

**BOROUGH OF RARITAN**  
**Planning Board Regular Meeting**  
**MINUTES**  
December 28, 2016

**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 published in the Courier News on January 30, 2016. 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.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

<b>Present:</b>	Chairman R. Miller	<b>Also Present:</b>	Susan Rubright, Esq.
	Vice Chairman Brown		Stan Schrek, P.E.
	Mayor C. McMullin		Angela Knowles, P.P., A.I.C.P.
	Councilman R. Bray		Lou Gara, Construction/Zoning Official
	Mr. E. Wilde		
	Mr. R. Zack	<b>Absent:</b>	Ms. Thomas
	Mr. N. Carra		Mr. DeCicco
	Mr. J. Gausz		Mr. Krajewski
	Mr. Cunningham		
	Mr. D. Fortkus		

**ENGINEERING REPORT**

With respect to the Larkin site, Mr. Shrek advised that most of the site work been had been completed and that in addition to starting the third building, quite a bit of work had been done on the Reynolds building and the extension on Thompson Street.

**ZONING OFFICER/CONSTRUCTION OFFICIAL REPORT**

Mr. Gara advised that the construction behind the post office was moving along. There was a brief discussion about a letter/resolution from 2005. Mr. Gara related that they have what they need.

**TRC MEETING UPDATE**

The Chairman advised that there were had been no TRC meetings held since the last Planning Board meeting and that there were none scheduled at this time.

**MISCELLANEOUS**

- County Planning Board Meeting

Ms. Knowles provided an overview of what transpired at the County Planning Board meeting which the Mayor and Chairman had also attended. She advised that in preparation for 3 of the Priority Growth Investment Plan, the County would be meeting with all of the regional center towns to ask for ideas on things that they want help from the County with. She related that in their discussion, the Borough focused on the revitalization of Orlando Drive; specifically, getting existing and future residents to

connect to Somerset Street and the train station as well as traffic safety and congestion around the Route 202 and First Avenue intersection. She related that she anticipates follow up in January. Calling it "encouraging," Chairman Miller offered that it would be a good time to focus on proactive planning in 2017, given the new schedule of two meetings per month.

- Application Checklist

The Board Attorney advised that Ms. Knowles would be providing language for an amended checklist which she will put into Ordinance form for the Board to recommend for adoption by the governing body.

## **RESOLUTIONS**

- Resolution #2016-15  
**Viktor & Ruta Buchholz**  
1126 Route 202 (Block 2, Lot 21)  
*Use Variance, Bulk Variances*

The Board Attorney related that there were no comments on the resolution from the applicants or their Planner. **Motion** by Mr. Cunningham, **seconded** by Mr. Gausz to adopt Resolution #2016-15 memorializing approval of the Buchholz application.

## **ROLL CALL**

**Aye:** *Chairman Miller, Vice Chairman Brown, Mr. Gausz, Mr. Cunningham, Mr. Fortkus, Mr. Carra*

**Nay:**

**Abstain:** *Mayor McMullin, Councilman Bray, Mr. Zack*

- **Resolution# 2016-16**  
**Applicant, Verizon Wireless** (Owner, Roche Bio-Medical aka "LabCorp")  
Johnson Drive & First Avenue (Block 78, Lot 1)  
*Site Plan, Use Variance*

The Board Attorney related that there were no comments on the resolution from the applicant's attorney. **Motion** by Mr. Fortkus, **seconded** by Mr. Gausz to adopt Resolution # 2016-16 memorializing approval of the Verizon Wireless application.

## **ROLL CALL**

**Aye:** *Chairman Miller, Vice Chairman Brown, Mr. Wilde, Mr. Gausz, Mr. Fortkus, Mr. Carra*

**Nay:**

**Abstain:** *Mayor McMullin, Councilman Bray, Mr. Cunningham*

- **Resolution# 2016-14**  
**Raritan 503 LLC**  
NJ State Highway 202 (Block 40, Lots 1 & 17)  
*Preliminary & Final Site Plan, Bulk Variances*

The Board Attorney related that there were no comments on the resolution from the applicant's attorney. She advised that language had been removed from the original draft regarding the nature of the building's demise. **Motion** by Vice Chairman Brown, **seconded** by Mr. Fortkus to adopt Resolution # 2016-14 memorializing approval of the Raritan 503 application.

**ROLL CALL**

**Aye:** Chairman Miller, Vice Chairman Brown, Mayor McMullin, Mr. Wilde, Mr. Gausz, Mr. Cunningham, Mr. Fortkus, Mr. Carra, Mr. Wilde

**Nay:**

**Abstain:** Councilman Bray

**APPLICATION/HEARING (Continued from October 26, 2016)**

Satyanarayana Varre, Applicant (Owner - Hopper II, LLC)  
Block 29, Lot .01 (600 Route 206 South)  
Minor Site Plan and bulk variances

Mr. Bray provided an affidavit of voting eligibility certifying that he listened to the testimony from the October 26, 2016 hearing.

Marcia Zalewski appeared on behalf of the applicant. She introduced the Traffic Engineer, Gary Dean. Mr. Dean acknowledged that he was still under oath and proceeded to review the three options which he discussed at the prior meeting for delivery vehicle access.

Referring to Sheet #202 of the Site Plan which was revised to 8/30/16 to include vehicle turning templates, he explained that there were "inherent limitations" in the graphical exhibits. As such, he explained that he would provide a 45 second video of a truck maneuvering into the lot. He reminded the Board that the testimony previously provided was that trucks could back up in a tighter radius. He explained that in order to provide this demonstration, they coordinated with the anticipated vendor [Allied Beverage] who would be servicing the site in order to orchestrate an actual onsite delivery with the a single unit box truck that would typically be used for regular deliveries. He referred to the projector screen and explained that the truck shown was the same as the one depicted in Exhibits A4-6 and A4-7. In response to a question from the Board Attorney, he confirmed that he would submit a digital copy of the video which would become Exhibit \_\_\_\_.

Mr. Dean reiterated that the video shows the actual truck maneuvers because the templates don't accurately reflect them. He oriented everyone to the site and provided the details on the perspective. He explained the rationale for having placed traffic cones on road and played the video while describing the activity. Mr. Schrek offered that the truck took out the first row of parking. Mr. Dean offered that it was fully contained in the site, never encroaching into the eastbound lane of Frelinghuysen or coming near the parking space to the southwest. He testified that of the three options presented, this maneuver was the best when tempered with traffic activity on Frelinghuysen Avenue. He spoke to traffic counts on Route 206 and Frelinghuysen Avenue which he related had been done as part of an application for the Gateway Motel project.

Mr. Dean testified that the video had been taken around 10:20 a.m., which he offered was a representative time for typical delivery. He offered that the maneuvers in the video were safe, efficient, don't interfere with parking and were the same ones used by previous occupants.

The video was played again. There were questions about interference with the handicapped space which Mr. Dean identified. The length of the parking stalls was discussed. Mr. Dean confirmed that they were

18' long and that there were no proposed changes in depth. Speaking from the audience, Jim Blaney asked about the sidewalk. Chairman Miller advised him to hold his questions for the question/comment period.

Mr. Schrek offered that the video would have been better with a vehicle parked in the southerly most space given that the cones were not a permanent fixture. He expressed ongoing concerns about traffic turning onto Frelinghuysen from Route 206 potentially encountering a truck backing in and opined that the proximity to Route 206 makes it problematic. Mr. Dean testified that it has operated "in this exact manner, free from defect" as long as the office tenant had been there. He testified that at 175', the distance from Route 206 as vehicles come around the corner is the stopping site distance for a 25mph zone. Mr. Schrek offered that there was a level of expectation that a truck going in reverse would not be encountered. Mr. Dean offered that truck deliveries were inherent to any commercial use, be it office or retail and would have to be facilitated regardless.

Chairman Miller asked whether there had been any discussion with Gateway about potentially connecting the site for access purposes. Mr. Dean indicated that there had been and while it was "favorable," that applicant was made aware that access to the site from Frelinghuysen would be an obstacle. Referring to a rendering of the Site Plan, Mr. Dean identified the driveway on the Gateway site and showed the truck path but cautioned about conditioning this application on any other.

The Chairman asked whether there were any questions from the Board or professionals for the witness. Mayor McMullin inquired about average anticipated traffic. Mr. Dean offered that while it was "unknown," he would estimate 30-50 customers per hour, depending on the day of the week. In response to a question from Mayor McMullin about traffic with respect to the former office use, Mr. Dean offered that it was "different," given the nature of the office use.

Mr. Zack offered that drivers are going to do what drivers are going to do, regardless of resolution conditions or the three options presented. In response to a question from Mr. Fortkus, Mr. Dean confirmed that the traffic cones were merely for demonstration purposes. There was an extensive discussion about the path the trucks would take upon exiting the site and about previous discussion involving prohibition of a right turn out of the driveway to prevent them from entering into the residential neighborhood. Mr. Brown opined that restricting turning movements would greatly minimize the biggest concerns that the Board had. He offered that he would find an arrangement for access with the Gateway Motel together with a turning restriction onto Frelinghuysen more appealing than any of the the three options presented.

Referring again the rendering of the Site Plan and pointing to the northern end of the subject property, Mr. Dean offered that with the goal of continuing to restrict truck traffic only while still allowing retail customers to turn right into the neighborhood, the challenge would be to create an opening. He suggested a gate which is monitored. An extensive discussion ensued about the use of a gate to monitor traffic and minimize impacts to neighborhood if the option of access from the Gateway site materialized.

The Board Attorney asked Mr. Schrek how the Gateway application is reviewed from a traffic standpoint. Mr. Schrek related that he was not comfortable talking about another application that that hasn't been seen. He offered that there was a serious circulation problem especially with the intensity of the Gateway application and an issue with this application being dependent upon the outcome of theirs. He

related that he would be more apt to consider delivery access from the pavement. The Board Attorney lamented that there were too many unknowns on the Gateway application to condition any approval for this application on it.

The Chairman opened the floor to the public for questions of the witness at 7:47.

James Blaney identified himself as the owner of Jim's Boro Liquors on Route 206. He asked whether there was going to be a sidewalk put in for handicapped accessibility and if so, if it would push the parking spots further into the lot. There was an extensive discussion about whether the proposed sidewalk would impact the depth of the parking stalls. Mr. Dean confirmed that there would be a sidewalk provided principally to accommodate the necessary transitions for handicapped accessibility which he measured at 5' in width and that it would not impact the driveway opening. Mr. Schrek affirmed that there was adequate room for the 5' sidewalk given the existing curb line.

Mr. Blaney asked whether he was aware that not all deliveries would be made with "those" trucks and remarked that the applicant would have to use many vendors with different drivers and trucks. Mr. Dean offered that all trucks have to swivel and spoke to the backing maneuver for what he called a "representative beverage truck," maintaining that there would be no tractor trailer deliveries.

In response to a question from Mr. Blaney as to the size of other trucks, Mr. Dean asserted that there will be other trucks "equivalent in that dimension" and reiterated that the truck shown in the video was representative of a typical delivery vehicle. Mr. Blaney asked for the dimensions of the truck. Mr. Dean could not recall them but testified that they were on the exhibits.

In response to a question from Mr. Blaney about ramps used for deliveries by the trucks, Mr. Dean indicated that while they could potentially block parking spaces, they would not affect maneuvering. He referred back to the video and spoke to the obstruction shown.

Mr. Blaney spoke to the number of spaces on the site as it related to those that would be unavailable as a result of employee parking and deliveries at any given time.

The Chairman closed the floor to questions of the witness at 7:58.

In response to a question from the Chairman as to what the Board's options were with respect to the scenario involving access from the Gateway property. The Board Attorney reiterated that they could not condition an approval on something related to another property. The Chairman offered that one option could be to deny them with the understanding they could come back when that is worked out. The Board Attorney offered that if the Board felt that none of the loading/delivery options were adequate due to the various neighborhood considerations and given the need for variance relief from the loading zone requirement, they would have to consider the negative criteria such as whether there was substantial detriment to the zone plan and/or the public good. She explained that if the Board could not make a finding in the affirmative, they must deny the application "separate and apart from the neighboring property."

There was a discussion about site lighting in response to a question from Mr. Fortkus. Mr. Schrek confirmed that lighting is proposed on the Site Plan and Ms. Rubright confirmed that testimony on

lighting had been provided by Mr. Stires previously. The Chairman opened the floor to public comment.

**Jim Blaney** was sworn in. He presented a series of photographs on a display board which he indicated were taken by his wife, Brenda Blaney one week after the first meeting he attended. The board was marked as **Exhibit 01**. Mr. Blaney provided details as to the approximate times and dates for each of the photos which depicted trucks of various sizes from several vendors making deliveries to one or the other of his liquor store locations, utilizing several parking spaces while offloading. He testified that he had received 21 deliveries at the Raritan store during the week in question and three simultaneous beer truck deliveries in at his other store located at 1007 Old York Road on one of those days. Mr. Blaney asserted that actions of the drivers and the timing/method of deliveries could not be controlled.

Mr. Blaney confirmed that he shares 25 parking spaces with a Karate studio which opens at 4:00 p.m. He offered testimony on the Allied truck route, placing it in Raritan between 3-4 pm. In response to a question from the Chairman about whether he had ever discussed restrictions with the distributor, Mr. Blaney acknowledged that he had, to no avail. There was a discussion about whether parking on the site of the application was adequate as compared to Mr. Blaney's site which he testified required 25 parking spaces for 3,500sf as compared to the subject property which is larger and only has 14 spaces. In response to a question from the Board Attorney as to whether the lot is ever full, Mr. Blaney related that it is, particularly after 4pm and during the holidays. He testified that he served 331 customers between 10am and 10pm two days before Christmas. In response to a question from Mr. Carra as to the average number of customers on any given Friday, Mr. Blaney testified that it was approximately 300; 400 on a busy day, and that he served 485 on Christmas Eve in his other store on Old York Road alone.

Mr. Blaney offered testimony with respect to the loss of parking spaces as a result of snow. He talked about the implications of operating in a residential neighborhood until 10pm; namely there being no way to mitigate the impacts of headlight glare for the homes directly across the street. He testified that the length of the truck with the ramp extended is 45.'

Mr. Blaney pointed out that the refrigeration unit depicted on the applicant's plan was significantly larger than his and asked what the applicant was proposing to put in it given testimony he had provided that he would not be receiving a lot of beer.

Speaking to other testimony previously provided, Mr. Blaney offered that not all trucks have back up cameras. He opined that the driver in the video was likely "one of their best" doing a "nice strategic maneuver" and not someone running behind schedule. He affirmed Mr. Zack's earlier statement that the drivers are going to do what they want, offering that his site has a no left turn sign which is often disregarded. He opined that approval of the application could have far reaching implications for the town and consequently the residents who would ultimately bear the financial burden of any litigation resulting from an accident occurring as a result of the approval.

In response to a question from the Board Attorney, Mr. Blaney testified that he owned two liquor stores; the one on Route 206 since 1990 and the one on Old York Road since 1992.

In response to a series of questions from Ms. Zalewski, Mr. Blaney confirmed the addresses of his stores as 23 Route 206 South and 1007 Old York Road. He confirmed that one of the photos was taken at the Old York location and that the photos were taken "mid morning to mid afternoon." He testified that

there are typically 10-20 customers per hour. At her behest, Mr. Blaney confirmed that he has observed circulation in the lot and offered that he has to go out and tell the drivers what they can and cannot do. He confirmed the hours of operation for the Karate studio as 4-9pm. He also confirmed that there are two primary uses on the site which share the 25 spaces and spoke to the number of employees associated with each.

The Chairman opened the floor to questions/comments from the public.

Sankar Kambhampati identified himself as the owner of two liquor stores in other towns. With respect to Mr. Blaney's testimony that the truck drivers disregard the sign on his site, he asked him what he [Mr. Blaney] would do if he was a truck driver. Mr. Blaney offered that the sign says "no trucks." Mr. Kambhampati persisted in knowing what Mr. Blaney would do if he was a truck driver. The Board Attorney offered that Mr. Blaney had provided factual testimony. Mr. Kambhampati stated that the sign "is there." He stated that he has "other stores" and "experience" and that "they follow exactly the guidelines." He stated that "if the time is not before 12pm," they should not be in his store. He confirmed that this was his testimony. The Board attorney asked whether he would swear or affirm that the testimony he gave was the truth. Mr. Kambhampati said "yes" and stated that they can be mandated. He offered that there are good training programs that "they" follow.

There was a brief discussion as to whether the sign restricting turning movements on Mr. Blaney's property was a condition of his approval in response to a question from Ms. Zalewski. Identifying himself as a tenant, Mr. Blaney indicated that he did not know. Mr. Gara confirmed that he was unsure as to whether this was a condition of the approval. Mr. Schrek offered that when a condition is attached, there has to be an expectation as to how to enforce it referencing Title 39.

Chairman Miller opened the floor at 8:30 to any further questions of Mr. Blaney and/or general comments/questions. There were none. The public question/comment period was closed.

Ms. Zalewski offered that the use is permitted by ordinance and that ordinance language recognizes that onsite circulation and parking is constricted in the B3 zone. She affirmed that based upon the testimony presented, the use can work, can be safe within the confines of the lot and can function as anticipated under the Borough's own ordinance.

There was an extensive discussion about what relief was needed exactly. The Board Attorney advised that the applicant was asking for Site Plan approval in addition to a number of variances including parking, loading zone and buffering. Ms. Rubright confirmed that while the relief for the signage was scaled back, it was still necessary for most of the proposed signs. Mr. Schrek spoke to the parking and reviewed his review letter of 08/22/16 in detail.

In response to a question from the Chairman as to what the applicant was required to demonstrate as a justification for the relief, Ms. Rubright spoke at length to the standards for granting bulk variances and offered that the Board had to ultimately decide whether granting them would cause any substantial detriment to the zone plan or the neighborhood and if so, how the detriments could be mitigated.

Chairman Miller offered that while the Board takes pride in welcoming businesses into the community that there were a lot of difficult questions about the application. He offered that parking and loading

were problematic for him. He solicited comments from the Board and asked the Board Attorney to phrase a motion which would outline whatever the conditions would be. Ms. Rubright clarified that the Board would have to consider that the conditions are to mitigate any perceived detriment to the zone plan and/or neighborhood.

Mr. Zack stated that the liquor store is a permitted use and offered that any other use would still be subject to the same requirements for the zone, leaving the challenge to exist regardless. Mr. Schrek confirmed that parking is determined by square footage; not the nature of the use. Ms. Rubright asked whether based upon the testimony provided that the parking variance and lack of loading zone could be accommodated without substantial detriment to the neighborhood and whether the parking could accommodate the use even though it's all that can be accommodated on the site.

Mayor McMullin offered that there had been no testimony from the applicant as to the intensity of the use. The Board Attorney spoke to the proofs for the sign variances specifically in response to a question from Mr. Fortkus. Mr. Gara opined that the parking standard was different for office/retail.

In response to a question from Mr. Carra as to whether his stance on the application waived as a result of the additional testimony, Mr. Schrek asserted that he did not feel that the access for loading vehicles was a safe alternative for access to the site.

Ms. Rubright offered the following conditions of approval as a way to mitigate the Board's concerns: (1) hours of operation to follow state regulations for liquor stores; (2) No truck parking on Frelinghuysen Avenue; (3) No paper signs permitted in the windows; (4) Backlit freestanding sign to be turned off by 11pm; (5) Customer to set parameters on delivery times to accommodate non peak customer hours; and (6) No right turns by trucks onto Frelinghuysen Avenue.

Mr. Gara confirmed that the Police responded with no comment to the request for same.

**Motion** by Mr. Fortkus, **seconded** by Vice Chairman Brown to approve the application with conditions as stated by the Board Attorney.

#### **ROLL CALL**

**Aye:**

**Nay:** *Chairman Miller, Vice Chairman Brown, Mayor McMullin, Councilman Bray, Mr. Wilde, Mr. Zack, Mr. Gausz, Mr. Cunningham, Mr. Fortkus, Mr. Carra*

**Abstain:**

The Chairman announced that the application was denied.

#### **NEW BUSINESS**

With respect to the **Regional Center Meeting** discussed earlier, Mayor McMullin stressed the importance of approaching decisions from a proactive rather than reactive stance. He endorsed the Chairman's idea that given the new meeting schedule that the Board could take the time to identify particular properties and talk about some of the uses so that the Borough could be in a position of asking for things and getting what they want as opposed to responding to what they get. Speaking specifically to the properties on LaGrange Street, he offered that the Borough is now in a place where it

should be more precisely defining what it wants in a Redevelopment Plan and that a proactive approach by the Planning Board would be helpful to the governing body. A brief discussion ensued about the Planning Board budget in response to a question from Vice Chairman Brown about compensation for the Board professionals in matters such as this.

There was a brief discussion about whether there were any viable properties with respect to a project that Rutgers was trying to undertake and whether they wanted a property to demolish or to rehabilitate. A property on Somerset Street was discussed.

The Board concluded to vote on the new meeting schedule at the **Reorganization Meeting**. The Board Secretary acknowledged that she would notice January 11, 2017 as the date of the Reorg meeting.

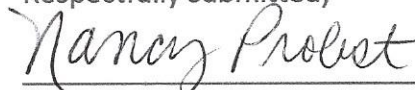
**Motion** by Mayor McMullin, **seconded** by Mr. Gausz and unanimously carried by voice vote to hold the 2017 Reorganization Meeting on January 11, 2017 at 7:00 p.m.

A discussion was initiated by Mr. Schrek as to the intensity of upcoming applications. He advised that the Board would likely be seeing longer reports with more technical issues and a greater number of variances than they are accustomed to. The history and purpose of the TRC was discussed. There was a discussion about completeness and about whether some of the issues could be remediated prior to hearing. The Board Attorney asserted that the application has to be in a form that is ready to be reviewed and that applicants should not be driving the scheduling of an application for hearing. Mr. Schrek reiterated that based upon the complexity of the applications, the Board will likely be seeing lengthy reviews that it is not accustomed to.

#### **ADJOURNMENT**

**Motion** by Mr. Zack, **seconded** by Fortkus and unanimously carried to adjourn the meeting at 9:23 p.m.

Respectfully submitted,



Nancy Probst

Planning Board Secretary

**APPROVED 01/11/17**