

RARITAN TOWNSHIP ZONING BOARD OF ADJUSTMENT

MINUTES

October 5, 2017

7:30 p.m.

1. CALL TO ORDER:

The meeting was called to order at 7:35 p.m. by Chairman John Gudelis.

2. NOTICE OF MEETING:

The notice requirements of the Open Public Meetings Act were read into the record by Chairman Gudelis.

3. ROLL CALL:

Members Present:

John Gudelis, Chairman
Kevin Kuhl
Cynthia Schaefer
Alicia Dominguez
Judy Dreher
Randy Block
Roger Ahrens (Alternate)
James Ferrara (Alternate)

Member Absent:

Steve Farsiou

4. ALSO PRESENT:

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

5. APPEARANCES:

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

MCNALLY, YAROS, KACZYNSKI & LIME
275 East Main Street
Somerville, New Jersey 08876
Attorneys for Dominick W. Sempervive, D&V Improvements
BY: KARA KACZYNSKI, ESQ.

SCHOLL, WHITTLESEY & GRUENBERG, LLC
1 East Main Street
Flemington, New Jersey 08822
Attorneys for Stothoff, Route 31
BY: STEVEN P. GRUENBERG, ESQ.

6. BOARD MEMBERS AND COUNSEL:

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

(a) The minutes of August 17, 2017 were moved for approval by Kevin Kuhl, seconded by Roger Ahrens.

(On roll call, all members voted in the affirmative with the exception of Alicia Dominguez who abstained.)

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(b) Cynthia Schaefer made a Motion to approve the minutes of September 7, 2017, seconded by Randy Block.

(On roll call, all members voted in the affirmative with the exception of Alicia Dominguez and Judy Dreher who abstained.)

7. RESOLUTIONS:

A resolution appointing Amy Fleming as the Secretary for the Board of Adjustment was presented. A Motion was made by Randy Block to approve the resolution, seconded by Alicia Dominguez.

(All members voted in favor of the resolution.)

8. APPLICATIONS:

A. Board of Adjustment Case No. 10-2016

APPLICANT: Dominick W. Sempervive (D&V Improvements)

LOCATION: BLOCK 75, LOT 38

APPLICATION: Minor Site Plan and Variance

Kara Kaczynski, an attorney with the Law Firm of McNally, Yaros, Kaczynski & Lime, 275 East Main Street, Somerville, New Jersey, appeared on behalf of the applicant.

Alicia Dominguez and Jim Ferrara recused themselves from this hearing.

Attorney Drill indicated the reasons why there were only going to be six members was because of the recusals. He indicated that all of the Board members this evening had read the transcripts and were eligible to vote this evening.

Attorney Kaczynski stated that based on the testimony elicited at the various meetings, as well as the objectors' comments, the Board should not deny the application in light of the

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uncontroverted testimony of the applicant's witnesses and proofs in support of the relief. Also, the applicant's willingness to comply with requests made, as well as the fact that there is no area in the Township where the use is permitted. She indicated that to deny the application would be arbitrary, capricious and unreasonable.

After hearing her summation, the Board members deliberated and indicated that some of the reasons for denying the application would be the lack of compliance previously exhibited, concerns about the noise, the truck backup beepers, as well as the equipment usage; the power washers, damage to the landscape by the number of pieces of equipment. The salt containment areas and the calcium chloride storage on the property were referred to.

They discussed the neighbor's objections, as well as the number of trucks coming and going on the property, which is in a residential zone. They referred to the Township's Ordinance allowing one commercial vehicle on the property, and noted that the only person benefitting from the use would be the applicant.

The Chairman also stated that he could not grant the application for the D Variances requested as that would substantially impair the intent and purpose of the Master Plan and Zoning Ordinance.

The Chairman made a Motion to deny the D-1 Use Variances and dismiss all of the other D Variances and the exceptions as well as to deny the site plan. Randy Block seconded the Motion.

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

B. Board of Adjustment Case No. 13-2017

APPLICANT: Stothoff, Route 31

LOCATION: BLOCK 33, LOT 1

APPLICATION: Minor Subdivision

Attorney Steven Gruenberg of the Law Firm Scholl, Whittlesey & Gruenberg, LLC, 1 East Main Street, Flemington, New Jersey, appeared on behalf of the applicant and indicated that this

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would be a Minor Subdivision Application with a Use Variance, D Variance and C Variance Relief. He indicated that they have had conversations with the Board professionals, and would like to adjourn the meeting to the November 2nd meeting of the Board. Mr. Drill requested an extension until January of 2018 for the Board to make their decision, which Mr. Gruenberg agreed to.

C. Board of Adjustment Case No. 16-2017

APPLICANT: Adam Briant

LOCATION: BLOCK 22, LOT 48

**APPLICATION: C (1) Non-Use Variance Addition/Expansion
on a Non-Confirming Dwelling**

The applicant, Adam Briant, appeared for the second time before the Zoning Board. He had presented testimony in regards to the second story on his home, and indicated that he was seeking a Variance for the front steps and a pole barn that was located on the property.

After researching the matter, it was determined that the property with the house was purchased in 1962 before the first Zoning Ordinance, which was 1964; therefore, it was grandfathered in.

No one appeared in opposition, and a Motion was made for the C-2 Variance with a second floor addition on the dwelling, as well as the C-2 Variance for the steps encroaching in the front yard of the existing house. There was a C-2 Variance requested for the barn, three feet off the side yard. An interpretation was made that the lawfully created pre-existing shed can remain. So there are three C-2 Variances and one Interpretation.

The Chairman made a Motion to grant the application based on that, seconded by Mr. Block.

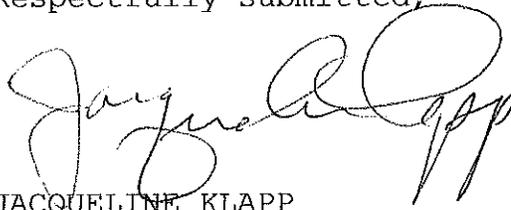
(On roll call, all members voted in the affirmative.)

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9. NEXT BOARD MEETING:

The next Board meetings are scheduled for October 19, 2017
and November 2, 2017.

Respectfully submitted,

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

JACQUELINE KLAPP