

BOROUGH OF RARITAN
Planning Board Regular Meeting
MINUTES
November 30, 2016

CALL TO ORDER

Chairman Miller called the meeting to order at 6:35 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. The Chairman announced that the earlier meeting time of 6:30 was also noticed in accordance with the law.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Chairman R. Miller
Vice Chairman Brown
Mayor C. McMullin
Councilman R. Bray
Ms. D. Thomas
Mr. E. Wilde
Mr. M. DeCicco
Mr. N. Carra
Mr. J. Gausz
Mr. Cunningham
Mr. D. Fortkus
Mr. J. Krajewski

Also Present:

Susan Rubright, Esq.
Stan Schrek, P.E.
Angela Knowles, P.P., A.I.C.P.
Lou Gara (arrived late)

Absent:

Mr. R. Zack

APPROVAL OF MEETING MINUTES

The Board Secretary acknowledged that the Minutes would be amended to reflect the correct spelling of Attorney Jeff Lehrer's name. **Motion** by Mayor McMullin, **seconded** by Mr. Gausz and unanimously carried to approve the Minutes of **October 26, 2016**, as revised.

ROLL CALL

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

Nay:

Abstain: *Mr. Carra, Mr. Krajewski*

ENGINEERING REPORT

Mr. Schrek spoke to construction at the Raritan Professional Center/Larken Property. He introduced Angela Knowles as the new Board Planner. Ms. Knowles provided an overview of her credentials and the Board welcomed her.

Mr. Schrek provided an update on the Barbieri site. A discussion ensued about the status of approvals and construction on the Raritan Crossing application/site in response to a question from Vice

Chairman Brown. Mayor McMullin advised that they have been served with a compliance notice and assessed fines/penalties. Mr. Schrek advised that they only received preliminary approval. The Board Attorney advised that there is nothing that the Board can do to revoke their approval or compel them to construct the development. She explained that the approval is valid for three years from the date of the published legal notice. Mr. Schrek spoke to the environmental constraints on the property, including the riparian limit and the bald eagle habitat.

Lou Gara arrived at 6:45. The Chairman announced that there would be no new testimony heard after 9:30 p.m.

ZONING OFFICER/CONSTRUCTION OFFICIAL REPORT

Mr. Gara advised that there was nothing new to report. He advised of the anticipated opening of Jersey Mike's "by Christmas."

TRC MEETING UPDATE

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

MISCELLANEOUS

- NJDOT Transportation Alternatives Program Application

Mr. Schrek provided an overview of what the TAP program was about. He explained that the Borough was pursuing it as a continuation of the wayfinding plan to connect the train station down to the Nevius Street Bridge and he related that Mayor McMullin and Ms. Knowles had been successful in soliciting many requisite letters of support from outside agencies.

- Somerset County Planning Partners Meeting

Ms. Knowles provided a recap of the final meeting of the year of the Somerset County Planning Partners. She advised that the theme was complete streets which she related coincides with the work the Borough hopes to do with the TAP grant and serves as another way to implement the wayfinding plan. She further related that the County suggested that Borough might want to tweak the language in their complete streets resolution that was adopted in 2011 in order to make it more implementable and that Phase 3 of the Priority Investment Plan was discussed. She encouraged anyone with ideas for the County to send them to her. Vice Chairman Brown added that the County also announced the towns would be notified by early January of the new wastewater management plan rules which went into effect on November 7.

- Regional Center Interlocal Policy Agreement/Checklist

Chairman Miller reminded the staff and Board professionals that the checklist still needed to be revised. The Board Attorney indicated that she would coordinate with the Board Planner.

RESOLUTIONS

- PB-2016-12

Motion by Ms. Thomas, **seconded** by Mr. DeCicco and unanimously carried to memorialize the Board's finding that **Ordinance # 2016-14** should be recommended for adoption as it was not found to be inconsistent with the Master Plan.

ROLL CALL

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

Nay:

Abstain: *Mr. Krajewski*

- **PB-2016-13**

Motion by Councilman Bray, **seconded** by Mr. Cunningham and unanimously carried to memorialize the Board's finding that **Ordinance # 2016-15** should be recommended for adoption as it was not found to be inconsistent with the Master Plan.

ROLL CALL

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

Nay:

Abstain: *Mr. Krajewski*

OLD BUSINESS

Satyanarayana Varre, Applicant (Owner - Hopper II, LLC)

Block 29, Lot .01 (600 Route 206 South)

Minor Site Plan and bulk variances (carried from September 28, 2016 meeting)

Chairman Miller announced that the hearing was carried to 12/28/16 without further notice.

APPLICATION/HEARING

Raritan 503 LLC

NJ State Highway 202 (Block 40, Lots 1 & 17)

Preliminary & Final Site Plan, Bulk Variances

Councilman Bray recused at 7:01.

Larry Powers, Esq. appeared on behalf of the applicants, Mr. & Mrs. Dabb whom he introduced as the owners of the former Golden Wok site. Mr. Powers reviewed their request for relief and explained that their plan was to raze the existing house on Lot 17 and replace it with a 9,710sf highway commercial building to be inhabited by similar previously existing uses. He advised that George Folk, Doug Polyniak, Rocco Campanella and John Chadwick would be testifying on their behalf.

George Folk, P.E. of David Stires & Associates requalified himself before the Board and was sworn in and confirmed that the applicant was seeking waivers in addition to the relief outlined by Mr. Powers. A colored rendering of the Site Plan was marked into testimony as **Exhibit A-1**. Mr. Folk oriented everyone to the plan and addressed each of the checklist items in Mr. Schrek's review letter of 09/26/16. Mr. Schrek advised that the application could be deemed complete with board action and the waiver requests.

Mr. Folk returned to Exhibit A-1. He identified the buildings on both lots, parking areas, sidewalk

access and points of ingress/egress. In response to a question from Chairman Miller, he confirmed that there would be no additional exit on Second Avenue and testified that the existing exits along Route 202 will remain along with the existing curb cuts. He deferred to the traffic engineer with respect to item #4 concerning screening from headlight glare.

The "green checklist" was discussed. Mr. Powers indicated that Mr. Campanella would speak to the reduction in onsite energy consumption and explained that existing materials could not be used in reconstruction as a result of fire damage. He explained that lighting pollution would be addressed directly with Mr. Schrek, that conventional pest management practices would be employed and that architectural issues would be addressed. Mr. Folk related that the Planner would address signage. Mr. Powers advised that the traffic engineer would address the parking lot layout and loading.

Additional comments contained in Mr. Schrek's review letter were discussed. Mr. Powers indicated that they would comply with respect to #1, 2 and 5 through 23. He advised that the traffic engineer would address items #3 and 4.

The Chairman polled the Board for comments/questions and opened the floor to questions of the witness at 7:28. There were none.

Douglas Polyniak, P.E. of Dolan & Dean Consulting Engineers was sworn in and qualified himself before the Board. He was accepted as an expert witness with respect to traffic. Mr. Polyniak explained that the project involved replacement of a former strip mall with a new one. He testified that there was no anticipated increase in traffic generation and that the impacts to the intersection/driveway were minimal. Alternate access was discussed. Mr. Polyniak explained that there had been equal use of both driveways previously which he described as "adequate and accepted access for the site." He testified that no new access permit would be required and spoke to turning movements as well as the front yard parking issue and screening with respect to glare. Mr. Powers related that the applicant would consent to low level plantings.

Loading was discussed. Mr. Polyniak testified that there was sufficient parking/space for deliveries. Potential uses were discussed. Mr. Powers spoke to the permitted uses in the zone and in response to a question from the Board Attorney, confirmed that the 9,000sf space would likely be divided into a maximum of four tenant spaces. The Board Attorney offered that rental of the entire space as one unit might impact loading. Mr. Powers indicated that this would be addressed with the architect. Access for fire apparatus was discussed. Chairman Miller indicated that sign offs had been received from the Police, Fire and Health Departments.

Mr. Polyniak identified the dumpster on the plan. Concerns about circulation and specifically, the driveway off of Second Avenue were discussed. Mr. Schrek suggested the installation of a stop bar at the entrance off of Second Avenue. Ingress from Anderson and elimination of access to 202 was discussed at length. The Chairman opened the floor to questions of the Traffic Expert at 7:57.

Steve DeWar of 25 Johnson Drive asked whether deceleration lanes were an option. Mr. Polyniak testified that they would not be feasible as the DOT would not allow them.

Zack Bray of 101 Anderson Street asked whether the applicant had any conversations with the

funeral home. Potential parking issues with respect to the funeral home were discussed. The public question/comment session was closed at 8:05.

Architect Rocco Campanella was sworn in and qualified himself before the Board. He presented an architectural rendering of the preliminary design drawings which was marked as **Exhibit A-2**. Identifying the front elevation, he spoke to the building/roof materials, canopy, signage and green building standards. He testified that signage would be similar and spoke to the approximate size/location of the existing poles. Mr. Powers indicated that the Planner would address the location of the sign. In response to a question from the Chairman, Mr. Campanella confirmed that the HVAC equipment would be located on the roof. Potential visual impacts were discussed. Mr. Campanella indicated that although the floor plan showed three tenant areas, there could be more or less.

Noise generation and ambient noise from Route 202 was discussed. In response to a question from the Chairman about buffering for the residential properties, Mr. Folk testified that vinyl fencing and landscaping would be utilized. Mr. Gara had no objection to this. The public question/comment period for the Architect was closed at 8:18 but reopened for a question from **Osaka Amin** who identified himself as the owner of 102 Second Avenue. Mr. Amin asked about elevations/grading with respect to runoff. Mr. Folk confirmed that the grade was raised towards the back and that the finished floor area would be about 5' above the parking area. He testified that an underground detention system would be installed which Mr. Schrek indicated was desirable. Mr. Powers related that the changes in impervious coverage, together with the proposed detention system would actually result in less runoff than before. Mr. Schrek offered that there would be additional discussions on opportunities for further improvements to the rear of the site. The public question/comment period was closed at 8:25.

Planner John Chadwick was sworn in and his qualifications were accepted. He presented an aerial photograph of the site/vicinity along Route 202 which was marked into testimony as **Exhibit A-3**. He then presented a picture of the signage on Route 202 approaching from the North which was marked as **Exhibit A-4**, followed by a picture of the retail sign which was marked as **Exhibit A-5**. Mr. Chadwick provided planning testimony as to the positive criteria for the variances. He indicated that there would be no negative impacts as a result of granting the relief. The Chairman opened the floor to public questions of the witness. There were none. The public comment/question period for this witness was closed at 8:34.

The Chairman opened the floor to general public comment. Mr. Bray offered that the positive outweighs the negative. Mr. Amin offered that while he agreed, he was concerned about noise during construction, water runoff, rodents and parking along Second Avenue. Mr. Powers assured him that the applicant would adhere to the ordinances. The Board Attorney asked Mr. Schrek whether parking was adequate based on the square footage per retail use. Mr. Schrek responded in the affirmative. The public comment period was closed at 8:38.

There was a brief discussion about the anticipated construction schedule. Mr. Dabb indicated that he hopes to start in the spring and estimated project completion at approximately three months. The Board Attorney read the resolution conditions into the record.

Motion by Mr. Gausz, **seconded** by Mr. Fortkus to approve the application, with conditions as

outlined by the Board Attorney.

ROLL CALL

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

Nay:

Abstain: *Councilman Bray*

There Board paused for break at 8:50. They returned at 8:58. Mayor McMullin and Councilman Bray recused themselves for the next hearing.

APPLICATION/HEARING

Viktor & Ruta Buchholz
1126 Route 202 (Block 2, Lot 21)
Use Variance, Bulk Variances

Applicants Viktor and Ruta Buchholz of 20 Alton Place, Clinton were sworn in. Mrs. Buchholz testified that she and her husband purchased the subject property in 1986 with the intention of using it as a single family residence. She explained that in 1987, they received a variance in order to use it as a business and subsequently leased it [until 2007/2008]. She indicated that they are hoping to convert it a residence for their personal use. Mr. & Mrs. Buchholz presented color photographs which they identified as those submitted with the application package. Mrs. Buchholz explained that the only addition to the property would be a 24 x 24 garage which she related would not result in any increase in impervious coverage.

There was a brief discussion about prior approvals associated with the property. An extensive discussion about their attempts to rent and/or sell it over the years, to no avail ensued. The properties and zoning surrounding the site were discussed.

Planner Kevin O'Brien was sworn in and qualified himself before the Board. He spoke to the extent of relief being sought for the garage [one bulk variance] in addition to the use variance for the principal building. He offered that there was little to no market for small retail offices in the area for a variety of reasons which he outlined.

Mr. O'Brien presented an aerial photograph of the site which was marked as **Exhibit A-1**. He oriented everyone to the site/surrounding areas and spoke to the justification for relief. Mr. O'Brien opined that the use is appropriate for the area and offered that this type of application was anticipated by the Master Plan. He testified that the building had been a residence since 1940 and that there had been no change in the character or appearance since. He spoke to the special reasons for granting of the use variance and offered that the relief could be granted without substantial detriment to the public good or the zone plan.

Mr. Schrek offered that the use was not appropriate for the zone and was not anticipated by the Master Plan but acknowledged that the property was built as a single family and that the garage was appropriate to building setbacks for zone. He spoke of the future opportunity for redevelopment in the area. Chairman Miller offered that although the entire corridor was intended to be commercial, this property was built as a residence.

The Chairman solicited comments from the Board. There was a brief discussion about impervious coverage in response to a question from Vice Chairman Brown. Mr. O'Brien testified that coverage was at 41%. A discussion ensued about runoff from the garage roof in response to a question from Vice Chairman Brown as to whether there might be an opportunity to gain impervious coverage back. Mr. O'Brien explained that a stormwater system which accommodates the north to south slope towards 202 was put into place because the offices and the slope behind them are higher than property. The direction of the flow was discussed. Mr. Buchholz provided testimony about remediation of a former water infiltration problem on the site. Additional discussion about stormwater management on the site ensued.

The Chairman opened the floor to questions of the witness at 9:33. There were none. The public comment portion was closed.

Motion by Mr. Cunningham, **seconded** by Mr. Carra to approve the application.

ROLL CALL

Aye: *Chairman Miller, Vice Chairman Brown, Ms. Thomas, Mr. DeCicco, Mr. Gausz, Mr. Cunningham, Mr. Fortkus, Mr. Carra, Mr. Krajewski*

Nay: *Mr. Wilde*

Abstain: *Mayor McMullin, Councilman Bray*

APPLICATION/HEARING

Applicant, Verizon Wireless (Owner, Roche Bio-Medical aka "LabCorp")

Johnson Drive & First Avenue (Block 78, Lot 1)

Site Plan, Use Variance

Attorney Frank Ferraro appeared on behalf of the applicant, Verizon Wireless. He spoke to the extent of the relief being sought for placement of a small network node on the roof top of the Lab Corp building in order to address capacity for the site. Mr. Ferraro explained that the antenna extended 6.3' above the penthouse roof. He presented Exhibits **A-1, A-2 and A-3** which he identified as photo boards (same as in packet but larger) showing existing on site conditions.

James Murawski, P.E. of E2 Project Management, LLC qualified himself before the Board. He was accepted as an expert in civil and structural engineering. Referring to an enlarged version of Sheet SP-1 of the Plan, he oriented everyone to the site and provided details about the building and grounds. He then spoke to Sheet SP-2, identifying it as an enlargement of the roof plan and Sheet SP-3 which he identified as elevations. Mr. Murawski testified that there were no proposed improvements at grade and that parking and lighting were adequate. He further testified that no bulk variance relief was required as the site could accommodate the equipment and that they would comply with building code. Mr. Schrek confirmed that there were no issues with the weight of the equipment and no checklist items that would impact the proofs. He offered that the Board was aware that an increase in height in that zone was currently being contemplated.

Mr. Murawski spoke about radio frequency design in response to a question from Mr. Wilde as to how the height of the equipment is determined. There was a brief discussion about residual benefits of the project to service in the neighborhood in response to a question from Mr. Fortkus. The Chairman opened the floor to questions of the witness at 10:08. There were none.

Stephanie Koles, Radio Frequency Design Engineer for Verizon qualified herself before the Board. She presented **Exhibit A-4**, identifying it a larger version of the property (street map showing existing Verizon sites as well as proposed site). She then presented a capacity graph for "Bridgewater 3" covering a 13 month period which was identified as **Exhibit A-5** and a distance histogram for usage at "Bridgewater 3" which was marked as **Exhibit A-6**. Ms. Koles explained that the type of equipment ("pseudo omni antenna") must be located above the roofline/clutter in order to work properly. There was a brief discussion about the use of a booster when building materials such as metal/concrete impede signals. In response to a question from Mr. Fortkus about what spurred the need for relief, Ms. Koles testified that the request was based on customer complaints and watching capacity. The Chairman opened the floor to questions of the witness at 10:25. There were none.

Mr. Ferraro advised that an FCC emissions compliance report was submitted and approved as emissions levels will be below the 1% allowable limit.

Planner, David Karlback of Maser Consulting was sworn in. He opined that the Board could act favorably on the application. He offered planning testimony in support of the variances which included the location being well suited for the use, the public interest being served, the lack of traffic generation or visual impact and no impairment to the zone plan. He testified that there would be no noise, vibration, glare or fumes associated with the application and no increase in municipal services in order to accommodate the use. With respect to the visual impact, Mr. Karlback explained that a small antenna will not alter perception of the site as a result of visual absorption capacity. Calling the public benefits "numerous," he offered that the positive criteria outweigh detriments, citing enhanced public safety and increased work productivity/efficiency from improved communications.

The Chairman opened the floor to questions of the witness at 10:37. There were none.

Motion by Mr. DeCicco, **seconded** by Vice Chairman Brown to approve the application.

ROLL CALL

Aye: *Chairman Miller, Vice Chairman Brown, Ms. Thomas, Mr. Wilde, Mr. DeCicco, Mr. Gausz, Mr. Fortkus, Mr. Carra, Mr. Krajewski*

Nay:

Abstain: *Mayor McMullin, Councilman Bray, Mr. Cunningham*

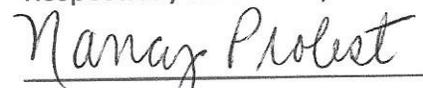
PUBLIC COMMENT

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

ADJOURNMENT

Motion by Mr. Fortkus, **seconded** by Mr. Zack and unanimously carried to adjourn the meeting at 10:37 p.m.

Respectfully submitted,



Nancy Probst

Planning Board Secretary

APPROVED 01/11/17