

**BOROUGH OF RARITAN**  
Planning Board REGULAR Meeting  
**MINUTES**  
**March 22, 2023**

**CALL TO ORDER & FLAG SALUTE**

The meeting was called to order at approximately 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  
Ms. Goetsch  
Ms. Sherwin  
Ms. Windrem (*absent for roll call; arrived late*)

**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. Delacruz

\*In the absence of Nancy Probst, Mr. Gara assumed the role of Board Secretary.

**MINUTES**

**Motion** by Mr. Cunningham, **seconded** by Mayor Bray to approve the Minutes of **January 25, 2023**, as presented **by voice vote**.

**Motion** by Ms. Carra, **seconded** by Ms. Goetsch to approve the Minutes of **February 22, 2023**, as presented **by voice vote**.

**ENGINEERING/PLANNING REPORT**

Mr. Schrek advised that he anticipated the TAP grant from 2016 (under review since then) will be completed by May. He also advised that he spoke with the County/Angela Knowles about starting the bicycle route again which ties in with the grant.

**CONSTRUCTION/ZONING OFFICIAL REPORT**

Mr. Gara provided updates on the following items/projects:

- Permit application for the gas station/convenience store on Main Street under review
- Framing underway (apartments) on First Ave.
- J&J and LabCorp still busy
- The old Mugs on Main Street is making progress/moving forward

He provided a deadline for requests for attendance to the Land Use Symposium.

In response to a question from Mayor Bray about the building next to the Municipal Building, Mr. Gara advised that they are framing the interior and work will probably be starting soon on the exterior. Mr. Brown asked about fencing. Mr. Gara indicated that it was not necessary at this point. Mr. Brown shared that there were

neighbors complaining about “stuff flying.” Mr. Gara explained that he and Brian (Property Maintenance) had visited and that it has been better despite a “rough” start. He related that they would be keeping an eye on it.

In response to a question from Mayor Bray about the old pharmacy, Mr. Gara advised that he had no information on tenancy yet but that he received applications for two more barber shops on Thompson Street.

A discussion ensued about the street vacation (Reimer) in response to a question from Mr. Brown who suggested that there appeared to be two (possibly duplicate) applications based on what he heard at a Council meeting. Mr. Shrek clarified that there were no applications made to the Board as street vacations are under the purview of the governing body and that any appearance of duplicity was due to the developer requesting one side while the neighbor requested the other.

### **TRC UPDATE**

Ms. Thomas advised that the TRC did meet and asked Mr. Cunningham to provide a synopsis. Mr. Cunningham advised that a project on First Avenue was discussed and that an applicant will be coming in to the Board with a full application. Ms. Thomas advised that there was no TRC meeting for April anticipated

### **RESOLUTIONS**

- Char Steakhouse  
Block 33, Lot 1 (777 Route 202)  
Minor Site Plan

**Motion** by Councilman Carra, **seconded** by Mr. Cunningham and unanimously carried to approve the resolution of approval, as presented.

### **ROLL CALL**

**AYE:** Ms. Thomas, Ms. Carra, Mr. Cunningham, Councilman Carra, Mr. Brown, Ms. Goetsch, Ms. Sherwin

**NAY:**

**ABSTAIN:** Mayor Bray

- Middle Valley Wellness  
Block 41, Lots 2 & 3 (405 Route 202)  
Site Plan with Variances

Mr. Cohen announced that this resolution would be presented for adoption at the next meeting.

### **HEARINGS/APPLICATIONS**

- 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**

***(Continued from 2/22/23)***

**Susan Rubright, Esq.** re-entered her appearance on behalf of the applicant. **Traffic Engineer, Jay Troutman** (previously sworn and qualified) entered his appearance.

A brief discussion ensued about the next exhibit number. Mr. Troutman marked **Exhibit A-14** entitled “parking exhibit,” prepared by David Stires into testimony, describing it as a colored rendering of parking areas. *No plan date was put on the record.* Ms. Rubright distributed copies of it to the Board.

Mr. Troutman explained that the table on the plan entitled “parking analysis,” summarizes Code requirements for parking, less the credit for EV spaces and read aloud data from the chart. He explained that they would achieve the 130 spaces required for residential by adding the 85 garage spaces to the 13 on the north deck together with 7 along Route 206 and 27 in the south lot for a total of 132, in excess of Code requirements.

Mr. Troutman then explained that that the 88 required for the retail component would be met by adding 65 existing spaces to 18 (between buildings used for retail) and by securing rights to additional spaces with the adjoining property owner to the south that will serve as overflow parking, residential guests and retail employees.

Mr. Troutman testified that every unit in the 75 unit building would get one garage space with 10 units getting two. He testified that he had done a study recently on a site that was over parked finding a demand of 1.2 spaces per unit, meaning only one out of every five units would have a second car.

**Ms. Windrem arrived at approximately 6:50.**

Mr. Troutman clarified that there were a total of 242 spaces required BEFORE the EV credit, with 241 being provided in accordance with the parking analysis. He offered that the additional 26 spaces on the adjoining lot were secured by the applicant as an accommodation based on concerns expressed at a prior hearing about overflow parking. Ms. Rubright explained that there would be an easement. Mr. Cunningham asked about the permanency of the arrangement.

Mr. Cohen indicated that he had procedural issues with using parking on an adjoining lot to meet the standard. Ms. Rubright offered that it may not be required and clarified that they have the ability to do so now since there is a cross access easement already in existence. Mr. Cohen asserted that this would involve development on a different lot that no one Noticed for. Ms. Rubright indicated that her Notice would cover any/all other variances that arose. Further discussion among the attorneys ensued, with respect to Notice in particular. Ms. Rubright offered that the Notice for the instant matter covers everyone within 200' of both properties. Mr. Cohen advised that the adjoining lot is under discussion for redevelopment/received an Area in Need designation already and asked why it was necessary since they appeared to be close on parking.

Ms. Rubright explained that this was just an accommodation for concerns expressed about overflow parking with respect to events going on in the residential building, parking for the Tai Quan Do studio, etc. She offered that if it remains an issue, they would just ask for a variance from the standard and have an easement in place at the time of Final Site Plan approval.

An extensive discussion ensued as a result of Mr. Cohen reviewing the breakdown of the spaces being provided, which Mr. Troutman verified. Mr. Cohen offered that the use of the adjoining lot would simply be taken under advisement since it was only an accommodation. Ms. Rubright offered that they could Notice for it specifically when they return for Final approval and went on to speak about the loss of 3 spaces as a result of the connection. Mr. Troutman clarified that the 27 spaces shown are really 30, which brings them up to 218 and as such, into compliance.

Mr. Cohen asserted that his recommendation was that they cannot approve the spaces as part of the plan but would accept them as an accommodation. Mr. Schrek asserted that there "has" to be a relationship with the developer of the mall. He suggested it be viewed in conceptual form, referenced under preliminary and locked down in the Final approval. Ms. Thomas agreed.

Ms. Rubright explained that there is an issue with Noticing on a property the applicant doesn't own. Further discussion between Mr. Cohen and Ms. Rubright ensued. Mr. Cohen suggested that by the time the applicant comes in for Final Approval, the adjoining property might be developed. Mr. Schrek offered that it could be addressed at Final if they come to a more solid agreement. Mr. Cohen asserted that the plan they would be voting on this evening would not include the 27 spaces in the adjoining lot.

Mr. Cohen asked Mr. Troutman about signage. Mr. Troutman related that they request the ability to manage parking and only use signage if necessary. He shared that while they are willing, they are still working out

tenant placement would could affect it. Mr. Cohen suggested that the 18 should be signed for commercial use only but Mr. Troutman offered that they might want to be used overnight by residents. Ms. Rubright offered that they could mention hours on the signs. Further discussion ensued with respect to transforming some spaces to commercial and ADA requirements were discussed.

Signage under the building relative to the flood zone was discussed in response to a question from Mr. Brown. Mr. Troutman offered that it was a lease issue. Mr. Cohen stressed the importance of it being put forth in the lease, together with having an emergency plan in place. Mr. Troutman advised that they would acknowledge this upon signing of a lease. Ms. Rubright offered that signage could be added under the building as protecting tenants is a priority.

Mr. Troutman responded to a question from Ms. Sherwin about people parking in the retail spaces and crossing the driveway. He confirmed that they would put crosswalks in.

Chairwoman Thomas opened the floor to questions of the witness.

**Joyce Fritchie** of 445 Vanderveer Rd. asked whether the parking underground would be free. Mr. Troutman affirmed that it would and Ms. Thomas advised that parking being included at no extra charge is always a stipulation made by the Board.

**A resident of Granetz Place (name and street address unintelligible)** Asked Mr. Troutman to identify the location of the "other" 26 spaces. He advised that they are currently existing spaces on the property line that touch their lot.

The resident asked where trucks would park for loading/unloading for both commercial and residential. Mr. Troutman indicated that loading would take place as it does currently. Ms. Rubright reminded that there was testimony put forth with respect to this issue. Mr. Troutman explained further.

The resident asked about garbage. Mr. Troutman explained that it would be on top of the deck.

The resident asked where trucks will go for the strip mall and tenants. As he was replying [identifying an area in the rear], the resident interrupted him. Ms. Rubright asserted that protocol for questioning be addressed so that Mr. Troutman could continue. Identifying the area, Mr. Troutman explained that anything taking place where the building is being constructed would be displaced.

Mr. Cunningham advised that there is a sign at the end of Glaser Ave prohibiting unloading. He expressed concern about how the Chinese Restaurant will unload trucks since the ability to use their current method (backing up to where the dumpsters are and running product up a ramp that goes to the rear of the building) will be lost. He asked whether they would now use Glaser Ave. to unload trucks. Mr. Troutman testified that this would not be permitted. Mr. Cunningham asked for clarification. Mr. Troutman testified that there would be a space in front of the dumpsters just as there is now. Ms. Rubright offered testimony from Mr. Gardner.

Mr. Gardner offered that there will be significantly fewer deliveries occurring since the amount of retail is being cut in half/existing retail building is being eliminated and that smaller tenants receive deliveries via smaller panel trucks. Refereeing to the increase of 18 spaces in the lot where the Chinese Restaurant is as "big," Mr. Gardner suggested that a panel truck could park in a spot and unload. He stated that any truck sitting in the back is "on us," and then stated that "they" don't deliver in the back because the pathway is too narrow. A discussion about the Chinese Restaurant using the area in the rear for overflow/storage ensued. Mr. Gardner indicated that this would be addressed and reiterated that 18 additional spaces would be a "big improvement." He related that he was not aware of the Chinese Restaurant storing things in a truck. He then

offered that all of this could be fine tuned at the time of final approvals since they still don't know where things stand with the medical tenant.

Mr. Cunningham expressed concerns about the lack of loading zone for the strip mall. Mentioning movement of tenants such as Dollar Tree in particular, Mr. Gardener asserted that it is a "property management thing" that will work itself out. He related that there are 13 spaces with 5 being added in a space where a lot less retail which would mean fewer deliveries will occur.

The location of the dumpsters was discussed. Mr. Gardener explained that they are planning to build a masonry wall across the north side of the parking structure and have a dumpster enclosure with that dumpster intended for "commercial/retail." Ms. Thomas reminded that there was extensive testimony previously provided on this.

Recalling the prior testimony, Mr. Brown spoke about the reduction from three to two. He related that the cardboard is full all the time and that garbage is piled over in the other two. Mr. Gardner indicated that they might have to consider a compactor, adding that they pride themselves on good management.

Frequency of collection was discussed. Mr. Gardner offered that it could be increased and reminded that residential refuse will be internal to the building/sorted. Referencing previously provided testimony, Ms. Rubright recalled that the residential garbage would be compacted. Mr. Cohen offered that this could be monitored and suggested that the owner agree to a condition of approval relative to preventing overflow. Mr. Gardner acknowledged this and Ms. Thomas offered that it could be figured out during Final approvals. Mr. Gardner offered that they would work with the waste hauler on hours and would be amenable to a condition relative to this as well. Mr. Cohen offered that consideration should be given to the fact that overflowing dumpsters would be observable from the residential building.

**Bonnie Allen** of 11 Granetz Place suggested that the spaces to the right of the building [delineated in green on the exhibit] may be occupied. Mr. Troutman testified that a garbage truck doesn't need to use parking spaces to get to the dumpster. Mr. Troutman spoke about turning movements in response to a question from Ms. Allen about same. He asserted that they would be turning around; not backing up.

**Robert Larsen, AIA, PP** acknowledged that he was previously sworn in as an Architect and would now be providing Planning testimony. He provided his qualifications with respect to Planning and was accepted.

Mr. Larsen provided clarification on the sign variance referenced in Mr. Schrek's latest review, as it relates to the building mounted sign. He asserted that ordinance is clear on this and related that the intent is to have the build mounted sign be compliant. Mr. Schrek stated that he would review the ordinance again and proceeded to read it.

Mr. Larsen identified **EXHIBIT A-15** as a view of the property/structure from the entrance in front of the building from Rt. 206 and marked it into testimony. He clarified that the identification of the development name would be on the corner of the building, running vertically.

Further discussion about signage ensued after Mr. Larsen made reference to the freestanding sign requirements. Referencing Section 2, he asserted that they believe they comply with signage. Mr. Schrek concurred and Mr. Cohen clarified that no sign variance would be necessary.

Mr. Larsen provided testimony on three additional variances, two of which he explained, are pre-existing conditions (parking directly against the building where 5' is required as identified on Mr. Troutman's Exhibit and the building setback of 34' where 50' is required). He discussed the calculations relative to the existing strip center (which he noted was at 36' and would not be moved), resulting in a technical variance.

Mr. Cohen called attention to page 7 of Mr. Schrek's 2/17/23 memo. Re-directing him to page 8, Mr. Larsen explained that clarification could be found there. He reiterated that intend to continue the existing parking and setback for existing strip mall.

Mr. Larsen explained that as part of proposed structure, they are requesting a variance where the existing structure sits 30.5' from Route 206. He explained that the property will be situated 37.39' from Route 206 where 50' is required.

**EXHIBIT A-16** was described as a 2 sided 'setback diagram' depicting a portion of the proposed site plan at the east end of the property structure as it relates to the Route 206 property line. Mr. Larsen identified the existing and proposed conditions making reference to the angle in particular. He testified that the proposal would improve an existing condition with respect to the building that already intrudes into the 50' setback, clarifying that the existing building sits closer to Route 206 than the proposed building.

Mr. Cunningham asserted that despite any improvement, an entrance from a spot that doesn't currently have traffic is being added as a result of 85 spaces. He added that there would a lot of activity at that point as a result of traffic from Route 206 pulling in at an angle and strip mall coming straight through. Mr. Larsen testified that the mouth of the entry drive would not be affected by cutting the building at an angle. Mr. Cunningham suggested that it may change the sightline. Further discussion about traffic flow ensued.

Mr. Cunningham continued to express concerns, particularly with respect to cars coming out of the strip mall and down towards the building not being seen. Mr. Larsen testified that the position of the building would not affect the view. He asserted that they are actually opening it up in an area where there is already a lot of activity at present. Mr. Cunningham asserted that more traffic is being added and mentioned cars driving through the strip mall in order to beat the light. Mr. Larsen suggested that they might be able to erect a stop sign at the point where traffic comes from the strip mall. Further discussion ensued on affects to the sight line "to the left."

Mr. Larsen said he understood concerns about speed and identified the location of where cars would come out in response to a question from Ms. Goetsch. Mr. Brown commented on tenants on the South side of 206 not wanting to go "all the way around." Ms. Thomas asserted that a stop sign would help.

An extensive discussion ensued about how the building design would affect sight lines. Making reference to the property where Petco is located, Ms. Thomas reiterated that a stop sign would be "the way to go." Mr. Larsen identified the area in question at the behest of Mr. Cohen.

Mr. Bronson stated that although he recalled there being a speed hump in that area, he did not recall testimony regarding same. Mr. Troutman affirmed this. Mr. Cohen suggested that Mr. Larsen complete his testimony rather than returning to Mr. Troutman at this point.

Mr. Larsen identified **EXHIBIT A17** as a "site plan comparison" and marked it into testimony. He explained that it was an image in the ordinance related to redevelopment. He clarified that they are not increasing or asking for more than what the Redevelopment Plan envisioned. Mr. Cohen asked for clarification. Mr. Larsen explained that they are not repositioning the building in order to create more open space but rather, placing in the position they believe that the Redevelopment Plan envisioned based on what was identified as Appendix A of the Plan. Mr. Cohen asked why then the Redevelopment Plan required a 50' setback. Mr. Schrek explained.

Mr. Larsen confirmed the existing setback (30.5') and proposed setback (37.39') at the behest of Mr. Brown.

Mr. Schrek clarified that the vision of the Plan was that the new structure would incorporate the footprint of what the existing building is. Mr. Cohen asked for further clarification since the proposed plan was supposed to be 37' while Council required 50' despite the developed property not conforming. Mr. Larsen clarified that the plan diagram and the numbers are "not accurate to each other." Mr. Cohen suggested that Mr. Larsen put forth the proofs for the variance.

Speaking to the purpose of redevelopment, Mr. Larsen offered that res-use of an existing structure would make for a more vibrant, appropriate and walk able development as well as further the purposes of the MLUL (Sections a, g and i in particular). He pointed out that it would not be situated any closer to any existing homes. Mr. Larsen asserted that there would be no public detriment, adding that there would be safe operation around the building.

Chairwoman Thomas solicited questions from the Board.

Ms. Sherwin asked what would prevent cars from making a right out of the building and continuing through the existing Raritan Mall. Mr. Larsen explained that the developer has and will maintain a cross access easement out to Orlando Drive. At the behest of Ms. Sherwin, he confirmed that there would be no wall installed that would identify property limits/it would remain open as it is currently.

Chairwoman Thomas asked the public to hold their questions. Mr. Cohen explained that even though this is a Redevelopment Plan, the Board has a right to grant variances pursuant to Redevelopment Ordinances.

Mr. Brown offered that he was concerned with egress out of the building and how drivers can determine there's not traffic to the left as they "dogleg around" and get on Route 206 South. Mr. Larsen identified a stop on the plan. He explained that anyone exiting the lower parking garage onto the access aisle to the east of the building next to Route 206 can pull up an average of 16', and then have the opportunity to look left. He suggested that although he believes there is "ample view," that the Traffic Engineer could provide further testimony. He added that they would be happy to add speed lowering elements. Mr. Brown reiterated his concerns, adding that this type of maneuver does not exist currently. He offered that cars coming off of Route 206 at "typically 30 mph" have to know what they're doing. He added that the same situation exists with respect to the second driveway where some stores are near Bagels 4 U. Calling it a "hair-raiser," he expressed further concerns about a car length being enough for cars coming out of "a dark basement into sunlight."

Mr. Cohen offered that Mr. Troutman might be best suited to speak to this issue. Ms. Rubright related that they would be finishing Planning testimony first. A brief discussion ensued about whether to open the floor to public questions at this point or after further testimony from Mr. Troutman.

Mr. Troutman was prompted to re-open his testimony by a question from Mr. Cohen about the distance between the end of the driveway coming out under the building and the curbing to make a left turn. Mr. Troutman testified that it was 15' and explained how a loss of traffic from specific businesses would impact overall impacts with the Redevelopment Plan replacing 36,000 s.f. of commercial space with 75 residential units resulting in a "much calmer site." He indicated that residential sites are not as busy as commercial. Mr. Schrek affirmed that while the sight distance is adequate, the speed limit within the shopping center (as mentioned earlier) would have to worked out. Ms. Thomas mentioned the stop sign. Mr. Schrek offered that while there may be more people during the day, they can work it out.

Mr. Cunningham offered that the Shop n Stop dead space will become live, adding that people will utilize that quick turn rather than going down to Orlando Drive. Mr. Schrek suggested that they could put a speed hump there/will try to relocate in order to work appropriately with that driveway.

Mr. Cohen asked about access to the adjoining property if 3 spots are put back in. Mr. Schrek suggested that in future development, there may need to be an adjustment of the cross access easement. Ms. Rubright affirmed that this (as well as other traffic calming measures) would have to be looked at if a when there is future development. She asserted that development on the subject property is before the Board; not the adjoining lot. She asserted that the traffic calming measures/stop sign are appropriate and would ameliorate any concerns that the Board has. Mr. Cunningham reiterated that he was concerned about safety.

Mr. Larsen reminded that access has to be “high and dry” and as such, come out at higher point. Mr. Schrek added that while site distance is always a concern, there had been no detrimental comments from the Police.

Mr. Cunningham commented that it seems “unsafe.” He offered that while a stop sign at the end of the strip mall would help, another at the end on the north side of the building and possibly one on the southeast side should be added, so that all traffic has to stop. Calling his points “valid,” Mr. Cohen offered that it relates to the setback variance and clarified further, adding that the same issue would probably exist if the building was “13’ back.” Mr. Cunningham asserted that if the building was set back further, there would be no issue because there is a “narrowing at that point.” Mr. Cohen reminded that Mr. Schrek affirmed that site distance was adequate.

Further discussion on the matter culminated in Mr. Schrek suggesting that Mr. Cunningham’s concerns might be relevant and might be an opportunity for a small median, which he shared would send the applicant back to the DOT. Mr. Troutman offered that it creates more problems. Mr. Schrek concluded that it should be left for them to “look at.”

Troutman – creates more problems.  
Stan – leave it for us to look at

Chairwoman Thomas opened the floor to questions from the public.

**A resident of 3 Granetz Place** (name unintelligible) asked whether the majority of traffic was coming from the east or the south. Mr. Troutman explained that it would be related to 206 South. She asked where cars would enter the building. Mr. Troutman advised that the building entrance to the garage is on the east side.

Chairwoman Thomas closed the public question/comment period.

Mr. Cohen asked Mr. Schrek whether he recommends stop signs. Mr. Shrek clarified that he recommends looking into it during the period between preliminary and final approval since something can be done but that it may take them back to the DOT. Mr. Cohen asked whether the Board was satisfied with the traffic design, including any stop sights/traffic control devices being reviewed by the Township Engineer and being subject to their recommendations to optimize safety. No one dissented. Ms. Rubright clarified that traffic calming measures may be included.

Chairwoman Thomas opened the floor to public comment. Mr. Cohen explained that anyone providing factual testimony would have to be sworn in.

Referring to a request he said was made by the Board at the last meeting for a flood report, **Chris Alb** of 11 Granetz Place asked whether it would be presented. Mr. Schrek explained that the storm water report will be addressed between preliminary and final since there is a determination yet to be made on the flood hazard area limits which is why they are not looking at Final approval now. He confirmed that the applicant did file an application with the DEP. Directing his comment to Mr. Schrek, Mr. Alb stated “I thought you were not happy that they took so long.” Mr. Schrek explained that this is why they are only hearing Preliminary.

**Patrick Dinsmore** of 523 Victoria Street stated that the site is located within 200' of a "DEP known active contaminated site." Mr. Cohen reiterated that anyone giving testimony must be sworn in.

Mr. Dinsmore was sworn in and resumed. He stated that the Borough and the Developer were sent "certified letters from the licensed site remediation professional" detailing the extent of contamination which he indicated he had a copy of. He asked whether prospective tenants are going to be made aware that they are going to be living within 200' of a "known active NJDEP contaminated site." Mr. Cohen indicated that he did not know if they are required. Referencing timing, location, status of remediation and any restraints/limitations, Ms. Rubright reminded that the testimony is being provided by a resident. She asserted that if there is something they have to provide Notice for, they would. Mr. Cohen stated that to his knowledge, there was no requirement. Ms. Rubright offered that she was not clear on timing. Mr. Cohen asked Mr. Dinsmore if he could see the letter as he had not seen it. Mr. Dinsmore obliged.

Ms. Rubright asked whether it is within 200' of the property on which this knowing contaminated property is located and asked whether the resident had an expert. Mr. Cohen read the letter and advised that it appeared to be a notification by an environmental company pursuant to DEP requirements, that they have been retained by the Raritan mall people to investigate and perform an analysis/report of contamination which may exist on that property, which both the Board and the Borough are well aware of. Mr. Cohen added that the site was a landfill/under remediation "many years ago," and that the letter is notification to adjoining property owners that an environmental investigation is being done there. He clarified that this is a notification given to this developer and this developer not required to (at this point) notify tenants unless the DEP requires them to in the future as a result of the investigation. He surmised that this is an LSRP, doing the report to DEP. Mr. Schrek reviewed the letter prior to returning it to Mr. Dinsmore.

Mr. Dinsmore asserted that there was an investigation done and that there was contamination found. Mr. Cohen clarified that the owner is owner is interested in developing that property which is a matter of public record and that in order to proceed, they want to investigate the extent of contamination/whether it is remediated/safe to develop and they have hired a consultant to do so. Ms. Rubright offered that there are no conclusions at this point. Mr. Cohen stated that while there is no doubt that the site is contaminated, it does not affect the instant matter so there is no Board action needed at this point, although there may be when the other development comes along.

Mr. Dinsmore related that there was a receptor evaluation done and that there was "benzo" at least 5 other BOC's detected that were above the Department's groundwater quality standards at the adjacent Raritan mall site. Mr. Cohen stated that it is not the providence of the Board to decide whether the adjacent property may be contaminated and may have problems with development. He reiterated that there is nothing before the Board that the subject property; which is fully developed, can't be changed because an adjacent property may have contamination. Mr. Schrek indicated that the letter is limited to the Mall property and confirmed that the record in the file from the LSRP that developer hired indicated that it didn't extend onto the Raritan Crossing site. Ms. Rubright affirmed this and Mr. Schrek reiterated that it was part of the file.

Mr. Dinsmore indicated that there was also soil contamination found. He asked whether any soil testing had been done at the proposed site of the apartments. Mr. Cohen referred him to the LSRP report for this property which Mr. Schrek spoke about. Mr. Dinsmore asserted that the apartment site is less than 100' away from 2 passive methane vents on the property. He asked whether any air quality testing had been done. Mr. Cohen again deferred to the LSRP for this property.

With respect to the EIS, Mr. Dinsmore asked whether everything except storm water was waived. Mr. Schrek reiterated that they want to look at stormwater which is why this is only preliminary. He reiterated that the statement back from the LSRP was that contamination did not extend onto the subject property. He explained

that other concerns from EIS such as plants/animals were not valid since it is a fully developed site and that traffic had been discussed.

Referencing overgrowth (trees in particular), **Antonio Carra of 9 Granetz Pl** asked if anyone was going to do any work to the back of the existing building. Mr. Cohen swore Mr. Carra in. Mr. Carra testified that there are overgrown trees and issues with the chain link fence. He asked whether there would be any upgrades to the back of the strip mall which he called an “eyesore.” Ms. Thomas offered that Mr. Gardener covered some of that.

Mr. Gardner asked Mr. Carra if he lived there and explained that there are obstacles to maintenance because the trees are on the property of adjoining neighbors and roots extend onto his making work in that area challenging since they would have to access ALL of their individual properties. Mr. Carra confirmed that he lives there and clarified that the overgrown tree he was speaking about is on the subject property. Mr. Gardner offered that he would be happy to take care of it and told him to provide his contact information.

Mr. Carra asked whether he would be installing a new fence. Once again citing challenges with accessing all 5 properties because all of the owners appear to have fencing in addition to issues as a result of tree roots, Mr. Gardner mentioned the retaining wall and said he would be happy to fix up the fence and eventually replace it.

**Ed Harlukowicz** of 8 Grantez Place commented on the top deck, specifically access limitations with respect to the edge. Mr. Larsen confirmed that no one could ever be closer than 10’ to the edge in response to Mr. Harlukowicz’ comment about it being 4.’ Mr. Harlukowicz asked whether other developments in the Borough have roof decks. Ms. Thomas stated that there was only one they know of.

Mr. Harlukowicz asked again about limitations with respect to movement near the edge of the deck. Mr. Larsen reiterated that it was a physical barrier (planter) located 10’ “all around,” so no one can stand 10’ closer to the edge. He confirmed that they agreed to hours for use of the upper area and accommodations for noise generated by equipment. In response to a question from Mr. Harlukowicz about why the roof deck is included on this proposal when others don’t have it, Mr. Larsen explained that it is intended for sustainability purposes since green helps with rainwater, heat gain, etc.

There being no further comments, the public comment period was closed. Chairwoman Thomas opened questions to the Board.

Addressing Mr. Schrek directly, Mr. Brown addressed the issue of methane brought up by Mr. Dinsmore. Referencing the adjoining parking lot, he stated that now there will be people on the roof of [this] building when it was never really established whether it is an issue going forward. There was an unintelligible exchange between parties who could not be identified because they spoke over one another. Mr. Cohen offered that the site has been developed for a substantial number of years. Mr. Brown questioned approving the use of a roof area in the vicinity of 16-20 vents that bleed off methane without knowing where it’s going/whether it is impacting air quality.

Mr. Cohen asserted that the subject property is a permitted use with only one variance, as the proposal is in accordance with zoning under the Redevelopment Plan. He explained that there would be an issue with attaching a condition related to this given a lack of testimony on it aside from the fact that it may not even be an issue.

Mr. Brown asserted that he would like to know that there is not an issue with methane discharging where people are relaxing on the roof of a 60’ high building. Ms. Thomas suggested that there is time since this is just preliminary. Mr. Cohen reiterated that it is zoned for this and offered that any question of it not being developed due to an environmental issue is a different issue, which is not the Board’s jurisdiction. He again

reiterated that the Board was given a development with a zoning ordinance under a Redevelopment Plan allowing for this to be built.

Mr. Schrek stated that it was a relevant question and suggested there could be an answer between preliminary and final. Ms. Rubright re-asserted that timing and extent of any proposal/development and/or remediation on that site is unknown. She asserted that it is not being generated on the subject property and may or may not affect it but if it does, additional information could be found. She offered that it was not really the purview of the Board to discuss the other property.

Mr. Brown asserted that if the proposal includes people being able to recreate on the roof of the building and breathe the air, then it is valid and should be looked at. Ms. Rubright offered as a potential condition of approval that the applicant would contact the neighboring property owner and have any kind of testing that takes place now occur when they open the rooftop space as well.

Mr. Cohen added that in addition to the rooftop, people will be living there and pointed out that there is already existing development on the site. He suggested that the Borough be apprised of the findings and that the applicant be subject to findings that may occur on the adjacent potential environmental site as it would relate to final approvals. He went on to speak about timelines.

Mr. Brown offered that elevation is the concern, reiterating that there is a parking lot venting methane gas. Ms. Thomas asserted that this could be looked into before they return for final since this is just preliminary and can be conditioned. Mr. Brown asked what the alternative would be if they find it. Mr. Cohen asserted that it would be addressed then. Mr. Brown related that the methane vents are in excess of 20' above grade. Mr. Cohen stated that they are not going to develop with methane vents sticking up. He added that they would have to present a plan approved by the DEP and as such, the possibility exists that they might not be able to develop that property.

Ms. Rubright provided a summation highlighting the following:

- Property to be developed in accordance with Redevelopment Plan.
- Four story residential apartment building with existing commercial strip to remain.
- Request is for Preliminary Site Plan with variances related to pre-existing non conforming conditions, as testified to by Robert Larsen.
- Reduction in existing variance condition (Route 206 setback) consistent with what is shown in the Redevelopment Plan.
- Reduction in impervious coverage (conforms to Ordinance requirements).
- Parking deck, garage below, rooftop amenity (sited in green checklist).
- Adjustments/revisions made in accordance with comments include relocation/rotation of balconies /windows (rear facing units) and screening to be added in the rear.
- All but one parking space to be provided without using EV credit (more WITH the credit).
- Easement for overflow parking on adjacent property to be provided.
- Use less intense than current commercial.
- Internal collection/compaction of trash for residential building.
- Replacement of commercial space with residential eliminates 36,000 s.f. of traffic generating volume.
- Redevelopment will reduce overall storm water flow (application to DEP in progress).
- Complies with vision of Governing Body and Board set out in Redevelopment Plan given promotion of walkability to the Downtown and numerous aspects of green development.
- Plan for moving vehicles to Raritan Valley Professional Center during flood alert to be submitted to the Board.\*

\*Mr. Cohen requested this be emailed. Ms. Rubright advised that vehicles would be moved to Raritan Valley Professional Center less than 1 mile away and that a license agreement would be prepared and submitted to the Board as well. She confirmed that management would arrange for transport to and from properties as needed and that the affected space numbers would be provided. She advised that residents would be advised of the potential need to move and given information on transportation arrangements in their leases (which would include a stipulation not to park on Glaser Ave. or Granetz Place).

- Storm water approval to be obtained From DEP and Borough, as needed.
- Additional landscaping to be added to further buffer residential areas.
- Barrier to be added on south side of building.
- Back shields to be added to lighting in order to buffer neighboring properties.
- Applicant to work with trash contractor on pick up times and consult with them on pickup frequency.
- Rooftop noise will be limited to testing mechanicals during daytime hours only.
- Use of rooftop area will end at 10pm.
- Wayfinding signs to be added to Orlando Drive and Somerset Street for bicycle and pedestrian use.
- 18 spaces shown on Exhibit A14 to be signed for commercial use.
- 5 of 7 spaces along Route 206 to be dedicated to commercial rather than residential with crosswalks and sidewalks from those spaces to be shown.
- Signage for spaces in flood area (inside garage) to be added.
- (Reiterated) that garbage collection will be monitored to assess need for additional/more frequent pick up.
- Stop sign at curb line exiting garage to be added/other speed lowering mechanisms to be reviewed with Borough Engineer.
- Stop sign to possibly be added at end of strip mall.\*

\*Mr. Schrek added the possible modification of the entrance off of Route 206. Ms. Rubright offered that Mr. Cohen could decide how he wants to phrase it given that it is part of working with the Borough Engineer on traffic design. Mr. Schrek asserted that he wanted it worded the way he said it. Mr. Cohen acknowledged this. Mr. Schrek clarified/reiterated that this includes possible modification of the entrance to Route 206.

Mr. Cohen asked for discussion on outside agency approvals. Ms. Rubright clarified that they would add DOT to the extent necessary. Mr. Schrek (later) advised that page 22 lists all outside agency approvals.

Mr. Cunningham added that the 2 entrances from Glaser are to be chained off. Mr. Cohen confirmed that this was shown on the plan but should be cited as a condition (to be used only for emergency purposes/not even during test periods; to be chained and controlled by emergency agencies of Borough).

Mr. Schrek added approvals for sewer and water extension, DED, County approval and reiterated DOT. Ms. Rubright related that she believed they already had County approval.

Mr. Cohen explained that they would agree to Title 39 as it relates to traffic enforcement.

Mr. Schrek added Sewer authority as part of the sewer extension.

Ms. Thomas asked for clarification on what was decided with respect to fencing in the rear. Mr. Cohen advised that there was no decision. Ms. Rubright deferred to Mr. Gardner's testimony regarding the neighbors. Mr. Cohen suggested this be left open for Final, adding that they will undertake any improvements they can make along the rear of the commercial strip.

Mr. Cunningham asked whether conditions related to construction/demo would be addressed at Final, adding that he would like limitations on this. Ms. Thomas said yes. Mr. Schrek advised that they can file for a demo permit. Mr. Cohen advised that construction trucks would not be allowed along Glaser Ave.

Mr. Cohen suggested that other things [conditions] that were not mentioned may arise during preparation of the draft resolution which would be reviewed by both Mr. Schrek and Ms. Rubright.

**Motion** by Mr. Cunningham, **seconded** by Ms. Windrem to approve the Preliminary Site Plan with variances.

**ROLL CALL:**

AYE: Ms. Thomas, Mayor Bray, Councilman Carra, Mr. Cunningham, Ms. Carra, Ms. Goetsch, Ms. Sherwin

NAY: Mr. Brown

ABSTAIN:

**PUBLIC COMMENT**

Chairwoman Thomas opened the floor to public comment. Multiple comments (unintelligible) came from the audience simultaneously.

Mr. Brown asked to revisit discussion on the subject of downtown parking in an effort to “stay on track” with it. Mr. Schrek indicated that they have been working on it and advised that it was discussed with the Borough Attorney and that an ordinance has to be introduced to Council.

Ms. Sherwin commented on the lack of wayfinding signs in the municipal parking lot off of Thompson Street. Ms. Thomas advised that there had been prior discussion about this. A lack of lighting was also discussed. Attributing it to a lack of enforcement, Ms. Thomas commented that there is no lighting.

The public comment period was closed.

**Motion** by Councilman Carra, **seconded** by Mayor Bray and unanimously carried to adjourn at 8:48.

Respectfully submitted,

*Nancy Probst*

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Nancy Probst, Planning Board Secretary

*Date of Adoption: 4/26/23*