

**BOROUGH OF RARITAN**  
Planning Board Reorganization & Meeting  
**MINUTES**  
January 26, 2022

**CALL TO ORDER & FLAG SALUTE**

The meeting was called to order at 6:33 p.m. in the Borough of Raritan Municipal Building. Mr. Gara read the open public meetings statement into the record.

**REORGANIZATION MEETING**

**OATHS OF OFFICE**

Mr. Cunningham, Mr. Delacruz, Ms. Sherwin, Ms. Windrem and Mr. Graner were sworn in by Mayor Bray.

**ELECTION OF OFFICERS**

• **CHAIRPERSON**

**Motion** by Ms. Goetsch, **seconded** by Mr. Delacruz and unanimously carried to nominate Debbie Thomas as Chairwoman. Seeing no further nominations, a single ballot was cast and Ms. Thomas was appointed.

**ROLL CALL:**

**AYE:** Councilman Carra, Mr. Cunningham, Ms. Carra, Mr. Delacruz, Mr. Brown, Ms. Goetsch, Ms. Windrem, Ms. Sherwin, Mr. Gramer

**NAY:**

**ABSTAIN:** Ms. Thomas

*\*Mayor Bray was not called*

• **VICE CHAIRPERSON**

**Motion** by Ms. Thomas, **seconded** by Ms. Sherwin to nominate Bill Cunningham as Vice Chairman. Seeing no further nominations, a single ballot was cast and Mr. Cunningham was appointed.

**ROLL CALL:**

**AYE:** Chairwoman Thomas, Mayor Bray, Councilman Carra, Ms. Carra, Mr. Delacruz, Ms. Goetsch, Ms. Windrem, Ms. Sherwin, Mr. Brown, Mr. Gramer

**NAY:**

**ABSTAIN:** Mr. Cunningham

Mr. Schrek arrived at 6:38.\*

**ROLL CALL**

**Present**

Debra Thomas  
Mayor Bray  
Councilman Carra  
Mr. Cunningham  
Ms. Carra  
Ms. Goetsch  
Ms. Windrem  
Mr. Delacruz  
Ms. Sherwin  
Mr. Brown

**Also Present**

Larry Cohen, Board Attorney  
Stan Schrek, Board Engineer (*\*arrived late*)  
Lou Gara, Zoning/Construction Official

Mr. Gramer

**Absent**

Mr. DeCicco

## COMMITTEE APPOINTMENTS

- **TECHNICAL REVIEW COMMITTEE (“TRC”)**

Ms. Thomas announced that the following Board members would be appointed/reappointed to the TRC: Ms. Goetsch, Mr. Cunningham and Mr. Brown. She advised that she would continue to serve as well.

- **CANNIBAS**

Mr. Cunningham asked for volunteers to fill two vacancies. Ms. Thomas confirmed that the following members would be appointed/reappointed to the Committee: Mr. Cunningham, Ms. Goetsch, Mr. Carra, and Ms. Windrem. Mr. Cunningham suggested that the Committee meet soon in light of the fact that Sarah Trent received approval from the State for her license application. Ms. Thomas deferred this to the regular meeting.

- **PEDESTRIAN BIKE & SAFETY**

Ms. Thomas advised that Ms. Knowles asked for two volunteers. Ms. Sherwin confirmed her interest in serving. Ms. Thomas related that she would continue to serve as well.

## RESOLUTIONS

- **PB-2022-01 (MEETING DATES)**

After a brief discussion about changing the November meeting date to 11/16/22, Mr. Delacruz made a **Motion** which was **seconded** by Councilman Carra and unanimously carried to adopt the resolution, as amended. *The December meeting date was discussed but not changed.*

### ROLL CALL:

**AYE:** Chairwoman Thomas, Mayor Bray, Councilman Carra, Mr. Cunningham, Ms. Carra, Mr. Delacruz, Mr. Brown, Ms. Goetsch, Ms. Sherwin, Ms. Windrem, Mr. Gramer

**NAY:**

**ABSTAIN:**

- **PB-2022-02 (OFFICIAL NEWSPAPERS)**

**Motion** by Mr. Delacruz, **seconded** by Mayor Bray and unanimously carried to adopt the resolution, as presented.

### ROLL CALL:

**AYE:** Chairwoman Thomas, Mayor Bray, Councilman Carra, Mr. Cunningham, Ms. Carra, Mr. Delacruz, Mr. Brown, Ms. Goetsch, Ms. Sherwin, Ms. Windrem, Mr. Gramer

**NAY:**

**ABSTAIN:**

- **PB-2022-03 (PROFESSIONAL SERVICE CONTRACTS)**

**Motion** by Ms. Goetsch, **seconded** by Mr. Cunningham and unanimously carried to adopt the resolution, as presented.

### ROLL CALL:

**AYE:** Chairwoman Thomas, Mayor Bray, Councilman Carra, Mr. Cunningham, Ms. Carra, Mr. Delacruz, Mr. Brown, Ms. Goetsch, Ms. Sherwin, Ms. Windrem, Mr. Gramer

**NAY:**

**ABSTAIN:**

- **PB-2022-04 (BOARD SECRETARY)**

**Motion** by Ms. Carra, **seconded** by Mr. Delacruz and unanimously carried to adopt the resolution, as presented.

**ROLL CALL:**

**AYE:** Chairwoman Thomas, Mayor Bray, Councilman Carra, Mr. Cunningham, Ms. Carra, Mr. Delacruz, Mr. Brown, Ms. Goetsch, Ms. Sherwin, Ms. Windrem, Mr. Gramer

**NAY:**

**ABSTAIN:**

**PUBLIC COMMENT & ADJOURNMENT TO REGULAR MEETING**

Seeing as there was no public comment, a **Motion** was made by Ms. Sherwin, seconded by Mayor Bray and unanimously carried to adjourn into the Regular Meeting at 6:48.

**REGULAR MEETING**

**CALL TO ORDER**

The meeting was called to order at 6:48 p.m.

**MINUTES**

The Board resolved to table the November minutes in order to allow for revision.

**ENGINEER’S REPORT**

Mr. Schrek advised that **Block 81** received a final CO. A discussion about the walkway which was supposed to be completed as part of the approval ensued. Mr. Shrek explained that the walkway could not be built without the [pending] approval from NJ Transit and explained that a bond was kept in place for this reason. Mr. Brown offered that the walkway was critical to the application. Mr. Schrek explained that the resolution made it clear that it was not critical to the CO and that the resolution was written in order to accommodate this. Mr. Gara added that the walkway could not hold up the CO. A brief discussion ensued about whether the development agreement spoke about the walkway issue. Mr. Shrek advised that the resolution provided for the Borough to work with the Developer on the walkway. He reiterated that the bond would be kept in place in anticipation of the agreement with Transit and that the Borough would proceed once approvals [delayed further by the pandemic] were in place.

Mr. Schrek advised that the amount of the bond is \$50,000 (plus accrued interest) in response to a question from Mr. Brown regarding same. Mr. Gara offered that non compliance could wind up being a violation of the Planning Board approval. Mr. Brown suggested that accessibility to the train was key to the transit oriented development designation. Mr. Schrek advised that it would still be considered a TOD because there is still a route to the train; albeit a longer one. Mr. Brown asserted that they were given a PILOT based on the access component. Mr. Schrek reiterated that it is still a TOD and would just take time because of NJ Transit.

Mr. Brown asked what the resolution was with respect to “the one way street.” Mr. Schrek explained that Council wants it removed and as such, it would be. Mayor Bray affirmed this.

**PLANNER’S REPROT**

Mayor Bray shared that Raritan won an award from Somerset County Land Development for Planning relative to work done on the Sustainable Economic Development Plan last year. He related that there would be a ceremony and complimented FHI on their work.

Mr. Cohen advised that the Borough’s Affordable Housing Planner contacted the Board to advise that it would need to adopt the Housing Element of the Master Plan which is consistent with the Settlement Agreement. Mr. Cohen related that Mr. Kyle requested the hearing be held at the next Board meeting (February 23).

**CONSTRUCTION OFFICIAL REPORT**

Mr. Gara provided updates on the following matters:

- Block 81 (received CO).
- Janssen (Multiple temporary CO's issued in various parts of the building. Will be ready for finals soon).
- Labcorp (Met with them regarding CO requirements).
- Old United Dye/44 apartments on Orlando Drive (No permit applications submitted yet but preliminary site work being done).
- Fire damaged home on First Ave (Reconstruction beginning).
- Fire damaged home on Quick Ave (General consensus that new home is aesthetically pleasing).
- Nik's (Violations/summonses issued. Delays resulting from pandemic were discussed).
- Rick's Caffe (Violations/summonses issued. Delays resulting from pandemic were discussed).
- Angelone's/Papa Johns (Pleased with outcome of work).

Mr. Brown asked about the "gigantic shed" on Reimer Ave. Mr. Gara explained that while there is a permit, the owner is in violation for failure to request required inspections and needs to provide a location survey. In response to a question from Mr. Brown about the need for variances, Mr. Gara explained that the garage had been replaced with a smaller one, which resulted in a decrease in impervious coverage, thereby negating the need for relief. He explained that summonses were issued over a year ago.

Ms. Thomas asked for a motion to appoint Mr. Schrek as engineer to all of the ad hoc committees; TRC in particular. **Motion** by Councilman Carra, **seconded** by Ms. Carra and unanimously carried.

**ROLL CALL:**

**AYE:** Chairwoman Thomas, Mayor Bray, Councilman Carra, Mr. Cunningham, Ms. Carra, Mr. Delacruz, Ms. Goetsch, Mr. Brown, Ms. Windrem, Ms. Sherwin, Mr. Gramer

**NAY:**

**ABSTAIN:**

**TRC MEETING UPDATE**

A TRC meeting was tentatively scheduled for February 2 in order to address the following matters (as per Ms. Thomas): Lopresti, LaGrange and Sarah Trent. Mr. Cohen advised that formal Notice was not required in response to a question about same from Mr. Brown. Mr. Brown asked whether anyone knew what Ms. Trent wanted to discuss. Mr. Schrek advised that it would be site plan issues including a potential parking variance. In response to another question from Mr. Brown, Mr. Cohen confirmed that she would need to come before the Board for Site Plan. He explained that the purpose of TRC is to provide direction and save time for both the applicant and the Board. A brief discussion ensued about whether the ordinance had been codified.

**AD HOC COMMITTEE (Cannabis Dispensaries)**

Mr. Cunningham advised that the Committee might be short lived if Ms. Trent's application comes to fruition given the governing body's decision that there can only be one license accepted for every 14,000 residents. Mayor Bray spoke about what action they would take in accordance with a resolution they adopted regarding her pending [State] approval.

Mr. Cunningham expressed concern about the State trying to morph a lot of the licenses for medical marijuana in with those for recreational use. He asserted that the Borough should stick to their guns, particularly in light of limited parking, since their approval related to medical only. Mayor Bray explained that Ms. Trent would still need to return to the Borough for approval regardless of whether state guidelines allow for recreational sale.

Mr. Brown asked whether there were geographical limitations for purchasers. Mr. Cunningham offered that purchasers had to be licensed in NJ to purchase in NJ but Mr. Cohen did not agree. Mr. Cunningham explained that there was a process for purchasers having to register with specific sites and explained he would look into it further. Mr. Cohen clarified what the purpose of the committee was as it relates to an actual Planning Board application. Mr. Cunningham clarified that the reason the committee was even formed was only to determine

which areas in the Borough would be suitable for placement of a medical marijuana dispensary if the governing body determined that they would entertain having one, which they ultimately did.

#### **PEDESTRIAN BIKE & SAFETY COMMITTEE**

There was no update in the absence of Ms. Knowles.

#### **APPLICATIONS/HEARINGS**

- Edgewood Raritan LLC  
Block 87, Lot 9 (33 Second St.)  
*Preliminary & Final Site Plan*

Mr. Cohen advised that the applicant requested to carry the matter to February without further Notice. A discussion ensued about whether an extension of time was necessary. Mr. Gara advised that completeness was determined on 11/17. Mr. Cohen advised that he understood plan revisions were forthcoming in connection with Board comments. Mr. Shreck reminded that plans must be on file 10 days prior to hearing. An extensive discussion ensued about whether the applicant should have to re-notice and whether they should carry to March instead if revisions are substantial.

Mr. Cohen explained that there was no rule for re-noticing in response to a question from Mr. Brown who related that he was asking in consideration of the neighbors. Mr. Gara advised that he had not received architectural plans. Further discussion ensued and Mr. Cohen affirmed that he would advise Mr. Marago to re-notice. Submission requirements were discussed. Mr. Brown asked about the timeliness of receipt of review materials. Mr. Schrek offered to distribute his review letter directly to members.

**Motion** by Mr. Brown, **seconded** by Ms. Windrem and unanimously carried to adjourn the matter to February 23, 2022, pending new Notice.

#### **ROLL CALL:**

**AYE:** Chairwoman Thomas, Mayor Bray, Councilman Carra, Mr. Cunningham, Ms. Carra, Mr. Delacruz, Ms. Goetsch, Mr. Brown, Ms. Windrem, Ms. Sherwin, Mr. Gramer

**NAY:**

**ABSTAIN:** Mayor Bray, Councilman Carra

Mr. Cohen clarified that he would advise Mr. Marago to carry the matter to March in the event they would not be ready for February and provide the Board with an extension of time.

- **SD & RR LLC**  
**Block 95, Lots 12&13**  
**Bifurcated Use Variance, Preliminary & Final Site Plan – COMPLETENESS ONLY**

Mr. Schrek made reference to his review letter. Ms. Thomas expressed concern about the bifurcation of the application. She asked how it was beneficial to the Borough to proceed with a Use Variance without knowing what the plan is. Mr. Schrek explained that the applicant has to provide sufficient information for them to judge whether the use is appropriate. He related that there was enough information to perform an initial technical review.

Mr. Cohen explained that it is the applicant's right to bifurcate and spoke about the benefits of same to the applicant. He explained that the Board does not have to act on the application in the absence of sufficient information and that the positive and negative criteria must be satisfied. Ms. Thomas asked whether they could deny the site plan if the use variance was approved. Mr. Cohen explained why they could not.

With respect to a parking variance, Mr. Brown offered that while they can meet the requirements of zoning since they are going to tear down the buildings and re-build to their own specifications, they just choose not to. Mr. Cohen explained that the bulk variance relief would not be decided on bifurcation and asked for clarification. Mr. Schrek offered that their intent was to repurpose an existing building. Mr. Brown asserted that they were tearing it down. Mr. Cohen asserted that bifurcation was only allowed on the use. He reiterated that the bulk variances would not be considered until actual Site Plan and explained that if the Board was not satisfied, one of the reasons to deny the Use Variance would be insufficient information. A brief discussion ensued on other criteria for denial. Mr. Brown offered that they are requesting side yard variances “for inches” and asked why they Board would grant any of the bulk variances. Mr. Cohen again reiterated that the bulk variances should not be considered on the Use and that the Board could ask them to return with full site plan, citing insufficient information.

Ms. Sherwin asked whether what they are to vote on was related to information in Stan’s technical review. Chairwoman Thomas explained that they would only be voting on whether to deem the applicant complete for hearing. Mr. Cohen advised that the applicant should be told that the Board is only required to hear the Use Variance and as such, the bulk variances would not be considered without site plan. Further discussion ensued about consideration of the bulk variances. Mr. Schrek clarified/confirmed that they are only asking for the use variance at this time. Further discussion ensued about the Board’s preference to see the use variance with site plan simultaneously. Completeness with respect to the use variance only was discussed. Mr. Shrek confirmed that there is no checklist for bifurcated applications.

Mr. Cohen asked who should let the applicant know of the Board’s preference to hear the application with site plan simultaneous to the use variance. Mr. Gara offered to do it.

**Motion** by Ms. Goetsch, **seconded** by Mr. Delacruz to deem the bifurcated application for a use variance complete.

**ROLL CALL:**

**AYE:** Chairwoman Thomas, Mr. Cunningham, Ms. Carra, Mr. Delacruz, Ms. Goetsch, Mr. Brown, Ms. Windrem, Ms. Sherwin, Mr. Gramer

**NAY:**

**ABSTAIN:** Mayor Bray, Councilman Carra

**MISCELLANEOUS**

Training for new Board members was discussed. Mr. Gara offered to disseminate the information.

**PUBLIC COMMENT**

**Rob Holland** of 44 Second Street commented on information in the development application regarding the need for relief. He then commented on his ability to speak about it without the applicant being present. Mr. Cohen assured him that it was his right to comment on a pending application.

Mr. Holland offered that entertaining the use was putting the cart before the horse. He called the applicant’s assertion [in the application] that there is no viable office demand “false” and questioned the validity of another statement regarding continued enforcement of the use restriction resulting in further deterioration with respect to long term vacancy. He asserted that the reason for the vacancy was lack of upkeep/care.

Citing a reference in the application to the site being isolated from all other commercial districts/intrusive to the residential neighborhood, Mr. Holland spoke about whether proper precautions were being taken to make sure neighbors were not affected as it relates to exceptional circumstances/conditions affecting the site in support of the request. He shared his recent experience of discovering improper asbestos removal on the site which he reported to the Health Department who in turn advised him to call the County. He asserted that this should not

be his role. He added that when he hears things like meetings not being recorded or plans getting lost in the shuffle he is concerned. He offered that he would be present and voice his opinion because it's "disheartening." He asserted that if property is zoned for business then that's how it should remain. He added that if he wanted to live next to an apartment building, he would have bought his house next to one and opined that they hadn't tried to make it a commercial building because it would be more profitable as a residential use.

Mr. Cohen explained that practical difficulties or undue hardship are not the tests for a use variance. He explained that state law provides for the right to request a change in zoning and that the applicant has to meet their burden under the statute with the Board making the determination as to whether it is met. Mr. Cohen explained that Mr. Holland has the right to voice his opinion at any public meeting and offered that the Board has always welcomed input from citizens.

Chairwoman Thomas related that the Board has been clear about the value they put on input from residents surrounding the area of prospective projects. She explained that while they can't always say no, they can ask for conditions that feedback helps with and often lead to mutual satisfaction. She added that in light of the asbestos situation, they are not starting out on good footing. Mr. Gara clarified that while he issued a stop work order and notified the Health Department, a permit for asbestos removal is only required for certain buildings. He explained that while they were not required to get a permit, they are required by the DEP to use a licensed asbestos removal contractor which they agreed to do.

Mr. Cunningham related that he would notify the State if he was in Mr. Holland's position. Ms. Goetsch asked why the burden should be on Mr. Holland. Mr. Brown asserted that everyone has to be attentive to their own concerns. Mr. Cunningham concurred. He shared his own experiences and motivations for volunteering.

Mr. Holland shared his experience of observing the last Raritan Board of Health meeting and finding someone there who was willing to take the information to the County in her role as a Board Member there as well. He offered that taking it to the State level puts him in a position of it being him against the builder. Mr. Cunningham called it a legitimate concern. Mr. Delacruz shared that the DEP has an anonymous tip line. Chairwoman Thomas encouraged Mr. Holland to keep coming and assured him that they would do everything they could.

**Dan Pryor** of 50 Second Street asked how to find out if something would be discussed at future meetings. Chairwoman Thomas suggested he call Mr. Gara. Mr. Cohen explained that there are sometimes circumstances that are out of the Board's control. Mr. Brown offered that in this particular case, there will be re-noticing. Ms. Thomas encouraged him to check just in case.

**Motion** by Mr. Cunningham, **seconded** by Mr. Delacruz to adjourn to at 8:03.

Respectfully submitted,  
*Nancy Probst*  
Nancy Probst, Board Secretary

**APPROVED 2/23/22**