

**ZONING BOARD OF ADJUSTMENT**  
**RARITAN TOWNSHIP, NEW JERSEY**  
**MINUTES**  
**MAY 16, 2019**

**1. CALL TO ORDER:**

Vice Chairman Kevin Kuhl called the meeting to order at 7:30 p.m.

**2. NOTICE REQUIREMENTS:**

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

**3. ROLL CALL:**

**Members Present:**

Vice Chairman Kevin Kuhl  
Cynthia Schaefer  
Steve Farsiou  
Roger Ahrens  
James Ferraro  
Jeff Anclien

**Members Absent:**

Alicia Dominguez  
Randy Block

**Members Recused:**

Chairman John Gudelis

**4. ALSO PRESENT:**

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

**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.

CHRISTOPHER SCHUBERT, ESQ.  
312 W. State Street  
Kennett Square, PA 19348  
Attorney for Cellco Partnership D/B/A Verizon Wireless

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

MESSRS. Scholl, Whittlesey & Gruenberg, LLC  
1 East Main Street  
Flemington, New Jersey 08822  
Attorneys for Objectors  
BY: STEVEN P. GRUENBERG, ESQ.

MESSRS. BENBROOK & BENBROOK  
1734 NJ-31  
Clinton, New Jersey 08809  
Attorneys for Objectors  
BY: KEVIN P. BENBROOK

EDWARD GROH, ESQ.  
7 Windsor Way  
Flemington, New Jersey 08822

**6. BOARD MEMBERS AND COUNSEL:**

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

April 4, 2019

The Minutes of April 4, 2019 were presented for approval. A motion was made to approve by Roger Ahrens, seconded by Cynthia Schaefer.

(On roll call, all eligible members voted in the affirmative, with the exception James Ferraro who abstained.)

April 18, 2019 - Closed Meeting Minutes

The closed meeting minutes of April 18, 2019 were moved to be approved by Roger Ahrens, seconded by Steve Farsiou.

(On roll call, all eligible members voted in the affirmative, with the exception of Jeffrey Anclien and James Ferraro who abstained.)

A motion was made by Roger Ahrens to excuse Alicia Dominguez and Randy Block from the meeting, seconded by Cynthia Schaefer.

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

**7. RESOLUTIONS:**

- (1) RESOLUTION #2019-06  
Sprint Spectrum Realty, LLC**

Cynthia Schaefer made a motion to adopt the Resolution for Sprint Spectrum Realty, LLC, seconded by James Ferraro.

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

**8. APPLICATIONS:**

- A. Board of Adjustment Case No. 06-2019  
APPLICANT: Brinkerhoff Enterprises, Inc.  
LOCATION: Block 15, Lot 21.11  
4 Thames Lane  
APPLICATION: C Variance**

Attorney Drill had the secretary read a letter from the applicant's attorney into the record, after which the matter was adjourned to May 30, 2019.

- B. Board of Adjustment Case No. 07-2019  
APPLICANT: Cellco Partnership D/B/A Verizon Wireless  
LOCATION: Block 86, Lot 3  
207 Everitts Road  
APPLICATION: Site Plan Waiver**

Attorney Christopher Schubert appeared representing Cellco Partnership doing business as Verizon Wireless, and indicated that in 2004, Nextel received approval from the Board of Adjustment for the co-location of its antennas on a pole at 207 Everitts Road. Nextel is ready to abandon the antennas on that pole, and Verizon Wireless is interested in placing its antennas in place of the Nextel ones.

Based on recent federal regulations called the Spectrum Act, the applicant would be allowed to move forward and gain approval for the co-location of antennas provided there is no substantial change to the pole itself, or no expansion of the existing telecommunication compound. Essentially, the Nextel antennas would come off of the pole and the Verizon Wireless antennas will be placed on the pole.

After hearing the attorney's presentation and reviewing the reports from the Board's professionals, Roger Ahrens moved that the application be approved with conditions, seconded by Cynthia Schaefer.

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

**B. Board of Adjustment Case No. 07-2018**  
**APPLICANT: Raritan Partners, LLC (Wawa)**  
**LOCATION: Block 15, Lots 20 and 20.01**  
**Route 31 and New Castle Way**  
**APPLICATION: Site Plan and C and D Variances**

Attorney Prime indicated that his witness for the evening would be his planner, Paul Phillips, of Hoboken, New Jersey. After giving his credentials and being accepted by the Board as a planning expert, Planner Phillips testified as to the benefits of having the property developed for this purpose. He indicated that the application would protect the stream, as well as the natural resources even with the deviations. He referred to the placing of landscape plantings within the buffer zone, as well as the removal of items such as manmade slopes, and providing a softer transition area.

He referred to the bioretention basin, the new structures on the site, the rain gardens, retaining walls and a water quality unit designed to improve drainage and water quality on the site. After presenting his direct testimony, Mr. Phillips was cross-examined by the objectors' attorneys as to other gas stations located in the area, and the need for yet another one.

At the conclusion of the cross-examination, the Board determined that the next meeting for the objectors' experts would be held on June 6, 2019 at 7:30 p.m.

**9. ANNUAL REPORT FOR 2018:**

A motion was made by Cynthia Schaefer to direct the Board secretary to send the Annual Report to the Planning Board and the Township Committee, seconded by Steve Farsiou.

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

**10. NEXT BOARD MEETINGS:**

The next Board meeting is scheduled for May 30, 2019, and then June 6, 2019.

Respectfully submitted,

JACQUELINE KLAPP