

BOROUGH OF RARITAN
Planning Board Meeting
MINUTES
September 30, 2015

CALL TO ORDER

Chairman Miller called the meeting to order at 7:00 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: Chairman R. Miller
Mr. R. Zack
Mr. W. Cunningham
Mr. R. Rispoli
Mr. J. Gausz
Mr. Z. Bray
Mr. D. Fortkus
Ms. D. Thomas
Mr. T. Granahan*

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

Absent: Mayor Liptak
Councilwoman S. Gara
Mr. Brown

APPROVAL OF MEETING MINUTES

Motion by Mr. Rispoli, **seconded** by Mr. Cunningham to approve the **August 26, 2015 Minutes** by voice vote, as written. Mr. Gausz and Mr. Fortkus abstained.

ENGINEERING & ZONING REPORTS

Mr. Schrek asked that the Engineering report be discussed later in the meeting. In the absence of Lou Gara, there was no report from the Zoning Office.

*Mr. Granahan announced his resignation from the Board, effective immediately. He provided a letter to that effect and read it into the record.

On September 15, 2015, the sale of my home in Raritan was completed and I am, therefore, no longer eligible to sit as a member of Raritan's Land Use Board.

I am therefore rendering my resignation effective immediately.

It is truly a bittersweet separation because in the 15 years I served on the Board, I have enjoyed every minute of it. I have met wonderful people and together, I feel we were able to affect a positive change for the town.

Although I would like to take credit for it, the performance of the Board has always had more to do with the quality of the people I served with, their dedication, readiness and mutual respect for each other.

I would especially like to thank the Board Engineer and Attorney their years of counsel and coaching when I served as Chair and have grown to consider them friends.

So although I am sad to be leaving, I am pleased that the Board is left in such capable hands and would like to thank each of you for all the support you gave me all these years.

Chairman Miller thanked Mr. Granahan for his service and read a proclamation honoring him into the record.

WHEREAS, Thomas A. Granahan moved to the Borough of Raritan with his young family in 1993; and,
WHEREAS, Thomas A. Granahan was appointed to the Raritan Borough Planning Board as a Class IV member on January 1, 2001; and,
WHEREAS, Thomas A. Granahan was elected by his fellow Planning Board members as Chairman in January 2002 and served in that role through December 2014; and,
WHEREAS, as Board Member and Chairman, Thomas A. Granahan was involved in far-reaching decisions offering his vision of how the Borough of Raritan should be developed in a manner that protected the public health and safety and promoted the general welfare; and,
WHEREAS, during his tenure as Chairman, Thomas A. Granahan worked tirelessly, and deftly guided the Board through many development applications, a lawsuit where the Board's decision was ultimately upheld, and the mediation of a lawsuit that resulted in the developer agreeing to build and dedicate affordable housing that would give preference to United States military veterans; and,
WHEREAS, Thomas A. Granahan at all times strove to maintain the integrity of the Planning Board process; and,
WHEREAS, Thomas A. Granahan served as a leader and a mentor to numerous Board members; and,
WHEREAS, Thomas A. Granahan has provided exemplary and invaluable service to the Borough of Raritan; and,
WHEREAS, the Borough of Raritan Planning Board would like to extend its appreciation to Thomas A. Granahan for his dedicated service to the Board and to the Borough; and,
WHEREAS, the Borough of Raritan Planning Board would further like to extend its best wishes to Thomas A. Granahan upon his resignation from the Board and his relocation to another community; and,

NOW, THEREFORE, on behalf of the Borough of Raritan Planning Board, I, Richard Miller, Chairman of the Borough of Raritan Planning Board, extend my deep and heartfelt appreciation for his distinguished service and our best wishes to Thomas A. Granahan.

Motion by Mr. Gausz, **seconded** by Ms. Thomas and unanimously carried to adopt the proclamation honoring Mr. Granahan for his service. Voice vote.

RESOLUTIONS

- **Borough Ordinance #2015-12 Consistency Finding**
Motion by Mr. Zack, **seconded** by Mr. Rispoli and unanimously carried to adopt a resolution memorializing the Board’s finding that Ordinance 2015-12 is consistent with the Master Plan.

Roll Call:

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

Nay:

Abstain: *Mr. Gausz, Mr. Fortkus*

- **Schneider Residence Bulk Variance**
Block 12, Lot 4 (805 Elizabeth Avenue)
Motion by Mr. Cunningham, **seconded** by Ms. Thomas and unanimously carried to adopt the Memorializing Resolution, as written.

Roll Call:

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

Nay:

Abstain: *Mr. Gausz, Mr. Fortkus*

- **Raritan Crossing, LLC**
Block 116.01, Lots 25, 26.01, 27, 27.01; Block 112, Lot and portions of Granetz Place Right of Way

Ms. Rubright explained that this resolution memorializes the Board’s approval of the Use Variance for the portion of the property that does not allow the proposed use and provides confirmation of the road and site improvements that the applicant agreed to in connection with the prior application.

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

Roll Call:

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

Nay:

Abstain: *Mr. Gausz, Mr. Fortkus*

NEW BUSINESS

- **Raritan Valley Professional Center, LLC**

Block 26, Lots 11.01 and 11.02 (626 North Thompson Street & 575 Route 28)
Site Plan (final approval), bulk variances (parking, front yard setback, loading zone, buffer zone adjacent to residential zone, spire above building height, sign size); and use variance to permit general, professional, executive and business offices.

The Board concluded to adjourn the matter to October 28, 2015 without further Notice in light of outstanding engineering issues.

- **Raritan Orlando Drive Associates, LLC (aka "Apartment Building")**
Block 116.02, Lots 3&4 (20 Mill Street and 21 Orlando Drive)
Preliminary & Final Site Plan approval and all associated approvals, waivers, exceptions and variances for development of two multi-story residential buildings with a total of 44 apartments and 2,800 s.f. of retail space in one of the buildings with associated exterior parking, indoor parking and other site improvements.

The Board concluded to adjourn the matter to October 28, 2015 without further Notice.

- **Raritan Real Estate LLC (aka Tim Horton's)**
Block 30, Lots 2 and 3 (221 and 223 West End Avenue)
Modifications to Site Plan including relocation of ADA parking space, building change (southeast corner) due to inclusion of second stair tower and relocation of pylon sign due to relocation of ADA parking space.

The Applicant's Attorney, Marcia Zalewski stated she was appearing on behalf of the applicant with respect to final Site Plan approval.

The Applicant's Engineer, David Stires requalified himself before the Board. He explained that two issues had arisen during the course of permitting for construction under the previous Planning Board approval. One issue, he explained had to do with the DOT's requirement that the ADA parking space be relocated and the other had to do with access to the second floor. Mr. Stires related that a secondary means of access [stairwell] had been provided in the rear of the building. He explained that as a result of relocating the ADA parking space to the opposite side of the driveway, there was a loss of one parking space which had to then be relocated to the rear eastern corner of the parking lot. The relocation of that parking space consequently caused the need to relocate the sign. Mr. Stires confirmed that the new proposed sign location is conforming. He spoke to an additional DOT requirement relative to pavement depth of the shoulder on Route 28 and offered that at some point, the pavement will be milled out and shoulder reconstructed to a requisite depth of 8."

Ms. Rubright asked Mr. Stires to expand on the building access issue. Mr. Stires explained that there is currently an entrance on the west side of the building which leads to the 2nd floor office use but that when the applicant filed for permits, it was found that a second means of access for the second floor space was necessary. He stated that the public would not access the second floor. A witness from the audience who appeared to be the applicant or his representative stated that the second floor is for employees and that the second means of egress is only an emergency exit.

The Applicant's Architect, Kiew Pau was sworn in. He explained that the purpose of the secondary means of

access was “purely for egress” in case of fire as required in commercial uses by Code.

There was a discussion as to how the door for the secondary means of access would be activated so as to avoid it becoming a secondary means of ingress. Mr. Pau indicated that these doors are “typically” locked on the outside. Mr. Zack asked whether the applicant planned to only put a handle on the inside so as to avoid temptation altogether. Ms. Rubright explained that the basis for the question was over concerns at the initial hearing that the second story might be leased out for other uses. A witness from the audience who appeared to be the applicant or his representative stated that there would be no handle outside and that a panic button would be utilized in order to leave in the event of an emergency. Ms. Rubright indicated that this would likely be acceptable provided it was to Code. Ms. Zalewski reminded the Board of the restriction already in place for the space.

In response to a question from Chairman Miller as to whether the existing foundation could accommodate the additional stairway, a witness from the audience stated that it would. Mr. Rispoli offered that there should be signage at the bottom of the stairs delineating that it is not an entrance/for emergency use only. There was a brief discussion about Comment #2 of Mr. Schrek’s review letter regarding Green Development. Mr. Schrek explained that this project was approved prior to the passage of the Ordinance which established the Green Development Checklist.

There was an exchange of commentary about the new location of the ADA parking space. Mr. Cunningham remarked about it being further from building, creating a hazard for those it was designed to help.

Mr. Schrek confirmed that the new sign location is conforming to setback requirements.

With respect to outstanding conditions of approval, Ms. Zalewski confirmed that the deed had been recorded. Mr. Schrek confirmed that the requisite performance guarantee had been posted.

Motion by Mr. Gausz, **seconded** by Mr. Fortkus and unanimously carried to approve the application for Final Site Plan, with conditions as outlined herein.

Roll Call:

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

Nay:

Abstain:

RARITAN JOHNSON ASSOCIATES LITIGATION

Chairman Miller advised that he would be signing the revised resolution which included the language as suggested by Mr. Brown.

ENGINEERING REPORT

Mr. Schrek advised that he had been very busy with reviews. He suggested formation of a Site Plan/Subdivision committee for larger, more sophisticated applications. Ms. Rubright indicated that she would be supportive of this. There was an extensive discussion about the formation of a Site Plan Review Committee/TRC and specifications as well as variations of same. Chairman Miller indicated that he would speak to the Vice Chairman about it. There was a brief discussion about scheduling. In response to a

question from Mr. Rispoli as to whether these meetings would be mandatory for the Zoning Officer to attend, it was established that they would be.

PUBLIC COMMENT

There was no public comment.

There was a brief discussion about rescheduling the November meeting from November 12 to November 30. The Board directed the Secretary to check the availability of the meeting room and concurred to reschedule the meeting, if possible.

ADJOURNMENT

Motion by Mr. Fortkus, **seconded** by Mr. Bray and unanimously carried to adjourn the meeting at 7:57.

Respectfully submitted,

Nancy Probst
Planning Board Secretary

APPROVED 10/28/15