

**BOROUGH OF RARITAN**  
Planning Board Meeting  
**MINUTES**  
July 26, 2023

**CALL TO ORDER & FLAG SALUTE**

The meeting was called to order at 6:31 p.m. in the Borough of Raritan Municipal Building. Mr. Cunningham read the open public meetings statement into the record.

**ROLL CALL**

**Present**

Mr. Cunningham  
Councilman Carra  
Ms. Carra  
Mr. DeCicco  
Mr. Brown  
Ms. Sherwin  
Ms. Windrem  
Ms. Debellis

**Also Present**

Larry Cohen, Board Attorney  
Stan Schrek, Board Engineer

**Absent**

Mr. Delacruz  
Ms. Thomas  
Mayor Bray  
Ms. Goetsch

**APPROVAL OF BOARD MINUTES**

**Motion** by Councilman Carra, **seconded** by Mr. Brown and unanimously carried to approve the Minutes of June 28, 2023, with one editorial revision.

**ROLL CALL:**

AYE: Mr. Cunningham, Councilman Carra, Ms. Carra, Mr. DeCicco, Mr. Brown, Ms. Sherwin, Ms. Windrem, Ms. Debellis

NAY:

ABSTAIN:

**ENGINEERING REPORT**

Mr. Schrek provided an update on the purchase of “the apartments on the River.” He advised that the bond was still in place and that site stabilization was not done. He spoke about impending change to the inland flood rules and explained how it would impact flood elevations and in turn, storm water calculations. He discussed how the new rules would impact recent Developments, such as Raritan Mall whose owners made application in advance of the changes.

Mr. Schrek deferred to Councilman Carra for an update on the PNC Bank property purchase. Councilman Carra advised that the Borough closed on the property Friday and that they met with architects on the design. He related that they are hoping to have it squared away by early September.

Councilman Carra responded to questions from Board members about how soon it could be utilized for parking and about funding for construction of the new building.

Referencing Mr. Schrek's earlier comments, Mr. Brown asked if the other application that the new storm water rules would impact was Zeus. Making reference to the "Granetz Place" application, Mr. Schrek advised that he had not seen anything on Zeus and that anything the Board does that has not been approved by the State has to follow the new rules. Mr. Cohen added that the rules can affect the size of a development regardless of what the ordinance allows for impervious coverage. Mr. Cunningham asked whether the properties can be sold with the approvals. Mr. Schrek indicated that they could.

Mr. DeCicco commented on the quality of the audio, stating that a new system was needed.

Mr. Schrek advised that the Borough was given authorization to proceed with the sidewalk connection as it relates to the previously awarded TAP grant. He spoke about the vision for the new streetscape/plaza slated for the area between the railroad station and Nevius/Thompson. He further advised that they were discussing connections/alternatives with Zeus.

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

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

#### **TECHNICAL REVIEW COMMITTEE**

Mr. Cunningham deferred to Mr. Brown for an update. Mr. Brown explained that they met with Amrutha and deferred to Mr. Schrek. Mr. Schrek related that he anticipated adjustments being made to the application based on TRC recommendations, making it unlikely that they would proceed in August.

Ms. Debellis asked why the TRC wasn't advertised. Mr. Cunningham explained the nature/purpose of TRC and Mr. Cohen advised that advertising was not required. Ms. Debellis persisted. Explained that while they COULD be, Mr. Cohen reiterated that the MLUL does not require that TRC meetings be advertised. Mr. Cunningham explained that TRC meetings are very informal and are held for the purposes of helping prospective applicants identify objectives and receive recommendations prior to spending a lot of money. He added that nothing is voted on. Ms. Debellis offered that she spoke to Stan but did not understand.

#### **RESOLUTION**

- **Buonocore, Edward & Kim  
Block 90, Lot 2 (3 Wall Street)**

**Motion** by Mr. Brown, **seconded** by Ms. Windrem to approve a resolution memorializing the approval, as presented by Mr. Cohen.

#### **ROLL CALL:**

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

NAY:

ABSTAIN: Mr. DeCicco

## APPLICATIONS/HEARINGS

- **AMRUTHA, LLC (Block 44, Lot 5)**  
31 Frelinghuysen Avenue  
*Minor Site Plan with Variances*

Mr. Cohen announced that the matter would be carried without further Notice to August 23, 2023.

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

Mr. Cohen announced that the matter would be carried to a date uncertain as new Notice would be required.

- **BOSCAINO, MICHAEL & SARA (Block 98, Lot 10)**  
45 East Somerset Street  
*Minor Site Plan with Variances*

Michael and Sara Boscaino were sworn in by the Board Attorney and verified that proofs were provided.

Mr. Schrek provided an overview with respect to completeness. Mr. Cohen confirmed with the applicant that the plans he was looking at were accurate. He advised that the Architectural plans would be marked as **Exhibit A-1** and that the Site Plan (Survey) would be marked as **Exhibit A-2**.

Mrs. Boscaino explained that they are proposing to construct a second floor addition on top of an existing garage. She described her home as a two story single family built in the early 1900's with a single door detached garage in the rear that is 21.5x21.77 s.f. She confirmed that the garage is not currently used for vehicle storage and that it is concrete with a peaked roof.

Referencing the architectural plans, she explained that they would be using what already exists in order to create a work space for her husband who works from home post pandemic. She confirmed that there would be no change in footprint and that there would be an outdoor stairway.

Ms. Boscaino confirmed that the roof would be raised to a total height of 22' [where 16' is permitted]. Mr. Cohen clarified that they would need a c variance for this and asked whether anyone explained what that was/whether they knew what proofs needed to be made in support of same. Mrs. Boscaino responded that her understanding was that the addition must be the proposed height, in order to make it "livable."

Mr. Cohen asked about the façade materials. Mrs. Boscaino explained that it would be sided for aesthetic purposes. Mr. Cohen asked whether they saw Mr. Schrek's review memo, (page 3 in particular) where the existing bulk area deficiencies were outlined. The Boscaino's acknowledged that they had but asked Mr. Cohen to explain what it meant.

The Boscaino's were given a courtesy copy of Mr. Schrek's report as they were unable to locate theirs. Mr. Cohen explained the bulk area requirements as they relate to pre-existing variance conditions relative to the existing structure. He reviewed each one and clarified that while they did not need to provide proofs relative to the pre-existing conditions, they would need to provide proofs for the height.

Mr. Schrek pointed out that they exceed height by 10%. Mr. Cohen explained that it is still a c variance rather than a d variance because it is an accessory building. He asked about the addition of the stairway which would add to coverage. Mrs. Boscaino explained that an existing pathway would be removed in order to accommodate the steps.

Mr. Schrek disagreed with the applicant's representation that the height MUST be 22' and offered suggestions on an alternative design that would minimize the extent of relief. Mr. Brown presented an unidentified document that Mr. Cohen suggested could be used by the applicant as an exhibit. As such, a brief discussion ensued as to whether the applicant would be calling Mr. Brown as a witness.

Mr. Cohen read aloud from Section 207-78.83 of the Ordinance regarding construction of accessory structures and their affect on adjoining properties/property values. He then gave the applicant a copy of the previously discussed document that Mr. Brown offered which was identified as an aerial view of the neighborhood. The applicant was asked to identify their property on the photo and then asked whether they would like to use it as an exhibit.

An aerial photo of the subject property *[provided by Mr. Brown, who explained it was from Google Maps]* was marked into testimony as **Exhibit A-3** at the request of the applicant.

Mr. Cohen asked the applicant to provide details on structures proximal to their home. Ms. Boscaino identified a two family rental to the left of her property. Mr. Cohen pointed out that this property appeared to have a large building which looked like a garage. Ms. Boscaino confirmed this. He asked whether she knew the height of the structure. She responded that she was "pretty sure" it was over 16.' Mr. Cohen lamented that it appeared to be over 16' and asked whether hers would be higher or lower than that one. Ms. Boscaino testified that she could not say with certainty.

A discussion ensued as to the current height of the Boscaino's garage. Mrs. Boscaino deferred to the plan. Although several Board members and the Board professionals attempted to locate the dimension, it seemed that it was either not on the plan or could not be deciphered due to the size of the drawing. A discussion ensued about whether they could scale the drawing as it was not to scale, to no avail.

Mr. Cohen asked how much height the proposed addition would be adding. The applicant was not able to provide this information. Mr. Schrek offered that they could figure it out if they had a scaled drawing. Further discussion ensued as to how to figure out the height without the benefit of a scaled drawing.

Mr. Cohen asked whether it might be 7' high, citing an existing 10x7' overhead door on the "top left." Mrs. Boscaino replied "if that's what it says." Mr. Cohen then pointed out an additional 7' in an attempt to assist them with estimating. He suggested that it appeared they would be adding about 8' or 7' to the height of the building. Mr. Cunningham asserted that they should not be guessing.

The applicant related that he believed that the current roof would be equivalent to what would be on top of the second floor.

Mr. Cohen explained the tests for a c variance with respect to hardship. He read aloud from the MLUL. Mrs. Boscaino asked whether she needed to prove some kind of hardship. Mr. Cohen explained that they did have a legal obligation to do so and suggested that they consult with an attorney. He continued with

his explanation of the tests for a variance, c2 in particular. He then explained that they have the burden of proof to show why the property fits into one of the categories he read and to demonstrate that it will not cause a problem with surrounding properties or affect property values.

Mr. Boscaino suggested that “the height variance is characteristic of some of the buildings in the neighborhood.” She went on to say that they have a space issue and that coverage would be affected if they did an addition instead, making a variance harder to get. She referenced the other “secondary buildings” in the neighborhood.

Mr. Schrek asserted that the focus should be on the accessory structure. He added that he did not recall any variance applications with respect the neighboring structure. Calling the height variance “significant,” he suggested that they could try other ways to minimize the extent of relief.

Mr. Boscaino advised that there would be no plumbing, gas or water. The Boscaino’s identified it as a multipurpose room. Mr. Cohen explained that any approval would be conditioned upon it not being used as a bedroom. Mr. Boscaino offered that dormers will take up a lot of space. He reiterated that there would be no closet or water. Mrs. Boscaino confirmed that the size of the addition is 400 s.f. and offered that she wanted to construct it for the “betterment” of their family.

Mr. Cohen asked the applicant to pass around the aerial photo which had been given to them earlier. Mrs. Boscaino commented on a property located on the street next to theirs. The photo continued to be circulated. Mr. Cunningham offered that it was unusual to have the Board bring the documentation. Mr. Schrek confirmed that he saw it. The applicant confirmed that their home is about 2000 s.f. and that they purchased and gut renovated it approximately 11 years ago.

Reading purpose (a) of the Land Use Act aloud, Mr. Cohen suggested that the best approach for them would be under c2 as the purposes of the act might be promoted or advanced and that the benefits would outweigh the detriments. He suggested that he believed they were demonstrating that they need more room, calling the property “undersized,” citing the existing nonconforming condition. He asked whether they didn’t want to move because they love Raritan. They affirmed that this was the case. He suggested that since they need room, they were electing to add a second floor onto the garage which would not be used as a bedroom and would not affect the surrounding properties instead of adding an addition that would eat up their yard.

Mr. Schrek stated that in his role as Board Planner, he disagreed with Mr. Cohen. He asserted that they have to look at the height of accessory structures and spoke about the possibility of precedent setting. Mr. Cohen acquiesced. He asked the applicant whether they had spoken to their architect about lowering the height. Mr. Boscaino indicated that while they would be able to lower roofline a little bit, they did not want to dormer it. Mr. Schrek asserted that they return to their Architect. A discussion ensued between Mr. Schrek and the applicant about ways to minimize the extent of relief needed.

Mr. Cohen explained they would have to return with their architect. Mr. Cunningham offered that while the Board was trying to work with them, the information was just too limited. He concurred with Mr. Schrek about setting a precedent and commented on the size of the building next door. He asserted that more information was needed and suggested they return to their Architect to tweak the plans.

Mr. Boscaino asked how much shorter it should be. Mr. Cohen explained that they could not speculate but could only say that they are entitled to 16.' He reiterated that they would have to prove necessity under the criteria for a variance.

Referencing ordinance requirements established in accordance with the Master Plan, Mr. Schrek advised that 16' would not allow for a second floor. Mr. Cohen offered that it would not be inconsistent with surrounding properties because of the building higher than theirs but suggested again that they consult with an attorney, making reference to a recently decided residential variance application presented by an applicant who had professional help.

Mr. Brown asked whether there would be open rafters on the 2<sup>nd</sup> floor. Mr. Boscaino testified that they would have to put a ceiling in. Mr. DeCicco suggested that approval of the architectural design be subject to Board Engineer review/approval. Mr. Cohen explained that they cannot defer to the Board Engineer on this.

Mr. Boscaino asked what was detrimental. Mr. Cohen explained that while whether or not it would be detrimental is one of the considerations, they would also have to meet certain proofs which he explained again. He asserted that it was the Board's decision that they return.

Mr. Cunningham reviewed their options, said to include approval/denial or carrying. He asserted that not enough information had been provided and speculated that while he could poll Board, a vote now was not likely going to be helpful.

A discussion ensued about the benefit of a more "professionally prepared presentation." Mr. Cohen again asserted that they should speak with an attorney.

Reiterating her husband's question, Mrs. Boscaino asked how much smaller it should be. She and Mr. Cohen conjectured. Mr. Cohen asserted that in the Board Planner's opinion, there was not substantial information to grant a variance. Mr. Cunningham clarified that they were not opposed to concept or use; just did not have enough information.

Mrs. Boscaino requested that the application be carried to August.

There was a **Motion** by Mr. DeCicco, which was **seconded** to carry the application to August 23 without further Notice.

#### **PUBLIC COMMENT**

Chairman Cunningham opened the floor to public comment. There was none.

#### **ADJOURNMENT**

There was a **Motion** to adjourn which was **seconded** by Ms. Sherwin at approximately 7:42.