

**BOROUGH OF RARITAN**  
*Planning Board Special Meeting*  
**MINUTES**  
Wednesday, May 11, 2016

**CALL TO ORDER**

Chairman Miller called the meeting to order at 7:30 p.m. in the Raritan Municipal Building. He advised that the meeting was noticed as a special hearing according to the requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LHRL") through publication of a legal notice that appeared on two (2) consecutive weeks on April 30, 2016 and May 1, 2016 in the Courier News, and by sending the notice to all property owners in the study area. Additionally, notice was sent to all property owners within 200' of the study area as a courtesy. 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:** Mayor McMullin  
Councilman Z. Bray  
Chairman R. Miller  
Mr. T. Brown  
Mr. R. Zack  
Mr. E. Wilde  
Mr. M. DeCicco  
Mr. J. Gausz  
Mr. W. Cunningham  
Mr. D. Fortkus  
Mr. N. Carra

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

**Absent:** Ms. D. Thomas  
Mr. J. Krajewski

**MISCELLANEOUS**

**PUBLIC HEARING**

*Public Hearing on Preliminary Investigation Report, "Area in need of Redevelopment Study, Block 81 Study Area," prepared for the Borough of Raritan Planning Board by Phillips Preiss Grygiel LLC.*

Chairman Miller explained the purpose of the meeting and introduced Mr. Grygiel. The Board Attorney outlined the process by which the study was undertaken in accordance with the Local Redevelopment Housing Law statute, the criteria for designation of an area in need of redevelopment and the steps to be undertaken subsequent to the hearing based on the Board's decision.

The Board Attorney asked whether the author/s of letter she had received which was signed "Concerned Residents of Raritan" wanted to come forward so that it could be entered into the record. No one took ownership of it.

Mr. Grygiel was sworn in and provided his credentials. He spoke to the process he had undertaken in order to evaluate the properties within Block 81 for qualification as an area in need of redevelopment. He explained that he had visited the area as well as neighboring areas, performed a review of municipal

records, existing zoning, Master Plan designations and the Somerset County Regional Plan in addition to photographs and maps of existing conditions.

Referring to the document entitled "April 16 Draft Area in Need of Redevelopment Study," Mr. Grygiel indicated that the bulk of the acreage (14 lots) consists of faulty arrangements and that all lots are not compliant with existing zoning. He explained that 8 lots qualify under the certain criteria with the balance qualifying under Section 3 (necessary but not meeting criteria) and that all of them qualify for inclusion. He described the area as a total of 3.7 acres with proximity to the train station comprised of commercial, residential and vacant uses with the same makeup in the surrounding areas. He spoke briefly about the relevance of transit oriented smart growth with respect to these parcels.

Referencing page 13 of his report, Mr. Grygiel outlined the 8 criteria which are used in qualifying of an area in need of redevelopment. He spoke specifically about criteria (d) which speaks to faulty arrangement and obsolescence. He related that overall, criteria (h) was applicable with respect to smart growth planning principles (infrastructure, redevelopment consistent with redevelopment and the ability to accommodate additional growth). He explained that the properties in Section 3 were included for effective redevelopment.

Mr. Grygiel spoke to how each individual property met the criteria for an area in need of redevelopment. He identified **Block 81, Lot 1** as a "vacant property" and explained that it qualifies under both criteria "c" and "d" as it does not contribute to the welfare of the area.

He described **Block 81, Lot 2** as containing buildings accommodating heavy commercial/industrial use, out of character with the residential area. He further described it as having a faulty arrangement and being detrimental to the surrounding area. He spoke to the lack of buffering and close proximity to adjacent [residential] properties.

Mr. Grygiel described **Block 81, Lot 10** as what appears to be a vacant, single story commercial building with a lack of buffering, faulty arrangement and façade in disrepair which does not comply with zoning.

He advised that **Lots 6.01, 6.02, 6.03 and 7 in Block 81** all qualify under criteria "d." He described them as all being two family homes [four separate units on different lots with one shared drive/common garage] in a single family residential zone adjacent to heavy commercial uses with an "obsolete" layout.

Mr. Grygiel described **Block 81, Lot 9.01** as a two family structure in "fair to poor condition," with a garage and gravel in the rear yard which connects to neighboring commercial properties and is surrounded by existing commercial properties to the north and west.

He advised that **Lots 3, 3.01, 4, 5, 8 and 9 in Block 81** all qualify under Section 3. Describing them as older two family homes not permitted in the zone with undersized lots surrounded by properties that do meet the criteria for redevelopment, he offered that they meet the criteria under Section 2 because they affect redevelopment opportunities and would experience impacts from Redevelopment. He offered that as such, it would not be a good planning arrangement to omit them.

Mr. Grygiel advised that within the 3.7 acre study area [14 lots in all]; 8 parcels meet criteria "c" or "d" which equates to 78%. He advised that the remaining lots should be included because of impacts to

surrounding redevelopment and spoke to criteria “h” given their proximity to transit under Smart Growth planning principles. **In sum, he advised that Block 81 does meet the criteria for designation as an area in need of redevelopment.**

There was a brief discussion about environmental considerations. Mr. Grygiel indicated that there were no contaminated sites within the study area according to the DEP website. He spoke to the presence of environmental contamination in response to a question from the Board attorney as to how that would be treated with respect to designation under the Redevelopment Law.

Commercial vehicle access through Lot 1 was discussed in response to a question from Mr. DiCicco. In response to a question from Mr. Wilde about whether the legislature intended an area to be considered one in need just because it changed, Mr. Grygiel offered that non conformity with zoning was not the basis of the argument.

There was an extensive discussion about what makes this study area different from other areas in town as a result of a question from Mr. Wilde. Mr. Wilde offered that there was a lack of evidence to comply with criteria “d” and that the detriment needs to be shown. He asked about zoning violations/complaints. Mr. Grygiel indicated that there was no information on any complaints and that the non-residential lots qualify because of their layout in a residential area. In response to a question from Mr. Wilde about how it is harmful to the neighborhood specifically, Mr. Grygiel offered that it was not a good arrangement from a planning perspective and that it was “subjective.”

In response to a question from Mr. Cunningham as to why lots 3.01, 4 and 5 were included, Mr. Grygiel explained that although it is possible to undertake redevelopment without them, those properties could be impacted by the project so a “broader outlook” would allow more flexibility in order to limit impacts. In response to a question from Mr. Cunningham as to why he did not include the properties across the street from those listed in the study area, Mr. Grygiel stated that it was because he was not asked to.

The Board Attorney offered that there were additional planning aspects under consideration with respect to the benefits of including or excluding specific lots. Mr. Grygiel added that it allows for more flexibility in design, citing more room for parking, recreation and scale. Chairman Miller offered that not every parcel has to be redeveloped if the entire block is designated and that the Board’s perspective should be from the Master Plan and Regional Plan with the view that something nicer “could” be there.

A discussion ensued on how the project ties in to the Master Plan.

Mr. Brown opined that everything is described “in negative terms.” He offered that there are a lot of properties in Raritan that look like the subject properties, calling them “good houses, in good condition.” Mr. Wilde added that little evidence to show harm which was necessary for designation. Mr. Brown offered that the project was affecting “lives and homes.”

There was a discussion about the traditional meaning and evolution of the term “blight” as it relates to Redevelopment Law today. Mr. Grygiel shared that criteria has been added under urban renewal statutes making it harder for municipalities to designate areas in need. Mr. Wilde asked if there was a “preferred ratio” of qualified v. non-qualified. Mr. Grygiel advised that it was  $\frac{3}{4}$  but that there was no exact number. Calling it “deceiving” to base upon acreage, Mr. Wilde offered that it should be based upon the number of

lots instead. A discussion ensued on which methodology was more appropriate.

The meeting was adjourned for a brief time at 8:30 and resumed at 8:45.

Calling it a “public process,” the Board Attorney clarified that sufficient legal notice had been provided, which included [courtesy] service to owners within 200’ of the study area advising as to the accessibility of the Draft Redevelopment Study. The Board Secretary was directed to facilitate posting the report on the website.

The Chairman opened the floor to public comment stipulating that it was limited to the declaration of Block 81 as a redevelopment area.

Cheryl Figliano of 60 Second Avenue asked about the projected timeline should the project move forward. Mr. Grygiel offered that it would depend upon the action of the Board and Council. The Board Attorney clarified. Identifying her property as one “across the street,” Ms. Figliano asked whether it was possible that zoning would change in order to include more properties. Mr. Grygiel explained that it would be the Council that would have to expand the area; not the Planning Board. The Board Attorney clarified further.

Adriana Demarchi (daughter of the owner of 2 Third Street) asked Mr. Grygiel what the extent of his work with the town was. Mr. Grygiel indicated that it would depend on how the Board proceeds. She then asked how accurate his report was. Mr. Grygiel stated that he believed it to be accurate, noting two minor revisions regarding criteria that needed to be made on pages 1 and 40 and another in the chart on page 10. The Board Attorney clarified that these would need to be addressed prior to posting the document on the website. Ms. DeMarchi pointed out additional discrepancies in the description of the lots on pages 26 and 28. She began to address item # 2 on page 10 but was overcome with emotion. Mr. Grygiel provided clarification on this item.

The Chairman closed the public session but reopened it for Ms. Demarchi to address the Board again. She read a statement on behalf of herself and her mother detailing the history of their home, aggressive solicitation by developers and the impacts of the potential loss of rental income for them. She indicated that they never planned to sell and could see no positives. She stated that their future and the future of their home should be left in their own hands. At the behest of the Board Attorney, she agreed to provide a copy of the letter for the record.

In response to a question from Mr. Wilde as to why interior inspections weren’t performed, Mr. Grygiel indicated that they were too hard to coordinate. Mr. Wilde made reference to “cases” being overturned because of lack of interior inspections. His statement was acknowledged.

The Chairman called for a motion recommending designation Block 81 as a redevelopment area. Mr. Cunningham asked whether all of the properties had to be included. The Board Attorney advised that the boundaries could not be changed. Mr. Grygiel clarified that while it cannot be expanded, it is possible to recommend that one or more be taken out of the plan. Mr. Cunningham offered that the Board was not looking at the needs of specific developers but rather, deciding whether the area should be redeveloped. He offered that should the Board decide that some parts do warrant redevelopment and some do not, it would be incumbent on the developer to utilize the space, as provided. Mr. Grygiel indicated that he was correct and offered that areas not included in the redevelopment area could still be designated for

rehabilitation, including any properties that the Board eliminates. The Board Attorney offered that this would have to emanate from Council but that the Board could make a recommendation. In response to a question/remark from Mr. Brown as to whether Council can just "disregard any recommendation by the Board no matter what," Mr. Grygiel offered that in doing so, they would have to state the reasons on the record.

Chairman Miller suggested that the Board view this from the perspective of the duty they are charged with which he offered from his perspective, is to consider growth and development in the Borough based on the Master Plan. He offered that if the Board were to recommend Block 81 become a redevelopment zone that it is merely because they have a vision of something "nicer," in line with the Master Plan, regional plan, etc.

Mr. Wilde offered that the rules have to be adhered to and that he did not believe adequate evidence had been shown that the lots meet the criteria for an Area in Need of Redevelopment. He remarked that those home are "the same as hundreds of others in Borough." The Board Attorney asserted that the Board is following the law but offered that he was entitled to his opinion with respect to whether or not the criteria had not been met. Mr. Wilde clarified that his view was aimed at economics and growth of the town. The Board Attorney offered that this was the purpose of redevelopment and that while other properties/areas may qualify and might be considered by Council; that this is the area the Board was charged with considering.

**Motion** by Mr. DiCicco, **seconded** by Mayor McMullin to make a recommendation to Council that Block 81 be deemed an Area in Need of Redevelopment.

**ROLL CALL**

**Aye:** Mayor McMullin, Mr. Bray, Chairman Miller, Mr. Zack, Mr. DiCicco, Mr. Gausz

**Nay:** Mr. Brown, Mr. Wilde, Mr. Cunningham

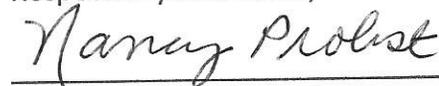
**Abstain:**

The Board Attorney advised that she would forward the report from Mr. Grygiel, as amended.

**ADJOURNMENT**

**Motion** by Mr. DiCicco, **seconded** by Mayor McMullin and unanimously carried to adjourn the meeting at 9:18.

Respectfully submitted,



Nancy Probst

Planning Board Secretary

**APPROVED 06/22/16**