

BOROUGH OF RARITAN
Planning Board Meeting
MINUTES
June 30, 2015 (Special Meeting)

CALL TO ORDER

Vice Chairman Brown called the meeting to order at 6:55 p.m. in the Raritan Municipal Building. He read the Open Public Meetings statement 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.

A special notice of the 6:30 p.m. start time of this meeting was sent to the Courier News pursuant to the provisions of the Open Public Meetings Act.

FLAG SALUTE

ROLL CALL

Present: Councilwoman S. Gara
Mr. T. Brown
Mr. W. Cunningham
Mr. D. Forktus
Ms. D. Thomas

Also Present: Roger Thomas, Esq.
S. Schrek, VCEA
L. Gara, Zoning & Construction Official

Absent: Mayor Liptak
Chairman R. Miller
Mr. Z. Bray
Mr. R. Rispoli
Mr. J. Gausz
Mr. R. Zack
Mr. T. Granahan

EXECUTIVE SESSION

Motion by Mr. Fortkus, **seconded** by Councilwoman Gara to move into executive session for the purposes of discussing litigation.

Mr. Thomas explained that Raritan Johnson filed suit after their application for a generator was denied. He further explained that while the applicant was planning to relocate the proposed generator to the northwest corner instead of the original [northeast corner] location, they learned via OPRA request that 7 out of 8 recent generator applications were administratively reviewed and approved, including one at 20 Johnson Drive which was closer to the nearest resident than theirs was. He related that their current position was that they would continue move the generator to the northwest corner and install a sound cover despite their belief that they should not have been put through this process in the first place. He reminded the Board that the applicant's sound expert indicated that at a distance of 300' in the original

northeast location, they would still meet the sound requirement of 65 decibels during daytime hours. He indicated that the location in the northwest corner would be 365' feet and that they were no longer willing to put in additional infrastructure, as offered prior to their OPRA request.

Mr. Thomas cautioned that even if the Borough could substantiate its decisions on the other generator applications, should litigation continue, issues might come up that might not put the Borough in the best light. He opined that this might be as good a deal as the Borough is going to get considering the lack of apparent noise issue and the applicant's willingness to change the location of the generator.

The possibility of potential objectors was discussed. There was an extensive discussion on sound standards. Mr. Thomas explained that the applicant would be required to do a monthly test of the generator and that they would undoubtedly agree to that as a condition of the approval.

Mr. Shrek offered that there would have been no issue if they had come in with the northwest location initially. Questioning the validity of their testimony, he stated that the applicant insisted that the northeast corner was the only place they could put the generator. He stated that as long as they could meet the sound standard, there would be no issue.

Mr. Thomas stated that he could report to the applicant's attorney that a Whispering Woods Hearing could be held since there appeared to be a consensus. There was a brief discussion about who would be responsible for testing the noise levels. Mr. Thomas outlined the terms of the settlement including movement of the generator from the Northeast corner to the Northwest corner and installation of a sound cover. He spoke to the next steps in the process including an upcoming conference with the Judge.

Mr. Shrek stated that he would like the report of the sound engineer to say that they would comply with the sound cover requirement. Mr. Thomas indicated that he would stipulate that as well as make it a condition of approval that within one month of installation, evidence be provided that they meet the [state mandated] sound standard under testing.

Motion by Councilwoman Gara, **seconded** by Ms. Thomas to come out of executive session.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Motion by Councilwoman Gara, **seconded** by Mr. Fortkus to adjourn the meeting at 7:16.

Respectfully submitted,



Nancy Probst
Planning Board Secretary

APPROVED 07/22/15