RARITAN TOWNSHIP ZONING BOARD OF ADJUSTMENT

MINUTES

March 15, 2018

7:30 p.m.

1. CALL TO ORDER:

The meeting was called to order at 7:35 p.m. by Chairman John Gudelis.

2. NOTICE OF MEETING:

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

3. ROLL CALL:

Members Present:

Chairman John Gudelis
Vice Chairman Kevin Kuhl
Cynthia Schaefer
Alicia Dominguez
Randy Block
James Ferraro

Members Absent:

Steve Farsiou
Roger Ahrens

4. ALSO PRESENT:

Antoine Hajjar, Township Engineer
David Manhardt, Planner
John Morgan Thomas, Township Landscape Architect

5. **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.

MESSRS. DILTS & KOESTER
167 Main Street
Flemington, New Jersey 08822
Attorneys for the Flemington Moose Lodge #1829 and Roman Shor
BY: GEORGE M. DILTS, ESQ.

MESSRS. PINILIS HALPERN
160 Morris Street
Morristown, New Jersey 07960
Attorneys for New Cingular Wireless PCS, LLC (AT&T)
BY: CHRISTOPHER QUINN, ESQ.

6. **BOARD MEMBERS AND COUNSEL:**

a. **Comments:** None

b. **Announcements:** None

c. **Distribution Correspondence:**

A letter was reviewed from Matthew Schutz, P.O. Box 325, Three Bridges, New Jersey 08887, referring to a requested permit for a grandfathered use of 7 Amwell Road in Raritan Township.

As to the correspondence of March 12, 2018, Mr. Drill read his response to said letter, indicating that Mr. Schutz would have to appear before the Board to make his request.

d. **Minutes:** None

7. RESOLUTIONS:

The Resolution for T-Mobile Northwest located on Johanna Farms Road was adjourned to the following meeting.

Mr. Drill then indicated that the Resolution for Stothoff Route 31, Board of Adjustment Case No. 13-2017, was being adjourned at the request of Attorney Steven Gruenberg.

8. APPLICATIONS:

A. Board of Adjustment Case No. 13-2017
APPLICANT: Stothoff, Route 31

Mr. Drill indicated that at the request of Steven Gruenberg, Esq., the matter was being adjourned until April 5, 2018.

B. Board of Adjustment Case No. 04-2018
New Cingular Wireless PCS, LLC (AT&T)
Location: Block 9, Lot 5.03
APPLICATION: Waiver of Site Plan Review

Attorney Christopher Quinn of the Law Firm Pinilis Halpern, 160 Morris Street, Morristown, New Jersey, appeared on behalf of the applicant, New Cingular Wireless, and indicated that it was an application for a waiver of site plan review. He produced witnesses Joseph Mineo, the compliance and health safety expert on this application, as well as Alec Norris, a civil engineer from Maser Consulting.

The application was to relocate three existing antennas on the T-Arm mount and installing additional equipment inside of their existing shelter.

After hearing the testimony of the witnesses, indicating that all of the antennas will have a centerline height of 112 feet and no ground disturbance being proposed, the Board agreed that this was a swapping out of antennas, and it fits within the MLUL Site Plan Waiver Provision, as well as the Federal Statute. Alicia Dominguez made a motion to grant the site plan waiver, seconded by Randy Block.

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

C. Flemington Moose Lodge #1829
Location: Block 79.04, Lot 52
APPLICATION: Minor Site Plan, Conditional Use and Variance Applications

Attorney George Dilts of the Law Firm Dilts & Koester, 167 Main Street, Flemington, New Jersey, appeared representing the Flemington Moose Lodge located at 81 Barley Sheaf Road, Block 79.04, Lot 52.

The applicant is seeking minor site plan approval for an addition to the Flemington Moose Lodge #1829 with a request for an addition for a sitting room and to install a sidewalk to access the building. The addition is proposed to be located between two portions of the main building that form an L-shape. As this is in the R-3 Zone and the use does not meet the conditions, it therefore necessitates a variance.

The applicant is seeking a C Variance where the Board must find there has been a showing of peculiar exceptional practical difficulties or undue hardship arising out of the exceptional narrowness, shallowness or shape of the property as well as a C Variance because of the unique situation on a specific piece of property.

Mr. Dilts presented Scott Eichlin, the project manager from Frank Bell Associates, as well as Robert Johnston, a member of the Moose and the contractor for the project. They were sworn along with Antoine Hajjar, David Manhardt and John Morgan Thomas as witnesses.

During the testimony the witnesses agreed that the handicapped parking stalls shall be marked with striping and signage, as well as a paved parking area. A stop sign and stop bar will be installed on the driveway for safety. The applicant agreed that the spotlight will not be aimed beyond the property lines and will be no higher than 45 degrees below horizontal. They agreed that the clothing bin and the shed would be removed prior to the certificate of occupancy.

After hearing the testimony by the witnesses and reviewing the exhibits marked, the Board agreed to grant the Application with conditions including a nightlight test by the engineer.

Chairman Gudelis moved the Application be approved, seconded by Randy Block.

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

D. Board of Adjustment Case No. 02-2018
Roman Shor
Location: Block 7, Lot 30.01
APPLICATION: C Variances

The Chairman called the matter of Roman Shor. George Dilts, Esq. of the Law Firm Dilts & Koester, 167 Main Street, Flemington, New Jersey, appeared on behalf of the applicant, Roman Shor. He indicated that Mr. Shor owns property at 21 Cherryville Hollow Road, and this is located in the R-3 Zone. This is a low density residential zone. He stated that testimony would indicate that a fire occurred on November 28, 2017, destroying the building which Mr. Shor used as a woodworking shop. It was a two-story garage building, although he would like to rebuild a one-story building.

The zone only permits up to 800 square feet of accessory structures and that excludes the two-car garage that is 1500 square feet. There is also a barn on the property. The accessory structures must be a minimum of 15 feet from the property line, and therefore the applicant must shift the retaining wall in a southerly direction to comply.

There is a small commercial dumpster on the property by the existing block barn. There is also another shed located 150 feet northwest of the dwelling which is not listed on Schedule A.

The existing pad and all concrete associated with the demolished garage/barn would be removed and the area restored to lawn.

The applicant would have to show there will be no substantial detriment to the public good, the neighborhood or the Master Plan and Zoning Ordinance.

The proposed retaining wall may create an additional variance if it is not moved to at least 15 feet from the property line.

During the testimony, the applicant was questioned by neighbors, Mr. and Mrs. Pounds, who objected to the size of the building to be constructed. They were worried regarding the slope on the property, future fires, and whether the fire trucks could get across the bridge that led onto the property.

The meeting was not completed as the objectors hadn't testified as yet, and therefore it was adjourned to April 5th at 7:30 p.m.

9. NEXT BOARD MEETING:

The next scheduled meeting will be held on April 5, 2018 and April 19, 2018.

Respectfully submitted,

JACQUELINE KLAPP