

ZONING BOARD OF ADJUSTMENT
RARITAN TOWNSHIP, NEW JERSEY

MINUTES

August 16, 2018

1. CALL TO ORDER:

Chairman John Gudelis called the meeting to order at 7:30 p.m. Notice requirements of the Open Public Meetings Act were read into the record by Chairman Gudelis.

2. ROLL CALL:

Members Present:

John Gudelis, Chairman
Kevin Kuhl
Cynthia Schaefer
Alicia Dominguez
Randy Block
Steve Farsiou
Roger Ahrens
Jim Ferraro, Alternate

3. OTHER PERSONNEL:

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

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: KATIE RAZIN, ESQ.

PINILIS HALPERN, LLP
160 Morris Avenue
Morristown, New Jersey 07960
Attorneys for Sprint Spectrum, Diamond
Communication and Cellco, doing business
as Verizon

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

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

5. RESOLUTIONS:

- a. RESOLUTION NUMBER 2018-08
SPRINT SPECTRUM REALTY, LLC

Cynthia Schaefer made a motion to approve Resolution 2018-08, seconded by Roger Ahrens.

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

- b. RESOLUTION NUMBER 2018-09
SPRINT SPECTRUM REALTY, LLC
207 EVERITTS ROAD, FLEMINGTON,
NEW JERSEY

Roger Ahrens made a motion to approve Resolution 2018-09, seconded by Alicia Dominguez.

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

- c. RESOLUTION NUMBER 2018-10
DAVID AND DAWN TROUTMAN
9 WASHINGTON STREET
FLEMINGTON, NEW JERSEY

Randy Block made a motion to approve Resolution 2018-10, seconded by Kevin Kuhl.

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

- d. RESOLUTION NUMBER 2018-11
NATIONAL MOSAIC COMPANY, LLC
29 JOHANNA FARMS ROAD
FLEMINGTON, NEW JERSEY

Cynthia Schaefer made a motion to approve Resolution 2018-11, seconded by Randy Block.

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

6. APPLICATIONS:

- a. BOARD OF ADJUSTMENT CASE NUMBER 05-2018
APPLICANT BENJAMIN WEBB
BLOCK 6.15, LOT 22
C VARIANCES

Benjamin Webb and his architectural expert, Daniel W. Dunzik, appeared before the Board and were sworn as witnesses along with Antoine Hajjar, Jessica Caldwell and John Morgan Thomas.

Mr. Dunzik indicated that the applicant wants to erect a 28.46 foot ground mounted solar array on his property approximately 40 feet off of the back property line, and 20 feet off of the side property line. He stated that to the left of their property line is a neighbor who does have a solar array on his property about 30 or 40 feet off of Mr. Webb's property line. He stated it was a ground mounted solar array that is similar to what the application is for.

Attorney Razin questioned the coverage of the array and the setback. She indicated there were three variances being requested. Mr. Dunzik indicated that it is an inherently beneficial use to the community to have more people using solar power. He indicated that there were no objectors in the audience.

Attorney Razin asked if consideration was given to alternative designs or layouts that might be more conforming to the site, to which Mr. Webb indicated that based upon the shape of the property, it is impractical to put it anywhere else.

Martin Resnick, a neighbor, asked to be recognized and indicated that he and other neighbors have no objections to the application, indicating that anything to assist with the power in that area would be appreciated.

After having a discussion off the record, Mr. Webb and his expert agreed to appear at the next Board meeting with photographs and more of an explanation as to their request. The matter was adjourned until September 20, 2018.

b. SPRINT SPECTRUM REALTY COMPANY, LLC

Attorney Christopher Quinn of the law firm Pinilis Halpern in Morristown, New Jersey, appeared on behalf of the applicant Sprint Spectrum Realty Company, LLC, requesting an application for a waiver of the site plan for Block 9, Lot 5.03.

He indicated that the landscaping, buffering, and lighting will remain the same and there were no issues with any of the comments on the Board's experts' reports.

After hearing the testimony and reviewing the exhibits, Roger Ahrens made a motion to grant the waiver of site plan, seconded by Randy Block.

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

c. DIAMOND COMMUNICATION AND CELLCO DOING
BUSINESS AS VERIZON
BLOCK 40, LOT 4
APPLICATION FOR PRELIMINARY AND FINAL
SITE PLAN AND D1 AND D6 VARIANCES

Attorney Christopher Quinn of the law firm Pinilis Halpern appeared on behalf of the applicant.

Mr. Quinn indicated that the applicant proposes to replace an existing cell phone antenna array mounted on an existing water tower with a new concealment tower located at the northwest corner of the property approximately 144 feet from Route 202. The existing tower is being disabled.

The applicant indicated that the cell tower is not a use that is permitted in the zone and therefore the applicant is seeking a variance. Witnesses sworn for the applicant were Frank Colasurdo and Sean Haynberg. Charles Hecht, Township Radiofrequency Engineer, Antoine Hajjar, Township Engineer, Jessica Caldwell, Township Planner, and John Morgan Thomas, Township Landscape Architect were also sworn.

The applicant requests a D1 variance based on the fact that wireless telecommunication towers are not a permitted use in the I2 zone, and also a D6 variance, because the height of the proposed tower is greater than ten feet or ten percent of that permitted by the zone.

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A discussion took place as to the drainage design and whether or not a crown would be needed to incorporate a driveway side swale. The only sign that will be mounted would be on the compound gate, and testimony was given as to the storm events that a tower of this size would be able to withstand.

After hearing the testimony and questioning the witnesses and hearing the applicant's explanation on the various questions raised by Engineer Hajjar based on the hour, the hearing was adjourned to the September 20, 2018 meeting.

7. ADJOURNMENT:

A motion was made by Randy Block and seconded by Alicia Dominguez at 10:40 p.m. to adjourn the meeting.

Respectfully submitted,


JACQUELINE KLAPP