

**BOROUGH OF RARITAN**  
Planning Board Meeting  
**MINUTES**  
October 28, 2015

**CALL TO ORDER**

Chairman Miller called the meeting to order at 7:05 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  
Councilwoman S. Gara  
Mr. R. Zack  
Mr. W. Cunningham  
Mr. R. Rispoli  
Mr. J. Gausz  
Mr. Z. Bray  
Mr. D. Fortkus  
Ms. D. Thomas

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

**Absent:** Mr. Brown

**APPROVAL OF MEETING MINUTES**

**Motion** by Mr. Gausz, **seconded** by Mr. Rispoli approve the **September 30, 2015** Minutes as written, by voice vote. Mayor Liptak and Councilwoman Gara abstained.

**ENGINEERING & ZONING REPORTS**

Mr. Schrek related that a substantial bond reduction/conversion of a maintenance bond with the Developer for Stonebridge was underway. He indicated that there were some issues related to the settlement agreement that needed to confer with the Board Attorney about before he could continue. In the absence of Lou Gara, there was no report from the Zoning Officer.

## MISCELLANEOUS

Chairman Miller announced that the Mayor would be moving Bill Cunningham into the unexpired term of Tom Granahan as a result of Tom's resignation. He also announced that as a result of Bill's promotion, Dave Fortkus would be moved up to Alternate #1 and Zach Bray would move up to Alternate #2. Mr. Cunningham was advised to come into Borough Hall in order to be sworn in.

## RESOLUTIONS

### **Raritan Real Estate LLC (aka Tim Horton's)**

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

The Board Attorney advised that she received comments from the applicant's attorney with respect to the pavement depth and access to the second floor which resulted in two revisions on page 4 of the Resolution.

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

### **Roll Call:**

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

**Nay:**

**Abstain:** Councilwoman Gara

## TRC MEETING UPDATE

Chairman Miller announced that the first meeting of the TRC which was called in order to discuss the Raritan Valley Professional Center was held on October 14<sup>th</sup>. Ms. Rubright advised that it would be best for the Chairman to summarize what was discussed once the hearing on that application was underway.

## OLD 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. Adjourned from September 30, 2015 without further Notice.*

Michael Camerino, Esq. appeared on behalf of the applicant. He advised that he would be amending the application to reflect a change in ownership since the applicant had purchased the property subsequent to submission of the original application and that he would deliver proof of deed recordation upon receipt.

Mayor Liptak and Councilwoman Gara recused themselves at 7:14 in light of the "d" variance associated with the application. Mr. Camerino emphasized that the "d" variance was to permit general executive type and professional type offices in the B2 zone which are technically not permitted.

David Stires, P.E. was sworn in. Mr. Stires requalified himself before the Board. The Board Attorney asked that Mr. Stires integrate what had been discussed at the TRC meeting into his testimony. He indicated that he had not submitted revised plans based on comments from the TRC. Mr. Stires marked **Exhibit A1** (a colored rendering of the Site Plan/enlargement of the proposed development) into testimony. He oriented

everyone to the map identifying a 40,000 square foot building as the "old Henderson Building," a 17,000 square foot building used for office space and currently housing three tenants as "the Reynolds Building," a "dark brown garage/maintenance building" and a "stone yard."

Mr. Stires explained that the proposal was to remove the garage/service building and construct a third office building on the property while renovating the Reynolds Building and connecting the properties by merging the two lots in order to create a campus like setting with a two story building where the maintenance building is and an interlink connection between Route 28 and Thompson Street. He explained that the dilapidated parking lot is slated for redesign and that it was being reconfigured with initial entrances on the North side of the Reynolds Building as opposed to a front entrance off of Thompson Street in order to maintain a residential feel. Calling it a "nice transition" to the residential zone" surrounding it to the west and south, he identified it is being in the B2 Zone.

Mr. Stires explained that the proposal called for an increase in parking from 218 to 287 spaces which he offered was less than what is currently on site. He spoke to the other relief being requested including a "d" variance, a height variance with respect to a second spire on the Reynolds building and a landscape buffer variance which he explained was necessary as a result of a driveway for the Reynolds building which is in close proximity to a residential property to south and not currently in compliance with current ordinance requirements for buffering. He explained that the applicant met with that property owner and is proposing to remove and replace existing vegetation in accordance with their conceptual plan. At the behest of Mr. Camerino, Mr. Stires confirmed that while a 20' buffer is required by ordinance, that the existing buffer is only 4'. A discussion ensued about the amount of relief being requested given a proposed 2' reduction in the buffer in order to accommodate the drive and curbing. Mr. Stires explained that some of the proposed landscaping would be on the neighbor's property.

Mr. Stires spoke specifically to the parking variance. He explained that the proposal called for 4 spaces per 1000 square feet where the ordinance requires 4.5 for general office. He indicated that the Traffic engineer would provide further testimony on this. He spoke in detail about the parking stall variance along the eastern end of the property being an opportunity to minimize impervious coverage by way of a 2' overhang which would be accommodated with the relocation of a retaining wall on the southeast corner of the lot.

Speaking to the sign variance, Mr. Stires explained that the proposal would include a sign on Route 28 which would accommodate three buildings and multiple tenants. He spoke to removal of existing signage on the site and clarified that variance being requested was for a 120 square foot sign face to allow for tenant recognition together with individual signs at the respective building entrances. Mr. Stires further clarified that the main entrance for the site would be at the Henderson Building and that the secondary entrance which currently has two signs will have the identification sign on the south side. He explained that the three entrances to the Reynolds building would each have a 4x6 sign in order to identify the tenants resulting in a total of six signs.

In response to a question from Mr. Camerino about a loading zone waiver, Mr. Stires indicated that loading zones would be provided in drive aisles in front of each entrance, as discussed at the TRC meeting.

An extensive discussion ensued about a waiver from the Environmental Impact Statement (EIS) since the site is fully developed. Mr. Stires confirmed receipt of correspondence from the Environmental Commission which discusses tree removal, runoff issues and requests an environmental impact study. He explained that

the proposal includes the removal of nine trees which will be offset by the installation of 16 new ones together with 250 new shrubs in addition to the landscape buffer. He explained that there are only two small areas where impervious coverage is being increased resulting in a 2% increase.

Mr. Stires indicated that the project was reviewed for ADA compliance and issues were addressed.

Mr. Stires addressed Mr. Schrek's review letter of September 24, 2015. Mr. Schrek offered that there needed to be a statement as to completeness. Ms. Rubright indicated that as such, the Board needed to act upon the waivers. She referred to page 3 of the letter specifically. With respect to item #4, Mr. Stires testified that an application and escrow fees had been submitted. With respect to item #7, Mr. Camerino confirmed that the ownership disclosure statement was submitted directly to the Board Attorney. The Board Attorney confirmed receipt and confirmed that item #9 had been addressed as well.

With respect to item #22, Mr. Stires explained that he did not do cross sections or profiles because there were no offsite improvements. Mr. Schrek indicated that he would support this waiver. With respect to item ##33, Mr. Schrek indicated that the requirement for a cost estimate needed to be changed on the checklist. With respect to item #35, Mr. Stires confirmed that an EIS waiver had been requested. He acknowledged that the Green Development Checklist had been submitted late as well.

The Board Attorney explained that it was necessary to make a determination about the EIS waiver for purposes of completeness. There was an extensive discussion about the necessity of the EIS and also about the submission of a cost estimate. Mr. Stires reviewed the justification for the EIS waiver.

**Motion** by Mr. Gausz, **seconded** by Mr. Cunningham to waive the cost estimate for the purposes of completeness.

**Roll Call:**

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

**Nay:**

**Abstain:**

The Board Attorney explained that the Board could opt to waive the EIS for completeness purposes only as opposed to waiving it completely so that it could be required at a later time. The discussion about the need for the EIS continued. Mr. Schrek endorsed the waiver from the EIS requirement.

**Motion** by Mr. Rispoli, **seconded** by Ms. Thomas and unanimously carried to grant a waiver from the requirement concerning submission of an Environmental Impact Statement.

**Roll Call:**

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

**Nay:**

**Abstain:**

The Board Attorney announced that the application had been deemed complete.

Mr. Stires addressed several of the technical comments in Mr. Schrek's letter dated 09/24/15. With respect

to item#1, he indicated that they would agree to merge the two lots. He identified the lot lines at Mr. Schrek's request. He advised that the traffic expert would address item#3 and the architect would address item#4. He indicated that item#5 would be addressed on the plans and that they would agree to item #'s 6, 9-12 and 14-20. With respect to item#7, Mr. Stires explained that the proposal included putting in additional ADA compliant handicapped accessibility which would lead in to the lower elevators. Mr. Stires stated that he would work with Mr. Schrek in order to address stormwater in accordance with item#8. At the request of Mr. Schrek, Mr. Stires advised that he would provide information on the existing monitoring wells. Mr. Stires indicated that he would provide information with respect to item #'s 21 and 22 and that he had submitted paperwork to the County as well as local police, fire and Health officials in accordance with item#23 which the traffic engineer would address.

There was a brief discussion about the location of the dumpsters. Mr. Stires indicated that they were proposing to keep the dumpsters in the same location and a substantial distance away from residential property. In response to a question from the Chairman about having trucks come in off of Route 28 in order to pick the dumpsters up, Mr. Stires stated that it could be addressed with the carriers. Mr. Schrek stated that the main concern was traffic which he expected to be addressed in testimony.

The Chairman opened the floor to public comment. Mario Sartori of 802 Ashton Street stated that he resides behind the exiting property. He stated that he had become aware of an issue with benzene in the ground at the site of the old garage and wanted to know whether it had ever been remediated.

David Gardner, Principal of Raritan Valley Professional Center LLC was sworn in. Mr. Gardner testified that a No Further Action Letter was obtained and that any relevant documentation would be provided to Mr. Schrek. Mr. Camerino assured Mr. Sartori that the buyer had done his due diligence as part of the purchase process and had obtained a letter from the seller stating that the site was compliant. He referenced a sign off letter issued by Lou Gara regarding open permits and fire code issues which the seller remediated. The letter was marked into testimony as **Exhibit A2**. Mr. Schrek clarified that the letter in question was based on Mr. Gara's records/files and not environmental clean up.

Mr. Gardner provided an overview of the project. In response to a question from the Board Engineer about the viability of the site given the surplus of space in Somerset County, Mr. Gardner offered that that he felt it would be successful with proper management and marketing and explained that type of vacant property Mr. Schrek was speaking of was not his niche. He spoke to aesthetics, rebranding, signage and landscaping in particular. He spoke at length to his positive interaction with the neighbor whom he met with regarding the landscape buffer.

Mr. Fortkus left at 8:05

There was a discussion about the types of uses permitted in the B2 zone, prospective tenants and the history of the Reynolds building.

Robert Larsen, Architect/Planner was sworn in and qualified himself before the Board. He described the existing buildings and proposed renovations including the modernization of the Henderson building and addition of a new 14,000 square foot two story office building with a spire. He spoke to the height variance associated with the spire.

The following exhibits were marked into testimony:

**Exhibit A3** (South elevation of proposed 14,000 square foot office building).

**Exhibit A4** (Rendering of main entrance facing existing parking lot/east elevation).

**Exhibit A5** (Photos of existing conditions of the Reynolds building).

**Exhibit A6** (Photo of the façade of the Reynolds building facing Route 28).

Mr. Larsen identified the existing spire on Exhibit A6 and clarified that the current proposal takes the existing facility which is a multi tenanted office building with an interior common corridor and creates accessible units from the exterior. Mr. Gardner advised that the project would be processed through the Rehabilitation Code. He also clarified what the plan was for the Reynolds building. There was a brief discussion about whether the project would be phased. Mr. Gardner indicated that it would not be. A discussion ensued about the façade of the existing old carriage house building facing Thompson Street. Mr. Larsen indicated that they would be adding stone, cleaning up and doing repairs/trim accents in keeping with the character without any changes to the structure.

**Exhibit A7** (four elevations of the existing Reynolds as proposed to be renovated) was marked into testimony.

Chairman Miller stated that they would like to encourage movement off of Thompson Street and onto Route 28.

Mr. Larsen reviewed the Green Checklist. He indicated that they would be employing many green initiatives and incorporating high efficiency systems as well as many recycled materials. He spoke to signage and specifically to the monument sign.

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

Jay Troutman, P.E. of McDonough and Ray Associates, was sworn in. He requalified himself before the Board as a Traffic Engineer. Mr. Troutman provided testimony regarding the parking and traffic requirements for the site. He spoke to the traffic impact already associated with the existing buildings, local traffic patterns and the anticipated increase associated with the addition of the 14,000 square foot building. He explained that the potential for an interconnecting parking lot may focus the site towards Route 28 causing a net decrease in volume to the residential neighborhood and offered that with other added enhancements, the impact would be lessened even further.

Mr. Troutman testified that the four spaces per 1000 square feet proposed is more than adequate. He stated that the proposed office use is lower intensity and would generate less traffic than some of the permitted retail uses. He offered that the proposal was a better transitional use for neighborhood since it was less intense than retail. In response to a question from Mr. Camerino as to how many parking spaces would be required for the new building, Mr. Troutman testified that it was 65 but that they would be adding 69. He confirmed that parking could be accommodated for a medical use.

Mr. Troutman spoke to the comments from the Police Chief. In doing so, he testified that the properties were going to be interconnected and that North Thompson Street could handle an increase in traffic. There was a brief discussion about the removal of signage from North Thompson and the justification for doing so. Mr. Schrek confirmed that Mr. Troutman had addressed all of his concerns.

In response to a question from Bill Cunningham about public access to the adjacent property with the buffering, Mr. Camerino confirmed that the only access is from the subject property.

The Chairman opened the floor to public comment. Mario Santori of 802 Ashton Street spoke about cars coming out of North Thompson, up Ashton Street and shooting across First Avenue in order to make a left onto Route 28. He opined that it would be "near impossible" at times to make a left onto Route 28 coming out of that complex and asked whether it was understood in the traffic study that there would be more cars engaging in the aforementioned scenario in order to get to First Avenue which he stated is "already overwhelmed." Mr. Troutman explained that he noted the people that came out on Ashton Street and did not observe any time incentive to do that based on the delays he saw on Route 28. Mr. Santori stated that populating that building would increase traffic. Mr. Troutman reiterated his view that there was no time incentive based on delays of Route 28.

The Chairman closed the public comment session of the hearing.

John Chadwick, P.P. was sworn in and requalified himself before the Board. Mr. Chadwick reviewed the variance relief being requested. He explained that the buffer, as existing, is being modified slightly. As to the Use Variance, he offered that although the Master Plan calls for encouragement of economic development in the highway districts that the Ordinance actually thwarts it. He stated that the proposed use expansion meets the basic standards of a, c, g, i, m, o of the MLUL and he endorsed the inclusion of the spire. He testified that the application meets the test in terms of negative impact and that the negatives have been addressed in terms of reconciliation with the Master Plan. With respect to the sign variance, Mr. Chadwick offered that the new signage would be more attractive and effective and that the outside sign would be appropriate for the building. In terms of the spires, Mr. Chadwick opined that the Borough Ordinance likely wants to encourage architectural features of that type.

Mr. Chadwick asserted that the variances could be granted without substantial detriment to the public good and welfare and would not substantially impair the intent and purpose of the zone plan/ordinance.

A discussion ensued about signage, how the height of the spires was calculated and the address of the complex. Mr. Camerino confirmed that the current address for the site was 575 Route 28 in response to a comment from Chairman Miller about it remaining as such. He stated that they will be working with the Tax Assessor to determine how he wants the lots to be configured.

The Chairman opened the floor to public comment again. Mr. Schrek advised that Councilman Jim Foohey was in the audience and that he had given a report about the Environmental Commission (EC) the prior evening. He asked whether comments from the EC had been provided.

Councilman Foohey offered that the EC was not going to be happy that there would be no EIS. With respect to any increase in traffic, he stated that the Route 28 address should remain and encouraged the use of Route 28 rather than Thompson Street. Mr. Schrek indicated that his report addressed stormwater management. There was a discussion about whether the EC had Mr. Schrek's report when they met. In response to a question from Councilman Foohey about the number of businesses/tenants that would exist on site once at full capacity, Mr. Gardner explained that the market would determine that. He offered that there were currently six estimated the total potential number at 15-20 overall.

The Chairman opened the floor to public comment again. Mr. Camerino indicated that he would submit a wrap up.

The Board Attorney explained why the Board would like to see a buffering plan which would need to run with the land with respect to the buffer variance. Mr. Gardner testified that they would finalize the plan with the adjacent property owner and put together a maintenance agreement that would obligate them to maintain the plantings on that lot. Alternatives in the absence of a buffering plan/maintenance agreement such as fencing were discussed. Ms. Rubright explained that they would need to see an agreement with the neighbor by the next meeting or submit an amended application in order to revisit the buffer variance.

The Board Attorney reviewed the conditions of the various approvals.

**Motion** by Mr. Rispoli, **seconded** by Mr. Gausz and unanimously carried to approve the Use Variance which expands the types of professional uses on the site.

**Roll Call:**

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

**Nay:**

**Abstain:**

**Motion** by Mr. Zack, **seconded** by Ms. Thomas and unanimously carried to approve the height variance with respect to the spires, sign variance, buffer variance and to grant Preliminary and Final Site Plan Approval, with conditions as outlined by the Board Attorney.

**Roll Call:**

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

**Nay:**

**Abstain:**

**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. Adjourned from September 30, 2015 without further Notice.*

Ms. Thomas recused herself at 9:21.

Herbert Ford, Esq. appeared on behalf of the applicant. He explained that he had received comments from both Mr. Schrek and the County which plan revisions were based on. He identified a rendering of the project which had been done over two years ago and explained that there had been some minor changes including the omission of the word "Duke" in connection with the name of the apartments and that the colonnades had been pushed back in order to eliminate the need for a conditional use variance.

He provided an overview of the site which he explained encompassed two lots; one with an old unoccupied warehouse building which could be reconstructed and continued to be used as a 30,000 square foot warehouse building and the other with offices. He explained that the Borough had rezoned the area with

the vision of a riverfront access development. He advised that that the proposal would reduce lot coverage from approximately 90% to 60% and would be landscaped extensively. Architecturally, he explained, it would blend well in contemplation of the buildings on the Duke estate. He described the project as “low impact” and offered that a traffic study showed no change in service for surrounding intersections.

Michael Lanzafama, P.E. of KC& Keller Inc. was sworn in and qualified himself before the Board as an Engineer and Planner. Mr. Lanzafama outlined the current conditions on the site. He marked **Exhibit A1** (aerial mapping with tax lots and street names identified as a location map) into testimony.

There was a discussion as to completeness. Mr. Lanzafama spoke to item # 3 of the Board Engineer’s report and indicated that information requested regarding a deed of the easement for a driftway on the eastern side of the property would be provided at the next hearing. Referencing Exhibit A1, Mr. Lanzafama oriented everyone to the site with respect to the driftway in question. He explained that the original design encroached into the easement but that the plan was since revised so it no longer does.

Mr. Lanzafama spoke to items 4, 5 and 8 specifically. He testified that the appropriate application fees had been paid and that proof of filing with outside agencies such as the Somerset Union Soil Conservation District and Somerset County Planning Board had been provided. He explained that although there had been no formal submission to the DOT regarding redevelopment in the riparian zone, that preliminary discussions with them provided assurance that the project is consistent with their regulations. He explained that they would be holding off on that submission until the Board took action with the understanding that any approval would be conditioned upon securing DOT approval.

Mr. Schrek asserted that the application should be considered as preliminary only. Mr. Lanzafama spoke to the issues associated with completeness. With respect to item #13, he indicated that the peninsula (tax lot 2, block 16.02) had been added to the survey. He indicated that item #14 had been addressed. With respect to item #21, he offered that the building areas are noted on the bottom of the architectural plans and would be transferred to the Site Plan. He explained that the setback lines were delineated on the Site Plan around the perimeter of the site. Mr. Schrek clarified that they were to be labeled. Mr. Schrek concurred that a waiver should be granted with respect to item #22 since there was no proposal to modify the existing roadway across the front of roadway. With respect to item #24, Mr. Lanzafama asserted that the buildings are shown on Lot 1 and that there are no buildings on lot 2; only concrete piers and advised that the building dimensions would be shown on the architectural. With respect to item #33, Mr. Lanzafama explained that a waiver was requested for the cost estimate. He offered that any additional information would be provided at the next hearing.

The Board Attorney clarified that the applicant would comply with most of the items and that the waivers were associated with providing profiles of the roadway and a cost estimate.

**Motion** by Mayor Liptak, **seconded** by Councilwoman Gara and unanimously carried to deem the application complete.

**Roll Call:**

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

**Nay:**

**Abstain:**

Referring to Exhibit A1, Mr. Lanzafama oriented everyone to the site. He explained that the RC Zone is positioned north of Raritan River and is bound by lots 5&6 in block 116.02 which are owned by the Somerset County Park Commission. He further explained that along the northern edge is Orlando Drive, that it is parallel to Canal Street which currently has a barrier and sits east of the Neves Street Bridge as well as the Duke properties and the Duke powerhouse with the peninsula to the South. He described the total land area as being 2.06 acres with a boundary meandering along the edge of the river. He spoke to the existing structures and vegetation on the property. He explained that on tax lot 3 there are two existing structures utilized as office buildings and a concrete enclosure and advised that the entire parcel is paved/graveled/used for parking.

Mr. Schrek clarified that there were two separate lots under separate ownership. He clarified that the consents of the owners had been received.

Referencing Sheet 2 of the plan set, Mr. Lanzafama spoke to the minimum frontage of 472 and explained that the site was impacted by the Flood Hazard Elevation of Raritan River. He confirmed that a wetlands investigation conducted as part of the EIS revealed no wetlands on site and characterized the Raritan River as State Open Water. Mr. Lanzafama spoke at length about intrusion into the riparian buffer which the DEP establishes at 50' from the two year water level along the Raritan River.

**Exhibit A2** (a colorized rendering of Site Plan included in plan set) was marked into testimony. Mr. Lanzafama oriented everyone to the plan. He identified the driftway, a proposed retaining wall which would support a surface parking area on the east side of building which he described as a three story structure with the first level being parking and the next 2 levels being apartments. He explained that access to the parking garage would be on the southwest corner and would provide parking for 25 vehicles; one of which would be ADA compliant. He advised that the area to the west between buildings A and building B would also be surface parking area and explained that an entrance into the garage for building B would be on the eastern corner in the central portion of that building. He described building B as mixed use, consisting of 2 retail spaces on the ground floor (1100 square feet and 1300 square feet) with an entry corridor/lobby and parking for the 22 apartments above it. He described it as having three stories with a garage on the first level and apartments on both floors above. Access to the retail buildings, he explained, would be directly off of an 8' wide sidewalk running along the frontage of the property and would be extended to the Neves Street Bridge in order to provide for pedestrian access. Around the west and south side of the building, he described a greenway including a river walk and rain gardens. He explained that access from the middle parking area to the apartment buildings would also be available from the south side of the building and described the buildings as being about 13, 776 square feet in size and 45' high.

Mr. Lanzafama spoke at length to the conditions of the conditional use including the number of principal buildings permitted and types of uses allowed, window restrictions, vehicular access, parking areas, bulk standards, minimum lot area, minimum lot width, minimum setbacks, maximum building height, maximum permitted density and maximum impervious coverage. He explained that the site design would accommodate the extension of the County greenway to the Neves Street Bridge and that porous pavement material would be used on the 8' wide walkway so there would be no impact on additional runoff. He spoke to pedestrian traffic flow.

Mr. Lanzafama asserted that the project meets all conditions of the conditional use so the application, as

developed is consistent with the new ordinance. He indicated that the only modification was to the sign height which had been amended to 4' in order to be compliant. He indicated that the sign setback would also be compliant and described the sign as a non illuminated wooden sign which would likely be ground lit.

There was a brief discussion about performance standards. Mr. Schrek explained that for this use, this pertains mainly to the location of HVAC units/noise. Mr. Lanzafama provided a breakdown of the apartments by size/capacity and explained how the RSIS parking requirements related to the number of spaces being provided per unit. He confirmed that all parking necessary for the project was contained on site. He spoke to specific design components which he said the County endorsed such as flipping the parking around so headlights face away from the residential properties and the potential creation of additional offsite parking using the riverwalk and Duke Estate using the Neves Street Bridge. He explained why they did not want offsite proposed parking area to be tied to the development of lots 3 and 4.

Mr. Lanzafama spoke at length about utilizing 9' by 18' parking stalls and how the overhang would be mitigated. He explained that the c2 variance associated with this deviation could be granted without detriment to zone plan and asserted that it is compliant with RSIS standards. Mr. Schrek concurred and added that the Borough needs to revise its Ordinance in order to permit 18' deep stalls.

Mr. Lanzafama discussed the variance for the loading area associated with the two retail spaces. He explained that the type of delivery vehicles such as step vans that would be utilizing the loading area could simply use stalls available in parking area. He asserted that additional pavement associated with a loading berth for such a small amount of retail space was unwarranted.

Mr. Lanzafama spoke to a reduction in impervious coverage from almost 90% to 56%. He spoke at length about trying to utilize low impact development techniques such as rain gardens. He explained that as a result of the overall design that there would be a reduction in peak run off rates and volume of runoff.

Referring to the lighting plan contained on page 7 of the plan set, Mr. Lanzafama spoke to employment of various green development techniques such as utilization of LED fixtures. He confirmed that they would be on from dusk to dawn in response to a question from the Board Engineer.

Referring to sheet 6 of the plan set, Mr. Lanzafama marked **Exhibit A3** (colorized rendering entitled Landscape Plan dated 10/13/15 and prepared by Brian Conway). He spoke at length to the types of landscaping and porous materials slated for use on the river walk.

Mr. Lanzafama explained that plans were resubmitted to the County and that they are in the process of being reviewed. Additional landscaping on the County Park Commission property between Canal and Orlando Streets was discussed.

Sewer and water demand was discussed. Mr. Lanzafama explained that the net increase in water demand and sewer generation would be minimal and that as such, he did not anticipate any significant impact on the downstream sanitary sewer system or issues with water supply.

Mr. Schrek expressed concern about potential impact on the historical building on Duke Farm property. Mr. Lanzafama offered that there was a significant amount of separation between the side property line and that with the introduction of the Riverwalk, there would be no negative impact from a historical or visual

perspective. He asserted that the project meets the goals and objectives of the Borough's Master Plan. Mr. Schrek confirmed that the height of the structures complies with ordinance requirements. He stated that the applicant complied with his request to try to respect that building by extending the sidewalk past it and tying it in to the Neves Street Bridge.

There was a brief discussion about the types of businesses that might be slated for the retail component. Mr. Lanzafama indicated that they would be conforming. There was a discussion about the history of the zone and the project. A discussion ensued about the walkway. Mr. Schrek advised that the County has a grant that will be bringing the walkway in from Somerville which they will be applying for with the Borough's endorsement. Mayor Liptak explained that the goal will be to walk from Patriots Stadium to Duke Island Park.

Mr. Zack asked whether there were any issues with the riparian buffer. Mr. Schrek explained that if there is disturbance, they will get consent. Mr. Rispoli voiced concerns over future expansion in light of the discussions about turning the pump house into a restaurant.

The Chairman opened the floor to public comment. Kristen Hagerman of 25 Canal Street asked whether there was a safety standard with respect to lighting. Mr. Lanzafama explained that the plan minimizes glare across the street because of placement. He offered that the light source would not be visible from across the street but rather, it would be just enough to light the pedestrian walkway. Mr. Lanzafama spoke to the parking lot lighting in response to a question from Ms. Hagerman about that. Mr. Schrek added that the lighting would not extend beyond the property line. Ms. Hagerman voiced concerns over having people looking in her yard all day with the change in use.

Councilman Foohey asked about residential parking for visitors. Mr. Lanzafama explained that .5 spaces per dwelling unit are factored into the plan as per RSIS standards. Councilman Foohey voiced concerns over parking on Mill Street by visitors to the site. Mr. Lanzafama explained that Mill Street would be picking up about four spaces. Mr. Schrek explained that by RSIS standards that the site was fully compliant with parking. In response to a question from Councilman Foohey as to whether the buildings would be flood proof, Mr. Lanzafama explained that they would be elevated about 1.5-2' above flood design elevation which would mean they will be.

The Chairman asked whether there were any other comments. Ms. Rubright announced that the hearing would be adjourned to Monday, November 30 without further Notice.

#### **ADJOURNMENT**

**Motion** by Mr. Bray, **seconded** by Mayor Liptak and unanimously carried to adjourn the meeting at 10:36.

Respectfully submitted,



Nancy Probst  
Planning Board Secretary

***APPROVED 11/30/15***