

BOROUGH OF RARITAN
Planning Board REGULAR Meeting
MINUTES
April 26, 2023

CALL TO ORDER & FLAG SALUTE

The meeting was called to order at 6:34 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 (*absent for roll call; arrived late*)*
Ms. Windrem

Also Present

Larry Cohen, Board Attorney
Stan Schrek, Board Engineer
Joe Bronsen, Van Cleef Engineering**

Absent

Mr. DeCicco
Mr. Delacruz

*Ms. Sherwin arrived at 6:39.

**Mr. Bronson arrived at 6:36

ENGINEERING/PLANNING REPORT

Mr. Schrek advised that the Borough was considered for funding under a Professional Community Planning Grant that would enable repurposing of the municipal building upon a recommendation from Senator Kean's Office. He advised that a Planning analysis would be forwarded to the Borough Attorney.

With respect to Orlando Drive, Mr. Schrek advised that the new developer closed on the property. He spoke about a transfer of the bond which is now slated for reduction since a significant amount of the work related to the bond had been done. He advised that coordination with the County and Duke Farms would be needed with respect to potential changes in the plan.

Mr. Brown advised that he observed monitoring wells/drilling equipment on the site. Mr. Schrek explained that the new owner is analyzing environmental restraints.

CONSTRUCTION/ZONING OFFICIAL REPORT

In the absence of Mr. Gara, there was no update provided.

TRC UPDATE

Ms. Thomas advised that there was no new activity.

MINUTES

- **Motion** by Councilman Carra, **seconded** by Ms. Windrem to approve the Special Meeting Minutes of **March 8, 2023** (with editorial changes), as presented **by voice vote**.

- **Motion** by Mayor Bray, **seconded** by Ms. Goetsch to approve the Minutes of **March 22, 2023**, as presented **by voice vote**.

RESOLUTIONS

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

Motion by Ms. Windrem, **seconded** by Mr. Cunningham to approve the resolution, as presented.

ROLL CALL

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

NAY:

ABSTAIN: Mayor Bray

- Raritan Crossing, LLC
Block 116.01, Lots 25, 26.01, 27 & 27.01 AND Block 112, Lot 3 (90 East Somerset St.)
Preliminary Site Plan with Variances

Referencing Title 40A, Section 12A-3 and 12A-7(c) in particular, Mr. Cohen spoke about statutory requirements for Notice in connection with inquiries he had received [via Mr. Gara] from residents proximal to the site. He offered copies of the statute and spoke specifically about Notice relative to zoning changes facilitated by the Redevelopment Plan. He read from Title 48, Section 12A-7(c) and again offered copies of the statute. He asserted that there was “complete compliance” with the “entire procedure.”

Ms. Thomas allowed a question from the audience. **Chris Allen of 11 Granetz Place** inquired about a Notice which he related he received “in the beginning” but could not locate. Mr. Cohen explained that the only Notice he would have received (in December, 2022/January, 2023) would have been with respect to the Site Plan since Notice was not required for the Redevelopment Plan/Area in Need.

Ms. Rubright indicated that all Notices were public record and as such, Mr. Allen was advised that he could seek the information through OPRA. Mr. Allen related that he had. An unidentified female stated that the Notice in question was received “a year or two ago.” Referencing a map on it, they referred to it as the “original Notice.”

Mr. Cohen asserted that the Board did not provide it and offered that if they received a Notice it would have only been from the applicant or from the Council [Clerk], if sent by the Borough. Ms. Thomas asked Mr. Allen to confirm that it was not from the DEP. He said it was not. He explained that they took it back to the Post Office because it said Raritan Township. Mayor Bray offered that there was a solicitation mailing some time ago that might be related.

Mr. Allen reiterated that he wants a copy but could not confirm what the Notice was for. He said he would check with neighbors. He advised that when he spoke to Mr. Gara, Mr. Gara directed Barbara in his office to look for it in his absence but that he had not heard back from them. Ms. Thomas offered to speak to Mr. Gara for him. Mr. Allen reiterated that the Notice they received said Raritan Township so they gave it back to Post Office and asserted that they didn’t know “from the beginning of time.” He was agreeable to Ms. Thomas reaching out to Mr. Gara on his behalf.

Motion by Ms. Goetsch, **seconded** by Ms. Windrem to approve the resolution, as presented.

ROLL CALL

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

NAY:

ABSTAIN: Mr. Brown

HEARINGS/APPLICATIONS

- SD&RR, LLC (The Colfax Apartments, LLC)
Block 95, Lots 12 & 13 (17 – 19 Colfax Street)
Preliminary Site Plan (Bifurcated Use Variance Application)

Mayor Bray, Councilman Carra and Ms. Windrem recused.

Susan Rubright, Esq. entered her appearance on behalf of the applicant at 6:57. She explained that although the property changed hands, Pasquale Suriano who was a member of The Colfax Apartments LLC who submitted the application is still involved.

Ms. Rubright explained that this is part 2 of the redevelopment of the property. She advised that the lots are currently occupied by a deteriorating brick building which formerly housed an electrical business on the first floor and apartments on the second floor (17 Colfax) and a single family house (19 Colfax). She related that the proposal included removal of the existing buildings in order to construct an apartment building with parking to be accommodated on the 19 Colfax property. She explained that that prior approval for a Use Variance had been granted in 2022 and reviewed the basis for the approval.

Ms. Rubright provided an overview of the proposed unit mix (3 one bedroom units and 5 two bedroom units) with one of the 2 bedroom units set aside for affordable housing. She advised that changes to the plan were made based on suggestions/comments offered at the Use Variance hearing, such as the addition of a faux entrance on the street side in order to disguise side unit access. She advised that conditions that necessitated bulk variances (setbacks and impervious coverage) and waivers are being sought at this point.

The Board deferred to Mr. Schrek for completeness. Making reference to his April 7 report, Mr. Schrek reviewed the requested temporary and permanent waivers and recommended that the application be deemed complete for hearing on PRELIMINARY Site Plan ONLY. With respect to the Final Site Plan checklist, he did not recommend the waiver for final contours.

AS TO COMPLETENESS ONLY:

Motion by Mr. Cunningham, **seconded** by Ms. Goetsch to deem the application complete for Preliminary Site Plan only. *Ms. Rubright asked for a brief recess to confer with the Site Engineer at 7:07. The hearing resumed at 7:12.*

ROLL CALL:

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

NAY:

ABSTAIN:

Mr. Cohen confirmed that the Notice/proofs of service and publication were in order.

Matthew Clark, P.E. was sworn and qualified.

Exhibit A-1 was identified as a survey of the property prepared by DMC Associates which Mr. Clark related was used as the basis for site design and marked into testimony. He spoke to existing conditions (both properties combined for a total of 15,394 s.f., located in the R4 Zone) and advised that all improvements shown on the survey would be removed.

Exhibit A-2 was identified as the [9 page] Site Plan [as submitted] and marked into testimony.

Mr. Clark discussed elements of the Title Sheet, including a summary of the variances and waivers. He then discussed Sheet 2 which he identified as the layout as approved for the Use Variance, making reference to the drive aisle, parking, refuse and privacy fencing in particular.

Mr. Clark advised that 14 spaces would be provided (inclusive of an EV credit) in accordance with a requirement of 14. Mr. Shrek asked that a turning template be provided. Mr. Clark identified the EV and ADA stalls.

Exhibit A-3 entitled "Parking – Alternate 1" and described as a clear picture of the ADA stalls in the back was marked into testimony. Mr. Clark confirmed that the plan meets ADA requirements and provided clarification on the actual number of spaces required as it relates to the EV credit at the behest of Mr. Cohen.

Mr. Shrek commented on accessibility/the location of the ADA stalls as it relates to meeting the standards for same which prompted a discussion on same. Ms. Thomas asserted that it needs to be moved in the interest of a handicapped tenant. Mr. Clark testified that the original layout works. Mr. Schrek related that he pointed this out previously and lamented that the parallel spaces don't work.

Mr. Clark dead end stalls not desired but used. He stated they can move the refuse enclosure to the side of the ADA stalls, placing the burden on the garbage hauler. Accessibility was discussed. Mr. Shrek offered that this was "better" but asserted that he would still like to see a turning template.

Mr. Schrek/Ms. Thomas confirmed that there was a Fire Department review and a letter was issued.

Mr. Shrek asked about the dumpster in the grass island and the lone tree. Mr. Clark indicated that they would be consulting with a landscape architect. Further discussion ensued on maneuvers of the refuse truck.

In a discussion of Sheet 3 of the Site Plan, (Grading/Utility Plan), Mr. Clark advised that they are trying to minimize earth work. He provided testimony on the increase in impervious coverage which he proposed would be mitigated with the use of a subsurface detention system (to be provided on survey). Mr. Schrek took exception with the infiltration trench which Mr. Clark advised he would work on with him.

Mr. Schrek offered that drainage may not be adequate with respect to the proposed to the infiltration trench at the perimeter of the retaining wall. He expressed concerns about drainage with respect to neighboring property owners (maintenance issues in particular) and the need for access easements as a result. Referencing a discussion he had with Mr. Clark about the inlets, he indicated that this was still in flux.

Mr. Clark advised that there had not been soil logs done in response to a question from Mr. Cohen. He advised that additional elevations are needed and that a solution may lie in additional hardscaping. Mr. Clark indicated that he would work with Mr. Schrek on capacity with respect to tying in to the municipal line. Mr. Schrek confirmed that the project was not considered major in terms of Storm water Management. Mr. Clark confirmed that a TWA was not required. He spoke about utilities as well.

In a discussion of Sheet 4, Mr. Clark discussed lighting.

Mr. Brown asked Mr. Clark about the increase in impervious coverage. Mr. Clark testified that adding 4,700 s.f. of impervious coverage would result in 82.9% coverage. Ms. Thomas asked how much of the new building is on the original footprint. He testified that it was almost on the same footprint. Ms. Rubright shared that they tried to maintain the integrity of the footprint to the extent possible.

Testimony on lighting resumed with Mr. Clark addressing comments in Mr. Schrek's memo. He indicated that the pole mounted fixtures with shielding comply with the ordinance and that additional details would be provided. He offered that he would work on this with Mr. Schrek. Mr. Schrek expressed concerns about the lighting projecting into residential areas and suggested they look into alternatives. Mr. Clark indicated that would consider other options such as bollards. He confirmed that lighting could be put on timers in order to reduce intensity after hours in response to a question from Mr. Cohen about mitigating impacts.

Mr. Cunningham asked about the elevation as it relates to the road. Referencing the grading plan, Mr. Clark testified that it was about 1.5; about 1' in the back in the interest of providing the property pitch.

Referencing the aerials on the Title Sheet, Mr. Schrek discussed possible alternatives in addition to timers.

Landscaping was discussed. Mr. Clark spoke about removal of the river stone and reiterated that they would be consulting with a Landscape Architect. He advised that the architect would be providing an amended plan.

Ms. Thomas recalled a discussion on adding green space. Mr. Brown recalled a discussion on perspectives from the street as it relates to front/side views.

Mr. Clark briefly discussed soil erosion and sediment control. He spoke about the addition of a walkway and flattening the slopes, with respect to the parallel stalls in particular.

The Fire Department review from Dan Lawson was discussed. Mr. Clark confirmed that there was no basement. Referencing Sheet 2 of the Site Plan, he discussed accessibility for fire apparatus via a 20' opening thru the aisle.

Mr. Clark confirmed that there would be on street parking at the behest of Mr. Cohen.

Chairwoman Thomas opened the floor to questions of Mr. Clark. There were none.

Addressing Ms. Rubright, Mr. Cohen lamented that there was a lot of work to be done/significant changes needed. As such, he questioned whether Planning testimony should be put forth this evening. Ms. Rubright indicated that they would proceed with Architectural testimony at this time.

James Cutillo, AIA was sworn and qualified. Mr. Cutillo provided testimony on the location of the proposed building and adaptive reuse of existing materials (brick) on the site. He confirmed that the renderings (as shown) were the same as those submitted in the packet. He distributed handheld copies of the plans that were presented previously.

Exhibit A-4 was identified as the set of architectural plan and marked into testimony and discussed various features including re-use of materials, fenestration, ingress/egress, entrances, unit layout (barrier free/ADA compliant), doorways (level with sidewalk) and sidewalks. He identified the COAH unit and spoke about exterior features of same.

Referencing page 3 of the plan, Mr. Cutillo identified the solid fence and landscape buffer area and advised that the patios/balconies do not encroach into the setback.

Referencing page 4, Mr. Cutillo discussed the unit layouts on the second floor. Referencing page 5, Mr. Cutillo discussed the 2 bedroom unit layouts.

Ms. Sherwin asked about the presence of decks on both levels. Mr. Cutillo confirmed that they were included. Ms. Thomas asked what they look out to. He confirmed that they look out to a neighboring ranch style home.

Mr. Cutillo provided testimony on the HVAC system at the behest of Mr. Cohen. He indicated that heat pumps would be utilized in the interest of efficiency. The stairways/interior common areas were discussed.

Making reference to Sheet 1, Mr. Bronson asked about the reason for the sharp increase in grade on the left side. Mr. Cutillo explained how the elevation relates comports with the engineered drawings and relates to drainage. An extensive discussion on grading ensued.

Ms. Thomas lamented that the design was nice/better. She asked whether utilities would be all electric in the interest of sustainability. Mr. Cutillo indicated that heat would be likely be electric and confirmed that the building would be sprinklered.

Mr. Cohen asked Ms. Rubright to confirm that the units would be rentals. She affirmed that they would be.

Making reference to the Fire report, Mr. Cutillo reiterated that the building would be sprinklered/alarmed and that there would be no basement (slab on grade) and all units/stairwells would be fire rated.

As to exterior materials, Mr. Cutillo testified that they would be re-using the brick as well as Hardee plank siding and a shingle style roof. He confirmed that there would be no elevator.

Chairwoman Thomas opened the floor to questions of Mr. Cutillo at 8:21. There were none.

Ms. Rubright requested a recess at 8:22. The hearing resumed the hearing at 8:27.

Ms. Rubright requested an adjournment to the next meeting with an additional request to hear both Preliminary and Final then. Mr. Cohen asserted that a continuance to May 24 be granted for consideration of Preliminary Site Plan ONLY. Ms. Rubright reiterated her request for hearing on both Preliminary AND Final at the next hearing. Mr. Cohen asserted that the Board would only entertain Preliminary based on the recommendation of the Board Engineer and in the absence of a completeness determination for Final. Further discussion ensued. Ms. Rubright asserted that if all of the outstanding issues could be addressed, they would at least like the opportunity to be reviewed for completeness on Final. Mr. Schrek agreed with Mr. Cohen who asserted that a delay in hearing Final would not ultimately result in any significant delays in construction.

Mayor Bray, Councilman Carra and Ms. Windrem returned to the dais at 8:33.

DISCUSSION – PROPOSED ZONING CHANGE TO PERMIT TATTOO PARLORS

In response to a request from Mr. Gara for a determination on the permissibility of tattoo parlors in the commercial zone, Mr. Cohen opined that tattoo parlors were akin to hair salons and spas and thereby should be considered personal service establishments which are already permitted uses in the commercial zone, Mr. Cohen advised that he would issue a legal opinion memorializing this.

PUBLIC COMMENT

Chairwoman Thomas opened the floor to public comment/questions at 8:38.

Motion by Councilman Carra, **seconded** by Ms. Sherwin and unanimously carried to adjourn at 8:39.

Respectfully submitted,

Nancy Probst