

**ZONING BOARD OF ADJUSTMENT  
RARITAN TOWNSHIP, NEW JERSEY**

**MINUTES**

**JANUARY 17, 2019**

**1. CALL TO ORDER:**

Secretary Amy Fleming called the meeting to order at 7:30 p.m.  
and

**2. NOTICE OF MEETING:**

The notice requirements of the Open Public Meetings Act were  
read into the record by Secretary Amy Fleming.

**3. ROLL CALL:**

**Members Present:**

Chairman John Gudelis  
Vice Chairman Kevin Kuhl  
Cynthia Schaefer  
Alicia Dominguez  
Randy Block  
Steve Farsiou  
Roger Ahrens  
Jeff Anclien

**Member Absent:**

Jim Ferraro

**4. OTHER PERSONNEL:**

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

**6. APPEARANCES:**

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

PRIME LAW  
14000 Horizon Way  
Suite 325  
Mount Laurel, New Jersey 08054  
Attorneys for Raritan Partners (Wawa)  
BY: TIMOTHY M. PRIME, ESQ.

MICHAEL E. RODGERS, ESQ.  
1 West Union Avenue  
Bound Brook, New Jersey 08805  
Attorney for Shanti, LLC

MESSRS. SCHOLL, WHITTLESEY & GRUENBERG, LLC  
1 East Main Street  
Flemington, New Jersey 08822  
Attorneys for Stothoff, Route 31 and  
Raritan Partners, LLC (Objectors)  
BY: STEVEN P. GRUENBERG, ESQ.

EDWARD GROH, ESQ.  
7 Windsor Way  
Flemington, New Jersey 08822  
Attorney representing himself and his wife

**6. ABSENCE:**

Randy Block made a motion to excuse Jim Ferraro from the meeting, seconded by Steve Farsiou.

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

**7. BOARD MEMBERS AND COUNSEL:**

- a. **Comments:** None
- b. **Announcements:** None
- c. **Election of Board members for 2019**

1. Chairman: Kevin Kuhl nominated John Gudelis for the 2019 year, seconded by Cynthia Schaefer.

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

2. Vice-Chairman: John Gudelis nominated Kevin Kuhl as the Vice Chairman, seconded by Cynthia Schaefer.

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

Attorney Drill indicated that for the occasions when neither John Gudelis nor Kevin Kuhl are available for the meeting, a chair pro tem should be appointed.

Kevin Kuhl nominated Cynthia Schaefer as the Chair pro tem, seconded by Randy Block.

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

**Nominations for 2019**

- 1. Board of Adjustment Attorney - Jonathan E. Drill.
- 2. Board of Adjustment Planner - Jessica Caldwell
- 3. Board of Adjustment Engineer - Antoine Hajjar
- 4. Board of Adjustment Temporary Traffic Expert - Judd Rocciola

Attorney Drill indicated that the reason Judd Rocciola is being appointed temporarily is because he has retired, but is still actively representing the Board until the end of the Raritan Partners (Wawa) matter.

5. Board of Adjustment Landscape Architectural Expert - John Morgan Thomas
6. Board of Adjustment Radio Frequency Expert - Charles Hecht
7. Board of Adjustment Secretary/Assistant Secretary - Amy Fleming as secretary and Antoine Hajjar as assistant secretary
8. Board of Adjustment Stenographer - Jacqueline Klapp
9. Board of Adjustment Conflict Engineer - Cathleen Marcelli of Mott MacDonald
10. Board of Adjustment Geotechnical & Structural Engineers - Jerry Adelson and Richard Adelson

Roger Ahrens made a motion to approve all nominations, seconded by Cynthia Schaefer.

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

**e. Distribution and Correspondence:** None

**f. Minutes:**

**(1) Minutes of December 6, 2018**

Roger Ahrens made a motion that the Minutes be corrected on page 5 of 8, the capital E in the word expert should be a small E. With that correction he moved the acceptance of the Minutes, seconded by Kevin Kuhl.

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

**8. RESOLUTIONS:**

**(1) RESOLUTIONS FOR 2019 APPOINTMENTS**

The Resolutions for the 2019 appointments were previously voted on in Number 7.

**(2) ANNUAL NOTICE OF MEETINGS**

The meeting dates were listed in the record.

The reorganizational meeting will be held on January 16, 2020 at 7:30 p.m. in the Municipal Building.

**(3) RESOLUTION ADOPTING RULES OF PROCEDURE**

Mr. Drill indicated that the Rules of Procedure, which are identical to the 2018 Rules, should be amended to add the Chair Pro Tem, and make them retroactive to the beginning of the meeting.

Steve Farsiou asked a question regarding the Rules of Procedure and the absences of members. He suggested that something should be added in the Rules and Regulations for the Raritan Township Zoning Board of Adjustment to incorporate the fact that if a member is going to be absent, they should provide written notice so the absence can be excused.

Attorney Drill indicated that his recommendation is that something can be put in about absences and what the procedure is, but not what the Board of Adjustment or the Board secretary has to do to advise the member.

Cynthia Schaefer moved that the Rules be adopted with the one amendment, seconded by Roger Ahrens.

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

**(4) RESOLUTION ADOPTING OFFICIAL NEWSPAPER**

A motion was made by Cynthia Schaefer to that adopt the newspaper listed in the Resolution, seconded by Alicia Dominguez.

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

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**(5) RESOLUTION #2018-16  
STEPHEN AND KATHRYN GARBOLINO  
Block 75, Lot 48, 5 Farmer Court**

Kevin Kuhl made a motion to approve the Resolution of Steven and Kathryn Garbolino with correction, seconded by Alicia Dominguez.

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

**9. REQUEST FOR BOARD MEMBER EXCUSED ABSENCES**

Roger Ahrens moved that a letter be sent to the Board of Adjustment office for approval of absences, seconded by Cynthia Schaefer.

Steve Farsiou requested to be heard on the matter before a decision was made, which request was granted. After stating his position, Attorney Drill then read the Statute pertaining to the issue into the record.

**10. APPLICATIONS:**

- A. Board of Adjustment Case No. 07-2018  
APPLICANT: Raritan Partners, LLC (Wawa)  
LOCATION: Block 15, Lots 20 and 20.01  
APPLICATION: Site Plan C and D Variances**

(Chairman John Gudelis recused himself from this hearing.)

Attorney Drill indicated that the Board had adjourned the hearing in the middle of Mr. Dean's testimony on December 6, 2018. The following attorneys were present for this hearing: Tim Prime, Esq., Steven Gruenberg, Esq., and Edward Groh, Esq.

The matter began with the cross-examination of Gary Dean, traffic engineer by Attorney Groh. He referred to the traffic counts along Route 31, the people collecting data and whether or not the counts were accurate from them, or from Dynamic Traffic Engineers who also did a count for Wawa. He

also questioned the level of service along Route 31 south at the proposed site.

After Mr. Groh's cross-examination, Joel Posda, Joe McGee, Vern Ainslie, Pamela Saus, Jeff Parker, Kevin Caldwell and Perry Menezes asked questions pertaining to the direct testimony.

At that point Gary Dean was excused as a witness, and the matter was adjourned until March 7, 2019. Attorney Prime agreed to extend the decision date until May 31, 2019.

**B. Board of Adjustment Case No. 14-2018**  
**APPLICANT: Shanti, LLC**  
**LOCATION: Block 41.03, Lot 3**  
**APPLICATION: Bifurcated D Variance Matter**

Attorney Michael Rodgers of Bound Brook, New Jersey, appeared for the second hearing in the Shanti matter.

Attorney Drill indicated that at the previous hearing an issue came up as to the widening of Old Hill Road. The Board agreed to a condition that the applicant improve Old Hill Road to the Board's satisfaction.

Mr. Drill indicated he sent a letter with the answer that they have a proposal from Shanti that they will improve half of the road, from the public road to the driveway, and do it 20 feet wide instead of 24 feet wide. They indicated they would not give curbs nor storm drains.

Mr. Drill stated that the Township engineer and the Township traffic engineer, after studying the matter, decided that 20 feet is not sufficient as the Board requires 24 feet. The applicant agreed to that condition.

Walter Lublanecki, traffic engineer, was presented again to continue his testimony before the Board. He was cross-examined by members of the public including Tarun Zerma, Jennifer Ubel and Manoj Gilani as to his direct testimony. Questions were asked as to the Islamic Mosque, how many times a day they had services, and the traffic that would generate.

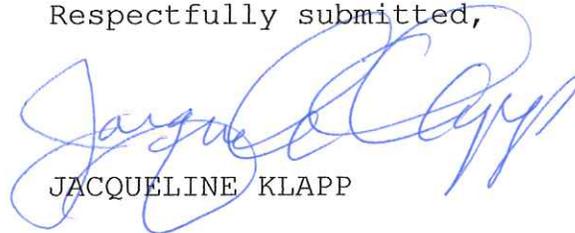
After hearing Mr. Lublanecki's testimony, Mr. Rodgers had him excused as a witness. He indicated he still had two witnesses to present, an engineer and a planner.

It was agreed that the next hearing on March 21<sup>st</sup> would consist of this application alone. There will be no additional notice required. An extension was requested by Mr. Drill until May 31<sup>st</sup>, which Mr. Rodgers agreed to.

**10. NEXT BOARD MEETINGS:**

The next Board meetings are scheduled for February 21, 2019 and March 7, 2019.

Respectfully submitted,



JACQUELINE KLAPP