

BOROUGH OF RARITAN
Planning Board Meeting
MINUTES
April 24, 2024

CALL TO ORDER & FLAG SALUTE

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

ROLL CALL

Present

Vice Chairman LoPresti
Councilman Tozzi
Mr. Cunningham
Mayor Carra
Ms. Carra
Mr. Murphy
Ms. DeBellis
Ms. Windrem

Also Present

Matt Flynn, Board Attorney
Joe Brosnan, Board Engineer/Planner
Lou Gara, Zoning/Construction Official/Board Secretary

Absent

Mr. DeCicco
Mr. Colvin

ANNOUNCEMENTS

AMAN HANDA

#23-007 Block 32, Lot 15 (10A & 10B John F Goellner Drive)

Vice Chairman LoPresti announced that the Handa application would be carried without further Notice to May 22, 2024, at 6:30 pm.

MINUTES

Motion by Mr. Cunningham, **seconded** by Mr. Tozzi to approve the Minutes of **3/27/24**, as presented.

Roll Call:

Aye: Vice Chairman LoPresti, Mayor Carra, Mr. Cunningham, Councilman Tozzi, Ms. Carra, Mr. Murphy
Ms. Windrem, Ms. DeBellis

Nay:

Abstain:

CHAIR/VICE CHAIR NOMINATIONS

The Board Attorney advised that a new Chair and Vice Chair needed to be appointed in light of Chairman McMullin's resignation. He opened nominations for a new Chairperson.

Motion by Councilman Tozzi, **seconded** by Ms. Carra and unanimously carried to appoint **Anthony LoPresti** as **Chairman**.

Roll Call:

Aye: Vice Chairman LoPresti, Mayor Carra, Mr. Cunningham, Councilman Tozzi, Ms. Carra, Mr. Murphy

Ms. Windrem, Ms. DeBellis

Nay:

Abstain:

Nominations for a new Vice Chairperson were opened.

Motion by Ms. Windrem, **seconded** by Chairman LoPresti and unanimously carried to appoint **Denise Carra** as **Vice Chairperson**.

Roll Call:

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

Nay:

Abstain:

RESOLUTIONS

- **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

Motion by Mr. Councilman Tozzi, **seconded** by Mayor Carra to adopt a memorializing resolution of approval, as presented.

Roll Call:

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

Nay: Ms. DeBellis

Abstain: Ms. Windrem

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

Motion by Mr. Tozzi, **seconded** by Mayor Carra and unanimously carried to adopt a memorializing resolution of approval, as presented.

Roll Call:

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

Nay:

Abstain:

APPLICATIONS/HEARINGS

- **PATEL, SAMIR & SONJA**
#24-001 Block 1, Lot 9.08 (17 Roderer Drive)
Bulk Variance/s

Samir Patel identified himself as the owner of 17 Roderer Drive since 1998 and was sworn in. He advised that he wanted to convert an existing deck that already violates the rear yard setback into a sunroom and add a second-floor addition with the same dimensions on the top of the sunroom.

Mr. Patel testified that it would be consistent with other homes in the neighborhood and that it would be elevated/no slab. Runoff was discussed. He explained that water from both sides of the roof "piped" underneath but that he did not know where it discharged ultimately. He speculated that they would find out during construction.

Mr. Brosnan explained that since the site is already over on impervious coverage, he would encourage stormwater remediation efforts. He suggested that it would be helpful to know where the pipes are going and suggested measures that were captured in his review memo. He also mentioned that he was nervous about the expanse of the property knowing that there is a large easement.

The addition to the bedroom was discussed. Mr. Patel testified that it was an extension to the existing bedroom which he confirmed would not result in any change to parking requirements. Further discussion ensued about impervious coverage and about the type of easement which Mr. Brosnan speculated might be for water. He confirmed that although he had received a survey during completeness, it might be helpful for the applicant to get an updated one. Mr. Gara advised that if approved, he would have to provide a foundation location survey anyway.

Mr. Patel confirmed that he had a sump pump pit and advised in response to questions from the Board that it did not run much at all, only during Sandy.

Questions from the Public

Maryann Gordon identified herself as a resident of the neighboring Bridle Club in Bridgewater. She was sworn in and expressed concerns about the amount of impervious coverage and potential for increased flooding in light of climate change. She suggested it would be a drain on resources.

Mr. Flynn reviewed the extent of relief being requested and suggested that coverage should be discussed. The Board's past practice of having stormwater mitigation addressed to the satisfaction of the Board Engineer was discussed. Mr. Gara explained that the deck would not be considered impervious since there was nothing underneath. He suggested that the applicant look at patio block that might reduce impervious coverage. Mr. Patel indicated that he would be open to a condition of approval related to leaving the deck as is. A discussion about moving the patio completely ensued.

Mr. Brosnan suggested that there was an opportunity for landscaping/features that would help to reroute drainage and in turn might satisfy reduction requirements while lessening impact on neighboring lots. He endorsed Mr. Gara's suggestion with respect to pavers. Mr. Flynn confirmed that the applicant would be willing to remove the patio and install additional features (drainage).

Motion by Mayor Carra, **seconded** by Mr. Cunningham to approve the application, subject to standard and special conditions related to stormwater management, as discussed.

Roll Call:

Aye: Mayor Carra, Councilman Tozzi, Ms. Carra, Mr. Cunningham, Mr. LoPresti, Ms. Windrem, Mr. Murphy, Ms. DeBellis

Nay:

Abstain:

TRIMURRAY HOLDINGS LLC

Block 45, Lot 3 (17 Frelinghuysen Ave)

COMPLETENESS ONLY

Mr. Brosnan advised that the application meets the general requirements for completeness. He discussed some of the checklist items and waivers that were addressed but did not necessarily need to be included, given the nature of the application. He asked about fee/escrow and previous requests for variances. He mentioned two waivers that would be required and spoke further about a temporary waiver for the cost estimate.

Mr. Brosnan recommended that the application be deemed complete, consistent with his letter of April 16, 2024. Mayor Carra and Councilman Tozzi recused.

Questions from the Public

There were none.

As to Completeness:

Motion by Ms. Windrem, **seconded** by Ms. Carra and unanimously carried to deem the application complete, by voice vote.

MASTER PLAN CONSISTENCY REVIEW

Raritan Mall - Block 116.01 Lot 11.01 (Orlando Drive)

Area in Need of Redevelopment/Redevelopment Plan Consistency Review

The Board Attorney explained that the Planning Board would need to make a determination as to whether the ordinance that the governing body introduced which provides for redevelopment of the site is not inconsistent with the Master Plan. He explained the procedures as they relate to Board jurisdiction.

Mr. Cunningham clarified that it had been approved as commercial property in need of redevelopment and that it would be the governing body that would determine whether to change the zoning. He emphasized that he did not want people to think that the Planning Board determined that the lot needed to be residential. He explained that although he understood the process and could appreciate the need for redevelopment, that a change in zoning was not what he approved when he voted.

Mr. Murphy explained that being new to the Board, he was not familiar with the Master Plan and asked if he should abstain from voting as a result.

The Board Attorney outlined the process, which he explained included identification of a property by the governing body resulting in a referral to the Planning Board for the purposes of authorizing the preparation of a study aimed at determining whether the property meets the criteria for an area in need of redevelopment and culminates in a vote by the Board as to whether the area meets said criteria without consideration of future uses at that point. After this, he explained, the Board would authorize the drafting of a redevelopment plan based on the study which would give the Borough tools to redevelop the property with consideration given to the proposed zoning as it relates to the Master Plan. This plan, he explained, is the basis for the consistency determination. He advised Mr. Murphy that if he read the Plan and wasn't comfortable assessing its relationship to the Master Plan, he would not be required to vote and could abstain.

Mr. Brosnan shared that he took the lead on the Tillman Street Redevelopment because there was no developer and explained how things such as adjacent uses, height, etc. were taken into consideration. He suggested that the ordinance in question was not inconsistent with the Master Plan. Mayor Carra advised that the Redevelopment Advisory Committee did make changes to lower the height based on feedback. Mr. Brosnan confirmed this.

Questions from the Public

Monica Murphy asked about ownership of the property. Mayor Carra shared that the owner's name is Lenny and that he purchased it in October 2020. He advised that he was not aware of any intent to sell it.

Bonnie Allen asked whether this was some secret code and whether the Master Plan is the building of apartments. The Board Attorney explained that the Master Plan is a document that was adopted by Planning Board a long time ago, intended to be a guiding document that sets forth goals for the Borough. He explained that the actual ordinance is not what is before the Board [making reference to Mr. Cunningham's earlier comments].

Mr. Cunningham reiterated that when they approved this area for redevelopment, it was commercially zoned and that it was with the understanding that they were approving a commercial area in need of redevelopment, leading him to believe that it would maintain its commercial zoning. He explained that this is coming before the Board now because the governing body is considering rezoning it for residential. Mr. Cunningham explained that when an opportunity arises, the governing body decides whether zoning needs to be adjusted.

Roger Copt called it presumptuous and arrogant of the owner to Notice the residents that it is going to be an apartment when it is still zoned commercial.

The Board Attorney explained that Redevelopment Law allows Council to consider changing zoning which doesn't mean the proposal would necessarily be constructed. He clarified that what is before the Board is a plan that includes residential re-zoning, which any potential developer is allowed to pursue. He clarified that the Plan has been found to be not inconsistent with the Master Plan so concerns should be addressed with Council on May 7th.

A resident asked whether it could go back to Council with recommendations. Mayor Carra explained the process.

Mr. Copt asked whether if it were found to be NOT consistent with the Master Plan, it would kill the whole deal. He asked for clarification on whether it was being found to be consistent and asked whether the Master Plan was to have apartment houses all over town. He asserted that it is not wanted because it is the last commercial property/last chance to get a supermarket and suggested that by saying it is consistent, the developer will "move on it next week." Mr. Copt commented that the rescue squad has been sold for apartments when the residents say they don't want them. He suggested that downstairs will wind up being a pizzeria/nail salon and when he can't rent those, they will turn it into apartments too. Calling it a big mistake, Mr. Copt stated that they have more than their fair share of apartments. Mentioning population and traffic issues, he asked the Board to think about people, not developers. [Applause erupts from the audience].

Mike Patente asked about the meaning of the IR designation on this and other properties in the zone. Mr. Brosnan explained that it is an overlay zone meant for inclusionary residential.

An extensive discussion about how the overlay zone relates to the agreement with Fair Share Housing ensued. Mr. Cunningham clarified that his understanding was that this property was not part of the agreement. Mr. Brosnan clarified that there is a Redevelopment Plan in place and that what the Board is focusing on now is consistency with the Master Plan. He clarified that to the extent that the overlay permits residential that it is permitted; however, the redevelopment plan (if approved by the governing body) supersedes all zoning. He asserted that the assessment that the proposed Plan is not inconsistent with the Master Plan remains. Mr. Cunningham clarified further, explaining that the overlay zone is just a guideline.

Extensive discussion on the purpose of the overlay zone continued. Mr. Brosnan explained that the intent was to provide guidelines to accommodate affordable housing. Clarifying further, the Board Attorney explained that the overlay was approved pursuant to a court mandated settlement with Fair Share Housing inasmuch as by putting properties in the overlay districts, it means that if residential is going to be developed here, there has to be a minimum set aside for affordable units and within the analysis tonight, the governing body is saying that the Redevelopment Plan would supersede what is onsite now.

Mr. Patente asked what would happen if the Board were to find it inconsistent. The Board Attorney explained that the governing body would then have to pass the ordinance by supermajority and adopt a Reasons Resolution. He clarified that there are no changes in zoning in front of the Board and that the overlay is not necessarily relevant because the Plan translates into a change in zoning.

Further discussion ensued about the purpose of approving the Redevelopment Plan. Mr. Cunningham reiterated that his understanding with respect to the Fair Share Housing decision was that there were specific properties that required the Borough (if developed) to have inclusionary housing and that this property was not one of them. He stressed that the decision is important since there were already so many properties earmarked for affordable housing [asking why they needed to add another].

Mr. Patente asked whether this matter was before the Board for the first or second time. The Board Attorney explained that the first time, the Board was tasked with whether it met the criteria for designation as an Area in Need. He clarified that this is not a hearing on the substance of the plan since the Board is merely serving in an advisory capacity. He clarified that if the governing body were to adopt the Plan on May 7, then the developer would have to file a site plan. Mr. Patente asked whether the zoning use would be defined on May 7. The Board Attorney explained that on May 7, they will vote on whether or not to adopt the Redevelopment Plan which would supersede all current zoning on the site.

Mr. Patente asked whether the Redevelopment Plan includes residential. Mayor Carra and Mr. Brosnan clarified that it would include both residential and commercial. Mr. Patente stated that nobody wants it and that the Master Plan also had a goal to buffer residential neighborhoods, which this plan would not meet. He suggested that tighter guidelines needed to be put in place.

Mr. Copt asked whether the Mayor and Council are under any obligation to change the use to residential. Mayor Carra explained that there is an obligation for affordable housing. Mr. Copt commented on the use of his own commercial building. He asserted that the bottom line is that the Mayor and Council can deny it. Mayor Carra asserted that the developer could still file an application with the Zoning Board. Referencing parking for an unrelated recent approval, Mr. Copt said then "let the Zoning Board screw the residents." Mayor Carra spoke about the shuttle service related to the application that Mr. Copt mentioned. Mr. Copt stated that he did not trust the Mayor or the Mayor/Council after they "screwed the public," making reference to the "marijuana place" that needed relief for parking not once, but twice and got it. He stated that he complained to the Mayor about people walking on 202 and parking in Citymed and on residential streets with respect to same. [More applause].

Kathy Memoli asked where she could read "current information" because the copy of the plan she has is from 2017. She read aloud from it and asserted that 5 story apartment buildings don't belong in a small town and that they are not family friendly. Calling "Granetz" a "total fiasco," and asserting that they don't want to be "Somerville," she suggested that these developments are "destroying the whole flavor of the town." Mayor Carra explained that the Master Plan gets updated every 10 years or so and that there will be a new affordable housing obligation in October with the new round.

Mr. Brosnan explained that they anticipate having a little more negotiating power because they have made such strides towards compliance. He explained that the State has its own affordable housing calculus for what each municipality has to provide and that they are going into Round 4 after just getting out of Round 3.

Ms. Memoli asked why towns such as Long Valley, Peapack or Tewksbury don't have any. Mr. Brosnan explained that they do. Mr. Cunningham added that Raritan got sued.

Mr. Copt asked what generates more money – residential or commercial. Mayor Carra stated he didn't know. Mr. Copt stated that he pays a lot of taxes for his commercial building on Route 202 and gets nothing in services. Mr. Cunningham asserted that the Borough is under a state mandate to provide a certain number of affordable housing units so when a developer comes in for a pre-prescribed area in particular and gets denied, they will sue and if they prevail, the Borough will have no input on the project/size.

Mr. Copt questioned the State's rights and asked whether the Borough meets its demand. He asserted that the

more population there is, the more housing that will be needed. Mr. Cunningham asserted that this is where they are. Stating that it doesn't have to be new housing, a resident asked about existing housing stock (multifamily rentals) and whether it is counted towards the obligation. Mr. Cunningham explained that he asked the same question years ago and asked whether it could be included in the supply. Mr. Gara explained that it would have to be deed restricted.

Chris Allen of Granetz Place stated that if there has to be a lawsuit, he has plenty of pictures of flooding. He called it "dangerous," referencing water almost up to his house. He stated that the Larkin building is going to flood and advised that when he went door to door about a year ago, he found many illegal 3-4 family houses which he suggested should be accounted for if they can be counted towards the obligation.

The Board Attorney explained that they cannot gauge Round 4 because the bill just passed that gives the DCA 6 months to come up with numbers. He explained that there is an appeal process for the Borough as well.

Ms. Memoli asked whether school capacity is taken into consideration in the calculations. She asked whether there was a way to limit height or require a contribution to the community in the form of a rec center. Mayor Carra advised that there was a community center with Raritan mall.

Mr. Copt asked about fire equipment as it relates to building height. Mayor Carra responded.

Joyce Fritchie stated that she understands affordable housing and commented that Bridgewater dedicated one of their hotels on Route 22 to it. She asked if Raritan will be faced with that situation. Mayor Carra explained that the Hotel in Bridgewater is specifically tied to a settlement. He advised that Raritan is in compliance with its obligations/has no lawsuits/a "perfect record" which they hope to leverage with. Ms. Fritchie stated that she was disappointed.

The public portion of the meeting was closed. The Board Attorney presented a resolution reflecting Mr. Brosnan's recommendation that the ordinance was not inconsistent with the Master Plan.

The Vote:

Motion by Ms. Carra, **seconded** by Councilman Tozzi to find the Redevelopment Plan not inconsistent with the Master Plan, based on the findings of a report prepared by the Board Engineer/Planner.

Roll Call:

Aye: Mayor Carra, Councilman Tozzi, Ms. Carra, Mr. LoPresti, Ms. Windrem,

Nay: Ms. DeBellis, Mr. Cunningham

Abstain: Mr. Murphy

The Board Attorney clarified that the Board declared that it was not inconsistent and encouraged the public to attend the public hearing to be held at Council.

ENGINEERING/PLANNING REPORT

Mr. Brosnan advised that they received clearance to move ahead with the 2022 DOT Grant and that it would be going out to bid soon. He spoke about the sewer permit from the DEP which would grant permission to the Borough to discharge rainwater into the Raritan. He advised that he would be sending the Board training information and offered to stay after a meeting in order to watch the video with them.

Mr. Brosnan advised that they have been making progress with various redevelopment plans in conjunction with the Redevelopment Commission and that he believes Council will be making a determination on 9 West Somerset in pursuit of the new Municipal Building soon. He advised that they should be good to go on the Burns Street Redevelopment next month. The Board Attorney explained that it would be at the discretion of the Board

Chairman and that his office would need to provide Notice. Mr. Brosnan advised that his office did submit a letter to the Board, meaning that they are at the next step where it can be discussed.

A discussion ensued about whether the Board should discuss further. The Board Attorney advised that it could be discussed offline, mentioning publication deadlines. Mayor Carra asked about an eligibility study for Burns Street. Mr. Brosnan advised that the process began in 2022 but was never completed so he got it done. The Board Attorney advised that they were under no obligation to proceed. Mayor Carra commented on the applicant.

Mayor Carra asked about the TAP Grant. Mr. Brosnan advised that they received a rough draft of plans, but they were not substantially different from the last submission. He reminded that while they are overseeing it, they are under no obligation as they are not drawing plans; just checking them.

Planning Update

As for the Redevelopment Committee, Mayor Carra advised that they met with the new owner of Agway to discuss an idea that the Committee was optimistic about but that the Council has to review in order to gauge interest. Mr. Brosnan clarified that there had only been discussion that did not result in anything actionable. Mayor Carra advised that they will start meeting on the Raritan Sustainable Economic Development plan that was done three years ago.

CONSTRUCTION/ZONING OFFICIAL REPORT

Mr. Gara reported on the following projects:

- Johnson & Johnson – Parking lot done.
- 21 Orlando Drive – Permits transferred to new entity, adhering to the original plan (new Architect).
- Mill Street Improvements – Asked them to get it done as soon as possible; there are still some issue's with the performance bond to be worked out. (Mayor Carra commented that this should be done sooner rather than later).
- Rick's Café (Corner of 5th Street) -Sold again. Prior owner intended to open a restaurant. The current owner is unsure of the proposed use but has an architect working on something and was advised that they will be required to come to the Planning Board.
- 48 Somerset St. (Convenience Store) – Almost finished but they had to comply with County Planning Board regarding work on side street (awaiting County permit approval).
- Labcorp – Still moving along with several permits open.
- *Corner of Thompson and Somerset Streets – Clothing store anticipated.

*Temporary signs were discussed in response to questions about this site.

MISCELLANEOUS

Mayor Carra commented on a dangerous intersection because of a utility pole that the Council has been discussing. Mr. Brosnan advised that if it comes from the Council, the Board could have a look at it.

Mr. Brosnan advised that New Jersey American Water's inspector is saying that they are very close to finishing/doing restoration and that they offered to pave curb to curb. He further advised that they are waiting on them to finish other restoration efforts, especially in the area of Richard Street that were delayed because of a bad contractor. He spoke about the possibility of doing improvements while the still open (utility/sewer pipes) and that they are looking at finishing up the entire Richard Street drainage project. He explained that once the DOT approval is in place, the Borough will build and the water company with finish the roads.

PUBLIC COMMENT

Mr. Copt thanked the Mayor, Board and Engineer for letting the citizens say their peace.

Mr. Patente suggested that if the Board does get an application near the Café on First Avenue that they ask for an easement in the back of the lot for easier access to the tennis courts.

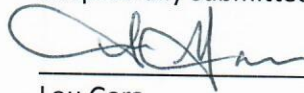
Tom Brown stated that the Land Use Board acts as both a Zoning Board and Planning Board. Mayor Carra clarified his earlier statement regarding the Zoning Board. With respect to Burns **Street**, Mr. Brown commented that it was sad to realize if declared an Area in Need of Redevelopment that the Borough is going to give the guy who owns it the right to redevelop and all that goes along with that, including tax benefits. He commented that they should fix what they already own.

A resident asked whether the police would be returning in connection with completion of the J&J parking lot which resulted in a discussion.

ADJOURNMENT

Motion by Councilman Tozzi, **seconded** by Mayor Carra and unanimously carried to adjourn at 8:09.

Respectfully submitted,



Lou Gara
Board Administrator/Secretary

Approved: 5/22/24