

BOROUGH OF RARITAN
Planning Board Meeting
MINUTES
November 29, 2023

CALL TO ORDER & FLAG SALUTE

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

ROLL CALL

Present

Ms. Thomas
Mayor Bray
Mr. Cunningham
Ms. Debellis
Ms. Goetsch
Mr. Brown
Ms. Windrem

Also Present

Larry Cohen, Board Attorney
Lou Gara, Construction/Zoning Official
Stan Schrek, Board Engineer
Joe Bronson, Planner

Absent

Councilman Carra
Ms. Carra
Mr. DeCicco
Ms. Sherwin

APPROVAL OF BOARD MINUTES

Motion by Mayor Bray, **seconded** by Mr. Brown to approve the Minutes of **September 27, 2023** by voice vote. Ms. Goetsch abstained.

Motion by Mr. Brown, **seconded** by Mayor Bray to approve the Minutes of **October 25, 2023** by voice vote.

ENGINEERING REPORT

Mr. Shrek provided an update on the status of the Municipal Building project. He advised that a preliminary meeting was held in order to review plans for the building which were being funded by the Borough with the support of a 2.3 million dollar Congressional Grant. He explained that the goal was to have the building ready on Somerset Street without interrupting police operations and spoke about the status of the pending grant. He advised that work was set to begin on the architectural plans which would be funded by the Borough and related that a change to the ordinance might be necessary in order to accommodate zoning for the government building.

Joe Bronson provided an update on the status of DOT grants for drainage improvements in the neighborhood between 28th and First Avenue. He advised that New Jersey American Water agreed to resurface roads once a large amount of utility work is complete. Mr. Schrek provided clarification on location and added that they were looking to pull costs back into escrow. He related that a lot of activity was expected in the coming year.

CONSTRUCTION OFFICIAL/ZONING OFFICIAL REPORT

Mr. Gara advised that he had nothing new to report.

TECHNICAL REVIEW COMMITTEE

Chairwoman Thomas advised that there were no TRC meetings scheduled and none had been held.

APPLICATIONS/HEARINGS

- **BRIELLE CAPITAL, LLC (Block 35, Lot 5.01)**
401 Tillman Street
App.#23-008 – Minor Site Plan with Use Variance

Chairwoman Thomas announced that the applicant requested an adjournment, with new Notice to be provided.

- **AMRUTHA, LLC (Block 44, Lot 5)**
31 Frelinghuysen Avenue
App.#23-005 – Site Plan (COMPLETENESS ONLY)

Susan Rubright, Esq. entered her appearance on behalf of the applicant and proceeded to address the comments in Mr. Schrek's review letter, specifically:

- Architectural plans (Full sets to be provided to Mr. Shrek).
- Protective Covenants (None, as per Mr. Stires).
- County submission (Ready to submit).
- Building Plans incomplete (Ms. Rubright advised she would speak to her client).

A brief discussion about the architectural /floor plans ensued in response to a question from Mr. Schrek about same, which arose from discussion at TRC regarding façade improvements.

A discussion ensued about whether the 2nd floor would remain residential in response to a comment from Mr. Cohen. Ms. Rubright explained that they would not be applying for a use variance because of their position that it is an existing, non conforming use based on review of prior resolutions which reference the existence of the apartment in 1985. Mr. Cohen asked whether residential was permitted then. Ms. Rubright explained that the entire building may have been residential at the time. Mr. Cohen asked Ms. Rubright to send him a copy of the resolution with her position, given that Mr. Schrek's report mentioned two existing residences.

Mr. Schrek asked why they wouldn't just proceed as if a Use Variance was required. Mr. Cohen expounded on this and made a suggestion to Ms. Rubright, which she acknowledged.

- Topo Map (Mr. Stires advised that the survey was prepared without topo prior to his involvement. He explained that a waiver was requested given the lack of onsite improvements and related that they would be restriping from 9 to 10. Ms. Rubright provided further clarification on the waiver).
- Existing sewer lines (Mr. Stires explained that he needs access to the building in order to provide further information. Ms. Rubright advised that testimony would be provided).

Ms. Rubright offered that they would comply with other items with respect to waivers. With respect to prior approvals, she advised that they would be addressed and confirmed that there would be no tractor trailers as per the prior approval. She discussed the relief and advised that Mr. Stires could provide the updated bulk schedule of requirements for the previously approved use as well as impervious coverage data using the historical plans.

Design waivers were discussed. The anticipated date of the hearing was discussed in response to a question

from Ms. Debellis.

Buffering and landscaping/fencing between the residential and commercial areas, as required by prior approvals was discussed. Ms. Rubright advised that testimony would be provided.

s to the Technical items in Mr. Schrek's review:

- ADA – Mr. Stires advised he would check into this.
- Metal Shed shown on plans from 1993 – Discussion ensued on whether the shed was approved/permitted.

Mr. Shrek recommended that the application be deemed complete for hearing. **Motion** by Ms. Goetsch, seconded by Ms. Windrem and unanimously carried to deem the application complete for hearing.

ROLL CALL:

AYE: Ms. Thomas, Mayor Bray, Mr. Cunningham, Ms. Debellis, Mr. Brown, Ms. Goetsch, Ms. Windrem

NAY:

ABSTAIN:

- **RARITAN CROSSING, LLC**
Block 112, Lot 3 and Block 116.01, Lots 25, 26.01, 27, 27.01 (Us Hwy 206)
App.#22-012 – Final Site Plan

Susan Rubright, Esq. entered her appearance on behalf of the applicant and responded to a question from Mr. Cunningham about the number of previous hearings held on this matter. Mr. Cunningham questioned why he had received a 200' Notice for this hearing when he was not noticed on prior hearings. Ms. Rubright explained that he was within 200' of the shared parking on the adjacent lot and expanded on why the 23 spaces on that lot were not addressed in prior hearings. Mr. Cohen recounted that the 23 spaces in question were removed from the preliminary discussions and asserted that Final is a determination of whether they are in conformance with Preliminary, subject to any conditions that may have arisen since.

An extensive discussion ensued with respect to whether a conflict existed for Mr. Cunningham. Mr. Cohen confirmed that inclusion of the adjoining lot would conflict Mr. Cunningham out and suggested that the changes, as discussed would result in the need to file an amended preliminary site plan application. Ms. Rubright advised that the 23 spaces were removed after discussion at a prior meeting.

An extensive discussion on removal of the parking spaces during Preliminary Site Plan, Notice regarding those spaces and the need to file an amended preliminary site plan ensued. Mr. Cohen advised the Board not to hear that portion of the application since the hearing for Final Site Plan should be based on Preliminary and what changes have been made to same.

Further discussion on the status of the Notice Mr. Cunningham received ensued. Discussion on the need for an amended Site Plan resumed. Ms. Rubright explained that if they did not include the 23 spaces, they would need a variance for one since they had a one space deficiency as a result of a DEP review.

Mr. Cohen made a determination that Mr. Cunningham would not have to recuse for the hearing and that the applicant would need to amend the Preliminary Site Plan. With respect to the 23 spaces, Ms. Rubright confirmed that a subdivision would not be needed because there was a joint/shared parking easement. Mr. Cohen asked whether it complied with the Shared Parking Ordinance. Ms. Rubright explained that the spaces were part of an arrangement with Raritan Mall which they benefited from as well. She acknowledged Mr. Cohen's request to provide the easement documents which she indicated she had provided previously. Mr. Stires spoke about the EV credits given Board member comments on same.

Ms. Rubright provided clarification on the easement in connection with the 23 spaces on the adjacent lot. Mr. Schrek asked how that would work in perpetuity. Ms. Rubright explained that it would be part of the Raritan Mall application and that they would have to plan their application around it. She confirmed that the easement would give them rights to the 23 spaces in perpetuity. Mr. Stires added that in return, the Mall owners have rights above the floodplain.

Mr. Cohen asserted that they could not hear/vote on that portion of the application if it were to be heard this evening [in response to a question about recusing from Mr. Cunningham]. He reiterated that the Board would only be considering Final in accordance with the Preliminary approval that did not include the 23 spaces.

A discussion about the whether Notice was proper ensued. Mr. Cunningham asserted that he was not properly Noticed. Mr. Cohen asserted that they would need to Notice again. Mr. Schrek asked why they were proceeding with the hearing for Final if Preliminary needs to be amended.

Ms. Rubright confirmed that they would adjourn in the interest of filing an amended Preliminary Site Plan application. She acknowledged Mr. Cohen's request to submit the easements as part of the application. Mr. Cohen concurred, clarifying that the applicant would need to include the 23 spaces in the Amended Preliminary application as well as address the 1 space deficiency as a result of the DOT/DEP requirements. He offered that they could by right, proceed simultaneously with Final. He reiterated that he wanted to see copies of the easements. Mr. Stires confirmed that the 23 spaces would be on the amended plan.

Mr. Cohen reiterated his suggestion to amend Preliminary and calculate parking requirements based on EV and asserted that new Notice was needed. He confirmed that Mr. Cunningham would have to recuse since he is within 200' of the Shop n Stop area. Ms. Rubright confirmed that there were no procedural problems with the prior approval given Mr. Cunningham's participation in that since he was not required to be Noticed.

The need for an extension was discussed. Ms. Rubright advised that no extension of time was needed. Mr. Cohen confirmed that the application would be deemed complete next time.

Mr. Cohen advised the public that new Notice would be provided.

The Board Secretary read the proposed 2024 meeting dates into the record. There were no objections/conflicts noted. As such, the meeting dates for 2024 and 2025 Reorganization were agreed upon with the understanding that they would be voted on and memorialized by resolution at the January, 2024 meeting. December 25 was being included as a placeholder despite the federal holiday designation.

PUBLIC COMMENT

Chairwoman Thomas opened the floor to public comment at 7:18. There was no public comment.

ADJOURNMENT

Motion by Mr. Cunningham, **seconded** by Mayor Bray and unanimously carried to adjourn at 7:19.

Respectfully Submitted,

Nancy Probst

Approved: _____