

MINUTES

BOROUGH OF RARITAN SPECIAL MEETING

**TUESDAY, NOVEMBER 26, 2024
6:30 P.M. – REGULAR SESSION**

This Special 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, November 26, 2024

Mayor Carra announced the Special Meeting of the Governing Body 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 August 27, 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. 2024-11-194

Entering Executive Session

1. Attorney Client
Alpine Way
Oaths of Office
2. Personnel
Administration
3. Litigation
Raritan Mall

On motion by Council President Tozzi, seconded by Councilman Armahizer, Council moved to approve Resolution No. 2024-11-194.

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 6:32 p.m.

EXECUTIVE SESSION ADJOURNMENT

Council moved to reconvene in Regular Session unanimously.

Council exited Executive Session, and resumed Regular Session at 7:00 p.m.

PUBLIC COMMENT (AGENDA ITEMS ONLY)

(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.

Irma Mooney, 34 Glaser Ave: Ms. Mooney wanted to show Council a picture she found from 2021; in the photo 206 is underwater. Her concern is if the proposed Ordinance passes, the people who will live there would be stranded the next time there is a major rain fall. Ms. Mooney suggested looking elsewhere in town to build, that location is just going to cause major issues.

Patrick Dinsmore, 523 Victoria St: Mr. Dinsmore asked if the Master Plan had a consistency review done for a third time regarding the proposed ordinance. Borough Attorney Robertson stated that the consistence review on the redevelopment plan took place several months ago. Mr. Dinsmore then asked if the legal process requires the review to be redone after a denial. Mr. Robertson then stated that the redevelopment plan was referred to the Planning Board and a consistency review was done; there then was a resolution that was adopted based on the same redevelopment plan. Mr. Dinsmore then inquired about meeting minutes for Borough Council and the Redevelopment Advisory Committee that are not on the website since April, which he finds highly concerning. He also added that the redevelopment plan is also not on the Borough's website. Mr. Dinsmore then asked for clarification about the conflict that has been mentioned multiple times between our Borough Attorney and the Raritan Mall. Mr. Robertson responded stating the Land Use Board Attorney would handle the enforcement of any UCC violations to avoid any type of potential conflict as there was a matter pending before Council. Mr. Dinsmore the asked about the status of the temporary CO mentioned at the last meeting and the permitted use of the warehouse space. Borough Administrator Colvin responded stating there is a temporary CO issued, and it was extended to December 15th. Mr. Robertson the added that he and the Administrator spoke with Construction Official Gara who confirmed that there was a zoning determination that the nature of the proposed use was permitted.

Zongqi Hu, 106 Anderson St: Mr. Hu asked for an update on the parking issue on Anderson Street that he has previously brought to the Council's attention regarding the customers from Valley Wellness. He added that a sign has been posted by the Police however, it is useless. Mr. Hu went on to voice his frustrations regarding the matter and requested more to be done to protect the residents.

Yumei Wang, 106 Anderson St: Mrs. Hu was happy when she noticed the sign from the Police Department, but the parking issues on Anderson have gotten worse since the sign had been posted. She continued expressing her frustrations. Mayor Carra responded stating that they are still looking into a legal solution. Discussion ensued amongst Council about potential ideas to help find a solution.

Jeff King, 47 Vones Ln: Mr. King: Mr. King stated that he has gone to Anderson Street over the last few weeks to see if the problems are still on-going. He also added that the owner of Valley Wellness has been doing whatever she can to help the situation by posting multiple signs for no loitering and no smoking on her property. Mr. King continued to voice his annoyance with this issue and how people don't seem to abide by the signs. He urged Council to come up with a solution.

Sarah Trent (owner of Valley Wellness): Ms. Trent advised Council that she has been trying to help the Hu's and the community and is open to working with the Borough to find a solution. Councilman Patente

asked Ms. Trent if the parking lot at her establishment was ever full. Ms. Trent responded that yes, at times it is full however, she wanted to note that the times her parking lot is full does not generally correspond with the issues happening on Anderson Street. Discussion ensued between Council and Ms. Trent.

Chris Allen, 11 Granitz Pl: Mr. Allen commented that the issues being discussed on Anderson Street seem to be a policing issue. He then went on to inquire about the certificate of occupancy for the Raritan Mall. Mr. Allen stated that he has been asking Mr. Gara for a copy of the CO for months regarding the warehousing and for a long time it didn't exist and now there is one. Mr. Allen expressed his frustrations and concerns regarding the CO and the illegal business that has been operating out of the building. Borough Attorney Robertson responded clarifying the background of this issue. The initial determination was a zoning issue, not an issue with the seal. Once the operation issue was brought to Mr. Gara's attention he went to visit the site, and the property owner was under the impression that there was an existing CO from the former business. Mr. Gara advised the property owner that was incorrect. Mr. Gara did agree that it was a permitted use within the zone; the zoning ordinance does not distinguish between retail that is on premises or online sales. The determination was made last December 2023 that it was a permitted use. Mr. Allen continued to express his frustration with this issue.

Bonnie Allen, 11 Granitz Pl: Ms. Allen asked Borough Attorney to clarify the certificate of occupancy issue. Mr. Robertson stated that there was a zoning determination made by the Zoning Officer last December. Ms. Allen responded stating that she has been inquiring about the CO for months and was told that it needed to be looked in. She asked why there were never answers until now.

Roger Copt, 1120 Rt 202: Mr. Copt inquired why the Borough would approve anything for the property owner. He then asked why Council would want to demolish a commercial property in town and allow apartment housing to go up in that location especially when there are known flooding issues with the area. Mr. Copt continued expressing his frustrations to Council.

Emilie Stander, 977 First Ave: Ms. Stander stated that she was a supporter of redevelopment and building more affordable housing. She did express her concerns with the area and the issues such as flooding and contamination. Ms. Stander continued to express her concerns with the location and that there are many unknown variables with this.

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

MINUTES

1. November 12, 2024 – Special

Mayor Carra asked for a motion to Approve the November 12, 2024 Minutes.

On a motion by Councilman Armahizer, seconded by Council President Tozzi, Council moved to Approve the November 12, 2024 Minutes.

Recorded Vote

Yea: Tozzi, Agrawal, Armahizer, DiGraziano, Fritzingler

Nay: x

Absent: x

Abstain: Patente

Motion Carried: 5-0-1

COMMITTEE & LIAISON REPORTS

Councilman Armahizer- Councilman Armahizer stated he had nothing new to report since the last meeting. He then asked Borough Engineer Brosnan if he could forward the Environmental Remediation plan for the Raritan Mall to the Environmental Commission. Engineer Brosnan responded confirming that the documents requested do not exist at this time; those would be required once the actual application has been submitted.

Councilman Agrawal- Councilman Agrawal stated he had nothing to report for the Library or the Board of Education. He did want to advise regarding the Finance Committee that it is budget time. The Finance Committee will be working with the CFO and the Administrator to make any changes that are necessary prior to the introduction of the budget next year.

Councilman DiGraziano- Councilman DiGraziano stated that most of the Recreation programs are over for the year however, on December 14th Santa will be at Frelinghuysen Park from 12 p.m. to 2 p.m. Everyone is invited to come and get pictures with Santa.

Council President Tozzi- Council President Tozzi started off stating that he has been talking with the Police Chief and there will be more surveillance on Anderson Street. Last week DPW put the installed the snowflakes around town and it looks great. A very big thank you to DPW for all the work they did.

Councilman Fritzing- Councilman Fritzing also wanted to acknowledge Public Works and what a great job they did decorating the streets throughout town. He also mentioned that it is the start of snow season and the Borough's equipment is ready to go for when it does snow. He continued by stating that he and DPW Director sat down and have started mapping out resurfacing program for 2025 with more information to come in the new year. The Building Department permit activity dated October 18th through November 20th yielded 10 building permits, 10 plumbing permits, 21 electrical permits, 9 fire and 9 mechanical permits totaling \$67,646.00 in fee collected by the Borough. The Historical Committee met on November 20th however the Councilman was not able to attend but he did want to remind everyone that they are selling ornaments over at the library.

Councilman Patente- Councilman Patente started off by saying the shared Court has been working out well and have reported the issuance of 203 violations and have disposed of 305 cases. For the month they collected \$22,635.00 with \$12,025.00 going to the Borough. The Councilman continued stating a resident brought to his attention the book exchange boxes that are around the Borough, look in disrepair. He asked who would be responsible for that and if our DPW could look into helping fix those up.

Mayor Carra- Mayor Carra announced that there is a vacancy on the Shade Tree Advisory Committee, and he is making a motion to nominate Emilie Stander for the unexpired term ending in December of 2025.

On motion by Mayor Carra, seconded by Council President Tozzi, Council moved to appoint Emilie Stander to Shade Tree Advisory Committee.

Recorded Vote

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

Nay: x
Absent: x
Abstain: x
Motion Carried: 6-0

The Mayor went on to thank former resident Joni McKelvy, who had the vision of putting a tree over by the Nevius Street bridge, Council President Tozzi and Councilman Armahizer for helping to make this a reality. Mayor Carra also announced that there will be a Redevelopment Advisory Committee meeting on December 4th at 9:00 a.m.

OLD BUSINESS

1. Christmas Tree Lighting (DT)
Council President Tozzi stated that after working with Joni McKelvy, Downtown Raritan, Recreation, and Councilman Armahizer the tree lighting will be on December 11th from 6:00 p.m. to 8:00 p.m. at the Nevius Street Bridge. He also stated that there were 1,000 bows donated to the Borough from a sponsor for residents to come decorate and they will be hung on the tree for the tree lighting. The bows are currently available in Borough Hall to be decorated here or can be taken home and returned prior to the event. Council President added that at the event the JFK Choir will be there to sing, Councilman Armahizer was able to get a trombone company to come perform, and there will be hot chocolate and coffee for all who participate. Council President noted that this event will be a free event, and all are welcome.

NEW BUSINESS

1. Handicapped Parking – 20 Anderson Street (EC)
Administrator Colvin stated that he received a request from a resident asking for a handicapped space. The resident did supply all the necessary information, and we are looking to have Council draft an ordinance.

On motion by Council President Tozzi, seconded by Councilman DiGraziano, Council moved to authorize the Borough Engineer to draft an ordinance.

Recorded Vote

Yea: Tozzi, Agrawal, Armahizer, DiGraziano, Fritzing, Patente
Nay: x
Absent: x
Abstain: x
Motion Carried: 6-0

ORDINANCES – SECOND READING & PUBLIC HEARING

Councilman Patente stated that he would be recusing himself from the adoption of the following ordinance and will be leaving the room prior to any discussion.

Ordinance No. 2024-25

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 acres 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.

Mayor Carra opened the Public Hearing portion of the meeting for members of the public wishing to speak on Ordinance No. 2024-25.

Irma Mooney, 34 Glazer Ave: Ms. Mooney inquired about an attorney who had been representing the Planning Board who then went on to represent the developer for the Granitz project. Ms. Mooney stated she felt this was a conflict of interest and if that is happening, the public should be aware. She went on to voice her concerns about the conflict. Mayor Carra responded stating the attorney was representing the Borough more than 10 years ago. Ms. Mooney also raised the issue of the Certificate of Occupancy for this building and how there are no minutes to go back and read. She also then wanted to stress that it was 2024 and these meetings should be available for those who are unable to attend in person.

Jim Foohey, 710 Rhine Blvd: Mr. Foohey stated that during his nine years on Council he learned there are two ways of looking at issues; idealistic and realistic. The idealistic way to look at this issue would be to get a grocery store or supermarket to occupy the space and have more stores in the space now however, to be realistic you need to admit that that’s not going to happen. Stop and Shop left about seven years ago and not one of the grocers that were reached out to had an interest to move in. Borough Council has a responsibility to the taxpayers. Tonight’s vote has the potential to make a \$100 million dollar lawsuit go away and Mr. Foohey urged Council to make the right decision.

John Inglesino (Representing Raritan Mall): Mr. Inglesino stated he was at the meeting to speak in support of the redevelopment plan. He mentioned hearing a number of comments tonight with respect to flooding issues and environmental concerns to name a few. He wanted to ensure the public that those issues will be thoroughly vetted when a site plan application is submitted. Mr. Inglesino then went on to mention that every town in New Jersey, including Raritan Borough, has a constitutional obligation to provide its Fair Share of Affordable Housing and that the State Department of Community Affairs published their fourth-round report for all municipalities. He then went on to explain how this project would help with a portion of the Borough’s obligations. He also added that his client prepared to offer the same plan that was previously offered but also mentioned that his client has an alternative plan for a seven-story building with 414 units, instead of the 276 units originally discussed. If the redevelopment plan does get voted down tonight, he and his client have a right to pursue the matter before the Courts.

Dave Marder, 830 Old York Rd: Mr. Marder started off by stating he was embarrassed for Council to have someone walk into a meeting and tell you what to do and to discuss things that Council has not been discussing due to a pending lawsuit. He then mentioned that the Borough Attorney should know that the pending lawsuit is frivolous. Mr. Marder then went on to explain that when he bought his house, he accepted the zoning for the property and when he decided he wanted a fence around the property, he knew to contact the Borough. He spoke with Mr. Gara who explained what the ordinances were and what I needed to do to make sure he was complying. If he didn’t agree with what the current zoning requirements, he couldn’t just sue the town to get what he wanted. Mr. Marder agrees that the area in

questions does need to be redeveloped however, using the argument that this could ‘fix’ our affordable housing situation when the area is not currently approved for residential. He stressed that Council has the responsibility to do what is right for the residents.

Ben Harris, 2 Wall St: Mr. Harris stated that he wanted to echo the social concerns that have been brought up as well as the environmental concerns. He went on to state that the contamination of this area is quite extensive and very concerning; stressing if Council has not yet read the reports, they should read them. Mr. Harris then went on to explain in detail about the groundwater contamination reports he has read; the latest being from the early two-thousands. He stressed to Council that before voting on this or even if you vote in support of the project, looking into the plans for remediation of this site. Mr. Harris also mentioned that the Borough has a responsibility as an upstream community of the Raritan River to make sure we are protecting the people who drink this water.

Mark Liebman (Representing the Lena): Mr. Liebman stated that he represents the owner of the Lena and that they have spoken to the proposed developer and there is not intended development within 50ft of Busky Lane. The intended development is going to be 65ft to the peak of the parapet. He stated there is no objection to the proposed development.

Roger Copt, 1120 Rt 202: Mr. Copt stated that the attorney for the development is threatening the citizens of Raritan and the Mayor and Council that if they do not get what they want, they will sue and get 400 apartments instead of the 276 originally discussed. He then went on to ask the attorneys in the room if there has ever been a successful lawsuit against a municipality in this stated to force them to change their zoning to allow for affordable housing. Mr. Copt went on stating he thinks the lawsuit should go to court and be handled there, stressing that he feels the lawsuit is frivolous. Mr. Copt then asked Council if any of them have read the Borough’s Master Plan adding that the master plan has three options with one of them having housing in it. He went on to explain that the option with housing allows for one two-story building with 50 units and the rest for the mall. He also mentioned that compared to our surrounding communities, Raritan is second in density. Mr. Copt continued to stress that Council is up there to represent the residents of this town and not the developers who want to come in and build.

Jeff King, 47 Vones Ln: Mr. King asked whose responsibility it is regarding water main breaks in the area of the proposed development, to which Mayor Carra responded stating it is the water company’s responsibility. Mr. King continued stated that when the major breaks happened earlier this year, it flooded the whole area on a contaminated site. He stressed that this is a major issue and needs to be looked into.

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

On motion by Councilman DiGraziano, seconded by Councilman Fritzingler, Council moved to adopt Ordinance No. 2024-25.

Recorded Vote

Yea: Tozzi, DiGraziano, Fritzingler

Nay: Agrawal, Armahizer

Absent: x

Abstain: Patente

Motion Carried: 3-2-1

ORDINANCES – INTRODUCTION

None

CONSENT AGENDA

(Resolution No. 2024-11-195 through No. 2024-11-197)

Resolution No. 2024-11-195	Authorizing Planning Board to Undertake AIN of Rehabilitation
Resolution No. 2024-11-196	Designating Depositories
Resolution No. 2024-11-197	Approving Budget Transfer

Councilman Agrawal requested pulling Resolution No. 2024-11-195 to be voted on separately.

On a motion by Councilman Agrawal, seconded by Councilman Fritzingler, Council moved to approve Resolution No. 2024-11-196 through Resolution No. 2024-11-197.

Recorded Vote

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

Nay: x

Absent: x

Abstain: x

Motion Carried: 6-0

Mayor Carra stated that Resolution No. 2024-11-195, Authorizing Planning Board to Undertake AIN of Rehabilitation is what Angela Knowles presented to the board about a month or so ago for the Downtown rehabilitation study. Councilman Agrawal stated that Ms. Knowles' original proposal was doing the rehabilitation study from Rt. 206 to the Basilone Statute and that Council members requested to focus the study. They agreed to concentrate of the area from the bank to the Basilone Statute however, the latest map highlights the study going all the way to 206. Discussion ensued amongst Council, Borough Engineer, and Ms. Knowles on what was previously approved regarding Ms. Knowles proposal.

On a motion by Council President Tozzi, seconded by Councilman Fritzingler, Council moved to approve Resolution No. 2024-11-195 – Authorizing Planning Board to Undertake AIN of Rehabilitation.

Recorded Vote

Yea: Tozzi, DiGraziano, Fritzingler, Mayor Carra

Nay: Agrawal, Armahizer, Patente

Absent: x

Abstain: x

Motion Carried: 4-3

BILL LIST

Resolution No. 2024-11-198	Approving Bill List
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Councilman Agrawal wanted to discuss the Pharos bill and suggested to have the project team come in and provide an update on the new Municipal Building costs. The costs from the new building keep going up and he stressed that this is taxpayers' money and there need to be accountability. Discussion ensued.

On motion by Council President Tozzi, seconded by Councilman Agrawal, Council moved to approve Resolution No. 2024-11-198 – Approving Bills List.

Recorded Vote

Yea: Tozzi, Agrawal, Armahizer, DiGraziano, Fritzingler, Patente
Nay: x
Absent: x
Abstain: x
Motion Carried: 6-0

CERTIFICATION OF FUNDS

1. Pharos Enterprises LLC – 9 West Somerset Street Renovations - \$264,908.70
2. Borough of Somerville – CFO & Fire Prevention Shared Services - \$21,493.50

On motion by Councilman Fritzingler, seconded by Councilman Agrawal, Council moved to approve the Certification of Funds.

Recorded Vote

Yea: Tozzi, Agrawal, Armahizer, DiGraziano, Fritzingler, Patente
Nay: x
Absent: x
Abstain: x
Motion Carried: 6-0

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.

Roger Copt, 1120 Rt 202: Mr. Copt asked if the Redevelopment Plan will go before the Planning Board, to which Mayor Carra said yes. Mr. Copt then asked how this plan will be found consistent with the Borough's Master Plan? He continued by asking why Alpine way has been discussed in closed session for three years. Council President Tozzi responded stating that he has been looking into the Alpine Way issue, and it is much more than the 20ft driveway. Mr. Copt then went on to explain that the property used to be owned by his father and that he put the current driveway in, and it wasn't a complicated process. Now the current owner wants to improve the driveway, and it has become a very complicated situation. Mr. Copt continued to express his frustration with this matter.

Patrick Dinsmore, 523 Victoria St: Mr. Dinsmore wanted to stress the lack of minutes posted to the Borough's website; 13 sets of meeting minutes that are missing. He added that the lack of transparency is unacceptable. Mr. Dinsmore then mentioned the next Redevelopment Advisory Committee is meeting at 9:00 a.m. during the week which does not allow some people to attend. He suggested moving the meetings to the evening a few months ago and asked why that hasn't happened. Mayor Carra responded stating the committee gets requests to meet with professionals when they are available, adding that the Redevelopment Advisory Committee does not make decisions.

Jeff King, 47 Vones Ln: Mr. King stressed that Councilman Agrawal is the financial person on Council and how we should be listening to him. He went on to state that every job should have a set budget, and you should know approximately what that budget is. Council should not be approving change orders if they are unaware of where that could leave the budget. He continued

stressing that this will inevitably effect the tax payers and how crucial it is to pay attention to a budget for any project.

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 Special Meeting.

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

Recorded Vote:

All in favor

Motion passed: 6-0

The Special Meeting adjourned at 9:07 p.m.

Kimberly Mathewson
Acting Municipal Clerk

Approved: _____
Eric M. Colvin
Borough Administrator

Date: _____