

## MINUTES

### **BOROUGH OF RARITAN REGULAR MEETING**

**TUESDAY, JULY 16, 2024**  
**6:30 P.M. – EXECUTIVE SESSION**  
**7 P.M. – REGULAR SESSION**

This Regular Meeting of the Governing Body of the Borough of Raritan was called to order by Mayor Carra in the Meeting Room of the Raritan Municipal Building, 22 First Street, Raritan, NJ 08869 at 6:30 p.m. on Tuesday, July 16, 2024.

Mayor Carra announced the Regular Meeting was called pursuant to applicable portions of the Open Public Meetings Act. Adequate Notice of this Regular Meeting was posted in Borough Hall, on the Borough website and communicated to *The Courier News*, *The Star Ledger* and *The Breeze* on January 3, 2024.

#### **ROLL CALL**

Present: Council President Tozzi, Councilman Agrawal, Councilman Armahizer, Councilman DiGraziano, Councilman Fritzingler, Councilman Patente

Also Present: Borough Administrator Colvin, Acting Borough Clerk Mathewson, Borough Attorney William Robertson and Borough Engineer Joseph Brosnan

Absent:

#### **INVOCATION AND FLAG SALUTE**

Councilman Fritzingler

#### **EXECUTIVE SESSION**

Resolution No. 2024-07-116

Entering Executive Session

1. Personnel  
Administration, Police
2. Attorney Client  
Alpine Way
3. Shared Services  
Municipal Court

On motion by Council President Tozzi, seconded by Councilman Agrawal, Council moved to approve Resolution No. 2024-07-116.

#### **Recorded Vote**

Yea: Tozzi, Agrawal, Armahizer, DiGraziano, Fritzingler, Patente

Nay: x

Absent: x

Abstain: x

Motion Carried: 6-0

Council convened in Executive Session at 6:33 p.m.

#### **EXECUTIVE SESSION ADJOURNMENT**

Council moved to reconvene in Regular Session unanimously.

Council exited Executive Session, and resumed Regular Session at 7:01 p.m.

Mr. Paul Loschiavo requested permission to restore the dog park for his Eagle Scout project. The restoration would create an environment specifically for dog play. Before he can start this project, Mr.

Loschiavo needs permission from Borough Council. Council President Tozzi stated that it sounds like a great idea and Council must check with the insurance company before authorizing the project.

### **PUBLIC COMMENT**

*(In accordance with Section 29-1 of the Code of the Borough of Raritan, there shall be a five-minute limit per speaker)*

Mayor Carra opened the Public Comment portion of the meeting for members of the public wishing to speak.

Roger Copt, 1120 Rt 202: Mr. Copt stated he was handing out a list of facts regarding the Raritan Mall and was asking for Council to confirm if they were accurate. He started asking if the mall was currently zoned as commercial only, to which the Mayor confirmed. He continued asking multiple questions regarding changes to zoning possibilities, current pending code violations written to the property owner, among others. The Mayor and Borough Attorney responded, and discussion ensued about the issues Mr. Copt believes are surrounding the Raritan Mall. Mr. Copt suggested that Council hold the landlord accountable and not consider a zoning change until he complies with the outstanding violations and fixes up the current mall.

Karen Eastlund, 114 Avonridge Rd: Ms. Eastlund stated she was here on behalf of the Historical and Cultural Committee and was requesting the old street signs that are in the barn behind Public Works. The committee feels that the signs are a part of history, and they would like to keep some if not all of them for repurposing. She is seeking Council's approval to go through the collection and see what is salvageable. Ms. Eastlund added that the committee is aware that the street signs are town property and advised Council that they plan to be used for display purposes only. Council President Tozzi advised Ms. Eastlund that the signs will be voted on during business section of the agenda so that all the members of Council can vote on the matter.

Erica Landesberg, 21 Meehan Ave: Ms. Landesberg expressed her concerns regarding the proposed zoning change for Raritan Mall property. She stressed the flooding issues in that location as well as environmental concerns due to that property at one time being a dump. Ms. Landesberg stated that Raritan lacks the infrastructure to support the rapid growth from a five-story apartment complex. She then stressed that Council needs to think and plan for community-oriented development that could address the real needs of the residents of Raritan.

Patrick Dinsmore, 532 Victoria St: Mr. Dinsmore asked about the current status of pending litigation against the property owner in Superior Court that the Mayor commented on at a May meeting. Mayor Carra instructed Mr. Dinsmore to contact the Borough tomorrow so the attorney, Matt Flynn, who is handling the matter and can advise of the status.

Kathy Kolvites, 63 Vones Ln: Ms. Kolvites stated that she had read an article regarding the Raritan Mall project which raised many concerns. She asked about a shuttle for when the property floods and what the plan would be for disabled people during an evacuation. She then asked about the remediation of the property and what that may entail. Ms. Kolvites stressed that the health and safety of the residents in Raritan needs to come first.

Chris Allen, 11 Granetz Pl: Mr. Allen stated that he has tried to contact Mr. Gara regarding the minutes that have been missing from the Planning Board meetings dating back to last March. Mr. Allen then asked if the meetings were recorded, which the Mayor confirmed they are. Mr. Allen added that he requested a copy of the certificate of occupancy for the Raritan Mall from Mr. Gara. The response he received stated that it was approved for an online internet business. Mr. Allen continued expressing his concerns about how this got approved without going to the Planning Board. Mayor Carra stated the last e-mail he received stated they were still pending review and awaiting further documentation.

Neither seeing nor hearing any other member of the public, the Mayor closed Public Comment.

### **COMMITTEE & LIAISON REPORTS**

Councilman Patente – Registrar of Vital Statistics reported for June 10 births, 5 deaths, as well as 5 marriages with fees totaling \$424.00. Total fees collected for the year to date are \$3,187.57. Councilman Patente then mentioned to Borough Attorney Robertson that there is an ordinance regarding mattresses being picked up by DPW that needs to be amended to reflect the mattresses need to be wrapped in plastic as well as any upholstered furniture. With permission from Council, Mr. Robertson is authorized to work on amending that ordinance. Municipal Court reported 187 cases filed, 226 cases disposed of with fees collected in the amount of \$24,959 with \$11,062 going to the Borough.

Councilman Fritzing – Public Works had bulk pick-up on July 11<sup>th</sup> and the next bulk date is scheduled for August 8<sup>th</sup>. The DPW workers have been working on repairing the catch basins in town. The Councilman encourages residents to thank our DPW workers for all they do. The Historical Committee reported at their last meeting on June 19<sup>th</sup> the balance of the treasury \$3,381.04 and their Trust Fund is \$1,199.15. The committee is currently working on a project recognizing our local heroes. Councilman Fritzing asked if Councilman Armahizer made the trip down to Washington DC to which he responded yes. Adding that they currently have copies of the Knox Porder Joint Resolution getting framed. Once received Councilman Armahizer stated the copies would be donated to the Borough. Councilman Fritzing added that the Historical Committee would be participating in the Basilone Parade this year and are looking at some programs for the summer. There will be no meeting tomorrow night due to a lack of quorum; the next meeting will be on August 21<sup>st</sup> at 6:30 p.m. in Borough Hall. Lastly, the Councilman reported the permit activity for the Construction Department from June 26<sup>th</sup> through July 15<sup>th</sup>. That report consisted of 13 building permits, 8 plumbing, 20 electrical, 11 fire, and 4 mechanical permits issued with fees collected by the Borough in the amount of \$6,871.00

Council President Tozzi – Property Maintenance is now on a full-time basis and the town is looking great; windows are getting cleaned, signage is being taken down, landscaping is looking good. We have had a great response so far, there will be a follow-up report next month.

Councilman DiGraziano – The pools are getting great use, so many kids are joining and having a good time this summer. The soccer program and summer camp program are also running well. The Basilone Parade Committee will be meeting tomorrow evening at the library at 7 p.m.

Councilman Agrawal – Started off by acknowledging Mr. Foohey who is always available to record our meetings when the regular recorder is unable to attend. Somerset Street is looking great and the Councilman wanted to acknowledge our DPW workers for all their effort. The Finance Committee has nothing new to report, however there are two items on the agenda. First is the Capital Budget and second is the 2023 Corrective Action Plan. Mr. Pepe, from the School Board, asked me to let you know about the mental health wellbeing event happening Friday, July 19<sup>th</sup> from 3-5 p.m. at the Bridgewater Township Municipal Building. During the event there will be a panel of Mental Health Experts discussing mental health issues for our students. For any questions, please feel free to send your questions to me or directly to Mr. Pepe.

Councilman Armahizer – Councilman wanted to thank the Basilone Memorial Committee for the unveiling yesterday, it was a wonderful ceremony. He mentioned again about the Knox Porder Joint Resolution getting framed and donated to the Borough. Lastly adding that the Environmental Commission will be meeting on July 18<sup>th</sup> at the Municipal Building at 7 p.m.

### **OLD BUSINESS**

1. Street Signs (DF)

Councilman Fritzing announced that he was making a motion for the Historic Committee to be able to choose and sort through the old street signs to use for a display. Councilman Patente then stated there is a resolution listed authorizing the Historical Committee to get the signs.

**NEW BUSINESS**

1. Walk to Fight Alzheimer’s Banner (EC)  
Administrator Colvin stated that this is an annual event at Duke Island Park. The walk is scheduled for September 21st. They are looking for permission to have their banner hung across Somerset Street. Mr. Colvin did acknowledge that there would have to be some coordination with other events that will be advertised in town.

On motion by Councilman Patente, seconded by Councilman Fritzing, Council moved to approve the Walk to Fight Alzheimer’s banner to be hung.

**Recorded Vote**

Yea: Tozzi, Agrawal, Armahizer, DiGraziano, Fritzing, Patente

Nay: x

Absent: x

Abstain: x

Motion Carried: 6-0

Mayor Carra requested that Council consider the Consent Agenda prior to reading the Ordinances. Council agreed to skip to the Consent Agenda.

**CONSENT AGENDA**

*(Resolution No. 2024-07-110 and Resolution No. 2024-07-117 through No. 2024-07-133)*

- |                            |   |
|----------------------------|---|
| Resolution No. 2024-07-110 | Authorizing Amended Jurisdictional Agreement – 21 Vones Lane  |
| Resolution No. 2024-07-117 | Approving Rave Mobile Safety – Renewal  |
| Resolution No. 2024-07-118 | Approving Chapter 159 – Clean Communities 2024  |
| Resolution No. 2024-07-119 | Approving the 2023 Audit Corrective Action Plan   |
| Resolution No. 2024-07-120 | Approving Change Order – Raritan Municipal Offices – 9 West Somerset Street   |
| Resolution No. 2024-07-121 | Authorizing Shared Service – Property Maintenance Code Official   |
| Resolution No. 2024-07-122 | Authorizing Professional Service Contract – Planner for Area in Need  |
| Resolution No. 2024-07-123 | Authorizing Tax Settlement – RRE Operating, LLC   |
| Resolution No. 2024-07-124 | Authorizing the Execution of Shared Services Agreement – Municipal Court  |
| Resolution No. 2024-07-125 | Certifying Annual Report of Audit - 2023  |
| Resolution No. 2024-07-126 | Clarifying 2024 Salary and Stipends – Alyssa Cornella   |
| Resolution No. 2024-07-127 | Donation of Street Signs to Historic Committee  |
| Resolution No. 2024-07-128 | Refunding Tax Overpayment   |
| Resolution No. 2024-07-129 | Renewing Alcoholic Beverage Retail Consumption License No. 1816-44-007-006, Amrutha, LLC. Pursuant to N.J.S.A. 33:12.39 Relief for the 2023-2024 License Term |
| Resolution No. 2024-07-130 | Cancelling Municipal Tax Lien   |
| Resolution No. 2024-07-131 | Authorizing the Discharge Lien – 401 Tillmans Street  |
| Resolution No. 2024-07 132 | Authorizing the Execution of Closing Documents – Sale of 401 Tillman Street   |
| Resolution No. 2024-07 133 | Extending the Grace Period for Property Taxes   |

Mayor Carra asked if any of the Council need to pull any of the resolutions to be voted on separately. Councilman Patente asked if Resolutions 2024-07-131 and Resolution 2024-07-132 could be voted on separately. Borough Attorney Robertson explained that these resolutions are regarding a property that's owned by the Borough that was publicly auctioned last year. This is part of the process as we are coming toward a closing date, the Borough would need to discharge both of those resolutions so the title can be provided. The Councilman stated the resolutions could be voted on with the Consent Agenda.

Councilman Agrawal then requested breaking out Resolution No. 2024-07-122 regarding a Profession Service Contract.

On a motion by Council President Tozzi, seconded by Councilman DiGraziano, Council moved to approve Resolution No. 2024-07-110 through Resolution No. 2024-07-133– Consent Agenda, excluding Resolution No. 2024-07-122 and Resolution No. 2024-07-124.

Recorded Vote

Yea: Tozzi, Agrawal, Armahizer, DiGraziano, Fritzing, Patente

Nay: x

Absent: x

Abstain: x

Motion Carried: 6-0

Councilman Agrawal expressed his concerns regarding the Professional Service Contract being awarded in the amount of \$21,000 and what the benefit to the Borough would be. He went to expressed to the other Council members the need to fully understand what the Borough would be paying for with Taxpayers' money.

On motion by Councilman Agrawal, seconded by Councilman Patente, Council moved to table Resolution No. 2024-07-122.

Recorded Vote

Yea: Tozzi, Agrawal, Armahizer, DiGraziano, Fritzing, Patente

Nay: x

Absent: x

Abstain: x

Motion Carried: 6-0

Mayor Carra then asked for a motion to table Resolution No. 2024-07-124.

On motion by Councilman Patente, seconded by Council President Tozzi, Council moved to table Resolution No. 2024-07-124.

Recorded Vote

Yea: Tozzi, Agrawal, Armahizer, DiGraziano, Fritzing, Patente

Nay: x

Absent: x

Abstain: x

Motion Carried: 6-0

**BILL LIST**

Resolution No. 2024-07-134

Approving Bill List

On a motion by Council President Tozzi, seconded by Councilman Patente, Council moved to

approve Resolution No. 2024-07-134 - Approving Bill List.

Recorded Vote

Yea: Tozzi, Agrawal, Armahizer, DiGraziano, Fritzing, Patente

Nay: x

Absent: x

Abstain: x

Motion Carried: 6-0

**CERTIFICATION OF FUNDS**

1. Suplee, Clooney & Co. – 2023 Audit, OS for BAN issue, LOSAP review & 9 West Somerset Supplemental Debt Statement - \$71,025.00
2. Van Cleef Engineering – June Engineering Services - \$10,833.25
3. Michels & Waldron – January-May Planning Services for 9 West Somerset - \$15,359.77

Mayor Carra asked for a motion to approve the Certification of Funds together.

On a motion by Councilman Patente, seconded by Councilman DiGraziano, Council moved to approve the Certification of Funds –2023 Audit, OS for BAN issue, LOSAP review & 9 West Somerset Supplemental Debt Statement, June Engineering Services, and January-May Planning Services for 9 West Somerset.

Recorded Vote

Yea: Tozzi, Agrawal, Armahizer, DiGraziano, Fritzing, Patente

Nay: x

Absent: x

Abstain: x

Motion Carried: 6-0

**ORDINANCES – SECOND READING & PUBLIC HEARING**

Mayor Carra announced that the Council will skip to consider Ordinances 2024-16 through Ordinance 2024-18 first.

Ordinance No. 2024-16

An Ordinance of the Borough of Raritan,  
County of Somerset, State of New Jersey,  
authorizing the purchase of real property

The purpose of this Ordinance is to allow for  
the purchase of a parcel of land to help  
mitigate flooding issues.

On a motion by Councilman Patente, seconded by Councilman DiGraziano, Council moved to Open Public Hearing on Ordinance No. 2024-16.

Recorded Vote

All in Favor

Motion Carried: 6-0

The Mayor opened the Public Comment portion of the meeting for members of the public wishing to speak on Ordinance No. 2024-16.

Neither seeing nor hearing any member of the Public, Mayor Carra closed the Public Hearing on Ordinance No. 2024-16.

On a motion by Councilman Agrawal, seconded by Councilman Patente, Council moved to Adopt Ordinance No. 2024-16.

Recorded Vote

Yea: Tozzi, Agrawal, Armahizer, DiGraziano, Fritzing, Patente

Nay: x

Absent: x

Abstain: x

Motion Carried: 6-0

Ordinance No. 2024-17

Bond Ordinance providing for Various Capital Improvements, appropriating \$1,721,000 therefore and authorizing the issuance of \$1,634,950 Bonds and Notes to finance a portion of the costs thereof, authorized in and by the Borough of Raritan, In the County of Somerset, New Jersey.

The purpose of this Ordinance is to authorize the expenditure for various capital improvements.

On a motion by Councilman DiGraziano, seconded by Councilman Agrawal, Council moved to Open Public Hearing on Ordinance No. 2024-17.

Recorded Vote

All in Favor

Motion Carried: 6 -0

The Mayor opened the Public Comment portion of the meeting for members of the public wishing to speak on Ordinance No. 2024-17.

Neither seeing nor hearing any member of the Public, Mayor Carra closed the Public Hearing on Ordinance No. 2024-17.

On a motion by Councilman Agrawal, seconded by Councilman Armahizer, Council moved to Adopt Ordinance No. 2024-17.

Recorded Vote

Yea: Tozzi, Agrawal, Armahizer, DiGraziano, Fritzing, Patente

Nay: x

Absent: x

Abstain: x

Motion Carried: 6-0

Ordinance No. 2024-18

An Ordinance amending Chapter 82 (Vehicles and Traffic) Part 4 (Handicapped Parking) Sections 82-71.1D of the revised General Ordinances of the Borough pf Raritan.

The purpose of this Ordinance is to add 24  
Second Avenue as a restricted parking zone for  
handicapped parking in the Borough of Raritan

On a motion by Councilman Fritzingler, seconded by Councilman DiGraziano, Council moved to Open  
Public Hearing on Ordinance No. 2024-18.

Recorded Vote

All in Favor

Motion Carried: 5-0

The Mayor opened the Public Comment portion of the meeting for members of the public wishing to speak  
on Ordinance No. 2024-18.

Neither seeing nor hearing any member of the Public, Mayor Carra closed the Public Hearing on Ordinance  
No. 2024-18.

On a motion by Councilman DiGraziano, seconded by Council President Tozzi, Council moved  
to Adopt Ordinance No. 2024-18.

Recorded Vote

Yea: Tozzi, Agrawal, Armahizer, DiGraziano, Fritzingler, Patente

Nay: x

Absent: x

Abstain: x

Motion Carried: 6-0

Ordinance No. 2024-15

An Ordinance of the Borough Council of the  
Borough of Raritan, County of Somerset,  
State of New Jersey, adopting a  
redevelopment plan for an area in need of  
redevelopment consisting of approximately  
12.2 known as block 116.01, lot 11.01 as shown  
on the tax map of the borough of Raritan as a  
“non-condemnation area in need of  
redevelopment” under the New Jersey local  
redevelopment and housing law (N.J.S.A.  
40a:12a-1 et seq.)

The purpose of this Ordinance is to provide for the  
redevelopment of the site of the former Raritan Mall.

Councilman Patente asked to speak prior to opening the public comment section. The Councilman voiced  
his continued frustration that there would be a perception his vote could be ‘tainted’. He continued by  
explaining that when he votes on anything before Council, he considers how it would impact the residents  
of the Borough. Councilman Patente announced that he would be participating in the vote this evening.

On a motion by Councilman Agrawal, seconded by Councilman Armahizer, Council moved to Open  
Public Hearing on Ordinance No. 2024-15.

Recorded Vote

All in Favor

Motion Carried: 6-0

The Mayor opened the Public Comment portion of the meeting for members of the public wishing to speak on Ordinance No. 2024-15.

Roger Copt, 1120 Rt 202: Mr. Copt expressed his concerns about the zoning change request while there are multiple outstanding violations against the property owner. He continued to state that the property does need to be redeveloped and there is a section in the Borough's Master Plan for apartments. Mr. Copt believes that if the zoning change goes through, Raritan will have no property for economic development. He suggested the developer come back once the violations are remedied.

Mark Liebman, 105 Eisenhower Pkwy: Mr. Liebman explained that he is the attorney that represents the Lena Property. Mr. Liebman stated that he wanted to ensure Council received or were aware of the letter that was sent back in April of 2023, outlining concerns regarding this redevelopment. He continued stating there are substantial environmental issues relating to the site. Mr. Liebman went on to explain in detail many of the concerns that should be taken into consideration prior to authorizing the zoning change. He suggested the Council table the proposed Ordinance and research this proposed project more closely.

Jim Kyle, Kyle McManus Associates: Mr. Kyle explained that he is the Borough's consultant for the third round of Affordable Housing. He stated that they are working on fourth round issues now and he confirmed that there have not been any changes regarding set asides for sale units or for rentals. Mayor Carra asked if Mr. Kyle would address a few concerns residents have brought up. Mr. Kyle proceeded to give a detailed explanation regarding the Borough's current third round obligation.

Erica Landesberg, 21 Meehan Ave: Ms. Landesberg stressed for Council to listen to the many concerns regarding this plan. She added that Council should be fully informed prior to making this decision.

Mayor Carra asked the Borough Engineer to give some insight regarding environmental cleanup. Mr. Brosnan stated that there will be requirements regarding cleanup from the State that the developer would be responsible for.

Frank Taddeo, attorney for developer: Mr. Taddeo stated that he would like to some of the concerns he has heard during the Public Hearing. He explained the concerns regarding the environmental cleanup, the DEP has reviewed it. The State of New Jersey has high standards that are much stricter, that need to be met prior to any project moving forward. Health and Public Safety are priority. Mr. Taddeo then stated that several professionals for the developer were in attendance and asked if they could respond to some of the comments brought up by the residents.

Lenny Dimentman, Developer: Mr. Dimentman thanked the residents for coming out and voicing their concerns and interest about the project. He then went on to say they do have some of their professionals here that can answer questions and address the concerns. Mr. Dimentman continued explaining some of the details and amenities the project could offer.

John McDonough, Project Planner: Mr. McDonough started off by saying he was not the author of the redevelopment plan and that the Borough has its own professionals to review any potential project within the town. He continued by addressing the fact that the mall area has been designated as an area in need of redevelopment. Mr. McDonough also went into detail regarding the site planning process and assured residents and Council that the character of the community will be considered, and the essence of redevelopment is site betterment. Mr. McDonough then addressed concerns about losing commercial property and assured the public that 20,000 square feet is plenty of space for a special grocer. He added that people are the lifeblood of redevelopment. Mr. McDonough also stated that he does not see any major concerns with the application in terms of what the redevelopment law requires. Consistency and compatibility with the Borough's Master Plan and with neighboring communities. He encouraged Council

and the residents to not be afraid of moving forward. Discussion ensued between the planner, members of Council, and the residents.

Lenny Dimentman, Developer: Mr. Dimentman went into further detail regarding the square footage of the property and the potential ideas of what would go into the commercial space once the project has been completed. He wants to bring amenities to the people of Raritan and the residents of surrounding areas.

Bill Cunningham, 31 Glaser Ave: Mr. Cunningham stated that the project could be done without it being a huge building. He suggested having the commercial space on the bottom and only having two stories of residential. Discussion ensued between Mr. Cunningham, the developer, and other members of the public about the current state of the building and the environmental issues surrounding this project.

Erica Landesberg, 21 Meehan Ave: Ms. Landesberg voiced her concerns about how a deal can be agreed to before this ordinance has been voted on. She then asked the developer if he had a CO to be running a business out of the building. The developer responded stating that the business that is there is an e-tailer, they sell furniture online. He admitted that they do not have a certificate of occupancy for that space however, we are working with the construction department to obtain a temporary certificate. Ms. Landesberg then stressed her concerns about how the developer is not abiding by the requirements with the Borough now, how can the town trust that he will do things appropriately once people are living there. The developer then stated that this may be the first project in Raritan however he manages several projects throughout the state.

Bill Cunningham, 31 Glaser Ave: Mr. Cunningham brought up issues regarding noise and the truck traffic that goes in and out of the property all times of the day and night. The developer stated that he was unaware of the situation and will rectify that as soon as possible.

Lenny Dimentman, Developer: Mr. Dimentman continued by addressing the flooding issues that had been raised and stated they have received full DEP approval based on the current design of the project as it is today

Bill Cunningham, 31 Glaser Ave: Mr. Cunningham asked the developer why he has not put any money into improving the building over the last four years; especially if the site has already been designated for redevelopment. Making small upgrades around the property now would make it more aesthetically pleasing. Mr. Dimentman responded, saying that the site is large, and they have been trying to abide by the Borough's ordinances requesting the signs of businesses that are no longer there being taken down, windows being taped up, etc. He continued stating that they are about to file plans to redevelop the old Batteries and Bolts building that will be completely re-modernized. He continued giving further details of the project. Mayor Carra asked if the engineer would be able to elaborate on that.

Matt DeWitt, Bowman Consulting (engineer for developer): Mr. DeWitt stated that with any development that has an environmental condition, such as this site does, a license LSRP will be managing the site in accordance with the DEP in regard to proper records and monitoring. A resident asked if there was a plan approved and where can that be accessed, to which the developer responded stating they do have a remediation plan approved as well as a DEP consent order. The resident then inquired about the cost of remediation and the developer stated they do not have an exact number as it is hard to know at this state. Discussion ensued between the developer and the resident.

Councilman Agrawal: Councilman asked the developer where the funding was coming from for the estimated \$98 million dollar project to which he responded that the funding is a combination of equity and debt. The Councilman then asked how much debt the developer was approved for; he responded stating it was too early for that at this point. Discussion ensued between the Councilman and the developer regarding concerns regarding financial insecurity.

Members of the public asked questions regarding the developers' experience on redeveloping property that used to be a landfill and if the property was purchased before or after it was zoned for redevelopment to which the developer stated he has not redeveloped a property that used to be a landfill and Mayor Carra confirmed the property was designated as an area in need of redevelopment in 2022. Discussion ensued between members of the public and the developer.

Roger Copt, 1120 Rt 202: Mr. Copt asked the developer to confirm if he was aware that the property was zoned as strictly commercial when he bought it in 2020 and then also asked if the Deal Hub store has a certificate of occupancy. The developer confirmed that Deal Hub does have a certificate of occupancy. Discussion ensued.

Member of the public: A member of the public asked how the developer intended to address the flooding issues and the safety of the people living and working there. The developer's engineer, Matt DeWitt, responded, explaining in detail the current plans that have been submitted and approved by the state.

Roger Copt, 1120 Rt 202: Mr. Copt raised questions about flooding issues with the Grantez building which may interfere with the proposed escape route.

Matt DeWitt, Bowman Consulting (engineer for developer): Reiterated that this redesign of the property site is compliant with the regulations to be lifted at the flood zone, which includes the parking garage

Lenny Dimentman, Developer: Stated that there is a direct dry exit from the property straight onto 206.

Member of the Public: Voiced his concerns that Ida was bad but Andrew was terrible, adding that the flooding came right up to his house and the flooding broke through the dollar store's windows, helicopters had to rescue people. The engineer responded that the Grantez building is being redeveloped as well.

Member of the Public: The river will have nowhere to go, and the flooding will be inevitable.

Roger Copt, 1120 Rt 202: Mr. Copt inquired about the flood stage and the builder's responsibility, Engineer stated that the building would need to be raised to about 61 feet and would be one foot above the FEMA 100 and the parking lot will be out of the flood zone.

Erica Landesberg, 21 Meehan Ave: Voiced that the zoning change is creating a lot of questions and it seems the Council is not comfortable with it, adding that in five years the residents will still be left with questions while Council may have moved on, she asked them to make their vote.

Member of the Public: Stated that the contractor/builder lied straight to their faces tonight, adding her concerns which include digging up an old landfill, overflowing dumpsters, meeting requirements. They suggested the developer gain the residents' trust by starting with the battery store remodel. They then brought up concerns about the remediation plans and costs, Engineer stated that the DEP oversees the remediation, and the developer has agreed to accept the cost. The resident stated that the residents are taking a risk with this project and questioned if the developer has any resident support.

Lenny Dimentman, Developer: It is the Borough's responsibility to deal with the remediation, but the developer is going to take on all the financial responsibilities for the remediation. He answered Ms. Sanders earlier questions, stating that the store is an online furniture store, anytime someone illegally dumped on his property he has paid a company to clean it up and that he has spoken to multiple residents who support him project.

Member of the Public: Asked the developer for an example of a project he has successfully completed in New Jersey, the developer responded by stating he has completed projects in Bayonne and Jersey City.

Dave Marder, 830 Old York Rd: Mr. M raised concerns about the total cost of the project, stating that estimates keep being thrown around, adding that there was another redevelopment project on Orlando that got abandoned because the developer ran out of money, and he questioned if that may happen with this project. The Developer stated that their plan has been reviewed by DEP and the developer should have no issues completing it.

Member of the Public: Asked the developer if there was a violation with DEP of \$12,500, the developer stated that even though he did not cause that violation, he did pay it for the former owner. The resident inquired about an oversight agreement, the developer stated he has a consent order in place, which is different. He then brought up his concerns about methane mitigation and explosions, the developer replied that methane mitigation is standard for landfills, and it was installed in the 1980s. The resident asked if the developer is changing the grade of the property, the Engineer stated it is a zero net fill situation, meaning whatever is raised, needs to be compensated for, everything needs to balance. The resident voiced concerns on where the water will go, the developer stated that they are responsible for the water on the property.

Neither seeing nor hearing any member of the Public, Mayor Carra closed the Public Hearing on Ordinance No. 2024-15.

Discussion ensued amongst Council discussing the best options considering this Ordinance.

On a motion by Council President Tozzi, seconded by Councilman DiGraziano, Council voted on tabling the Ordinance until December.

Recorded Vote

Yea: x

Nay: Tozzi, Agrawal, Armahizer, DiGraziano, Fritzinger, Patente

Absent: x

Abstain: x

Motion Carried: 0-6 (Motion Failed)

On a motion by Council President Tozzi, seconded by Councilman DiGraziano, Council voted adopting Ordinance 2024-15.

Recorded Vote

Yea: x

Nay: Tozzi, Agrawal, Armahizer, DiGraziano, Fritzinger, Patente

Absent: x

Abstain: x

Motion Carried: 0-6 (Motion Failed)

**PUBLIC COMMENT**

*(In accordance with Section 29-1 of the Code of the Borough of Raritan, there shall be a five-minute limit per speaker)*

Mayor Carra opened the second Public Comment portion of the meeting for members of the public wishing to speak.

Jim Foohey, 710 Rhine Blvd: Mr. Foohey asked for clarification regarding the Raritan Mall Ordinance to which Mayor Carra confirmed the matter was not tabled, the motion failed.

Joyce Fritchie, 445 Vanderveer Rd: Ms. Fritchie asked why her agenda was different from what the Mayor and Council had. Mayor Carra responded that the agenda is subject to change and that there are updated agenda copies provided for the public by the entrance of the Court room.

July 16, 2024  
Regular Meeting

Roger Copt, 1120 Rt 202: Mr. Copt asked about the Agway property that was discussed in the Redevelopment Advisory Committee meeting earlier that week. Mayor Carra stated that the study referred to during the meeting referenced the whole block, but a potential zoning change would just effect the Agway property itself. Borough Engineer Mr. Brosnan added that the study evaluates existing conditions to determine if a parcel meets the criteria.

Kathy Kolvites, 63 Vones Ln: Ms. Kolvites wanted to thank Council for listening to what the residents had to say this evening.

Neither seeing nor hearing any other member of the public, the Mayor closed Public Comment.

**ADJOURNMENT**

Mayor Carra asked for a motion to adjourn the Regular Meeting.

On a motion by Council President Tozzi, seconded by Councilman DiGraziano, Council moved to adjourn the Regular Meeting.

Recorded Vote:

All in favor

Motion passed: 6-0

Regular Meeting adjourned at 9:36 p.m.

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Kimberly Mathewson  
Acting Municipal Clerk

Approved: \_\_\_\_\_

Eric M. Colvin  
Borough Administrator

Date: \_\_\_\_\_

**Next Regular Council Meeting**

Tuesday, August 20, 2024  
6:30 p.m. – Executive Session  
7 p.m. – Regular Session