

RARITAN TOWNSHIP PLANNING BOARD
MINUTES

May 23, 2018
7:00 P.M.

1. A: CALL TO ORDER

Chairman Jeffrey Kuhl called the meeting to order at 7:00 p.m.

Chairman Kuhl read the Open Public Meetings Act requirements into the record.

B: ROLL CALL

The following members of the Planning Board were present:

Chairman Jeffrey Kuhl
Mayor Michael Mangin
Donna Drewes, Vice Chairperson
Karen Gilbert
Judi Digiandomenico
Ed Gettings
James Miller
Scott MacDade

Members Absent:

Michelle Cavalchire

Also present:

Antoine Hajjar, Township Engineer
Jessica Caldwell, Township Planner
Dennis B. Concannon, Fire Marshall

A P P E A R A N C E S:

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

MESSRS. DILTS & KOESTER
167 Main Street
Flemington, New Jersey 08822
Attorneys for New Jersey Conservation Foundation
BY: ANTHONY E. KOESTER, ESQ.

MESSRS. STARK & STARK
993 Lenox Drive, Building 2
Lawrenceville, New Jersey 08648
Attorneys for Fred Beans Imports of Flemington
BY: ERIC GOLDBERG, ESQ.

ANTHONY DANZO, ESQ.
32 Bridge Street
Frenchtown, New Jersey 08825
Attorney for Objectors

2. RESOLUTION NO. 8-2018
Appointing Temporary Board Secretary

Donna Drewes moved a resolution to approve Debbie Reynolds as a temporary Board secretary for the meeting tonight, seconded by Karen Gilbert.

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

3. MINUTES: APRIL 25, 2018

Donna Drewes requested, under the Fulte Homes application, that the minutes read that all members "eligible" to vote voted in the affirmative.

With that correction, Mayor Mangin made a motion to approve the minutes, seconded by Karen Gilbert.

(On roll call, all members eligible voted in the affirmative, with the exception of Donna Drewes, who abstained.)

4. CITIZENS PRIVILEGE:

No response.

5. TEMPORARY USES:

a. JAKE'S FIREWORKS, INC.

Mark Tierney from Jake's Fireworks, Pittsburg, Kansas, appeared on this application, and after being sworn, indicated they wanted to install a fireworks stand in the parking lot of the Walmart in Flemington, New Jersey. He presented a layout of the parking lot, as well as a photograph of the storage container, and a copy of the site plan showing where the tent will be located on the lot. He stated the tent would be erected from June 24, 2018 until July 6, 2018 for the sale of New Jersey approved fireworks. He stated that the New Jersey approval list indicates the safe and sane fireworks that are permitted. The Business Registration Certificate and the Certificate of Liability Insurance were also marked as exhibits.

Mr. Tierney agreed to comply with the Fire Marshall's report. Mr. Hajjar indicated that the maximum allowed sign would be 16 square feet.

The Fire Marshall indicated that they would do an inspection and check the fireworks to make sure that everything being sold is permitted in the State of New Jersey. He indicated that fire extinguishers will be present and the aisle widths maintained, as well as the signage requirements. Fire Marshall Concannon also indicated that they would have multiple inspections while the tent was in operation.

After hearing the testimony, Karen Gilbert made a motion to approve the application, seconded by Mayor Michael Mangin.

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

b. KEYSTONE FIREWORKS

Neil Shaw of Brattleboro, Massachusetts, appeared on behalf of the applicant, Keystone Fireworks. Mr. Shaw and Dennis Concannon, the Fire Marshall, were sworn.

Mr. Shaw testified as to the location of a tent for the sale of fireworks at the former Billy's Hot Dog Stand, which was also known as Stewart's Root Beer. He indicated that though the property was a mess, it is being cleaned up, and a truck parked there will be removed.

He stated that the owner of the property agreed to the use of the electric power on the property, and it would be well lit for said sales. The items being sold will be according to the New Jersey list of safe and sane fireworks.

Mr. Shaw stated that the parking area will be blocked off from vehicular traffic. The hours are from 9:00 a.m. to 10:00 p.m. He indicated that the product is inside of a tent and at night, once it is closed, the side comes down, and there is a security guard on the premises 24 hours a day.

Mr. Shaw indicated that it would open on June 17th and close on July 9th.

After hearing the testimony and the Board members questioning the witness, Mayor Mangin made a motion to approve the application, seconded by James Miller.

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

6. PUBLIC HEARINGS:

a. FRED BEANS IMPORTS OF FLEMINGTON
AMENDED PRELIMINARY AND FINAL SITE PLAN
BLOCK 80, LOT 5

(Chairman Jeffrey Kuhl recused himself from this application and left the hearing room.)

Eric Goldberg, Esq, of the Stark & Stark law firm in Lawrenceville, New Jersey, appeared representing the applicant. He stated that they are looking to amend an approval that was granted by the Board in 1992 when the applicant requested to use the property for car sales. The Board granted site plan approval at that time.

One of the conditions, which is the subject of the application, was that there be a site easement.

In 2017 the Zoning Board of Adjustment granted bulk relief for signage. Mr. Goldberg applied for

approval for a use variance for the property to amend the approval from 1992.

He presented as a witness Engineer Anand Bhatt of Doylestown, Pennsylvania. Mr. Bhatt indicated that the easement that they are trying to vacate is the one

on the north side of the driveway, which is serving no purpose, based on the fact that it is a divided highway and you can only turn right pulling out.

After hearing the testimony and reviewing the exhibits, James Miller made a motion that the application be granted, seconded by Ed Gettings.

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

**b. NEW JERSEY CONSERVATION FOUNDATION
MINOR SUBDIVISION AND VARIANCE
BLOCK 20, LOT 12**

Attorney Anthony Koester of the law firm Dilts & Koester, Flemington, New Jersey, appeared on behalf of the applicant, the New Jersey Conservation Foundation, with an application for preliminary and final site plan approval.

Mr. Koester stated that they would like to create two lots, one which would be 7.023 acres and the land remaining would be 17.8567 acres. Anthony Danzo, Esq., Frenchtown, New Jersey, appeared representing the neighbors, Susan and Mark Delia.

Witnesses sworn were: Gregory Romano, Assistant Director of Land Acquisition; Mary Newell, the Project Coordinator; Ian Hill, the engineer for the project; Mark Hollenback and Ellen Hollenback, the land owners, and Amy Greene of the Green Acres organization.

This is an application for a minor subdivision with no structures. They do not need a wetlands analysis for that, and that is why the completeness items can be waived.

Mary Newell testified that she was presenting a map which showed the prior watershed of the Wickikanoki Creek, which starts in Franklin Township and drains into the Delaware/Raritan Canal and into the Delaware River. It is a drinking source of water that is 14 miles long, and is both farmland and open space in passive recreation. She indicated that the Conservation Foundation is 38 years old and is a nonprofit land trust that is statewide, and they work to protect this corridor.

Members of the audience cross-examined the witnesses as did Mr. Danzo, whose client, Mark Delia, testified as to a trailer parked on the property being occupied;

and a garage being rented for car repairs. He also indicated there were three boats parked on the property.

After hearing the testimony of the various witnesses, Attorney Koester stated this is a classic C hardship variance, and that there is a pre-existing condition on the Hollenback lot. The C-2 variance is also a hardship, but is a locally created condition. It benefits open space and forest preservation, as well as preserving land along a C-1 stream.

After hearing the testimony of the witnesses, the Board indicated they could do a resolution, such as no permanent living in the motor home; no commercial repairs in the garage; as well as Mr. Hollenback getting the final titles for the boats on the property and providing them to the Township.

Ed Gettings made a motion to approve the application with those conditions attached to the resolution, seconded by James Miller.

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

7. CORRESPONDENCE:

a. BOARD OF ADJUSTMENT 2017 ANNUAL REPORT

Donna Drewes indicated the Annual Report has recommendations for Ordinance and checklist updates that the Planning Board needs to refer to.

b. YOUTH SPORTS COMPLEX AT CLOVER HILL FARMS

Mayor Mangin indicated that the Township Committee had been meeting with an ad hoc committee for the Youth Sports Complex/Clover Hill Farms. A letter is to be sent withdrawing the conceptual plan for Clover Hill. Karen Gilbert stated it is the County's decision to make. Chairman Kuhl stated that he would send a letter to that effect.

8. DISCUSSIONS AND RECOMMENDATIONS:

a. ORDINANCE 18-1, SOIL TESTING AMENDMENT-
MASTER PLAN CONSISTENCY

Attorney Drill indicated that if any part of the Ordinance is inconsistent with the Master Plan, it

makes them have a super majority vote. He made a suggestion that there be a motion to send the matter back to the Township Committee if it is inconsistent with the Master Plan.

b. SIGN ORDINANCE DRAFT

Chairman Kuhl stated they have been working on a draft of the Sign Ordinance and would like to have another meeting to be sure they have it right. Jessica Caldwell indicated they may be able to combine all the requests.

Donna Drewes indicated that the Ordinance needs a little more polishing. The Chairman suggested that any other comments could be sent to Amy to be put in a list.

9. COMMENTS AND REPORTS:

a. Chairman's Report:

Chairman Kuhl and Mayor Mangin thanked Debbie Reynolds for covering the meeting.

b. Board's Comments: None

c. Engineer's Comments: None

d. Planner's Comments: None

e. Attorney's Comments:

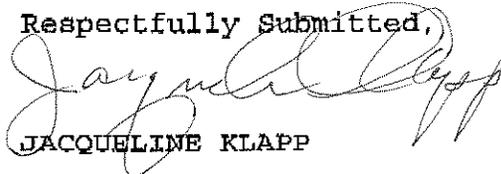
Mr. Drill indicated he hoped this meeting wasn't extra lengthy because of his presence.

10. SCHEDULE OF MEETINGS:

The next scheduled meetings are June 13, 2018 and June 27, 2018.

The meeting was adjourned.

Respectfully Submitted,



JACQUELINE KLAPP