

**BOROUGH OF RARITAN**  
Planning Board Meeting  
**MINUTES**  
March 27, 2024

**CALL TO ORDER & FLAG SALUTE**

The meeting was called to order at 6:30 p.m. in the Borough of Raritan Municipal Building. Chairman McMullin read the Open Public Meetings statement into the record.

**ROLL CALL**

**Present**

Chairman McMullin  
Councilman Tozzi  
Mr. Cunningham  
Mayor Carra  
Ms. Carra  
Mr. LoPresti  
Mr. Colvin  
Mr. Murphy  
Ms. Debellis  
Ms. Windrem

**Also Present**

Steven Warner, Esq., (for Matt Flynn, Board Attorney)  
Joe Brosnan, Board Engineer/Planner  
Lou Gara, Zoning/Construction Official/Board Secretary  
Larry Cohen, Esq., Conflict (Board) Attorney\*

**Absent**

Mr. DeCicco

\*Mr. Cohen was present to preside over the Raritan Crossing matter only.

**MINUTES**

**Motion** by Councilman Tozzi, **seconded** by Mr. LoPresti to approve the Minutes of **2/28/24**, as presented.

**Roll Call:**

**Aye:** Chairman McMullin, Mr. Cunningham, Councilman Tozzi, Ms. Carra, Mr. Colvin, Mr. LoPresti  
Mr. Murphy, Ms. Debellis

**Nay:**

**Abstain:** Ms. Windrem, Mayor Carra

**ENGINEERING/PLANNING REPORT**

Mr. Brosnan advised that there was bid opening for the school building and spoke about the progress of capital/grant related activities including road resurfacing and stormwater improvements. With regard to Planning activities, he advised that there will still a number of documents to get circulated and on to the website.

**CONSTRUCTION/ZONING OFFICIAL REPORT**

Mr. Gara had no new updates.

**REDEVELOPMENT ADVISORY COMMITTEE ("RAC")**

Chairman McMullin applauded the Mayor and Council and deferred to Mayor Carra to explain how coordination would take place between the governing body, Planning Board and RAC. Mr. Warner spoke about the purpose of the RAC in evaluating potential redevelopment project and provided an overview of its operations. He explained

the steps in the redevelopment process. Mr. Cunningham suggested that it would give the public the opportunity to have input. Mayor Carra addressed the reasoning behind creation of the committee. Chairman McMullin asked if anyone was present for the Brielle Capital resolution. Since there was not, he moved adoption of the resolution to the end of the meeting.

## **APPLICATIONS/HEARINGS**

- **RARITAN CROSSING**  
**#23-010 Block 112, Lot 3 Block 116.01 Lots 25, 26.01, 27, 27.01**  
**Final Site Plan, Amended Preliminary & Final Site Plan with Variance**

Steve Warner stepped down. The Board welcomed Larry Cohen who spoke about the history of the application and expectations for the matter now currently before the Board. He explained that the applicant is deficient by about 5 parking spaces as a result of DOT requirements/design and that the applicant negotiated with the adjacent property owner (Raritan Mall which is also the subject of redevelopment) to reserve (by way of easement), 26 spaces for use primarily by employees/as additional parking in support of their variance application for 5 spaces. Mr. Cohen advised that during their last appearance in November, 2023, he ruled that they needed to file amended preliminary since it was not previously included (which they did), as well as preliminary and final for this.

Ms. Rubright entered her appearance and concurred with Mr. Cohen's overview.

Mr. Cunningham recused at 6:50.

Ms. Rubright explained that there are 5 tax lots and that the applicant is seeking to redevelop the property in accordance with the Raritan Crossing Redevelopment Plan prepared by Van Cleef. She explained that a portion to the south would be redeveloped with a 4 story residential apartment building with a parking deck and that the strip center would remain (with improvements to the parking area that would address circulation issues since some of the area was taken by the DOT). She advised that preliminary site plan approval was granted on 3/22/23 together with a front yard setback variance for the apartment building. She confirmed that there would be no new variances other than parking and that they would be seeking an amended preliminary and final site plan along with a variance for 5 parking spaces.

Ms. Rubright discussed changes to the application which she stated was deemed complete on 11/9/23 that were necessitated by the DEP, including modifications to the parking deck designed to accommodate flooding. She explained that they would lose 1 space in the redesign so they would be asking for 5 out of an abundance of caution in the event Raritan Mall develops that parcel as proposed, in which case, they would lose 4. Ms. Rubright explained that the applicant entered into an easement with the Mall in order to accomplish this which she referred to as perpetual (not exclusive) and asserted that they have satisfied the conditions of the preliminary approval inasmuch as they have obtained DEP permits, County Planning Board approval and complied with a requirement to place a deed restriction on the lot regarding the floodway, as required by the DEP.

Ms. Rubright confirmed that the parking counts on the plan dated 10/30/23 were amended to reflect total proposed spaces of 213 where 218 are required.

David Stires, P.E. was sworn and (previously) qualified. Mr. Stires reviewed the differences in the new plan. He spoke about the easement agreement, flood area permit, safety concerns on 206, wayfinding signage and traffic calming measures such as addition of a directional arrow, stop bar (to address crossover traffic), island and speed hump. Mr. Stires spoke about DEP concerns with flow coming out of the lower-level garage which resulted in an increase in driveway width at the southeast corner of the apartment building.

Mr. Stires explained that the agreement with the Mall owners included high/dry access in exchange for the parking spaces. He elaborated on this. He advised that a methane study had been done in response to neighbors' concerns and was negative. He also spoke about the County Planning Board approval, Sanitary Sewer, Flood Hazard Area determination, draft water line agreement with NJ American Water and Soil Conservation. He testified that DOT approvals were not needed.

Mayor Carra asked about the distance for the original entrance closer to 206. Mr. Stires responded that both driveways are 20' wide.

Chairman McMullin asked whether the 26 spaces were included in the 218. Mr. Stires testified that they were not. Ms. Rubright explained that the applicant has perpetual rights without ownership. Mr. Stires elaborated. There was an extensive discussion about the spaces at the Mall not being exclusive and whether they would include those spaces in their development plan. Mr. Stires testified that they are exclusive because the mall has enough. Ms. Rubright explained the terms of the agreement with regard to high/dry access in exchange for having the 26 spaces reserved for the applicant exclusively, (but nonexclusive for purposes of title). Mr. Cohen suggested that this would be problematic and explained why to the Board.

Robert Larsen, AIA, was sworn (and previously qualified). Mr. Larsen provided testimony as to the reasons for the parking variance and conditions that required the preliminary and final approval to be amended. He testified that adjustments had been made to the balcony locations and referring to Sheet 3 of 9 in his submission, spoke about the loss of one parking space because of the DEP permit.

Exhibit A1 was identified as Sheet 3 of 9 entitled Garage Level, dated 10/10/22, and described as part of the original filed set relative to the preliminary approval. Mr. Larsen identified the lower parking area, pointing out 85 covered spaces with a 10' wide access way designed for trash removal. He testified that the current plan now shows 84 covered spaces with 20' wide fully operable ingress/egress instead of 10.' He testified that any grades relative in ingress/egress proposed as part of engineering would be matched and that this was the extent of the revisions.

Referring to Sheet A-2.01 from the filed set, Mr. Larsen pointed out the change in access drive width in Elevation 1, which he testified would satisfy DEP requirements and provide additional and better circulation.

Ms. Rubright explained that Mr. Larsen would also be providing Planning testimony, after parking testimony from Mr. Troutman.

Chairman McMullin opened the floor to questions of the witness.

Speaking from the audience, Bill Cunningham asked about accommodations for e-bikes because of safety concerns (fire). Mr. Larsen testified that there would be bike storage but no accommodations for ebikes at this time.

Jay Troutman, Traffic Engineer was sworn (and previously qualified). He provided testimony on changes to the entrance from Rt. 206 that were made at the request of the Board. He reviewed Mr. Stires' testimony and added that there would be no change in functionality but a reduction in traffic with the replacement of some of the retail.

Chairman McMullin opened the floor to questions of the witness and asked him to confirm that there was no need for a DOT permit, which he did. He spoke about the inclusion of traffic calming devices which were conditions of the preliminary approval. He confirmed that the exit to Somerset Street would remain a right turn

only.

Mr. Troutman responded to a question regarding the middle entrance by the Bagels 4 U which he testified would remain. He responded to another question from Joyce Fritchie of 445 Vanderveer Rd. about recycling.

Mr. Larsen affirmed that the variance could be granted under the c1 or c2 criteria and outlined the standards for both. He testified that there were unique circumstances and that many purposes of the MLUL would be furthered by grant of the variance. He suggested that since part of the deficiency is created by a connection to another redevelopment, that it would be positive in terms of planning since shared parking is beginning to be incentivized and since it would create additional access. He testified that purposes A, B, E and G of the MLUL would be furthered by grant of the variance and that there would be no substantial detriment to the public good. He added that since there was a redevelopment plan, the proposal would not go against the Zoning Ordinance and would also be in line with the Master Plan as well as provide affordable housing. Finally, he testified that the benefits would outweigh the detriments.

Mr. Cohen asked whether the developer would be developing the 26 spaces. Ms. Rubright advised that a copy of the easement was provided and that her recollection was that the spaces will remain in existing condition until development on the Mall site. Mr. Troutman confirmed that the spaces were in "satisfactory" condition. Maintenance responsibility was discussed. Ms. Rubright again deferred to the easement and advised that it would be governed by agreement.

Chairman McMullin opened the floor to questions of the witness. There were none.

In her summation, Ms. Rubright concluded that the proposal is consistent with the Redevelopment Plan, consistent with the Preliminary approval except for the variance which Mr. Larsen provided Planning testimony for, provides adequate drainage and satisfies affordable housing. She advised that several conditions of approval would be addressed in the compliance package.

The prospective conditions of approval were reviewed. Mr. Brosnan referred to Page 17, item f3 with respect to drainage. Mr. Stires said there would be no problem with that unless it caused a conflict with a crossing. Ms. Rubright told Mr. Brosnan that it would be addressed prior to construction. He concurred and added that the majority of the comments could reasonably be addressed as a matter of approval. Mr. Stires concurred.

Ms. Rubright stated that she wanted the Board to acknowledge that the applicant has the right to use the spaces as part of their justification for granting of the variance. She referenced the elimination of one space in the deck which would improve circulation, as required by the DEP. Chairman McMullin explained that the Board wants to ensure that the applicant is going to pursue/maintain those 26 spaces.

Mr. Cohen asked Mr. Brosnan whether he had any issues with design/drainage since the amended preliminary and final for 26 spaces and how the spaces would be delineated. Ms. Rubright advised that her recollection from the completeness hearing was that they agreed to provide whatever signage was needed in addition to wayfinding signs. Further discussion ensued about how the spaces would be delineated. Ms. Rubright said that should be left to the applicant's management team. Mayor McMullin suggested that it be left to the engineers. Mr. Brosnan acknowledged this.

Mr. Cohen explained that the Board would need to vote separately on (1) Final Site Plan on previous Preliminary Site Plan approval; (2) Preliminary and Final approval for the use of 26 spaces on the adjacent property as part of Final approval; and (3) the parking variance for 5 less spaces.

Chairman McMullin opened the floor to public comment.

Patrick Dinsmore (523 Victoria St.) asked about the evacuation plan that was discussed during the preliminary hearing. Mr. Cohen explained that it was part of the record and had been reviewed by the DEP. Ms. Rubright stated that the conditions of the prior approval are still in effect. Prior testimony was discussed in response to additional questions from Mr. Dinsmore about evacuation of residents in a flood scenario. Ms. Rubright confirmed that an evacuation plan was previously approved and offered to provide the agreement. She read the condition of approval regarding the license agreement into the record. Mr. Larsen reviewed the details of the arrangements.

Bonnie Allen (11 Granetz Place) shared her experiences with historical flooding, particularly with respect to Orlando Drive, Busky Place and Route 206 which she shared had been closed, prohibiting access to the Dollar Store and leaving standing water in the Mall. She questioned the feasibility of the plan with respect to flooding and commented on her flood insurance as well as rights as a homeowner if people are evacuated onto her property.

Mr. Stires spoke about the Flood Hazard Area Permit which provided for -0- net fill and the evacuation path which he testified, would not involve Granetz Place. He testified that it would not flood her site. Ms. Allen commented on the number of cars. Mayor McMullin suggested that the focus should be on the water in the garage.

Chris Allen (11 Granetz Place) commented on the impacts to Fire, Police, etc., safety concerns and water coming up into his house. He asked who builds something that is going to endanger people and suggested that issues were being ignored for the sake of revenue.

Bonnie Allen asked where the cars will park when they return if not in the garage. Ms. Rubright referred to prior testimony. Mr. Cohen advised that the requirements for evacuation are dictated by the DEP and spoke about recent changes in regulations that raised flood elevations. He advised that the Board is required to accept the plan if the State does. Chairman McMullin stated that all property owners have rights. He acknowledged that the frequency of flooding has changed over the last 7 years but explained that if the applicant complies with the rules, a denial would be arbitrary and capricious.

Availability of the emergency exit for evacuation was discussed. Ms. Rubright explained that they are not proposing to subdivide, referencing the high and dry easement. Chairman McMullin reminded that they would have to return to the Board with any changes. He closed public comments.

**Variance (5 less parking spaces)**

**Motion** by Mayor Carra, **seconded** by Mr. LoPresti to approve the variance.

**Roll Call:**

**Aye:** Chairman McMullin, Mayor Carra, Councilman Tozzi, Ms. Carra, Mr. Colvin, Mr. LoPresti, Ms. Windrem, Mr. Murphy, Ms. Debellis

**Nay:**

**Abstain:**

**Final Site Plan Approval consistent with Preliminary approval**

**Motion** by Ms. Carra, **seconded** by Ms. Windrem to approve the variance.

**Roll Call:**

**Aye:** Chairman McMullin, Mayor Carra, Councilman Tozzi, Ms. Carra, Mr. Colvin, Mr. LoPresti, Ms. Windrem, Mr. Murphy, Ms. Debellis

**Nay:**

**Abstain:**

### **Preliminary and Final Site Plan Approval**

Mr. Cohen explained that this would include use of the adjoining property (Raritan mall) as indicated for 26 parking spaces to be used non-exclusively with the Mall property for parking on the subject property.

**Motion** by Mr. Lopresti, **seconded** by Ms. Carra to approve the variance.

#### **Roll Call:**

**Aye:** Chairman McMullin, Mayor Carra, Councilman Tozzi, Ms. Carra, Mr. Colvin, Mr. LoPresti, Ms. Windrem, Mr. Murphy, Ms. Debellis

**Nay:**

**Abstain:**

- **AMRUTHA LLC**  
**# 23-005 Block 44, Lot 5**  
**Minor Site Plan**

Mr. Gara confirmed that Mayor Carra and Ms. Windrem were not present for the prior hearing but had provided affidavits of voting eligibility since listening to the audio.

Susan Rubright entered her appearance and recapped prior testimony. Chairman McMullin asked her to clarify hours of operation. The applicant advised that they would follow State and local regulations and close at 10pm.

**Rianna Kirchof, Traffic Engineer** was sworn and qualified. She provided background information on location, street parking and speed limits with respect to Route 206 and Frelinghuysen Ave. Using A1 as reference, she testified that the access points would remain as is. She testified as to traffic generation, referencing a traffic assessment from 11/1/23 based on peak period observational site visit findings. Trip generation projections were discussed. Ms. Kirchof testified that there would be no anticipated net traffic difference.

Ms. Kirchof spoke about operations at Bench Flooring as related to traffic generation and discussed parking requirements at length. She confirmed that the variance would be for 8 parking spaces since 28 are required with 19 allotted for the liquor store, 2 for the apartment and 7 for the office. She provided Justification for the variance based on a shared parking analysis prepared using the ITE parking generation manual. She explained that a new edition of the ITE that came out after the initial analysis resulted in a supplemental parking report dated 3/7/24 that saw a change in parking trends. Ms. Kirchof testified that her findings meant that there would be less demand for both uses than previously thought. She explained how the data was analyzed and opined that the worst case scenario would be 18 spaces.

Ms. Kirchof explained how the shared parking analysis was prepared/calculated and testified that based on this, parking supply would be sufficient.

Chairman McMullin opened the floor to questions of the witness.

Mr. Cunningham asked about delivery location and whether the trucks would have to pass the driveway and back up in order to deliver. He also asked how many spaces would become inaccessible as a result. Ms. Rubright asserted that Mr. Stires testimony addressed these questions but offered that he could recount it, if necessary.

Mr. Patel asked whether the data was relevant to the Borough. Ms. Kirchof testified that it was empirical data from a national publication but also the industry standard.

Joyce Fritchie (445 Vandever Rd.) asked about distance regulations for liquor stores. Mr. Gara stated that there were none in the Zoning code and the applicant stated that they could not be less than 500' apart.

Amesh Amin of Boro liquors asked about delivery trucks reversing into the lot from 206. Ms. Kirchof responded. Tractor trailer deliveries were discussed. Ms. Rubright advised that the applicant would stipulate to a condition of approval that there would be no deliveries via tractor trailer. Mr. Amin asked whether the distributor would provide proof of this. Mr. Warner explained that they would be obligated to comply since it would be part of the resolution.

The Chairman closed the public question period for the witness.

Dave Stires, P.E. was reminded that he was under oath after having been previously sworn/qualified for both engineering and planning. He testified that the variance for parking could be supported under the c1 or c2 criteria. He spoke about 4 pre-existing non-conformities, as well as a 5<sup>th</sup> listed in Mr. Brosnan's report. He reviewed the definition of side yard as a justification for eliminating the 5<sup>th</sup> variance and pointed it out on the plan.

Mr. Brosnan concurred with his analysis but added that his interpretation was that this is an existing non-conformity that is not being changed either way so it would be better to give them the more restrictive variance now rather than later. Mr. Warner called it a cleanup variance after Mr. Stires confirmed that under the current conditions, the deviation would still exist.

Mr. Stires confirmed that they would be seeking relief for all 5 variances and provided justification for them, calling the proposal a "better zoning alternative." He testified that it would serve the purposes of Zoning under Sections A&G of the MLUL with respect to the c2 criteria, based on the fact that the liquor store is a permitted use in the zone with an appropriate location on the highway and an experienced operator. As to the negative criteria, Mr. Stires testified that there would be no substantial detriment to the public good or zone plan. He confirmed that there would be no physical improvements other than site modifications.

Mr. Stires spoke about buffering. He testified that they could replace vegetation at the rear of the property. He testified that parking was adequate and that the proposal would not substantially impair the intent /purpose of zone plan.

Mr. Cunningham commented on the number of deliveries and expressed concern about safety with trucks backing up/swinging into oncoming traffic. Mr. Stires responded.

Chairman McMullin opened the floor to questions of the public. There were none. He opened the floor to comments on the application.

Mr. Brosnan indicated that everything in his report could be handled without the Board as the approval was contingent upon the applicant's team working with him. Ms. Rubright confirmed that the applicant would comply with the terms/recommendations of the 02/16/24 Van Cleef review memo.

Mr. Warner swore in Mr. Amish Patel of 49 Mierfield Lane Bridgewater, who testified that he has been a liquor store operator for 17 years, with 2 stores in Raritan and 2 in Manville. He began to share a conversation he had with drivers on a trial run from the distributor. Ms. Rubright objected on the basis of hearsay. Mr. Warner explained the justification for this.

Mr. Patel continued. Citing his vested interest/right to object and residence in nearby Bridgewater, he suggested that the addition of another liquor store would not be good for optics since there were already 5 liquor stores in town with another large one coming to the circle in Bridgewater. He suggested that the Board should be mindful of the trucks, adding that he has been in the business for 17 years.

Ms. Rubright reiterated that there would be a condition of approval regarding prohibition of tractor trailers.

Chairman McMullin suggested that the testimony was adequate.

Amish Amin (63 Broadway Road, Warren NJ) shared that he had spoken to every distributor (as an owner) and that they would not provide anything in writing as to truck size. Chairman McMullin spoke about the Borough's recourse as a result of the proposed condition of approval, with any violation resulting in a shut down.

Patrick Dinsmore asked how enforcement would work specifically. Chairman McMullin deferred to Mr. Gara who explained that they work collaboratively with the Police Department. Mr. Dinsmore asked whether they would lose their license. Chairman McMullin explained that the Court would decide on what action to take. Mr. Cunningham elaborated.

Mr. Warner stated that they needed to define delivery times. Ms. Rubright confirmed that there would be no deliveries before 8am or after 9pm and that truck size would be between 30-38' (straight jobs).

The public comment period was closed. Ms. Rubright provided a summation. Mr. Warner reviewed the testimony and potential conditions of approval of the amended preliminary and final site plan. He confirmed that variance relief would not be required for the residential apartment on the 2<sup>nd</sup> floor since the Board exercised its Section 68 authority to determine that it constituted a pre-existing non-conforming use.

Access to the building from Frelinghuysen was discussed. Mr. Cunningham clarified that the Frelinghuysen parking lot would not have access to the liquor store. Ms. Rubright confirmed that the access door would be exit only.

No parking signage on Route 206 to the extent permitted by the State was discussed with input from Mr. Brosnan.

Mr. Gara asked whether they would stipulate to the same hours as deliveries for trash collection as well. The applicant agreed to limit trash pickup times to not before 8am or after 9pm.

Ms. Windrem commented on the potential for problems with trucks backing up on 206 and suggested that they could not control tractor trailer deliveries. Mr. Warner suggested that while compliance is always a concern, enforcement does not constitute a basis for denial. Ms. Rubright suggested that the applicant could provide testimony on the manner in which deliveries are made using 2 employees with one to monitor the truck maneuvering.

Motion by Councilman Tozzi, seconded by Mr. Cunningham to approve the application, with conditions as enumerated by the Board Attorney.

**Roll Call:**

**Aye:** Chairman McMullin, Mayor Carra, Councilman Tozzi, Mr. Cunningham, Ms. Carra, Mr. LoPresti, Ms. Windrem, Mr. Murphy

**Nay:**

**Abstain:** Mr. Colvin

**RESOLUTIONS**

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

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

**Roll Call:**

**Aye:** Chairman McMullin, Mr. Cunningham, Ms. Carra, Mr. Colvin, Mr. LoPresti, Mr. Murphy

**Nay:**

**Abstain:**

**APPLICATIONS – COMPLETENESS ONLY**

- Aman Handa  
23-007  
32/15 10a and 10b John F. Goellner Drive

**Motion** by Mayor Carra, **seconded** by Ms. Windrem to deem the application complete in accordance with Mr. Brosnan’s recommendation, by voice vote.

- Samir and Sonja Patel  
24-001  
1/9.08 17 roderer drive

Mr. Brosnan explained that no comments could be made on credentials of the minor site plan since there was no approval obligation.

**Motion** by Mr. Cunningham, **seconded** by Mayor Carra to deem the application complete in accordance with Mr. Brosnan’s recommendation, by voice vote.

**MASTER PLAN CONSISTENCY REVIEW**

- Tillman Street Redevelopment Plan – Block 53, Lots 1&2

Mr. Brosnan provided an overview of the plan, calling consistency with Master Plan “evident” since it meets affordable housing obligations and requires no accommodations since there is no developer. Mr. Warner discussed consistency review procedures and advised that a draft affirmative resolution was available for adoption. The Board found that the Redevelopment Plan was not inconsistent with the Master Plan.

**Motion** by Councilman Tozzi, **seconded** by Mayor Carra and unanimously carried to find the plan not inconsistent with the Master Plan and adopt a resolution, as presented to memorialize their findings.

**Roll Call:**

**Aye:** Chairman McMullin, Mayor Carra, Councilman Tozzi, Mr. Cunningham, Ms. Carra, Mr. Colvin, Mr. LoPresti, Ms. Windrem, Mr. Murphy, Ms. Debellis

**Nay:**

**Abstain:**

**MISCELLANEOUS**

Mr. Brosnan advised that the environmental commission would be interested in having the Planning Board pursue an environmental resource inventory. He advised that the only documentation he had that was relevant to this was from 2013. Chairman McMullin suggested that he review those documents and provide a summary as well as a budget for discussion in April/May. Mr. Brosnan acknowledged his request.

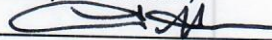
**PUBLIC COMMENT**

Chairman McMullin opened the floor to public comment.

**ADJOURNMENT**

**Motion** by Mayor Carra, **seconded** by Councilman Tozzi and unanimously carried to adjourn at 9:27.

Respectfully submitted,



Lou Gara

Board Administrator/Secretary

Approved: 4/24/24