

**BOROUGH OF RARITAN**  
Planning Board Meeting  
**MINUTES**  
March 23, 2022

**CALL TO ORDER & FLAG SALUTE**

The meeting was called to order at 6:44 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. Delacruz  
Ms. Carra  
Ms. Goetsch  
Ms. Windrem  
Ms. Sherwin  
Mr. Brown  
Mr. Decicco

**Absent**

Mr. Cunningham

**Also Present**

Larry Cohen, Board Attorney  
Stan Schrek, Board Engineer

**Not Present**

Lou Gara, Zoning/Construction Official

**APPLICATION/HEARING**

- **SD & RR, LLC**  
**Block 95, Lots 12 & 13 (17&19 Colfax Street)**  
**Bifurcated Use Variance/Preliminary & Final Site Plan**

Chairwoman Thomas announced that the matter would be carried to April 6 when a special meeting would be held in order to accommodate the adjournment.

**MINUTES**

**Motion** by Mayor Bray, **seconded** by Ms. Carra to adopt the Minutes of **February 23, 2022**, as presented, by voice vote.

**ENGINEER'S REPORT**

Mr. Schrek advised that there were discrepancies in the shop drawings for Raritan River Apartments but that the developer is cooperative and that they are "proceeding."

**PLANNER'S REPORT**

Mr. Schrek advised that Ms. Knowles left a memo on parking ideas and deferred to Ms. Thomas as to implementation. He advised that Raritan Crossing was designated as an Area in Need of Development and spoke briefly about the process going forward.

**TRC**

Chairwoman Thomas advised that parking standards need to be discussed in addition to Raritan Crossing. She proposed that the TRC convene on the morning of the special meeting (April 6). Ms. Thomas also reviewed the

March TRC Minutes as they related to parking for Middle Valley Partners. She suggested that MVP be scheduled for hearing on April 6. Mr. Gara acknowledged. Mr. DeCicco asked about parking onsite for UNeeda. Mr. Cohen explained the limitations of the TRC with respect to the need for full Board approval.

#### **CONSTRUCTION OFFICIAL REPORT**

There was no report in the absence of Mr. Gara.

#### **APPLICATION/HEARING**

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

Mayor Bray and Councilman Carra recused at 6:56.

**Attorney Pasquale Marago** entered his appearance on behalf of the applicant. Mr. Cohen confirmed that the matter had been carried as a result of a potential Notice issue last month. He advised that 3 deficiencies he became aware of on 3/18 appeared to have been cured by way of additional documentation/representations made by Mr. Marago on the record. Mr. Cohen stipulated that if Mr. Gara was not able to substantiate Mr. Marago's representations regarding the mailings in question, the hearing would have to be re-done.

**Engineer George Folk** was previously sworn and qualified. Referencing Exhibit A1 (said to have been marked into testimony on 11/17/21), Mr. Folk spoke about revised plans consisting of the most current submission which he marked as **Exhibit A4**.

Mr. Folk provided testimony on the change in traffic patterns/fire lane which resulted after an onsite meeting with the Borough Fire Official. He advised that access to the Borough lot had been eliminated and that egress from the lot is made onto Church Street.

Mr. Marago related that there were no easements of record related to the subject property in response to a question about same from Mr. Schrek. Mr. Schrek asserted that it must be part of the application then. Mr. Cohen suggested that Mr. Marago memorialize this in a letter.

Mr. Folk confirmed that there would be 2 parking spaces lost in response to a question from Mr. DeCicco about same. Mr. DeCicco remarked that there are cars there all the time and expressed concern about where they would go.

Mr. Folk advised that lighting was lowered from 15' to 8' and that additional fixtures were added. He advised that 2 more apartments were eliminated, bringing the total from 16 to 14. He identified the snow removal area and advised that the parking standard [28 spaces] would now be met as a result of the reduction in units. Mr. Folk responded to a question from Mr. Schrek about how need was calculated using RSIS. Mr. Schrek suggested that they might not be reading the same plan due to an inconsistency with the one he had. Further discussion on the plan in question ensued. Ms. Thomas commented on bedroom counts. Mr. Schrek clarified that the plan says (14) 1 bedroom units, 7 of which have 2 bedrooms making the RSIS count 2 per unit. Mr. Folk provided Mr. Schrek with a copy of the exhibit on display. The Applicant's Architect confirmed the calculation at 27 based on (7) one bedroom and (7) 2 bedroom units. Mr. Schrek concurred with the parking calculation. Mr. Folk mentioned credits for EV charging.

Mr. Folk reviewed testimony on landscaping at the behest of the Board Attorney. He advised that there would be vegetation along Church Street and street trees along Church and Second Streets with larger species in the courtyard to the east of the building, scaping along the easterly line and a 6' high vinyl fence. Mr. Folk identified

the refuse area and access to same from Church Street. He advised that Somerset County approved it/asked for money for containers. At the behest of Ms. Thomas, he confirmed that they would be enclosed with masonry walls/latched gates.

Mr. Folk testified that the proposal would be ADA compliant and the building would be sprinklered. He advised that while there would be a reduction in impervious coverage, a variance would still be required. He confirmed that it would not be considered a major development in terms of Stormwater Management.

Mr. Folk testified that the pergola would be compliant with the 10' setback for accessory structures. Ms. Sherwin asked for clarification on parking and access. Chairwoman Thomas asked whether it would be possible to pick up garbage on the east side of the property and lamented on the current state of property [a mess].

#### **QUESTIONS OF THE WITNESS**

Chairwoman Thomas opened the floor to questions from the public.

**Rob Holland** (44 Second St.) asked whether there would be a gate around the perimeter. Mr. Folk testified that there would NOT be. He asked about the distribution of parking spaces and expressed concerns over parking/neighbors parking in the lot and getting towed. Mr. Folk confirmed cannot neighbors cannot park on the lot for liability reasons. Mr. Marago asserted that it is private property. Mr. Cohen explained RSIS, as it related to parking standards/calculations. He explained that the Board cannot require additional spaces since they exceed the required amount by 1 and that there is a presumption that parking would be reserved for residents. Mr. Holland asked about a dedicated spot for snow removal/procedures for plowing if the lot is full. Mr. Folk explained that this would be left to the owner and plow operator.

Mr. Holland asked how many lumens were proposed per light. Mr. Folk testified that it was 4500 and that the [LED] lighting would be 8' at the top of the fixture with a properly shielded light source. Mr. Cohen asked whether the proposal meets Code for lighting. Mr. Schrek spoke about shielding and related that they look at foot candles in order to ensure there is no spillage over property lines.

Mr. Holland held up a light source that he advised was less powerful than the proposed lighting. Mr. Cohen redirected him to questions of the witness, rather than comments. Referring to the original testimony in November, Mr. Holland stated that he understood lighting would be the same. Mr. Cohen asked whether he wanted Mr. Folk to review the lighting plan and Mr. Folk provided specifications. He testified that lighting would conform to the ordinance, that there would be no spillage and that it would be designed with the safety of pedestrians and vehicles in mind. Mr. Shrek spoke about the reason they asked for the lighting to be lowered as it relates to achieving the proper foot candles.

**Kate Partridge** (52 second St.) asked whether the mature trees along Church Street would remain. Mr. Folk identified the trees that were dead to the north of the driveway and at the ingress point/Second Street. Ms. Partridge clarified that she was talking about the locusts on Church Street. Mr. Folk identified the trees that were slated for removal and responded to a question from Ms. Partridge about the fence along Church Street.

Comparing it to Somerville, Ms. Partridge expressed concern about on street parking and asked for confirmation of whether parking would be included. Ms. Thomas assured her that parking is addressed in every application. Ms. Partridge offered that in Somerville, spaces were sold to others. Mr. Cohen assured her that while that would not happen, they could not prevent tenants from parking on the street. She suggested that parking be included in the rent. Ms. Thomas indicated that they were open to conditioning the approval as such. Mr. Cohen added that parking being included in the rent was going to be a condition in all multifamily developments. Further discussion ensued on having separate charges for parking. Mr. Brown commented that the apartments on First Street got away with it. Ms. Thomas asserted that it would not happen again. Mr. DeCicco commented

that it is difficult to control when the tenant has 2 cars. Ms. Thomas offered that it is less problematic than landlords who tell people not to use onsite parking. Mr. Brown commented on the number of spaces lost to snow plowing.

**Architect Ashraf Raghav** was previously sworn and qualified. Mr. Raghav presented what he identified as a fully redesigned proposal with a reduction in units from 16 to 14 as a result of converting some of the units to 2 bedrooms.

Making reference to page A-03 of his renderings, Mr. Raghav explained that the proposal incorporates converting a currently vacant office building into apartments without changing the main layout. He confirmed that they would be handicapped accessible from the street side and testified that upper level apartments would be ADA compliant. He testified that elevators would not be required.

Mr. Brown asked which units would be designated as affordable. Mr. Cohen asked how many affordable units were proposed and what the bedroom count/unit mix would be. Mr. Raghav testified that there would be 2 COAH units; one 1 bedroom and one 2 bedroom. Accessibility to the COAH units was discussed. Mr. Cohen affirmed that the COAH unit should be on the first floor.

Mr. Raghav affirmed prior testimony that the building was still proposed to be partly below ground in response to a question from Ms. Carra. He confirmed that the upper level layouts and amenities were the same. Ms. Thomas asked if that was the reason some of the units have bathrooms in awkward places. Mr. Raghav explained that this was due to constraints with building design/complicated layouts. He asserted that while he could keep working on the layout to achieve a better result, he had already done so extensively.

An extensive discussion ensued on the location of mechanicals. Mr. Raghav testified that there were mechanical closets in all units and that the elevations show PTAC units. He testified that the central areas would be heated with a split unit and confirmed that there was no space for rooftop units in response to a question from Mr. Cohen. Mr. Raghav offered that there would be a feasibility study. Mr. Cohen remarked about outside noise.

Mr. Schrek commented on the outside units on the ground shown on the site plan. Mr. Folk explained they were existing. Mr. Raghav offered that the common areas need one condenser outside. Mr. Schrek reiterated that there were 3. An extensive discussion ensued about the location of the condenser. Mr. Folk reiterated that the 3 units Mr. Schrek was referencing were existing and explained that he did not know what was proposed. Mr. Holland commented that there were units on the roof and on the ground. Mr. Raghav testified that there is an antiquated a/c system in the attic. Speaking from the audience, the owner advised that the common area would have electric baseboard.

Mr. Cohen asked for clarification from the Architect as to the location of the outside condenser. Mr. Raghav testified that it would remain in its current location, next to the ramp. Mr. Folk clarified that the 3 units there today will remain unless they are updated or removed. Mr. Cohen asked whether they need 3 if they are just for the central areas. Mr. Rajab clarified that only 1 would be needed and that if he could find room on the roof, it would be moved. Mr. Cohen suggested that it would be best to locate it on the Church Street side due to the lack of residents there. Mr. Folk indicated that the ramp is on the east side and that the 3 units are to the south of the ramp in the fenced in area. He explained why they can't be located elsewhere.

Mr. Brown asked about storage. Ms. Windrem asked about bike storage. Mr. Raghav offered that they should be able to add. Mr. Folk identified a bike rack to the right of the front entrance. Mr. Cohen asked about the attic space which Mr. Raghav identified as unfinished space they are not intending to use. Mr. Brown asked whether removal of infrastructure opens up space. Mr. Rajab indicated that it does but reiterated that they are not intending to use it.

Mr. Rajab confirmed that they are intending to remove the unit in response to a question from Mr. Brown. Mr. Decicco asked whether there would be a heat pump and a/c under the window of each apartment. Mr. Rajab testified that there would be. Offering that newer models are more quiet and efficient, Mr. Rajab responded to a question from Mr. DeCicco about noise from the mechanicals and whether each unit has its own electric and water. A brief discussion ensued about utilities/what is included.

#### **QUESTIONS OF THE WITNESS**

Kate Partridge asked whether the windows were still functional. Mr. Rajab explained that they would have to be per Code. She asked whether they would return to the original height. Mr. Rajab explained that they were not planning on 15' ceilings. Ms. Partridge offered that raised ceilings offer more sustainability, particularly in the summer. Mr. Rajab asserted that the opposite holds true for the winter.

Mr. Brown asked about the age of the windows and whether they would be replaced. Mr. Rajab explained that they would have to be energy code compliant.

Mr. Cohen asked about roof drainage. Mr. Rajab offered that they would have to look at the existing system. Mr. Folk explained that it drains on to the ground and would continue to do so. Mr. Shreck indicated that it was not an issue in the past but that they would ask for additional grading.

Rob Holland questioned ADA compliance on the 2<sup>nd</sup> and 3<sup>rd</sup> floor. Mr. Rajab explained that this was a code requirement. Mr. Holland remarked that it would be nice to have an elevator and a Super on site as well. Mr. Rajab indicated that this was discussed with the applicant but that there was no appetite for an onsite office given the number of units. He explained that arrangements for maintenance requests would be made offsite. Ms. Partridge asked who the applicant was [and someone responded from the audience].

**Joseph Nasar** was identified as the applicant and member of Edgewood Raritan. He was sworn in and provided testimony on how he would deal with tenant complaints/maintenance in response to questions from Mr. Cohen and Ms. Thomas. Mr. Nasar testified that a phone number would be provided to tenants.

Chairwoman Thomas remarked about the lack of storage and suggested that it seemed they were trying to cram as much as possible into the space. Calling it sloppy, she remarked that the bathrooms don't make sense. She remarked that she did not see quality and offered that it just was not sitting right with her. Mr. Cohen reminded that they need the use variance first. He asked whether the density of the development fits the site. Stating that he was confused, Mr. Decicco offered that there were a lot of incomplete answers to questions. He reiterated concerns about parking on Second Street. Mr. Cohen agreed that there were some issues left up in the air.

#### **QUESTIONS OF THE WITNESS**

Mr. Nasar identified the bike rack location and offered that there are enough closets as it relates to the earlier conversation about storage.

Mr. Holland asked about an incident involving asbestos removal between Christmas and New Years. Mr. testified that he hired an asbestos removal company to remove asbestos around the furnaces. Mr. Holland shared that prior to his calling authorities, there was not a licensed asbestos removal company. He asked Mr. Nasar to address that. He further related that there was no notification/containment for neighbors and questioned what was going on in light of the applicant's representation that he has other buildings. Mr. Nasar offered that the workers took sheet rock down, stopped work and called a legitimate company to remove asbestos. Referencing a stop work order, Mr. Holland stated that they have "different stories." Mr. Cohen suggested that the discussion was beyond the scope of the application.

**Traffic Engineer, Jay Troutman** of McDonough and Ray was sworn and qualified. Mr. Troutman testified that there would be no measurable impact on traffic due to low traffic generation. He confirmed that the parking supply was in line with RSIS [in excess for site] and provided data in accordance with ITE ratios for peak demand as it relates to proximity to transit. He testified that the site plan was designed to handle turning moving safely and efficiently. He testified that there were no issues related to Church Street and related that the one way actually provides for an improvement.

#### **QUESTIONS OF THE WITNESS**

Chairwoman Thomas opened the floor to questions from the public.

Kate Partridge opined that there was a need for a stop sign at the t-junction (cars turning into the lot from Second Street). Mr. Troutman offered that gaps were "plentiful." Ms. Partridge offered that there are times when Second Street backs up.

The Board took a break at 8:33 and resumed testimony at approximately 8:46.

**Planner Alex Dougherty of McDonough Associates** was sworn and qualified. Mr. Dougherty provided an overview of the proposal to convert a 3 story vacant office building into (14) 900 square foot residential units. He testified that the proposal meets the criteria under Medici and spoke to the special reasons. Mr. Cohen asked about the existing structure and how many square feet of office space there were. Mr. Doherty indicated that he did not have that information. Mr. Cohen asked when the office use ceased to operate. Mr. Dougherty testified that it was approximately 6 years prior and that he believed the building had been vacant since. In response to Mr. Cohen's question about the square footage, the Architect responded [approximately 12,000 square feet].

With respect to the d1 variance and site suitability, Mr. Dougherty testified that the site is particularly suited for the use by virtue of existing conditions and in the context of neighboring land uses being predominately residential. Calling it an adaptive reuse, he testified that there would be no new construction.

Mr. McDonough testified that the project promotes the general welfare with new housing stock for a growing population, provides a variety of housing options and provides [2] affordable units. He testified further that it promotes efficient land use, a variety of land uses and provides positive aesthetics which would advance the purposes of sections A, C, G, I and M of the land use law. He stated that impacts of the project would be minimal, there would be no overcrowding and that it would be designed in accordance with applicable building and fire code. He called the closet space "abundant" in response to concerns about storage.

With respect to impacts on the zone, Mr. Doherty testified that the relief relates to a distinct site with distinct characteristics, not to the whole zone. He asserted that there was a legal justification for the bulk variances under the flexible c criteria. He testified further that all of the benefits of the positives would carry forward and that the other relief is necessary to effectuate a beneficial redevelopment project. As to the existing conditions, Mr. Doherty testified that the parking location in the front yard is existing and applies only to non residential uses. He explained that the access/circle, curbing and side yard setbacks are also existing and the loading zone is not applicable to a residential use. He testified that there would be no spillover with respect to lighting, that EIS also did not apply and that lot coverage was being improved.

Mr. Doherty testified that the project would be a positive addition to bring the site more into harmony with the area and that it would have minimal, if any negative impacts.

Mr. Cohen suggested that Mr. Dougherty's testimony needed to be broken down better. Ms. Thomas agreed. Speaking again to the special reasons, Mr. Doherty testified that the proposal would promote the general

welfare, provide housing options as well as affordable housing and promote efficient use of land as an adaptive re-use. In response to a question from Mr. Cohen as to why it would be promoting efficient land use, Mr. Doherty explained that it would be better to adapt an existing building rather than build a new one.

Mr. Cohen asked why the building couldn't be rehabbed for office use. The Planner stated that he did not know. Mr. Cohen asked Mr. Dougherty whether he checked the ordinance to see what the permitted uses were. Mr. Dougherty stated that he checked but didn't have notes with him. Mr. Cohen asked how many square feet of office space could fit in the space. Mr. Doherty offered that they would have to comply with the requirements for that zone. Mr. Cohen suggested that the Board would need to consider whether the proposed use is better for the property. Mr. Doherty offered that it could be considered as far as the Medici test and asserted that they meet parking.

Mr. Doherty stated that the proposal promotes special reasons A, C, G, I, and M which he expounded on. Mr. Cohen asked whether they could not be advanced if used for the permitted use/whether office space promotes all of those purposes. Mr. Doherty stated that not all of them could and outlined the ones he believed did.

With respect to the negative criteria, Mr. Doherty testified that public impact would be minimal, that the site would flow and function/operate safely, building design would be in accordance with Code, there would be no overcrowding as an adaptive re-use and that there would be a reduction in lot coverage. In response to a question from Mr. Cohen, Mr. Doherty asserted that the negative impact on surrounding properties would be less with the proposed use.

Mr. Doherty addressed the enhanced proofs under Medici at the behest of Mr. Cohen. Mr. Cohen offered that the proofs should justify why the zoning ordinance doesn't include multi-family housing for the property. Mr. Doherty explained that the Zone is P2, Office but looking at best adaptive re-use, would be best categorized as a multi-family housing complex.

Mr. Dougherty spoke about the extent of relief as it related to the following existing conditions: parking in the front yard, access of circulation, lack of loading zone, curbing, lighting, EIS, lot size, side yard setback and lot coverage.

### **QUESTIONS OF THE WITNESS**

Chairwoman Thomas opened the floor to questions from the public at 9:03.

Kate Partridge acknowledged the need for more housing but asked how the conversion was seen as an advantage over redevelopment of office space. Mr. McDonough cited the (global) need for housing and the need to plan for the future as it relates to office buildings.

Ms. Partridge commented that there was no testimony on the exterior with respect to aesthetics and expressed concern that materials like vinyl siding were being used instead of focusing on restoring the beauty of a 100 year old building. Mr. Doherty explained that the idea is to bring an older building more into harmony with the residential neighborhood and that giving it a more residential feel to include improvements such as landscaping and a reduction in impervious coverage would make it more aesthetically pleasing.

Kate Partridge commented that despite hearing during the course of several meetings that there would be no overdevelopment, it seemed like there were potentially too many units being proposed. Mr. Doherty asserted that based on the amount of parking being provided and size of the units, there was no overdevelopment.

Rob Holland also asked for testimony regarding aesthetics. Referring to the negative impacts, he offered that the developer may not be aware of an existing petition. He commented that there have been no

renovations/upgrades which should have been done, despite being vacant. Mr. Cohen re-directed him to questions rather than comments. Calling it "too 70's," Mr. Holland offered that there were "visual benefits" that could have been done to make people want to move in. Mr. Cohen responded to a comment from Mr. Marago that Mr. Holland's comment was too speculative.

Mr. Cohen explained that the Board would have to decide whether this is a better use than what existing zoning calls for. He explained that (based on/as it relates to the Planner's testimony) the question remained as to whether offices would be an acceptable use if the building was rehabbed/why offices would not be a good use of building. Ms. Thomas remarked that the Board had heard nothing in this regard.

Mr. Doherty held that other proposed improvements such as landscaping, lighting and circulation would not be addressed if the building was kept commercial. He reiterated that it would be better suited as residential since they would be bringing the property into "harmony" with a predominately residential neighborhood, adding that an office use could be vacant for an extended period.

Mr. Cohen asked how many square feet of office space would be allowed on site pursuant to zoning and where the zone extends to. Mr. Doherty stated that he did not have the data or a copy of the map. Mr. Cohen asked whether Mr. Doherty reviewed the Master Plan with regard to the goals for the property/zone and whether the proposal coincides with that. Mr. Doherty indicated that while he had reviewed the Master Plan, he did not have the answer to that. In response to a question from Mr. Cohen as to whether he believed this use would be better because the area surrounding is residential, Mr. Doherty answered affirmatively.

Mr. Shreck commented that the surrounding residential area is not at same density. He offered that the building could be improved while maintaining the use. Mr. Cohen asked Mr. Doherty whether he thought the existing permitted use would be viable if the building were upgraded and whether they couldn't still remove impervious surface and install upgrades regardless of the use.

Mr. Doherty asked how they would eliminate impervious coverage if permitted. Mr. Cohen asserted that they are not reducing the size of the building but rather, reducing impervious surface because it is just not needed. He asked Mr. Doherty why the proposed use would be better than office space. Mr. Doherty replied that the space has been vacant for several years, site conditions are being improved and reiterated again that the site is being brought into harmony with the residential neighborhood.

In response to a question from Mr. Cohen as to the proximity of the nearest office building, the Planner responded that he did not know. Mr. Cohen asked whether Mr. Doherty studied the housing need in the Borough. Mr. Doherty replied that he had not. Mr. Cohen asked Mr. Doherty if he looked at the Borough's affordable housing plan given his testimony that affordable housing was needed. Mr. Doherty responded that there is always a need for more affordable housing.

Mr. Marago asked whether there were any questions for any of the witnesses. Mr. Cohen asked whether any of the Board members had questions.

Mr. Brown asked for clarification from the Architect on the floor plan and specifically, whether the bedrooms go across the stairs. Mr. Raghav referred to Sheet A-03 of his renderings in response to Mr. Brown's question.

Mr. Brown questioned closet size and adequacy for purposes of storage. He suggested that more ample storage space could be accommodated with a reduction in density. Mr. Rajab shared his personal experience with storage space in his home. He advised that rent was expected to be around \$2,000 in response to a question from Mr. Brown regarding same.

Mr. Rajab responded to questions from Mr. Brown regarding the HVAC system. He testified that they would be removing all hvac and putting in a new system.

Mr. Rajab responded to questions from Mr. Brown about the range in size of the units. Citing the staircase in particular, Mr. Rajab explained that the existing interior architecture does not lend itself to prototype units. Ms. Thomas offered that the problem wasn't the building but rather the order to cram as many apartments into it as he could. She related that while she loved the rehab idea, she had reservations that the end product is the right way to go and that there must be a better way. She went on to say the floor plan was bad in November and the whole application had little organization. She offered that although she wanted it to work, she wasn't sure that 14 units was the right number. Mr. Rajab asserted that 14 units was not "cramming." Further discussion ensued on how/why the one bedroom units presented in the original proposal became 2 bedroom.

Mr. Rajab referred to the plan in response to a question from Mr. Cohen as to the number of offices there were in the building. Mr. Cohen suggested that there was a lack of testimony regarding why the building couldn't be used as commercial. Mr. Rajab made reference to empty office space in Piscataway and shared a personal experience about the diminished need for office space after the pandemic. Mr. Cohen asserted that there had been no testimony about economic inutility with respect to this proposal and asked whether any study was made of the rental market for office space in Raritan. Mr. Cohen asserted that there had to be some demonstration as to why the property could not be used for its permitted purposes and why the proposed use is better than what is permitted.

Mr. Rajab responded to a question from Mr. Holland about the basement being on the ground floor.

Ms. Partridge asked Mr. Rajab why he didn't go over the exterior in testimony. He advised that he had testified about it previously. Ms. Partridge offered that restoration should have been considered since the building has meaning and that the aesthetics should have been respected.

Mr. Rajab responded to questions from Mr. Holland about the location of the heat and a/c apparatus.

Mr. Brown asked about ceiling height, citing higher ceilings in the original proposal. Mr. Rajab testified that it was their intention to keep them at the lower height and responded to another question from Mr. Brown about how sprinklers would be addressed. Mr. Brown commented that he was not sure that more apartments were needed and offered that they had an opportunity to capitalize on the uniqueness of the historical building.

Ms. Sherwin asked about ceiling height, citing the 12' ceilings shown on the plan. Mr. Rajab reiterated that they would be 9,' not 12. Ms. Sherwin offered that it seemed the floor plan was created on assumptions and asked what would happen if issues in the field prevented the plan from being implemented as designed. Mr. Rajab offered that they would be revised. Ms. Sherwin asked whether their demonstration was premature. Mr. Rajab explained that if they don't get past the use variance, they can't go any further. Mr. Cohen expanded on this.

Ms. Sherwin offered that since this was built as a school in a residential community, she felt it would be more appropriate to use it for residential rather than commercial. Mr. Cohen asserted that it would be up to the applicant to demonstrate why the residential use would be better.

Mr. Marago recalled Mr. Nasar who he advised has a real estate license. Mr. Nasar testified that he bought the building for \$450,000 with the intention to rent it as office space but couldn't. He related that there was a tenant who did not stay so it was purchased vacant. He related that the previous owner could not rent it and that commercial would be more profitable if he could go that route. He reiterated that he tried to rent it as commercial space unsuccessfully. He responded to a question from Mr. Cohen as to whether he marketed it as is. Mr. Nasar testified that the extent of rehab would be dependent upon the tenant. He reiterated that renting

is as commercial would be more profitable and that it would also be easier to manage.

Questions of the Board were solicited. There were none.

### **PUBLIC QUESTIONS**

Rob Holland asked Mr. Nasar whether he would do upgrades if someone wanted to rent the space as an office. Mr. Nasar explained the fit out process for commercial tenants. Mr. Holland advised that Raritan has a department designed to help business owners. He called the signage and pictures unappealing and disagreed with upgrading the property only being done if there were tenants. He offered that if he owned a business he would not be interested in the space as marketed. Ms. Thomas redirected him to questions rather than comments.

Kate Partridge asked whether he was aware of the worth of the surrounding properties and suggested that since he got it at a lower price, he might have to invest more up front.

Mr. Marago recalled George Folk. Mr. Folk reviewed the parking requirements for a 12,000 square foot building. A brief discussion ensued about whether the parking might be a pre-existing non conformity. Mr. Cohen asked whether it is the applicant's representation that the building could not be occupied 12,000 square feet of office space. Mr. Folk testified that this would be correct based on Borough Code. He advised that this property is the only one in the P2 zone. Mr. Cohen indicated that he was not aware of this.

### **PUBLIC COMMENT PERIOD**

Kate Partridge offered that restoring an old building takes investment and that the upgrades need to be done.

Mr. Cohen announced that testimony was closed. In recapping, Mr. Cohen commented on the uniqueness of the situation given that the property is the only one in the zone. He advised that the grant of the variance would be for a use for 14 apartments. He asserted that while he agrees with the Planner that there is always a need for more affordable housing, there were no proofs put forth regarding same.

Mr. Cohen responded to questions about the next steps and clarified that he application is for a use variance for 14 residential units. A brief discussion about whether they could return if they were denied ensued. He responded to a question from Ms. Goetsch about what would be gained by reducing the number of units.

### **DELIBERATIONS**

- Ms. Sherwin offered that she did not feel good about the aesthetics and expressed concerns about follow through on the plan as designed.
- Mr. Delacruz asked about potential conditions of the approval relative to design and density. Ms. Thomas explained that the County signed off from a preservation perspective.
- DeCicco offered that fewer apartments would reduce congestion/parking issues. Ms. Thomas reminded that that the parking standard had been met.

### **AS TO THE USE VARIANCE:**

A **Motion** was made by Ms. Goetsch and **seconded** by Ms. Windrem to grant the Use Variance for 14 residential units. The Motion was later amended to include conditions, as enumerated by the Board Attorney.

### **ROLL CALL:**

**AYE:** Chairwoman Thomas, Ms. Carra,\* Mr. Delacruz, Ms. Goetsch, Ms. Sherwin, Ms. Windrem

**NAY:** Mr. DeCicco, Mr. Brown

**ABSTAIN:**

*\*Mr. Cohen interrupted the roll call in order to add the following conditions of approval: (1) all affordable units*

must be on the ground floor; and (2) there will be no additional charges for parking.

There was a brief discussion as to voting eligibility. It was established that Ms. Windrem was eligible to vote (and consequently, to second the motion, as amended).

Ms. Thomas directed comments to the applicant about her expectations for the project going forward. Ms. Windrem concurred with Ms. Thomas' assessment of the quality of their application.

**AS TO THE BULK VARIANCES**

**Motion** by Ms. Mr. Delacruz, **seconded** by Ms. Goetsch to approve the bulk variances.\*\*

**ROLL CALL:**

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

**NAY:**

**ABSTAIN:**

\*\*Mr. Shreck offered that the setback for the accessory structure should be included in this.

**AS TO PRELIMINARY AND FINAL SITE PLAN**

**Motion** by Ms. Mr. Delacruz, **seconded** by Ms. Sherwin to approve the Site Plan.

**ROLL CALL:**

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

**NAY:** Mr. DeCicco

**ABSTAIN:**

**PUBLIC COMMENT PERIOD**

Chairwoman Thomas opened the floor to public comment at 10:51.

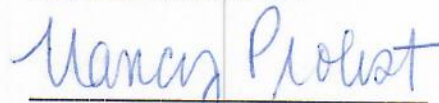
Mayor Bray, Ms. Thomas and Mr. Brown responded to a question from Kate Partridge about whether the Board has any leverage to change the design.

**MISCELLANEOUS**

**PUBLIC COMMENT**

**Motion** by Mr. Brown, **seconded** by Mr. Delacruz to adjourn at 10:52.

Respectfully submitted,



Nancy Probst, Board Secretary

**APPROVED** \_\_\_\_\_