

**BOROUGH OF RARITAN**  
Land Use Board Meeting  
**MINUTES**  
May 26, 2021

**CALL TO ORDER**

The virtual meeting was called to order at 6:40 p.m. Ms. Thomas read the open public meetings statement into the record.

**FLAG SALUTE**

**ROLL CALL**

**Present**

Debra Thomas  
Mayor Bray  
Councilman Carra  
Mr. Cunningham  
Ms. Carra  
Ms. Goetsch  
Ms. Windrem  
Mr. Krajewski  
Mr. DeCicco  
Mr. Brown (absent for roll call; arrived late)\*

**Also Present**

Larry Cohen, Board Attorney  
Stan Schrek, Board Engineer  
Angela Knowles, Board Planner  
Lou Gara, Construction/Zoning Official

**Absent**

Ms. Sherwin  
Mr. Delacruz  
Mr. Sinagra

**ENGINEERING REPORT**

Mr. Schrek provided updates on the following matters:

- Block 81 - Started issuing first CO's and reviewing for bond release.
- Orlando Drive apartments - Asking for additional infrastructure documents. Still have compliance issues to address. Reviewing sewer flows/tie in locations. Project moving slowly.
- Tap Grant for Route 206 with DEP - Review required under guidelines for federal funding. DOT refers to the DEP for environmental review. Construction project now anticipated later (2022).

**PLANNING REPORT**

Ms. Knowles advised that she was contacted by Rutgers [Bloustein School] regarding using Raritan as a case study for a Fall 2021 studio class called "Planning Access for All" which would focus on transportation and things like ADA improvements. She related that they want to look at downtown revitalization plan area around the train station and possibly the riverfront.

Ms. Knowles advised that the Economic Development Plan for Somerset Street funded by the NJTPA Grant would be coming to an end in June. Referencing the presentation made at the April Board Meeting, she related that there were a lot of recommendations for the Board and the governing body to consider/move forward

with, such as rezoning [where appropriate] and potentially designating an area in need of rehabilitation for the entire study area. Ms. Knowles further advised that an implementation group that had been formed was working on how to take the next steps which would be to form subcommittees whom she would meet with in order to plan for the next steps/proceed with plan implementation.

\*Mr. Brown arrived at approximately 6:45. He suggested that there should be a plan to help potential developers/those interested in activities within the Borough such as redevelopment (especially in the downtown area) understand what the revitalization plan might be which he added, needs to be incorporated into the Master Plan. Ms. Knowles advised that the consulting group would be handing the Economic Development Plan off to them so that it can be incorporated into the Master Plan when the Board is ready.

Mr. Brown stressed the need for creating a standardized "gateway" to guide developers which would establish a clear route for them to present their ideas rather than going through various other channels first [Board consultants, Borough employees or members of the governing body in particular]. Mr. Schrek added that it would be a win-win if developers could realize their financial goals while respecting the Borough's vision.

Ms. Knowles spoke about the timing for the Master Plan amendment in response to a question from Ms. Thomas. Mr. Schrek offered that there were also budgetary considerations. He endorsed Mr. Brown's idea.

### **CONSTRUCTION OFFICIAL REPORT**

Mr. Gara provided updates on the following matters:

- Block 81 has temporary CO's on some units
- Janssen has a temporary CO for different parts of the building/construction starting to wind down
- Labcorp just getting started with inspections on the existing building that they are totally renovating

### **TRC MEETING UPDATE**

Chairwoman Thomas advised that there were no TRC meetings scheduled and that none had been held.

### **MASTER PLAN CONSISTENCY REVIEW OF ORD. 2021-07**

Referencing the Cannabis Ordinance that was addressed at the Council meeting the previous evening, Ms. Thomas announced that the Board would likely not act on it this evening. Mr. Schrek asked Mr. Cohen whether it fell under the auspices of a consistency review. Mr. Cohen affirmed that it would and explained why.

Speaking from the audience, **Sarah Trent** related that she saw the new draft ordinance which she related speaks to onsite security, hours of operation and provisions for the management of cash. She explained that she does not yet have a permit to operate the facility and spoke about the strict requirements for 24/7 video monitoring which must be accessible to both the Cannibals Regulatory Commission and Police, on demand. She also spoke about meeting with the Police Chief regarding her security plan about two years ago.

Ms. Trent addressed concerns about robberies in response to questions about same from Mr. Brown. He thanked for the details she provided relative to the ordinance.

Ms. Thomas asked the Board if they were comfortable voting tonight and asked the Board attorney whether it would be appropriate to do so. Mr. Cohen spoke about the Board's role in making a consistency determination. Mr. Cunningham commented that with one facility per 12,000 residents, he did not see a population that would support more than one facility in the near future. Mr. Cohen clarified that the question was whether the Board was feeling comfortable enough to vote on consistency. Ms. Thomas asked for a show of hands to move forward with voting. There did not appear to be any dissent.

A **Motion** [as phrased by the Board Attorney] was made by Ms. Goetsch and **seconded** by Councilman Carra

finding that the provision of **Ordinance 2021-07** regarding zoning is consistent with the Master Plan.

**ROLL CALL:**

**AYE:** Ms. Thomas, Mayor Bray, Mr. Cunningham, Ms. Carra, Ms. Goetsch, Mr. Krajewski, Mr. Brown, Ms. Windrem

**NAY:** Mr. DeCicco

**ABSTAIN:**

Mr. Cohen advised that he would forward a letter to Council memorializing the Board's finding.

**PEDESTRIAN BIKE & SAFETY**

Ms. Knowles advised that the committee had not met.

**APPLICATION/HEARING**

- **CGR, LLC and 93 West Somerset Street, LLC  
5 First Street & 93 West Somerset Street (Block 85 Lot 15 & Block 103 Lot 2)  
Site Plan Application with "C" and "D" Variances**

Ms. Goetsch, Mayor Bray and Councilman Carra recused at 7:22.

**Attorney John Sullivan** entered his appearance on behalf of the applicant.

Mr. Sullivan provided an overview of the project with shared parking said to include two properties under common ownership; the first of which being 5 First Avenue [owned by CGR LLC] and the second being 93 W. Somerset Street, [owned by 93 West Somerset Street, LLC].

Mr. Sullivan explained that an existing two story building at 5 First Avenue would house the applicant's General Contracting Company (with related storage and 3 garage parking spaces) on the first floor and three (3) two bedroom apartments on the second floor. He advised that there were several pre-existing nonconforming bulk conditions and related that while there were no site improvements proposed, there would be "significant" exterior upgrades to the sides and façade of the building.

Mr. Sullivan related that an existing two family home on the property at 93 W. Somerset Street would remain; however an existing detached garage would be demolished in order to accommodate a nine (9) space parking lot for use by the residential tenants on both properties. He related that there would be site improvements as well. Mr. Sullivan explained that a D2 variance would be needed in order to expand the use of the pre-existing non conforming dwelling and to address several other pre-existing nonconformities.

Mr. Schrek confirmed for the record that the application had been deemed complete at the last meeting along with a waiver from an EIS.

Mr. Cohen explained his position which is that the variance is a D1 since there is no expansion to the non conforming two family dwelling. He clarified that the applicant was seeking to put a use on the property (parking lot) in part for another property. He referenced the shared parking ordinance to be discussed later and offered that he felt it could be looked at as two (2) principal uses on the same property because parking is not limited to the dwelling. Speaking to Mr. Sullivan, he stated that the thought they were in agreement about this when it was discussed and pointed out that he did (properly) notice for a D1.

At Mr. Cohen's prompting, Ms. Thomas confirmed that there was a supermajority for purposes of voting.

As to his position regarding the D variance, Mr. Sullivan related that they were prepared to establish proofs for a D1 and a D2, depending on how it is interpreted.

**Raymond Vella** (representative of both LLC's with an ownership in both properties) was sworn in. He confirmed that he is the owner of a General Contracting company which would occupy the first floor of the First Avenue property. Mr. Vella testified as to the prior uses of 5 First Avenue [HVAC company, sheet metal/cabinet fabricator and Tailor given the presence of sewing machines on both floors]. He confirmed that he proposes to use the first floor for his own business with storage/garage parking and the second floor as residential housing with three (3) two bedroom apartments.

Mr. Vella testified that storage would be limited to bulk construction material and there would be no on site fabrication or storage of hazardous materials. He provided testimony as to business operations for the [first floor] office which he indicated would be limited to periodic use for the secretary with hours of operation between 8am-5pm. Mr. Vella testified that while there is garage parking for up to three vehicles that it would rarely be used for more than one and would be limited to the contracting company only. He testified that loading and unloading for storage would occur inside the garage and that material pickup and delivery was limited to his own vehicles about once per week/a couple times a month. He confirmed that it would not be open to the general public.

With respect to the second floor, Mr. Vella testified that one of the three apartments would be occupied by a Super. He spoke about what the duties of the Super would be and about the refuse/recycling plan [proposed revision to plans] which include a refuse room under the Super's oversight.

Mr. Vella confirmed that there was no parking available onsite for the First Avenue residential component. He testified that parking for all of the residential units in the proposal would be located at the West Somerset Street site where there would be assigned spaces (1 spot for the Super and 2 for each tenant).

Mr. Vella testified that the first floor resident of the two family house on West Somerset Street taking care of refuse at that property because is "kind of the Super" at the house.

Ms. Thomas opened the floor to questions of Mr. Vella.

Mr. Vella confirmed that parking for the First Avenue building [one spot for the Super and 2 spots for each apartment] would all be on the West Somerset Street site. He testified that he would not be parking any "equipment" inside of the building and responded to questions from Mr. Shrek about the need to back out on to West Somerset Street which he indicated he would.

Referencing problems with tenants parking all over streets particularly in the downtown neighborhoods, Ms. Thomas asked Mr. Vella how he could ensure that the tenants would park in the lot given the distance. Mr. Vella testified that leases state where parking is located and that stickers are assigned accordingly. He acknowledged that while they could not police it "100%," they could verify it. Mr. Cohen offered that there could be a provision in the lease agreeing not to park on the street. Ms. Thomas offered that it would be strongly recommended to which Mr. Vella said it would be "no problem." Mr. Shrek spoke about enforceability/practicality when parking on the street is legal. Acknowledging this, Mr. Cohen offered that a provision in the lease would be the best that could be done.

Mr. Cohen reiterated his position that there is a use variance in connection with this parking and clarified that the Board needed to decide whether they want to grant the use variance.

Mr. Vella explained that each tenant would have a tag inside of their car and that there are cameras in the

building to monitor safety, etc. which would be helpful in proactively monitoring the parking situation.

Referring to seven spots, Mr. Brown asked about parking for existing tenants. Referring to the plan, Mr. Vella advised that there were nine with seven facing First Ave. and two facing Somerset Street. Mr. Schrek clarified that there were 2 "parallel" spots. Mr. Brown questioned maneuverability. Ms. Thomas indicated that they would need to hear from Mr. Stires.

Mr. Vella identified "Angela" as his wife in response to a question from Mr. Brown about her identity. Mr. Brown asked how the Board could be assured that the properties never get separated. Mr. Vella testified that he owns the partnership on Somerset St. and they own CGR as well. Mr. Brown suggested that the approval would link the two properties. Mr. Cohen suggested that Mr. Sullivan could address this since they are two separate entities controlled by the same people. Mr. Sullivan offered that a copy of the resolution could be recorded with the deed for each property or done by way of deed restriction. Mr. Cohen concurred.

Mr. Vella responded to questions from Ms. Thomas about the work being done to the house on Somerset Street which she called an eyesore in its present state. Mr. Vella explained that they renovate and completely remodel everything they own. He testified that they have begun cutting grass, etc. due to complaints and that they are working on the sidewalk which the utility company destroyed. He testified that they would installing new roofing, siding, stone work and landscaping. As for the interior, he testified that every apartment would have new central air, baseboards, granite and tile. Mr. Vella related that they want their tenants to be happy where they live and explained that they are bringing the building up to code with permits. He spoke again about the cameras on site and the separate entrance for tenants.

The Chairwoman opened the floor to questions of the public.

Mr. Vella responded to a question from **Lucy Sandler** (resident of 812 Old York Rd. and owner of House of Blooms at 7 First Avenue) about how parking would be affected for both her business and her neighbor's business [DeLucia's] and how long construction would take. He explained where the container would go and assured her that he would do his best and work with them.

*Speaking from the audience, Adele Goetsch* (6 Nevius Street) asked whether the entire yard of the subject property which she related backs up to hers would be a parking lot. Mr. Vella explained that it would be landscaped as well which Mr. Stires would expand on. A brief discussion ensued about the location of her property and about a consideration for privacy fencing in addition to a landscape buffer.

**Architect Ivano Marulanda** of James R. Guerra Architects, P.A. (55 Jefferson Ave., Elizabeth) was sworn and qualified. He confirmed that the plans he prepared deal solely with the First Avenue property. Mr. Marulanda spoke to the existing conditions on the site which was said to include a two story warehouse type building which needs both interior and exterior improvements. He testified that the proposal would comply with green development standards and proceeded to identify and describe the first floor.

**EXHIBIT A-1** which was identified as "Sheet A101" of the plan set was marked into testimony and discussed. A refuse area which had been added was identified. Mr. Marulanda pointed out that the existing second floor would be cut back 4' from the property line, accommodating more windows. He identified the corridor for the residential apartments and described the layout. Mr. Marulanda testified that the building would be brought up to code making it safer and more energy efficient. He identified Sheet A200 as "Elevations" and discussed it. *It was not identified as additional exhibit.*

Mr. Marulanda provided details on façade materials, windows, doors, lighting for the first floor area, ceiling heights for the second floor and the garage. He indicated that he would provide a revised set of plans to

address sheet numbering and to include a sheet index as requested by Mr. Schrek.

Mr. Marulanda responded to a question from Mr. Shrek about storage plans for the residential units. He clarified that the storage component pertains to the commercial space only.

Ms. Carra asked about fire safety given the presence of only one point of ingress/egress. Mr. Marulanda testified that only one exit is needed under the code for four or fewer units and explained that the building would be fully sprinklered and equipped with emergency egress windows/one hour fire rating features.

Mr. Marulanda responded to a question from Ms. Thomas about a design element of the middle unit that was not present in the others. In response to a question from Mr. Cunningham, he estimated bedroom sizes as 11 or 12x12 and related that he would include more dimensions in his resubmission. Mr. Cohen asked for the square footage of the units which he testified would be 1055 [back unit], 926 [middle unit] and 1110 [front unit]. In response to a question from Mr. Brown, Mr. Vella testified that the middle unit would be occupied by the Superintendent.

The Chairwoman opened the floor to questions of the Architect. There were none.

**David Stires, P.E.** was sworn and qualified. Mr. Stires testified that while the building on First Avenue would be substantially renovated, there were no proposed site improvements for it. He spoke to existing conditions and proposed improvements on/to the West Somerset site.

Referencing a copy of the Site Plan on the screen, Mr. Stires identified the existing structure, garage and green areas on the West Somerset property. He explained that the garage would be demolished and a new parking lot with a total of 9 spaces which would serve both properties would be constructed. He discussed the layout of the spaces on the plan and briefly spoke about maneuverability for turning movements. Mr. Stires explained that the plan requires a retaining wall because of a grade change and provided details on same. He testified that arbor vitae would be planted along the west side of the lot as well as along the south end of the property in accordance with Mr. Shrek's comments. He testified that they would also add fencing in order to further buffer Ms. Goetsch's property, if suggested.

Water management and curbing were discussed.

Mr. Shrek indicated that he had a problem with the southerly most parallel space. An extensive discussion ensued about parking lot access. Mr. Shrek indicated that practicality was a sticking point for him. He asserted that the lot has seven (7) spaces; not nine (9). Referencing lighting and maneuverability, Ms. Thomas suggested there might be a safety issue. Ms. Knowles offered that if seven (7) spaces were full there would be even less room to maneuver.

Speaking to Ms. Goetsch's concerns, Ms. Thomas asked about fencing on both the east and south side. Mr. Stires indicated that they can wrap it around to where the garage is. Ms. Thomas offered that it was necessary for sound attenuation.

Mr. Stires and Mr. Schrek spoke briefly about placement of the spaces. Mr. Stires confirmed that it was not a shared driveway and that the driveway was dedicated only to the subject property.

Mr. Stires responded to questions from Mr. Cohen about lighting, storm drainage and the need for ADA compliance. Mr. Shrek advised that he would look into ADA compliance. Mr. Schrek responded to questions from Mr. Cohen about the applicability of the shared parking ordinance. Mr. Shrek explained that it was applicable more to parking on the main street and aimed more at helping businesses when it was adopted and

that it did not contemplate properties on First Ave. but would be extended if they could find a [practical] opportunity for shared parking.

Mr. Schrek responded to a question from Mr. Cohen about whether the nine (9) spaces as proposed meet ordinance requirements such as aisle width. Mr. Shrek indicated that there were relative variances and listed them.

**EXHIBIT A2** was identified as the Site Plan and marked into testimony. Mr. Stires responded to a question from Mr. Krajewski about snow removal. He responded to a question from Ms. Knowles about green space and another question from Mr. Cohen about storm water management which was deferred to Mr. Shrek. Mr. Shrek advised that there were no changes to building size and no impervious coverage requirements in that area so they would just look at elements of runoff tied to the construction plans at the time permits are issued.

Ms. Thomas asked the Board Attorney whether it would be advisable to table the matter based on all the comments. Referencing the proposed parking lot and comments regarding the number of spaces in question, Mr. Cohen deferred to Mr. Sullivan.

Mr. Sullivan indicated that Mr. Stires had additional testimony and advised that he would hold off on planning testimony if the Board was ultimately interested in the applicant returning with revised plans.

Mr. Stires spoke about their submission to the County Planning Board on 4/12/21 with respect to sight lines and ADA accessibility for the route from the parking lot to the First Avenue site. He advised that they met with one of their engineering representatives on site recently and that the sight lines were found to be "tolerable" under the current conditions. He concurred with a comment made by Ms. Knowles about the likelihood of abandoning any effort to get across and just making a right turn out instead. Mr. Stires advised that the applicant got some initial pricing and will explore doing work with respect to ADA accessibility at the intersection subject to approval. He explained that there are ramp requirements for conformance with County guidelines.

Mr. Sullivan asked Mr. Stires about the ability to comply with other items in Mr. Shrek's report and what other items might need further discussion/clarification. Parking and the ADA issue were identified. Mr. Stires indicated that he could work with Mr. Schrek on drainage and that they agree on/could work through the rest.

Mr. Shrek asked whether the County issued a letter based on their recent meeting. Mr. Stires testified they had not. Mr. Schreck clarified that anything subsequent to the meeting is the responsibility of the developer; that the Borough would not be making improvements.

Mr. Brown opined that anyone parking in any of the spots is going to take the quickest way home. As such, he asked whether it is conceivable to provide for that at the end of lot near the building so they can walk through the grassy area to the sidewalk. Mr. Stires testified that they made space available and can put in a series of risers to get down to the sidewalk on Lyman. Mr. Brown asserted that it would be better to give them a way to get over to the apartments on First Avenue without having to go down the driveway.

Mr. Cohen suggested it would be good to know from Mr. Stires how residents on the property will leave the lot to get over to First Ave. Mr. Stires offered that they would come down driveway onto the sidewalk and as discussed with the County, they would make the first crossing on Somerset Street and the second on First Avenue, then get on sidewalk past the pizza shop and into the building. At the behest of Mr. Cohen, Mr. Stires testified that the distance was about 240.'

The lack of loading area for First Avenue tenants was discussed in response to a comment about same from Mr. Krajewski. Mr. Schrek reiterated the need for practicality. Mr. Krajewski remarked about use of Quick Check for offloading and lack of on street parking ability because of the pizzeria.

Ms. Thomas opened the floor to questions of the witness. There were none.

Mr. Sullivan acknowledged that they would have to work to address all of the concerns that had been discussed. He indicated that he would prefer to hold off on planning testimony until a final plan was put forth and requested the at the matter be carried to the next meeting without further Notice. Several items to address such as the impact of changing the number of parking spaces, ADA compliance, lighting, loading, and landscaping were discussed. Mr. Cohen reminded that they have the right to ask for variances and that the question of the variance for the additional use on the Somerset Street property and joint parking (two principal uses) still also needed to be considered as it ties in to design of the parking lot and what can be done.

Mr. Shrek asked whether the project would still be viable with a reduction in units. Mr. Cohen indicated that this would be a choice that they could consider. Mr. Sullivan advised that they would work on revised plans which would be submitted for consideration in accordance with MLUL guidelines and asked for a continuance without further Notice. The potential need for re-noticing was discussed in light of the potential for returning to live meetings. Mr. Cohen advised that it would be at the discretion of the applicant's attorney. Mr. Pessolano advised that he had a conflict on June 23. Mr. Sullivan concluded to carry the matter to June 23 nonetheless with the understanding that he would request any further adjournment [if needed] in writing.

**Motion** by Ms. Carra, **seconded** by Mr. Cunningham and unanimously carried to adjourn the matter to June 23.

**ROLL CALL:**

**AYE:** Ms. Thomas, Mr. Cunningham, Ms. Carra, Mr. Decicco, Mr. Krajewski, Mr. Brown, Ms. Windrem

**NAY:**

**ABSTAIN:**

Ms. Goetsch, Mayor Bray and Councilman Carra returned at 8:55.

**DISCUSSION**

- **Master Plan Amendment – Hazard Vulnerability Assessment**

Ms. Knowles advised that every municipality is required to adopt a Hazard Vulnerability Amendment to their Master Plan and that she compiled a scope of work with respect to same with implementation pending budget consideration. She spoke about the components such as a build out analysis, asset mapping and infrastructure assessment which would be used to identify strategies for mitigation of vulnerable areas in town. She estimated the cost of the project [for report preparation and meeting attendance] at approximately \$10,000 and related that it would take about 6 months to complete. She confirmed that it did not need to be done by a certain date. Both she and Mr. Shrek commented on funding for the project which Ms. Knowles indicated might become available via other funding sources. In response to a question from Mr. Cunningham, she advised that she was not aware of anyone questioning the unfunded mandate from the State.

- **Area in Need of Redevelopment Study (Raritan Crossing)**

Ms. Thomas related that this would be discussed in June. Mr. Shrek offered to make the presentation on behalf of Ms. Knowles who related she would not be present for that meeting.

- **Return to Live Meetings**

Meeting time and state mandates with respect to Covid were discussed. The Board Attorney spoke about the meeting Notice.

**Motion** by Councilman Carra, **seconded** by Mr. Brown and unanimously carried to return to live meetings with a 6:30 p.m. start time in June.

**ROLL CALL:**

**AYE:** Ms. Thomas, Mayor Bray, Councilman Carra, Ms. Goetsch, Mr. Cunningham, Ms. Carra, Mr. Decicco, Mr. Krajewski, Mr. Brown, Ms. Windrem

**NAY:**

**ABSTAIN:**

- **Area in Need of Redevelopment Study ("Zeus")**

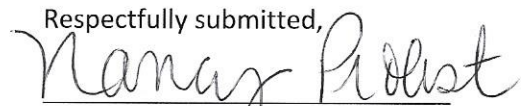
Mr. Brown asked for an update. Ms. Knowles indicated that this would probably be addressed in July.

**PUBLIC COMMENT**

There was no public comment.

**ADJOURNMENT**

**Motion** by Mr. Krajewski, seconded by Mr. Cunningham and unanimously carried to adjourn at approximately 9:17.

Respectfully submitted,  
  
Nancy Probst, Board Secretary

**APPROVED**

7/28/21