

BOROUGH OF RARITAN

Planning Board Meeting

MINUTES

February 23, 2022

CALL TO ORDER & FLAG SALUTE

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

ROLL CALL

Present

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

Also Present

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

Absent

Mr. Delacruz

MINUTES

Motion by Ms. Goetsch, **seconded** by Mayor Bray to adopt the Minutes of **November 17, 2022**, as presented by voice vote.

Motion by Mr. Brown, **seconded** by Mr. Cunningham to adopt the revised Minutes of **January 26, 2022**, as presented by voice vote.

ENGINEER'S REPORT

Mr. Schrek spoke briefly about the TRC meeting. He advised that _____ was working thru environmental issues and still performing geotechnical work. Calling the Developer "extremely cooperative," he advised that bonds were in place and that a preconstruction meeting was scheduled for Tuesday.

PLANNER'S REPORT

Ms. Knowles advised that the TRC met and that they would be working on parking standards. She announced that she accepted a position as Deputy Director of Somerset County Planning Department. The Board applauded/congratulated her.

CONSTRUCTION OFFICIAL REPORT

Mr. Gara had no update.

APPLICATIONS/HEARINGS

- Edgewood Raritan LLC

Mr. Cohen advised that the matter would be adjourned to March 23 without further Notice due to a Notice deficiency. (Notice not published within statutory deadlines). Mr. Marago consented to an extension of time thru May 31.

Motion by Ms. Goetsch, **seconded** by Ms. Windrem to adjourn the matter to March 23, 2022.

ROLL CALL:

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

NAY:

ABSTAIN: Mayor Bray, Councilman Carra

TRC MEETING UPDATE

Minutes were provided for reference. Chairwoman Thomas provided an overview beginning with a 17 space parking deficiency for applicant, Valley Wellness (Sarah Trent/Middle Valley Partners). She advised that the TRC recommended that they try to get creative and spoke to Ms. Trent who was present in the audience. Ms. Trent explained that they had since retained a Traffic Engineer who would have positive information for the TRC and that they would be reviewing ordinances throughout the State with respect to parking. She explained that they would also be providing a packet regarding business operations and investigating a solution to parking at the train station. A follow up [TRC] meeting was tentatively scheduled for March 2 at 9am.

Chairwoman Thomas resumed her overview with a review of the LoPresti proposal which she related called for mixed use/retail on the bottom floor with apartments above to be accommodated by an additional story inclusive of a small addition. She explained that this proposal also came with parking issues which they were encouraged to try to find a creative solution to. She remarked that this is a result of an ongoing situation downtown with parking which is hindering the ability of some projects in that area to move forward.

Chairwoman Thomas spoke about the LaGrange Street proposal which involved the vacation of a piece of property culminating in a misunderstanding between the Borough and the builder. Mr. Schrek explained that the applicant has since engaged new counsel.

AD HOC COMMITTEE (Cannabis Dispensaries)

Mr. Cunningham advised that there was no need for the Committee at the moment because they had accomplished their goal. He offered that it could be reinstated in the future, if necessary.

PEDESTRIAN BIKE & SAFETY COMMITTEE

Ms. Knowles advised that they had not met and offered that they might want to plan an implementation work group which she could get talking again. Concerns about how to keep momentum with the group were discussed. Ms. Knowles advised that she could get them up and running prior to her departure.

APPLICATIONS/HEARINGS

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

Chairwoman Thomas announced that the matter would be carried to March 23rd without further notice. She suggested that interested parties call Mr. Gara to confirm prior to the next meeting.

MASTER PLAN AMENDMENT - Housing Element & Fair Share Plan

Mr. Cohen provided background information with respect to the purpose of the hearing/amendment and advised that he would be providing an enabling resolution for same.

Jim Kyle of Kyle&McManus, Associates introduced himself and explained that he had been hired to prepare the Affordable Housing Plan dated February 9, as presented. Mr. Kyle led a discussion of obligations as set forth in the settlement agreement. The Rehab obligation was discussed in great detail. This led to an extensive discussion about the existing Rehab Trust Fund and RDP (realistic development potential). Prior round obligations and the revised vacant land analysis were discussed. Mr. Kyle responded to a question from Mr. Brown about 75 to be built units that he mentioned during the discussion.

Mr. Kyle spoke about the extension of affordability controls and percentage of obligation being addressed through bonus credits. He provided information on the unit breakdown of 118 units and responded to a question from Mr. Brown about compliance. Enforcement was discussed and the discussion reverted back to Rehab of existing homes/credits to existing homeowners for renovations. Mr. Kyle responded to a comment from Mr. Cunningham about affordable housing being subsidized through density. Concerns over rents increasing in order to accommodate lower income rentals were expressed. Mr. Kyle acknowledged a statement from Mr. Cunningham about the lack of land to develop and offered that what is available is more attractive because of the commutability.

Mr. Kyle advised that looking ahead, 2025 would be different because redevelopment would have to be used since there would be no big vacant properties to accommodate the need. Mr. Brown commented that razing what is existing while continuing to increase density would slowly destroy the town. He asserted that the Board has to make sure that neighbors rights don't infringe on each other.

Referencing Table 10 on Page 17, Mr. Kyle spoke about mechanisms for unmet need and the 2017 mandatory set-aside ordinance. He explained how PILOT's are calculated and advised that Council would look at PILOT's for fractional units.

Mr. Kyle spoke about deadlines for spending the Affordable Housing Trust Fund money. He talked about the reduction in set asides in the redevelopment areas, as negotiated. He identified the projects as they relate to unmet need and advised that if they do not get built, there would be no impact.

Mr. Kyle spoke about the IDH4 (Overlay Zone) which includes properties owned by Janssen. Mr. Brown called it "smoke and mirrors." Mr. Kyle identified the 5 redevelopment areas.

Mr. Schrek advised that Zeus has an application currently. Mr. Kyle affirmed that any development must provide a set-aside. He confirmed that this included the application on Second Street in response to a question about same from Mr. Brown. Mr. Cohen added that this requirement is always part of Mr. Schrek's initial review. Mr. Kyle spoke about unit mixes which the Affordable Housing Ordinance "polices." The residential development fee was discussed.

Referencing Table II (Affirmative Marking), Mr. Kyle spoke again about the trust fund and affordable housing administration. He responded to a question from Mr. DeCicco about whether the money could be used for things like roads and parking.

Referencing Page 22-23, Mr. Kyle spoke about requirements for Affordable Housing administration. He responded to a question from Mr. Gara about whether the law overrides the Borough's ordinance with respect to use variances for density in particular.

PUBLIC COMMENT

Kate Partridge of 52 Second St. asked about the possibility of reaching out to existing low income residents (elderly residents in particular) in order to utilize the funds and mechanisms for doing so. Mr. Kyle explained that homeowners could use the funds and that notifications would be made publicly, likely in a tax mailing with information on forgivable loans. Mr. Gara advised that the Borough has done this several times through the Rehab Program.

Rob Holland of 44 Second Street commented on the project slated for 33 second Street. Mr. Kyle explained that they put it in as an unmet need mechanism. Compensatory benefits to developers were discussed. Mr. Kyle explained that the Borough does not provide any subsidy to a developer for affordable housing and that benefits only commence once the unit is built/available. Mr. Cohen explained that larger developments are on a timing schedule. Mr. Holland offered that many of the Board's comments were "refreshing" and gave him the impression that others shared his values.

Mr. Brown asked whether the list Mr. Kyle had for group homes was comprehensive. Mr. Kyle explained that the ones they are aware of are "supportive housing." Mr. Brown offered that some of them have nothing to do with "developmental situations," as he learned from speaking with a resident of a group home on Colfax. Referencing Table 4 on Page 11, Mr. Kyle referred to three projects listed in the plan.

Mr. Cohen proceeded to read the enabling resolution (PB2022-05) for amendment to the Master Plan (Adoption of the Housing Element and Fair Share Plan) into the record as follows:

WHEREAS, there exists a Master Plan pursuant to the State Land Use Act for the Borough of Raritan; and

WHEREAS, the Planning Board of the Borough is designated as the agency to adopt and amend the Master Plan of the Borough pursuant to said state law; and

WHEREAS, as part of the Master Plan, the Borough has adopted a housing plan element which included a plan on meeting the Borough's Fair Share Housing Plan pursuant to the Fair Housing Act of the State of New Jersey; and

WHEREAS, the law applicable to a municipality's obligation to meet its Fair Share Housing Plan for affordable housing has been amended by the courts of New Jersey and by the Legislature of New Jersey; and

WHEREAS, pursuant to procedures set forth by the Supreme Court of the State of New Jersey, the Borough of Raritan filed a Complaint seeking a declaratory judgment that the Borough's Fair Share Plan for providing affordable housing in the State of New Jersey met its constitutional obligations; and

WHEREAS, pursuant to Court Order, the Fair Share Housing Center ("FSHC") was admitted as an interested party; and

WHEREAS, the Borough entered into settlement negotiations with FSHC to provide an amendment to the Housing Element Plan for the purpose of adopting a Fair Share Plan which met the constitutional obligations of the Borough of Raritan to provide a reasonable opportunity to meet its Fair Share Housing obligations; and

WHEREAS, FSHC and the Borough, as well as any other interested parties negotiated a Settlement Agreement dated May 22, 2018, in which the Borough agreed to adopt and implement a Fair Share Housing Plan as part of its Housing Element Plan for the Master Plan, which Agreement included the adoption of all necessary ordinances and implementations of procedures for the Borough to meet its obligations; and

WHEREAS, the Settlement Agreement was reviewed by the Superior Court of New Jersey in a fairness hearing

and it was determined that the proposed Settlement Agreement provided a realistic opportunity for the Borough to meet its obligations to provide Fair Share Housing in the interests of low and moderate income households; and

WHEREAS, as a result, the Borough is required to implement said plan by the adoption of a Fair Share Plan to the housing element of the Master Plan; and

WHEREAS, the Planning Board is desirous of adopting the Fair Share Plan dated February 9, 2022, and the housing plan element dated January 27, 2022, together with multiple attachments prepared by Kyle McManus Associates, the designated professional planners for the Borough to prepare said plans; and

WHEREAS, the Housing Element and Fair Share Plan sets forth the Borough's rehabilitation obligations, prior round obligation, and third round obligation, as set forth pursuant to law, as well as the specific mechanism by which the Borough intends to meet the collective obligations of the Borough's constitutional obligation to provide a realistic opportunity for the construction of housing affordable to low and moderate income households within the region; and

WHEREAS, the Borough is seeking to adopt said plans and have the plans reviewed by the Superior Court of New Jersey to determine if said plans are in accordance with the Settlement Agreement and meet the Borough's obligations pursuant to the Fair Share Housing Act as incorporated in the Settlement Agreement and for the court to issue a Judgment of Compliance and an Order of Repose, which proceeding is scheduled before the Superior Court of New Jersey; and

WHEREAS, the Planning Board has reviewed the Fair Share Plan and housing element and has received recommendations from the aforementioned planners for the adoption of the plans; and

WHEREAS, a public hearing on the adoption of said Fair Share Plan and Housing Element Plan was scheduled for February 23, 2022; and

WHEREAS, public notice for said hearing was advertised in the official newspaper of the Borough, and specific notice was given to the Planning Department of the County of Somerset, to surrounding communities bordering the Borough of Raritan and to the State Office of Planning Advocacy; and

WHEREAS, said plan elements were posted on the Borough website and were available for inspection by the public at the Municipal Building of the Borough of Raritan; and

WHEREAS, a public hearing was held on February 23, 2022, before the Planning Board, at which time the planners had offered testimony concerning the plans and responded to any questions that may have arisen concerning the plans; and

WHEREAS, the public had the right to participate in said public hearing; and

WHEREAS, the Board is desirous of adopting the Fair Share Plan and the Housing Element Plan; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Raritan, Somerset County, New Jersey, that the Fair Share Plan dated February 9, 2022, and Housing Element Plan dated January 27, 2022, as submitted by Kyle McManus Associates are hereby adopted as amendments to the Master Plan of the Borough of Raritan.

BE IT FURTHER RESOLVED that this Fair Share Plan and Housing Element Plan supersede all previous Housing Element Plans and any Fair Share Plans that were previously incorporated in the Master Plan of the Borough of Raritan.

BE IT FURTHER RESOLVED that a copy of this Resolution, together with a copy of plan elements, shall be provided to the County Planning Board of the County of Somerset and the State Office of Planning Advocacy within thirty (30) days of the date of adoption of this Resolution.

Motion by Ms. Goetsch, **seconded** by Mayor Bray to adopt the Housing Element/Fair Share Plan as written and adopt the resolution enabling same, 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

NAY:

ABSTAIN:

DISCUSSION

Raritan Crossing Redevelopment

Ms. Knowles advised that they had been working on the Redevelopment Plan and that it was almost complete. She advised that even though the Board accepted the Area in Need study and passed it along to Council in September, it never made it on to their agenda so no resolution was produced. She advised that it will be on their 3/1 agenda and that if they accept the Board's recommendations, the Redevelopment Plan can then be finalized. She related that the developers are eager to keep moving and asked for a special meeting in that vein. Mr. Cohen advised that a special meeting would not be impactful given the 35 day comment period. Chairwoman Thomas concurred.

PUBLIC COMMENT PERIOD

There were no questions or comments.

MISCELLANEOUS

Mr. Gara advised talked about use of Dropbox for plans/files related to applications going forward.

Mr. Cohen suggested that the Board familiarize themselves with the set-aside ordinance, stressing the importance of same.

Mr. Holland asked that the Board take a walk on Third Street in order to observe lighting for the upcoming site plan application. Ms. Thomas explained that lighting is always an important consideration.

Mr. Cohen advised that the Board would be looking at amendments to parking requirements which arose from a discussion during a TRC about restrictions to development. Ms. Knowles suggested that this discussion take place preliminarily at TRC and culminate with the full Board. Mr. Brown asked about ownership of the train station parking lot in anticipation of another discussion about using it as a solution to parking challenges on Ms. Trent's prospective site at the next TRC. Ms. Thomas suggested that they review Ms. Knowles' findings from the last discussion and Mr. Schrek advised that the applicant is actively working on finding solutions.

PUBLIC COMMENT

Motion by Mr. Carra, **seconded** by Mr. Decicco to adjourn to at 8:12.

Respectfully submitted,
Nancy Probst
Nancy Probst, Board Secretary

APPROVED 3/23/22