

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

September 19, 2019

1. CALL TO ORDER:

The meeting was called to order by Vice Chairman Kevin Kuhl 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 Kuhl.

3. ROLL CALL:

Members Present For Raritan Partners, LLC (Wawa):

Vice Chairman Kevin Kuhl
Cynthia Schaefer
Alicia Dominguez
Randy Block
Steve Farsiou
Roger Ahrens
James Ferraro (by telephone)
Jeff Anclien

Member Recused:

John Gudelis, Chairman

4. ALSO PRESENT:

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

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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 the Applicant, Raritan Partners, LLC (Wawa)
BY: TIMOTHY M. PRIME, ESQ.

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

MESSRS. DILTS & KOESTER
167 Main Street
Flemington, New Jersey 08822
Attorneys for Clojo Circle, LLC/Flemington Retail,
LLC/Learner Properties, LP
BY: GEORGE M. DILTS, ESQ.

MESSRS. CONNELL, FOLEY
185 Hudson Street
Suite 2510
Jersey City, New Jersey 07311
Attorneys for PSE&G
BY: JENNIFER CARRILLO-PEREZ, ESQ.

6. BOARD MEMBERS AND COUNSEL:

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

7. RESOLUTIONS:

- (1) **RESOLUTION #2019-12**
Benjamin Webb
47 Rustic Trail

Steve Farsiou made a motion to approve the Resolution of Benjamin Webb with the correction of typographical errors, seconded by Roger Ahrens.

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

- (2) **RESOLUTION #2019-13**
Cellco Partnership D/B/A Verizon Wireless
207 Everitts Road

Steve Farsiou made a motion to approve Resolution 2019-13, for Cellco Partnership D/B/A Verizon Wireless, seconded by Randy Block.

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

8. APPLICATIONS:

- (1) **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, C and D Variances for Wawa
Gas Station with Convenience Store

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Attorney Drill indicated that this hearing was set for the determination of the Board as to the Wawa Application, which has been conducted over 11 meetings. He stated that he had prepared a document which he calls a "jury charge", indicating the standards that the Board should follow in deliberating and voting on each and every item of relief requested.

Attorney Drill stated that the Board has had the submission since August 27th, and it has been on file in the Clerk's Office also since August 27th.

He also prepared a deliberation accounting sheet, and that has been in the Board's possession since August 28th. He suggested that each Board member use his or her tally sheet in determining their deliberations.

Each Board member indicated their interpretation of whether the applicant met its burden in proving the positive and/or negative criteria set forth in the case. After reviewing the Board's views of the application, Steve Farsiou made a motion that the application be denied, seconded by Alicia Dominguez.

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

Members Present For Other Applications:

Chairman John Gudelis
Vice Chairman Kevin Kuhl
Cynthia Schaefer
Alicia Dominguez
Randy Block
Steve Farsiou
Roger Ahrens
Jeff Anclien

- (2) **Board of Adjustment Case No. 13-2019**
**APPLICANT: Clojo Circle, LLC/Flemington Retail, LLC/
Lerner Properties, LP**
LOCATION: Block 71.17, Lot 33
276 Highway 202/31 North
APPLICATION: Waiver of Site Plan

(John Gudelis resumed his seat as Chairman of the Board of Adjustment.)

Attorney George M. Dilts of the Law Firm Dilts & Koester, 167 Main Street, Flemington, New Jersey appeared on behalf of the applicant, Clojo Circle, LLC.

Attorney Dilts indicated that ShopRite is now taking over the former Dress Barn location next door to expand the ShopRite Home Operations and bring in a robotic piece of equipment requiring them to raise the roof in a portion of that area which would go from 25 to 28 feet. It does not exceed 35 feet which is the height limit.

The Board heard the testimony of Joseph Colalillo, the owner of ShopRite, as well as Engineer Antoine Hajjar. Applicant Colalillo indicated that the robotic piece of equipment will be stored inside of the former Dress Barn location and agrees to eliminate the one handicapped parking area at that location as patrons do not get out of their vehicles. Store employees will greet them and bring their groceries to them. No signage will be necessary.

After hearing the testimony, Kevin Kuhl made a motion that the application be granted, seconded by Alicia Dominguez.

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

- (3) Board of Adjustment Case No. 11-2019**
APPLICANT: Public Service Electric and Gas Company
LOCATION: Block 86, Lots 3 and 4
207 Everitts Road
APPLICATION: Minor Site Plan and a D Variance

Jennifer Carrillo-Perez, of the Law Firm Connell Foley, 185 Hudson Street, Jersey City, appeared and presented testimony through the following witnesses: Kathy Hering, Planner; Joshua Fink, Engineer; Joseph DiBartolomeo, Project Manager. They were sworn along with Antoine Hajjar, Township Engineer; John Morgan Thomas, Township Landscape Architect; and Jessica Caldwell, Township Planner.

Attorney Perez indicated that the location is 207 Everitts Road where the project is to take place. This application is for a Minor Site Plan, a D Variance, as well as a C-2 Use Variance for a temporary outdoor storage area. PSE&G proposes to use the existing office installation as a guard shack, and will utilize the site for staging and storage of material. An 8-foot fence will be installed around the perimeter of the storage area.

Attorney Drill stated that conditions will be imposed so that the negative criterion can be satisfied. There will be no encroachment on any easements with respect to the cell tower located on the property.

After hearing the testimony of the applicant's witnesses as to the relief sought and reviewing the testimony and exhibits, it was determined that the benefits outweigh the detriments and the site is particularly suited to support the temporary approval for this property.

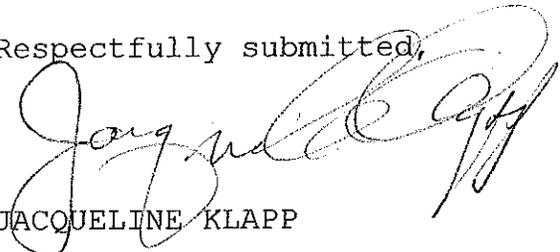
Roger Ahrens made a motion that the Application be granted, seconded by Cynthia Schaefer.

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

9. NEXT BOARD MEETINGS:

The next Board meeting will be October 3, 2019, followed by October 17, 2019.

Respectfully submitted,


JACQUELINE KLAPP