

RARITAN TOWNSHIP BOARD OF ADJUSTMENT
MINUTES

JANUARY 19, 2017

7:30 P.M.

1. A: CALL TO ORDER

The meeting was called to order by Attorney Drill at 7:30 p.m., who read the notice requirements of the Open Public Meetings Act into the record.

B: ROLL CALL

The following members of the Planning Board were present:

Kevin Kuhl
Ms. Schaefer
Ms. Dominguez
Mr. Gudelis
Ms. Dreher
Mr. Block

Members Absent:

John Collins

Also present:

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

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

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

MESSRS. GEBHARDT & KIEFER
1818 Route 31 North
Annandale, New Jersey 08801
Clinton, New Jersey 08809
Attorneys for SSNJ
BY: DANIEL MAKOSKI, ESQ.

MESSRS. ARCHER & GREINER
361 Route 31
Flemington, New Jersey 08822
Attorneys for Hunterdon Medical Center
Thrift Shop and Raritan Solar
BY: GULIET D. HIRSCH, ESQ.

MESSRS. McNALLY, YAROS, KACZYNSKI & LIME
275 East Main Street
Somerville, New Jersey 08876
BY: KARA A. KACZYNSKI, ESQ.
Attorneys for Sempervive

**2. BOARD MEMBERS AND COUNSEL COMMENT,
ANNOUNCEMENTS, DISTRIBUTION AND
CORRESPONDENCE, MINUTES:**

A. Election of Officers

Kevin Kuhl nominated John Gudelis to be the chairman
for the 2017 year.

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

John Gudelis made a motion to appoint Kevin Kuhl as
the vice chairman for the 2017 year.

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

B. Appointments for 2017

The following people were appointed for positions on
the Board:

a. Board of Adjustment attorney:

Jonathan Drill.

b. Board of Adjustment planner: Jessica Caldwell.

c. Board of Adjustment engineer: Antoine Hajjar.

d. Board of Adjustment traffic engineering expert: Judd Rocciola

e Board of Adjustment landscape architectural expert: John Morgan Thomas

f. Board of Adjustment radiofrequency expert: Charles Hecht

g. Board of Adjustment secretary/assistant secretary: Zuzana Karas

h. Board of Adjustment stenographer: Jacqueline Klapp

i. Board of Adjustment conflict engineer: Kathleen Marcella

j. Board of Adjustment geotechnical and structural engineers: Jerry and Rick Adelson

Ms. Dreher moved the people named be approved for their appointments, seconded by Mr. Kuhl.

(On roll call, all members voted in favor.)

C. MINUTES

Mr. Kuhl moved that the minutes of December 15, 2017, be approved, seconded by Ms. Dominguez.

(On roll call, all members voted in favor.)

3. ANNUAL NOTICE OF MEETINGS:

A motion was made by Mr. Kuhl to approve the resolution, seconded by Ms. Dominguez.

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

4. BOARD'S RULES AND REGULATIONS FOR 2017:

A motion was made by Ms. Dreher to adopt the rules and regulations, seconded by Ms. Schaefer.

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

5. RESOLUTION TO ADOPT THE OFFICIAL NEWSPAPERS:

A motion was made by Ms. Dreher, seconded by Ms. Schaefer to approve the following newspapers as the official newspapers for the Board: The Hunterdon Democrat, the Star Ledger, the Trenton Times, and the Courier News.

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

6. RESOLUTIONS:

Mr Drill stated that he prepared resolutions. Normally they would not be adopted unless the applicant's escrow account was in the black. He suggested that if the resolutions are adopted, the Board should direct the secretary not to give them to the applicants until the escrows are brought up to a sufficient amount.

A. RESOLUTION 2016-11, DONALD LOFF

Mr. Block made a motion to approve this resolution with corrections, seconded by Ms. Dominguez.

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

B. RESOLUTION 2016-12, ERIC RAFAEL

Ms. Dominguez made a motion to approve this resolution with corrections, seconded by Mr. Block.

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

C. RESOLUTION 2016-13, MARINA ENERGY, LLC

Ms. Schaefer made a motion to approve this resolution with corrections, seconded by Mr. Block.

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

D. RESOLUTION 2016-14, SHANKAR IYER

Ms. Schaefer made a motion to approve this resolution with corrections, seconded by Mr. Block.

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

E. 2016-15, RICHARD AND PRISCILLA STOTHOFF

Ms. Schaefer made a motion to approve this resolution with corrections, seconded by Mr. Block.

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

7. APPLICATIONS:

**A. BOARD OF ADJUSTMENT CASE NO. 5-2015
APPLICATION OF SSNJI, LLC
BLOCK 8, LOT 3**

Daniel Makoski, Esq., from the Gebhardt & Kiefer law firm, Clinton, New Jersey, appeared on behalf of the applicant, who is requesting an extension of time to July 21, 2017.

Attorney Drill stated that he had a letter in his possession from the attorney indicating that they were seeking an extension of condition number 5 and number 11 in resolution number 2015-11. Mr. Makoski would like to have the extension because his client had recently purchased SSNJI, LLC, and after purchasing same, determined the deadline to submit all plans and revisions had passed. Therefore, they are requesting the extension.

Mr. Kuhl made a motion to extend the time limits until July 21, 2017, seconded by Ms. Schaefer.

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

**B. CASE NUMBER 2-2015
HUNTERDON MEDICAL CENTER THRIFT SHOP STORAGE
BUILDING
BLOCK 15.06, LOT 2
APPLICATION FOR A 30 DAY EXTENSION OF TIME**

Gillet Hirsch, Esq., from the law firm Archer & Greiner, Flemington, New Jersey, appeared on behalf of the Hunterdon Medical Center Thrift Shop storage building, and indicated that they had previously received an extension to the end of December, thinking that that would be more than enough time. Everything other than the fire alarm permits were in order, and they are prepared to have those components of the building permit issued.

After hearing the testimony, Ms. Schaefer made a motion that the applicant be granted an extension to March 31, 2017, seconded by Ms. Dominguez.

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

C. BOARD OF ADJUSTMENT CASE NO. 8-2016
RARITAN SOLAR
BLOCK 86, LOT 10 AND 26.02
APPLICATION TO CHANGE LANDSCAPING BUFFER

Guilet Hirsch, Esq., from the law firm Archer & Greiner, Flemington, New Jersey, appeared on behalf of the applicant. Thomas Bauer, an engineer, as well as the Board's professionals, John Morgan Thomas, Antoine Hajjar and Jessica Caldwell were sworn.

Ms. Hirsch indicated that they had a comprehensive hearing before the Board that resulted in an approval for a use variance and preliminary and final site plan approval for a solar farm. The reason they were back was because the utility company doesn't want to see landscape buffers or landscaping around the property.

The sole change in the approved plans would be the location of the specific buffer. Attorney Hirsch stated that they did provide the public notice for this hearing, as it was a substantial change.

Mr. Bauer indicated the changes that would be made, and he was questioned by Cheryl Davis, a neighboring property owner.

Mr. Drill suggested that any planning be done in the township engineer's office, and that Ms. Davis could be involved in the actual planning. He also suggested a cut-off date of February 19th.

After hearing all of the testimony, Mr. Block made a motion to grant the application, seconded by Ms. Schaefer.

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

D. BOARD OF ADJUSTMENT CASE NO. 10-2016
DOMINICK W. SEMPERVIVE (D&V IMPROVEMENTS)
BLOCK 75, LOT 38

Kara Kaczynski, Esq., from the law firm of McNally, Yaros, Kaczynski & Lime, Somerville, New Jersey, appeared representing Dominick W. Sempervive and D&V Improvements. She stated this is an application for a minor site plan and they are also seeking a variance.

Kevin Smith, a planner and engineer from Finelli Consulting Engineers in Washington, New Jersey, Mr. Dominick Sempervive and Mr. Vincent Sempervive, together with John Morgan Thomas, Antoine Hajjar, and

Jessica Caldwell were sworn in.

Ms. Dominguez recused herself from the hearing, leaving only five members to hear the application.

Attorney Drill indicated that a transcript could be prepared to have the new alternates, who have not been appointed yet, read what took place and therefore they would be able to vote on the matter.

The application was for the property on the easterly side of Old York Road which has approximately 1.29 acres. It has about 294 feet of street frontage. The applicant and his son have been residents of the township for many years and live at the property. They also own and operate a family business for snow removal and remodeling improvements to local residences and businesses in the township and surrounding areas.

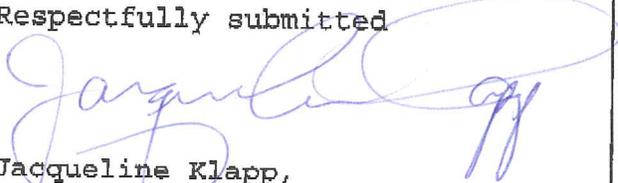
Vincent Sempervive, testified as to the number of vehicles, the lighting on the property, how the snowplows are maintained and driven to the sites where they are going to be removing the snow. He indicated that their remodeling work does not take place on the property at all but at the homes that they are remodeling.

Many of the neighboring property owners questioned the witness as to his testimony and the idling of vehicles, trees on the property that are showing signs of dying, as well as the parking for drivers of the snowplows when they come to perform their duties.

After the questioning by the members of the public, the attorney indicated she had some redirect questioning. The Board decided to adjourn the matter to their next meeting, which would be February 16, 2017, as Ms. Kaczynski would not be able to attend the February 2, 2017 meeting.

The Board adjourned their hearing at 10:53 p.m.

Respectfully submitted



Jacqueline Klapp,
Certified Court Reporter