BOROUGH OF RARITAN
PLANNING BOARD
REGULAR MEETING MINUTES

July 22, 2026

A recording of this meeting is available on the Borough's YouTube channel and website.

CALL TO ORDER AND FLAG SALUTE

The regular meeting of the Borough of Raritan Planning Board was called to order at **6:31 p.m.** in the Borough of Raritan Municipal Building by Chairwoman Windrem who then led the Pledge of Allegiance.

Chairwoman Windrem reviewed the procedures to be followed during the meeting. She stated that the Board is required to remain neutral and to base its decisions solely upon the record established during the hearing process. She advised that public comment would be accepted at the appropriate times and reminded members of the public that, when recognized, they must state their name and address for the record. She further advised that comments would be limited to five minutes per speaker and that time may not be transferred or shared. Chairwoman Windrem also noted that the meeting had a firm adjournment target of **10:00 p.m.** and reminded all attendees that respectful conduct was expected at all times. Interruptions, outbursts, and inappropriate behavior would not be tolerated and could result in removal from the meeting in order to maintain decorum.

This meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was sent to the Courier News and the Star Ledger on February 5, 2026. In addition, copies of the notices were posted on the bulletin board in the Municipal Building, on the Borough website and filed in the Office of the Borough Clerk. They were also sent to those people who have requested and paid the cost for mailing same. Notices on the bulletin board have remained continuously posted. Proper notice having been given; the Board Secretary is directed to include this statement in the Minutes of this meeting.

ROLL CALL

Present

- Chairwoman Windrem

- Mayor Tozzi
- Mr. Cunningham
- Mr. Gara
- Mr. Murphy
- Mr. Brown
- Mr. Gussman
- Mr. Jayaraj

Absent

- Councilman Harwood
- Ms. Thomas

Also Present

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

EXECUTIVE SESSION

Motion by Mr. Murphy, seconded by Mr. Gussman to enter executive session at 6:33, all members voted in the affirmative by voice vote to enter an executive session.

Motion by Mr. Brown, seconded by Mayor Tozzi to end the executive session at 6:49, all members present voted in the affirmative by voice vote to end the executive session.

APPROVAL OF MINUTES

Motion: Mr. Cunningham
Second: Mr. Brown

Approving the minutes of June **24, 2026,** Planning Board meeting, as presented.

Roll Call Vote

Ayes: Ms. Windrem, Mayor Tozzi, Mr. Cunningham, Mr. Gara, Mr. Murphy, Mr. Brown, Mr. Jayaraj

Nays: None

Abstentions: Mr. Gussman

Motion carried.

PROFESSIONAL REPORTS

Mr. Brosnan reported on the progress of the 21 Orlando Dr. construction project and discussed the items that need to be addressed at the site. There was a preconstruction meeting held for the Richard St. project, the work is set to begin with initial site work and concrete within a week, and they are cautiously optimistic that the work will be completed before the beginning of the school year. Mr. Brosnan further stated that a preliminary redevelopment plan has been completed for 11 Fifth St., it will be discussed at an upcoming Redevelopment Advisory Committee meeting then sent to the Council for consideration.

Mr. Gara reported that his department has been performing many inspections at the 21 Orlando Dr. site, there are some code compliance issues being worked out, and the building looks very nice on the inside and outside. Mr. Gara also stated the Italian Deli coming to W. Somerset St. is looking to open very soon.

RESOLUTIONS

- Amended Resolution to correct a public comment 2026-13
  Raritan Mall 25-005 Site Plan
  166 Orlando Dr. Block 116.01 Lot 11.01

The Board considered an amendment to the adopted resolution to correct a public comment by resident Mr. Dinsmore in the previously adopted resolution 2026-13

Motion: Mayor Tozzi

Second: Mr. Murphy

To approve the resolution as presented.

Roll Call Vote

Ayes: Chairwoman Windrem, Mayor Tozzi, Mr. Cunningham, Mr. Gara, Mr. Murphy, Mr. Brown, Mr. Gussman, Mr. Jayaraj

Nays: None

Abstentions: None

Motion carried.

APPLICATIONS / HEARINGS

LaGrange Street, LLC – Application No. 25-004 (carried to the August 26, 2026, meeting)

Final Site Plan (Continued from April 22, 2026)

57 & 59 LaGrange Street

Block 93, Lots 1 & 2

Mr. Flynn made an official announcement that the hearing would be carried to the **August 26, 2026,** Planning Board meeting, without further notice.

IAAT Services, LLC – Application No. 26-001

1137 Route 202

Block 31, Lot 1

Mayor Tozzi recused and left the dais.

Mr. Robert Falkenstern, attorney for the applicant, stated they were here seeking preliminary and final approval including a D1 use variance, along with related bulk and sign relief for the construction of a double-sided digital billboard, no changes are proposed to the existing business and structures at the site. The billboard will be made available to the Borough for public service messages, because there was some uncertainty whether they would be heard tonight they only have their site engineer present to provide testimony and will return to a subsequent meeting to proceed with their other witnesses. Mr. William R.

Vogt Jr. PE, licensed professional engineer, stated his credentials and was accepted by the board. Mr. Vogt visited the site, reviewed the property survey, and updated the survey to include the utilities, and personally prepared the site plan. Mr. Vogt stated the applicant obtained NJ DOT approval for the billboard to be located at this site and had a wetlands expert review the site for compliance with NJ DEP regulations. Mr. Vogt described the plans submitted including the property lines and the proximity to the border with the Township of Bridgewater. Mr. Vogt stated the existing business operating at the site including the driveway, parking lot and buildings, will not be changed or impacted by the billboard. The site fronts on US Highway 202 and there are other commercial properties in the vicinity. Mr. Vogt stated the nearest residential properties in Raritan Borough were at least 500' away, however there are residential properties located in Bridgewater Township that are less than 200' away. The billboard is positioned on the east side of the property, which is the farthest location from the Bridgewater Township border. Mr. Vogt described the proposed setbacks of the billboard and the structural design of the billboard; an additional 30 square feet of impervious coverage is proposed for the concrete area around the structural pole the billboard will be mounted on. Mr. Vogt described a set of photographs that the proposed billboard was superimposed on to provide a visual of what the billboard will look like. There are no trees proposed to be removed, tree trimming may proceed if necessary. Mr. Vogt described how the billboard will be oriented and the design that limits the visibility of the billboard during daylight and at night. Mr. Vogt presented videos that depict how technology works to limit the viewing of the billboard. Mr. Flynn questioned if technology makes the sign more distracting, Mr. Vogt stated that the traffic engineer will provide testimony to that. Mr. Falkenstern stated they will have planning and traffic testimony at a future meeting. Mr. Flynn questioned the NJ DOT process of reviewing an application, Mr. Falkenstern stated they consider the billboard at the specific location and no other aspects of the location. Mr. Vogt stated the applicant will maintain the billboard, and it will not create any noise. Mr. Vogt went through the engineer's technical review letter; the traffic engineer will be available to discuss and testify to items in the report at a future meeting. Mr. Falkenstern and Mr. Flynn discussed the requested variances and the requirements of the Boroughs ordinance on billboards. Mr. Murphy expressed concern that the testimony provided is disingenuous as they stated a building can be up to 100 feet, but this isn't a building and the ordinance states a 50-foot maximum height, Mr. Vogt stated he was not following the ordinance, he was following the table on the site plan. Mr. Murphy asked if residents in the vicinity would see the billboard when the leaves are off the trees, Mr. Vogt replied that they will see the structure and his testimony that the residents would not see the billboard was referring to the message on the sign, the image. Mr. Murphy asked where the billboard is located in Leonia, Mr. Vogt stated it is on the Leonia public works property and there are residential uses nearby. Mr. Murphy stated he finds it interesting that they are

comparing the lighting on the billboard to a phone and stated that you can't compare a 48-foot billboard to a phone, Mr. Vogt stated he is referring to luminents creating brightness on the sign and it is not casting light, luminents verses illuminents which is light trespasss. Mr. Brosnan stated that the ordinance number is 207-59 covering environmental impact statements and advised that they should provide a report stating what sections they believe are not relevant to this proposal and the reasons why. Ms. Windrem asked for the distance that the proposed billboard is from the backyards of the residents on Alpine Way. Mr. Jayaraj expressed concern that the cars making a right onto route 202 from Vones Lane would be distracted by the billboard, Mr. Vogt stated that they would not be able to see the message on the billboard and the traffic engineer will provide testimony to that. Mr. Brown expressed concerns with distracted driving for the cars traveling on route 202 and cars trying to enter the roadway. Mr. Flynn asked Mr. Falkenstern if he is planning to bring the engineer back, they will be and anticipate Mr. Vogt providing additional testimony. Mr. Flynn advised the public that the applicant will be returning at the August 26th meeting with the site engineer, traffic engineer, and professional planner and the public will have the opportunity to question the witnesses at that time and provide comments and testimony at the conclusion of the presentation. Mr. Flynn announced that the application is being carried to the meeting on August 26, 2026, without further notice. Mr. Brosnan resuested that they go through the list of additional information that has been requested to be provided at the next meeting: the dimension from the residential properties on Alpine Way to the billboard, the number of impacted Bridgewater residential lots within 5oo feet, request relief from the 15 second requirement as the testimony provided is for an 8 second display for each advertisement, the report using the EIS as a guiding point, update the bulk table with requirements of the billboard ordinance, the ability to show the videos previously presented with better sound quality.

PUBLIC COMMENT

Ms. Rose asked about the high and dry access elevation and the lowest elevation at the Raritan Mall site, Mr. Brosnan replied that the review will occur when resolution compliance plans are submitted, and the required elevation is site specific, Ms. Rose expressed concern that she has not received an answer in 6 months, Mr. Flynn stated that it is within the engineers jurisdiction to review the plans, Ms. Rose asked about adding net fill, Mr. Brosnan replied no and described the proposed high and dry access route, Mr. Flynn described the procedure for resolution compliance review of the submitted plans by the Board Engineer, Attorney, Borough departments such as police, fire, emergency management, and public works; the board engineer will then issue a letter advising if the applicant has met the conditions of the approved resolution and stated the letter is

a public document. Ms. Rose asked how Jeffrey Leher was identified and appointed to be the Borough redevelopment attorney, Mr. Gara stated he is unaware, Mr. Flynn, and Mr. Brosnan stated Mr. Lehers appointment predates them, Mr. Brosnan and Mr. Flynn described the process of how Borough professionals are appointed by the Council and provided with a professional services agreement at the reorganization meeting at the beginning of each year and Mr. Leher has been the appointed redevelopment attorney for the Borough for many years, possibly a decade, and it is the same process for the bond counsel, prosecutor, and other professionals. Ms. Rose asked how many redevelopment projects the Borough has had prior to the block 81 project and if there wasn't a redevelopment advisory committee recommending projects such as the Orlando Dr., Raritan Mall and Agway projects would they not have been viable for fair share housing requirement obligations, Mr. Brosnan stated that is incorrect and discussed the redevelopment process. Mr. Flynn discussed the process for the investigation of a site under the redevelopment statute and stated it is the Borough Councils decision whether to proceed with a redevelopment study by the Boroughs consultants and to move forward with declaring an area in need of redevelopment. Mr. Brosnan and Ms. Windrem stated the redevelopment committee was formed by Mayor Carra and the Borough Council and not the planning board, Ms. Windrem stated that Jeffrey Lehers appointment predates her joining the planning board. Mr. Brown stated that Mr. Leher was brought in by Mayor McMullin along with Jim Kyle and that Mayor Carra established the redevelopment committee and the redevelopment process began with the Block 81 site along with the PILOT program. Ms. Rose asked how the Agway property and the Raritan Mall became considered for redevelopment, Mayor Tozzi stated the Borough can't control how a property owner proposes to develop their land. Ms. Rose asked if Lawrence Berger owns the mall property, Ms. Windrem responded that the board could not respond to this. Mr. Cunningham stated that the Borough was sued for non-compliance with the fair share housing and the court mandated additional affordable housing opportunities be established, he stated various elected officials and Borough consultants looked into areas that could be identified within the Borough, this resulted in developers coming forward proposing developments that included affordable housing units in their plans. Mr. Brown stated that developers saw an opportunity and the State passed regulations that supported this. Ms. Windrem stated that she believes Mr. Cunningham is referring to the court deciding that the Borough was not in compliance with the affordable housing plan and not referring to the Raritan Mall court case. Ms. Rose stated that the conversation will need to be revisited in regard to Lawrence Bergers' ownership of Busky Lane property and legal issues Mr. Berger has been associated with.

Mr. Timms, Lagrange St., at the last meeting there was a public comment that resulted in a resolution amendment. Mr. Timms read from a document that addresses legislative findings for open public meetings, and meeting minute requirements, and feels there is a trust problem in the

Borough and the quality of the meeting minutes, and inaccurate information being put into a resolution, and that the video recording of previous meetings on YouTube skipped over the public comments by Mr. Dinsmore speaking about the inaccuracies in the resolution. Mr. Flynn stated that there is a separate recording of the meetings that are used to prepare the minutes. Mr. Timms stated that obtaining a copy of the recording would require an OPRA request, he stated that Bridgewater has a court stenographer, Mr. Flynn stated that in Bridgewater an applicant pays for the stenographer out of escrow.

Mr. Dinsmore, Victoria St., stated that on the record his comments on the Raritan Mall application were that he questioned if the residents would be informed that the building is in a flood zone and above a closed landfill. Mr. Dinsmore asked about cars being relocated to a site on First Ave in the event of a flood and whether that would require Council approval, Mr. Flynn stated that the applicant is required to explore options and present a plan during resolution compliance and if its Borough property they will need to obtain Council approval. Is it possible for the IAAT applicant to provide renderings of what the billboard will look like from the residential properties, Mr. Flynn stated that if he would like to send him an email he will forward it to the applicant's attorney.

ADJOURNMENT

There being no further business before the Planning Board, a motion was made by **Mr. Cunningham**, seconded by **Mr. Jayaraj**, to adjourn the meeting.

The motion carried unanimously by voice vote.

Chairwoman Windrem declared the meeting adjourned at **8:46 p.m.**

Respectfully submitted,

Lou Gara
Board Administrator/Secretary

Approved: 9 / 23 / 2026