

BOROUGH OF RARITAN
Planning Board [SPECIAL] Meeting
MINUTES
April 6, 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
Mr. Delacruz
Ms. Carra
Ms. Goetsch
Ms. Sherwin
Mr. Brown
Mr. Decicco

Absent

Ms. Windrem

Also Present

Rich Wenner, Board Attorney
Stan Schrek, Board Engineer
Lou Gara, Zoning/Construction Official

APPLICATIONS/HEARINGS

- **Middle Valley Partners, LLC DBA Valley Wellness
Block 41, Lots 2&3
Preliminary & Final Major Site Plan with Variances
*COMPLETENESS ONLY***

Brian Tipton, Esq. entered his appearance on behalf of the applicant and discussed the temporary which were outlined in Mr. Shreck's April 1 review memo. Temporary waivers for (Preliminary Site Plan) items 2a, 2d, 2e, 2f, and 2g and 2h were granted. Full waivers were recommended for items 2b and 2c.

Full waivers were granted for (Final Site Plan) item 3a. Item 4a was said to have been satisfied [submitted]. Mr. Schrek clarified that the waiver for item 2h was permanent and recommended that the application be deemed complete. Mr. Gara confirmed that the matter was noticed for 4/27 and would be scheduled accordingly.

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

Mayor Bray and Councilman Carra recused at 6:48.

Susan Rubright, Esq. entered her appearance on behalf of the applicant. She provided an overview of the relief being requested and explained that the applicant would return for Site Plan Approval upon grant of a use variance being sought for construction of multifamily housing in a single family zone.

Engineer Matthew Clark was sworn and qualified.* Exhibits prepared by the Planner were distributed.

Exhibit A1 was identified as a “real time photo” of the site and marked into testimony. Mr. Clark identified the subject property and spoke about the diversity of the uses in the neighborhood.

Exhibit A2 was identified as a survey prepared by George Anderson used in preparation of the Site Plan. It was marked into testimony and discussed.

Mr. Clark made reference to the Site Plan which was identified as “Use Variance Site Plan,” revised through 2/4/22. He identified the driveway/access, refuse enclosure, privacy fencing, landscaping and [14] parking stalls. Reference was made to 3 EV spaces. Mr. Clark testified that the project was not classified as Major for purposes of storm water management and advised that the green checklist would be provided. Ms. Rubright clarified that application would be made for full site plan upon approval of the use.

QUESTIONS OF THE WITNESS

The Chair opened the floor to questions of the witness at 6:57.

Mr. Clark responded to a question from **Laurie Barrett** [58 Thompson St.] about the number of parking spaces. He spoke about materials and layout (macadam/parallel stalls).

Eric Jacobs [25 Codington St.] commented that while he was in favor of improving the property, he wondered how 3 stories would be in keeping with the neighborhood. Mr. Clark deferred to [future] Planning testimony and Ms. Rubright explained how architectural testimony would also address this.

TESTIMONY RESUMES

Pasquale Suriano was sworn in and identified as a fact witness/representative of the applicant. Mr. Suriano spoke about the history of the property and the sentimental value it holds for him, having grown up at 13 Colfax Street. He explained that his family acquired the neighboring lot after his mother passed away in the hopes of improving/developing it as a family legacy. He mentioned the existing 4 family home nearby (7 Colfax) and explained that they worked closely with the architect to try to salvage the façade/repurpose materials such as the brick in order to maintain the character of the structure.

QUESTIONS OF THE WITNESS

Chairwoman Thomas opened the floor to questions of the witness at 7:05. There were none.

Architect James Cutillo was sworn and qualified. Mr. Cutillo made reference to 4 pages in the packet which were later marked into testimony as **Exhibit A3**. He explained that demo would involve lowering the structure to grade and re-using the brick from the façade while maintaining the existing footprint. Mr. Cutillo provided testimony with respect to the height of the structure and spoke about the style. He responded to a question from Mr. Brown as to how the height compares with existing structures and how it impacts the view of neighbors. Mr. Cutillo explained that the front would be higher than the back with the top of the wall ending up 3-4’ higher than what currently exists. Ms. Rubright deferred to the photos in the Planner’s Exhibit. Mr. Cutillo testified that the overall height is within the allowed 35’ when measured to the ridge. He provided details about the façade and then provided testimony with respect to the interior layout.

Mr. Cutillo testified that there would be 4 (2 story) units on the second floor and that there would NOT be

wheelchair ramps or an elevator. He testified that the building would be constructed to Code. A brief discussion ensued about construction under the Rehab Code as opposed to new construction. Mr. Cutillo testified that the building would be fully sprinklered. Amenities were discussed (limited to washer/dryer on site). He confirmed that there would be a ½ bath on the first floor.

Landscaping and façade materials were discussed. Mr. Cutillo testified that there would be an allotment for greenery and that earth tones/durable materials would be used in conjunction with the repurposed brick.

Lighting was discussed. Mr. Cutillo testified that it would be installed to Code and in accordance with the engineered plans. Mr. Cutillo confirmed that the existing brick would be re-used. He identified the property line in response to a question from Ms. Rubright about decks/patios.

A discussion about the location of utilities ensued in response to a question from Mr. Cunningham. Referencing a view of the building from the street, Mr. Cutillo spoke about same.

Chairwoman Thomas asked about design elements that could improve curb appeal. Mr. Cutillo offered that the windows could be replaced with french doors and that design could be added into the brick. She spoke in support of repurposing the brick. Mr. Gara confirmed that the basement would get filled in.

Storage was discussed in response to a comment/question about same from Mr. Brown. Mr. Cutillo offered that it was not important. Mr. Schrek concurred, adding that storage is only relevant when garages are a factor.

Mr. Cutillo responded to a comment from audience member, **Mr. Jacobs** about how an alternate layout would have resulted in fewer apartments.

QUESTIONS OF THE WITNESS

Chairwoman Thomas opened the floor to questions of the witness at 7:40.

William Blarsich [21 Codington] asked whether consideration was given to the idea of disabled or elderly people wanting to move there. Mr. Cutillo advised that there are 4 ADA compliant units on the first floor and that construction would be in accordance with ADA and NJ Barrier Free Code.

Mr. Cutillo responded to questions from Mr. Schrek about how the façade differed from the one shown in the original submission. The plan showing a revision date of February 1, 2022 was displayed/discussed. Mr. Cutillo explained that the COAH unit had to be 2 bedroom and confirmed that the brick was being re-used and that the footprint was being maintained. He explained that the original concept was more contemporary/industrial but that the plan was changed to be more in keeping with the residential character of the neighborhood. Mr. Schrek endorsed the adaptive rehab concept and encouraged the applicant to maintain as much of the building as possible. Mr. Cutillo offered that he thought the revised design was an improvement. Ms. Rubright indicated that the Board would have input in the design upon a grant of the variance. Mr. Schrek added that the final façade has no bearing on the use.

Amenities were discussed at length. Mr. Cutillo asserted that they were not really necessary in such a small complex. Mr. Schrek opined that the balconies were not “inviting.” Acknowledging that the plan currently meets RSIS, he suggested there be less parking and more landscaping. Ms. Rubright offered that there was a reduction allowed given proximity to mass transit.

Mr. Brown asked for clarification on what other relief was being requested. Mr. Rubright explained that unit size was one and that others could be discussed at the time of Site Plan. She deferred to the Planner. Ms. Thomas offered that amenities were a non-issue and that she would rather see green space than more parking.

Mr. Cunningham asked what the effect of “flipping” the site plan would be in order to minimize impacts to neighbors. Mr. Cutillo explained that it would result in less open space and that every effort was made to preserve the footprint as well as the building.

*Mr. Clark was sworn in prior to providing testimony but not qualified. He was accepted as an expert for the record.

Planner Sean Moranski of Langan Engineering was sworn and qualified. Mr. Moranski testified that he visited the site and reviewed the Master Plan, recent Re-exam, Zoning Ordinance and Tax Records. Making reference to Exhibit A1, he reviewed the existing conditions on the site.

Mr. Moranski presented a color coded tax map demonstrating the surrounding uses within 200’ of the subject property which he marked into testimony as **Exhibit A4**.

Exhibit A5 was identified as a series of 4 photos entitled “Colfax Street facing west from site,” “Front façade of existing commercial building at site,” “Multifamily building on north side of Colfax Street” and “Residential buildings on south side of Colfax Street” and marked into testimony.

Exhibit A6 was identified as a series of 4 photos entitled “Site view from across Colfax Street,” “Commercial building adjacent to east side of site,” “Rear yard east of project site” and “View of residential buildings at Colfax and Lincoln Streets” and marked into testimony.

Mr. Moranski reviewed the D1 variance requirements and advised that the bulk variances would be subsumed into it or considered later in Site Plan. He confirmed that the bulk relief would consist of variances for front yard, side yard, impervious coverage, FAR and height. He testified that while the proposed height is 3 stories which exceeds the permitted 2.5, it still meets the maximum height permitted of 35.’

Mr. Moranski confirmed that there would be no deviation from the existing footprint/foundation in response to a question from Mr. Cunningham about same. He advised that they would respect it “as much as possible.”

Mr. Brown commented that so much is being made about honoring the footprint and asked why the architecture is not being built in such a way as to minimize or eliminate the other variances given that the buildings are being razed. Calling it a better design alternative, Mr. Moranski provided justification for the proposal which he related provides sufficient room to accommodate a drive aisle for parking. Mr. Brown suggested that pushing the building back in order to alleviate or minimize the relief needed in the front might be a better choice. Ms. Rubright offered that it was relative to the other properties in the neighborhood. Mr. Moranski suggested that it depends on parking. Mr. Brown offered that it would allow for more conformity with the existing buildings and spoke about elimination of the concrete in front in an effort to clean it up.

Using the aerial photo, Ms. Rubright prompted Mr. Moranski provide testimony on how consistent the existing building is with the setbacks of the neighboring buildings. Mr. Moranski testified that it would similar to the neighbor to the west and that most of the setbacks along Colfax are “generally closer” than 25’ and most lot widths are non-conforming.

Mr. Brown suggested that it was “more based on aesthetics” and again mentioned the removal of the concrete in the front to accommodate grass. Mr. Moranski advised that landscaping would be part of Site Plan review and would be considered from an aesthetic point of view.

Mr. Moranski provided testimony with respect to site suitably as it relates to the D1 variance. He testified that

the site would be able to accommodate the use, that parking is adequate and that the building is in scale/keeping with the surrounding neighborhoods. He testified that historically speaking, the proposed use would be less intensive and that the surrounding uses include a range of densities. He noted the location of the train nearby and proximity to the business district (Somerset St.), which he suggested make this type of housing not just ideal but also in keeping with the goals of the Master Plan.

Mr. Moranski testified that the proposal satisfies the purposes of zoning in that it promotes the public health, safety and general welfare by redeveloping a nonconforming commercial space into a modern residential building that is in scale with the surrounding neighborhood and adds newer housing stock among older structures.

Mr. Moranski testified that the proposal provides sufficient space in appropriate locations for a variety of uses and contributes to a wide range of housing types in the Borough which are consistent with the scale of the neighborhood. He added that it also meets ordinance requirements since the affordable housing component is consistent with the Housing Plan Element.

Mr. Moranski testified that the location encourages/promotes the free flow of traffic while discouraging locations that may result in congestion. He advised that 3 make ready EV spaces and an ADA space would be provided (in addition to 4 handicapped accessible/ADA compliant units located within ¼ mile of mass transit).

With respect to the negative criteria, Mr. Moranski testified that there would be no substantial detriment to the public good. He advised that the modern building would meet all applicable safety standards and that minimally invasive lighting and landscaping designed to maximize green space would be addressed at Site Plan.

Mr. Moranski testified that there would be no substantial detriment to the zoning ordinance or zone plan. In keeping with Medici, he testified that the proposal furthers the land use goals of the Master Plan by preserving the residential character of the Borough, maintaining a balance of housing choices, providing for compatible infill housing and planning for appropriate residential development.

With respect to the goals of the Circulation Plan Element, Mr. Moranski testified that changes of use allow for a range of uses including residential that compliment mass transit. He testified that the green measures checklist supports creative living situations that encourage walkable communities, electric ready parking spaces and re-use of the brick material.

Mr. Moranski testified that the proposal is particularly suited for the site, consistent with the goals of the Master Plan and would advance the goals of the Zoning Ordinance. He asserted that the benefits of granting the variance would substantially outweigh any potential detriments.

In response to a question from Mr. Wenner, Mr. Moranski confirmed that the purpose of Exhibits A5 and A6 was to support the proposition that the variance would not result in a substantial detriment on the negative criteria.

QUESTIONS OF THE WITNESS

Chairwoman Thomas opened the floor to questions of the witness at 8:20.

Marge Brill [62 Thompson Street] expressed concern over parking lot lighting. She was directed to hold her comments for general question/comment period. Ms. Rubright offered that lighting would be subject to Site Plan review and advised that the design is intended to minimize potential impact on surrounding areas.

Eric Jacobs commented on the repurposing of the brick material. Mr. Jacobs opined that there is nothing aesthetically pleasing about it now so keeping the same brick and footprint would mean it will still be

“unappealing.” He suggested that they should do something to “upgrade” it. Mr. Moranski offered that since they are unable to rebuild the structure itself, they can use parts of it to build an “improved, modern structure.” Ms. Rubright added that architecture would be discussed in detail at site plan and that even the footprint could be slightly altered for the sake of consistency with the proposal.

Chairwoman Thomas clarified that the Board would strictly be voting on the use at present.

William Blarsich asked whether they would be supplementing with matching brick. Mr. Cutillo affirmed that they would be.

Ms. Rubright proffered a closing statement. She related that all comments on design would be taken into consideration at Site Plan.

PUBLIC QUESTIONS/COMMENT ON APPLICATION

Chairwoman Thomas opened the floor to questions of the witness at 8:20.

Marge Brill reiterated her concerns about parking lot lighting because of where she sleeps. She asserted that she did not see the proposal as a good project for Raritan, adding that most of the surrounding homes are two family. Ms. Thomas encouraged her to be prepared to comment on the Site Plan.

The Board Attorney provided a summation.

Motion by Ms. Ms. Goetsch, **seconded** by Ms. Carra to approve the application for a D1 Use Variance, subject to conditions as enumerated by Mr. Wenner.

ROLL CALL:

AYE: Chairwoman Thomas, Mr. Cunningham, Ms. Carra, Mr. Delacruz, Mr. Brown, Ms. Goetsch, Ms. Sherwin, Mr. DeCicco

NAY:

ABSTAIN:

PUBLIC COMMENT PERIOD

There was no public comment.

Motion by Mr. Delacruz, **seconded** by Mr. Cunningham to adjourn to at 8:31.

Respectfully submitted,

Nancy Probst

Nancy Probst, Board Secretary

APPROVED 4/27/22