

BOROUGH OF RARITAN
Planning Board Meeting
MINUTES
September 26, 2018

CALL TO ORDER & FLAG SALUTE

The Chairman called the meeting to order at 7:04 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 November 30, 2017 and The Star Ledger on January 10, 2018. 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: | Mr. R. Miller | Absent: | Councilman N. Carra |
| | Mayor C. McMullin | | Mr. M. DeCicco |
| | Mr. W. Cunningham | | Mr. R. Zack |
| | Ms. D. Thomas | | Ms. A. Goetsch |
| | Mr. J. Gausz | | Mr. J. Krajewski |
| | Mr. T. Delacruz | | |

Also Present: Susan Rubright, Board Attorney
Frank Linnus, Borough Redevelopment Attorney
Stan Schrek, P.E.
Angela Knowles, P.P.
Lou Gara, Zoning Official

MINUTES

Motion by Ms. Goetsch, **seconded** by Mayor McMullin and unanimously carried to approve the **August 22, 2018 Minutes**, as revised to reflect the absence of Mr. Gausz on Page 3.

ROLL CALL

Aye: *Chairman Miller, Mayor McMullin, Mr. Cunningham, Ms. Thomas*
Nay:
Abstain:

The August 22, 2018 Executive Session Minutes were carried.

An announcement was made that the Raritan Johnson Associates application would be carried to October 24, 2018.*

TRC UPDATE

*Chairman Miller advised that there would be a TRC meeting on Thursday, October 4 at 8:30am with Raritan Johnson Associates and explained the purpose of same. Attorney Frank Linnus explained that the application was being carried due to the need for plan revisions. Members of the public interested in receiving notifications as to future hearing dates gave their contact information to the Board Clerk.

ENGINEERING & PLANNING REPORTS

Mr. Schreck provided status updates on the following projects:

- LabCorp - Proceeding as expected.
- Raritan 503 - Proceeding and cooperating.
- Quick Check - Grand opening scheduled.
- Block 81- Proceeding as expected. Change in circulation/roads around development area in response to concerns about school traffic/bus drop off on Second Avenue. Designation of a one way northbound between 2nd and 3rd which needs signage. Extension of no parking on easterly side of property [along front of school] to be reinforced with additional striping. Four way stop at 2nd Street and Anderson to be implemented and four way stop at 2nd Avenue and 2nd Street anticipated/contemplated. Ongoing cooperation from Project Manager, Kevin Codey.

ZONING OFFICIAL REPORT

Mr. Gara advised that the Larkin Building (575 Route 28) was in the process of obtaining CO's for Dental and Medical Offices. He explained that he might want to discuss permitted uses in the zone and potential ordinance amendments with respect to the B1 Zone in particular.

PLANNERS REPORT

Ms. Knowles advised that the Borough had been "unofficially" awarded the grant by the North Jersey Transportation Planning Authority for the Economic Development Study involving Somerset Street and surrounding areas in an amount expected to be no less than \$150,000.

Mr. Schrek spoke to the details of an additional 1M grant from the NJTPA that the Borough received for Anderson&Thompson Streets.

CONCEPT PLAN

- **LaGrange St. LLC - 59 LaGrange Street (Block 93, Lot 2)**
Concept Plan

Attorney Meredith Marcus appeared on behalf of the applicant. Ms. Marcus provided an overview of the plan to redevelop the site which currently houses a vacant manufacturing building. She explained that the layout includes the lot to the West which they negotiating the purchase of from the Rescue Squad. A brief discussion ensued about escrow which Mr. Gara advised had not been posted.

Ms. Marcus explained that the plan was originally to build 8-12 apartments but now includes four duplexes on each lot for a total of 16 units, which contemplates acquisition of the neighboring lot. She indicated that the applicant was looking for a recommendation with respect to redevelopment.

Engineer Sharif Aly of Amertech Engineering was sworn and qualified. Referring to an exhibit size copy of the Concept Plan entitled 'Sheet 1 of 1,' Mr. Aly spoke to the existing conditions on the lot and provided details on the layout of the proposed units including dimensions and amenities. He also spoke to the bulk requirements, impervious coverage and proposed site improvements. Mr. Aly offered that once fully developed, there would be a decrease in impervious coverage.

Mr. Schrek explained that comments were relayed through the Borough's redevelopment counsel, Mr. Linnus. Calling it "not Raritan," he offered that the 6' separation between units made it 'very urban' and suggested combining the four separate buildings into one so as to increase the side yard and thus, open space. A brief discussion between Mr. Schrek and Mr. Aly ensued. Mr. Schrek advised that the reduction in impervious coverage was appreciated given the minimal recharge capability in that area and that the driveways were acceptable for RSIS together with the garage and parking outside. Ms. Marcus asked for clarification on where the open space would be more desirable [ends or middle]. Mr. Schrek offered that the redevelopment the Borough was looking at incorporates two lots so the Board should look to the future in opining on the matter.

Mr. Aly explained that it was the desire of the applicant to keep the units fee simple since combining them would result in the need for a Homeowners Association. Mr. Schrek asserted that a single building resulting in more open space would be more in keeping with neighborhood. Ms. Knowles spoke to circulation issues. Mr. Schrek advised that off site improvements were contemplated in the plan.

The Chairman opened the floor to questions of the Engineer at 7:35.

Borough resident, Tom Brown asked whether the existing structure would be razed and whether the applicant was aware of the environmental hazards on the site given the prior use of the building. Ms. Marcus affirmed that it would be and confirmed that they were. Speaking from the audience, the Developer Joseph Naser advised that a Phase 1 Study had already been done.

Architect Ashraf Argab of Amrarch Design Studios was sworn and qualified. Mr. Argab provided a handout of a rendering entitled "Preliminary Architectural Dwgs" which was marked as A-1 [for records purposes only]. He provided the dimensions for each unit and spoke to the amenities and overall layout. Exterior details including materials were discussed. Mr. Argab confirmed that the height would be 31'8" from grade. In response to a question from Ms. Marcus, Mr. Argab advised that he could "relatively" duplicate the same floor plan with minimal to no design impact.

The Chairman opened the floor to questions of the Architect at 7:43.

An extensive discussion ensued on sound attenuation given the proximity of the development to the Railroad tracks as well as noise impacts from the HVAC equipment. Mayor McMullin asserted that noise mitigation techniques should be incorporated into the design.

Sharing that the area was looked at as an opportunity for Seniors given its proximity to Main Street, Mayor McMullin advised that the current design would not be conducive to Senior Living given the inclusion of steps and multiple floors. Unit layouts were discussed at length. Mr. Argab that mobility would be taken into consideration.

The Borough's Redevelopment Attorney, Frank Linnus advised that both lots had already been declared as an Area in Need of Redevelopment and spoke to the next steps for the Borough and/or the Board depending upon the path chosen for facilitation of an actual Redevelopment plan. An extensive discussion about the options for redevelopment of one or both lots, including a phased development ensued. Mr. Linnus offered that the Borough is at a stage where they should be thinking about a Redevelopment Plan and the methods for passage of same. He reviewed their options. Mayor McMullin related that he wanted input from the Board and Mr. Linnus prior to discussing with the governing body, particularly with respect to encouraging the development of a senior citizen favored project without making it too prohibitive for an investor.

Mr. Linnus suggested formation of a Planning Board Subcommittee. A discussion ensued about whether the TRC could be used as a platform for this. The Board concluded to use the TRC in order to facilitate further discussion as two of the three TRC members present (Ms. Thomas and Mr. Gausz) indicated that they were interested in the topic.

The Chairman opened the floor to questions of the Architect at 8:03.

Mr. Brown asked for clarification on whether the units were individually owned or rentals. Ms. Marcus confirmed that the presentation was for individual ownership even though [as Mr. Brown pointed out] the plan said 'apartment building.' The relevance of Mr. Brown's question was discussed with respect to COAH. Mr. Brown asserted that it would be beneficial to look at individually celled units. Ms. Rubright advised that the Borough had settled the litigation with respect to the prior/current round so the topic of additional credits for

rental units was moot. Mr. Linnus advised that the beginning stages involve zoning.

Mr. Brown said that "stairs are a no" and commented that the units look "well apportioned" which "could open up another can of worms" with respect to children. Mr. Gausz commented on student enrollment and further commentary ensued. The Chairman redirected everyone.

Mr. Brown asked about financing and the possibility of a PILOT. Mr. Schrek and Chairman Miller asserted that it was too early to discuss financing and that discussions would continue with the TRC.

APPLICATION/HEARING

- **Raritan Orlando Drive Associates - 21 Orlando Drive (Block 116.02, Lots 3&4)
Extension of Preliminary & Final Site Plan**

Ms. Thomas recused herself at 8:10.

Attorney Justin Calta of Saeger Associates appeared on behalf of the applicant. Mr. Calta explained that the applicant was seeking a one year extension of a preliminary approval granted on January 27, 2016.

Gary Szalc, P.E. of Casey & Keller was sworn and qualified. Mr. Szalc explained that the applicant had encountered delays in the process of pursuing governmental approvals and that although they had made application to the DEP on 01/17/18 for a Flood Hazard Permit, it was returned as incomplete because of regulatory changes. He advised that it was subsequently granted on June 28, 2018.

Mr. Szalc advised that plans had to be revised for the Borough and also for the County because of Riverwalk. He provided a timeline for submission/correspondence with respect to the pending County approval. Chairman Miller asked about the two year delay in applying to the DEP. Mr. Szalc attributed it to design changes. Mr. Schrek offered that the delay was self imposed as the applicant's architect was made aware of the riparian limit in the beginning. Mr. Szalc offered that it took the DEP awhile to agree to the 50' buffer.

Mr. Schrek questioned whether the applicant 'diligently pursued' approvals when there had been no activity for two years post approval. A brief discussion ensued about the timing of the regulatory changes at the DEP that impacted the approval. Mr. Schrek offered that the applicant would have been ahead of the changes had application been made during the preliminary process and as such, could not support their claim of delay being the fault of outside agencies. He added that the whole application was based on the riparian line.

Mr. Miller offered that the lot sat as an eyesore for two years. Mr. Szalc offered that going forward, he expects the project to get underway as soon as County approval is received.

Referencing the statute governing extensions for Site Plan approval, Mr. Calta offered that the Board could grant relief for a lesser period of time. Mr. Szalc testified that the plans had already been revised in accordance with the agency approval. Ms. Rubright read directly from the statute with respect to 'prompt application and diligent pursuit of approval.....'

A **Motion to deny** extension of the preliminary approval was made by Mayor McMullin, **seconded** by Mr. Gausz and unanimously carried.

ROLL CALL

Aye: *Chairman Miller, Mayor McMullin, Mr. Cunningham, Mr. Gausz, Mr. Delacruz*

Nay:

Abstain:

MISCELLANEOUS

Mr. Cunningham provided an update on the findings of the Ad hoc "Cannabis Committee." Mayor McMullin advised that Councilman Bray proposed an outright prohibition on sales other than medical to the Township Committee and asked whether the Ad hoc Committee would be able to provide an update prior to their next meeting in two weeks. Mr. Cunningham advised that they are looking at zoning.

The Chairman opened the floor to questions/comments at 8:35.

Barry Krinsky of Candyland Crafts explained that he was appearing because of a potential issue that arose during the CO process with respect to parking for classes/parties at his newly opened retail store. Mr. Cringoli provided details on his hours of operation, frequency of events and available parking spaces/anticipated parking need. Mr. Gara advised that Site Plan approval would be needed and explained how this tied in to earlier statements regarding the need for possible ordinance changes in the zone.

Protocol for the Site Plan Waiver process was discussed. Mr. Gara clarified that he would assist Mr. Cringoli with the paperwork for a formal appearance before the Board.

PUBLIC COMMENT/ADJOURNMENT

The Chairman opened the floor to public comment at 8:45. There was none.

Motion by Mr. Cunningham, **seconded** by Mr. Gausz to adjourn.

Respectfully submitted,

Nancy Probst

Nancy Probst, Planning Board Secretary

APPROVED 10/24/18