

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

MINUTES

August 1, 2019

1. CALL TO ORDER:

Chairman John Gudelis 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 Chairman Gudelis.

3. ROLL CALL:

Members Present:

Chairman John Gudelis
Cynthia Schaefer
Randy Block
Steve Farsiou
Roger Ahrens
James Ferraro
Jeff Anclien

Members Absent:

Kevin Kuhl
Alicia Dominguez

4. ALSO PRESENT:

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

(A motion was made by Chairman Gudelis to accept the absences of Alicia Dominguez and Kevin Kuhl, seconded by James Ferraro.)

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

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.

MESSRS. DILTS & KOESTER
167 Main Street
Flemington, New Jersey 08822
Attorneys for Conclave Brewing, LLC, The Fudge Shoppe and
44 Route 31
BY: GEORGE M. DILTS, ESQ.

6. BOARD MEMBERS AND COUNSEL:

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

7. APPLICATIONS:

Board of Adjustment Case No. 09-2018
APPLICANT: The Fudge Shoppe
LOCATION: Block 36, Lots 65, 66 and 68
NJ State Highway 202 and Case Boulevard
APPLICATION: Preliminary and Final Major Subdivision to
Create Four Lots from Three Lots with D-1 Use and D-2
Expansion of Pre-Existing Non-Conforming Use Variances, and
Various C Bulk Variances

Attorney George M. Dilts of the Law Firm Dilts & Koester,
Flemington, New Jersey, appeared on behalf of The Fudge
Shoppe. He requested the application be moved to the
September 19, 2019 meeting without further notice. The Board
agreed.

8. RESOLUTIONS:

(1) RESOLUTION #2019-07
Shanti, LLC

Attorney Drill delineated the corrections that were made to Resolution 2019-07.

James Ferraro made a motion to approve the Resolution, with corrections, seconded by Roger Ahrens.

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

(2) RESOLUTION #2019-08
Daniel and Sandy Basile
49 Timberwick Drive
Flemington, New Jersey

Cynthia Schaefer made a motion to approve Resolution 2019-08, seconded by Jeff Anclien.

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

(3) RESOLUTION #2019-09
Conclave Brewing, LLC
11 Minneakoning Road
Flemington, New Jersey

Attorney Drill stated that Resolution 2019-09 has been corrected and Attorney George Dilts agreed with said corrections.

Cynthia Schaefer made a motion to adopt said Resolution, seconded by Chairman Gudelis.

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

9. APPLICATIONS:

- (1) **Board of Adjustment Case No. 10-2019**
APPLICANT: Benjamin Webb
LOCATION: Block 6.15, Lot 22
47 Rustic Trail
APPLICATION: Variance to Allow Further Rear Yard Setback
for Solar Array than Allowed in Resolution No. 2018-14

(Before the beginning of said application, Cynthia Schaefer and Jeff Anclien recused themselves from the hearing and left the room.)

Benjamin Webb appeared with his architect, Daniel Dunzik, to present testimony related to the rear yard setback disparity from the allowable area in Resolution 2018-14. They were both sworn, as well as Antoine Hajjar, Township Engineer, John Morgan Thomas, Township Landscape Architect, and Jessica Caldwell, the Board's Planner.

Architect Dunzik indicated an error had been made in placing the solar arrays on the property. They were not located in the agreed upon area.

After the Board discussed the matter and took a straw vote, four members indicated they were not in favor under any circumstances to grant the requested relief.

James Ferraro made a motion to deny the application, seconded by Randy Block.

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

- (2) **Board of Adjustment Case No. 08-2019**
APPLICANT: 44 Route 31, LLC
LOCATION: Block 36.02, Lot 5.02
114 Church Street Extension
APPLICATION: D-1 Variance to Allow a Mini Warehouse
Facility

RTBOA
8/1/19
Page 5 of 5

Attorney George M. Dilts of the Law Firm Dilts & Koester, appeared on behalf of the applicant. He indicated that he believes the address is wrong because the property does not front on Church Street, it fronts on Route 31.

This is a property in the I-2 Zone, and the applicant is requesting a bifurcated use variance. This is in the major industrial zone which permits warehousing, wholesale and distribution facilities but it does not permit the proposed use of a mini warehouse or self-storage units.

The application is to put a mini warehouse on the property, and the applicant will return to discuss the site plan issues at a later time. He stated there were reports from the Code Enforcement Officer, the RTMUA, the Environmental Commission as well as the Fire Marshall's report and the Planner's report.

He introduced his witnesses, Jeff Martell of Stonefield Engineering and Elizabeth McManus, a planner.

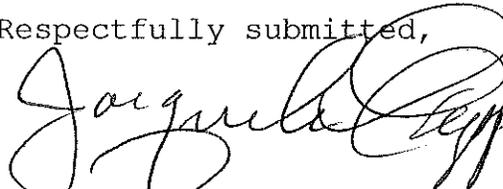
After hearing the testimony of Engineer Jeff Martell describing the property, Planner Elizabeth McManus enumerated the positive and negative criteria of the application. The reports of the Board's professionals were reviewed and discussed. James Ferraro made a motion after hearing all of the evidence presented that the application be granted with conditions, seconded by Roger Ahrens.

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

10. NEXT BOARD MEETINGS:

The next Board meeting will take place on August 15, 2019, followed by September 5, 2019

Respectfully submitted,



JACQUELINE KLAPP