

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

MINUTES

November 7, 2019

1. CALL TO ORDER:

Vice Chairman Kevin Kuhl called the meeting to order at 7:30 p.m.

2. NOTICE REQUIREMENTS:

The Open Public Meetings Act notice requirements were read into the record by Vice Chairman Kevin Kuhl.

3. ROLL CALL:

Board Members Present:

Chairman John Gudelis (arrived at 8:00 p.m.)
Vice Chairman Kevin Kuhl
Cynthia Schaefer
Alicia Dominguez
Randy Block (left early due to illness)
Roger Ahrens
Jim Ferraro

Members Absent:

Steve Farsiou
Jeff Anclien

4. ALSO PRESENT:

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

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 Hieber Family Limited Partnership
BY: GEORGE M. DILTS, ESQ.

Attorneys for National Mosaic Company, LLC
BY: ATNHONY E. KOESTER, ESQ.

Vice Chairman Kuhl made a motion to excuse the absences of Steve Farsiou and Jeff Anclien from the meeting, seconded by Cynthia Schaefer.

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

6. MEMBERS AND COUNCIL:

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

7. RESOLUTIONS:

**(1) RESOLUTION #2019-14
44 Route 31, LLC
44 State Route 31**

Attorney Jonathan Drill stated that Resolution 2019-14, as presented for approval had several typographical errors which will be corrected.

Roger Ahrens then moved that the Resolution be approved with said corrections, seconded by Cynthia Schaefer.

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

**(2) RESOLUTION 2019-15
Ranch Holdings, LLC
11 New Castle Way**

Attorney Jonathan Drill stated that Resolution 2019-15, as presented for approval had several typographical errors which will be corrected.

Cynthia Schaefer then moved that the Resolution be approved with said corrections, seconded by Randy Block.

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

**(3) RESOLUTION 2019-16
Raritan Partners, LLC (Wawa)**

Attorney Jonathan Drill stated that Resolution 2019-16 was prepared and is ready for approval. As there is no money left in escrow, the recommendation was that the Resolution can be adopted, but that the secretary not sign it until the escrow is brought up to date. Therefore, it will not become a public document until that time.

Vice Chairman Kevin Kuhl moved that the Resolution be approved, seconded by Randy Block.

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

(4) RESOLUTION 2019-17
Clojo Circle, LLC, Flemington Retail, LLC, ShopRite of
Hunterdon, LLC

The resolution for the matter of Flemington Retail, LLC was presented by Attorney Drill and any typographical errors will be corrected.

Cynthia Schaefer moved that the Resolution be approved with said corrections, seconded by Alicia Dominguez.

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

8. APPLICATIONS:

(A) Board of Adjustment Case No. 19-2019
APPLICANT: Hieber Family Limited Partnership
LOCATION: Block 9, Lot 5.03
356 Highway 31
APPLICATION: C Variance

Attorney George M. Dilts of the Law Firm Dilts & Koester, 167 Main Street, Flemington, New Jersey, appeared on behalf of the applicant. He indicated that the applicant is requesting a sign variance for multiple ground signs on the property known as Block 9, Lot 5.03 on Highway 31 in Flemington, the former Mannon Excavating property. It will be used for sale of international parts and service to trucks.

Attorney Dilts' client, Dan Hieber, as well as planner, James Kyle, and Antoine Hajjar and Jessica Caldwell were sworn as witnesses.

After hearing the testimony and reviewing the exhibits, Roger Ahrens stated that the main sign for this business has been there since 1988 and will not cause an obstruction for drivers.

Therefore, Roger Ahrens moved that the Application be approved, seconded by Cynthia Schaefer.

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

(B) Board of Adjustment Case No. 04-2017
APPLICANT: National Mosaic, LLC
LOCATION: Block 63.01, Lot 5.01
29 Johanna Farms Road
APPLICATOIN: Time Extension

Chairman Gudelis called the case of National Mosaic Company, LLC, which is Block 63.01, Lot 5.01 at 29 Johanna Farms Road.

Attorney Anthony Koester from the Dilts & Koester Law Firm indicated that he was appearing before the Board on behalf of National Mosaic, an application for a Time Extension. He indicated his regrets of having to be there once again, but they had finally received the necessary information from the NJDEP. That information was the wetlands delineation map dated November 1, 2019. Unfortunately, the map was not signed.

Attorney Koester presented Melissa Hommes, the safety and compliance manager for the Company, who was sworn along with Antoine Hajjar, the Township Engineer.

Site plan approval was granted to this applicant by this Board on July 6, 2017, and a Resolution was adopted on December 7, 2017. Since that time they have had to apply for extensions awaiting the DEP response.

After hearing the testimony and the request for a one-year extension, Randy Block made a motion to grant said Application, seconded by Alicia Dominguez.

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

(C) Board of Adjustment Case No. 20-2019
APPLICANT: Benjamin Webb
LOCATION: Block 6.15, Lot 22
47 Rustic Trail
APPLICATON: C Variance

Daniel Dunzik, an architect, was sworn along with Benjamin Webb and James Valeroti, Senior Vice President of Field Operations for Momentum Solar; Antoine Hajjar, Township Engineer and Jessica Caldwell, Planner.

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Originally, the applicant applied for three variances, which were granted. The arrays were inaccurately located, and they reappeared before this Board, who required them to take them down.

Benjamin Webb presented witnesses before this Board as to the placement of the solar arrays on the property, and they testified as to the location and advantages of having the solar arrays there.

After hearing the testimony and the applicant's objection to the type of trees that were being required, Attorney Drill telephoned John Morgan Thomas, the Township Landscape Architect, who was ill, swore him in, and asked his opinion. Mr. Thomas indicated the type of trees that he would recommend be placed in that location, and the applicant agreed.

After the deliberations were completed, Mr. Ferraro made a motion that the Application be granted with conditions, seconded by Roger Ahrens.

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

(D) Board of Adjustment Case No. 11-2019
APPLICANT: PSE&G
LOCATION: Block 86, Lots 3 & 4
207 Everitts Road
APPLICATON: Amended Site Plan and Removal of Conditions

Attorney Drill indicated that this matter was being adjourned at the applicant's request.

(E) Board of Adjustment Case No. 18-2019
APPLICANT: Flemington Water Department
LOCATION: Block 50, Lot 4
37 Shields Avenue
APPLICATON: Preliminary and Final Site Plan with D
Variances

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Attorney Donald Scholl of the Law Firm Scholl & Whittlesey, 1 East Main Street, Flemington, New Jersey, appeared on behalf of the applicant, Flemington Water Department. He indicated that the applicant is seeking temporary and final site plan approval, to construct a second water tower.

The existing tower on the site is approximately 80 feet high, and the second tower would be 86 feet high. Part of the application is to seek approval for a 60 foot accessory antenna for transmitting information from the Borough back to the tower regarding the water levels and pressure testing.

James Kyle, Planner, Michael Campion, Director of the Department of Public Works, and Robert Martucci, Flemington Engineer, as well as Antoine Hajjar, Township Engineer, were sworn as witnesses in this matter.

The Board heard the testimony of Director Campion and Engineer Martucci, both of whom testified as to the amount of time that the tank has been at that location, as well as the need for an update.

The applicant indicated it would be necessary to increase the amount of water storage in order to handle fires in the area. Members of the audience asked questions of the engineer.

Due to the lateness of the hour, the matter was adjourned to the December 5, 2019 hearing in order for the planner to be heard.

9. NEXT BOARD MEETINGS:

The next Board meeting will be held on December 5, 2019, and December 19, 2019.

Respectfully submitted,

Jacqueline Klapp
JACQUELINE KLAPP