

BOROUGH OF RARITAN
Planning Board Regular Meeting
MINUTES
June 28, 2017

CALL TO ORDER

Chairman Miller called the meeting to order at 7:02 p.m. in the Raritan Municipal Building. He read the Open Public Meetings statement as follows: This meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was sent to the Courier News on January 19 and Star Ledger on January 26, 2017. In addition, copies of the notices were posted on the bulletin board in the Municipal Building, on the Raritan 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 was directed to include this statement in the Minutes of this meeting.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:	Chairman R. Miller	Also Present:	Susan Rubright, Board Attorney
	Mayor McMullin*		Stan Schrek, Board Engineer
	Vice Chairman T. Brown		Angela Knowles, Board Planner
	Mr. J. Gausz		Lou Gara, Construction Official/Zoning Officer
	Councilman Z. Bray	Absent:	Mr. J. Krajewski
	Mr. B. Cunningham		Ms. D. Thomas
	Mr. R. Zack		Mr. E. Wilde
	Mr. M. DeCicco		Ms. A. Goetsch
	Mr. D. Fortkus		

**arrived late*

ENGINEER'S REPORT

Mr. Schrek advised that he had nothing new to report.

PLANNER'S REPORT

Ms. Knowles advised that she had attended a presentation on the County Priority Growth Investment Areas and that three areas in Raritan were identified and recommendations made for investment/improvement which will be incorporated into Master Plan reexamination.

Mayor McMullin arrived at 7:08.

TRC MEETING UPDATE

Chairman Miller advised that there had been no TRC meetings held and none scheduled.

CONSTRUCTION/ZONING OFFICIAL REPORT

Mr. Gara advised that tenants are moving in to 575 Route 28 (Larkin) and that the other buildings on the site are "moving along." Mr. Schrek suggested nominating them for the annual Somerset County Planning award. The process for same was discussed. Mr. Schrek advised that he had signed off on the plans for the strip mall on Route 202 but that construction had not yet begun.

RESOLUTION

➤ PB 2017-12

Nancy Raab (Block 52, Lot 3) 49 Quick Avenue - Site Plan & D Variance

Motion by Vice Chairman Brown, **seconded** by Mr. Gausz to adopt Resolution# 2017-12.

ROLL CALL

Aye: *Chairman Miller, Vice Chairman Brown, Mr. Cunningham, Mr. Zack, Mr. Gausz*

Nay:

Abstain:

APPLICATION/HEARING

Bongiovi (Block 40, Lot 3) 100 Second Avenue - Interpretation of Minor Subdivision and Variances

Mayor McMullin and Councilman Bray recused themselves.

Kevin Hewitt, Esq. of Wronko, Loewen&Benucci entered his appearance and provided an overview of the application from 1987. He explained that while a subdivision and site plan had been approved in 1988, the resolution could not be located and that construction never took place. He indicated that the relief being sought was for a variance to build a two family house which are no longer permitted in the zone.

The Board Attorney explained that although the application for the subdivision regarding Lots 3 and 3.01 was filed under Ms. Bongiovi and that the Tax Assessor recognizes two separate lots, Lot 3.01 is titled under Florida Shore Irrevocable Trust with addresses in Florida and New Jersey. She asked whether both lots belonged to Ms. Bongiovi and whether they wanted to amend the application in order to reflect both the name of the trust and the trustee, Ms. Bongiovi. Mr. Hewitt acknowledged that they would.

The Board Attorney advised that the subdivision meets all requirements as the deeds appear to have been properly executed and recorded. She advised that while the zoning changed in 2007, the bulk standards did not. She spoke to the statute of limitations on final approvals, explaining that they are protected against zone changes under the MLUL for three years with a maximum of three additional two year extensions, thus the need for a use variance.

Mr. Hewitt explained that there is interest in both lots from a developer who would like to develop them in accordance with the [approved] 1988 site plan. Ms. Rubright offered that while the Board could offer guidance on the concept, they could not definitely advise without a site plan. She explained that there were other issues that would need to be addressed in a new application, including the lot width which is a pre-existing, non-conforming condition as well as a pre-existing, nonconforming accessory structure (garage located on Lot 3.01 without a principal use). Parking was discussed.

John Roglieri of 34 Vones Lane stated that he was the developer under contract to purchase both lots. Ms. Rubright swore him in. He provided a summary of events from the original plans and spoke to parking. Mr. Roglieri explained that he did not want to come back with a site plan that would not be approved. Ms. Rubright acknowledged the legality of the subdivision and offered that the Board could not advise him as to how to proceed beyond that. She asserted that he would need to come back with a site plan and application.

Based on the materials presented and the testimony provided, the Board found that there was a valid subdivision approval of two legitimate lots which contain other existing nonconforming conditions on the site.

Motion by Mr. Gausz, **seconded** by Mr. Cunningham to make a finding as articulated by the Board Attorney.

ROLL CALL

Aye: *Chairman Miller, Vice Chairman Brown, Mr. Zack, Mr. Cunningham, Mr. Gausz, Mr. Fortkus, Mr. DeCicco*

Nay:

Abstain:

Mr. DeCicco initially voted no but then asked for further clarification. It appeared that he subsequently voted

in favor of the application.

APPLICATION/HEARING

Fortitude Fitness LLC (Block 30, Lot 2) 251 West End Avenue - Site Plan and Variances

Mayor McMullin and Councilman Bray returned to the dais.

Steve Warner of Ventura, Miesowitz, Keough & Warner appeared on behalf of the applicant. He provided an overview of the application and explained that the applicant proposed to convert a one story building currently occupied by the former Somerset Lawn&Garden Center to a Cross fit branded fitness facility. He spoke to the proposed renovations and confirmed that there would be no additions. Mr. Warner indicated that he would be presenting a two pronged case with the initial testimony for an interpretation of the use and the latter for Site Plan and associated bulk variances/waivers, including front yard setback, parking and screening.

Ms. Rubright explained that the Mayor and Councilman would participate unless it was determined that that a d variance would be necessary, at which point they would step down.

Mr. Schrek reviewed the waivers and recommended that the application be deemed complete.

Motion by Mr. Zack, **seconded** by Fortkus and unanimously carried to deem the application complete.

ROLL CALL

Aye: *Chairman Miller, Vice Chairman Brown, Mayor McMullin, Councilman Bray, Mr. Zack, Mr. Cunningham, Mr. Gausz, Mr. Fortkus, Mr. DeCicco*

Nay:

Abstain:

➤ *As to the Interpretation:*

Engineer David Stires was sworn in and qualified himself before the Board. He presented an aerial photo of the lot and surrounding areas outlined in blue with the municipal and zone boundaries outlined in red which was marked as **Exhibit A-1**. Mr. Stires provided a summary of the application and spoke to demolition.

Exhibit A-2 (a colored rendering of the landscape plan dated 5/31/2017, showing parking, landscaping and lighting) was marked into testimony. In response to questions from the Board, Mr. Stires provided details about the signage including location. He testified that the signs would be conforming.

The Chairman opened the floor to questions from the public. There were none.

Applicant and co-owner of the franchise, **David Licata** was sworn in. Mr. Licata explained that they would be leasing the building from the current owner and provided an overview of the business model as well as information on facility operations. Mr. Licata provided testimony on class size and staffing and spoke to health and social benefits for the community, including a desire to do outreach which Mayor McMullin spoke in favor of. Mr. Licata testified as to the hours of operation, class structure/timing, fee structure and sale of merchandise and deliveries, clarifying that there would be no kitchen or food service offerings, eliminating any need for a dumpster. He explained that he hopes to transform the existing mezzanine level into locker rooms and restrooms, utilizing one unisex restroom on the first floor.

The Chairman opened the floor to public comment.

Robert Bevilacqua of 19 Frelinghuysen Avenue asked whether they would have classes outside, expressing safety concerns with respect to traffic. Mr. Licata confirmed that it is typical to have members run outside as part of the workout and offered that the neighborhood is well suited for the use.

Planner John Chadwick was sworn in and qualified himself before the Board. He indicated that there was no significant violation of code in definition or scope and testified that the use is consistent with the intensity of other uses in the zone, if not less intense.

The Board concluded that the use is in conformance with the definition of a commercial recreational facility and with the permitted uses in the zone, negating the need for a use variance.

Motion by Mr. Zack, **seconded** by Mr. DeCicco and unanimously carried.

ROLL CALL

Aye: **Chairman Miller, Vice Chairman Brown, Mayor McMullin, Councilman Bray, Mr. Zack, Mr. Cunningham, Mr. Gausz, Mr. Fortkus, Mr. DeCicco**

Nay:

Abstain:

➤ *As to Site Plan/bulk variance relief:*

David Stires testified that the parking would be increased from 10 to 30 spaces. He discussed lighting and landscaping at length. In response to questions from Mr. Schrek about shielding the LED lighting which encroaches onto the neighboring property and about the possibility of moving the location of the main entrance doors to the north or south side of the building, Mr. Stires testified that the west side of the building was the only appropriate/viable location for the entrance. Mr. Stires agreed to a plan revision regarding the curb, sidewalk and ramp down to the main doors in response to a suggestion from Mr. Schrek. He offered that they concur with the balance of Mr. Schrek's comments and would comply with same. He testified that they would also satisfy the other recommended plan revisions made by the Somerset County Planning Board.

Mr. Stires provided testimony as to drainage explaining that everything would flow east into the inlet. With respect to landscaping, Mr. Stires testified that the buffering is not feasible in order to meet the standard. He confirmed that they would comply with proper screening, using evergreens as denoted in Mr. Schrek's letter. He testified that the air conditioning would meet noise standards and that gooseneck lamps would be used on the signage on the north and south facing sides of the building.

The Chairman opened the floor to questions of the public.

Kevin Bostory of 9 Frelinghuysen Avenue asked how they would ensure that customers do not park on the street and whether asking for a variance would create competition for on-street parking.

Traffic Engineer, Gary Dean of Dolan&Dean appeared on behalf of the applicant. He testified that the application involves consolidating the numerous driveways and explained how they would be reconfigured. He testified that 30 spaces were being proposed and that there are currently no restrictions for on street parking on Frelingheysen Avenue.

Mr. Bostory asked whether there was a possibility that class sizes could increase. Mr. Licata testified that their intent is to not increase class size in the interest of safety and individual customer attention.

Mr. Dean testified that on street parking exists but that the site does not rely on it. He testified that ITE

standards for health clubs based on building size would call for 28 spaces where 30 are proposed. Mr. Dean offered that the parking is appropriate for the use and that together with driveway improvements, would provide a safe & efficient flow of traffic for the operation.

Bill Fritsche of 11 Frelinghuysen asked whether it would be possible to restrict timing of parking on Frelinghuysen Avenue. Mayor McMullin responded that a legislative change to parking requirements had just been passed but that so far, there had not been a stimulus from the neighborhood to change parking requirements.

Planner John Chadwick provided testimony as to the bulk variances and the waivers. Referring to **Exhibit A-3**, identified as a smaller version of Exhibit A-1, he offered that there was no solution for the non conforming condition with respect to the front yard setback off of West End Avenue. He offered that the use was well suited to the site. As to parking, he explained that although on street parking was available that they would not be relying on. With respect to landscaping, Mr. Chadwick offered that the positives outweigh the negatives given the fact that there is an improvement over the existing conditions. He offered that under c1 and c2 criteria that the variances and waivers are justifiable.

Joyce Fritsche of 11 Frelinghuysen asked when they plan to open. Mr. Licata advised that they were targeting November but that it would depend upon construction.

Mr. Bostory stated that he would like a copy of the plan with parking. Mr. Gara advised that it was made available to the public ten days prior to the meeting so there had been a period of time to review. He offered that Mr. Bostory could take a picture of the exhibit.

After a brief period of deliberation, the Board concluded to approve the site plan with associated variances and waivers subject to conditions as outlined by the Board Attorney. They concluded that they had no objection to the pursuit of construction prior to resolution adoption, provided that the resolution conditions were met, performance guarantees were submitted and requisite plan changes were made.

Motion by Mr. Bray, **seconded** by Mr. Gausz and unanimously carried to approve the application for Preliminary and Final Site Plan with variances, subject to the conditions as outlined by the Board Attorney.

ROLL CALL

Aye: *Chairman Miller, Vice Chairman Brown, Mayor McMullin, Councilman Bray, Mr. Zack, Mr. Cunningham, Mr. Gausz, Mr. Fortkus, Mr. DeCicco*

Nay:

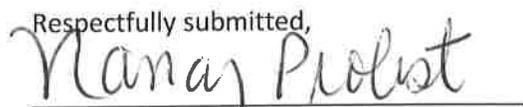
Abstain:

PUBLIC COMMENT

The Chairman opened the floor to public comment. There was none.

ADJOURNMENT

Motion by Mr. Zack, **seconded** by Mr. DeCicco and unanimously carried to adjourn at 9:35.

Respectfully submitted,

Nancy Probst, Planning Board Secretary

APPROVED 09-27-17