

ZONING BOARD OF ADJUSTMENT
RARITAN TOWNSHIP, NEW JERSEY

MINUTES

JUNE 6, 2019

1. CALL TO ORDER:

Vice Chairman Kevin Kuhl called the meeting to order at 7:30 p.m. and read the notice requirements of the Open Public Meetings Act into the record.

2. ROLL CALL:

Members Present:

Kevin Kuhl, Vice Chairman
Alicia Dominguez
Randy Block (left the meeting at 8:45)
Steve Farsiou
Roger Ahrens
Jeff Ancien

Members Absent:

Cynthia Schaefer
James Ferraro

(A motion was made by Steve Farsiou and seconded by Roger Ahrens to accept the absences listed above, and all Board members voted in the affirmative.)

Recused:

John Gudelis

3. OTHER PERSONNEL:

Antoine Hajjar, Township Engineer
Jessica Caldwell, Planner

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

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

PRIME LAW
14000 Horizon Way, Suite 325
Mount Laurel, New Jersey 08854
Attorneys for Raritan Partners, LLC (Wawa)
BY: TIMOTHY M. PRIME, ESQ.

MESSRS. SCHOLL, WHITTLESEY & GRUENBERG
1 East Main Street
Flemington, New Jersey 08822
Attorneys for U.S. Fuel
BY: STEVEN P. GRUENBERG, ESQ.

MESSRS. BENBROOK & BENBROOK
1734 Highway 31 North
Clinton, New Jersey 08809
Attorneys for Objectors
BY: KEVIN P. BENBROOK, ESQ.

EDWIN GROH
7 Windsor Way
Flemington, New Jersey 08822

**4. BOARD MEMBERS AND COUNSEL COMMENTS,
DISTRIBUTION AND CORRESPONDENTS:**

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

5. APPLICATIONS:

- a. BOARD OF ADJUSTMENT CASE NUMBER 07-2018
RARITAN PARTNERS (WAWA)

BLOCK 15, LOTS 20 AND 20.01
ROUTE 31 AND NEW CASTLE WAY
APPLICATION: SITE PLAN AND
C AND D VARIANCES

Attorney Steven Gruenberg of Flemington, New Jersey, appeared representing U.S. Fuel on Route 31. He presented Carl Peters, an engineer and planner of Fords, New Jersey.

Mr. Peters testified as to the plan submitted by the applicant and his review of the application. He stated that this is not a use needed in the area as the site is less than suitable. He indicated the Board should consider the number of variances required as part of the analysis, indicating the Master Plan goal is to protect the environment as well as stream buffer areas. Also, that granting of the proposed use would outweigh the benefits of protecting the environmentally sensitive areas.

After his testimony was completed, Attorney Prime cross-examined Planner Peters about his client, U.S. Fuel, which is situated less than a mile away from the proposed Wawa. Planner Peters indicated that that gas station was granted as a permitted use at that time. Mr. Peters believes that having two businesses on one property increases the intensity of the use and is too much development for the site, given the constraint.

Following Mr. Prime, members of the audience also questioned the witness.

Attorney Kevin Benbrook of Clinton, New Jersey, presented Michael Pessolano, a planner from Bogota, New Jersey, who testified that in his opinion, based on the Medici Standards, this application does not promote the general welfare as required for furtherance of special reasons for a D-1 variance. The site is also unsuitable for the proposed dual use.

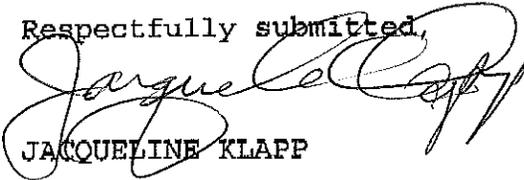
Planner Pessolano stated that the stream buffer provides for setbacks of 75 feet for disturbance, and 100 feet for structures. He also indicated that the applicant actually has three uses on the property; The gas station and convenience store, as well as a take-out food section, which would be taking place at a congested intersection.

Attorney Prime opined that he had about a half hour of cross-examination, and Attorney Drill stated that at the July 18th meeting the Board would permit Mr. Prime to cross-examine the witness before the property owners and objectors made their statements.

7. ADJOURNMENT:

(A motion was made by Roger Ahrens and seconded by Alicia Dominguez to adjourn the meeting.)

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jacqueline Klapp", written over the typed name.

JACQUELINE KLAPP