

**ZONING BOARD OF ADJUSTMENT  
RARITAN TOWNSHIP, NEW JERSEY  
REGULAR VIRTUAL MEETING**

**July 16, 2020**

**MINUTES**

Chairperson Schaefer: The meeting will be offered virtually for all Board members, Board professionals, applicant and applicant's team, and interested parties and members of the public. To attend this meeting virtually, enter the link on your computer or device as provided.

If you do not have access to a phone or computer with a camera, you may call into the meeting for audio only at 1-833-247-7023 and enter conference ID number: 7995914. No participate code is needed.

**1. CALL TO ORDER:**

The meeting was called to order at 7:30 p.m. by Chairperson Schaefer.

**2. NOTICE REQUIREMENTS:**

The notice requirements of the Open Public Meetings Act were read into the record by Chairperson Schaefer.

**3. ROLL CALL:**

**Board Members Present:**

Cynthia Schaefer, Chairperson  
Kevin Kuhl  
Alicia Dominguez  
Randy Block  
Steve Farsiou  
Roger Ahrens  
Jim Ferraro

**Member Absent:**

John Gudelis

**4. OTHER PERSONNEL PRESENT:**

Antoine Hajjar, Township Engineer  
Jeff Vaccarella, Assistant Planner/Zoning Inspector  
Jessica Caldwell, Planner  
John Morgan Thomas, Township Landscape Architect  
Scott Kennel, Traffic Engineer

(James Ferraro made a motion to accept the absence of John Gudelis, seconded by Steve Farsiou.)

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

**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. DIFRANCESCO, BATEMAN, KUNZMAN, DAVIS, LEHRER,  
& FLAUM, P.C.  
361 Route 31  
Flemington, New Jersey 08822  
Attorneys for the Zoning Board on Pleasant Run  
BY: JOSEPH SORDILLO, ESQ.

STEVEN GRUENBERG, ESQ.  
151 Main Street  
Flemington, New Jersey 08822  
Attorney for Pleasant Run Structures, LLC

MESSRS. FLORIO, PERRUCCI, STEINHARDT, CAPPELLI,  
TIPTON & TAYLOR, LLC  
235 Broubalow Way  
Phillipsburg, New Jersey 08865  
Attorneys for 479 Raritan Experiential, LLC  
BY: MARK R. PECK, ESQ.

**6. BOARD MEMBERS AND COUNSEL:**

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

**7. RESOLUTIONS:** None

**8. APPLICATIONS:**

- (A) **Board of Adjustment Case No. 18-2018**  
**APPLICANT:** John Dawson  
**LOCATION:** Block 15.08, Lot 1  
1 Windsor Way  
**APPLICATION:** Time Extension

The Board had granted a variance to John Dawson in 2018 to install a pool in this matter in his front yard. Condition Number 6 gave the applicant until September 6, 2019, which was one year from the date of the adoption of the Resolution on September 6, 2019, to apply for and obtain construction permits. Mr. Dawson needs to have that time extended due to the Corona Virus and other reasons.

Mr. Dawson indicated that the pool company could not begin digging until the second week in September of this year.

After hearing a letter written by Mr. Dawson, Mr. Ahrens made a motion that the application be granted until December 31, 2020, seconded by Steve Farsiou.

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

- (B) **Board of Adjustment Case No. 06-2020**  
**APPLICANT:** Pleasant Run Structures, LLC  
**LOCATION:** Block 18.01, Lot 12.03  
101 US Highway 31  
**APPLICATION:** Temporary Use Permit

**RTBOA**

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Attorney Drill recused himself and had Joseph Sordillo, Esq., of the Law Firm DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum appear to represent the Board of Adjustment.

Steven Gruenberg, Esq., of Flemington, New Jersey, indicated that although it is a permitted use some C Variance relief is necessary. Mr. Gruenberg stated that he was seeking a temporary permit under Section 15.64.054 that allows the Board to grant such permit under certain circumstances that will in no way have a detrimental effect on the activities normally permitted in the zone. It also allows the Board to issue a permit for the temporary use for storage on the property.

The owner of the Pleasant Run Structures indicated that they would be placing two swing sets as well as five models of sheds on the property immediately.

A neighboring businessman, Dan Force, appeared and indicated that he would welcome a new business into the area, but was concerned about the piping for the sewer system that runs through the property.

After hearing all of the testimony, Randy Block made a motion to approve said application for a temporary permit, seconded by Alicia Dominguez.

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

**(C) Board of Adjustment Case No. 01-2020**  
**APPLICANT: 479 Raritan Experiential, LLC**  
**LOCATION: Block 36.01, Lot 72**  
**470 Highway 202**  
**APPLICATION: Preliminary and Final Site Plan with**  
**C and D Variances**

Attorney Mark Peck of the Law Firm Florio, Perrucci, Steinhardt, Cappelli, Tipton and Taylor, Phillipsburg, New Jersey, appeared on behalf of the applicant. He indicated that this is an application for final major site plan for a use involving the installation of a tower sign to be used for advertising. It is a 16.94 acre property located in the O2 Business Office Zone,

and is located on the northwesterly side of Route 202, west of River Road, across from the Travel Inn Suites. The existing property contains two existing nonconformities, a 69.4 foot setback where 100 feet is required, and where the zone permits 45 percent impervious coverage, it is actually 47.4 percent. He stated the planting bed would be under the control of the Township of Raritan, although the applicant would be responsible for the maintenance.

Mr. Peck stated that there will be no structures proposed to be removed, it will contain ambient light fixtures which will keep the lighting coming from the display with 3 foot candles above the ambient light at all times, so there will be no glare. He indicated the Township will have an opportunity to share the use of the electronic displays with dedicated slots for the exclusive use for communications for Township notifications, school notices, COVID-related notices, whatever the Township desires. They would have editorial control over that. It is selected advertising.

Attorney Drill questioned how many time slots are being proposed for the Township to use, which Mr. Peck stated that they will have ample testimony on that. He stated that they had performed traffic safety studies which will be presented.

Attorney Drill swore in the following people as witness: Eric Ascalon, representing the applicant; James Biden, the Site Engineer; Maurice Rashed, the Traffic Engineer; and Daniel Bloch, their Planner, as well as Board experts, Antoine Hajjar, Township Engineer, Jeff Vaccarella, Assistant Planner/Zoning Inspector, John Morgan Thomas, Township Landscape Architect, Jessica Caldwell, Planner and Scott Kennel as the Traffic Engineer.

After being sworn, Eric Ascalon, presented a PowerPoint slideshow indicating all of the aspects of the "sign". He presented pictures of signs in other locations such as Quakertown, Pennsylvania and West Conshohocken, Pennsylvania.

After the PowerPoint presentation was completed, the Chairperson presented an opportunity to the Board members to ask questions, which they did, followed by the public questioning.

Patrick Heller, a property owner at 7 Edison Road, Whitehouse Station, New Jersey asked questions. He indicated that he owns property on Ridge Road and had several questions concerning the sign and its functions.

There were a lot of questions being asked by Mr. Heller, that Attorney Drill thought should be directed to the Engineer when he testified. Mr. Heller presented a Google map showing where his property is located in comparison to the property in question. Attorney Drill and Attorney Peck agreed that a balloon test could be performed by the Township Engineer and his assistant to determine whether or not the sign would be seen by the neighbors surrounding the area.

After completing the cross-examination of Mr. Ascalon, Mr. Peck excused him as a witness and indicated he did not have to return to the next meeting.

A special meeting was requested to hear the other witnesses for the applicant. Said meeting was scheduled for August 27, 2020 at 7:30.

#### **9. Next Board Meeting**

The next meeting will be scheduled for July 23, 2020, a special meeting for PSE&G, followed by the August 6, 2020 hearing on Starbucks. The meeting for 479 Raritan Experiential, LLC will be held on August 27<sup>th</sup> at a special meeting.

Respectfully submitted,

*Jacqueline Klapp*

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