

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

**APRIL 2, 2020**

**MINUTES**

Chairperson Cynthia Schaefer read into the record the following:

In order to comply with the Executive Orders signed by the Governor, and in an effort to follow Best Practices recommended by the CDC, this meeting will start at 5:00 p.m. and will end no later than 7:30 p.m. so that everyone can be off the roads by 8:00 p.m.

Additionally, only the Board Chair and Board Secretary will attend the meeting in person on behalf of the Board. No more than six people in total will be allowed in the meeting room, and all people in the meeting room shall be required to sit at least six feet away from others.

Finally, the meeting will also be offered virtually for all Board members, Board professionals, applicant and applicant's team, and interested parties and members of the public. To attend this meeting virtually enter the following link on your computer or personal device: [https://my.rpl.vc/join/?roomid=6778993&pinCode=.](https://my.rpl.vc/join/?roomid=6778993&pinCode=)

If you do not have access to a phone or a computer with a camera, you may call into the meeting for audio only at 1-833-247-7123, enter conference I.D. 6778993. No participant code needed.

**1. CALL TO ORDER:**

The meeting was called to order at 5:01 p.m.

**2. NOTICE REQUIREMENTS:**

The notice requirements of the Open Public Meetings Act were read into the record by Chairperson Cynthia Schaefer.

**3. ROLL CALL:**

**Board Members Present:**

Cynthia Schaefer, Chairperson  
Kevin Kuhl  
Alicia Dominguez  
Randy Block  
Steve Farsiou  
Roger Ahrens  
Jeff Anclien

**Members Absent:**

John Gudelis  
James Ferraro

**4. ALSO PRESENT:**

Antoine Hajjar, Township Engineer  
Jeff Zaccarella, Assistant Township Engineer  
Jessica Caldwell, Planner

**5. APPEARANCES:**

MESSRS. 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.

MR. STEVEN P. GRUENBERG, ESQ.  
151 Main Street  
Flemington, New Jersey 08822  
Attorney for Duck Flats

A motion was made by Kevin Kuhl to accept the absence of James Ferraro, seconded by Steve Farsiou.

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

**6. BOARD MEMBERS AND COUNCIL:**

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

**February 20, 2020**

The February 20, 2020 Minutes were moved for approval by Randy Block, seconded by Alicia Dominguez.

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

**March 5, 2020**

The Minutes of March 5, 2020 were moved for approval by Randy Block, seconded by Jeff Anclien.

(On roll call, all eligible members voted in the affirmative. Members Steve Farsiou and Kevin Kuhl abstained.)

**7. RESOLUTIONS:**

- (A) **RESOLUTION #2019-23**  
**Flemington Water Department**  
**37 Shields Avenue**  
**Flemington**  
**Board of Adjustment Case No.: 18-2019**

Chairperson Cynthia Schaefer made a motion that Resolution Number 2019-23 be approved, seconded by Roger Ahrens.

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

- (B) **RESOLUTION #2020-04**  
**Karen Batista**  
**18 Bartles Corner Road**  
**Board of Adjustment Case No.: 16-2019**

Randy Block made a motion that Resolution Number 2020-04 be adopted, seconded by Roger Ahrens.

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

**8. APPLICATIONS:**

- (A) **Board of Adjustment Case No. 03-2020**  
**APPLICANT: Frank Constantine**  
**LOCATION: Block 44, Lot 53**  
**205 Highway 12**  
**APPLICATION: Interpretation**

Attorney Drill indicated that this matter will be adjourned until the May 7, 2020 meeting.

**(B) Board of Adjustment Case No. 07-2020**  
**APPLICANT: Duck Flats, LLC d/b/a Duck Flats Farm**  
**LOCATION: Block 1, Lot 8**  
**144 Old Clinton Road**  
**APPLICATION: D Variance for Additional Residence**

Attorney Steven P. Gruenberg, 151 Main Street, Flemington, New Jersey, appeared representing the applicant. Mr. Gruenberg indicated that the applicant purchased the property planning on using the apartments for housing elderly family members and in the future for farm labor housing.

He presented as witnesses Dr. Luana Pesco Koplowitz, the owner of the property, as well as James Kyle, a professional planner from Hopewell, New Jersey.

Dr. Pesco Koplowitz indicated that she would have animals on the property including alpaca and sheep, and would sell her wool that she obtained from same. She also indicated that she would be seeking farmland assessment. Engineer Hajjar indicated that the parking would need to be in accordance with RSIS, that the Hunterdon County Health Department would need to inspect the property for adequate septic compliance and well water capacity on-site for the apartments, and a description of the apartments would be required just for the application.

He also indicated that if the Board were to grant the two apartments, they would not be able to be rented out to the general public.

Carrie Croton, a neighbor, testified that she had no objection to the application.

Planner Kyle stated that there is one well on the property and it is sufficient for the existing structures, and that the application is not inconsistent with the Master Plan and would have no negative impact.

After hearing the testimony and reviewing the exhibits, Randy Block made a motion that the application be granted, seconded by Alicia Dominguez.

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

At this point Member John Gudelis joined the meeting. He indicated he was still at work but would be willing to participate, if necessary.

Attorney Drill stated that as the Board was already comprised of seven members, he would not be needed to join the meeting, at which point he disengaged from said meeting.

**(C) Board of Adjustment Case No. 22-2019**  
**APPLICANT: Linda Matos, Et Al**  
**LOCATION: Block 75, Lot 6**  
**318 Old York Road**  
**APPLICATION: D Variance for Expansion of a Non-Conforming Use**

Linda Matos indicated her appearance at the virtual meeting of the Zoning Board of Adjustment that was taking place and indicated she was ready to resume her application.

Attorney Drill recapped the previous hearings indicating it was a continuation of an application that began in February. He stated that the underlying application was for certification of a lawfully created non-conforming use.

The applicant is proposing no new development, and is only seeking use variance approval for the third apartment which is in Building 3, and was not constructed prior to zoning. The applicant requires a variance for a use not permitted in the zone, and according to Attorney Drill, the testimony provided at the March 5<sup>th</sup> meeting was sufficient to prove the positive and negative criteria.

After reviewing the engineer's report, a motion was made by Kevin Kuhl to approve the application with conditions, seconded by Alicia Dominguez.

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

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**4/2/20**  
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The meeting was adjourned at 7:30 p.m. to April 16, 2020, and the following meeting would be May 7, 2020.

Respectfully submitted,

*Jacqueline Klapp*

JACQUELINE KLAPP