

BOROUGH OF RARITAN
Planning Board Regular Meeting
MINUTES
Wednesday, August 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: Councilman Bray
Chairman R. Miller
Vice Chairman Brown
Ms. D. Thomas
Mr. E. Wilde
Mr. M. DiCicco
Mr. N. Carra
Mr. J. Gausz

Also Present: S. Rubright, Esq.
Stan Schrek
Lou Gara

Absent: **Mayor McMullin**
Mr. D. Fortkus
Mr. R. Zack
Mr. Cunningham
Mr. Krajewski

APPROVAL OF MEETING MINUTES

- June 22, 2016 Meeting

Motion by Mr. Gausz, seconded by Mr. Di Cicco to approve the Minutes of June 22, as written.

ROLL CALL

Aye: *Chairman Miller, Councilman Bray, Mr. Brown, Mr. Wilde, Mr. DiCicco, Mr. Gausz, Mr. Carra, Ms. Thomas*

Nay:

Abstain:

ENGINEERING & ZONING REPORTS

Mr. Schrek provided an update on the work to date at the Reynolds building and advised that a plan for the new building had not yet been submitted.

Mr. Gara indicated that Madvapes is open and that "Hunterdon Medical" is scheduled to open soon. He advised that [permitted] construction has begun on "Jersey Mike's." In response to a question from Mr. Brown about Stop n Stop," Mr. Gara advised that a violation had been issued and that they were working towards resolve with the Borough Attorney.

TRC MEETING UPDATE

There were no TRC meetings held since the last Planning Board meeting and the Chairman advised that there are none scheduled at this time.

MISCELLANEOUS

- Meeting Room Wifi Access

Chairman Miller provided the SSID and access code for the router. The Board Attorney cautioned against doing internet based research during meetings.

- Regional Center Interlocal Policy Agreement

Chairman Miller spoke to the new protocol which amends the policy/procedure for distribution of plans among the three towns who are party to the agreement. There was discussion about further amendment to the agreement in order to provide for electronic submissions.

- Block 81 Redevelopment Plan Update

The Board Attorney advised that negotiations were under way and that she was working with the Redevelopment Attorney on a draft of the plan which should be ready by the next meeting. She suggested that the Redevelopment Committee convene at this point.

Calling attention to the June Minutes, Chairman Miller spoke to the Board Attorney's suggestion that the Borough consider amending the ordinance regarding permitted uses in the zone where Madvapes is located. Ms. Rubright clarified that there is an ongoing issue with that property because the zone line cuts through the parking lot. She indicated that she would speak to Mr. Schrek about it further.

OLD BUSINESS

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

Appeal of "d" variance and any other associated relief for replacement of professional office with single family residential use contrary to zoning.

The Board Attorney related that she had not received any correspondence from the applicant withdrawing the application. As such, the Board moved to dismiss the application without prejudice.

Motion by Ms. Thomas, **seconded** by Mr. Brown and unanimously carried to dismiss the application without prejudice.

ROLL CALL

Aye: *Chairman Miller, Councilman Bray, Mr. Brown, Mr. Wilde, Mr. DiCicco, Mr. Gausz, Mr. Carra, Ms. Thomas*

Nay:

Abstain:

NEW BUSINESS

- Gateway Motel Redevelopment
Block 29, Lot 1 (119 Route 206 South)
Informal Concept Discussion

Attorney Dan Madrid of Fox Rothschild LLP appeared on behalf of the contract purchaser, East Ridge Development LLC regarding potential redevelopment of the property. He identified it as the current location of the Gateway Motel as well as two vacant "restaurant parcels" on the southwest corner of the circle. He indicated that they were appearing in order to get feedback on their concept plan as well as to get direction as to how to proceed with the redevelopment process. He introduced Tung To Lam [Bohler Engineering] and Larry Harter [East Ridge Development].

Mr. Madrid discussed current site conditions utilizing a map and several photographs taken earlier in the year. Referencing the proposed concept plan, he discussed lot coverage, site access, proposed uses and conceptual landscaping. He indicated that the [two] "main" uses would be a convenience store and retail store/day care and that they would be looking to create a new "t intersection" while maintaining existing access off of 202/206. At the behest of the Chairman, he confirmed that this would mean cutting new access into Frelinghuysen Avenue.

Chairman Miller asked Mr. Lam to provide some examples of the "automotive use." Mr. Lam related that this would likely mean a service station such as Wawa or Quick Check. He advised that this building would be about 5000 square feet and the "retail building" would be about 12,000 square feet. The Board Attorney offered that access might not be suitable for a daycare/retail use because of site conditions. In response to a question from Chairman Miller as to how critical the connector to Frelinghuysen would be, Mr. Lam called it a "convenience for the neighborhood." Chairman Miller offered that the neighborhood might not agree.

Referring to the site as an "eyesore," Mr. Lam offered that this would be an opportunity to add green space and more substantial buffering to the property as well as a chance for the Borough to engage with a private developer to invest, clean up the site and plan it in a way that is not too intrusive to the neighbors to the south of it. He asked whether the site was declared an area in need of redevelopment. Mr. Schrek advised that the site was discussed for Redevelopment previously but that one of the issues with it was that the highway use could not affect the residential zone. Ms. Thomas offered that although the Borough is anxious to have the area developed, there should be no ingress or egress in the residential area. She expressed concern over the traffic pattern for that type of business.

In response to a question from Ms. Rubright as to the availability of a traffic analysis, Mr. Lam provided data on traffic. He indicated that no new traffic was being added. In response to a question from Chairman Miller as to concerns/comments from the DOT, Mr. Lam advised that they would consider a letter of no interest for the existing driveway since the number of proposed trips is similar to the number of existing trips. An extensive discussion ensued on trip generation calculations. Mr. Gara offered that the restaurants never functioned the same after some of the property was lost to the overpass and he advised that new Site Plan would be necessary since there was no approved Site Plan for them. Mr. Schrek offered that a traffic study would be critical. Mr. Brown expressed concern over the potential for cars cutting through the residential area as a result of opening it up. Mr. Lam indicated that his client would be comfortable with eliminating that part of the plan. Mr. DiCicco suggested that the developer consider a luxury hotel. The Chairman offered that his main concern was the proposed connection to Frelinghuysen.

The Board Attorney explained that the applicant would have to petition the Council in order to request that the area be undertaken for study as an Area in Need of Redevelopment should they choose to pursue that route. Mr. Schrek asked about the necessity of same. Mr. Madrid explained that attempting to conform to the standards on the property because of the odd shape would result in numerous variances and waivers

so they would rather “be more proactive in creating specific zoning” for the area because it is “unique.” The Board Attorney offered that the redevelopment process would be longer and more expensive. She explained that the Borough had looked at the area previously for redevelopment but had abandoned the idea due to substantial title and occupancy issues with the hotel. She added that while a number of the criteria would be met, redevelopment is more desirable when there is no private interest.

In response to questions from Mr. Madrid as to the age and outcome of the study, Ms. Rubright advised that it was not designated as an area in need of redevelopment because of the aforementioned title issues. Further discussion ensued about the value of a TRC as well as the importance of having a favorable plan inclusive of proper buffering.

The Chairman opened the floor to public comment.

Calling it a “dangerous road,” Marie Lombardi of Third Street shared that she avoids the circle at all costs. She spoke about the number of large trucks that have overturned near the site.

Jennifer Miller of 37 Frelingheysen Ave. shared that she would “definitely not want an intersection at Southwyck” given that there is “already so much through traffic off the circle.” Calling it a “horrible turn,” she added that they don’t need any more traffic.

[Councilman] Jim Foohey asked whether the project was viable without access to Frelinghuysen. He spoke to the propensity for people to find shortcuts. Mr. Lam affirmed that it could be viable without that access.

The Chairman closed the floor to public comment.

- Satyanarayana Varre, Applicant (Owner - Hopper II, LLC)
Block 29, Lot .01 (600 Route 206 South)
Minor Site Plan and bulk variances

Attorney Marcia Zalewski appeared on behalf of the applicant/contract purchaser. She identified the site as a former accounting office and explained that the proposal is to renovate it into a wine/liquor store which is a permitted use in the zone.

Satyanarayana Varre was sworn in and identified himself as the contract purchaser of the property. He offered his vision for the property as a 5000 square foot liquor store in with no other “large” liquor stores in the vicinity. He offered that there is a liquor license available.

Anticipated hours of operation were discussed. Mr. Varre explained that they would expect to operate from 9am to 10pm [Monday-Saturday] and Sundays from 11am – 9 or 10pm. He confirmed that they would operate in accordance with any Borough ordinance regarding hours.

The number of prospective employees was discussed. Mr. Varre indicated that staffing levels would be similar to his store in Carlstadt with a full time manager and a “couple of” full time employees for a total of eight all to cover various shifts.

Timing and frequency of deliveries was discussed. Mr. Varre indicated that deliveries would mostly occur

on weekdays during off peak hours [10-4] via small van/box trucks.

Mr. Varre offered that with 16 spaces, [one ADA and another lost to the dumpster], parking would be adequate.

The extent of renovation was discussed. Mr. Varre clarified that the building would be fitted up for a commercial use rather than office space. He explained that while the wall sign would be scaled back, a non conforming freestanding sign was proposed. Ms. Zalewski indicated that Mr. Stires would address the associated variance relief for same. Architectural details were discussed. The applicant indicated that the windows on the street side would be covered.

Mr. Varre acknowledged the larger liquor store three blocks away [on Route 206] despite the representation he made earlier about there being no other local liquor stores. He indicated that his store was different given greater variety and more competitive pricing.

An extensive discussion ensued about parking need, the size of the delivery trucks, potential noise impacts arising from deliveries and the proximity of other liquor stores. Ms. Zalewski indicated that the Borough Ordinance only requires 500' between stores. Mr. Varre offered that the other liquor store nearby has a second use that shares the onsite parking so the 24 spaces there are not dedicated solely to the liquor store use. A discussion ensued about consolidation of lots/projects given the concept discussion on the Gateway Motel heard earlier. Mr. Brown offered that this could facilitate removal of the fencing, add additional parking and eliminate the need for access from Frelinghuysen. Mr. Varre indicated that he was not aware of the other proposal prior to this evening and that they would consider it if it were desirable to the Borough. Mr. DiCicco asked whether there was any consideration for a loading dock. Mr. Varre deferred to Mr. Stires, then to his partner, Vidyasagar Polam.

Vidyasagar Polam was sworn in. He identified himself as a partner "in the building." Mr. Polam spoke at length to the method and frequency of deliveries. He indicated that attempts to schedule deliveries [3-4 on Tuesdays/2-3 on Wednesdays] during off peak hours [9am-3 or 4pm] are indeed made but could not be guaranteed. In response to a question about receiving deliveries from large beer trucks, Mr. Polam testified that deliveries were made via box truck; not tractor trailers and acknowledged that there is no parking on the side street in order to accommodate deliveries.

The Board Attorney asked about temporary signage/flyers in the windows. Mr. Polam testified as to the location of the windows and proposed neon signage in lieu of paper signs. Ms. Rubright asked whether neon signage was on the plans. The applicant confirmed that they had an application in for an [available] liquor license on the property in response to a question from Mr. Carra.

The Chairman opened the floor to questions of the witnesses.

Maud Sipski of 49 Frelinghuysen Avenue asked why another liquor store was needed when the Borough already has one. An unidentified gentleman in the audience remarked there were "too many already." The Board Attorney explained that it is a permitted use and their business risk to undertake if they so choose. She clarified that they were not seeking a use variance and spoke to the issues with signage and parking.

Grace Bench of 31 Frelinghuysen Ave. spoke to parking and remarked that there would be "no way" a beer truck could back into the lot leaving no alternative but to park on Frelinghuysen. The Chairman reminded

the audience that this was a time for *questions*. Ms. Bench clarified that she wanted to know how.

Jennifer Miller of 37 Frelinghuysen Ave. asked whether there would be any neon signs on the residential side. She remarked that she has a special needs child and that her house is already lit up by signs from Auto Zone. The Board Attorney assured her that if the site engineer didn't provide testimony on it that the Board would ask about lighting and signage.

Jim Blaney identified himself as the owner of the other "small" liquor store. He asked the applicant how they get trucks that are small and offered that he gets deliveries to his "small" store by beer companies using 18 wheelers. He added that this is a common delivery practice and that they can't be told when to come. He remarked that his "other store" is a 3500 square foot space that required 25 parking spaces. The Board Attorney reminded him about protocol and offered that he could provide testimony as well.

The Chairman closed the public comment period.

David Stires was sworn in and qualified himself before the Board. He discussed the extent of relief, particularly with respect to parking and signage.

Exhibit A1 (a colorized version of the site plan) was marked into testimony. Mr. Stires identified the Gateway Motel and the parking lot that runs along the perimeter of the building. He then identified the building as a 5400 square foot office building with 16 onsite parking spaces and an existing variance condition for parking. He indicated that site conditions would remain otherwise unchanged with the exception of a small sidewalk to the new entrance. He explained that two façade signs were being proposed in conjunction with removal of the existing freestanding sign in the center of the green area along 206 and that this sign would be replaced by a new freestanding sign along the sideline of 206.

In response to a question from Ms. Thomas as to whether the rear sign would be lit, Mr. Stires advised that the proposed LED lighting that shines into the parking lot could potentially be shut off at 10pm.

Mr. Stires indicated that he was not aware of tractor trailer deliveries. There was a brief discussion about how deliveries would be undertaken. Mr. Schrek advised that tractor trailer deliverers were not part of the original application and that they would have too much impact on the adjacent neighborhood. Access for garbage trucks was discussed. The methods for removal and composition of refuse were discussed. The applicant indicated that the majority of the garbage [cardboard] is compressed and then placed in the dumpster where it is hauled away once a week.

Mr. Stires provided testimony as to the proposed lighting. He indicated that there would be "a couple of flood lights" on the building and a streetlight facing the parking lot with low level lighting for security purposes along the walkway. He indicated that he would work with the Board Engineer in order to mitigate impacts. In response to a question from the Chairman, Mr. Stires spoke to the neon signage mentioned earlier in testimony. Mr. Schrek advised that neon lighting was only shown on the architectural plan and as such, would need to be placed on the site plan for proper analysis. In response to a question from Ms. Thomas as to whether the large freestanding sign would be lit 24 hours or also shut off at 10pm, the applicant indicated they would prefer to leave it on for one additional hour but would act in accordance with the Board's pleasure.

Mr. Stires addressed comments from Mr. Schrek's review memo. He indicated that any design for the sign footings would be done subject to Board approval and that they would try to match existing brick.

Mr. Wilde pointed out that tree screening is not on the Site Plan. There was a brief discussion about the location of the tree screen. Mr. Brown asked a question about the signage.

Mr. Stires provided two handouts in response to a question from Mr. Brown as to signage.

Exhibit A2 (view of signage with respect to rear frontage) was marked into testimony.

Exhibit A3 (view of signage from 206 frontage) was marked into testimony.

In response to a question from Mr. Brown about removal of vegetation that currently exists between the side of the building and Frelinghuysen Ave., Mr. Stires confirmed that they would only be removing bushes for the freestanding sign and that the thick vegetation blocking the houses on the side of Frelinghuysen would not be removed. An extensive discussion regarding the removal of landscaping and structure of signage [proposed use of parapet] ensued. Mr. Stires provided clarification on the handouts.

The Board Attorney offered that she wanted the Board to hear why the applicant needs a sign that is "200% larger than what is permitted.

The Board paused for a break at 8:54. The hearing was re-opened at 9:06.

The applicant's attorney indicated that it was the applicant's intention to have Mr. Stires provide further testimony with respect to the signage and then come back. Mr. Stires advised that they would look at reducing signage as well as restricting deliveries [non tractor trailer] and maneuvers. He also suggested added turning templates to the plan. The Board Attorney cautioned that they should try to determine what is reasonably within the applicant/owner's control and be prepared to address those issues.

The Chairman opened the floor to questions for Mr. Stires and/or the Board with the understanding that the hearing was being adjourned in order for them to return with modifications to their plan.

In response to a question from Mr. DiCicco about the availability of land to accommodate parking, Mr. Stires explained that they looked at adding more parking to the front of the site but couldn't because of an existing restriction and because it was not appropriate to take green space for 4-5 spaces. Interior renovations were discussed briefly. Ms. Zalewski indicated that renovations would be code compliant.

The hearing was adjourned to September 28, 2016 without further Notice.

The owner of the carpet store, Mr. Bench questioned the applicant's ability to put a sign "that close to 206" because of the speed limit as he was restricted from doing so for his business. In response to a question as to whether they contacted the DOT about that, Mr. Stires indicated that they had not.

- Public hearing on consideration of properties known as Block 93, Lots 1 and 2 and located at 57 and 59 Lagrange Street, respectively, as constituting an "Area in Need of Redevelopment" under the Local Redevelopment and Housing Law, NJSA 40A:12A-1 et seq.

Mr. Schrek explained that he prepared a needs analysis in response to a request from Council for the

Planning Board to determine whether the subject property was in need of redevelopment. He presented an exhibit that he prepared for the Council. Ms. Rubright spoke to the notice requirements for the hearing.

Mr. Brown and Mr. Carra recused themselves at 9:18.

Mr. Schrek identified the subject properties as "two properties surrounded by a residential zone and bordered on the northerly side by NJ Transit railroad." He advised that the scope of the study was based upon a survey of the land uses, property positions, occupancy, owner status by tax records/maps, the Master Plan and other various municipal records.

He spoke at length to the specific criteria for evaluation and offered that his focus was on [criteria d] dilapidation, obsolescence/ faulty arrangement and [criteria e] lack of proper utilization. With respect to his overall evaluation, Mr. Schrek offered that Block 93, Lot 1 [First Aid/Rescue building] falls under both criteria as it is non conforming, underutilized and poorly situated. He offered that Block 93, Lot 2 [also non conforming], is the subject of an extended vacancy meeting both criteria d and e as well.

Mr. Schrek summated that both lots are recommended for redevelopment based upon criteria d and e.

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

Motion by Mr. DiCicco, **seconded** by Mr. Gausz to recommend to the governing body that both lots be designated as an area in need of redevelopment based upon the report and testimony of Mr. Schrek.

ROLL CALL

Aye: *Chariman Miller, Councilman Bray, Mr. Wilde, Mr. DiCicco, Mr. Gausz, Ms. Thomas*

Nay:

Abstain:

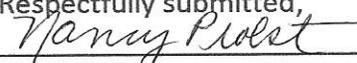
[Councilman] Jim Foohey spoke to the need for technology in the meeting room which he offered could replace the easels and help with storage problems. He made several recommendations which the Board appeared responsive to.

PUBLIC COMMENT

Chris Hoke explained that he was looking for guidance as to expanding his mother's [legal] non conforming [two family] home located at 49 Quick Ave. An extensive discussion about his options ensued. He was advised that he could either seek a variance or petition the governing body to reconsider the zoning in that area. The Board Attorney provided further instruction on how he might undertake the latter.

ADJOURNMENT

Motion by Mr. Zack, **seconded** by Mr. DiCicco and unanimously carried to adjourn the meeting at 9:51.

Respectfully submitted,


Nancy Probst
Planning Board Secretary

APPROVED 10/26/16