

BOROUGH OF RARITAN
Planning Board Regular Meeting
MINUTES
January 24, 2018

CALL TO ORDER

The Chairman called the meeting to order at 7:14 p.m.

MINUTES

Motion by Mr. Gausz, **seconded** by Mr. Cunningham and unanimously carried to approve the **November 29, 2017** Minutes, as presented.

ROLL CALL

Aye: Chairman Miller, Ms. Thomas, Mr. Cunningham, Mr. Gausz, Mr. DeCicco, Ms. Goetsch

Nay:

Abstain:

RESOLUTIONS

Master Plan Re-Examination

Motion by Ms. Goetsch, **seconded** by Ms. Thomas and unanimously carried to approve the resolution, with one editorial change [to the title block] as outlined by the Board Attorney.

ROLL CALL

Aye: Chairman Miller, Ms. Thomas, Mr. Cunningham, Mr. Gausz, Mr. DeCicco, Ms. Goetsch

Nay:

Abstain:

TRC UPDATE

The Chairman reported that there had been no TRC meetings and that there were none scheduled.

ENGINEERING REPORT

Mr. Schrek provided updates on the following matters:

- Block 81 - Compliance review still underway and County approval came back referencing revised plans.
- LabCorp - Ready to proceed with compliance review.
- Quick Check - Site work was proceeding after a delay with County approvals and a backfill issue which was being worked out.
- Route 202 (Strip Mall) - Plans were signed but the applicant was still waiting for financing.

ZONING OFFICIAL REPORT

The Chairman welcomed Mike Mulcahy. Mr. Mulcahy indicated that he would have a report next month.

PLANNER'S REPORT

Ms. Knowles advised that the County would be holding a public input workshop next Tuesday on their preservation plan which she would be attending. She explained that they were going to be working on updating their Farmland and Open Space Preservation Plans in addition to creating a Historic Preservation Plan. In response to questions as to relevance for Raritan, Ms. Knowles offered that input from the Borough with respect to maintenance of open space, the greenway historic resources and anything along the riverfront would be prudent to share. Mr. Schrek concurred.

CONCEPT PLAN

JB Properties/9 Salem LLC

Block 93, Lot 2 (59 LaGrange St.)

Proposed Single Story Apartment Building

Councilman Carra recused himself.

The Board Attorney called attention to handouts provided by the applicant entitled "A01 and A02."

Peter Lanfrit appeared on behalf of the applicant who is a contract purchaser. He explained that the applicant learned during the course of due diligence that the property (and adjoining property) are part of an Area In Need of Redevelopment Study. As such, Mr. Lanfrit advised that he had discussions with the Board professionals and the Mayor regarding combining their parcel with the adjoining parcel which is owned by the First Aid Squad. Mr. Lanfrit offered that discussions with the First Aid Squad to that end were unsuccessful to date as the asking price was not in line with the value of the parcel to his client.

Mr. Lanfrit offered that feedback as to the viability of redeveloping the single parcel without acquiring the adjoining parcel was needed in order for them to decide whether to move forward with their purchase.

Architect, A.M Ragab of Somerville provided an overview of the proposal. Referencing handout 'A01,' he discussed existing conditions on the site, explaining that the two buildings would be connected with a small addition and that the full curb cut to LaGrange would be utilized. He advised that the proposal included 6 one bedroom units, 6 two bedroom units and 2 studio apartments, all of which would be on grade.

Referring to handout "A02," Mr. Ragab spoke to proposed changes to the façade and identified the building entrances. He related that there were 19 parking spaces proposed where there are currently 16 and that the existing asphalt [in the front] would remain. There was a brief discussion as to whether the units would be age restricted [and/or affordable as may be required]. Mr. Ragab confirmed that all of the units would be ADA adaptable in response to a question from the Board Attorney.

Ms. Thomas offered that while she liked the idea of building age restricted housing, there needed to be more "curb appeal." In response to a comment from Mayor McMullin about gaining perspective on the a proposed unit size [800 s.f.], someone from the audience offered that a standard three bedroom ranch is about 1000 s.f. Mr. Schrek later advised [for comparison sake] that the meeting room was 1280 s.f.

Zoning requirements were discussed. The Board Attorney advised that although the parcels had been designated as an Area in Need of Redevelopment, there was no Redevelopment Plan in place. A discussion about parking ensued. Mr. Schrek advised that 23 spaces were required so parking [as shown] would be problematic. He also commented on the lack of open space. Mr. Lanfrit offered that Board concerns could be assuaged by potentially shrinking the building and/or moving some of the units in response to a question from the Mayor about density. Mr. Schrek offered that livable amenities could raise the value of fewer units and advised that six spaces would not be considered de minimus under RSIS standards.

Ms. Thomas asked about the likelihood of acquiring the other parcel since the redevelopment area included both sites. Mr. Lanfrit indicated that the asking price is prohibitive and spoke to the reasons why.

Environmental issues on the subject property were discussed in response to a question from Mr. Schrek. Mr. Lanfrit indicated that a Phase I study had been completed and that issues were limited to the interior.

Calling them "reluctant sellers," Mayor McMullin offered that his efforts with respect to the Rescue Squad building have been to no avail despite hopes to have a site that facilitates senior housing while not creating an "orphan site." He spoke about density and a similar "orphan site" situation next to Quick Check. Chairman Miller echoed the Mayor's sentiments, particularly with respect to density and offered that there were things that the Board could talk about and probably work out.

Mr. Lanfrit summarized his understanding of where things stood. He advised that he would review with his client and the bank and would need to consult with a civil engineer before any further discussion. He advised that a full concept plan would be submitted prior to any formal application.

A discussion on the redevelopment plan ensued. Mr. Lanfrit offered that he could come up with something. The Mayor suggested that they consider a plan for the two lots despite the Rescue Squad's current position.

APPLICATION/HEARING

Bongiovi

Block 40, Lot 3 (100 Second Avenue)

Site Plan/Bulk Variances

Chairman Miller announced that there was a need for a hearing on completeness.

Kevin Hewitt Jr., Esq. entered his appearance on behalf of the applicant.

Referencing Mr. Schrek's review letter, the Board Attorney advised that there were some items that needed to be reviewed in order to determine whether or not the applicant was ready to be heard. She explained that a floor plan had been required in order to verify room counts in connection with the parking need. Mr. Schrek added that there also needed to be a discussion as to process and as to the definition of a de minimus exception before parking could even be considered given a 33 1/3% deficiency. Ms. Rubright reiterated that the number of bedrooms needed to be verified in order to determine the parking need so that the applicant could then decide how to proceed with the Site Plan. She spoke to a potential jurisdictional issue given the potential need for DCA approval if the exception was found to NOT be de minimus for RSIS.

Engineer David Stires entered his appearance for the applicant and was sworn in.

Mr. Stires explained he understood that there was a deficiency with respect to architectural floor plans but that Mrs. Bongiovi had subsequently provided sketches showing the square footage of each room for both the first and second floor apartments based upon information provided by one of her tenants. He testified that he was presented with a two family, with a one bedroom unit on the first floor and a two bedroom unit on the second floor. Ms. Rubright asserted that Mr. Stires' testimony was based on sketches that neither he nor an architect prepared which the Board had not seen and which were provided by a tenant who was not present.

Mrs. Bongiovi stated that she provided the floor plan [with dimensions] which Mr. Schrek advised he could not read. Mr. Schrek offered that it was up to the Board whether they wanted to accept what she had submitted. He asserted that he could not use it for verification purposes. Chairman Miller advised that the submission was

not distributed because it was not in an acceptable format. He suggested that the applicant come up with some "reasonably professional" drawings for the Board Engineer to review.

Mr. Stires confirmed that they intended to proceed with the front lawn parking as the rear has issues "relative to improvements installed subsequent to subdivision approval" such as a patio, HVAC equipment and two specimen trees which would need to be removed in order to accommodate the driveway into the rear. On the opposite side, he explained, there would not be enough width for the driveway. He related that the preference was two parking spaces and a deminimus exception for one parking space given adequate frontage for a third space in front of the dwelling.

A discussion about parking restrictions on the street ensued. Mr. Stires offered that there were two tenants, each with one car. Ms. Rubright reminded him that approvals run with the land. She clarified that the applicant was asking for a waiver from the requirement of submitting a floor plan in order to verify bedroom count which Mr. Schrek needed. Chairman Miller clarified that a drawing was necessary to show the layout as no other backup paperwork had been provided.

Mr. Schrek commented their inability to get three spaces in the rear. Chairman Miller offered that from a planning perspective, spaces in the front would not be in keeping with the neighborhood. In response to a question from Mr. Schrek about the possibility of a cross easement on the adjacent lot, Mr. Stires explained that the applicant does not want to encumber the lot. Mr. Hewitt affirmed this.

A discussion ensued as to the original concept plan relative to when the lot was created. Mr. Stires spoke to the particulars of that plan. The Board Attorney commented on her recollection of the approval and offered that requesting a variance because improvements had been made since was a self created hardship. She offered that if the lot had been developed in accordance with the plans prior to approval of the subdivision, the discussion would be moot.

Chairman Miller affirmed that it was the Board's position that the application was incomplete and advised that the information in question was requested in November. Mr. Stires related that he had not seen the sketch until this week.

Motion by Councilman Carra, **seconded** by Ms. Thomas to grant a waiver from providing a floor plan.

ROLL CALL

Aye:

Nay: *Chairman Miller, Mayor McMullin, Councilman Carra, Ms. Thomas, Mr. Cunningham, Mr. Gausz, Ms. Goetsch, Mr. Delacruz, Mr. DeCicco, Mr. Krajewski*

Abstain:

The application was deemed incomplete and the applicant was advised to submit a plan to Mr. Mulcahy and to re-notice accordingly. They were reminded that everything must be on file 10 days prior to any hearing. A discussion ensued between the engineers about the deminimus issue. Mr. Stires testified that while RSIS requires 4 spaces based on the number of bedrooms, he had not been inside of the structure.

Further discussion ensued on the definition of deminimus as it relates to the parking issue. The Board Attorney advised that testimony on the issue would be necessary in order for Mr. Schrek to offer his opinion.

Malinowski
Block 96, Lot 17 (13 East Somerset Street)
Preliminary & Final Site Plan/Bulk Variances

The owner of the property, Anthony Malinowski of 3 Roosevelt Rd., Whitehouse Station, NJ was sworn in and distributed handouts which would later be identified as hearing exhibits A-1 and A-2.

Mayor McMullin explained that Mr. Malinowski had appeared before the Council the prior evening regarding access into the municipal parking lot and that the consensus was that the governing body would support the proposal provided that the Board was comfortable with it.

Exhibit A-1 was marked into testimony and confirmed to be a reduced size copy of the site plan submitted with the application.

Exhibit A-2 was marked into testimony and confirmed to be as a reduced size copy of the architectural plan submitted with the application.

Mr. Malinowski explained that the building is currently vacant but that it was previously used as a State licensed rooming house and prior to that, as a gas station which resulted in contamination issues which are still in the process of being monitored. He spoke to unit counts and explained that they were 621-682 s.f. where 900 s.f is required.

Speaking to completeness, Mr. Schrek recommended that the Board grant the two waivers which were requested with respect to cost estimates and providing an EIS. Ms. Rubright reminded that there had already been testimony on contamination. Mr. Malinowski testified that the tanks had been removed and monitoring wells installed with one still showing slightly elevated levels. The Board Attorney asked about restrictions on residential use as a result. Mr. Malinowski testified that the area in question is only a small area in the front. The Board Attorney cautioned that any approval would be conditioned upon receipt of paperwork from the DEP. Mr. Malinowski testified that he had already provided same. Mr. Schrek advised that the Borough had been following the situation for several years.

There was an extensive discussion regarding the radius of contamination in response to a question from Mayor McMullin. Mr. Malinowski identified the location of the monitoring well on his plan. Mr. Schrek offered that it was more of a building code matter than that of site plan issue. Habitability was discussed.

Mr. Delacruz left the dais at 8:32 and returned at 8:37.

Motion by Mr. Gausz, **seconded** by Ms. Goetsch and unanimously carried to grant the requested waivers as outlined by Mr. Schrek and deem the application complete.

ROLL CALL

Aye:

Nay: *Chairman Miller, Mayor McMullin, Councilman Carra, Ms. Thomas, Mr. Cunningham, Mr. Gausz, Ms. Goetsch, Mr. Delacruz, Mr. DeCicco, Mr. Krajewski*

Abstain:

Mr. Schrek left the room at 8:35 and returned at 8:39

Engineer David Stires was re-sworn.

Exhibit A-3 was identified as a colorized version of Sheet 2 of the plan set and marked into testimony. Mr. Stires outlined the existing conditions and the proposal as it relates to access to the Borough lot on the north side and alleyway access. He testified that while the parking lot conforms for residential or commercial, it does not conform for both, necessitating a parking variance.

There was a brief discussion about proposed uses for the retail component. Alley access (and vehicular access thereto), grading, the walkway and ADA compliance was discussed. In response to a question from Ms. Rubright about concerns over municipal parking spilling over into his lot, Mr. Stires testified that tenant spaces would be delineated and a decision would be made regarding parking for the retail component. Mr. Schrek offered that the B1 zone recognized parking is limited for commercial use.

A discussion ensued about whether parking could be accommodated on the site and the concept of shared parking. Ms. Knowles commented on general planning concepts with respect to shared parking in response to a question from Ms. Rubright. The parking deficit on the entire street was discussed, as was enforcement. Chairman Miller asserted that tenant spaces need to be reserved. Mayor McMullin offered that the area going into the lot would be ingress and egress. He offered that the concern of Council would be over the loss of spaces and adequate width for ingress/egress. Mr. Stires spoke to the wording of the easement.

The cross easement, ADA parking in the municipal lot and landscaping were discussed.

The Chairman opened the floor to questions of the witness at 8:55.

JoAnn Liptak commented on the width of the parking lot, expressing concern about the turning radius for fire apparatus. Chairman Miller confirmed that there had been no comments from the Fire or Police Departments. Mr. Schrek offered that although they probably would not go into the site, comments from the Fire Department were necessary and that the turning radius for vehicular traffic was adequate. Ms. Liptak expressed concern over parking, particularly overnight and in inclement weather and for the safety of neighborhood children given the nearby bus stop at Colfax and Thompson.

The public comment portion was closed at 8:55

In the absence of any architect, the applicant provided testimony on the architectural plans. Mr. Schrek offered that he had no objections to the plans as presented. Comparable units in the neighborhood, the rationale for smaller units and unit layouts were discussed.

Mr. Stires provided planning testimony. He responded to questions from Mr. Schrek about the 3rd floor rear stairway in particular. The proposed changes to the exterior were explained. Mr. Schrek indicated that he would need more details on the HVAC system in response to a brief discussion about same.

In response to a comment from Chairman Miller about the mandatory 900 s.f. requirement with respect to apartment size, Ms. Knowles offered that it does seem "large."

The Chairman opened the floor to questions of the witness at 9:15.

Joann Liptak expressed concerns about garbage ending up in Borough receptacles and about snow removal.

Dumpster location, storage and garbage pickup/responsibility were discussed. Referring to Exhibit A-1, the applicant called attention to the wall near the electric meters where the receptacles would be located. He confirmed for the record that he would "accept responsibility for trash/recycling." Ms. Rubright suggested that he submit revised detail on trash location. Ms. Liptak added that she was also concerned about rodents.

Mr. Schrek commented on the structural analysis and lighting. He offered that both were appropriate with respect to code and in the case of lighting, with respect to spillage.

The public comment portion was closed at 9:27.

The Board Attorney provided a legal analysis and reviewed the relief requested/needed, in addition to outlining the items to be addressed in a revised plan. Mr. Stires consented to working with Paul Rizzo on wording for the access easement.

Motion by Mr. Cunningham, **seconded** by Mr. Delacruz and unanimously carried to approve the application, with conditions as articulated by the Board Attorney.

ROLL CALL

Aye:

Nay: *Chairman Miller, Mayor McMullin, Councilman Carra, Ms. Thomas, Mr. Cunningham, Mr. Gausz, Ms. Goetsch, Mr. Delacruz, Mr. DeCicco, Mr. Krajewski*

Abstain:

MISCELLANEOUS

Ms. Thomas recused herself at 9:35.

Chairman Miller called the Board's attention to recent correspondence received from the DEP with respect to Raritan Orlando Drive Associates ("Raritan River Apartments") to be located at 21 Orlando Drive & Mill Street (Block 116.02, Lots 3&4). He advised that the applicant had made application for a flood hazard determination in accordance with condition #3 of their approval resolution.

There was an extensive discussion about the Board's ability to submit comments. The Board Attorney advised that the applicant was protected from zoning changes on a preliminary approval for a three year period. Further discussion ensued about whether the County stood on the matter. Ms. Rubright advised that she would reach out to Mr. Cooper for clarification and would draft something from the Board.

Motion by Mr. Gausz, **seconded** by Mr. Delacruz and unanimously carried to authorize the Board Attorney to draft a comment letter on their behalf with respect to the DEP correspondence, stressing their desire to respect the riparian line.

ROLL CALL

Aye:

Nay: *Chairman Miller, Mayor McMullin, Councilman Carra, Mr. Cunningham, Mr. Gausz, Ms. Goetsch, Mr. Delacruz, Mr. DeCicco, Mr. Krajewski*

Abstain:

Ms. Rubright advised that she would circulate a draft via email prior to sending. The Chairman opened the floor to questions of the public.

Speaking from the audience, Debra Thomas [36 Canal St., Raritan] asked about noncompliance with respect to the condemnation decision. Mayor McMullin provided her with clarification. There was a brief discussion about whether Duke Farms would be providing a letter to the DEP and whether or not they could be encouraged to do so.

Mr. Schrek introduced Mark Clark, Chairman of the Environmental Commission.

PUBLIC COMMENT

Tom Brown [18 Elmer St., Raritan] commented that Mr. Lanfrit never identified the developer or confirmed their capabilities. He encouraged the Board to pursue this. Ms. Rubright spoke to the redeveloper selection process under the Redevelopment&Housing Law which would vet developer experience and ability.

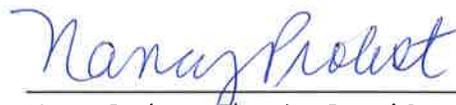
There was an extensive discussion on Notice requirements for Borough owned property versus property that the Borough is building in response to comments from Mr. Brown regarding public notice on redevelopment properties. The Board Attorney clarified that proper notice would be given in accordance with the Redevelopment law/process.

Mr. Brown stated that the contamination on the site was "more serious than he's making it" and expressed concerns over traffic. He then advised that he understood from speaking to "former rescue squad members" that there may be title issues with the property as it was donated by Duke. Mayor McMullin advised that a title search done by the Borough Attorney found the title to be unencumbered.

ADJOURNMENT

Motion by Mr. DeCicco, **seconded by** Mayor McMullin to adjourn at 10:02.

Respectfully submitted,



Nancy Probst, Planning Board Secretary

APPROVED 2/28/18