

BOROUGH OF RARITAN
Planning Board Regular Meeting

MINUTES

Wednesday, February 24, 2016

CALL TO ORDER

Chairman Miller called the meeting to order at 7:00 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 published in the Courier News on January 30, 2016. 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 is directed to include this statement in the Minutes of this meeting.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mayor McMullin
Councilman Z. Bray
Mr. R. Miller
Mr. T. Brown
Ms. D. Thomas
Mr. E. Wilde
Mr. R. Zack
Mr. M. DeCicco
Mr. J. Gausz
Mr. W. Cunningham
Mr. D. Fortkus
Mr. N. Carra
Mr. J. Krajewski

Also Present: S. Rubright, Esq.
S. Schrek, VCEA
L. Gara, Zoning/Construction

Absent: Mr. N. Carra
Mr. J. Krajewski

APPROVAL OF MEETING MINUTES

January 27, 2016 Reorganization Meeting

Motion by Mr. Gausz, **seconded** by Vice Chairman Brown to approve the January 27, 2016 Reorganization Minutes, with revisions as noted.

Roll Call:

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

Nay:

Abstain: *Mr. Zack*

January 27, 2016 Regular Meeting

Motion by Mr. Vice Chairman Brown, **seconded** by Mr. DiCicco to approve the January 27, 2016 Regular Minutes, as written.

Roll Call:

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

Nay:

Abstain: Mr. Zack

ENGINEERING & ZONING REPORTS

Mr. Schrek advised that Tim Horton's was working towards CO and that the only compliance item left was paving the lot. Mr. Gara indicated that he had nothing new to report.

Vice Chairman Brown asked for the status of the building on Elizabeth Avenue. Mr. Gara advised that new plans had been received, as prior sets were lacking information. Mayor McMullin advised that a meeting was held with Mr. Barbieri in the presence of Lou Gara and that he believed that Mr. Barbieri was beginning to realize that the only impediment was his lack of progress. Mr. Schrek explained that the performance guarantee had still not been transferred. The process for transferring it was discussed. Mr. Gara explained that many of the prior approvals had been received. Vice Chairman Brown spoke to the removal of the fencing on the property and the need to protect it going forward in the event of any further [substantial] delays. The viability of the foundation was discussed as Mr. DiCicco pointed out that it had been in place for many years. Mr. Gara related that a letter was received from the owner's engineer to that effect but that Mr. Schrek would confirm it. Mr. DiCicco asserted that there should be a second opinion from the Board Engineer.

The [lack of] fencing was discussed. Mr. Gara related that they had authorized construction fencing a few months ago.

MISCELLANEOUS

Chairman Miller made the Board aware of an invitation from the County for the first quarterly Planning Partners Forum on March 2 and explained that he would not be able to attend.

OLD BUSINESS

Viktor & Ruta Buchholz (Block 2, Lot 21 – 1126 Route 202)

The Chairman announced that the Buchholz application was being carried to March 23rd. The Board Attorney indicated that there would be no further notice and suggested that they be required to re-notice if they do not appear in March.

TRC MEETING UPDATE

Vice Chairman Brown indicated that details of the TRC meeting that preceded the regular meeting would be discussed in Executive Session.

DISCUSSION/RESOLUTION

Preliminary Investigation for Redevelopment in accordance with Borough Resolution #2016-02-44 and adoption of **PB-2016-06** authorizing Funding Agreement for same.

Mayor McMullin provided an overview of the funding agreement regarding the establishment of an escrow account funded by the developer in order to pay professional fees for Borough and Planning Board. There was a discussion as to whether the fees were limited to that specific developer. The Board Attorney explained that the preliminary investigation is an objective fact finding procedure in order to determine whether the properties meet the statutory criteria in order to be designated as an area in need of redevelopment. She also explained that if the Board were to agree at the public hearing on the preliminary investigation that the properties are an area in need of redevelopment, they would move forward with a Redevelopment Plan which may or may not be specific to a particular redeveloper. She further explained that a resolution authorizing a

funding agreement with this particular entity would need to be adopted and related that the preliminary investigation could not move forward until an agreement was in place.

Mr. DiCicco asked whether there was a formula used to determine the amount of the escrow. Ms. Rubright explained that it was based upon an estimate of \$25,000 which was provided by redevelopment counsel. In response to a question from Mr. DiCicco as to how the Borough found the Planner, the Board Attorney explained that redevelopment counsel provided the names of four planners; two of which were interviewed during the TRC meeting which preceded the regular meeting. She further explained that it would be discussed at length in Executive session since it encompasses a personnel matter. In response to a question from Mr. DiCicco as to who monitors the escrow, Ms. Rubright explained that it would be the Borough CFO.

Motion by Mr. Gausz, **seconded** by Mr. Zack to adopt Resolution **PB-2016-06** authorizing a Funding Agreement for Preliminary Investigation for Redevelopment in accordance with Resolution #2016-02-44.

Roll Call:

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

Nay:

Abstain:

NEW BUSINESS

Raritan Pub (53 West Somerset Street)

Concept discussion (proposed new dining area/bar/banquet room on second floor of existing business)

The Board Attorney clarified that since no application had been made and no review had been done by the Board professionals that any comments made during the presentation would not be binding.

The owner of the Pub, Nicholas Renieris introduced himself and identified his son Lucas as co-owner. He also introduced his architect who identified himself as Richard Kyle with a business address of 227 Carol Jean Way, Branchburg.

Mr. Renieris explained that the 2nd floor used to be an 840 square foot apartment which he would like to use as an overflow room/space for private parties in connection with the business on the first floor. Mr. Kyle oriented everyone to the site, identifying the parking lot, entrances and existing stairwells specifically. Mr. Renieris offered that the idea would be to have a small service bar/waiting area upstairs (possibly a sushi bar) which could be used to accommodate private parties of +/- 50 people.

In response to a question from Mr. Fortkus about whether a dee jay would be a possibility, Mr. Renieris indicated that he is not in the night life business and reiterated that the idea was to have a space for "smaller parties." There was a brief discussion about proposed uses. Mr. Kyle indicated that it was the applicant's intention to follow building code/zoning ordinances. In response to a question from Mr. Zack about capacity, Mr. Kyle explained that with two exits, capacity exists for slightly more than 50 since 49 is permitted by code with only one exit.

There was a discussion about what exists on either side of the second floor. Mr. Renieris indicated that there would be no impact to neighbors as one side is open space and the music school is 35' away. In response to a

question from the Chairman as to whether apartments exist on the second floor of Francesco's, Mr. Renieris indicated that they do, as well as on top of the music school.

With respect to zoning, planning and parking issues, the Board Engineer explained that parking contemplates business on the first floor and apartments on the second floor. He offered that if they were to expand the business that they would have to control parking at another location or receive a variance for parking. He indicated that parking would be an issue. Mr. Renieris offered that there are twelve spaces in the rear of the business. Mr. Schrek advised that a use variance would be necessary for the business on the second floor but that a site plan would not be. The Board Attorney clarified that although it would be used in conjunction with the existing use that parking would always be an issue so there would need to be specific information about it. Mr. Renieris indicated that his business would not conflict with daytime businesses because the Pub opens at 4pm. In response to a question from Mr. Zack about potentially opening early for a banquet, Mr. Renieris explained that they currently shut the restaurant down to the public when there is a private event. Mr. Bray opined that the Borough needs to keep and attract other businesses like this to Main Street. Ms. Thomas expressed her approval of the concept and Chairman Miller related that the Borough appreciated what the applicant had done.

PUBLIC COMMENT

John Roglieri of 34 Vones Lane introduced himself as the owner of 8 Third Street which he stated was within the "supposed redevelopment designation." Referring to himself as a longtime resident with no intention of leaving, he asserted that he does not approve of the condemnation and explained that his plan for his family was to move into the house which he had made a substantial investment in, upon retirement. He stated that none of the houses merit condemnation and that his property is "not for sale." He offered that the Borough would see him again and indicated that he wanted to let the Borough know how he felt about what it is doing.

The Board Attorney clarified that there was no condemnation at this point but affirmed that the investigation does allow for that option. She explained that the first step is an investigation is to see if area is in need of redevelopment. She then explained that the Planner would be going through all the specific criteria and coming back with a recommendation which could say that certain properties don't qualify or that even though they don't qualify, that they are needed. She spoke to the preliminary investigation process further.

Mr. Roglieri related that he had been receiving "aggressive" calls from buyers since last summer and reasserted that he was not interested in selling. In response to a question from Mr. Roglieri about the responsibility for the escrow should the project not move forward, Ms. Rubright confirmed that payment was not contingent upon a favorable decision. The Chairman closed the floor to public comment.

MOVE TO EXECUTIVE SESSION

Motion by Mr. Fortkus, **seconded** by Ms. Thomas to move to Executive Session for matters of contract negotiations, personnel and attorney/client privilege at 7:53. The Board Attorney announced that official action may or may not be taken afterwards.

Roll Call:

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

Abstain:

The Board returned from Executive Session at 8:42. The Board Attorney announced that during Executive Session, the Board discussed matters of contract, personnel and attorney client privilege in regard to Council's request that they review Planners to help facilitate the decision of whether or not certain properties constitute an area in need of redevelopment. She explained that the TRC had interviewed two such Planners and made recommendations to the Board during Executive Session.

Motion by Vice Chairman Brown, **seconded** by Mr. Gausz to appoint Paul Grygiel of Phillips, Preiss & Grygiel as the Redevelopment Planner for the purposes of investigating and preparing a preliminary investigation and making subsequent recommendations to the Board subject to the proposed redeveloper submitting the required escrow pursuant to the funding agreement and signing an escrow agreement; pursuant to submission of a fee schedule by the Planner; and, pursuant to execution of a professional services agreement upon attorney negotiation and review.

Roll Call:

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

Abstain:

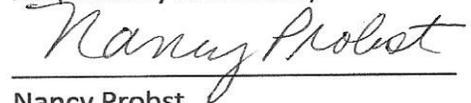
Mayor McMullin asked the Board to consider certain properties with respect to the unfit business provision in Section 113 of the Ordinance. He offered that the Borough might take a proactive approach relative to redevelopment of a commercial nature if the Planning Board is interested in looking at these properties in question.

There was a brief discussion about the type of action that the Borough could undertake. The Mayor offered that these properties were essentially the "front door" to the Borough and appear to be in need of some TLC. Vice Chairman Brown spoke to the 2.2 acres of property near the circle which include the motel which he related, initiated calls for police service 200 times in one month. Mr. Gara indicated that there are multiple uses allowed in that zone and that he encountered interest in it from the public as recently as today.

ADJOURNMENT

Motion by Mr. Cunningham, **seconded** by Councilman Bray and unanimously carried to adjourn the meeting at 8:08.

Respectfully submitted,



Nancy Probst
Planning Board Secretary

APPROVED 03/23/16