

BOROUGH OF RARITAN
Planning Board Meeting
MINUTES
August 26, 2015

CALL TO ORDER

Chairman Miller called the meeting to order at 7:03 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

Also Present: S. Rubright, Esq.
S. Schrek, VCEA

Absent: Councilwoman S. Gara
Mr. J. Gausz
Mr. D. Forktus

APPROVAL OF MEETING MINUTES

Motion by Mayor Liptak, **seconded** by Mr. Brown and unanimously carried to approve the **July, 2015 Minutes** by voice vote, as written.

Chairman Miller announced that there would be no testimony heard after 10pm. Mr. Granahan arrived at 7:11.

ENGINEER'S REPORT

Mr. Schrek spoke about issues with the scheduled paving of Johnson Drive on Saturday.

ZONING OFFICER'S REPORT

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

MISCELLANEOUS

There was a consistency review of **Borough Ordinance #2015-12**. Mr. Schrek explained that the DOT was in the planning stages of widening Route 202 approaching First Avenue which would require that they cul-de-sac Leland Street and amend the ordinance requiring a 50' radius in order to allow for 45.' He offered that this change would be sufficient as well as in keeping with most other towns. A brief discussion ensued about the extent to which the Master Plan speaks to design standards such as this. Mr. Schrek indicated that he had spoken to the Fire Chief in response to a question from the Board Attorney about Fire Department approval.

Motion by Mr. Rispoli, **seconded** by Ms. Thomas and unanimously carried to find Borough Ordinance#2015-12 to be consistent with the Master Plan to the extent applicable.

Roll Call:

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

Nay:

Abstain:

Chairman Miller authorized Ms. Rubright to issue a memo to the Council with respect to the Board's findings during the consistency review.

RESOLUTIONS

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

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

Grant of Preliminary and Final Site Plan and EIS waiver

Motion by Mr. Cunningham, **seconded** by Mr. Zack and unanimously carried to adopt the Memorializing Resolution, as written.

Roll Call:

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

Nay:

Abstain:

Zeus Industrial Products, Inc.

Block 116, Lot 13 (48 Orlando Drive)

Grant of exemption from Minor Site Plan

The Board Attorney explained that the ordinance provision for granting Site Plan exemption was applicable in this case. She offered that the Zoning Official and Borough Engineer would be monitoring the site to ensure that the work does not exceed that which was represented pursuant to the grant of the exemption.

Motion by Mayor Liptak, **seconded** by Mr. Brown and unanimously carried to adopt the Memorializing Resolution, as written.

Roll Call:

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

Nay:

Abstain: *Mr. Granahan*

Raritan Johnson Associates, LLC

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

Settlement of lawsuit (SOM-L-1507-14) challenging the denial of Minor Site Plan approval for installation of an emergency generator

There was a discussion about additional language suggested by Mr. Brown. The Board concurred to add this additional language as outlined in Tom Brown's 08/26/15 email. Ms. Rubright directed the Board Secretary to hand write the changes on the resolution and forward to Attorney Thomas for final revision.

Motion by Mr. Cunningham, **seconded** by Mr. Granahan and unanimously carried to adopt the Resolution, as amended.

Roll Call:

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

Nay:

Abstain:

OLD BUSINESS

Raritan Real Estate LLC (aka Tim Horton's)

Block 30, Lots 2 and 3 (221 and 223 West End Avenue)

Grant of extension of time to file deed

The Board Attorney explained the need for the extension of time as it relates to conditions of the Site Plan approval calling for the consolidation of Lots 2 and 3; and, a restriction on the use of the second floor.

Motion by Mr. Rispoli, **seconded** by Ms. Thomas and unanimously carried to adopt the Resolution granting an extension of time for recording the consolidation deed and deed restriction, as written.

Roll Call:

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

Nay:

Abstain:

NEW BUSINESS

Schneider Residence

Block 12, Lot 4 (805 Elizabeth Avenue)

Bulk variance for construction of a 15'x16' patio enclosure

The applicant, Arthur Schneider and his contractor, Dominick Wronko of Tri State Building Specialties were sworn in. Mr. Wronko supplied original copies relative to the proof of mailing and publication.

Mr. Wronko explained that the applicant needed relief from the setbacks (proposed 28' where 35' is required) in order to construct a "three season patio enclosure sunroom" on a new concrete foundation in the rear of the property. He explained that there is a block patio currently located there. Mr. Wronko testified that there was a hardship due to the physical constraints of the yard. He testified that it would not be visible from the street but that it would be visible from the properties to the side and rear. Mr. Schneider testified that he had spoken to the neighbor on the left personally and that there had been no comments or objections from him or any of the other neighbors. In response to an item in the Engineer's 08/24/15 review letter, Mr. Wronko testified that the downspouts would extend into the rear of the yard.

There was a discussion about any increase in impervious coverage. In response to a question from Mr. Brown about the size of the existing pad, Mr. Wronko testified that the existing area of pavers was actually larger than the proposed foundation and that they would be removed and stacked to the side for possible future use. There was a discussion about whether pavers were considered impervious coverage. Mr. Schrek explained that it would depend how they were installed and he indicated that if re-installed elsewhere on the lot, could increase impervious coverage. In response to a question from Chairman Miller, Mr. Schneider testified that there had been no issues with runoff in the past.

A discussion about the undimensioned woodshed shown on the survey ensued. Mr. Schneider explained that the woodshed had since been removed. **Exhibit A-1** (a picture of a garden which replaced the woodshed) was marked into testimony.

The Chairman opened the floor to public comment. There being none, he closed the public session.

Motion by Mr. Cunningham, **seconded** by Mr. Zack and unanimously carried to grant conditional variance relief from the rear yard setback.

Roll Call:

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

Nay:

Abstain: *Mayor Liptak*

Raritan Crossing

**Block 116.01, Lots 25, 26.01, 27, 27.01; Block 112, Lot 3 and portions of Granetz Place ROW
Amendment to previous Preliminary & Final Site Plan approval, Use Variance and Bulk Variance(s)**

Michael Camerino, Esq. appeared on behalf of the applicant. He spoke to the need for additional relief.

Mayor Liptak recused herself at 7:44.

The Board Attorney clarified that this was a new Site Plan for Preliminary and Final approval with c variances as well as d variances given that the conforming part of the building is in the B-2 zone while the non-conforming part is in the B-3 zone.

David Gardner, Managing Member of Raritan Crossing was sworn in. He explained that there had been some prospective tenancy changes post approval which resulted in the need for additional relief. Mr. Gardner indicated that Verizon was going to move into the single story building which was previously granted relief in order to house a medical use. He further explained that they were in negotiations with Retro Fitness for use of the entire third floor and part of the second floor of the three story building once the lease with the current tenant ("Club M") was vacated. Mr. Gardner explained that since the prior approval, they had also secured a lease with Hunterdon Medical contingent upon receipt of a use variance for that portion of the building. He related that construction had begun on the previously approved parking lot [north side of the building] and that the anticipated changes in tenancy would result in a change to the building façade. He testified that the previously approved site improvements would remain unchanged.

Mr. Camerino explained that there would be a loss of one parking space because of ADA regulations. There was a brief discussion about access to the three story building. He spoke to the benefit of having three "high caliber" tenants resulting in an "upgrade" to the entire site. He clarified that Verizon was "a signed lease" while Hunterdon Medical which was pending would occupy up to 4,000 square feet on the second floor of the three story building. He related that Retro Fitness would occupy the remainder of the second floor as well as entire third floor and that the Dollar Store would remain at ground level. Mr. Gardner spoke to lobby access and confirmed that there is an elevator in place for access to the third floor.

Exhibit A-1 (an architectural rendering of the building) was marked into testimony. **Exhibit A-2** (proposed floor plan for Hunterdon Healthcare Urgent Care) was also marked.

David Stires, P.E. appeared on behalf of the applicant. He was sworn in and qualified himself before the Board. Mr. Stires marked **Exhibit A-3** (a color rendering of the Site Plan) into testimony. He explained that the prior approval was to facilitate upgrades to parking areas and secure a use variance for Urgent Care. He testified that the number of parking stalls increased from 160 to 195 and spoke to compliance with a condition which restricted turning movements on Somerset Street. He also testified that the property was "identical" to what was approved with the exception of the addition of stairs up to the middle [second level] of the "north face of the three story building. He spoke to a change in the number of parking spaces (approved for 195) because of the addition of one ADA required space. Mr. Stires confirmed that "all other features" remained the same. He advised that the Granetz Plaza vacation was secured and the DOT acquisition was completed. Mr. Camerino affirmed that the DOT did grant an extension. The Board Attorney asked for clarification as to whether the easement was granted or vacated and then asked that documentation be provided with respect to the same.

Jay Troutman, P.E. of was sworn in. Mr. Troutman advised that some of the land that the DOT was authorized to release was purchased in fee by the applicant in order to make property lines consistent with improvements on site. He explained that a strip of land across Route 206 which could not be released was leased to the applicant instead, allowing the occupation of a small strip of the DOT Right of Way. Mr. Camerino confirmed that this would be reflected on the plan.

In response to a request for clarification from Mr. Brown, Mr. Troutman explained that the County asked for a slight revision to the apron. He offered that while access will remain the same, exiting will be by right turn only in line with the previously imposed restriction. A discussion ensued about enforcement of the 'no left turn' restriction. Mr. Stires explained that the County stipulated that the signage should not be erected unless the applicant agrees to Title 39 on the site. Mr. Camerino confirmed that the applicant would agree.

Chairman Miller opened floor for public comment. There was none.

Dr. George Roksvaag, Chief Medical Officer for Hunterdon Healthcare was sworn in. He spoke to the proposed use of the facility as an Urgent Care Center, differentiating it from an Emergency Room. Dr. Roksvaag testified as to consumer demand, hours of operation (8am-8pm; 7 days/week), cost effectiveness, suitability in retail settings, on site testing capabilities (drawing lab/radiology), types of maladies seen most often and other sites that are in the process of being opened/built. He provided specific testimony as to the number of employees anticipated for the site (one doctor and from 4-6 employees) in anticipation of 20-30 patient visits per day (approximately 3 per hour). He provided further testimony as to the layout of the space (reception area, six exam rooms, offices, a lab and a radiology room). He stated that Occupational Health Medicine would also be undertaken at the site.

There was a discussion about parking in the rear of the building for the staff. Further discussion ensued about billing practices for this type of facility. Dr. Roksvaag indicated that while it would be considered walk-in, a queuing system which would allow people to pre-register would be utilized.

There was a discussion about the number of staff members and about whether the Nurse Practitioner counts as a doctor with respect to parking regulations since Mr. Schrek pointed out that only one doctor per five spaces is permitted. Dr. Roksvaag explained that there would be one person at the front desk, one "Nurse Medical Assistant," a Radiology Tech and the potential for the Nurse Practitioner to work with the Doctor for part of the day. He testified that even with the Doctor and Nurse Practitioner, they would not have more than five additional staff. In response to a question from Ms. Rubright about other staff and how frequently they would be on site, Dr. Roksvaag stated that there might be a nurse and a Medical Assistant and sometimes a Doctor with three other people. He clarified that while there would be an offsite Administrator, one of the onsite employees would act as Office Coordinator. There was a brief discussion about the blood drawn on site as well as the management of controlled substances kept in the facility.

Jay Troutman, P.E. was called to testify. He requalified himself before the Board and provided an overview of previous testimony. Mr. Troutman explained that parking supply would be increasing from 160 to 195. He testified that the improvements along Somerset Street would remain valid including the banning of left turns. He spoke to the widening of the street in order to have two way maneuverability in that critical area, speed control by way of a speed hump as well as improvement in parking supply at the front of the building and DOT occupied areas, as discussed.

Mr. Rispoli asked for clarification on the enforcement issue. The Board Attorney explained that as one of the conditions of the prior resolution that the applicant would apply under Title 39 to allow police to have authority on the property to handle parking violations as well as issues of ingress/egress. In response to a question from the Chairman, Mr. Schrek indicated that there would be signage indicating that no left turn was permitted. In response to a statement from Mr. Brown regarding movement of traffic on Route 206, Mr. Schrek advised that there was no room for a deceleration lane dedicated to the shopping center.

In response to a question from Mr. Schrek about whether the center area adjacent to Hunterdon Medical proposed as 13 spaces would be signed strictly for Hunterdon, Mr. Troutman stated it was not all for Hunterdon. A discussion ensued about how dedicated parking for Hunterdon affects other parking on site. Mr. Schrek asked where the 58 spaces required for the 23,000 square foot building were. There was an extensive discussion about the correlation between the front and rear parking lots and the need to have

employees park in the rear. The issue of access was discussed. Mr. Schrek indicated that while he was satisfied with overall parking on the site, he was concerned that taking out spaces in the middle for Hunterdon would have an impact.

Victor Kelly, Executive VP of Raritan Crossing was sworn in. Mr. Kelly spoke to the Board Engineer's concerns regarding parking. He testified that Hunterdon agreed to have all of their employees park in the rear (newly created) parking area which he confirmed would be accessible via covered walkway. Mr. Schrek explained that his concern was that some spaces dedicated to the 23,000 square foot building would be affected. He opined that in order to take some of the load off of that building that employees should be made to park in rear lot. Mr. Kelly confirmed that there was sufficient lighting in response to a question from Mr. Granahan.

The Chairman opened the floor to public comment. Katherine Mestes of 5 Granetz Place asked whether the entrance to Urgent Care would be dedicated or shared by other properties. Dr. Roksvaag confirmed that it would be dedicated. There was no other public comment.

John Chadwick, P.P. was sworn in. He confirmed that there had been no change in his qualifications or credentials since his last appearance. He testified that he had participated in the application since the outset and that the applicant has proceeded to implement the conditions that were imposed as a result of the approval stemming from that application. He related that the determination had already been made that the use was inherently beneficial and explained that the next step would be to determine any negative impacts and to offer appropriate steps to ameliorate them. At the behest of Mr. Camerino, Mr. Chadwick testified that the bulk and use variances could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan/ordinance.

The Board Attorney asked Mr. Chadwick to address parking given the overall deficiency that still exists despite the increase as it relates to the Urgent Care. Mr. Chadwick testified that that this was a lower traffic generating use as compared to some of the retail uses which are currently permitted in the zone.

Mr. Granahan asked about the state of disrepair he observed in the rear of the single story building which houses Bagels 4 U. Mr. Gardner testified that they had already begun to fix things such as the gutters and that it is their intent to make any remaining repairs necessary. In response to a question from Mr. Granahan as to whether there was anything on the Site Plan that designates traffic direction in the rear of that building, Mr. Gardner testified that there was not but that this issue would be dealt with as well. Mr. Gardner spoke to challenges with re-landscaping the corner of 206 because of an existing utility pole.

Ms. Thomas spoke to concerns over parking in the front of the single story building and inherent circulation issues with cars coming from the three story building, going up and crossing over the entrance into the single story building lot. Mr. Gardner spoke to improvements on site that he stated would release some of the congestion. He offered that once people know they can no longer make a left out of the lot, the problem will be minimized. Ms. Thomas stated that she couldn't envision people using the rear lot.

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

The Board Attorney and Board Engineer conferred on the need for additional conditions of approval. They concurred that conditions from the prior approval would be incorporated as they are still relevant. Ms.

Rubright clarified that the Board would be moving to grant a use variance for the medical use which is proposed to be on a portion of property that does not permit same. She explained that the parking variance granted in connection with the prior approved use at the prior location is being amended (reduced by one space) making it necessary for the Board to determine whether the site can still handle the traffic that is going to be generated by the proposed use. She clarified that Verizon is a permitted use and that although the site doesn't satisfy the parking standard that the Board granted a variance for the number of spaces in the last application. She explained that because of this action, a decision needs to be made as to whether granting the use variance and parking variance would be consistent with the Master Plan and in keeping with the neighborhood.

Mr. Granahan encouraged the Board to think about the state of the economy and excess inventory in commercial real estate as well as the viable ratables and brand recognition. Chairman Miller asked the applicant to speak with their tenants about having employees park in the rear in order to take a proactive stance on potential parking issues that might discourage consumers from visiting the site.

Timeframes for completion were discussed. Mr. Gardner indicated that they hope to have the site improvements that are currently being addressed done in approximately 60 days. He speculated that the new tenants would likely be in place within 90-120 days. Because of the existing lease with Club M, Mr. Gardner called Retro's lease a gray area but stated that he was hopeful to be done completely by March.

Motion by Mr. Granahan, **seconded** by Mr. Brown and unanimously carried to approve the amendment to the prior approval, use variance and bulk variances.

Roll Call:

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

Nay:

Abstain:

The Chairman opened the floor to public comment. There was none. Tom Granahan suggested that Zoning for the region might need to be evaluated. The Board Attorney suggested that the Planner take a look at it.

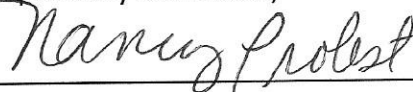
PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Motion by Mr. Zack, **seconded** by Mr. Granahan and unanimously carried to adjourn the meeting at 9:00.

Respectfully submitted,



Nancy Probst

Planning Board Secretary

APPROVED 09/30/15