

**BOROUGH OF RARITAN**  
**Planning Board [Reorganization] Meeting**

**MINUTES**

January 11, 2017

**CALL TO ORDER**

The Board Secretary called the meeting to order at 7:04 p.m. in the Raritan Municipal Building. She 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 5, 2017. 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.

**FLAG SALUTE**

**APPOINTMENT OF BOARD MEMBERS**

Mayor McMullin swore in the following newly appointed or reappointed Board members: William Cunningham, Rick Zack, Zach Bray, Michael DeCicco, David Fortkus and Adele Goetsch.

**ROLL CALL**

**Present:**

Mayor McMullin  
Councilman Z. Bray  
Mr. R. Miller  
Mr. T. Brown  
Ms. D. Thomas  
Mr. M. DeCicco  
Mr. J. Gausz  
Mr. W. Cunningham  
Mr. D. Fortkus  
Ms. A. Goetsch  
Mr. R. Zack

**Also Present:** S. Rubright, Esq.  
S. Schrek, P.E. (VCEA)  
A. Knowles, P.P. (VCEA)

**Absent:** Mr. J. Krajewski  
Mr. E. Wilde

**ELECTION OF OFFICERS**

The Board Secretary opened the floor to nominations for Chairman. Mr. Brown **nominated** Rick Miller as Chairman. Mr. Zack **seconded** the nomination. The Board Secretary opened the floor to other nominations. There were none. **Motion** by Mayor McMullin, **seconded** by Mr. Gausz and unanimously carried to close nominations for Chairman.

**ROLL CALL**

*Aye:* Mayor McMullin, Councilman Bray, Mr. Miller, Mr. Brown, Ms. Thomas, Mr. DeCicco, Mr. Gausz, Mr. Cunningham, Mr. Fortkus, Ms. Goetsch, Mr. Zack

*Nay:*

*Abstain:*

There being no further nominations, a single ballot was cast and **Mr. Miller** was designated **Chairman**.

Chairman Miller opened the floor to nominations for Vice Chairman. Mr. Bray **nominated** Mr. Brown. Mr. Gausz **seconded** the nomination. There were no other nominations. **Motion** by Mayor McMullin, **seconded** by Mr. Cunningham and unanimously carried to close nominations for Vice Chairman.

## **ROLL CALL**

*Aye: Mayor McMullin, Councilman Bray, Chairman Miller, Mr. Brown, Ms. Thomas, Mr. DeCicco, Mr. Gausz, Mr. Cunningham, Mr. Fortkus, Ms. Goetsch, Mr. Zack*

*Nay:*

*Abstain:*

There being no further nominations, a single ballot was cast and **Mr. Brown** was designated **Vice Chairman**.

## **RESOLUTIONS**

- PB-2017-01. A **motion** was made by Ms. Thomas and **seconded** by Mr. Brown to adopt PB-2017-01 authorizing the Planning Board to enter into agreements with Brach Eichler for Legal Services and Van Cleef Engineering Associates for Engineering and Professional Planning Services.

## **ROLL CALL**

*Aye: Mayor McMullin, Councilman Bray, Chairman Miller, Vice Chairman Brown, Ms. Thomas, Mr. DeCicco, Mr. Gausz, Mr. Cunningham, Mr. Fortkus, Ms. Goetsch, Mr. Zack*

*Nay:*

*Abstain:*

- PB-2017-02. A **motion** to approve 2017-PB-02 recognizing the Courier News of Bridgewater and the Star Ledger as the official newspapers for 2017 was made by Mr. Bray, **seconded** by Ms. Thomas and unanimously carried by voice vote.
- PB-2017-03. The Chairman advised that the Board would be meeting twice per month going forward. A **motion** to approve Resolution PB-2017-03 setting forth the meeting dates for 2017 was made by Mr. DeCicco, **seconded** by Mr. Fortkus and unanimously carried by voice vote.
- PB-2017-04. A **motion** to approve Resolution PB-2017-04 appointing Nancy Probst as Planning Board Secretary was made by Vice Chairman, **seconded** by Mr. Zack and unanimously carried.

## **ROLL CALL**

*Aye: Mayor McMullin, Councilman Bray, Chairman Miller, Vice Chairman Brown, Ms. Thomas, Mr. DeCicco, Mr. Gausz, Mr. Cunningham, Mr. Fortkus, Ms. Goetsch, Mr. Zack*

*Nay:*

*Abstain:*

## **PUBLIC COMMENT**

There was no public comment.

## **ADJOURNMENT**

**Motion** by Mayor McMullin, **seconded** by Councilman Bray and unanimously carried to adjourn to the Regular meeting at 7:16.

Respectfully submitted,



Nancy Probst, Planning Board Secretary

**APPROVED 02/08/17**

**BOROUGH OF RARITAN**  
**Planning Board Regular Meeting**  
**MINUTES**  
January 11, 2017

**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 and Star Ledger on January 6, 2017. 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.

**ROLL CALL**

**Present:**

Chairman R. Miller  
Vice Chairman Brown  
Mayor C. McMullin  
Councilman Z. Bray  
Mr. R. Zack  
Mr. J. Gausz  
Mr. B. Cunningham  
Ms. D. Thomas  
Mr. D. Fortkus  
Mr. M. DeCicco  
Ms. A. Goetsch

**Also Present:** Susan Rubright, Esq.

Stan Schrek, P.E.  
Angela Knowles, P.P., A.I.C.P.  
Lou Gara, Construction/Zoning Official\*  
*\*Arrived late*

**Absent:**

Mr. Wilde  
Mr. Krajewski

**APPROVAL OF MEETING MINUTES**

**Motion** by Ms. Thomas, **seconded** by Mr. Cunningham and unanimously carried to approve the Minutes of November 3, 2016 <sup>as</sup> written.

**ROLL CALL**

**Aye:** *Chairman Miller, Vice Chairman Brown, Mayor McMullin, Councilman Bray, Thomas, Mr. Gausz, Mr. DeCicco, Mr. Cunningham, Mr. Fortkus*

**Nay:**

**Abstain:** *Mr. Zack, Ms. Goetsch*

**Motion** by Mr. Gausz, **seconded** by Mr. Fortkus and unanimously carried to approve the Minutes of December 28, 2016, as written.

**ROLL CALL**

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

**Nay:**

**Abstain:** *Mr. DeCicco, Ms. Thomas, Ms. Goetsch*

**ENGINEERING REPORT**

Mr. Schrek advised that demolition would begin on Tillman and that he was busy with review work.

**PLANNER'S REPORT**

Ms. Knowles had nothing new to report.

## ZONING OFFICER/CONSTRUCTION OFFICIAL REPORT

There was no report in the absence of the Zoning Officer/Construction Official.

## 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

- Application Checklist

The Board Attorney advised that Ms. Knowles provided language for an amended checklist which will be put into Ordinance form for the next meeting.

The Chairman announced that there would be no new testimony heard after 10:00p.m.

Mayor McMullin and Councilman Bray recused themselves at 7:24.

## APPLICATION/HEARING

East Ridge Development, LLC  
Block 29, Lot 1 (119 Route 202)  
*Site Plan, D Variances, Bulk Variances, Waivers*

Attorney Henry Kent-Smith of Fox Rothschild, LLC appeared on behalf of the applicant. He provided an overview of the project and spoke to the extent of relief being sought. The Board Attorney confirmed that what appeared to be a typographical error in the Notice did not render it deficient. Mr. Kent-Smith explained that although the applicant had submitted materials subject to the requisite checklist that there was some confusion as to some of the submission items and waiver requests relative to completeness.

Mr. Schrek reviewed the open checklist items and addressed the waiver requests. Ms. Rubright made the distinction between items that were waived permanently versus those being waived for purposes of completeness only. Mr. Schrek recommended that a completeness determination could be made based on the waivers presented.

**Motion** by Mr. Cunningham, **seconded** by Mr. Gausz and unanimously carried to grant the requested waivers thereby deeming the application complete.

## ROLL CALL

**Aye:** *Chairman Miller, Vice Chairman Brown, Mr. Zack, Mr. Gausz, Mr. Cunningham, Mr. Fortkus, Mr. DeCicco, Ms. Goetsch, Ms. Thomas*

**Nay:**

**Abstain:**

Mr. Kent-Smith explained why the applicant decided not to pursue the redevelopment route after their concept presentation in August. Calling the D variances "critical" to the application, Mr. Kent-Smith explained that while gas stations are conditional uses in the B3 zone, convenience stores appurtenant are not expressly permitted and neither is general retail.

**Robert Vallario** was sworn in. He identified himself as a Real Estate Manager and "quasi retired former Vice President of Real Estate" with Quick Check. He spoke to the history of the company and how/why the sale of fuel was incorporated into their business model. Mr. Vallario testified as to the proposed hours of

operation (24/7), number of employees (25-50 with 7-9 maximum per shift, inclusive of store and fuel employees) and frequency/method of deliveries (3-5 tractor trailers per week in addition to 5-7 box trucks daily). He spoke to the nature of "on demand" fuel service deliveries utilizing an exclusive monitoring system and explained that low flow diesel would be available for passenger vehicles only; not trucks.

Mr. Vallario spoke to the reasons why the location was chosen and indicated that no new traffic generation was anticipated. He testified as to the placement of employees inside and outside of the building, trash collection, recycling and the rationale for indoor seating. In response to a question from the Chairman about the future of the other Quick Check in downtown Raritan, Mr. Vallario indicated that there was no intention to close it as it serves a different market and does "well."

Mr. Vallario explained that Quick Check purchases gas from different vendors as they do not refine their own. In response to a question from Mr. Brown, he confirmed that Quick Check is family owned and operated; not a franchise. There was a brief discussion about a loitering problem at the downtown Quick Check site. Mr. Vallario indicated that the property in question is not owned by Quick Check making it difficult to police and that he would discuss it with Operations.

Mr. Vallario confirmed that the convenience store as well as gas station would operate 24 hours/day, 7 days/week and would receive 5-7 box truck deliveries on a daily basis. Timing and method of deliveries was discussed, as was Quick Check's gas pricing philosophy. He spoke at length about the availability of a backup generator, facilities for electric car charging and the possibility of providing compressed natural gas. In response to a question from Mr. Zack, Mr. Vallario confirmed that he was aware of the WaWa approval in Bridgewater and clarified that the Quick Check proposal that did not come to fruition on Route 28 was not relative to the present application.

The Chairman opened the floor to questions of the witness. There were none.

**Larry Harder** was sworn in and identified himself as Principal of East Ridge Development. Mr. Harder confirmed that the property was under contract and that they were only seeking preliminary approval for the 12,000sf retail building until appropriate retail tenants could be identified. Mr. Kent-Smith confirmed that notice was made for Preliminary and Final Site Plan nonetheless. The Board Attorney questioned whether this was feasible, given the overlap of parking. Mr. Schrek offered that it would be difficult to understand the negative criteria on the use variance under these circumstances. Mr. Kent-Smith confirmed that they were definitely looking for retail and that they would be able to develop the entire tract with the retail building as designed. Mr. Harder confirmed that the proposal is currently for four spaces but could change. The Board Attorney spoke to parking standards and hours of operation as those issues relate to different types of uses. Mr. Harder confirmed that the developer has full control over the property by contract and that Quick Check would be a tenant with a long term (20 year) lease in place.

The Chairman polled the Board for questions of the witness. Mr. Brown asked whether the applicant had any discussion about access with the applicants of the adjoining property whose application had recently been denied. Mr. Harder related that while they had, they were aware it could be problematic as a result of their own concept presentation in August so they "stayed away."

Mr. Schrek expressed concern about splitting up the approvals to accommodate preliminary only for the retail building. Mr. Kent Smith affirmed that the preliminary approval would essentially just be for the pad

with the exact footprint and tenant mix to be determined later. Mr. Zack offered that the parking would be affected by the use. Mr. Schrek indicated that they would have to build "as shown." Mr. Kent-Smith offered that they were designing to target any/all permitted uses and that if the use they choose is not permitted, they would need to return to the Board anyway. The Board Attorney offered that there had to be a better understanding of the uses in order to ascertain the impact on the zone plan and the neighborhood given the number of principal uses requested and higher intensity of some of the permitted uses. Mr. Kent-Smith offered that the parking lot would be addressed at the next meeting.

The Chairman opened the floor to questions of the witness. There were none.

**Keith Cahill, P.E.** of Bohler Engineering was sworn in and qualified himself before the Board. He identified **Exhibit A-1** as an aerial exhibit with the site outlined in yellow and marked it accordingly. Mr. Cahill identified the frontage, surrounding uses and bulk standards for the zone. He then marked **Exhibit A-2** entitled "Existing Parking Exhibit" and proceeded to identify the existing uses on the site. Mr. Cahill identified the four existing buildings with different uses and provided their respective square footage which he indicated total 41,234 square feet. He testified that 497 parking spaces were required by ordinance based on the types of uses currently on site. He offered that there was no green space but for a small buffer between the parking lot and Frelinghuysen Avenue and provided impervious coverage calculations. In response to a question from Mr. Schrek, Mr. Cahill indicated that while he did have a map of existing conditions prior to the Right of Way, he did not have it with him.

**Exhibit A-3** identified as "Photo Location Exhibit" was marked into testimony. Mr. Cahill provided detail with respect to each photograph. He identified the chain link fence and the tower which he testified was 52' above grade. Mr. Cahill spoke to the existing conditions (lighting, landscaping and geometry specifically) as they relate to **Exhibit A-4** which was identified as "Existing Site Conditions A" and subsequently marked into testimony. Access points were identified and discussed at length.

**Exhibit A-5** entitled "Route 206 Lane Widths" was marked into testimony. Mr. Cahill discussed the roadway surrounding the site, the existing driveway and the shoulder which he indicated could be used as a deceleration lane. **Exhibit A-6**, entitled "Site Plan, Sheet 4 of 19" was marked into testimony and identified as a colorized version of sheet 4 of the plan set. Mr. Cahill identified the proposed convenience store and spoke to the dimensions of the canopy, the islands, fueling dispensers and truck circulation. Speaking to the retail building, Mr. Cahill testified that access to the site would remain unchanged. He identified the loading zone and spoke to the width of the Route 202 drive aisle. Access and circulation were discussed at length. Mr. Cahill spoke to the viability of the proposal from a phased construction standpoint and discussed circulation (truck traffic specifically) with respect to the Route 206 driveway.

Parking was discussed at length. Mr. Cahill indicated that it would be ADA and Ordinance compliant. He acknowledged a request to relocate the trash enclosure further from the residential area. He addressed the lack of loading zone with respect to the retail building. Stall sizes were said to be compliant.

Mr. Cahill discussed deliveries (general and with respect to fuel), curbing, fueling and loading protocol. He spoke to the design of the fuel storage tanks, underground components, spill prevention and containment in addition to utilities and stormwater management. He testified that there would be a reduction in impervious coverage under the current proposal and spoke at length to the proposed landscaping. Grading on Frelinghuysen and pedestrian access were discussed. Mr. Cahill spoke at length to the

construction/location of the trash enclosure as well as lighting for the site, including the canopy.

**Exhibit A-7**, identified as "Rendering Elevation R1" by GIA Architects was marked into testimony. Mr. Cahill identified the proposed signage and the extent of relief needed for each of the three signs.

**Exhibit A-8**, identified as "Aerial 1 of 1" was marked into testimony. Mr. Cahill spoke to the height of the tower at its peak and the view perspective (from Route 202 and Thompson). Visibility was discussed at length. He provided the dimensions of the freestanding sign and indicated that it was geared towards the traveling public. An extensive discussion about the location of the sign ensued. **Exhibit A-9**, identified as "Route 202 North View" was marked into testimony and discussed at length. Mr. Kent-Smith indicated that the location of the sign would be evaluated and discussed at the next meeting along with loading, truck turning movements, relocation of the trash enclosure, phasing/building envelope and fuel loading specifications. He acknowledged the Board Attorney's request to provide 11x17 copies of the exhibits.

Mr. Cahill spoke to the conditional use standards as they relate to screening and service station coverage. An extensive discussion ensued regarding truck access/turning movements given the anticipated direction of travel for tanker trucks relative to refinery locations. Mr. Cahill testified that tractor trailer deliveries were routed/controlled by the Corporation and that they would need a DOT permit in order to modify the geometry. Mr. Schrek offered that the First Avenue jug handle was difficult to navigate for tractor trailers. The turning radius with respect to the Route 202 access drive was discussed. Mr. Vallario testified that delivery routes could be "directed," offering that the safest route was via the "202 slip ramp."

Effectiveness of signage, fencing and sidewalk lighting were discussed. Mr. Kent-Smith acknowledged Mr. Brown's request for a bicycle stand. At the behest of the Board Attorney, Mr. Schrek clarified what he was looking for from the applicant with respect to how the entrance from Route 206 could be accommodated.

The Chairman opened the floor to questions of the witness. There were none.

**Oliver Young, A.I.A.** of GKA Architects was sworn in. Referring to [previously marked] Exhibit A-7, he discussed dimensions, building materials, lighting, canopy elevations and details of the awning. He testified that the parapet would act as a screen for the rooftop HVAC system. He then marked and discussed **Exhibit A-10** which he identified as "Rendered Elevation Sheet R2."

The Chairman opened the floor to questions of the witness. There were none.

The hearing was adjourned to 01/25/17 without further notice.

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

#### **ADJOURNMENT**

**Motion** by Vice Chairman Brown, **seconded** by Mr. DeCicco and unanimously carried to adjourn the meeting at 10:07 p.m.

Respectfully submitted,  
  
Nancy Probst, Planning Board Secretary

**APPROVED 02/08/17**