

**BOROUGH OF RARITAN**  
Planning Board Meeting  
**MINUTES**  
May 22, 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 LoPresti read the Open Public Meetings statement into the record.

**ROLL CALL**

**Present**

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

**Also Present**

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

**Absent**

Mr. DeCicco  
Ms. Debellis

**MINUTES**

**Motion** by Ms. Carra, **seconded** by Councilman Tozzi to approve the Minutes of **4/24/24**, as presented.

**Roll Call:**

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

**Nay:**

**Abstain:** Mr. Colvin

**PROFESSIONAL REPORTS**

**ENGINEERING:** Mr. Brosnan advised that they received authorization to proceed with the municipal building and that they would be coordinating with the design team in anticipation of a preconstruction meeting in early June. He provided an update on road projects and advised that the Richard Street drainage project was almost done with NJ American Water scheduled to complete restoration activities (including paving roads), upon confirmation that all sewers are good.

**PLANNING:** Mr. Brosnan advised that there had been some activity with the Agway parcel but nothing formal. He also advised that Mayor Carra would be looking at the Sustainable Downtown Economic Development plan which would likely come to the Board as a Redevelopment Plan.

**CONSTRUCTION/ZONING OFFICER/BOARD ADMINISTRATOR:** Mr. Gara advised that he had nothing to report.

## RESOLUTIONS

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

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

### Roll Call:

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

**Nay:**

**Abstain:** Mr. Colvin

## APPLICATION/HEARING

- Aman Handa  
#23-007 - Block 32, Lot 15 (10A & 10B John F. Goellner Drive)  
Minor Subdivision with C variances

A brief discussion about jurisdiction ensued because of the content of the Notice. The Board Attorney advised that the Board could sit in its Planning capacity.

**Peter Laub, Esq.** entered his appearance on behalf of the applicant and provided an overview of the application to convert a duplex into two separate/independent units. He reviewed the bulk variances being requested.

**Steve Parker, PE**, and the owner (Mr. Handa) were sworn in.

The Board accepted Mr. Parker's qualifications. Mr. Parker testified that the proposal to separate the units on the oversized lot did not include any changes to the building or site and that the units already had separate utilities and parking (driveways).

**Exhibit A-1** was identified as a picture of similar duplex homes in the neighborhood and marked into testimony.

Mr. Parker testified that some of the neighboring properties are deeded separately making it a common occurrence in the neighborhood. He spoke about the original approval which included a resolution condition that would allow owners to subdivide into separate properties.

Mr. Laub explained that although they searched for the resolution, to no avail. He explained that the development went back to the 80's and reminded that the Board Engineer speculated that it may have been permitted.

Mr. Parker addressed Mr. Brosnan's April 12 review letter; pages 5-6 where variances were discussed in particular. He advised that the existing variance conditions for each proposed lot (15.01 and 15.02) were identical except for the side yard setback on 15.02, and confirmed that multifamily homes were not permitted in the R4.

**Exhibit A-2** was identified as a survey dated 12/16/19 showing existing conditions and marked into testimony.

**Exhibit A-3** was identified as a Minor Subdivision Plan and marked into testimony.

Mr. Cunningham asked how many properties in the development had the same configuration. Mr. Parker counted them and estimated the number at 7. He confirmed that they all had the same side yard condition.

**With respect to the Technical Review portion of Mr. Brosnan's letter, Mr. Parker testified that the plans would**

be revised to show the utilities. He testified that parking calculations were shown for each building which required 2 spaces for each 3-bedroom unit and as such, conformed (driveway and garage = 2 each). As for consideration of mitigation of excess impervious coverage, Mr. Parker testified that no change was proposed since the site would continue to function/drain as it currently exists.

Mr. Parker testified that the applicant would comply with item #4 if approved. He suggested that the grant of the variances would not cause any negative consequences to the zone plan. As for the positive criteria, he suggested that home ownership is a positive thing that improves civic responsibility and therefore a benefit for the neighborhood. Mr. Parker asserted that the proposal would be consistent with the zone plan since it just formalizes the way it operates presently with no change in use or intensity.

Mr. Cunningham asked whether there was any way to mitigate drainage. Mr. Brosnan explained that they still want to find ways to reduce coverage regardless of circumstances and suggested some options such as landscaping.

Mr. Laub indicated that the applicant would consider landscaping improvements as a way to mitigate coverage. Mr. Brosnan recommended that there be a stipulation/deed restriction preventing the units from becoming separate buildings given the undersized nature of the lot.

Mr. Parker confirmed that the parking would remain unchanged.

Ms. Carra advised that there were homes on Raritan Avenue that were subdivided as well.

Mr. \_\_\_\_\_ asked how exterior improvements such as roofing or siding would be addressed. Mr. Laub explained that it would depend upon the Master Deed but that there is normally a General Fund for common areas/repairs/maintenance. Mr. \_\_\_\_\_ asked who would have the final say. Mr. Laub again deferred to the Master Deed which he related would likely have a clause related to arbitration. The Board Attorney offered that it could be addressed with a resolution condition.

Mr. \_\_\_\_\_ expressed concerns about maintenance/consistency (different colors, etc.) which were acknowledged.

**Joseph Scrofani of 29 First Avenue** shared his experience with duplex ownership as a recent purchaser.

**Aman Handa** spoke about the question/issue of disagreements over maintenance. He related that the prior owner was trying to condo the building but that the Master Deed precluded him from doing so. He spoke about the difficulties that the prior owner had in selling the property, particularly with appraisal as a result of a lack of comps.

#### **Public Question/Comment Period**

There were no questions or comments.

**Motion** by Mr. Cunningham, **seconded** by Ms. Carra to approve the application, with conditions as discussed.

#### **Roll Call:**

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

**Nay:**

**Abstain:**

## MISCELLANEOUS/AREA IN NEED OF REDEVELOPMENT

First Avenue & Burns Street - Block 80 Lot's 15, 16, 17, 18, 19, 20, 20.01, 20.02

The Board attorney explained that this would be a determination for qualification. He confirmed that the Notice (made by his office) determined jurisdiction.

Mr. Brosnan reviewed the redevelopment process under the (Redevelopment Law) statutes and explained that his recommendation would be that the area does NOT meet the statutory requirements. He provided a brief synopsis of his report and outlined in detail why the area did not meet the criteria, which he reviewed.

In conclusion, Mr. Brosnan confirmed that he did not recommend the study area as an Area in Need of Redevelopment based solely on existing conditions and juxtaposition to statutory requirements. Mr. Flynn spoke about next steps with respect to action to be taken by Council.

Mr. Cunningham expressed his surprise that criteria H did not apply as it seemed to always apply for other sites over the years. He commented on ongoing property maintenance. Mr. Flynn responded.

### Public Question/Comment Period

**Thomas Brown of 18 Elmer Street** stated that he was very pleased to see this happen for the first time. He related that his understanding was that there was only one owner for all of the properties (all rentals) so they should be inspected, and the owner should be responsible for follow through on any recommendations since he stated, they also need to fall under property maintenance like everyone else. He suggested that the properties were not in the greatest condition. Mr. Flynn asserted that there were three owners; not one which was verified by his office during the process of Noticing for the hearing.

**Joseph Scrofani of 29 First Ave.** spoke about improvements to the property he purchased as it related to Mr. Brown's comments.

Mr. Brown offered additional comments.

**Roger Copt**, owner of 1120 Route 22 commented that there was no reason to change it and that his hope is that property maintenance stays on top of it since it is maintained but has "a lot of junk" on it. He called Mr. Brosnan's report "excellent" and suggested that the Borough follow through with the Borough Engineer's recommendation.

Mr. Brown, Mr. Scrofani and Mr. Copt were sworn in by the Board Attorney.

Mr. Scrofani testified that they have revitalized the units that they have done and outlined his goals for property maintenance.

The public hearing was closed.

Mr. Flynn advised that the Board could vote on the resolution he circulated earlier which reflects the recommendation that the Council NOT designate the study area as an Area in Need of Redevelopment, consistent with the recommendations of the Borough Planner.

**Motion** by Councilman Tozzi, **seconded** by Ms. Windrem to adopt the resolution, as disused.

### Roll Call:

**Aye:** Mayor Carra, Councilman Tozzi, Ms. Carra, Mr. Cunningham, Ms. Windrem, Mr. Murphy, Mr. Colvin

**Nay:**

**Abstain:** Chairman LoPresti

Mr. Flynn explained that Council would now decide whether to accept or decline the Board's recommendation. Mayor Carra advised that the next Council meeting would be at 7pm on June 11.

#### **APPLICATION/HEARING**

- **TriMurray Holdings**  
**#24-002 - Block 45, Lot 3 (17 Frelinghuysen Ave.)**

**Kara Kacyzinski, Esq.** entered her appearance on behalf of the applicant and provided an overview of the proposal to convert the current 2 story/2 unit dwelling, each with 1 bedroom into 2 two bedroom units by way of a 283 s.f. addition to the 2<sup>nd</sup> floor on the existing footprint with no exacerbation of any non conformity. She confirmed that the intention would be to continue the 2-family use, thus the request for a D1 variance in addition to the bulk variances related to existing conditions (lot width, side yard setbacks (principal and accessory) and coverage).

**Brendan Murray**, a Principal of the owner was sworn in and provided testimony on the history/use of the property as well as past building permits.

**Exhibit A** was identified as building permits from 2011 & 2022 for two ac systems, gas furnaces and water heaters and marked into testimony. **Exhibit B** was identified as building permits from January 19 and January 26, 2024, for interior renovations and marked into testimony.

Mr. Murray explained that he purchased the property as an investment opportunity as a two family but was not aware that it was in a single-family zone. He relates that he was advised by Lou Gara that it was preexisting nonconforming while applying for permitted related to the proposed expansion. He confirmed that he would intend to continue renovations upon approval of the variance/s. Mr. Murray testified that the only required renovation would be to upgrade to a one-hour rating between the units and that exterior renovations would be limited to roofing and siding. Mr. Gara advised that permits would not be required for this.

Mr. Murray confirmed that they received a Smoke Certificate when they purchased the property and that they were not aware of any record of violations. He testified that they would comply with all of the comments in Mr. Brosnan's technical review letter.

Mr. Gara advised that the Borough began inspections on one- and two-family rentals in 2001 and that this property had been "continually inspected" since as a two family which demonstrates that the house was recognized as a pre-existing, nonconforming use. He added that in 2007, the Borough eliminated two family homes as permitted use in the zone. He confirmed that it was being taxed as a two family and reiterated that it had been recognized by the Borough as a two family.

Mr. Murray testified as to the age of the construction that had been performed based on his experience in construction.

#### **Public Question/Comment Period**

There were no questions/comments.

**Craig Stires, PE** was sworn and qualified. Mr. Stires testified that prepared the drawings for the addition and reviewed existing conditions. He presented Exhibit "A-3" which he identified as an aerial view of the neighborhood and provided testimony on the existing configuration as well as similarity of surrounding properties/uses. Mr. Stires testified that there would be no change to the footprint. He identified the location of the bedrooms in response to a question from Mr. Brosnan. He reviewed the pre-existing variance conditions,

except for the D2.

Mr. Flynn and Ms. Kaczynski discussed the relief needed in contemplation of considering the use variance as a D2.

Mr. Stires provided testimony on parking which he described as adequate/meeting standards. He then provided testimony on impervious coverage. Mr. Brosnan spoke about opportunities for mitigation. Landscaping in the form of additional plantings was discussed. Ms. K related that they would look into it.

#### **Public Questions/Comments**

**Joyce Fritchie of Vandever Road** asked a question that related to property maintenance which the applicant/his team responded to.

**Tom Behrens, Planner** was sworn and qualified. He provided testimony on existing and proposed conditions based on a site inspection conducted on May 6. He testified as to neighboring uses/sites and advised that there was sufficient parking/would be no exacerbation of existing conditions.

Mr. Behrens confirmed that they changed the request for a D1 to a D2. As to the proofs for the D2, he testified that the proposal is minor in nature, does not constitute a new use and advances several purposes of the MLUL: B, D, and I in particular. He testified that the proposal comports with the goals of Master Plan.

As to the negative criteria, Mr. Behrens testified that due to the fact that it is an existing condition, there would be no substantial detriment to the public good.

Mr. Behrens provided testimony as to the proofs for the c variances which he reviewed. He testified that the criteria for both a C1 and C2 could be met since the nonconforming lot width generates the side yard setback issues and deviations could be determined to be de minimus. He testified that site conditions are consistent with surrounding street patterns and neighborhoods and testified that granting of relief would not cause any detriment to the public good.

Speaking to coverage, Mr. Behrens advised that it appears the lot was conforming given a recent change in the definition of lot coverage.

Mr. Behrens testified that the site was particularly suited for use and reiterated that granting of the variances would not result in a substantial detriment to the public good.

#### **Public Question/Comment Period**

There were no questions/comments.

Ms. Kaczynski provided a summation.

**Motion** by Mr. Colvin, **seconded** by Ms. Carra to approve the application, with conditions, as discussed.

#### **Roll Call:**

**Aye:** Ms. Carra, Mr. Cunningham, Ms. Windrem, Mr. Murphy, Mr. Colvin

**Nay:**

**Abstain:** Mayor Carra, Councilman Tozzi, Chairman LoPresti

**PUBLIC COMMENT**

**ADJOURNMENT**

**Motion** by Councilman Tozzi, **seconded** by Mr. Murphy and unanimously carried to adjourn at 8:12.

Respectfully submitted,



Lou Gara  
Board Administrator/Secretary

Approved: 6/26/2024