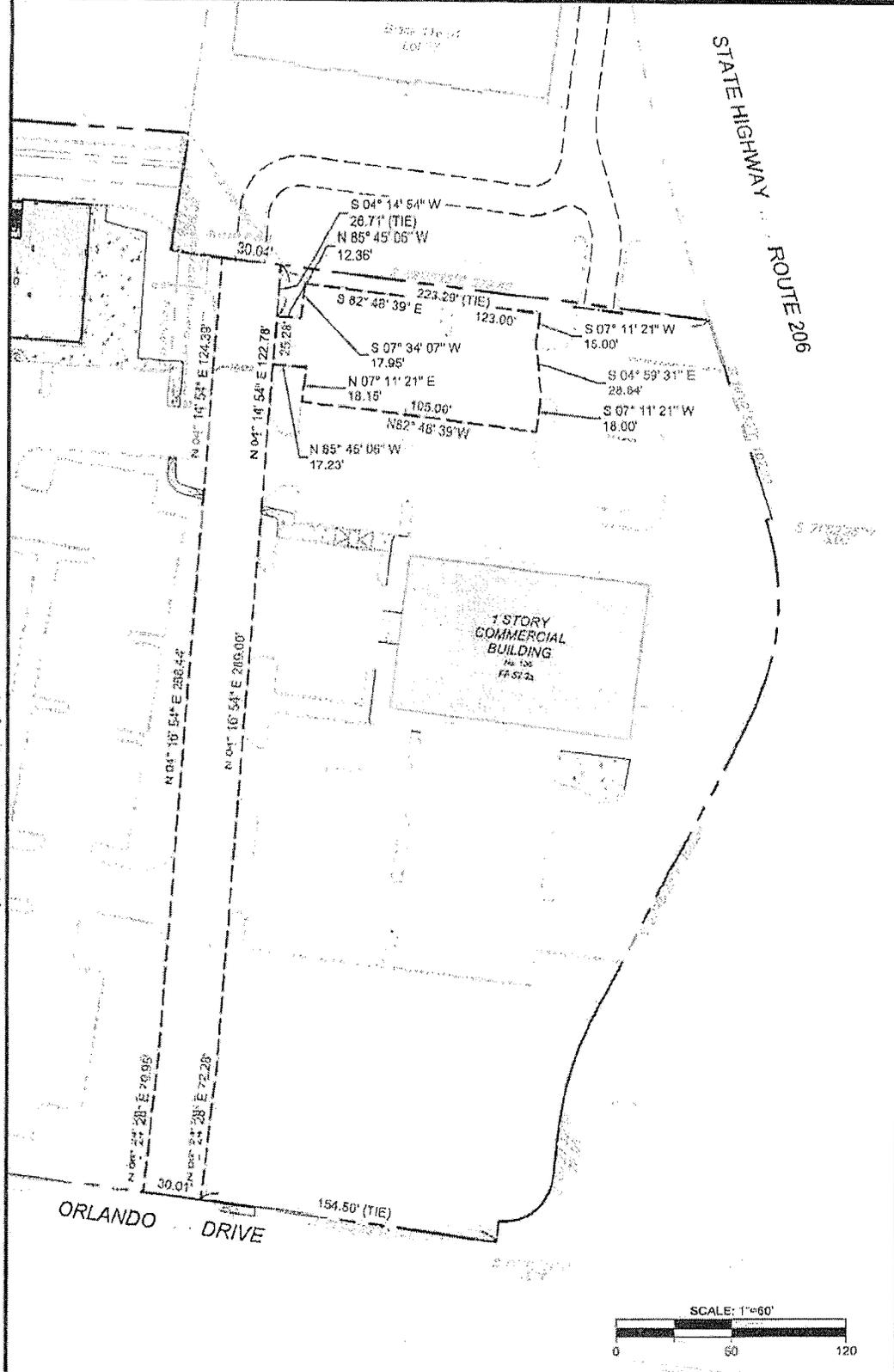
RARITAN CROSSING, LLC/GRANTEE

Kiki M. Maloney

By: *David B. Gardner*, President/CEO

[Acknowledgements on Next Page]

Schedule A



P:\2021\209 - Dimension Raritan\081209-01-001 (ENG)\Engineering\Engineering Plans\04-Statements\081209-MP-Easmt to Lot 27.dwg, 03/27/2023 3:55:05 PM, pdaghman, 1:1

Bowman

DATE: 3/27/2023 PROJ.: 081209-01-001 CHKD.:

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 bowman.com NJ Certificate of Authorization
 E-mail: NJ@Bowman.com No. 24GA2622600

ACCESS & PARKING EASEMENTS
BLOCK 116.01, LOT 11.01
 BOROUGH OF RARITAN, SOMERSET COUNTY, NEW JERSEY

STATE OF NEW JERSEY :
: SS.:
COUNTY OF :

On this 29th day of March, 2023, before me, the undersigned, personally appeared David B. Gardner, President and CEO/Authorized Representative of Raritan Crossing, LLC who, I am satisfied, is the person who signed the foregoing instrument, and he did acknowledge under oath that he signed and delivered the same in his capacity as such member and that the foregoing instrument is the duly authorized, voluntary act and deed of such limited liability company.

STATE OF NEW JERSEY :
: SS.:
COUNTY OF *Hudson* :

On this 29th day of March, 2023, before me, the undersigned, personally appeared Leonid Dimentman, Manager/Authorized Representative of Raritan Mall, LLC who, I am satisfied, is the person who signed the foregoing instrument, and he did acknowledge under oath that he signed and delivered the same in his capacity as such member and that the foregoing instrument is the duly authorized, voluntary act and deed of such limited liability company.

Anna Sledz

