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5-27-15

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

Minutes of April 22, 2015 Meeting

Present: Mayor Liptak
Chairman R. Miller
Ms. D. Thomas
Mr. T. Brown
Mr. W. Cunningham
Mr. R. Rispoli
Mr. J. Gausz-arrived at 7:15 pm
Mr. Z. Bray
Mr. R. Zack
Mr. D. Forktus

Absent: Councilwoman S. Gara
Mr. T. Granahan

Also Present: S. Rubright, Esq.
S. Schrek – VCEA
D. Maski, VCEA
Mr. L. Gara- Zoning and Construction Official

Chairman Miller called the meeting to order at 7:00 p.m.

Chairman Miller 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 17, 2015. 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.

Flag Salute

Minutes: Given the on-going recording secretary vacancy, no Minutes were available.

Engineer's Report: Stonebridge is doing its final punch list items. Final paving should start soon.

Zoning Officer's Report: Questions have been raised regarding the building on Second Ave. where the roof collapsed. This has been tied up in litigation and will should be resolved soon.

Miscellaneous: Election of Acting Secretary on the Board- Debra Thomas agreed to serve as acting secretary on the Board, until a permanent Board secretary is appointed, in order to execute

any necessary documents. *Motion made by Tom Brown, seconded by Mayor Liptak; all voted in the affirmative.*

Resolutions:

Barbieri Brothers, LLC. Approval of site plan and use variance application for Block 109, Lot 1.03. B-1 Zone. Applicant proposes residential apartments for the first floor and amended preliminary and final site plan. *Motion to adopt made by John Gausz, seconded by Bill Cunningham; all voted in the affirmative.*

Public Hearings: Continued hearing on “Addendum to Borough of Raritan Land Use Plan Amendment, Orlando Drive Corridor.”

There were no additional comments or questions on this Addendum. No comments or questions from the public. *Motion to adopt made by Mayor Liptak, seconded by Ron Rispoli; all voted in the affirmative.*

Hearing on Raritan Johnson Associates, LLC.

Hearing concerning the settlement of a lawsuit filed by Raritan Johnson Associates, LLC, as applicant and owner of premises known as Block 62, Lot 3, as shown on the Tax Records of the Borough of Raritan (commonly known as 1, 2, 5 and 10 Johnson Drive), in the Superior Court of New Jersey, Somerset County, challenging the denial by the Planning Board of minor site plan approval for installation of an emergency generator which lawsuit is docketed as SOM-L-1507-14.

This hearing is scheduled in accordance with the procedures established by the Courts of the State of New Jersey in the matter known as Whispering Woods. v. Middletown Township, 220 N.J. Super. 161 (Law Div. 1987).

This matter was adjourned with need for further notice to the May 27, 2015 meeting.

Old Business:

John O’Keefe. Use variance and relief from condition in 2001 resolution, in order to renovate an existing office space to create a one (1) bedroom apartment at 21 Colfax Street, Block 95, Lot 11. R-4 zone.

Letter from counsel requesting adjournment to May 27, 2015; escrow due. The Board agreed to adjourn the matter to May 27, 2015 without need for further notice, with the caveat that no more adjournments would be granted.

Raritan Crossing, LLC. Preliminary and final site plan and use variance application for use of one store as a medical facility, variances for number of parking spaces and waivers for Block 116.01, Lots 25,26.01, 27 and 27.01; Block 112, Lot 3 and portions of Granetz Place Right-of-Way. *Continued hearing from March 25, 2015.*

The Applicant met with the Police Chief on additional revisions to the access drive to Somerset Street. These changes were shown on A-7, and included removing two (2) areas of raised curbs, adding a double yellow centerline, relocating an accessible cross-hatch walkway and installing a “do not block” sign on Somerset Street. The Applicant also agreed to restrict left hand turns out of the site Monday through Friday, 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. The changes required removal of one (1) parking space.

The Applicant’s traffic engineer testified that he observed one (1) established Doctor’s Care urgent care facility in West Caldwell to determine parking needs here. He said he traced patient transactions in and out of the facility, noting the length of stay and how the parking was utilized.

His observations confirmed Dr. Orlando’s testimony. He observed the West Caldwell facility for three (3) hours - from 9:00 a.m. to 12:00 noon. Six (6) patients went into the facility and seven (7) exited. There were never more than two (2) patient vehicles in the parking lot. The average patient visit was thirty-nine (39) minutes. At 4:00 p.m. there were four (4) vehicles. By 7:00 p.m. all vehicles had left.

The Applicant’s traffic expert opined that the urgent care use is less intense than a typical retail use would be in terms of parking and traffic. This helps mitigate the variance for deficient parking on site. The urgent care use is not contributing to the parking deficiency. The ordinance requires five (5) spaces per doctor plus three (3) spaces for staff. The urgent care will provide this number of spaces in its immediate area.

The Board again expressed concern about the egress from the property to Somerset Street. The Police Chief had stated an option to mitigate concerns may be to allow right turns only out of that driveway.

Several members of the public expressed significant concerns regarding the egress from the driveway to Somerset Street, citing their experiences with it living in the Borough for many years. They cited what they perceived as inadequate sight distance, and observations that drivers use it as a u-turn, conflicting with drivers exiting from the site.

In response to these concerns, David Gardner, one of the property owners, said he did not build the site and was making improvements he thought would help the site function better and more safely. He said he has had interest in the building from Starbucks and Verizon but thought that Urgent Care was the best fit, especially given the parking concerns. He said he had concerns that other tenants in the center may object to limiting the driveway to right turns out only. All of that said, Mr. Gardner said he would agree to limit the driveway egress to right out only and will prohibit left turns out.

The Applicants’ planner, John Chadwick, opined and the Board found that the use variance and parking variance could be granted. With a use variance, an applicant first must show the site is particularly suitable for the proposed use. The application must also further a purpose of zoning. The Application here will further the following purposes of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.):

a. *To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare.*

g. *To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.*

h. *To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight.*

i. *To promote a desirable visual environment through creative development techniques and good civic design and arrangement.*

m. *To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.*

Mr. Chadwick opined that any other use, including a permitted use, in the former Radio Shack building would generate more traffic and more parking than will the urgent care use. This meets the “particularly suitable” test.

As to the negative criteria, the Board found that there will be no substantial detriment to the public good by the grant of the variances. The Applicant is mitigating the existing parking deficit, restriping the lots and adding accessible spaces. The Applicant is adding landscaping and other aesthetic improvements. The urgent care use will generate fewer vehicle trips and parking needs than a permitted use would generate.

The use variance can be granted without substantially impairing the zone plan. The Master Plan does not address medical arts uses such as this one as they are relatively new. For the same reason, the **Medici** “enhanced quality of proof” for the use variance is also satisfied.

Motion to approve made by Rick Zack, seconded by Bill Cunningham; all voted in the affirmative.

New Business:

Neil and Marie Arena. Minor subdivision to create one new building lot and one lot with existing house, both of which will be conforming. The new lot will front on Perlee Ave. and the existing house is at 602 Prospect Place.

The Property is currently one large through-lot consisting of 31,947 square feet with frontage on both Prospect Place and Perlee Avenue. A single family house fronts on the Prospect Place side. The Perlee side is vacant. The new vacant lot is referred to as Lot 15.02 and will be 12,779 sq. ft.. The new lot on which the Applicant's residence is located is referred to as Lot 15.01 and will be 19,168 sq. ft.

The Property is located in the R-2 Medium Residential Zone. Proposed lot 15.02 shows a building envelope that will conform to all ordinance bulk standards. Proposed lot 15.01 on which the existing house is located will also conform to bulk standards. In order to meet impervious coverage requirements on Proposed Lot 15.01, the Applicant will remove 900 sq. ft. of driveway pavement and replace with paver block placed on porous bedding. The detail proposed is adequate assuming that the underlying soil will drain. The depth of the base course may vary subject to the underlying conditions. Inspection, during installation, will be required.

The Applicant will also relocate an existing shed to comply with the accessory structure setback requirements on proposed Lot 15.01.

Two neighbors were present and testified in favor of the application.

Motion to approve made by John Gausz, seconded by Ron Rispoli; all voted in the affirmative.

Mission of Swaminarayan Gurukul, Inc.. Site plan and variance application to permit the addition to the kitchen storage room at the existing building at 10 West Somerset St., Block 98, Lot 18. Variances required for lot size, lot width, lot frontage, side yard setbacks, rear yard setbacks.

The Applicant is seeking to build a 312 s.f. addition to the kitchen area for a refrigerator and for storage of food stuffs. The Property housed a former Protestant Church and the kitchen is more geared toward "meat and potatoes" than it is to the complicated vegetarian dishes that the temple serves. Additional storage of both cold and other food products in necessary and the kitchen area where food is currently stored is needed for food preparation.

The addition requires a setback variance. The addition will extend out from the existing line of the building, which currently violates the setback. The addition will match the existing facade. The architectural drawings showed a new "commercial grade fan to be determined". The Applicant was not clear that this was going to be installed or the reason for it. It was agreed that the exiting ventilation system does not appear to be adequate, however.

The neighbors that adjoin the Property were present and complained about the smells from cooking. They also complained about garbage that does not appear to be picked up on a regular basis. The Applicant agreed it would arrange for more frequent pickups and that after larger gathering and festivals it would have the garbage carter come the next day.

The hearing was continued to the May 27, 2015 meeting without need for further notice.

Public Comments: Mr. Richard Yodlosky asked whether the Raritan Johnson Associates matter has been adjourned to May 27, 2015 because Mr. Schrek would not be at that meeting. The Board said that the matter was adjourned at the request of the Applicant and that it was unrelated

to Mr. Schrek in any way. Mr. Yadlosky also wanted “assurances” and a “guarantee” that the generator would not be moved back to the site originally proposed by the Applicant. The Board stated no such assurances or guarantees could be given, that the Applicant was not present to engage in any substantive discussion and that no further comments could or would be made at that time.

On motion by _____, seconded by _____ and approved by all members the meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Susan R. Rubright
Board Attorney