

**BOROUGH OF RARITAN**  
Planning Board REGULAR Meeting  
**MINUTES**  
November 30, 2022

**CALL TO ORDER & FLAG SALUTE**

The meeting was called to order at 6:30 p.m. in the Borough of Raritan Municipal Building. Chairwoman Thomas read the open public meetings statement into the record.

**ROLL CALL**

**Present**

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

**Also Present**

Larry Cohen, Board Attorney\*  
Stan Schrek, Board Engineer  
Lou Gara, Construction Official/Zoning Officer  
Joe Bronsen, Van Cleef Engineering

**Absent**

Mr. DeCicco

\*Mr. Cohen arrived late.

**APPLICATION**

- **Raritan Crossing, LLC**  
**Block 116.01, Lots 25, 26.01, 27 & 27.01 & Block 112, Lot 3 (90 East Somerset Street)**  
**Minor Subdivision and Preliminary & Final Major Site Plan**

Chairwoman Thomas announced that the matter would be adjourned to January 25, 2023 without further Notice as quorum for the December meeting as not anticipated. The announcement was met with questions/comments from unidentified audience members.

**ENGINEERING/PLANNING REPORT**

Mr. Schrek advised that Council approved the Area in Need of Redevelopment for Raritan Mall and as such, the Board would need to authorize him to proceed with preparation of a new Redevelopment Plan. He also advised that they would be working on an **Assessment Plan** with the assistance of the County in order to show conformance with the State Master Plan.

- **Authorization of Redevelopment Plan Preparation for Block 116.01, Lo 11.01 -“Raritan Mall”**

**Motion** by Ms. Goetz, **seconded** by Ms. Carra and unanimously carried to authorize the Planner to proceed with preparation of a Redevelopment Plan for this parcel which was deemed as an Area in Need of Redevelopment.

**ROLL CALL:**

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

**NAY:**

**ABSTAIN:**

Mr. Schrek shared that a preliminary meeting with the development team was productive and that they are using the same Architect as Block 81 together with Bowman Engineering. As such, he related that he expects things to go smoothly and quickly.

#### **CONSTRUCTION/ZONING OFFICIAL**

Mr. Gara discussed/provided updates on the following:

- Janssen - Construction moving quickly.
- Labcorp – Anticipating submission relative to additional phases of renovation.
- Prospective Applications – Anticipated but nothing formal to discuss. Expecting busy year ahead.
- Old Mugs/Nik’s - Plans rejected; awaiting revisions.
- **Old Rick’s** (Corner of Fifth Street & First Avenue) – No submissions yet.

#### **TRC UPDATE**

Chairwoman Thomas advised that the TRC did not meet in November.

The Board took a recess at approximately 6:40. The meeting resumed when Mr. Cohen arrived at 6:53.

#### **APPLICATION/HEARING**

- **Trading Post Realty #2, LLC**  
**Block 107, Lot 15 (28-30 Doughty Street)**  
**Minor Subdivision**

**Matt Flynn, Esq.** of Savo, Schalk, Corsini, Warner, Gillespie, O’Grodnick & Fisher entered his appearance on behalf of the applicant. He provided an overview of the application for subdivision of the lot which contains two principal uses in the form of single family homes. In the absence of any site work, he attributed the need for variances strictly to the lot line adjustment.

Mr. Cohen confirmed Board jurisdiction and that Notice was proper.

In reviewing the waivers for completeness, (key map and site distances for driveways in particular), Mr. Schrek recommended that the application be deemed complete for hearing.

**Motion** by Mr. Delacruz, **seconded** by Mr. Brown and unanimously carried to deem the application complete.

#### **ROLL CALL:**

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

**NAY:**

**ABSTAIN:**

The following witnesses were sworn in simultaneously:

**David Stires, P.E.**

**Paul Ricci, P.P., A.I.C.P.**

**Paul Goditis (Applicant/Owner)**

Mr. Stires was accepted as an expert witness. He provided an overview of the site, identifying (2) two story

dwellings under separate ownership having separate utilities and no cross easements on a +9,000 square foot lot. Addressing item 4 on page 5 of Mr. Schrek's review memo, Mr. Stires testified that a sight triangle would be added to the plan and that deeds would be submitted to Mr. Schrek. He reiterated that each property would maintain separate utilities.

Mr. Cohen affirmed Mr. Flynn's statement that the primary issue for the Board to consider is the bulk variance relief.

Chairwoman Thomas solicited questions from the Board at 7:01. Mr. Cunningham asked for confirmation that both houses are on the lot in line with his observation that it appears they are only being taxed for one building. Mr. Ricci confirmed that 28 and 30 Doughty have separate mailing addresses.

Chairwoman Thomas opened the floor to questions of the witness at 7:02. There were none.

Mr. Ricci was accepted as an expert witness. He testified that there are two units identified in the Tax Assessor's database and offered that his review of same resulted in a finding of a high degree of non conformity in the area. Mr. Ricci testified that the proposal is consistent with the character of the area and presents at a lower density than what currently exists. From a neighborhood perspective, he testified that the character of the area would not change since there is no actual development associated with the relief. From a functional standpoint, he offered that it would make more sense to have each unit on its own lot in order to eliminate the existing non conformity of two principal buildings on one lot.

With respect to the proofs, Mr. Ricci testified that the proposal would promote the purpose of Zoning and general welfare; purpose A in particular.

Mr. Cohen asked about the presence/location of any driveways, parking areas and garages. Mr. Ricci confirmed that both homes have individual driveways. Mr. Stires confirmed that they do not have garages. He identified the driveways on the plan and spoke about parking capacity. Ms. Thomas commented on property maintenance issues relative to the driveway on the north side of Doughty Street.

Mr. Ricci reviewed the R4 Zone bulk requirements. He testified that there would be no change to the front or rear yard setbacks as a result of the subdivision but that there would be a need for the following relief relative to preexisting conditions: variances for minimum lot size, minimum lot width, side yard setbacks and impervious coverage.

Mr. Ricci reiterated that there is a high degree of non conformity in the neighborhood with 9 of the 13 residential properties being multi family dwellings; the majority of which presenting with 40x120 lot sizes. He also reiterated that the proposal was at a lower density than what exists with 9 of the properties having widths of 43' feet or less where 75' is required.

As to the positive criteria, Mr. Ricci testified that the proposal was a better zoning alternative for the tract and that the application was in harmony with the neighborhood. He asserted that the benefits would outweigh any detriments. Returning to the negative criteria he pointed out that a d variance would be needed in order to build on the lot presently.

Mr. Cohen asked for clarification as to whether Mr. Ricci was making the case for a c1 or c2 variance (or both). He affirmed that the c2 applies as the proposal is bringing the property into conformance with the zone plan under purpose A (and later added purpose G). Mr. Cohen asked whether c1 would also apply. Mr. Ricci offered that the Board could rely on c1 testimony as well given the exceptional nature of the situation. He added that it would also conform with the Master Plan goal of preserving and enhancing the residential character of the

Borough by protecting the established neighborhoods, maintaining a balance of housing choices and providing for compatible infill housing.

Mr. Shreck asked Mr. Ricci to confirm that both structures are single family homes in light of the wood fence that appears to be separating the backyard of one home. Mr. Ricci testified that his understanding is that they are single family homes, in line with how the application was made.

**Paul Goditis** identified himself as one of the owners of Trading Post Realty. He testified that both properties were rental properties but were renovated and that the fence was installed to provide a buffer between tenants. He confirmed that he planned to knock down the fence which he related is located in the back of 28 Doughty. Mr. Stires identified the fence on the plan.

A discussion ensued about making this a condition of approval. Mr. Cohen suggested any approval also be conditioned upon the properties remaining single family homes together with a waiver of any right to establish a multi family on the site. Further discussed on the fence ensued. Ms. Thomas offered that the home with the burgundy shutters looked as though it could be a two family.

Mr. Goditis testified that both dwellings were single family homes and have been maintained thusly since he purchased them (in 1997). He asserted that he has no intention of making them into two families and related that it is his intent to sell them. Calling him a "typical absentee landlord," Ms. Thomas offered that she was glad he would be selling the properties given the lack of maintenance and quality of tenants whom she opined he did not do a good job in selecting/vetting over the years. Mr. Goditis asserted that they did have a "nightmare tenant" and "a bad string" of tenants.

Mr. Goditis affirmed that a fence would be placed on the new property line in response to a question about same from Mr. Brown. He confirmed that that the house currently being renovated was #28 which has been vacant for some time and that the house on the corner had been occupied by the same tenant for 20 years.

Mr. Cunningham asked for the total square footage of both houses. Mr. Gara responded that the proposal lists them at 1400 and 1446 square feet. Mr. Cohen asked about the age of the homes. Mr. Goditis speculated that they were built in the early 1900's. Mr. Cunningham offered that it would be advantageous to split the lot and sell the homes. Ms. Thomas asked about plans to renovate the corner house. Mr. Goditis explained that they are focusing on the subdivision, and then selling #28 as the tenant in 30 has health issues that may impede his ability to renovate that home. He confirmed that he had plans for the driveway and better railings in response to a question/comment about the condition of same from Ms. Thomas. Mr. Flynn offered that they would accept reasonable conditions with respect to aesthetics. Mr. Goditis confirmed that the fence would be removed at the behest of Mr. Gara.

Chairwoman Thomas solicited comments from Board and opened the floor to questions of the witness at 7:27. There were none.

Mr. Flynn proffered a closing statement.

Ms. Thomas reopened the floor to questions of the witness. Seeing as there were none, she closed the public question/comment period at 7:29. Mr. Cohen reviewed the relief as well as the prospective conditions of approval.

**Motion** by Mr. Cunningham, **seconded** by Ms. Sherwin and unanimously carried to approve the application with conditions, as enumerated by the Board Attorney.

**ROLL CALL:**

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

**NAY:**

**ABSTAIN:**

**PUBLIC COMMENT**

Chairwoman Thomas opened the public comment portion of the meeting at 7:31.

**Paul Malarcher** of 23 Hidden Pond Road asked about the size of the elevators in the Raritan Crossing proposal with respect to the ability to load a stretcher. Mr. Gara asked him to email his questions so he could research/forward for comment. Mr. Brown asked Mr. Malarcher whether he had the opportunity to use the elevator at the Lena. Mr. Malarcher advised that he is a member of the Rescue Squad in Branchburg. Mr. Malarcher advised that he made the same comment on the Orlando Drive development which led to further discussion.

Since a determination had been made earlier that this would be the last meeting of the year, Ms. Thomas took the opportunity to thank everyone for their dedication and commitment. Discussion about the Reorganization Meeting ensued. The Board concluded to meet earlier (at 6pm) on 1/25/23 in order to accommodate what might be a lengthy agenda.

In response to comments from Mr. Cunningham, discussion ensued about Notice requirements for Raritan Crossing. Mr. Cohen confirmed that the announcement to carry the application without further notice had been made in conformance with MLUL requirements.

As to the change in start time for the 1/23/23 meeting:

**Motion** by Mr. Delacruz, **seconded** by Mr. Brown and unanimously carried **by voice vote**, to change the January meeting time to 6pm in order to accommodate the Reorganization meeting and a potentially lengthy agenda.

Further discussion ensued about possible agenda items and the status of additional appearances for LabCorp in particular.

Ms. Thomas confirmed to Mr. Cunningham that there were no TRC meetings anticipated in December.

Mr. Brown remarked that his term would be expiring. Mayor Bray related that he would be working on the rosters.

**ADJOURN**

**Motion** by Mr. Cunningham, **seconded** by Mr. Brown and unanimously carried to adjourn the meeting at 7:42.

Respectfully submitted,

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Nancy Probst, Board Secretary

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