

BOROUGH OF RARITAN
TECHNICAL REVIEW COMMITTEE MEETING
MINUTES
October 4, 2018

Present:

For the Borough:

- Rick Miller
- Debbie Thomas
- Mike DeCicco
- Stan Schrek, Board Engineer
- Lou Gara, Zoning Officer
- Frank Linnus, Attorney for the Planning Board
- Angela Knowles, Board Planner

For the Applicant:

- Larry Bravman, Attorney for Raritan Johnson Associates LLC (Owner of 1,2,5 &10 Johnson Drive)
- Steve Brightman, Principal of Raritan Johnson Associates LLC

Mr. Linnus explained that the applicant filed for a Site Plan in August which was originally scheduled for hearing on 09/26/18. Referencing Mr. Schrek's 09/20/18 review letter, Mr. Linnus offered that it was unclear whether the application was complete and explained that Mr. Bravman requested an adjournment to October on short notice in order to revise plans.

Mr. Bravman explained that the applicant was proposing to restripe the existing parking lot and address lighting, if necessary. He explained that the 18 acre property was purchased in 2007 as an existing 249,000 square foot industrial park consisting of four (4) buildings with existing tenants. He explained that historically, they always went to Zoning for CO's as tenancies evolved but that recently, small tenants without the necessary resources were being asked to go before the Planning Board instead. He offered that for convenience and in order to eliminate delays rather than have tenants come individually, he would restripe the lot and address any ADA access which kicked in an impervious coverage variance since the biggest problem appeared to be parking.

Mr. Shrek explained the completeness process and request for waivers relative to the checklist. The extent of the relief was discussed relative to the applicant's Notice. Mr. Shrek advised that the parking data summary on the plans utilized the requirements for the wrong zone, calling into question the potential need for a use variance/correction of Notice. Mr. Linnus concurred. Mr. Shrek offered that the applicant must define what they are looking for.

Mr. Linnus asked whether there was an approved ["base"] resolution from 2007/the original site plan that addressed the parking then. The applicant related that the records do not exist in the Borough. Mr. Schrek offered that without it they would need a new site plan. A discussion ensued on the importance/relevance of the original approval.

Mr. Bravman confirmed that the applicant was not looking for a use variance and offered that the data used for the different zone may have come from a misunderstanding between the engineers to use the standard for shopping centers in order to maximize flexibility. Mr. Schrek asserted that he never said that.

Ms. Thomas suggested that the applicant was looking for "card blanche" so as to maximize parking in order to bring in whomever they want without coming before the Planning Board. The applicant asserted that they are looking to use maximize parking so that tenants with permitted uses don't have to come before the Board every time. Mr. Schrek spoke to the TRC for Levin for comparison purposes. Further discussion ensued on the use of the wrong standard in the plan.

Mr. Brightman offered that they were appearing because of the difficulty /financial repercussions of not being able to obtain CO's for tenants. Mr. Linnus explained that he Planning Board has jurisdiction with

respect to parking. The need for a parking variance was discussed. Mr. Schrek explained that his letter addresses Site Plan components given the lack of a "base" plan. Mr. Bravman offered that the uses would be the same permitted uses and asserted that Mr. Brightman does not know the types of businesses in advance.

The interest of neighboring homeowners was discussed as was the last minute adjournment request. There was an exchange between Mr. Bravman and Ms. Thomas regarding "the generator."

Mr. Gara explained that a new tenant applying for a CO has the obligation to show him an approved Site Plan demonstrating adequate parking. He confirmed that the Borough does not have said record and offered that during his tenure, the site had never been fully occupied. He explained that he can no longer assess whether parking is adequate for new uses and went on to speak about issues with runoff and buffering. He explained that it was advantageous for all parties to have a site plan.

Mr. Brightman offered that someone had to have approved a renovation by the former owners separating the building into 5000 square foot sections. He called the current situation "shocking" in light of any prior issues in +/- 10 years and explained that his goal was to take the responsibility/burden off of the tenants.

Mr. Miller reiterated that there was a need for a baseline/new site plan in order to move forward with the maximum parking required for the permitted uses. Mr. Brightman offered that based on the square footage, it is physically impossible to put the number of cars on the plan that the ordinance requires. Mr. Linnus asserted that this is the basis for the variance.

Mr. Schrek advised Mr. Brightman that he expanded the pavement despite knowing about the runoff issue. Mr. Brightman asserted that he personally witnessed the re-paving of the existing pavement only and that no new pavement was added. Further discussion about Mr. Brightman's potential knowledge of the pavement expansion ensued. Mr. Schrek advised that they have been asking for something to correct the runoff problem. Mr. Brightman offered that they would be fine with putting in a curb and would fix the runoff issue. Mr. Gara added that he met with Mr. Brightman and his son and asked that whatever he decides to do with respect to the dirt/berm/improving the buffer, that he give the Borough a proposal for the engineer to approve. He offered that they may need to provide some elevations. Mr. Linnus offered that they should use it to support their variance request.

Mr. Schrek asserted that the new plan has to be in conformance with zoning requirements. He added that the required buffer between the commercial and residential properties does not exist. Mr. Gara offered that what was present was from the 1950's and not working. He added that a Notice to address it was sent. There was an extensive discussion about updating the buffer and about existing screening. Preferences [vegetative buffer as opposed to fencing] were discussed. Tree removal/replacement was discussed.

Details of the proposed plan were discussed. Mr. Bravman asked about the requested curbing. Mr. Schrek clarified that it was not one or the other. He reiterated that both the drainage and buffer issues need to be addressed and offered that the curbing may help, referencing a swale that existed at some point.

Mr. Linnus explained what information the Planning Board needs to consider a variance together with the various elements of a Site Plan that they would need to see. He suggested that they begin with amending the application and revising the plans. Further clarification on what was needed was provided at Mr. Bravman's request.

An extensive discussion ensued on the priorities for a new application/revised plan in response to a question from Mr. Brightman as to what things were most important. Mr. Gara advised that the ordinance would include design standards for the buffer and reiterated the importance of stopping the water. Mr. Brightman related that he "tried to get it done" but that "they didn't have time." He added that machines cannot get back there because Labcorp is parking along that side. Mr. Gara related that there are trucks there that should be moved and spoke again to the impact on the neighbors. Mr. Brightman stated that

despite being there for 11 years, he only heard about the drainage recently and then stated that he would fix it.

Mr. Bravman acknowledged Mr. Linnus' advice to check 55d-11 with respect to his original Notice.

Mr. Brightman acknowledged that he understood what was required in response to a question from Mr. Miller. Sound attenuation for a motor on the roof of the building close to Arnold Ave. was discussed in response to a request from Mr. Gara to address the noise near that property line simultaneous to any variance request. Mr. Brightman offered that he would do whatever he could "within reason."

Mr. Miller opened the meeting to public comment.

Enrico Malfatano of 1018 Arnold Avenue voiced concerns over the trucks parked in areas other than the loading docks and lack of maintenance on the property behind the fence. Mr. Malfatano advised that the motor runs constantly and that his decibel reading is sometimes 70. He stated that although he believes the trucks are parked there to control noise, he does not want trucks parking along the fence. He stated that his impervious coverage is 99% with no storm sewers, gutters or drain and spoke to prior approvals received by the former owner for a 200' storage bin with no concrete pad. He pointed out that there was a concrete pad shown on the Site Plan which is supposed to be pervious area. He added that he does not think the elevations are what they are supposed to be.

In response to questions from Mr. Linnus, Mr. Brightman related that he did not recall receiving a Site Plan from the Seller when he purchased the property in 2007 and that they did not stripe the lot. Mr. Malfatano reiterated that the pavement over the space that was supposed to remain pervious with no curbs/drains is problematic. He opined that Mr. Brightman does not care about the back of the property and that the garage door that "Conti" put in is still open, ruining their "quiet enjoyment."

Mr. Brightman assured Mr. Malfatano that it would be fixed.

Another [unidentified] member of the public echoed Mr. Malfatano's sentiments, adding that mosquitoes were also a problem because of "ankle deep" puddles. Mr. Malfatano spoke to the existence of an evergreen buffer on the old site plan. He and the other [unidentified] member of the public responded to questions from Mr. Brightman about how long the water issue had been going on. Mr. Malfatano offered that it had gotten worse the more the trees grew. Mr. Brightman assured them that it would be cleaned up.

Timeframes for resubmission/target hearing dates were discussed. Mr. Malfatano stated that he would make the neighbors aware.

The meeting ended at 9:30.

Respectfully submitted,



Nancy Probst, Planning Board Secretary

APPROVED 1/23/19