

**BOROUGH OF RARITAN
PLANNING BOARD
MINUTES
September 25, 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.

Lou Gara was sworn in as Class II, and Samy pillai D Jayaraj was sworn in as alternate IV Board Members

ROLL CALL

Present

Chairman LoPresti
Mayor Carra
Mr. Cunningham
Mr. Murphy
Mr. Cunningham
Mr. Decicco
Ms. Windrem
Mr. Jayaraj
Mr. Gara

Also Present

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

Absent

Councilman Tozzi
Ms. Carra
Ms. DeBellis

MINUTES

Motion by Mr. Murphy, **seconded** by Chairman LoPresti to approve the Minutes of **August 28, 2024**, as presented.

Roll Call:

Aye: Chairman LoPresti, Mr. Murphy

Nay:

Abstain:

ENGINEERING/PLANNING REPORT

Engineering

Mr. Brosnan provided an update on the new municipal building and road paving projects.

Planning

Mr. Brosnan provided an update on resolution compliance for the following projects: Amrutha, Tri-Murray Holdings and one other (unnamed) project. He also provided an update on 21 Orlando Drive and the TAP Grant for Anderson and Thompson Streets.

CONSTRUCTION OFFICIAL/ZONING OFFICER REPORT

Mr. Gara advised that construction on the Orlando Apartments was moving along. He also advised that the wine store (Amrutha project) would be ready for CO soon and that a new store ("DXL") would be going into the old Harmons space.

Mr. Gara responded to questions from a Board member about the new store on the corner of Somerset and Thompson Streets. He advised that they were cautioned about zoning compliance with respect to the windows.

RESOLUTIONS

The Board adopted a resolution (#2024-16) acknowledging direction from the Council to perform a preliminary investigation for potential redevelopment of the Agway site (Block 61, Lot 3.01). A discussion ensued about condemnation/non-condemnation since the investigation was said to include eminent domain.

Mr. Gara responded to questions regarding zoning/use from Mr. Cunningham. He clarified that the commercial property is a pre-existing, non-conforming structure, given it's location in a residential zone. Mr. Brosnan offered that prior use and zoning information could be added to his report. He clarified that they are initially only looking at facts/statutory requirements and that he would be submitting a proposal with respect to report preparation. Mr. Cunningham asked whether a zoning change would be required. Mr. Brosnan indicated that it would be premature to discuss this prior to determining whether the site meets the criteria.

A brief discussion ensued about how a determination is made as to whether an area in need of redevelopment includes condemnation. Mr. Flynn explained that this was under the purview of the governing body.

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

Roll Call:

Aye: Chairman LoPresti, Mayor Carra, Mr. Cunningham, Mr. Decicco, Ms. Windrem, Mr. Murphy, Mr. Jayaraj, Mr. Gara

Nay:

Abstain:

APPLICATIONS/HEARINGS

Four Three First Ave., LLC

Block 89, Lot 6 – 43 First Avenue

Mayor Carra and Mr. Gara recused.

Robert McNally, Esq. entered his appearance and provided an overview of the application for removal of a commercial use on the first floor in order to convert the building to entirely residential multifamily. He reviewed the extent of relief, confirmed that there would be no intensification of the use and spoke about correspondence that was sent in order to address the Board Engineer's comments.

Craig Stires, P.E. was sworn and qualified.

Mr. Stires acknowledged the Board Engineer's technical review letter. He discussed existing conditions, including parking and the need for a parking variance. Mr. Stires testified that existing parking was sufficient and offered that removal of the commercial use would serve as an improvement.

Mr. Stires testified that the site drains towards First Avenue, comparing it on the Tri-Murray application. He confirmed that the Site Plan included accurate owner information, location of the ground floor area was identified and the setbacks. Mr. Stires confirmed that work would be limited to interior only; no addition/no bump out. He

also confirmed that the dimensions of the driveway and rear yard as well as corrections to the zoning table would be made. A discussion ensued about the need for a topographic survey. Mr. Stires testified that they would comply with all conditions of Mr. Brosnan's letter with the exception of item number 7 which relates to adding additional topo/ elevations.

Questions of the Witness

Stall size was discussed in response to a question from a Board member. Mr. Stires testified that there would be four stalls which would be conforming in size in accordance with RSIS which would prevail. Clearance for the steps was discussed in response to another question from a Board member. Mr. Stires provided dimensional information to the satisfaction of the Board. Impervious coverage was discussed briefly. Mr. Stires advised that they paved over gravel, resulting in no change.

There were no questions from the public.

Mark Marion, AIA was sworn and qualified.

Mr. Marion provided an overview of the existing and proposed interior layout. He identified ingress/egress and discussed the proposed renovations at length. Mr. Marion confirmed that no exterior modifications were proposed but that the doors and windows would be upgraded. He confirmed that no closets would be added. He identified the entry to the basement. Mr. Cunningham expressed concerns about the number of people who would reside there.

Questions of the Witness

There were no questions from the public.

Applicant/Owner, Fortunato Riga was sworn in. Mr. Riga testified that 7 people reside on the property and that all apartments are rented. He testified that there are 4 vehicles currently on the site that belong to tenants; one of which houses an existing EV charger. The impact of the EV charger on parking spaces was discussed. Mr. Riga testified that there are no issues with parking as each unit has an assigned space and that he is getting ready to stripe them. He testified that there are three 2-bedroom units and one 1-bedroom unit and spoke about the existing tenants. Mr. Riga testified that there is room in the yard to expand parking in the future, if necessary. Potential impacts on impervious coverage relative to expansion were discussed.

Questions of the Witness

There were no questions from the public, but the applicant responded to questions/comments from the Board.

Mr. Riga advised that the commercial space was formerly Scafuto's Barber Shop which had one chair and no bathroom. He testified that the space is 230 s.f. of new floor and sheet rock only. Ingress/egress was discussed. Mr. Riga testified that there was an entrance from the rear and the front as well. He confirmed that the new apartment would have both front and rear access. Chairman LoPresti offered that he preferred a more residential character for the façade. Mr. Riga indicated that the façade improvements were more residential in character, as would the landscaping be. Sidewalks and landscaping were discussed. Mr. Brosnan offered suggestions. The proposed exterior upgrades were discussed further.

Questions of the Witness

There were no questions from the public.

John Taikina, PP, AICP was sworn and qualified. Mr. Taikina testified that the site could accommodate the expansion of what he acknowledged was a pre-existing, non-conforming use. As to the enhanced proofs/special reasons, he testified that purposes of zoning would be advanced, citing section e and g specifically. As for the negative criteria, Mr. Taikina testified that relief could be granted without substantial impairment to the public good or zone plan. Mr. Taikina testified that parking would be adequate, citing a decrease in intensity with removal of the commercial use.

Mr. Taikina reviewed the existing variance conditions, identifying them as C1 variances. As to the negative criteria for those, he testified that they could be granted without substantial impairment to the public good or zone plan/master plan.

Questions of the Witness

There were no questions from the public.

The attorney provided a brief summation.

Motion by Mr. Cunningham, **seconded** by Ms. Windrem to approve the application.

Roll Call:

Aye: Chairman LoPresti, Mr. Cunningham, Mr. DeCicco, Ms. Windrem, Mr. Murphy, Mr. Jayaraj

Nay:

Abstain:

Michael & Elisa Pannia

Block 95, Lot 9 - 18 LaGrange Street

Use Variance

Mayor Carra and Ms. Windrem recused

Francesco Taddeo Esq., entered his appearance on behalf of the applicant and provided an overview of the application for conversion of a commercial building with 2 residential units to a residential building with 3 units. He advised that the bar had not been operational in years.

Christopher Melick, PLS, PP was sworn and qualified.

Mr. Melick addressed the Board Engineer's report for completeness items; d, e, and f in particular. He confirmed that there were no proposed utility connections and that the existing are overhead. He advised that there is a water main and gas line coming into the front which should have been shown on the plan. Mr. Brosnan indicated that he would double check. Mr. Melick stated it would be added if it was not present. Contours were discussed, given the existing topo on the plan. He explained that a waiver was requested with respect to sewers since no changes to the sanitary sewer were requested. Drainage patterns were discussed.

Mr. Melick addressed other technical comments in Mr. Brosnan's letter. He testified that the commercial use had not been active for "some time" and that the relief was for a use variance in order to convert to multi-family, and a bulk variance relative to the size of the unit, less than 1000 sf. Mr. Melick provided testimony on the bulk standards as they related to the pre-existing nonconformity.

Impervious coverage was discussed. Mr. LoPresti advised that they mitigate an existing overage by removing some pervious material suggesting the stone area along westerly property line.

Mr. Melick testified that there would be no changes to the exterior and indicated that he would return to finish planning testimony after the architect. He expanded further on coverage mitigation measures and spoke about parking. He testified that there is room for 6 spaces which would serve 2 residential units. He testified that the basement, now a storage area, would remain empty and would not be part of any new unit. Mr. Flynn suggested that they request a parking variance for 12 spaces where 6 are proposed. Mr. Melick agreed. Mr. Brosnan provided suggestions on landscaping.

Patrick Gorham, AIA was sworn and qualified.

Mr. Gorham testified that the existing building was no longer used for commercial purposes. He discussed the interior layout and provided dimensional information on the room sizes. Access to the basement was discussed. Furnace location and HVAC were discussed. Mr. Gorham testified that there would be no exterior changes other than window replacement.

Removal of the concrete pad was discussed. Mr. Gorham confirmed that they intend to keep the pad and remove coverage elsewhere, which would be addressed in additional planning testimony. Mr. Cunningham expressed concerns about mitigation due to flooding concerns. Mr. Brosnan assured him that they intend to address coverage. Discussion about flooding concerns continued. Chairman LoPresti asked about the creation of a common area which the architect addressed. Washer and dryer location was again discussed.

Questions of the Witness

There were no questions from the public.

Planning testimony resumed. Mr. Melick confirmed that there would be mitigation measures for impervious coverage. Planting was discussed and it was determined that all mitigation measures would be done to the satisfaction of the Board engineer. Mr. Melick put forth planning testimony in support of the variances. With respect to the positive criteria, he testified that the proposal would support the purposes of section e and g of the Municipal Land Use Law. He confirmed that there would be expansion of the building and testified as to the negative criteria, no substantial detriment and minimal impact to the neighborhood or zone plan.

Questions of the Witness

There were no questions from the public.

The applicant's attorney provided a summation. The Board deliberated briefly.

Motion by Mr. Murphy, **seconded** by Chairman LoPresti to approve the application.

Roll Call:

Aye: Chairman LoPresti, Mr. Cunningham, Mr. Decicco, Mr. Murphy, Mr. Jayaraj, Mr. Gara

Nay:

Abstain: Ms. Windrem

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Motion by Mr. DeCicco, **seconded** by Mr. Cunningham and unanimously carried to adjourn at 8:15.

Approved: 10/23/24

Respectfully submitted,



Lou Gara, Board Administrator/Secretary