

**BOROUGH OF RARITAN**  
**Land Use Board Meeting**  
**MINUTES**  
March 27, 2019

**CALL TO ORDER**

Chairman Miller called the meeting to order at 7:01 p.m. and read the open public meetings statement in accordance with the law.

**ROLL CALL & FLAG SALUTE**

**Present**

Mr. Miller  
Councilman Carra  
Mr. Cunningham  
Ms. Thomas  
Mr. Delacruz  
Mr. Krajewski  
Ms. Carra  
Mr. DeCicco  
Ms. Sherwin  
Mr. Singara

**Also Present**

Susan Rubright, Board Attorney  
Stan Schrek, Board Engineer  
Angela Knowles, Board Planner  
Lou Gara, Zoning/Construction Official

**Absent**

Mayor McMullin  
Mr. Gausz  
Ms. Goetsch

**OATH OF OFFICE**

Fred Singara was sworn in.

**MINUTES**

**Motion** by Mr. Delacruz, **seconded** by Ms. Thomas and unanimously carried to approve the Minutes of 02/27/19 by voice vote.

**RESOLUTION**

**Bridge Walk, LLC**  
929 Route 202  
Block 31, Lot 14.01

**Motion** by Mr. Cunningham, **seconded** by Councilman Carra and unanimously carried to adopt the memorializing resolution.

**Roll Call:**

**Aye:** *Chairman Miller, Councilman Carra, Mr. Cunningham, Ms. Thomas, Mr. Delacruz, Ms. Carra, Mr. DeCicco, Ms. Sherwin*

**Nay:**

**Abstain:**

**ENGINEERING REPORT**

Forecasting a busy year ahead, Mr. Schrek advised that he has been receiving inquires on various properties and provided updates on the following ongoing projects:

**Labcorp** - Construction proceeding.

**Block 81** - Compliance issues causing delays in construction.

**Raritan Johnson Associates** – May need to return (related to compliance letter).  
He also advised that the DOT kickoff for the TAP Grant would be May 10.

### **ZONING/CONSTRUCTION OFFICIAL REPORT**

Mr. Gara related that he had no new information to report.

### **PLANNING REPORT / AD HOC COMMITTEE (Pedestrian & Bike Safety)**

Ms. Knowles advised that the Borough had received the \$15,000 Regional Center Partnership Grant but that there was no new information on the Sustainable Jersey Grant. She advised that a subcommittee would be forming for the Bike & Safety Plan and spoke briefly about the Somerset County Planning Partners meeting regarding the "Preservation Plan." Ms. Knowles encouraged Borough participation in the County Walk/Bike/Hike Plan [framework of connections] feedback session scheduled for 4/3. She and Chairman Miller agreed that they would collaborate on membership lists with respect to the subcommittee. Ms. Knowles related that Ridewise would like to participate.

### **TRC MEETING UPDATE**

Chairman Miller advised that there had been no meetings and that there were none scheduled.

### **PEDESTRIAN BIKE & SAFETY COMMITTEE**

Chairman Miller advised they would be mobilizing soon under Ms. Knowles.

### **APPLICATION/HEARING**

- **Janusz & Jolanta Maziarz**  
**Block 80, Lot 13 (35 First Avenue)**  
**Preliminary & Final Site Plan, Use Variance, Bulk Variances**

Councilman Carra recused at \_\_\_\_\_.

Acting as her own Attorney, owner of the subject property, **Jolanta Maziarz** entered her appearance and was sworn in. Ms. Maziarz testified that she purchased the property last summer with a liquor store on the first floor and a [residential rental] unit upstairs. She provided an overview of the proposal which includes conversion of the first floor into a two bedroom apartment.

Front access was discussed. Ms. Maziarz testified that there would be no exterior changes to the dimensions of the building.

**Engineer Robert Kiser** of Stires Associates entered his appearance on behalf of the applicant and was sworn/qualified.

Mr. Kiser presented **Exhibit A-1** which was identified as a colorized version of the variance plan dated 1/31/19 [as submitted] and marked into testimony. He provided an overview of the proposal and discussed drainage in particular. He indicated that they would be willing to pave the parking lot and provide grading/shift the downspouts in order to confirm proper drainage.

The Chairman redirected the Board to a discussion on completeness. Mr. Kiser reviewed the waivers being requested. Referring to his 3/19/19 review memo, Mr. Schrek offered that most of them were justified by the nature of the application.

**Exhibit A-2** (deed for the Lot 12 easement) and **Exhibit A-3** (deed for the Lot 29 easement) were marked into testimony.

Mr. Kiser provided testimony on lighting with respect to item #12 of Mr. Schrek's review letter and related that further information would be provided to Mr. Schrek directly. Mr. Schrek reviewed the waivers and recommended that the application be deemed complete. Ms. Rubright provided clarification on item #1. She confirmed that the deeds had been provided in connection with item #2.

**Motion** by Mr. Delacruz, **seconded** by Mr. Cunningham and unanimously carried to deem the application complete.

**Roll Call:**

**Aye:** *Chairman Miller, Mr. Cunningham, Ms. Thomas, Mr. Delacruz, Ms. Carra, Mr. DeCicco, Ms. Sherwin, Mr. Krajewski*

**Nay:**

***Abstain:***

Mr. Schrek clarified that a reference made to Sec 207-1.07 in his review memo in the section labeled "Variances" should have been 1.08. The applicant and her engineer provided testimony as to technical review items 31-41 specifically. She testified that she would correct the "door swing," and would not be adverse to front access after a discussion about same. Replacement of concrete and landscaping with respect to curb appeal were discussed. Architectural details/reconfiguring the space so as to accommodate an out cove/recessing of the vestibule were discussed. In response to a question from Mr. Cunningham, the applicant confirmed that they would NOT be paving the stone driveway.

Mr. Gara advised that there had been no comments from the Police or Fire Department. Mr. Schrek advised that the County Planning Board confirmed that they would have no participation in the project.

Mr. Kiser reviewed the bulk variances, which he identified as pre-existing and provided testimony on the Use Variance.

**Exhibit A-4** was identified as an aerial/overlay taken 1/31/19 showing all properties between Johnson Drive and Burns St. [along First Ave.] and marked into testimony. Mr. Kiser testified that of 18 properties surveyed, 14 in the zone have at least two living units. He offered that the parking requirements for a residential use [rather than commercial] would be more beneficial to the neighborhood.

A discussion ensued about the space designated for 15 minute parking in front of the property. Ms. Maziarz indicated that she would have no objection to keeping or removing it.

Use of the first floor as office space was discussed. Mr. Kiser advised that an office use would generate more parking and offered that the proposed use "blends with the neighborhood"/would be lower intensity than retail or office uses.

Mr. Kiser offered planning testimony in further support of the variances. In speaking to the positive and negative criteria, he indicated that it would be more in keeping with the neighborhood and would not generate additional parking need. He stated that there would be no substantial detriment to the public good and that granting the variance would not impair the intent of the zone plan.

Ms. Maziarz offered that she would be amenable to conditions, as discussed.

An extensive discussion ensued about the front door/entrance and creation of a vestibule/addition of a recessed door. The building to the right and shared drive/parking were discussed in response to a question/comment from Mr. Cunningham. Mr. Kiser identified the area on Exhibit A-4.

Access to the second story apartment and the [un]feasibility of conversion to a single family use was discussed. Ms. Knowles offered that the proposal is in keeping with the neighborhood. Mr. Kiser offered that from a planning and structural standpoint, the building was always set up for two uses and as such, does not lend itself to a single use. Ms. Maziarz provided testimony on the condition of the second floor unit which she testified had been renovated and was currently inhabited.

Ms. Rubright advised that every application must stand on its own merits in response to a question from Mr. DeCicco about the last time the Board "heard a conversion." Mr. Gara added that what exists is a non-conforming use that pre-dates the zoning ordinance. Ms. Maziarz concurred with Mr. Gara, adding that while it may be continued [based on Zoning], the Borough wants to see residences.

The Chairman opened the floor to questions of the witnesses at 8:23.

Phil Duchesneau of 821 Bound Brook Ave. encouraged the Board to accept the proposal.

Chairman Miller closed the question/comment period at 8:24.

Ms. Maziarz provided a closing statement in support of her application.

The applicant's willingness to explore variations for the front of the building was discussed. The Board concurred to leave compliance to Mr. Schrek. Landscaping for the front was discussed again. The Board Attorney reviewed the prospective conditions of approval.

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

**Roll Call:**

**Aye:** Chairman Miller, Mr. Cunningham, Ms. Thomas, Mr. Delacruz, Ms. Carra

**No:** Mr. DeCicco

**Abstain:**

**APPLICATION/HEARING**

- Janssen Pharmaceuticals Inc.  
Block 2, Lots 6.01, 7-12 & 16  
Preliminary & Final Site Plan, Bulk Variances

**Attorney Tom Letizia** entered his appearance on behalf of the applicant. Mr. Gara confirmed that Notice was in order.

Mr. Letizia provided an overview of the application which he explained includes demolition of Building 1000A [a 76,255 square foot Lab/Research facility] to be replaced with a 5800 square foot research facility (1000 L). He indicated that the scope of the variance does not include future additions.

A discussion on completeness ensued.

**Motion** by Mr. Cunningham, seconded by Ms. Thomas and unanimously carried to deem the application complete.

**Roll Call:**

**Aye:** *Chairman Miller, Mr. Cunningham, Ms. Thomas, Mr. Delacruz, Mr. Krajewski, Ms. Carra, Mr. DeCicco, Ms. Sherwin, Mr. Singara*

**Nay:**

**Abstain:**

**Engineer Robert Esparsa** was sworn and qualified. He addressed the items in Mr. Schrek's review memo. Mr. Schrek reviewed the waivers and recommended that the application be deemed complete.

**Exhibit A-1** was identified as a colorized aerial photo of Janssen/surrounding area and marked into testimony. Mr. Esparsa provided an overview of the campus, [Building 1000 in particular] and identified the current parking spaces. He spoke at length to the components of the project which he identified as (1) demo; (2) small addition; (3) roof replacement and (4) banked parking.

**Exhibit A-2** was identified as a colorized version of the overall Site Plan rendering ["CO3" of the plan set], marked into testimony and discussed.

Mr. Esparsa provided testimony on technical comments 22-26 of Mr. Schrek's review letter. Stormwater management was discussed [rooftop detention system in particular].

The Chairman polled the Board for questions/comments at 9:09. Banked parking and the need to return for approval with respect to future installation was discussed.

The Chairman opened the floor to questions of the witness at 9:12.

**Difei Qiu** [address unknown] asked about noise. Mr. Esparsa testified that the proposal would not generate any additional noise.

Identifying an area of concern for him on the exhibit board, **Bimal Sinha of 824 Plainfield Ave.** asked about the location of the proposed parking. Mr. Esparsa clarified the location on the same plan.

The Public Comment period was closed at 9:17.

**Traffic Engineer Charles Holt** was sworn and qualified. He confirmed that he prepared the technical report/parking analysis dated 2/8/19.

**Exhibit A-3** was identified as a Parking Survey Summary Table & Illustrated Line Graph showing parking accumulation survey results and marked into testimony.

**Exhibit A-4** was identified as an enlarged version of Table 1 on Page 4 and marked into testimony. Mr. Holt testified that parking was adequate to accommodate future demand. He expounded on this in response to a question from Mr. Miller about the index being the same despite the addition of 2000 employees.

The Chairman polled the Board for questions/comments at 9:26. There were none. He opened the floor to public comment/questions and closed it at 9:26 seeing as there were none.

**Architectural Engineer Steven Wittry** was sworn and qualified.

**Exhibit A-5** was identified as a colorized rendering of the addition to Building L (5800 square foot two story addition with the same exterior/color/finish), marked into testimony and discussed. The proposed use for the addition was discussed. Mr. Wittry explained that the height of the building was driven by the content.

**Exhibit A-6** was identified as architectural floor plans, marked into testimony and discussed.

The Chairman polled the Board for questions/comments at 9:33. There were none. He opened the floor to questions/comments. There were none.

**Planner, D. Thomas Stearns** was sworn and qualified. He provided planning testimony in connection with the use variance and c2 variance.

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

Cross referencing Mr. Schrek's review memo, the Board attorney reviewed the prospective conditions of approval.

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

**Roll Call:**

**Aye:** *Chairman Miller, Councilman Carra, Mr. Cunningham, Ms. Thomas, Mr. Delacruz, Mr. Krajewski, Ms. Carra, Mr. DeCicco, Ms. Sherwin*

**Nay:**

**Abstain**

**PUBLIC COMMENT**

The Chairman opened the floor to questions/comments.

Mr. Duchesneau asked for clarification on the applicant's need to return to the Board in the future.

The public comment period was closed at 9:45.

**ADJOURNMENT**

**Motion** by Councilman Carra, **seconded** by Mr. Delacruz and unanimously carried to adjourn at 9:46.

Respectfully submitted,

*Nancy Probst*

Nancy Probst, Board Secretary

APPROVED

*4/24/19*