

RARITAN TOWNSHIP ZONING BOARD OF ADJUSTMENT

MINUTES

September 7, 2017

1. CALL TO ORDER:

Chairman John Gudelis called the meeting to order at 7:30 p.m. The notice requirements of the Open Public Meetings Act were read into the record.

2. ROLL CALL:

Members Present:

John Gudelis, Chairman
Kevin Kuhl
Cynthia Schaefer
Alicia Dominguez
Randy Block
Steve Farsiou
Roger Ahrens, Alternate
Jim Ferraro, Alternate

Member Absent:

Judy Dreher

3. ALSO PRESENT:

Antoine Hajjar, Township Engineer
Jessica Caldwell, Township Planner
John Morgan Thomas, Township Landscape Architect

A P P E A R A N C E S:

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

PINILIS HALPERN, LLP
160 Morris Street
Morristown, New Jersey 07960
Attorneys for Sprint Spectrum Realty Company
BY: CHRISTOPHER QUINN, ESQ.

MESSRS. STARK & STARK
995 Lenox Drive, Building 2
Lawrenceville, New Jersey 08648
Attorneys for Fred Beans Imports of
Flemington, LLC
BY: ERIC S. GOLDBERG, ESQ.

4. BOARD MEMBERS AND COUNSEL COMMENTS,
ANNOUNCEMENTS, DISTRIBUTION AND
CORRESPONDENCE, MINUTES

- a. Comments: None
- b. Announcements: None
- c. Distribution and Correspondence: None
- d. Minutes: None

5. RESOLUTIONS: None

6. APPLICATIONS:

- a. CASE NO. 10-2017
VICKY MORRIS
BLOCK 84, LOT 27.01
D USE VARIANCE/NO ROAD FRONTAGE
ON PUBLIC RIGHT OF WAY

(At this point John Gudelis recused himself on this matter and Cynthia Schaefer was appointed Chairperson Pro Tem for this application.)

The Morris matter was called by the Chairman, and

after discussing who was eligible to vote, Architect Ralph Finelli stated that he had researched and uncovered a number of publications that made recommendations about the distance that homes could be located near a golf course.

Architect Finelli stated that 80 percent of golfers are right handed and 20 percent are left handed. He indicated that with the trees around the property, it would reduce the chances of the balls hitting the house. John Thomas indicated that it is unusual but not uncommon to have golf courses with private properties adjacent to them, nor is it uncommon for golf balls to go on someone's property.

Attorney Drill indicated that this is not a common application in front of the Board. It is a Section 36 planning variation, and not a variance under the Ordinance.

He stated that under N.J.S.A. 40:55D-35, which indicates no permit shall be issued for the construction of a building unless the lot on which the building will be constructed abuts an official street. He indicated that the MLUL indicates the Board may grant a variance for that.

After hearing the testimony and the law as to the matter, Randy Block moved that the application be granted, seconded by Chairperson Pro Tem Schaefer.

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

- b. CASE NO. 17-2017
SPRINT SPECTRUM REALTY COMPANY, LLC
BLOCK 50, LOT 4
WAIVER OF SITE PLAN TO MODIFY EXISTING
WATER TANK TELECOMMUNICATION FACILITY

(At this point John Gudelis returned to the position of Chairman.)

Attorney Christopher Quinn of the law firm Pinilis Halpern, LLP, Morristown, New Jersey, appeared on behalf of the applicant. He indicated that this is an application where Sprint has antennas on the Flemington Water Department water tank that was approved back in 1997. At the time it was approved for 12 antennas, not more than 80 feet above the ground, with an equipment shed. The applicant is seeking to modify it and upgrade it to accommodate the current technology.

He presented as witnesses Robert Marsac, a registered architect, on behalf of Program Maker & Associates, an engineering firm; and Darren Torres, the radiofrequency engineer for Sprint. Antoine Hajjar, township engineer and Jessica Caldwell, township planner were also sworn as witnesses.

After hearing the testimony of the witnesses and going through the expert reports with them, Kevin Kuhl made a motion to approve the application with the conditions discussed, seconded by Roger Ahrens.

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

- c. CASE NO. 15-2017
FRED BEANS IMPORTS OF FLEMINGTON, LLC
BLOCK 80, LOT 5
APPLICATION FOR PRELIMINARY AND FINAL SITE
PLAN APPROVAL (BULK VARIANCE FOR SIGN/D
VARIANCE OR GARAGE REPAIR)

Attorney Eric Goldberg of the law firm Stark & Stark, Lawrenceville, New Jersey, appeared on behalf of the applicant and stated that this is the Fred Beans Kia dealership along Route 202 in Flemington. The applicant is looking for approval for a conditional use variance for an auto repair garage, bulk variances for signage, and a waiver for site plan approval.

Attorney Goldberg indicated that there is one freestanding sign, and previously there was a second freestanding sign that was removed, and they are looking to add a second freestanding sign instead of one pylon sign.

He presented as witnesses Anand Bhatt of Arna Engineering; Brad Hackendahl of Fred Beans; and James Kyle from Kyle Planning & Design in Hopewell. They were sworn along with Antoine Hajjar, township engineer, and Jessica Caldwell, township planner.

No one appeared in opposition. Engineer Bhatt indicated that the location of the business is on Route 202 North, it is a divided highway and the current application is for adding a new pylon sign and increasing the size of the wall sign for the use of the CARSTAR Autobody Car Damage Repair.

A discussion took place as to the number of parking spaces on the property, and it was indicated that the Planning Board approved the amount of spaces located

on the property.

In reviewing Engineer Hajjar's report, questions were asked regarding the dumpsters, their location and whether they needed to be covered or not.

Planner Kyle testified as to the relief being sought in replacing the second sign that was removed. A sign is needed for the CARSTAR Autobody. That would be a freestanding sign modifying one of the existing wall signs on the front as depicted on the plans.

After much discussion, the matter of Fred Beans Imports of Flemington was adjourned to the October 19, 2017 meeting for further testimony. Mr. Drill requested an extension to decide the application until December 31, 2017, which Attorney Goldberg agreed to.

A motion was made by Randy Block to adjourn the meeting, seconded by Alicia Dominguez.

(Whereupon, the meeting was adjourned.)

7. SCHEDULE OF MEETINGS:

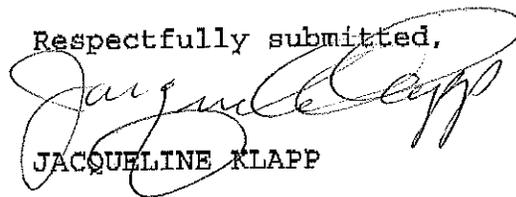
- a. September 21, 2017
- b. October 5, 2017

8. ADJOURNMENT:7.

Randy Block made a motion to adjourn the meeting, seconded by Alicia Dominguez.

(Whereupon, the meeting was adjourned.)

Respectfully submitted,



JACQUELINE KLAPP