

BOROUGH OF RARITAN
Planning Board Meeting
MINUTES
July 22, 2015

CALL TO ORDER

Chairman Miller called the meeting to order at 7:02 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 7:00 start time of this meeting was sent to the Courier News pursuant to the provisions of the Open Public Meeting Act.

FLAG SALUTE

ROLL CALL

Present: Mayor Liptak
Chairman R. Miller
Mr. T. Brown
Mr. R. Zack
Mr. W. Cunningham
Mr. R. Rispoli
Mr. Z. Bray
Ms. D. Thomas
Mr. T. Granahan
Mr. J. Gausz (arrived at 7:03)

Also Present: Roger Thomas, Esq.
Susan Rubright, Esq.
S. Schrek, VCEA

Absent: Councilwoman S. Gara
Mr. D. Forktus

APPROVAL OF MEETING MINUTES

Nov. 19, 2014

Motion by Mr. Granahan **seconded** by Mr. Cunningham to approve the November, 2014 meeting Minutes by voice vote, as written. There were two abstentions.

February 25, 2015

The Minutes were amended to reflect the presence of Mr. Granahan and Mr. Zack. **Motion** by Mayor Liptak, **seconded** by Mr. Brown and unanimously carried to approve the **February 25, 2015 Regular Meeting Minutes** by voice vote, as amended.

February 25, 2015 Executive Session

The Minutes were amended to reflect the presence of Mr. Granahan and Mr. Zack. **Motion** by Mr. Gausz, **seconded** by Mayor Liptak and unanimously carried to approve the **February 25, 2015 Executive Meeting Minutes** by voice vote, as amended.

May 27, 2015

Motion by Mr. Rispoli, **seconded** by Mr. Granahan to approve the May 27, 2015 meeting Minutes by voice vote, as written. Ms. Thomas abstained.

June 30, 2015 Executive Session

The Minutes were amended to reflect the absence of Mr. Bray. **Motion** by Ms. Thomas, **seconded** by Mr. Brown to approve the June 30, 2015 meeting Minutes, as amended. Roll Call.

Roll Call:

Aye: Mr. Brown, Mr. Cunningham, Ms. Thomas

Nay:

Abstain: Mayor Liptak, Chairman Miller, Mr. Zack, Mr. Rispoli, Mr. Bray, Mr. Granahan, Mr. Gausz

ENGINEER'S REPORT

There was a discussion about Green Acres/Open Space inventory as it relates to the grant for reconstruction on Orlando Drive. Mr. Schrek related that the Borough was responsible for replacing Country property that it had been occupying since Orlando Drive was constructed 30+ years ago. He indicated that a scoping hearing was pending and that an endorsement from the Planning Board might be necessary after a presentation is made to Council on August 24th. Ms. Rubright offered that it might be helpful to provide a short summary of the situation along with a map.

Mr. Schrek related that construction on Raritan Crossing would be starting soon. With respect to Stonebridge, he advised that there had been some activity with the gate on Tillman Street and that there were issues with the settlement agreement that were being "cleaned up." With respect to Raritan Real Estate, LLC [Tim Horton], he advised that a demolition permit had been issued and that Construction released the foundation only on an at risk basis. He also advised that the only outstanding item was the DOT sign off and that they would be posting a performance guarantee.

Mayor Liptak asked about the status of the roof collapse on Route 202. Mr. Schrek deferred to Lou Gara.

ZONING OFFICER'S REPORT

In the absence of Lou Gara, there was no report from the Zoning Office.

MISCELLANEOUS

There was no miscellaneous business to discuss.

RESOLUTION

RARITAN CROSSING

Block 116.01, Lots 25, 26.01, 27, 27.01; Block 112, Lot 3 and portions of Granetz Place ROW
Approval for Preliminary & Final Site Plan, Use Variance, Bulk Variance and Parking Variance with conditions.

In response to a question from Mr. Granahan regarding future use of the property, Ms. Rubright explained that the resolution was merely a memorialization of what the Board had voted on and that other issues or concerns should be routed through the Zoning/Construction Office. She explained that while the use variance was tied to the medical use in particular, if the space was utilized in some other way the remainder of the relief as well as other site concerns such as parking would still apply.

Motion by Mr. Rispoli, **seconded** by Mr. Cunningham and unanimously carried to adopt the Memorializing Resolution for Raritan Crossing, as written.

Roll Call:

Aye: *Chairman Miller, Mr. Brown, Mr. Zack, Mr. Cunningham, Mr. Rispoli, Mr. Gausz, Mr. Bray, Ms. Thomas, Mr. Granahan*

Nay:

Abstain: *Mayor Liptak*

PUBLIC HEARING

Raritan Johnson Associates, LLC

Block 62, Lot 3 (1, 2, 5 and 10 Johnson Drive)

Whispering Woods Hearing

Attorney Rubright recused herself and Attorney Thomas took the dais at 7:27.

Attorney Larry Bravman appeared on behalf of the applicant. He explained that the Board previously denied Raritan Johnson's application to install a generator which was to be located on the northeast corner of Building 5. As a result of the denial, he explained that there was an appeal and now a proposed settlement. Mr. Bravman related that in response to concerns from the Board, the generator was now proposed to be relocated to the northwest corner of the property, 300+' from any property line or residence and that it would include the installation of the manufacturer's sound attenuation cover. He indicated that that this would be far enough to satisfy state noise requirements and affirmed that the applicant would be agreeable to sound testing, presumably conducted by the Borough Engineer.

Mr. Granahan asked for clarification. Mr. Schrek offered that they would be placing the generator at the preferred site [northwest corner] with the manufacturer's sound attenuation cover as opposed to a sound wall which the original proposal called for and would include post installation sound testing. There was an extensive discussion about sound attenuation issues. Mr. Bravman stated that any problems with sound attenuation would be addressed. He reminded the Board that at the June 25th hearing, his sound expert testified that the sound would be below the state standard with the cover as opposed to a barrier wall.

The Chairman opened the floor to public comment. There was none. He closed the public hearing at 7:35.

At the behest of Mr. Bravman, Mr. Thomas confirmed that the Board did have jurisdiction over the matter.

Mr. Thomas offered that if the Board was in agreement with the proposal that he would recommend a motion to accept the settlement as outlined, including relocation of the generator to the northwest corner of the property tucked into the notch as much as possible, inclusion of the manufacturers' sound attenuation cover and a requirement for sound testing to be performed by the appropriate municipal officials upon installation to ensure compliance with the state standard during daytime hours.

Motion by Mr. Cunningham, **seconded** by Mr. Gausz to adopt the proposed settlement as outlined in the motion as stated by Mr. Thomas.

Roll Call:

Aye: *Chairman Miller, Mr. Brown, Mr. Zack, Mr. Cunningham, Mr. Rispoli, Mr. Gausz, Ms. Thomas, Gr. Granahan*

Nay:

Abstain: *Mayor Liptak, Mr. Bray*

Attorney Thomas recused himself and Attorney Rubright returned to the dais at 7:38.

NEW BUSINESS

ITS Shared Services, Inc. (a Division of J&J Inc.)

Block 31, Lot 4.01 (1003 US Hwy. 202 North)

Preliminary and Final Site Plan and request for EIS waiver

Attorney Marcia Zalewski appeared on behalf of the applicant. She introduced Janice Masvidal, ITS Senior Director of Enterprise Data Centers and Facilities. Ms. Masvidal was sworn in. She testified that the Raritan site which houses the data center has been operating with a parking deficiency despite the deployment of several policies aimed at minimizing traffic, such as carpooling and telecommuting. She stated that there is insufficient parking to accommodate 800+ visitors and staff, especially after Labor Day. She explained that the Ortho lot at 1001 Route 202 had been used for overflow with access to cars provided via shuttle, however, many people were crossing the road on foot regardless. Ms. Masvidal offered that ITS also cannot host J&J wide conferences because of the lack of parking. She testified that their goal was to increase parking while continuing to promote telecommuting. She confirmed that there was no anticipated increase in the population of the Raritan ITS building.

In response to a question from Mr. Brown, Ms. Masvidal confirmed that the additional 45 spaces being requested would alleviate their issues since they had been operating with a deficiency of 25-30 while running the shuttle.

David Stires, P.E., P.P. qualified himself before the Board. He marked Exhibit A-1 (a composite of Sheets 2 and 3 of the plan set) and oriented everyone to the map showing the overall site (Sheet 1 of the plan set). He spoke at length to buffering, paving, tree removal and supplemental landscaping.

The Board Engineer pointed out that as indicated in his review memo dated July 20, 2015, a checklist had only been submitted for the Preliminary Site Plan and not the Final. Ms. Zalewski stated that it was part of the application and could not offer an explanation as to why it was not included. There was a discussion

regarding the submission of bonds as it related to the missing checklist.

Mr. Stires requested that a temporary waiver from the bond be granted in addition to the request for a waiver from the EIS. He indicated that bonding would be provided subject to improvements. He confirmed that with the proposed total number of spaces at 907, they would still be ADA compliant. With respect to Technical Comment #2 of the Board Engineer's review letter, he explained that the increase in lot size occurred when J&J took ownership of an access drive during the sale/subdivision of OCD. With respect to Comment #3, he confirmed that the slight increase in runoff is identified on the cover sheet. With respect to Comment #5, he offered that they would be proposing to match existing 25' lighting by using existing inventory. Maintenance of porous asphalt to the satisfaction of the Borough Engineer was discussed.

In response to a question from Ms. Rubright about whether the height of the light pole was a variance or a waiver, Mr. Schrek indicated that it was a waiver. There was a brief discussion about how the existing light pole height came to pass at 25.'

In response to a question from Ms. Rubright, Ms. Masvidal testified that the additional spaces would alleviate the need for a shuttle and as such, employees walking across Route 202. Ms. Rubright clarified that Mr. Schrek's Technical Comment #7 with respect to porous asphalt maintenance would be added to the plan as a condition of approval. The Board Attorney, Engineer, Chairman and Secretary confirmed that there had been no comments from the local Police, Fire or Health Departments. Mr. Schrek stipulated that they would need to see Condition #2 satisfied prior to any sign off.

The Chairman opened the floor to public comment. There was none.

Ms. Rubright offered that the Board could make a motion to grant a waiver for the height of the light pole, a waiver from the EIS requirement, a temporary waiver for the construction bond and compliance with Technical Comment #7 of the Engineer's report as well as proof of additional approvals from Somerset/Union Soil Conservation District, Somerset County Planning Board and Local Police, Fire/Health Departments.

There was a brief discussion about changing the checklist in response to a question from Mr. Granahan about time limits for the posting of bonds/estimates.

Motion by Mr. Brown, **seconded** by Mr. Rispoli to adopt the motion to approve the application, as previously stated by Attorney Rubright.

Roll Call:

Aye: Mayor Liptak, Chairman Miller, Mr. Brown, Mr. Zack, Mr. Cunningham, Mr. Rispoli, Mr. Gausz, Mr. Bray, Ms. Thomas, Mr. Granahan

Nay:

Abstain:

Zeus Industrial Products, Inc.

Block 116, Lot 13 (48 Orlando Drive)

Minor Site Plan Application/Request for exemption from Minor Site Plan

Attorney Peter Lanfrit appeared on behalf of the applicant. He explained that they were appearing in order to request a waiver of Site Plan for replacement of a wall.

There was a discussion as to whether there was a wavier provision in the ordinance under 207-45(b). Ms. Rubright spoke at length to the provisions of the ordinance. There was a discussion as to whether this work would qualify as normal maintenance and replacement. Mr. Schrek clarified that they got approval from the Somerset Union Soil Conservation District to work on the site and offered that this was "necessary work for soil remediation." He offered that the Board should listen to the request for waiver but asked for more information about the reason for the cleanup.

Mr. Richard Pelizzoni, P.E., P.L.S., C.M.E. of Whiteman qualified himself before the Board. He provided an overview of the contamination on the site and indicated that the worst of it is next to the wall which is the impetus for its removal. He explained that the retaining wall would not stand on its own once the rear is excavated. There was a discussion about the removal of an existing shed and whether that changes the Site Plan. There was an extensive discussion about what was being remediated.

Edward Huss, P.E. of Whitman was sworn in. He was identified as a site remediation professional. He testified as to the types of compounds that were slated for removal.

The Chairman opened the floor to public comment at 8:20. There was none.

Mr. Schrek recommended the waiver be granted and offered that his office would be working in conjunction with the Construction Office.

Motion by Mayor Liptak, **seconded** by Ms. Thomas to grant the waiver for Site Plan.

Roll Call:

Aye: *Mayor Liptak, Chairman Miller, Mr. Brown, Mr. Zack, Mr. Cunningham, Mr. Rispoli, Mr. Gausz, Mr. Bray, Ms. Thomas*

Nay: *Mr. Granahan*

Abstain:

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Motion by Mr. Zack, **seconded** by Mr. Granahan and unanimously carried to adjourn the meeting at 8:27.

Respectfully submitted,



Nancy Probst

Planning Board Secretary

APPROVED 08/26/15