

APP.  
7/27/15

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

**Executive Minutes of February 25, 2015 Meeting**

**Present:** Mayor Liptak  
Mr. T. Granahan  
Chairman, R. Miller  
Ms. D. Thomas  
Mr. W. Cunningham  
Mr. R. Rispoli  
Mr. J. Gausz  
Mr. T. Brown  
Mr. D. Forktus  
Mr. R. Zack

**Absent:** Councilwoman Gara  
Mr. Z. Bray

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

*Motion to enter into Executive Session made by T. Granahan and seconded by J. Gausz  
Attorney Rubright excused herself from the session and was replaced by Roger Thomas, Esq.*

Raritan Johnson & Associates, LLC generator application; 5 Johnson Drive; Block 62 Lot 3.

Attorney Roger Thomas states suit has been filed by applicant. He received a call from the applicant's attorney, Larry Bravman with a proposal.

*Install generator for the purpose of maintaining the ability to operate during storms which knock out power. The company needs 24/7 service. The boards concern was the location of placement for the generator with a suggestion made by the engineer.*

*It was recommended that a wall be placed around the generator along with shrubs and batting for additional noise attenuation. The applicant is willing to relocate the generator from the easterly portion of the site to the westerly portion and take the retaining wall and shrubbery for noise buffering.*

*Noise expert previously testified that site did not make a violation with decibels.*

**Noise standards:**

*Landscaping & wall – no batting. Applicant does not want to spend add'l money for a noise expert. They will calculate and resubmit report.*

*Stan Schrek recommends accepting the proposal but include the batting.*

*Chairman Miller would like to see calculations without a formal report. He states residents on Arnold Ave. should be able to see proof of how far below 50 dcb. the noise will be by keeping the batting.*

*Attorney Thomas believes he will be able to negotiate that stipulation and recommends allowing the hearing to move forward.*

*Motion to conclude Executive Session. All in favor. 7:25 p.m.*

Respectfully submitted,

Lisa Snyder

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

**Minutes of February 25, 2015 Meeting**

**Present:** Mayor Liptak  
Mr. T. Granahan  
Chairman, R. Miller  
Ms. D. Thomas  
Mr. W. Cunningham  
Mr. R. Rispoli  
Mr. J. Gausz  
Mr. T. Brown  
Mr. D. Forktus  
Mr. R. Zack

**Absent:** Councilwoman Gara  
Mr. Zack

**Also Present:** Susan Rubright, Esq.  
Stan Shreck  
Dave Maski  
Lou Gara  
Roger Thomas, Esq.

**Chairman Miller called the meeting to order at 7:05 p.m.**

**Flag Salute**

**Board Secretary reads 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:**

*Approval of December 17, 2014 minutes made by D. Thomas and 2<sup>nd</sup> by W. Cunningham. T. Granahan abstained.*

*Approval of January 28, 2015 minutes. Changes to be made: Chairman to Rick Miller and typo under flag salute. Motion to accept with changes made by R. Rispoli and 2<sup>nd</sup> by D. Forktus. All in favor. T. Granahan abstained.*

*Motion to enter into Executive Session made by T. Granahan and seconded by J. Gausz  
Attorney Rubright excused herself from the session and was replaced by Roger Thomas, Esq.*

*Executive Session concluded at 7:25*

**Engineer's Report:** No report

**Zoning Officer's Report:** Super 8 Motel looked at as a preliminary site for redevelopment.

Arvind Patel, Manager, Super 8 -30 years.  
Shashai Chandarana – owner

Owners are in negotiation to unload the property. They no longer have long term clients.

R. Miller: What do the potential buyers want to do with the property?

A. Patel: Will remain as a hotel for right now.

Mayor: Is the buyer representing a chain or himself?

A. Patel: Buyer will try to get a better brand than Super 8.

L. Gara: Building still does not qualify for redevelopment.

S. Chandarana: Before 2008 was leasing the land. Paid 81k for taxes for the other property not owned by him. Premises was not clean. They cleared property and removed poison ivy.

Attorney Rubright states the taxes were going to 3 different entities even though the property had not been subdivided. L. Gara states property is secure with no violations.

**Miscellaneous:**

T. Brown: At last night's council meeting, council approved \$3600.00 for street signs on Main Street to help draw people to the river front. S. Schrek states the signs are being replaced which are unreadable. Mayor Liptak states they incorporating wayfaring signs.

**Old Business:**

**Barbieri Bros., LLC application is being carried to March 25, 2015 without need for further notice.**

**Verizon Wireless application will be carried to the March 25, 2015 meeting without need for further notice.**

**Bagelicious Site Plan and Use Variance for Block 96, Lot 13, 25 East Somerset Street. B-1 Zone.**  
Present are Pasquale Marago, Esq. council for applicant and Daniel Bessasparis.

**Swearing in of David Stires – Engineer**

Application was introduced to the Board in July, 2014 with concerns of the pedestrian traffic at the proposed ice cream window. There is a revised plan dated 10/29 eliminating the parking on the East side of Bagelicious. Minor site plan & variance plan for Bagelicious 10/29/2014.

Introduced a walkway to the window for a dedicated safe access to the window. Walkway to window from Lincoln street proposing to install a hatched walkway along Lincoln. Block to the North does not have any sidewalks. Doorway on the west side conflicted with a parking space which is now eliminated. Proposal is 14 parking spaces. He did not provide lighting and needs to do a photo study. There is no lighting on the west side so it must be incorporated.

Chairman Miller questioned outside seating and picnic tables and T. Granahan questioned as to whether or not they were properly permitted. Mr. Stires did not know and states the applicant is seeking to keep the tables as an amenity for walkers. Tables are shown on the site plan as part of the application.

T. Granahan brings up access to the backyard and parking for the home on the western side. Mr. Stires states that there is no easement and they have a courtesy agreement with the resident. Mr. Granahan requests a search of the property to see where the driveway may be. Attorney Marago will do another search for.

Swearing in of Frank Miskovich; 16 Carson Ave., Metuchen, NJ. Expert traffic engineer. Licensed in 1976 with 45 years experience. Middlesex County Traffic Engineer; Municipal Traffic Engineer in several municipalities.

Board approves Mr. Miskovich's qualifications.

Traffic report marked A1.

Highlights:

- Walkup window reduces traffic
- tables are seasonal (picnic)
- parking on easterly side being eliminated and now open for pedestrians
- slow traffic movements around the building

Basement:

Applicant would like to rent out the basement for different activities.

Parking demand is to be determined. 1.5 spaces for person at play. Sq. footage needs 24 spaces for the site to function. Net usable area turns down the requirement to 19 spaces.

Ordinance would require 24-30 spaces for the basement use. During peak demand 11-16 spaces are required.

Weekday evening operations: law offices closed. Bagelicious closed opening parking spaces. B-1 zone on street parking for daily use. Mr. Miskovich has determined there is adequate available street parking to accommodate basement renters.

S. Schrek states you are expanding 3000 sq. ft. to the building. Ms. Thomas is concerned with overlap should there be multiple classes in the same evening.

Chairman Miller asks if the issue being presented is an engineering judgment vs. the Boro ordinance.

Mr. Granahan asks if the basement is appropriate to use the basement for these activities; is it safe? Without knowing what is actually going in there, all other testimony becomes assumption. Mayor Liptak states there is no indication of any kind of fire suppression downstairs and nothing from the fire department. Mr. Gara states that no comments were offered by fire officials.

Attorney Rubright states if there were architectural drawings there would be context to address Mr. Granahan's concerns. She is unsure of what the board can grant at this point because there is no particular use.

Stires states the space was designed with two access points and a sprinkler system for safety. Mr. Granahan argued that this building was not structurally designed for this type of use and we are now repurposing it. Attorney Rubright states this is like bifurcated application.

Attorney Marago agrees that the bldg. was not built to have people in the basement however it has been redesigned. L. Gara states new plans will have to be submitted.

Mr. Stires states applicant is not requesting a use variance application was submitted for permitted uses. Assembly uses: martial arts, dance or wrestling classes. Also a possibility to use the basement for baking purposes for Bagelicious. No specific use has been defined at this point.

D. Maski states the town amended the definition to state what it's clear to use and it may read such classes. Attorney Marago states they've proceeded with the application since it was filed in April, 2014 under the assumption that use was approved. Attorney Rubright respectfully disagrees and states there were many issues and his assumption was incorrect. Attorney Marago states the fire suppression system in the basement meets code as of today. He feels the board is putting his client in a catch 22 based on what type of use the basement will be used for. D. Maski states under Category M, commercial schools are permitted i.e. dancing, music, martial arts, nursery and play schools, etc.

Mr. Granahan confirms that 20 spaces are needed according to the traffic report and 8 spaces in addition for Creamalicious is recommended per Mr. Miskovich.

Mr. Miskovich states John St. to Lincoln to Coddington there are 21 spaces that exist. Parking capabilities fluctuate on the street. Mr. Granahan is concerned that the approval of the application will create a situation where there will not be enough parking. Chairman Miller states parking could be self-correcting, people won't stay if they cannot find parking. He feels in order to get more business into town and develop more properties, the risk must be taken. D. Thomas agrees with Chairman Granahan and feels the board should try to help the businesses.

T. Brown asks L. Gara if this is ok to pass. Mr. Gara says the specific tenant still needs to come to the boro for permits. Mr. Brown also is questioning if the basement has the ability for mixed use.

**Swearing in of Daniel Bessasparis;** 5 Larch Lane, Hillsborough, NJ 08844

Mr. Bessasparis states it would be for one use as there is not enough space for mixed use. Mayor addresses Lou Gara to ask if 2 different activities can go on on separate nights. L. Gara said it will be based on one owner. Attorney Marago states that would be intended on a tenant only wanting to rent part time. Mr. Gara states the ordinance encourages the creation of new parking. Attorney Marago states applicant agrees to put bollards on the west side.

**No comments from the public.**

Attorney Rubright suggests when the Board votes to separate the two uses. Application was for a walkup window which includes changes to the site plan for bollards and a dedicated entrance and cross hatchlings on Lincoln Street.

Identified Joseph Cortese; 19 E. Somerset Street; owner of adjoining property.

Mr. Cortese states there is no easement and no driveway. Dwelling is multifamily and he fears he will lose his tenants. Mr. Granahan states the property owner will lose access to the backyard. Attorney Rubright states if the property owners can come to an agreement, one additional parking space will need to be eliminated. Board cannot require that as it's an offsite matter.

Party will move outside to discuss the neighboring issue and meeting will briefly break.

Chairman Miller announces that there will be no new testimony after 10:00 p.m.

Attorney Marago states applicant will maintain application as is for 14 spots and states if an agreement is met, will come back to ask for relief.

Conditions to be met are as follows:

- changes consistent with the revised plan
- bollards on west side
- changes in the lighting plan on both east and west sides

- traffic study
- site will continue to function on the one way.

Motion to approve the preliminary and final with stipulations as noted made by D. Thomas and seconded by J. Gausz. Mr. Granahan votes no; not at cost of parking situation and does not feel basement should be utilized. Mayor Liptak abstained and Mr. Bray did listen the previously recorded testimony. All other board members approved. Attorney Rubright will prepare a Resolution for review.

**John O’Keefe application;** 21 Colfax Street, Raritan  
 Marcia Zalesky, Esq. attorney for the applicant is present.

Application is looking to convert office space to a residential space.

**Swearing in of David Stires – Engineer**

Client purchased the subject property in 2001, which was previously used as an oil/coal facility. Property was vacant for several years. In 2001, after cleaning up the property and removal of fuel tanks, applicant received approval to allow a construction yard on the north end of the property. There is fencing securing the facility with 2 gates. A total of 6 parking spaces exist in the southwest corner; 4 which face Lincoln and 2 which face Colfax. There is a 2<sup>nd</sup> floor apartment which was part of the 2001 approval. Proposal is to convert the office space to a one bedroom apartment. There are some existing variances: Front yard min. setback is .6ft where 25 is required; side yard .4 ft – 8 ft. recovered. Entire site is covered with impervious coverage.

S. Schrek states he does not have the previous resolution defining approval for mixed use.

Mr. Stires states there was not a checklist submitted proposing any changes to the site. He states the owner is present. Mr. Stires states S. Schrek states the parking spaces may be a bit short but Mr. Stires states his vehicle fits without encroaching. Attorney Rubright questioned if the parking spaces are encroaching into the right of way. She states confirmation must be obtained to ensure spaces are not encroaching into the right of way. Mr. Stires also states construction equipment is stored in the existing fence.

Ms. Thomas addresses the professionals of the applicant who has been disrespectful throughout the entire night’s meeting. Applicant abruptly leaves meeting without notification. Unidentified speaker states the current apartment within the dwelling has multiple families residing there.

**Open for public comments or questions.** None.  
**Public portion closed.**

Application will be adjourned until the March 25, 2015 meeting without further notice. Applicant’s attorney states the applicant will consent to any extensions that may be necessary.

**Planner David Maski** is present to explain the purpose of the Ordinance. Borough Council introduced on first reading at the council meeting, the Land Use Ordinance. Planning Board needs to review the consistence of the master plan. Hearing is scheduled for 3/24/15.

D. Maski states the proposal is to build apartments on the riverfront on Orlando Drive. but the current ordinance does not permit apartments, it permits a hotel and various retail uses. Block 116-02 Lots 5 & 6. Ordinance was written as a conditional/mixed use. Conditional use allows for more restrictions within the design.

- 1 bldg must have retail

- other buildings can have multifamily
- all apartments must have common access, lobby and hallway
- site design shall accommodate the extension of the greenway
- restricted toward Orlando drive
- parking is located under the building

Stan Schrek states there is a minimum setback requirement from the back of the building to the riverfront is 50 ft.

T. Granahan is asking how we went from no residential/all greenway to 44 units and 3 floors. Attorney Rubright states the area is in need of redevelopment. The developer has spoken with Duke Farm and has seen the renderings so it will fit in with the Duke Farm concept. Developer has been very cooperative. Improvements on Mill Street will be the responsibility of the developer.

Mayor Liptak states developer is one of 5 who have shown interest and are interested in working with the architecture of Duke Farms. S. Schrek states the county is looking into acquiring the bldg. where the auto place was and knocking it down. Dave Maski states the retail will be greenway oriented with bike rentals, etc.

T. Granahan states the original vision was to have no residential and doesn't believe the board should agree. Attorney Rubright states this client is a multifamily developer and will be ready to come in April with a plan. Mayor Liptak states this developer is anxious to work with the Borough.

D. Maski says the idea is create an ordinance that does not require variances. Create an ordinance that the town desires. He recommends adopting as introduced.

Motion to recommend council adopt as written made by R. Rispoli and 2<sup>nd</sup> by D. Forktus. T. Granahan votes no with the rest of the board voting yes.

Open to public comment. None.  
Close portion.

Motion to adjourn made by B. Cunningham and 2<sup>nd</sup> by D. Forktus.

Respectfully submitted,

Lisa Snyder