

**RARITAN PLANNING & ZONING BOARD**  
**22 First Street**  
**RARITAN, NEW JERSEY**

**Minutes of August 27, 2014 Meeting**

**Present:** Mayor Liptak

Councilwoman Carra  
Chairman, T. Granahan  
Mr. Lou Gara  
Mr. T. Brown  
Mr. W. Cunningham  
Mr. R. Rispoli  
Mr. J. Gausz  
Mr. R. Zack  
Mr. D. Forktus  
Mr. R. Miller

**Absent:** Ms. D. Thomas

**Also Present:** Susan Rubright, Esq. & Roger Thomas, Esq.  
S. Schrek – VCEA – Engineer

**Chairman Granahan called the meeting to order at 7:30 p.m.**

**Flag Salute**

**Chairman Granahan read the Open Public Meeting Notice as follows:**

This meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was sent to the Courier News on January 11, 2014. In addition, copies of the notices were posted on the bulletin board in the Municipal Building, on the Raritan Borough website, and filed in the Office of the Borough Clerk. They were also sent to those people who have requested and paid the cost for mailing same. Notices on the bulletin board have remained continuously posted. Proper notice having been given, the Board secretary is directed to include this statement in the minutes of this meeting.

**Minutes:**

*Motion to approve the July 23, 2014 made by Mayor Liptak & Seconded by Mr. Cunningham.*

**Engineer's Report:** Council is looking into a density variance for the parkway across from (inaudible). The property is being evaluated closer for wetlands and an open air market, so permitting will be necessary.

**Zoning Officer's Report:** Stonebridge nearing completion in approximately one month. Units are filling immediately. There are 600+ (non-veteran) applicants however only cleared 1/2 dozen. There have been 300 veteran applicants.

**Old Business:**

Bagelicious application will continue without further notice to the September 24, 2014 meeting.

Barbieri Brothers (Susan Rubio, Esq. states the applicants attorney took the liberty of noticing for this application as a use variance and site plan for this evening. The application will not be heard in terms of

the use variance application as it was not deemed complete. We have a preliminary jurisdiction to determine before it is listed however, application is being adjourned without further notice until September 24, 2014. There will first be a determination on whether the board had jurisdiction to hear the application and if so, there will be a hearing on the use variance aspect and site plan application. Attorney Rubio will be advising the board in Executive Session this evening on strictly legal attorney/client privileged matters on this application.

Chairman Granahan has directed the Board to amend the Agenda between public comment and adjournment to show Executive Session.

**Old Business:**

*Raritan Johnson & Associates, LLC minor site plan application for the installation of an emergency generator; 5 Johnson Drive, Block 62, lot 3.*

Attorney Rubio is conflicted out as the applicant is a client of her firm. Roger Thomas, Esq. is present to preside over the hearing as legal counsel.

Attorney Larry Bravman addresses the Board stating the June meeting it was determined that the Board did in fact have jurisdiction over the matter.

Present is Larry Bravman, Esq. attorney for the applicant. Attorney Bravman states that the applicant is a multigenerational family businessman. At the Raritan location there are currently 50+ employees. The Raritan location is active in Leasing-new and renewals; maintenance & repair; and accounting. The business structure is commercial, industrial and residential. In addition, there is a metered laundry business and the 5 Johnson Drive location is the hub of the business which is active in sales, service, accounting, human resources and IT. The business provides a service of health and hygiene.

The laundry business provides service to eight different states on the east coast including the District of Columbia however the principal business is in Camden County.

Attorney Bravman states that the generator would prevent loss of communication to residential sites and their real estate personnel as well as preventing loss of power to computers and electronic devices. It would provide uninterrupted communication with field personnel where power outages were occurring.

Attorney Bravman states that Robert Templin, the licensed, professional engineer & surveyor provided testimony to show the generator would be sufficiently buffered at the site plan. He states that Matthew Murillo provided an acoustical evaluation and report for the sound generated and noise levels are within the noise ordinance. Applicant provided a conforming application that the sound level meets all standards and regulations.

Larry Bravman addressed Chairman Granahan with the Boards concern being the location of the generator in the NE corner of Bldg. #5 and suggested locating to the NW corner (Stan Schrek). Applicant met with professionals and approval still remains in the NE corner. He states applicant recognizes the concerns of the Board and the community.

Existing utilities supports the NE corner. Acoustical reports the sound level nearest to the property line will be within the limits during the required 30 minute testing. Nearest residential dwelling is 255 ft. away from the location. A concrete wall and pads will buffer the sounds. Sound level at the residential home will be less than at the property line.

Applicant has agreed to do testing during the least disturbing times to the residents. Bulk requirements and waivers are preexisting non conformities and there is no detrimental impact to the surrounding areas.

Chairman Granahan asks the attorney to restate that the applicant understands the buffering which needs to be done. Attorney Bravman states there will be a 9 ft. concrete wall surrounding the entire generator with sound acoustical panels and evergreen or holly outside of the concrete wall.

Attorney Thomas questioned Attorney Bravman in regards to a revised site map which was submitted. Attorney Bravman states there was a revision submitted to show minor construction of the acoustical padding. Offered as A-3 supplemental as this was not submitted with the original application.

Chairman Granahan discussed the remediation of the condition of disrepair at the site which was brought up by residents at the last meeting and wants to know if it was taken care of. It was state that there is road repair being done and once completed all the debris will be removed.

Chairman Granahan discussed the applicant's only objection to moving the generator was due to trenching and that there is nothing preventing the generator from being operational in the NW corner. The applicants only concern is the additional cost that will incur from the trenching and the running of the cables. Attorney Bravman agrees with this statement and there is no further testimony.

Board member Tom Brown asks for the distance from the NW corner to the closest residence on Arnold Ave. which is Lot 12. According to the site plan it is 6 in. Each inch is 60 ft. Moving the generator to the NW corner would move it away from residences an additional 360 ft. which is 60% further.

Board member Cunningham asked why there are only 3 acoustical panels. Attorney Bravman states the sound engineer did not testify that a 4<sup>th</sup> panel would be necessary. Chairman Granahan would like the attorney to discuss whether or not this would be an option for his client.

Board member Rispoli would like the applicant to be courteous and respect the nearby neighbors and consider moving the generator to the NW side of the property and spending the extra money, thereby making for better neighbors.

*Meeting open to public comments:*

*Swearing in of Mr. Yadlosky; 509 Weiss Terrace, Raritan*

Mr. Yadlosky contends this is a quality of life issue. States there is only 122 ft. from his property line to the generator. He understands the applicants need for a generator and questions the location. He is concerned with running natural gas lines to the generator. He is concerned with a gas line being positioned to any potential accidents as he has seen in the past. Mr. Yadlosky is in agreement with moving the generator to the NW corridor of the building.

*Swearing in of Braden Niper; 1014 Arnold Avenue, Lot 12*

Mr. Niper questions if moving the location of the generator will still have the same sound proofing and would like to know the results of the sound testing. Question is directed to applicant. Attorney Bravman states sound testing was not done due to the applicant's decision not to move the generator's location.

Closed public to portion.

Attorney Thomas states if there is a motion to approve there are three requirements which should be met:

1. Require testing during operational hours Mon thru Friday; 9 a.m. to 5 p.m. 30 minute intervals.
2. Require the generator be subject to outside agency reviews and regulations

3. Require sound deadening material as indicated in site plan but also on the building.

Attorney Bravman states the applicant is agreeable to conditions with the exception of the sound deadening material and will adjust if necessary after installation.

Motion to approve requested application to install the generator on the NE property with stated conditions made by Rick and seconded by J. Gausz. Also recommended appropriate fees and taxes be paid.

Mayor Liptak and Councilwoman Carra abstain.

Chairman Granahan agrees it necessary however votes no to the solution.

Mr. Brown agrees with the Chairman on concept. States the cutouts in the building are greater than they seem and the building would server as its own barrier. Agrees concept but location is a problem and votes No.

Mr. Cunningham – No

Mr. Rispoli – No

Mr. Gausz – Yes

Mr. Zack – Yes

Mr. Forktus – No based on Chairman Granahans concerns.

Mr. Miller – No

Motion is denied.

5 minute recess

Raritan Real Estate, LLC preliminary and final site plan for Block 31; lots 2&3, West End Avenue; D-3 zone

Attorney Susan Rubright returns.

Marcia Zaleski, Esq. is present for the applicant.

1<sup>st</sup>. Witness: Doug Polyniak – Traffic Engineer.

Attorney Rubright reminds Mr. Polyniak he is still under oath.

Marcia Zaleski, Esq. asks for Mr. Polniak to summarize his report:

*Board required additional work regarding the parking variance & site access. Improvement curbs were cut from 3 to 2. The easterly driveway was pushed further west. Traffic observations were done at the circle to determine blocking at peak hours:*

*Observations done on a Wednesday at midday & evening as well as Thursday a.m. and witnessed no blocking from the circle to the proposed driveway. At one point over the course of one hour there was a single moment of blockage.*

*Stacking – ability to stack 10 vehicles at the drive-thru at which the state requires 8; 4 at the order board and 4 at the pickup window.*

*Observations at the Dunkin Donuts in Flemington at peak time staking was nine.*

*Mr. Polyniak states the parking is sufficient on site. There are 2 criteria, the larger of which should be used. One is based on square footage which would require approximately 83 spaces. Based on the # of seats (57) 1 space for every 3 seats, if every customer drove a car and parked on site it would still leave approximately 20 spaces available. Looking at other criteria 1 space for every 3 seats equates to 19 parking spaces.*

*ITE and ordinance are similar. ITE recommends .4 which equates to 24 spaces which this site provides.*

*Office space will not be rented or sublet. It will be solely used by Tim Hortons for HR and training. Applicant anticipates 2 spaces for office staff. Transaction data at the other store shows 70% of customers use drive thru. Ice cream sales will not be a demand on parking on site as it is only 10% of sales post dinner time.*

*Question asked if Burger King buyout will affect Tim Hortons. Marcia suggests it will remain Tim Hortons.*

Chairman Granahan addresses Mr. Schrek regarding the methodology for parking. Mr. Schrek agrees with the calculations for 24 spaces. Tom Granahan refers to pg. 3, first paragraph: outside seating will be in lieu of indoor. His preference is to plan for peak capacity when it comes to parking. Calculations show 16 outdoor and 51 indoor equates to 67 seats total.

J. Gausz questions if the 24 spaces include the stacking and answer is no.  
Bill Cunningham questions moving the driveway 40 ft. east.

A. (Doug Polyniak) Referring to A-2 – existing drive at the currently in the location of the front new drive will be where the house driveway is.

2<sup>nd</sup> Witness David Stires – Engineer.  
Attorney Rubright reminds the witness he is still under oath.

*David Stires testifies that the applicant intends to construct a brand new 4000 sq. ft. site including a training site on the second floor. Proposal includes demolition of a rundown dwelling and garage on lot 3 and the building on lot 4. Drainage improvements will be made. Supplementing the drainage with a dry well and drainage which runs down two properties between lots 12 & 13.*

Chairman Granahan asks about the easement to which Marcia Zaleski, Esq. reports the economics of the easement cannot be met.

Stan Schrek asks if the leader drains will be discharged towards the front. Mr. Stires contends the leader drain from the building will be towards West End Ave.

*Mr. Stires will address the 3 Variances:*

- 1<sup>st</sup>. parking – 26 – 91 spaces are required per the ordinance shown on pg. two of Stan's report.*
- 2<sup>nd</sup>. minimum front yd. set back is 50 ft.; 31.9 ft for the house and 32.2 ft. for the restaurant sliding 7ft. closer to West End Ave.*
- 3<sup>rd</sup> signage – 16 sq. ft. is allowed 100 proposed; height 16ft. 40 proposed; minimum hor/vert 6ft. in both directions. Proposed is 7 ½ ft. and 9.71ft.*

*Applicant is seeking a C2 variance. Traffic engineer will testify in regards to parking and stacking showing that parking is appropriate and their stacking provisions are appropriate as well. Plan change resulted in the elimination of the existing house and inclusion of lot 3. Visibility will be reduced and will not allow the pass by lane necessary for safety. The trees on the existing property impede visibility of the sign.*

*Signage measurements: STS is 162 sq. ft. and sits at 42.5 and the existing Fresh Food sign is 82 sq. ft. and the height is 24.5 sq. ft.*

*NJ land use statute NJ: SA40-55; D-2 to encourage appropriate land use. Proposed use is a high quality, multinational restaurant. The applicant is providing a fully reconstructed site eliminating any eye sores. Architectural building is pleasing to the eye.*

Chairman Granahan questioned if the entrances are grade level for the ADA. His concern is finding a way to designate a specific crossing area for people to negotiate the queuing lane. Mr. Stires states they can add a crosswalk lane similar to that of the Wendy's on Route 22.

Mr. Zack questions if a crosswalk will reduce the stacking on the drive thru.

A. There is more stacking space than the proposed necessity.

Sidewalk to the east is not affected by drive thru traffic.

Attorney Rubright refers to an artistic rendering marked A-3by K. Pau. Attorney also does not have any outstanding issues.

The Board was polled and all are in agreement to the 24 parking spaces. Attorney Rubright's recommends if the board is going to approve then they should also approve the variance.

#### **Open to the public:**

#### **Sydney Deutsch, 33 Victoria Drive, Belvidere, NJ**

*Q. How will the water discharge from the property (identifying illustration A2)? Concerned that the water is going to accumulate where there is no perk and will the water run through his property.*

Mr. Deutsch is the owner of 12 & 14 Frelinghuysen also known as Lots 30, 13 & 12

*A. Flow will drain into sump and drywell area and discharge at the southwest corner and enter into an existing swale along the property line and across Frelinghuysen.*

Mr. Deutsch contends the existing water problem on his property has caused severe deterioration to the foundations of his homes and is concerned the flow will increase.

*Swearing in of Sydney Deutsch – property owner*

Chairman Granahan explains to Mr. Deutsch that they are redirecting the flow coming off the building and are taking remedial efforts so the water currently on the site will stay on the site.

*Swearing in of Adam Deutsch; 140 Buttercup Court, Whitehouse Station, NJ*

States their main concern is the water issue. Lot 30 & Lot 3 on exhibit A2 water will be doubled. Concerned water will enter into drywell, overflow and continue down through their yard.

Chairman Granahan is concerned with the Deutsch's complaints when they are the obstacle to the solution.

David Stires states overflow to the sump area goes down the same swale it's been going down for a long time.

#### **Closed public portion.**

Chairman Granahan asks Attorney Rubright to recap the conditions to approve:

Compliance with the aspects of the reports set forth in Van Cleef Engineering's 1/2014 & 7/22/2014 reports:

1. Combining and consolidating lots 2 & 3 – Deed consolidation
2. Complying with other approvals i.e. County of Somerset Regional Center, Somerset and Union Conservation District
3. Signed and sealed survey of the current property
4. Striping of a crosswalk to walk through the queuing lane.

Motion to approve made by Mayor Liptak and seconded by Mr. Rispoli.

**Open public portion.**

No comments.

**Close public portion.**

**Old Business:**

*Borough of Raritan – Ordinance No. 2014-06-Amending Chapter 207, Land Use to Add New Section 207-90.1*

Attorney Rubright states the Board must review ordinance in connection of whether or not it is consistent with the master plan regarding the outside storage of firewood. Firewood is not to be stored in a front yard on a residential property. No more than two cords of wood stored at any time. May be stored solely for the use on the premises not for resale.

Lou Gara states there is an issue with a property owner who is storing unreasonable amounts of wood for resale (unproven).

Chairman Granahan feels the real issues should be in regards to health issues and should be taken up with the health department. He feels the ordinance is directed at a single a person.

Mayor Liptak states the ordinance requires the stacking to be 7 inches off the ground. She contends the ordinance dissuades the residents from piling a multitude of firewood on their properties.

Chairman Granahan refutes stating the ordinance limits a resident to the amount of wood they are allowed to have.

Stan Schrek claims to be a mountain man in training; he wants to just be able to cut firewood. He claims stacking becomes an accessory structure.

Mr. Rispoli says the ordinance states 10 days but a resident could be replenishing his stock.

Chairman Granahan feels the issues should be the “eye sore” and “health” issues and Attorney Rubright tries to explain the objective of having the wood in the front yard and stacked without limitation along the property lines can be offensive and this ordinance is designed to eliminate this.

*Q. How do we enforce people from collecting junk?*

*A. Lou Gara – the code is the yard is to be clean, safe and sanitary*

Height limit for fence is 6ft. so wood cannot be stacked higher than your fence is a suggestion however not all board members are on board. Lou claims some residents are using the stacked wood as a fence.

Chairman Granahan has a problem with limiting how much wood someone can keep. He feels that someday down the road, it may come to needing to have the wood to live.

Mayor Liptak states a cord of wood piled at a house of Richard Street was the cause of a rat infestation. She is asking for the Planning Board to give suggestions to make the ordinance workable.

Several suggestions were made for the Ordinance however all Board members concurred that no one had received a copy of the actual Ordinance.

Motion was made to adjourn until each member received and read a copy of Ordinance made by Mr. Gausz and seconded by Mr. Brown.

Attorney Rubright directed the Board secretary to ask the Borough Clerk to send a copy of the Ordinance to the members of the Board.

**Close meeting to the public.**

Motion to enter into Executive Session made by Mr. Brown and seconded by Mr. Rispoli.

Respectfully submitted,

Lisa Snyder