

**BOROUGH OF RARITAN  
PLANNING BOARD  
MINUTES**

March 25, 2026

A YouTube video of the meeting is available on the Borough website

**CALL TO ORDER & FLAG SALUTE**

The meeting was called to order at 6:30 p.m. in the Borough of Raritan Municipal Building. Ms. Windrem read the Open Public Meetings statement into the record and led the pledge of allegiance.

**ROLL CALL**

**Present**

Mayor Tozzi  
Councilman Harwood  
Ms. Windrem  
Mr. Cunningham  
Mr. Murphy  
Mr. Brown  
Mr. Gussman  
Mr. Jayaraj  
Ms. Thomas

**Absent**

Mr. Gara

**Also Present**

Matt Flynn, Board Attorney  
Joe Brosnan, Board Engineer/Planner  
Jenna Ferraro, Acting Board Secretary

Mr. Flynn advised that a letter of resignation was received by Mr. Lopresti and asked for a nomination for chairperson.

Motion by Mayor Tozzi, seconded by Mr. Murphy to nominate Ms. Windrem to vacate the position of vice chair and assume the chairperson's position, there were no other nominations.

**Roll Call:**

**Aye:** Mayor Tozzi, Councilman Harwood, Ms. Windrem, Mr. Cunningham, Mr. Murphy, Mr. Brown, Mr. Gussman, Mr. Jayaraj, Ms. Thomas

**Nay:** None

**Abstain:** None

Mr. Flynn asked for nominations for vice chair and Mr. Cunningham nominated Ms. Thomas, Ms. Thomas is an alternate member and cannot serve as vice chair, Councilman Harwood nominated Mr. Murphy seconded by Mayor Tozzi, there were no other nominations.

**Roll Call:**

**Aye:** Mayor Tozzi, Councilman Harwood, Ms. Windrem, Mr. Cunningham, Mr. Murphy, Mr. Brown, Mr. Gussman, Mr. Jayaraj, Ms. Thomas

**Nay:** None

**Abstain:** None

Mr. Flynn announced that the Lagrange St LLC application will not be heard and will be heard at the April 22, 2026, meeting at 6:30pm without further public notice

Ms. Windrem provided a reminder that the board is required to remain neutral and base it's decisions solely on the record before them, public comment is always welcome and will be taken at the appropriate time, please state your name and address, comments are limited to five minutes and time cannot be transferred or shared with others in order to accommodate a full agenda, the meeting has a hard stop at 10:00pm so adherence to time limits is essential, respectful conduct is expected at all times, interruptions, outbursts and inappropriate behavior including gestures will not be tolerated and may result in removal so the meeting can proceed in an orderly fashion.

## **PROFESSIONAL REPORTS**

Mr. Brosnan stated the Richard St. project phase three will be moving forward. Mr. Brown asked about the Colfax St project and Mr. Brosnan responded.

## **APPLICATIONS/HEARINGS**

- **Redevelopment Plan Consistency Review Ordinance 2026-, Planning Board Resolution 2026-  
Station Village at Raritan LLC (Former Agway)  
77 Thompson St.  
Block 61 Lot 3.01**

Mr. Flynn advised the board of the procedural actions taken by the council and offered considerations for the board in reviewing the amended ordinance for consistency. Mr. Timms provided information about the actions taken by council and read from the proposed reasons resolution.

Mr. Brosnan discussed the changes to the ordinance including the reduction of the size of the fourth floor and the apartments and amenity spaces. The board questioned Mr. Brosnan on the setbacks proposed in the ordinance.

Motion by Mr. Cunningham, seconded by Ms. Thomas to deem the ordinance inconsistent with the master plan because of the proposed setbacks.

### **Roll Call:**

**Aye:** Mayor Tozzi, Councilman Harwood, Ms. Windrem, Mr. Cunningham, Mr. Murphy, Mr. Brown, Mr. Gussman, Mr. Jayaraj, Ms. Thomas

**Nay:** None

**Abstain:** None

- **Raritan Mall 25-005 Site Plan (continued from January 28, 2026)  
Block 116.01 Lot 11.01  
166 Orlando Drive**

Mr. Cunningham recused himself.

Attorney Derrik Orth provided an overview of the project and zoning and stated they are seeking preliminary and final site plan approval. The project complies with the developer's agreement and the redevelopment ordinance adopted

by the Mayor and Council. Mr. Orth stated Shawn Delaney, site engineer, Angela Kostelecky, architect, and John McDonough professional planner will be testifying and answering questions. Mr. Delaney described the procedures to be followed for the demolition of the existing structure and parking areas and will be monitored by an LSRP. Reports will be generated and reviewed by the NJ DEP for compliance. The demolition contractor is required to comply with all federal, state, and local regulations. The cap over the landfill previously approved by the NJ DEP will be maintained, if the cap is disturbed it must be replaced and certified by the LSRP and approved by the NJ DEP. Hazardous materials found must be disposed of at a licensed facility and records maintained and submitted for approval. Additional materials such as asphalt and concrete that will be removed must be sent to a facility that is licensed to accept the material, and records must be maintained and submitted for approval. Mr. Brown questioned the timeframe to complete the demolition and if there is flooding while the cap is compromised, how will the containment be achieved, Mr. Delaney responded. Mr. Murphy asked if any of the materials will remain onsite and be reused, Mr. Delaney responded. Mr. Gussman raised his concerns with the demolition, Mr. Delaney responded. Mr. Brown questioned an alternate parking arrangement if the site floods, Ms. Thomas expanded and Mr. Delaney responded. Ms. Brown, Elmer St. discussed drums that are currently stored behind the building. Mr. Strauss, Vones Lane asked about previous evacuations due to gas alarms and about the height of the building and its effect on the methane gas venting systems, how long will the building last, will there be an evacuation plan, Mr. Delaney, Mr. Orth, and Mr. Flynn responded. Mr. Harris, Wall St. asked about the cap and the migration of water, containment of contaminated material, how will ground water that flows over contaminated material be dealt with, if the building is flooded how will that be dealt with, Mr. Delaney responded. Mr. Orth stated that the plan is in compliance with the ordinance in accordance with the municipal land use law and there are outside agencies that are also required to be complied with. Mr. Flynn discussed the redevelopment ordinance and the residential use for 276 apartments and a mix of commercial space is a permitted use and does not require a variance. Mr. Allen Granetz Pl. questioned who is going to provide insurance at this site and has the land behind this site been considered to be a part of the plan, applicants Attorney responded. Mr. Timms, what impact will this site have on adjacent properties with regard to ground water and will the portion of the site to the north be built up, asked about traffic circulation and fire truck access, plans for venting methane gas, Mr. Delaney and Mr. Orth responded. Mr. Copt Route 202, discussed opening the cap on the landfill and its effect on the water supply and residents downstream and what is in the landfill, Mr. Delaney responded. Ms. Stander First Ave, has the DEP approved a classification exception area for the ground water on the site, are there plans to monitor the ground water at the site, is the DEP requiring more sampling of the ground water, air monitoring equipment during demolition, will the information be available to the neighboring property owners, southeast area depth of the soils, no net fill requirements, Mr. Delaney responded. Ms. Allen Granetz Pl, what happens when you dig and find things that you don't expect, Mr. Delaney and Mr. Orth responded. Mr. Dinsmore Victoria St, has the conflict of interest of Mr. Flynn been addressed by the board, how many work sessions have you had with the LSRP, do you agree that LSRP and site engineers are to work together, Mr. Delaney, Mr. Orth, and Mr. Flynn responded.

Ms. Kostelecky, project architect, provided an overview of her previous testimony including a description of the building. There are electric vehicle (EV) charging station parking spaces in the parking garage and the location was discussed and are code compliant with fire and building codes. Details of the trash system, ingress and egress to the building, total building height, flood hazard elevation, outdoor spaces, private balconies, community and fitness rooms, unit plans and their adaptability, exterior design elements, all quality materials are specified in the design. Mr. Tozzi stated the agreed upon times for trash pickup and residents moving in and out. Ms. Thomas, how many electric vehicle (EV) chargers are inside and how many are outside, 15 inside and 37 outside, will there be a rule regarding noise, the actual height of the building, Ms. Kostecky responded. Ms. Windrem, tree buffer behind the building, Mr. Flynn and Mr. Orth commented. Mr. Murphy how many parking spaces are required, is outside resident parking elevated, Ms. Kostelecky responded. Ms. Kostelecky stated the building is designed in accordance with the UCC, ADA, and applicable building and fire codes. Mr. Strauss HVAC system details, Ms. Brown handicapped parking location and is there sufficient room for cars to ingress and egress in the parking garage. Ms. Colitus Vones Lane, is there an extinguishing system for the EV spaces, a system to notify the residents in the event of a fire, designated parking for deliveries. Mr. Timms Lagrange St, methane venting and remediation, parking space sizes. Mr. Harris, Wall St. how is the building

designed to function during and after a flood event, how are utility penetrations designed, how does the design account for repeated flooding, would the developer agree to epoxy free materials. Mutek Vones Lane, concerns with the commercial parking space sizes, Mr. Flynn responded. Dinsmore, when were you hired, were there different concepts, meet with any public officials, meet with redevelopment advisory commission, familiar with the methane venting system, how far are the terraces from methane vents, how many work sessions have you had with the LSRP, Mr. Orth, Ms. Krosteky responded to questions from the public.

John McDonough, Professional Planner provided his credentials. Provided legal planning criteria, single tax lot, 10.88 acres, mixed use surrounding the site, inclusionary mixed use plan, housing center part of fair share housing settlement, board is bound by the ordinance and zoning requirements and the project is fully compliant, the sole consideration is compliance with the ordinance, no variances for use or bulk, relief for parking stall length and has existed at the site without detriment, the relief is reasonable and practical, conforms with RSIS, match what has historically existed at the site, parking spaces proposed exceed what's required, relief is reasonable, variance free application should consider the Pizzo Mantin case in Randolph, went through the layers of the court, supreme court reversed the denial, compliments to the community and leadership on the successful acceptance of the fourth round affordable housing plan. Mr. Brosnan, consideration for access out of the site in the event of flooding for pedestrians, attorney-applicant will stipulate to an emergency plan in the event of a flood event. Ms. Colitis Vones Lane, who will notify residents, will there be a plan for taking care of pets in the event of a flood, will you provide a list of hotels that allow pets, does car insurance cover flooding, will shuttle be handicapped accessible, prescriptions left in the home will there be security guards, health issues of noise and smoke, hope they go above and beyond the requirements for sound, signage posted about flood zone, Mr. Orth responded applicant will hire a management company with concierge service to assist residents for medication, no smoking will be permitted in the building, Mr. Flynn stated that they have to comply with the smoke free air act. Mr. Timms Lagrange St., consider a bridge to high and dry, will you include boats in the evacuation plan. Mr. Mutek Vones Lane, concerned with the size of the parking spaces, Mr. McDonough responded. Mr. Allen, Granetz Pl., what's the process of digging, we live here and you don't understand what the potential disaster this will be, would you put your family in this building. Mr. Copt Route 202, how many parking spots, Mr. Flynn responded 647, everything is in the landfill DDT, arsenic probably a lot of that material is in the landfill how many holes are going through the cap. Mr. Harris Wall St, the site is a capped landfill upstream of a drinking water supply, lateral ground water carrying contaminants, no evacuation plan, compliance with the DEP is a baseline, it is not appropriate to move forward with this project. Mr. Strauss Vones Lane, the project will be a disaster and within a few years it will fail, history repeats itself, what happens when time passes, how do we guarantee that all considerations will be taken into account to ensure the residents' safety. Mr. Copt you better make sure you protect yourself. Ms. Stander is disappointed that the LSRP was not present. Dinsmore, is it a condition that the residents are notified in the lease of the flood zone and landfill, attorney responded that if the law requires they will comply. Motion to close the public session by Mr. Harwood and affirmed by voice vote of the full board.

Mr. Orth made closing statement. There was a public process that was carried out and heard in the municipality and the court and was vetted and approved by the superior court. A redevelopment plan was adopted by the governing body, the plan fully complies with the exception of the length of the commercial parking spaces. The concerns raised are understandable and the conditions agreed to. Mr. Flynn went through the conditions; compliance with Mr. Brosnans report, irrigation system, good faith effort to install additional landscaping on the northern side, private trash collection not earlier than 8am and not on weekends, no right turns onto Busky lane, inform tenants that the site is in a flood zone and possibly over a closed landfill, NJ Title 88, allow Mr. Brosnans firm to conduct inspections, LSRP results to be provided to Mr. Brosnan, comply with smoke free air act, provide concierge service.

Motion by Mr. Tozzi, seconded by Mr. Harwood to approve the application for preliminary and final site plan subject to conditions.

**Roll Call:**

**Aye:** Mayor Tozzi, Councilman Harwood, Ms. Windrem, Mr. Murphy, Mr. Jayaraj, Ms. Thomas

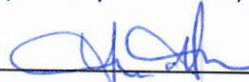
**Nay:** Mr. Brown, Mr. Gussman  
**Abstain:** None

**ADJOURNMENT**

Meeting adjourned at 10:01.

Approved: 4/22/2026

Respectfully submitted,



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Lou Gara, Board Administrator/Secretary

# **Raritan Boroughs Love-Canal- WHY????**

PI  
3/25/26  
J

Our governing body and planning board in the Borough of Raritan New Jersey are in the final stages of permitting construction of many residential units on historically proven flood lands along the Raritan River. Effectively, they are preparing for us and our future generations for the same disastrous events that exist in places such as “Lost Valley” in neighboring Manville and the residential neighborhoods of Wayne New Jersey. **These acts of misguided and synthetic utopian folly can and will bring to the people of our community the dangers, property damage and millions of dollars in liabilities that these and other such communities endure today.**

- 1.** Factual Overview
- 2.** How Long Is Tomorrow?
- 3.** Water, Water Everywhere?
- 4.** I Smell Gas!
- 5.** Money, Money Everywhere!!!



***This photo, taken during a recent flood, shows the proposed site where the Borough of Raritan is attempting to have 276 residential units built on the Raritan River flood plain. The location of this housing will be on the approximate location as the “L” shaped mall structure protruding out of the water in the above photo.***

Our (the governing bodies and officials of Raritan Borough) have assured us that such developments in our town will reap for us massive amounts in financial gains as well as protect us from potential lawsuits from developers and Fair Share Housing requirements. Everything will be coming up roses for you and for me! But just exactly who are they talking about when they say you and me? What about YOU and I and what about those future residents that may become drawn into this situation? Will there be roses for us too or will our bounty be something a little more ominous?

I do have a few questions that I would like to have addressed by many of those in our governing bodies who have been assuring us that there will be nothing but roses and happiness for all those being drawn into this financially bountiful and utopian Raritan Borough that they plan to bring upon us. These are not questions and comments that are to be glanced at and then cast aside until all is forgotten and the comments and questions here have been ignored into oblivion. The intention of this document is to bring these items to a persistent surface where a simple "feel-good" response of shallow words with little or no substance will not appease those who demand answers. In short, this document is being officially presented to those who are fostering these and other such projects and as such solid, factual written answers to each question are being demanded of you.

**1. Factual Overview:**

Fact number one is that the photo in this document is hard evidence of what happened to a similar project with glorious projections for our town's future. This project was birthed in much the same way as the projects being forced upon us today and included much of that same hype and grandiose promises for tomorrow. It did not take long for tomorrow to raise its ugly head and the people of Raritan were left to deal with the pitiful remains of that failure.

Did we learn from that past mistake??? It appears that the only thing learned is that this time it will all work out and all we have to do is increase its scope, endanger more lives, and broaden the future liability for the people of Raritan Borough. There is a definition of a fool often attributed to Albert Einstein; it goes something like: "A fool is someone who does the same thing over and over again and expects to see a different result". Are we going to be fools???

**2. How long is tomorrow?**

Stupid comment right? Let's put it this way: The people touting the glories of these present proposals seem to be telling us this and other projects they are planning for you are the keys to a can't-fail future! This is a future that not only solves our problems of today, but also has built-in guarantee's for the future! When questioned, these promoters seem to have answers to every potential pitfall that could befall our town and its citizens should anything go wrong. Do they have a perpetual-motion-machine of universal solutions for every situation? To hear them speak, it would sound as if they do.

For every situation they seem to be able to present what sounds like a simplistic and functionally plausible solution to any given issue. The problem is that most crises and failures don't follow the rule books! The Titanic sunk because that ice berg opened up a hole just a little bit longer than the design rules allowed for. **On October 6 2021 thirty people died in New Jersey, six of them in Somerset County,** as hurricane Ida didn't follow the rules and blew past all of the established flood levels established by the State of New Jersey. In the end, any plan is not fool-proof and only a fool believes that it is!

I will say this; all of these so-called "solutions" to the problems created from these projects seem to have a common thread: They will not cost the citizens of Raritan Borough any money or create an inconvenience now and forever!

Forever: That's a long time, isn't it? Back to the opening of this section; "How long is tomorrow?" In this case "tomorrow" is simply the lifespan of these projects and how long they will impact the community that they are in.

A building is not like a new car. When you buy a new car you expect to have it, use it and maintain it for a period of time and then it will pass on out of your life. With that the good, the bad, the responsibilities for it will pass on out of your life. These projects are not like a new car or just about anything else for that matter. These are buildings, homes, etc! These are physical structures of the community we live it. These are structures that, for better or worse have no pre-determined life-span. How many structures in Raritan Borough are greater than one-hundred years old? Where are the people who designed them, lived in them, and were responsible for them in the beginning? That's right, they are not here anymore and we, the people, the town, etc have inherited these structures and all the responsibilities that accompany them. We can best hope that these structures were responsibly conceived and became an asset to our town and not a burden to be inescapably become part of our lives and later passed on to future generations.

So, how long is tomorrow? We don't know. The best thing we can say is tomorrow will get here, we may not be here when it arrives, but the things we do may very well be part of that tomorrow. This makes the quality and responsibility of what we today so critically important.

### **3. Water, water everywhere!**

So let's start with water: (This also where some of those pesky questions the community is owed answers to will begin).

- A. Why are we even attempting to approve a project on flood lands of the Raritan River, especially when the previous failed attempt at doing so has created the many problems and so much embarrassment for the Borough of Raritan and its citizens? Even more mind boggling: Why do we have the audacity to now want to expand the liabilities of this project into what will be the very homes for 276 –plus human beings?
- B. What gives us the right to knowingly endanger the lives and property of the potential occupants of these dwellings?
- C. The State of New Jersey, as so does every other state, provides requirements to perspective renters and buyers of real estate to be advised of any potential hazards as well as other detrimental possibilities that may be incumbent with the property in question prior to transaction. This also now includes the New Jersey Consumer Protection Act of July 2021 that further expands protections to the consumer.
- D. In addition to this the planning board was recently questioned about how the residents of the Borough of Raritan New Jersey would be protected from any liabilities from the myriad of possibilities that are inherent of any of these recent projects. The basis of this question is that since the officials of the Borough of Raritan New Jersey are and have been long aware of the many detrimental issues involved at this and other sites and yet have supported and worked to approve such projects in full knowledge of these potentials. It would seem inevitable that this knowledge coupled with its approval would make the Borough of Raritan New Jersey its, officials and ultimately its citizens culpable to any legal action related to such projects. The stock answer to this question from the planning board was that all of this liability was to be assumed by the property owner and would not be assumed by the people of the Borough of Raritan.

At this point it seems appropriate to question the present and long-term validity of these assurances by interjecting the realities of life. Most likely the "safeguards" mentioned here provide a false sense of security and mainly serve to reduce the concerns of questioning citizens. In situations where a builder or landlord defaults or somehow loses control of a property and cases of abandonment is not uncommon. The liabilities may follow a line of responsibilities back to others that may lie in the path or ownership, approval, etc.

The potential for this type of scenario increases with the passage of time as inevitably those involved with such projects will no longer be available to assume responsibility for agreements made in their lifetimes and no guarantee of lineage is found.

In short, the best way to truly avoid passing liabilities on to a town and its citizens is to do all that is possible to prevent these liabilities from occurring. It seems that this is one thing that the governmental elements of the Borough of Raritan is failing to do. Can these bodies somehow explain how, with the known liabilities being skirted around on projects today, and the fact that these liabilities will last the entire lifetime of these projects, that the governing bodies of the Borough of Raritan can truthfully guarantee its citizens that these liabilities will not be passed on to them and in turn the residents of the Borough of Raritan often in extremely increased levels?

The ideal situation would be to have every owner or renter that ever occupies any elements of this or other such projects sign a legal indemnity agreement where they would hold the Borough of Raritan harmless for any and all such occurrences and assume these liabilities themselves. There are two distinct problems with this scenario:

1. How would it be guaranteed that this revolving string of liability assumptions be carried on in perpetuity unbroken from every owner to owner or renter to renter from the beginning to the end of the buildings life?
  2. Who in their right mind would even get involved with a building that requires such an indemnity clause as a part of ownership or occupation?
- E. It would almost seem that there is a basic element of confusion in the concept of this entire project. The main customer that is required to make this project viable would be a typical homeowner/tenant that is seeking a place to live. Typically the acquisition of a home is the largest investment most families make. It is something that people take seriously and do wisely.

Accordingly with the detrimental elements that present direct challenges to a person's life, lifestyle, and elements that are not correctible and may actually have the potential to increase during the time period of ownership, why would such a person choose this location? That is not an idle question. Within visual site of this project are other locations within the Borough of Raritan and other communities where recently constructed competitive homes do not carry this significant burden. This makes no sense from either the point of the buyer or seller. Is there something that is not apparent that makes this a viable home site that would negate its very serious issues? Just how do you sell a property that is not just possible to flood but you can guarantee it will eventually flood???

By the way....Don't look now but in the Borough of Raritan we presently have one stalled nearly completed housing project that unfortunately sits in the flood plain and middle of the "proposed" Raritan River Greenway. Why is this not being completed? The much heralded project replacing the Granetz Plaza facility still exists as it was and not a shovel full of dirt turned on that new housing project. Why is another Raritan Borough housing complex offering incentives to buyers now? Guess what, it's happening in other towns too! Could this be the sign of a housing glut, poorly conceived projects, loss of desirability of a town or location? Think about it.

- F. The most dominant, controversial and obvious issue on this site is clearly the flooding. This flooding has gotten worse over the passing years and nothing indicates that this trend will reverse. Aside from property and human welfare, the compromised vehicle access for tenants, delivery and emergency vehicles and the potential of loss of vehicle and the fire danger from a submerged vehicle makes this a factor that would make this project a no-go in most other places. More responsible communities would not even allow such projects to be conceived.

The Borough of Raritan officials have spent much time explaining how this is not really going to be an issue because of the ingenious plan for off-site parking when there is going to be a flood. The plan is simple, when there is going to be a flood, you simply move your car to a pre-designated parking location as assigned by the Borough of Raritan!

Now there's a simple solution! Is it fool-proof or fool hardy? There are just a few questions that it just might invoke:

1. Who pays for these parking places that we must reserve? Is it the building owner that has worked out a plan with the reserve parking lot owner or- will it be the citizens of the Borough of Raritan who get to foot the bill???
2. Looking towards the future, it is most likely that automobiles and floods will exist at least as long as the building. Are we assured that these parking places will be available as long as needed or might they also become the basements or parking garages of some other structure in the future?
3. There must be an obvious answer to this question: When someone needs to evacuate their vehicle to an assigned emergency parking location, what are these people going to do once they get there? Do they have to stay there until the flood subsides?
4. Who and how are the automobile owners going to be notified that an evacuation is required?
5. What if an automobile owner is away, possibly on vacation, maybe a business trip or even in the hospital when an evacuation notice is given? Who is liable for those potential losses?
6. What if there is an error in forecasting the potential flooding such as Hurricane Ida on October 6<sup>th</sup> 2021. Who carries liabilities for the losses then?
7. If an evacuation lot is owned by the Borough of Raritan, who guarantees the lot is maintained and ready?\*

\*In February of this year the residents of the Borough of Raritan were advised that they were to get their cars off the streets so that they could be plowed. The alternate parking location was the lot of the mall that is the subject of this memo. **Upon arrival at the mall after the snow began, it was found only a small path was plowed along the face of the mall but the parking areas were never cleared. Those parking areas had fifteen inches of snow on it! Is this a sign of things to come?**

8. **Here's a good one: This is something that should be implemented regardless of whether or not some of these projects are ever built or occupied. The Borough of Raritan, even by its very name, is inseparable from the Raritan River. Sometimes, all too often actually, the Borough of Raritan is visited by and becomes part of the Raritan River.**

The Mall, Orlando Drive, Canal Street, the unfinished structure on the river-walk, the Nievius Street Bridge, Old York Road, the Basilone Statue along with so many areas near the river often receive significant flooding. The magnitude of this flooding seems to increase in magnitude with each event.

A common practice in many areas is that flood-prone areas are equipped with markers warning of the potential dangers of flooding. Often this includes markers that indicate the depth of water present and the potential levels that water might achieve. **Markers like this on some of those places mentioned might just save a life some day.** Maybe the person who is fool-hardy enough to think they can walk or drive through six inches of water may stop and think if there's a chance that water might be four feet deep!

More importantly, since the Borough of Raritan has developed this unhealthy obsession with encouraging people to build and live on our flood plains, I believe it is the responsibility of the Borough of Raritan to make these people aware the of these very real probabilities. With this I am very seriously recommending that we give these people warnings regarding the potential of these dangers.

**I am suggesting that the entrances to every parking lot, garage and roadway known to be effected by significant flooding be required to have prominent signage alerting people to the flooding potential of these places, including markers indicating the potential depths of the water that might be expected.**

**The Borough of Raritan should make it a requirement for the builders and owners of such properties to provide these markers on their properties in locations as described by ordinance.**

I understand this may not be an attractive “sales promotional” and might even scare some people off, but how much worse is that than if some unknowing person falls victim to the negligence’s that the Borough of Raritan has not only allowed, but encouraged and fostered? How much of a sales tool is that?

Do you want to know what’s worse??? What if we have some unfortunate event with loss of life or other tragic consequences and the Borough of Raritan finds it’s a litigant in some court room trying to defend itself. What if some attorney were to hold up a paper, maybe this paper, and glares at the jury saying “and these people were warned, pleaded with even, and yet they choose to do nothing”. The best I can say is be sure to keep the copies of the council and planning board meetings high and dry, the court may need to know just exactly who did what.

#### **4. I smell gas!**

No, you probably won’t smell gas at the subject mall of this memo as methane is an odorless gas. If you do smell gas please notify the police because it could be a broken gas line or a gas leak in one of the vacant stores. But rest assured there is gas there. **The gas is methane gas, a product from the deterioration of the material in the buried landfill beneath the mall. Methane is odorless but quite explosive and in high concentrations can displace oxygen causing suffocation.**

Those twenty-two lampposts with a cap on them in the parking lot are actually vent pipes to release the methane gas from the buried and decaying matter from the garbage dump below safely into the atmosphere. These vents are designed to release the methane at a point above the surrounding structures. There is or at least was a gas alarm system within the supermarket to monitor methane levels within the store. **When the store was in operation was there were at least two alarms and evacuations that we know of.**

The “closing” of a dump such as the one that was active on this land prior to the construction of the mall, is a complicated process that is specifically engineered to meet the exact needs of the completed recovery site. This includes such factors as the types of materials buried at the site, the depth of the materials that had to be removed, the quantity of materials remaining after site remediation, the amount of ground water, the moisture content of the surrounding soil, the depth of cover materials, the proposed usage of the recovered land, the height of any structures to be constructed, and many more things. Once the design is completed the site remediation can be completed. It should be known that this remediation is specific to this site and site usage only. Modifications to the site can and will cause revocation of the landfill closure permit. **Improper site remediation can result in extremely dangerous combustible gas emissions** as well as questionable load bearing capacities and subsidence and heaving of the ground such as seen on Orlando Drive.

Proposed re-use of the land must take care as to not disturb the existing methane venting system; however that may not be sufficient in this case. The venting system is designed to accommodate the distance and height requirements as determined by the adjacent structures. While the proposed apartment building is shown to roughly cover the existing outline of the existing mall structure it does **appear to be at least three times higher.**

The present gas vents appear to clear the height of the existing building as would have been required to insure proper gas distribution and dilution and to prevent “ponding” of these gases at combustible levels around or within the structure. With the vastly increased height of the proposed structure the existing gas vents are now way below the top on the new structure. The potential now exists for openings such as on a parking deck, windows or other openings incorporated into the structure. **These make it is possible for vented gas to be entrapped within the structure.** This may invalidate the required gas venting system and the terms of the landfill closing permit in addition to the obvious safety concerns this situation creates.

Another factor for consideration that may invalidate the terms of the landfill closure permit is that the present supermarket and store structure for which the closure was based on would be considered as more of a “lightweight” design when compared to that of the proposed residential structure. This new structure with

parking decks, additional walls for bathrooms, hallways, kitchens, elevator shafts, massive piping and electrical infrastructure and of course the additional height will be considerably heavier. This additional weight and "footprint" pattern might be in violation of the closure permit.

## **5. Money, money everywhere!**

Only a dead person could have attended a council or planning board meeting, or even casually spoke to certain borough officials walking down the street in the Borough of Raritan and not have gotten to learn how much money, money, money these projects were going to bring to our town. I sometimes get the feeling rather than pay my property taxes, **the towns going to give me money left over from what we are going to reap from one of these wonders! Wow!**

Anyway, I live in the world of engineering, not accounting. Frankly I hate accounting, but by necessity I have to understand more than I want to about it. Maybe I understand just enough to know when to "say what?" when certain things don't sound right.

Not being an accounting expert I will simply leave it up to the accounting geniuses of our town to explain how some of these things can look so much like gold and smell so much like something else. Really, I've heard all sorts of stories and the ones I am most interested in start with the words "And we have to give the developer an incentive....." OK, that one gets my attention!

I like the one that starts with "And we gave them a tax break where they will pay only 80% of the normal tax rate so they can be profitable on this project". **A few more details would be extremely helpful. Perhaps things like which projects get incentives, which one's don't and why. Another point would be how long any incentive, such as a tax break would remain in-place.** There must be more to it than this. Since I don't attend every meeting I'm sure these details are adequately covered somewhere. These are just little things that can help the residents of the Borough of Raritan determine how much money from the "windfalls" these projects develop can be used to enhance the life of our citizens.

I may be right, I may be wrong, but things like this don't seem to get much "air-time" at the meetings. Could some official of the Borough of Raritan just give us a detailed synopsis on incentives or special arrangement that we, the taxpayers of your town provide as incentives or other attractions are used to make these developers want call the Borough of Raritan their choice for their next project? I would also like to see some form of accounting statement that details the flow of the income from these projects as well as what the cost to the Borough of Raritan will be regarding the ultimate expenditures that are incurred in everything from streets, utilities, engineering, administration, schools, garbage collection, lawyers, etc, etc. How much have we spent so far even before the first bucket of mud has been turned???

Also, what will the cost be to the Borough of Raritan for protecting the health, safety and welfare of the future residents who may move to this flood-prone and methane gas emitting location?

*THANK YOU FOR YOUR KIND **and prompt** ATTENTION TO THESE MATTERS.*

Bob Strauss  
56 Vones Lane  
Raritan New Jersey 08869

**WHEREAS**, also on the same night, namely March 9, 2026, the Board considered that certain "2026 Reexamination Report and Master Plan Update" dated February 13, 2026 prepared by Brosnan, and immediately thereafter formally adopted Resolution No. 2026-05 approving same; and

**WHEREAS**, on the evening of March 9, 2026, the Agway Site RDP Ordinance was reviewed by the Board for a Master Plan consistency review in accordance with Section 7(e) of the LRHL and by Resolution No. 2026-10, found to be not inconsistent with the Master Plan but qualified by determining that the Agway Site RDP Ordinance be "amended to reflect an increase from ten (10) feet to twenty (20) feet in the required side-yard and rear-yard setbacks"; and

**WHEREAS**, the Borough Council finds and concludes that the qualification made by the Board to the Agway Site RDP Ordinance regarding side-yard and rear-yard setbacks is tantamount to a determination of inconsistency with the Borough's Master Plan; and

**WHEREAS**, the Borough Council finds and concludes that the qualification made by the Board to the Agway Site RDP Ordinance regarding side-yard and rear-yard setbacks is not consistent with the actions taken by the Redevelopment sub-committee, of which one or more members of the Board actively participated in the approval of the final Concept Plan attached as an exhibit thereto; and

**WHEREAS**, the Borough Council finds and concludes that the side-yard and rear-yard setbacks as shown on the final Concept Plan attached to the Agway Site RDP Ordinance are adequate and appropriate and advance sound planning concepts; and

**WHEREAS**, the Borough Council finds and concludes that the Study Area can readily and appropriately accommodate the side-yard and rear-yard setbacks as shown on the final Concept Plan attached to the Agway Site RDP Ordinance; and

**WHEREAS**, the Borough Council finds and concludes that the Agway Site RDP Ordinance, with the side-yard and rear yard setbacks as detailed therein, is consistent with the goals and objectives of the Borough's current Master Plan; and

**WHEREAS**, the Borough Council, when considering the adoption of a redevelopment plan or revision or amendment thereof, shall review the report of the Board and may approve or disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following the recommendations.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Raritan, in the County of Somerset, State of New Jersey, by the vote of a majority of its full authorized membership finds and declares that this Resolution shall constitute the Borough Council's "reasons resolution" for disapproving the recommendation of the Board, and that this Resolution be recorded in its minutes the reasons for not following the recommendation of the Board; and