

ZONING BOARD OF ADJUSTMENT
RARITAN TOWNSHIP, NEW JERSEY
MINUTES
FEBRUARY 21, 2019

1. CALL TO ORDER:

Chairman John Gudelis called the meeting to order at 7:30 p.m.

2. NOTICE REQUIREMENTS:

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

3. ROLL CALL:

Members Present:

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

Member Absent:

James Ferraro

4. OTHER PERSONNEL:

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

5. APPEARANCES:

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

MESSRS. PINILISHALPERN, LLP
160 Morris Street
Morristown, New Jersey 07960
Attorneys for New Cingular Wireless PCS, LLC
Sprint Spectrum Realty Company, LLC
BY: CHRISTOPHER QUINN, ESQ.

FERRARO & STAMOS, LLP
22 Paris Avenue
#105
Rockleigh, New Jersey 07647
T-Mobile Northeast, LLC
BY: FRANK FERRARO, ESQ.

WISNIEWSKI & ASSOCIATES, LLC
17 Main Street
Sayreville, New Jersey 08872
Attorneys for First Energy/JCP&L
BY: JASON HAWRYLAK, ESQ.

6. BOARD MEMBERS AND COUNSEL:

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

d. Minutes:

January 17, 2019

A motion was made by Roger Ahrens to approve the Minutes of January 17, 2019 meeting, seconded by Cynthia Schaefer.

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

e. James Ferraro

A motion was made to accept the absence of James Ferraro by Randy Block, seconded by Roger Ahrens.

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

7. RESOLUTIONS:

- (1) **RESOLUTION #2018-17**
NATIONAL MOSAIC COMPANY, LLC
29 Johanna Farms Road
Flemington

Roger Ahrens pointed out a few typographical error corrections on the Resolution, he then moved the Resolution be approved, seconded by Cynthia Schaefer.

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

- (2) **RESOLUTION #2018-18**
RICHARD STOTHOFF
59 State Route 31
Flemington

Alicia Dominguez moved the Resolution for Richard Stothoff be approved, seconded by Cynthia Schaefer.

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

8. APPLICATIONS:

- A. Board of Adjustment Case No. 18-2018**
APPLICANT: New Cingular Wireless PC, LLC (AT&T)
LOCATION: Block 9, Lot 51.03
356 Highway 31
APPLICATION: Waiver of Site Plan

Attorney Christopher Quinn from the Law Firm PinilisHalpern appeared requesting a waiver of the site plan. He indicated that it is a pole 142 feet in height with various carriers on it, and stated that AT&T is the second one from the bottom.

Mr. Quinn indicated that in 2001, AT&T obtained approval for the 12 antennas on the pole with the center being no higher than 112 feet, and with ground equipment in a shelter. He indicated they received approval in 2002 and they are seeking approval to remove the 12 antennas and mount and install a new mount.

The new mount will hold 16 antennas and additional equipment inside the shelter. This application supersedes an application for approval that was made in 2011. They are planning on doing this project in lieu thereof, as AT&T is upgrading its network and installing FirstNet in all of its facilities throughout the country.

Mr. Quinn stated that this would satisfy the requirements under the Municipal Land Use Ordinance and also the Federal Ordinance.

He presented Alec Norris of Maser Consulting as his witness to indicate the necessity for this application.

Resolution No. 2018-04 is being withdrawn.

After hearing the testimony, Cynthia Schaefer made a motion to approve the application, seconded by Alicia Dominguez.

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

B. Board of Adjustment Case No. 04-2019
APPLICANT: Sprint Spectrum Realty Company, LLC
LOCATION: Block 63.14, Lot 32
20 Johanna Farms Road
APPLICATION: A Waiver of Site Plan

Attorney Christopher Quinn of the Law Firm PinilisHalpern appeared representing Sprint Spectrum requesting a waiver of site plan on this application.

Mr. Quinn indicated that a Resolution was adopted in November of 2018 to construct the improvements on this tower; however, they discovered that Sprint did appear before the Board for a formal site plan waiver in 2012 when it modified its site. It was approved in 2002 and modified in 2012. At that time, they never appeared before the Board, and when the new regulation came or was adopted in its infancy, Sprint contacted Jamie Sunyak, the prior Raritan Township Planner, who indicated that an appearance was not necessary. When this property was investigated further they found they had an open building permit and no record of site plan waiver or a zoning permit.

Mr. Quinn presented Andrew Miller of Advantage Engineers to testify in this matter.

After hearing the testimony and reviewing the exhibits, the Board determined that nothing has changed from the initial application. Cynthia Schaefer made a motion to approve the application, seconded by Randy Block.

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

C. Board of Adjustment Case No. 19-2018
APPLICANT: T-Mobile Northeast, LLC
LOCATION: Block 86, Lot 3
207 Everitt Road
APPLICATION: Waiver of Site Plan

Attorney Frank Ferraro of the Law Firm Ferraro & Stamos in Rockleigh, appeared on behalf of the applicant and indicated that this is a site plan waiver application to install a backup

generator inside of an existing fence. He indicated it will be placed on an existing compound pad.

Mr. Ferraro introduced Sheri Weber as a professional engineer to testify as to this application. She testified that the applicant is seeking permission to put a generator in one of the existing concrete pads on the property that is 83 inches long by 38 inches wide and 67 inches high. It has a Delta 15 kilowatt DC Generator with a 50-gallon diesel tank. There will be no additional impervious coverage and all of the improvements are confined to the existing concrete pad.

The Board cross-examined the witness after her testimony was completed on whether or not it had a shut off valve, in case of fire, and a lock on the exterior gate, which Ms. Weber answered affirmatively.

After hearing all of the testimony and reviewing the Board's experts' reports, Cynthia Schaefer made a motion that the application be granted, seconded by Alicia Dominguez.

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

D. Board of Adjustment Case No. 15-2018
APPLICANT: First Energy/JCP&L
LOCATION: Block 63.01, Lot 10
201 Highway 202/31 South
APPLICATION: Minor Site Plan

The First Energy/JCP&L matter was called and Attorney Jason Hawrylak, of the Wisniewski & Associates Law Firm in Sayreville, New Jersey, appeared representing the applicant. He indicated that the property is owned by the Buckeye Pipeline Company and the company he represents has had an easement on the property for many years. They install, repair and maintain an electric distribution station in the area. He indicated that the property is located in the B-2 Zone, and they are seeking a minor site plan and height variance application to install a new six-foot antenna on top of a proposed new 52-foot wooden utility pole with a maximum proposed height of 60 feet. He indicated that that height exceeds the permitted height allowed in the zone by more than 10 feet or 10 percent, necessitating a height variance.

Mr. Hawrylak presented his witnesses, Nicki Louloudis of Boswell Engineering, and Paul Grygiel a planner from Phillips, Preiss, Grygiel, Leheny and Hughes in Hoboken, New Jersey to testify as to the application.

Attorney Hawrylak stated that this property is in the B-2 Commercial Zone and requires a D-6 Variance to allow the height of the pole and antenna in this zone. It was indicated that reasonable conditions can be imposed to mitigate the negative impacts identified, and that the Board can grant the application without causing substantial detriment to the public good, or impairing the intent and purpose of the Zone Plan and Zoning Ordinance.

Engineer Hajjar requested revised plans showing the onsite installations.

Landscape Architect John Thomas questioned whether the trees had been planted when Buckeye installed the compound many years ago, but the answer was unknown. He recommended a total of no more than five evergreen trees be planted along the road frontage with placement to be approved in the field by the Township. Engineer Hajjar requested the proposed pole to the control house be underground.

JCP&L is the tenant and not the owner, and the applicant needs to make a good-faith effort to get approval from Buckeye in regard to the landscaping.

After extended discussion, Cynthia Schaefer made a motion that a resolution for approval be granted, listing all of the conditions stated, seconded by Kevin Kuhl.

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

9. NEXT BOARD MEETINGS:

The next Board meeting will be held on March 7, 2019 when the Wawa hearing is to take place.

Respectfully submitted,

Jacqueline Klapp

JACQUELINE KLAPP