

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

MINUTES

July 18, 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
Randy Block (left early)
Steve Farsiou
Roger Ahrens
James Ferraro
Jeff Anclien

Member Excused:

Alicia Dominguez

Member Recused:

John Gudelis

4. ALSO PRESENT:

Jessica Caldwell, Board 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.

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 U.S. Fuel
BY: STEVEN P. GRUENBERG, ESQ.

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

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

Steve Farsiou made a motion to accept the absence of Alicia Dominguez, seconded by Roger Ahrens.

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

6. BOARD MEMBERS AND COUNSEL:

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

May 30, 2019

The Minutes of May 30, 2019 were moved for approval by Steve Farsiou, seconded by Roger Ahrens.

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

June 6, 2019

The Minutes of June 6, 2019 were moved for approval by Steve Farsiou, seconded by Roger Ahrens.

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

7. RESOLUTIONS: (Resolutions will be on the August agenda.)

8. APPLICATIONS:

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

Vice Chairman Kevin Kuhl called the case of Raritan Partners, LLC. Attorney Kevin Benbrook of the Law Firm Benbrook & Benbrook, Clinton, New Jersey, presented Michael Pessolano for cross-examination by Mr. Prime. Mr. Pessolano indicated his disagreement with some of the testimony presented by Planner Phillips at the previous meeting. He stated that he also disagrees with the Moskowitz Book of Development Definitions. He does not agree that a gasoline station and convenience center can be combined as a single use.

Mr. Pessolano submitted that the enhanced burden of proof in Medici and Kohl apply in this particular case.

After cross-examination was completed, members of the public began their presentations.

Resident Pamela Parker introduced a PowerPoint presentation of the traffic problems in the area. She was followed by Matthew Dawson, also indicating traffic problems. Vern Ainslie, a neighbor of the property indicated that a 24-hour/7 day operation would cause additional traffic problems and drainage problems on his property.

Lisa Ziv, a neighbor, was concerned about the detrimental impact of building the Wawa related to safety, property values and the environment.

Richard Post, 11 Windsor Way, presented police reports indicating incidents that occurred at the Wawa store in Flemington.

(Randy Block left the meeting as he was feeling ill, and a copy of the transcript will be supplied to him.)

Dr. Pamela Saus, of 20 New Castle Way indicated she has a professional office directly across the street from the proposed Wawa and has difficulty crossing Route 31 to return home because of the traffic problem. Danielle Coppola testified as to the traffic, and stated there are an average of one to two accidents per week on Route 31 in the vicinity.

Tanya Dawson submitted testimony that she is not anti-development, but would like to see appropriate development on this site.

Edward Groh, Esq., a resident of the Wellington Hills Development, indicated that he was objecting to the application, giving his reasons. He then summed up his position on the case.

Attorney Drill offered the public another opportunity to be heard, but there was no response.

The three remaining attorneys summed up their positions as to the application before the Board.

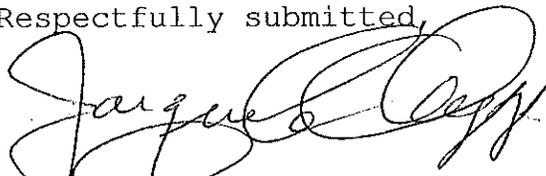
Attorney Drill advised the Board that during the month of August he would provide them with the information necessary to use as the framework to make a decision. He also will provide copies of that to all attorneys.

The matter was then adjourned to the September 5th meeting.

9. NEXT BOARD MEETINGS:

The next meetings will be August 1, 2019, August 15, 2019, and September 5, 2019.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jacqueline Klapp", written in a cursive style.

JACQUELINE KLAPP