

BOROUGH OF RARITAN
Planning Board Meeting
MINUTES
November 30, 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
Councilwoman S. Gara
Chairman R. Miller
Mr. T. Brown
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
Lou Gara, Zoning & Construction Official

APPROVAL OF MEETING MINUTES

TRC Meeting

Chairman Miller advised that the Minutes from the last TRC meeting would be reviewed at an upcoming TRC meeting and distributed for approval at the Planning Board meeting in December.

October 28, 2015 Regular Meeting

Motion by Mr. Zack, **seconded** by Mr. Gausz to approve the **October 28, 2015** Minutes as written.

Roll Call:

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

Nay:

Abstain: *Mr. Brown, Mr. Fortkus*

ENGINEERING & ZONING REPORTS

Mr. Gara advised that there were no Zoning related matters to discuss. Mr. Schrek related that construction was proceeding on Tim Horton's and that preliminary site work, including drainage improvements had been finalized. He advised that construction on Raritan Crossing was proceeding as well and spoke to an issue with the Fire Department connection which had received approval from the Water Company. With respect to Stonebridge, he indicated that a final punch list review was being undertaken prior to any request for a bond reduction. In response to a question from Chairman Miller, Mr. Schrek advised that the issues with the rear gate at Stonebridge seemed to have been resolved.

RESOLUTIONS

Raritan Valley Professional Center, LLC

Block 26, Lots 11.01 and 11.02 (626 North Thompson Street & 575 Route 28)

The Board Attorney advised that there had been no comments upon distribution of the resolution. She pointed out that the applicant's attorney did provide Lou Gara's letter signing off on open permits and fire code violations during the hearing which should be made part of the record and identified as Exhibit A-2 on page 1, paragraph 3 of the resolution.

Motion by Mr. Rispoli, **seconded** by Ms. Thomas to adopt the Memorializing Resolution, as written.

Roll Call:

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

Nay:

Abstain: *Mayor Liptak, Councilwoman Gara, Mr. Fortkus*

The Board Secretary confirmed receipt of an affidavit from Mr. Brown as to his voting eligibility.

TRC MEETING UPDATE

The Chairman advised that the next meeting of the TRC was scheduled for December 8 at 8:30 am in the Municipal Building. Mr. Schrek confirmed that no documentation had been received to date with respect to improvements at the Lab Corp site.

OLD BUSINESS

Raritan Orlando Drive Associates, LLC (aka "Apartment Building")

Block 116.02, Lots 3&4 (20 Mill Street and 21 Orlando Drive)

Application for 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. Hearing continued from October 28, 2015 without further Notice.

Ms. Thomas recused herself at 7:12.

Herbert Ford, Esq. of Saiber, LLC appeared on behalf of the applicant. He provided an overview of the testimony from the prior meeting and advised that new plans had been filed in response to open technical review issues. Referencing other technical issues raised in Mr. Schrek's letter of November 23, he indicated

that the applicant would comply with all requirements.

The applicant's Architect, **Timothy Wentz, A.I.A., of Gate 17 Architecture** was sworn in and qualified himself before the Board.

Exhibit A3 (identified as a colorized version of Sheet 1 of the plan set dated 10/16/15) was marked into testimony. Mr. Wentz identified Building A on the exhibit and described it as being perpendicular to Orlando Drive. He spoke at length to the layout, architectural style, construction materials, windows and roof.

Exhibit A4 (identified as a colorized version of Sheet 2 of the plan set) was marked into testimony. Mr. Wentz identified Building B on the exhibit and spoke to the differences between Buildings A and B. He explained that while the size and height were the same, Building B is parallel to Orlando Drive and contains a retail component on the first floor which he identified on the plan. He explained that a mansard style roof would be utilized and spoke to the mechanics of same.

Exhibit A5 (identified as a colorized version of Sheet 3 of the plan set showing the rear elevation of Buildings A and B) was marked into testimony. Mr. Wentz spoke to the significance of the building materials being carried around the building and some specific details of the trim.

Exhibit A6 (identified as a rendering of the side of Building A facing Orlando Drive) was marked into testimony. Mr. Wentz spoke again to the significance of the building materials being carried around the entire building and referenced the ordinance requirement restricting blank facades.

There was further discussion on the specifications/mechanics of the mansard roof in response to questions from Mr. Bray and Chairman Miller concerning elevations. There was a question from Mr. Schrek about the front elevation since the portico/colonnade was still depicted on the drawing despite having been removed from the latest iteration of the Site Plan. Mr. Wentz explained that the covered porch area had been recessed so that it would only protrude approximately 18" from the building.

Speaking to Sheet 5 of the plan set, (identified as the first floor of Building A, parking garage level), Mr. Wentz related that there would be 25 parking spaces measuring 9'x18' with a 24' wide parking aisle. He identified the entrance to the building, parking location, residential stairwell access and lobby area with an elevator in the center which he related would function as the main entrance for the residential portion of the building. He indicated that the elevator lobby was also accessible from the garage and identified various mechanical spaces.

Speaking to Sheet 6 of the plan set, (identified as the first floor of Building B, parking garage level), Mr. Wentz indicated that there would be two sections of retail space, 1300 square feet to the right and 1100 square feet to the left; twenty two parking spaces in the garage, the majority of which would be located behind the retail space; an entrance to the garage on the side of the building; one set of stairs for emergency access/exit for the residential component and a center area lobby with elevator. In response to a question from Mayor Liptak, Mr. Wentz confirmed that there would be no access from the lobby to the retail space. In response to a question from Mr. Bray, Mr. Wentz testified that the clearance for the parking area would likely be 9.' In response to a question from Mr. Bray about refuse, Mr. Wentz related that typically, trash is put in the center of the building to allow for easy access and then wheeled out for pick up.

Exhibit A7 which was identified as Sheet 7 of the plan set showing the second and third floors of both buildings was marked into testimony. Mr. Wentz explained that the second and third floors of both buildings were identical and that there would be 22 apartments in each building with a central corridor in the middle of each. He identified the elevator lobby, trash delivery room and stairwells and provided an overview of the nine different unit types ranging from 760 square foot one bedroom/one bath units to 1250 square foot two bedroom, two bath units. He provided a specific breakdown down of the number and style of unit types (36% one bedroom, 64% two bedroom) and at the behest of the Board Attorney, marked them on the plan.

Mr. Wentz spoke to the operation of the HVAC system. In response to a question from Mayor Liptak about recycling, Mr. Wentz explained that efficiency would dictate whether a trash chute leading to a recycle bin would be used (as planned for). In the alternative, he related, there would be bins on each floor.

Mr. Wentz spoke to performance standards that apply to non residential buildings. He explained that they did not anticipate any issues with noise or odor as the commercial uses would be "very light." Mr. Schrek clarified that the concern regarding the location of the air handlers had been addressed in testimony.

In response to a request from Mr. Ford for testimony regarding the applicability of some of the green checklist items, Mr. Wentz explained the significance of the new energy code adopted by the State which resulted in a 25% increase in energy efficiency with respect to the Air Conditioning system. As to green building standards, he confirmed that there are no criteria for being green building "certified."

Mr. Wentz spoke at length to several of the green checklist items. He related that low flow fixtures, Energy Star appliances and LED lighting would be used and that there would be greater efficiency in the condensers in response to the new energy code as well as occupant controls and an efficient building envelope. He confirmed that the building was not oriented to daylight for energy conservation; there would be no recapture of rainwater or onsite energy generation. He related that the anticipated energy savings was unknown. As to indoor air quality, he related that the building would utilize natural ventilation, that all windows were operable and that there would be a reduction in VOC's as regulated by State Law. With respect to building materials, he indicated that there were no building materials onsite to recycle and that the majority of materials would be sourced locally. Mr. Schrek offered that there are buildings on site which could yield recyclable building materials. He clarified that rainwater recapture was different from the rain gardens which had been discussed at the last hearing.

In response to questions from Mayor Liptak, Mr. Wentz clarified that while the appliances would be electric while the heating units and hot water heaters would be gas fired. He also confirmed that no accommodation had been made for a generator.

There was an extensive discussion about building refuse including location, size and type of containers; frequency of removal; mechanism for disposal (chute vs. collection area) and method for disposal. In response to a question from the Board as to why the chute might not be utilized, Mr. Wentz offered that they can be problematic because of improper use.

Mr. Schrek asked about noise resulting from trash haulers. Mr. Wentz explained that there is a collection room in the garage which is the final pick up point.

The Chairman opened the floor to questions for the Architect.

Adele Goetsch of 6 Nevius Street asked how many of the apartments have a river view. Mr. Wentz explained that all apartments in Building A and half of the apartments in Building B do. Ms. Goetsch asked about parking for the retail component. Mr. Wentz explained that parking for the retail shops was limited to outside only. Mr. Ford referred to prior testimony from the applicant's engineer on parking requirements in response to questions from Ms. Goetsch about the number of allotted spaces per unit and guest parking. In response to concerns from Ms. Goetsch about overflow parking if spaces had to be purchased rather than included, the building owner acknowledged from the audience that each apartment would be assigned one parking space.

Elliot Leibowitz, owner of the property, was sworn in. He acknowledged that each unit comes with a space.

Debbie Thomas of 36 Canal Street asked about noise in connection with mechanical equipment on the roof. Mr. Wentz offered that all mechanical equipment emits noise of some type. In response to a question about the number of decibels, Mr. Wentz stated that he was not qualified to answer that. In response to a question from Ms. Thomas to whether there would be testimony regarding same, Mr. Ford indicated that there would be if the Board deemed it necessary. Ms. Thomas indicated that she would like to know what the decibel level would be. Mr. Ford asserted that the Board is aware that the condensers will not create "inappropriate" noise and that they would direct the applicant to provide more information on same, if necessary.

In response to a question from Ms. Thomas about the target demographic for the development, Mr. Wentz stated that it was "market rate to upscale tenant." In response to a question from Ms. Thomas about amenities such as workout or meeting rooms, Mr. Wentz indicated that none were planned.

Ms. Thomas voiced concern over the frequency of trash pickup and noise generation as a result of same. Mr. Wentz indicated that the amount of refuse and type of trash hauler would dictate the number of pickups. Ms. Thomas stated that multiple pickups of garbage/recycling could create a disturbance.

Paul Giraldi of 20 Meehan Avenue asked about the Right of Way space in the rear of the building. Mr. Ford offered that Mr. Wentz was not qualified to answer that question. The Board Attorney suggested that it would be beneficial to have the applicant's engineer provide testimony on the subject.

Michael Lanzafama, P.E. of KC& Keller Inc. was continued under oath. Referencing Exhibit A2 (Sheet 4 of the plan set), he explained that Building A is set back approximately 33' from the top of the bank and that Building B is approximately 30' at its closest point. He pointed out an expansive amount of green space within that area and explained that discussions are underway with the County about easements and Rights of way allowing public use of area. In response to a question from Mr. Gelardi about the status of the discussions, Mr. Lanzafama explained that the applicant is willing to provide the easements that the County is requesting but that those documents have not yet been received.

In response to a question from Chairman Miller as to how far the greenway path might be from the buildings, Mr. Lanzafama testified that it would be about 5' at the southwest corner of Building B and that it runs along the column lines of a cantilevered portion of Building A. With respect to buffering between the path and the buildings, Mr. Lanzafama indicated that grasses are proposed in the area as well as rain gardens as depicted on sheet 6 of the plan set (Exhibit A3). He spoke further to the extensive proposed landscaping.

With respect to noise, Mr. Lanzafama explained that State standards which every equipment manufacturer is

aware of must be met. He offered that since the condensers are located inside of the wells of the mansard roof, that sound will be directed up; not out with the roof section acting as a baffling system.

In response to a question from Chairman Miller as to the number of condensers as well as calculations/guidelines, Mr. Lanzafama testified that there would be a condenser for every unit and that he could speak to the manufacturer and provide further information with respect to same. Mr. Schrek agreed with Mr. Lanzafama in his assertion that manufacturers are aware of State regulations and explained that this issue would be examined when there are submittals for construction. Mr. Schrek offered that although they would be cognizant of it, he did not think there would be a problem with recessed units on the roof. Mr. Gara confirmed that noise levels could not exceed 65 DBA during the day and 50 DBA at night.

In response to a question from Mayor Liptak about fire escape windows, Mr. Wentz explained that while the windows are large enough to have them that they are not required by code because the building is fully sprinklered. Mr. Gara asserted that the bedroom windows have to be egress, nonetheless.

Mr. Brown asked for clarification on the greenway as it relates to discussions with the County. Mr. Lanzafama explained that the County issued an initial review memo but had some concerns about using the parking area north of Building B. He further explained that modifications were made to the plan so that parking was fully contained on site. As such, he explained that they were waiting for a second memo following further review. He offered that the easement allowing public use of the walkway was part of that and it had to be "ironed out." Mr. Schrek explained that it was both access and maintenance issues because the walkway is pervious, and as such, requires higher maintenance. He explained that the County wants the developer to maintain responsibility for maintenance.

In response to a request from Chairman Miller to speak to the issue of refuse, Mr. Leibowitz offered that there is a negotiation with the rubbish company based on volume which is unknown at this time. In response to a question from Chairman Miller about his experience owning/managing similar facilities, Mr. Leibowitz related that he is the owner of a five story building with 84 apartments located at 373 East Main Street in Somerville which has a rubbish room that is normally emptied twice/week. He explained that although that facility does have a chute, it is mainly maintenance that removes the rubbish from the collection rooms.

Hal Simoff, P.E., P.P. of Simoff Engineering Associates was sworn in. He identified himself as a Traffic Engineering Expert and qualified himself before the Board. In response to a question from Mr. Ford as to the difference in his second report dated November 16, Mr. Simoff spoke to a reduction in the size of the retail space and a revision with respect to the behind the Orlando Drive Right of way.

Mr. Simoff spoke to the traffic study conducted in June. He explained how it was conducted and concluded that there would be no negative impact to traffic flow with no adjustment for mass transit. He testified that the development would generate a comparable amount of traffic to when the site was in full operation without trucks/industrial uses and that the projected use has no impact on the level of service.

The Chairman opened the floor to questions for the Traffic Engineer. There were none.

Mr. Ford clarified that the relief being sought was Preliminary approval together with bulk variances for the length of the parking stalls and lack of loading zone in the parking lot.

Mr. Rispoli asked about long term parking for trucks with respect to the retail component. Mr. Ford indicated that none was anticipated. In response to a question from Mayor Liptak as to the number of children anticipated to come from the use, Mr. Lanzafama testified that they anticipated approximately 90 residents with a small number of children; less than one per unit.

In response to a question from Mayor Liptak about pets and pet generated waste, Mr. Leibowitz related that there are typically no pets permitted but that no pet policy had been established yet for the development.

There was an extensive discussion about conditioning the time and manner of trash pickup in order to mitigate noise impacts. The Board Attorney indicated that it could be an ongoing condition of Preliminary approval to be added into Final and then worked into the Developer's Agreement.

Mr. Schrek advised Ms. Rubright that the applicant represented that they were going to address any technical concerns in his letter under preliminary approvals. Ms. Rubright clarified that with respect to comment #1 on page 3, a subdivision plan and approval were not necessary; just a consolidation deed which is a preliminary requirement. Mr. Schrek added that all outside agency approvals were also required.

There was a discussion on the applicability of affordable housing with respect to the development. It was confirmed that there is no affordable housing component.

The Board Attorney clarified that the walkway easement was a condition of approval. Mr. Schrek explained that it must be a condition because the size affects impervious calculation. There was a discussion about whether a lack of agreement with the County would prevent the development from moving forward. Mr. Schrek explained that support of the County Greenway is a key component and that if not part of the plan, amended Site Plan would be necessary. Ms. Rubright confirmed. Mr. Schrek spoke to a request for a reduction in impervious coverage which was accommodated by the use of pervious materials, triggering the maintenance issue. Mr. Schrek clarified that there has to be public access in accordance with amended zoning and Master Plan and if not, amended Site Plan would be necessary. Chairman Miller clarified that without the Greenway Easement allowing public access, there would be no development as outlined in the Ordinance and Master Plan. Citing Ordinance#207-126.1c, paragraph c, number 4, Mr. Schrek stated that "the site design shall accommodate the extension of the County Greenway to the Nevius Bridge."

There was a brief discussion about comments from the Police and/or Fire Department. Mr. Gara indicated they usually have the right to meet with the Developer. The Mayor related that they had not yet done so.

The Chairman opened the floor to public comment.

Debbie Thomas of 36 Canal Street asked about an emergency parking plan with respect to Building A given its history of flooding. Mr. Lanzafama explained that the easterly side of the parking lot was elevated so that the entrance to the garages would be located 1' above the flood hazard elevation based on State regulations.

Ms. Thomas expressed concerns over noise generated by moving vans. In response to a question about whether moving vans would fit under the garages, Mr. Lanzafama explained that they would not and offered that it would be unlikely that there would be "huge" moving vans frequenting the building.

Ms. Thomas reiterated her concerns over noise as a result of garbage pickups, people moving in and out and

HVAC equipment on the roof. Mr. Lanzafama assured her that it would be less than residents had experienced previously. He offered that one year leases would ensure slow turn over.

Greg Lobell asked if there could be a provision in the resolution addressing noise, etc. The Board Attorney offered that a provision would be added and that a standard condition making it necessary to comply with all ordinances would be present.

Ms. Thomas offered that as an employee of Duke Farms, she is certain that the Director would be receptive to hearing from the applicant about the proposal at hand.

Ms. Goetsch asked what the retail space would be used for. Mr. Lanzafama explained that while there are currently no tenants lined up, they envision types of businesses that would complement the river walk. Chairman Miller added that there is language that speaks to this in the Master Plan. Mr. Schrek spoke to the permitted uses as outlined therein. Ms. Goetsch asserted that there has to be public access to the walkway.

The Board Attorney outlined a motion to grant preliminary approval and variances for the length of the parking stalls and lack of dedicated loading zone with numerous special and standard conditions of approval which she enumerated.

Motion by Councilwoman Gara, **seconded** by Mayor Liptak and unanimously carried to grant Preliminary Site Plan approval and variance relief with conditions as stated in a motion outlined by the Board Attorney.

Roll Call:

Aye: *Mayor Liptak, Councilwoman Gara, Chairman Miller, Mr. Brown, Mr. Zack, Mr. Cunningham, Mr. Rispoli, Mr. Gausz, Mr. Fortkus*

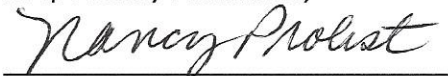
Nay:

Abstain: *Mr. Bray*

ADJOURNMENT

Motion by Mr. Gausz, **seconded** by Mr. Bray and unanimously carried to adjourn the meeting at 9:09.

Respectfully submitted,



Nancy Probst

Planning Board Secretary

APPROVED 01/27/16