

RARITAN TOWNSHIP ZONING BOARD OF ADJUSTMENT

MINUTES

JUNE 16, 2016

1. CALL TO ORDER:

Chairman Kevin Kuhl called the meeting to order at 7:30 p.m.

2. NOTICE OF MEETING:

The notice requirements of the Open Public Meetings Act were read into the record.

3. ROLL CALL:

Members Present:

Kevin Kuhl, Chairman
Cynthia Schaefer
Arthur Teatzner
Randy Block
Steve Farsiou, Alternate
Judy Dreher, Alternate

4. MEMBERS ABSENT:

Alicia Dominguez
John Gudelis
John Collins

5. ALSO PRESENT:

Antoine Hajjar, Township Engineer
Jamie Sunyak, Township Planner

6. APPEARANCES:

STICKEL, KOENIG, SULLIVAN & DRILL, LLC
571 Pompton Avenue
Cedar Grove, New Jersey 07009
Attorneys for the Board
BY: JONATHAN E. DRILL, ESQ.

MESSRS. ARCHER & GREINER
361 Route 31, Suite 1301
Flemington, New Jersey 08822
Attorneys for Raritan Solar
BY: GULIET D. HIRSCH, ESQ.

LARGE, SCAMMELL & DANZIGER, LLC
7 Maple Avenue
Flemington, New Jersey 08822
Attorneys for Richard Stothoff
Board Case No. 10-2016
BY: SCOTT BULLOCK, ESQ.

**7. BOARD MEMBERS AND COUNSEL COMMENTS,
ANNOUNCEMENTS, DISTRIBUTION AND
CORRESPONDENCE, MINUTES**

- a. Comments: None
- b. Announcements: None
- c. Distribution and Correspondence: None
- d. Minutes of April 21, 2016

Mr. Teatzner made a motion to approve the minutes of May 19, 2016, seconded by Mr. Block.

(All members voted in the affirmative.)

- e. Minutes of May 19, 2016

Mr. Teatzner made a motion to approve the minutes of May 19, 2016, seconded by Ms. Schaefer.

(All members voted in the affirmative.)

8. RESOLUTIONS:

**a. RESOLUTION NO. 2016-05
T-MOBILE**

Mr. Drill stated the resolution was previously distributed, but they were waiting for the Township Attorney to advise whether conditions such as the payment of back taxes and removal of vehicles from the property had been achieved. He advised the Board they could vote on the minutes, and if anything came up later, it could be reopened.

Mr. Teatzner made a motion that the resolution be granted, seconded by Mr. Block.

(On roll call, all members voted in the affirmative.)

**b. RESOLUTION NO. 2016-06
BJ'S**

Mr. Drill indicated that the applicant was satisfied with the resolution. Attorney John Sarto of the law firm Giordano, Halleran & Ciesla, Red Bank, New Jersey, indicated that the resolution was fine as written, therefore a motion was made by Mr. Teatzner and seconded by Mr. Block to approve the resolution.

(On roll call, all members voted in the affirmative.)

9. APPLICATIONS:

**1. CASE NO. 8-2016
RARITAN SOLAR
BLOCK 86, LOTS 10, 26, 26.02 AND 100.1
REQUEST FOR WAIVERS**

Guliet Hirsch of the law firm Archer & Greiner, Flemington, New Jersey, introduced her engineer, Julia Algeo, who indicated the first waiver requested is the aquifer test analysis. She stated that similar facilities do not require a constant source of water. Ms. Algeo testified there will be an underground storage tank, and there is no plan to sink a well or bring a water line in. It is a solar facility.

In terms of watering the landscaping, she stated that the landscaping will be installed and the installer will

post bonds and guarantees for same. If anything doesn't make it, they will be required to replace the plantings within a time period established by the Township.

Mr. Hajjar indicated that the other solar facilities drilled a well. He also indicated that his recommendation will be that they do likewise.

Mr. Drill opined that on other solar applications the traffic impact analysis had been waived, and the Board agreed to do so in this matter.

Attorney Drill questioned whether John Morgan Thomas needs to see the individual trees that are 8 dbh or over to do a report, and Ms. Sunyak and Mr. Hajjar indicated that they didn't believe so.

Ms. Hirsch stated she would be prepared to go forward at the July 7th meeting.

At that point the Chairman made a motion to grant the waivers listed in the memo with the Board's conditions, seconded by Mr. Teatzner.

(On roll call, all members voted in the affirmative.)

**2. CASE NO. 9-2016
KASPER, GUSTAV, RUSSELL, DANIEL-TRIPLE K**

The application for Kasper, Gustav, Russell, Daniel-Triple K was called, which is located in Block 63, Lot 34. It is an application for a pre-existing non-conforming use and interpretation. Planner Sunyak indicated that she received a call from the applicant's attorney requesting the hearing be rescheduled until the next meeting of July 7, 2016. Attorney Drill stated that since it was only an interpretation and no notice had been sent out, that the Board did not have to make an announcement as to the next hearing.

**3. CASE NO. 10-2016
STOTHOFF**

The Chairman called Case 1-2016, Richard Stothoff, which is an application for a use variance and minor subdivision application for Block 27, Lots 29 and 30.

Attorney Scott Bullock, of the law firm Large, Scammell & Danziger, Flemington, New Jersey, appeared representing the applicant, stating they were seeking to continue a pre-existing residential use in the I-2 industrial zone. He indicated the pre-existing residential use was an historic building that dates back to the 1700s. Even though it is pre-existing it needs a D variance.

Attorney Bullock stated that the reason driving the application is so the adjacent lot could be entered into the New Jersey Farmland Preservation Program.

Mr. Bullock presented Engineer Eric Rupnarain and Paul Szymanski, a planner, as well as Richard Stothoff, the land owner.

Also sworn at the meeting were Jamie Sunyak and Antoine Hajjar, the Board's professionals.

Mr. Stothoff testified that the building was constructed in the 1700s, where Lipton Tea is today. The house was torn down and placed in storage. It is much smaller than the Governor Reading House or what they call the Mansion. He testified as a member of the Hunterdon County Historic Commission that the house was built sometime between 1730 and 1740. If you look at the revised Ordinances of the Township of Raritan, there is a preface and a resolution that provides that the first Zoning Ordinance adopted in the Township of Raritan was in January of 1957. Therefore, if the Board believes Mr. Stothoff's testimony that this house was built between 1730 and 1740, this house obviously pre-existed that.

The Chairman questioned whether both properties were deeded separately, to which Mr. Drill responded that the property across the street has nothing to do with the application.

Mr. Rupnarain indicated the existing driveway access starts on Lot 29, and as it traverses south, it crosses from 29 to 30, so they could create an access easement along the driveway that would serve both properties.

At the conclusion of the testimony, Mr. Block made a motion to grant the relief requested subject to the conditions set by the Board. Ms. Schaefer seconded the

motion.

(On roll call, all members voted in the affirmative.)

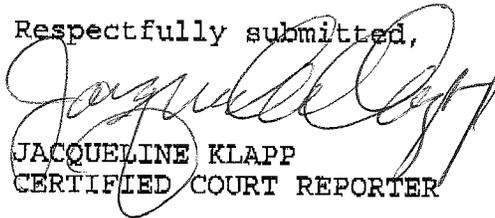
10. BOARD MEETINGS:

Board meetings are scheduled for July 7, 2016 and July 21, 2016.

11. ADJOURNMENT:

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,



JACQUELINE KLAPP
CERTIFIED COURT REPORTER