

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

MAY 7, 2020

MINUTES

Chairperson Schaefer: This meeting is being offered virtually for all Board members, Board professionals, applicant and applicant's team, interested parties and members of the public. To attend this meeting virtually, just enter the link on your computer 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 the number previously given.

1. CALL TO ORDER:

The meeting was called to order by Chairperson Schaefer at 5:00 p.m.

2. NOTICE REQUIREMENTS:

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

3. ROLL CALL:

Board Members Present:

Cynthia Schaefer, Chairperson
Kevin Kuhl
Alicia Dominguez
Randy Block
Steve Farsiou
Roger Ahrens
John Gudelis (arrived at 5:15 p.m.)
Jim Ferraro
Jeff Anclien

4. OTHER PERSONNEL PRESENT:

Antoine Hajjar, Township Engineer
Jeff Vaccarella, Assistant Planner/Zoning Inspector
Jessica Caldwell, Planner

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. HEHL & HEHL
370 Chestnut Street
Union, New Jersey 07083
Attorneys for Frontier Development, LLC
BY: STEPHEN F. HEHL, ESQ.

MESSRS. CONNELL FOLEY
185 Hudson Street
Suite 2510
Jersey City, New Jersey 07311
Attorneys for PSE&G
BY: JENNIFER M. CARRILLO-PEREZ, Esq.

MESSRS. DILTS & KOESTER
167 Main Street
Flemington, New Jersey 08822
Attorneys for Francis Hunter, Jr.
BY: GEORGE M. DILTS, ESQ.

MESSRS. WATTS, TICE & SKOWRONEK
171 Main Street
Flemington, New Jersey 08822
Attorneys for Penn Partners, LLC
BY: C. GREGORY WATTS, ESQ.

6. BOARD MEMBERS AND COUNCIL:

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

April 16, 2020

The Minutes of the April 16, 2020 hearing of the Raritan Township Board of Adjustment were moved to be approved by Roger Ahrens, seconded by Jeff Anclien.

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

7. RESOLUTIONS: None

8. APPLICATIONS:

- (A) **Board of Adjustment Case No. 23-2019**
APPLICANT: Frontier Development, LLC
LOCATION: Block 16.01, Lot 59
166 Route 31
APPLICATION: Preliminary and Final Site Plan with
Variances - Completeness Only

Attorney Stephen Hehl of the Law Firm Hehl & Hehl, Union, New Jersey, appeared before the Board and indicated that Jeff Vaccarella's report referred to five waiver requests, to which they do not have any objection. He stated this is an application to create a new Starbucks at the vacant bank location on Route 31 at Minneakoning Road.

Engineer Hajjar indicated that his department is requesting a traffic plan for the Route 31 and Minneakoning Road access,

an access for emergency vehicles, as well as marking of the parking lot. Thus giving the applicant a heads-up on what will be required.

After hearing the testimony, Alicia Dominguez made a motion to grant the application, seconded by Roger Ahrens.

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

- (B) Board of Adjustment Case No. 24-2019**
APPLICANT: Public Service Electric & Gas Company (PSE&G)
LOCATION: Various Blocks and Lots - PSE&G Electric
Transmission Right-of-Way
APPLICATION: Preliminary and Final Site Plan with a
Variance - Completeness Only

Jennifer Carrillo-Perez, Esq., of the Law Firm Connell Foley, Jersey City, New Jersey, appeared representing PSE&G.

After explaining the application to the Board, Engineer Hajjar indicated that he did not realize under Number 4, during the completeness review, that it was exempt from State waters.

Attorney Drill stated that the Board's Engineer agreed to the granting of the application.

After hearing the testimony, Randy Block made a motion to grant the application, seconded by Alicia Dominguez.

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

- (C) Board of Adjustment Case No. 10-2020**
APPLICANT: Francis Hunter, Jr.
LOCATION: Block 44, Lot 44
229 Highway 12
APPLICATION: Lawfully Created Pre-Existing Non-
Conforming Use Certification or a D-1 Use Variance

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Attorney George Dilts of the Law Firm Dilts & Koester, Flemington, New Jersey, appeared virtually representing the applicant.

Jeff Vaccarella, Assistant Planner/Zoning Inspector stated that he had received a letter from Mr. Dilts amending the application to request a review of his decision via Notice of Violation dated March 4, 2020. He said that the original property owner, Katherine C. Roth, developed the property in approximately 1962. Mr. Dilts produced a letter dated November 1, 1962 from Robert W. Harris, Secretary for the Raritan Township Planning Board indicating that they could find no reason for denying approval of the development project, which would include three 3-family multiple dwelling units on the tract.

Mr. Dilts indicated that based on that, the applicant would withdraw the D Variance application, and would request the Board issue a certification stating that the 3-family residential use of the property was a legally, pre-existing, non-conforming use, and is permitted to continue as such.

After hearing the application, Roger Ahrens made a motion that the application be granted, seconded by Randy Block.

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

(D) Board of Adjustment Case No. 12-2019
APPLICANT: Penn Partners, LLC
LOCATION: Block 71, Lot 8.01
180 Highway 202/31 North
APPLICATION: Preliminary & Final Site Plan with
Variances

Before the beginning of the Penn Partners, LLC application, Steve Farsiou, Randy Block, and Kevin Kuhl recused themselves.

Attorney Drill indicated that the members remaining were Cynthia Schaefer, John Gudelis, Roger Ahrens, Alicia Dominguez, James Ferraro and Jeff Anclien.

C. Gregory Watts, Esq., of the Law Firm Watts, Tice & Skowronek, 171 Main Street, Flemington, New Jersey, appeared on behalf of the applicant. He presented Wayne Ingram as his expert engineer and planning witness. Mr. Ingram was sworn in along with Antoine Hajjar and Jessica Caldwell.

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The applicant submitted a preliminary and final major site plan application with variances requested to construct a 2,876 square foot addition to an existing vehicle repair garage. The property contains the Hyundai Car Dealership, and a Car Star auto repair facility that is proposed to be expanded. Both uses are conditionally permitted in the B-2 Commercial District. The site is located on Route 202/31 north of Kuhl Road. The site is currently developed as a car dealership with a showroom building located along the northern part of the property. The applicant is seeking variances to permit the conditional use of a car repair service facility in the B-2 Zone.

No signage is being proposed with the application, and there will be no changes to any of the previously approved light pole fixture locations. Five stacked vehicle storage spaces (two cars deep) are proposed to be removed.

Engineer/Planner Ingram testified as to the use of the property, and indicated that the repair of motor vehicles, damaged or otherwise, would be performed in the fully enclosed building. No motor vehicle would be offered for sale on the site, and no motor vehicle parts or partially dismantled motor vehicles shall be stored outside. He stated the building meets their needs, and the use of the land is suitable for this use.

After discussing the testimony and the conditions the Board would apply, Jeff Anclien made a motion to approve said application, seconded by Roger Ahrens.

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

9. NEXT BOARD MEETING

The next Board meeting will be scheduled for May 21, 2020 at 5:00 p.m. virtually, and the meeting following will be on June 4, 2020 commencing at 7:30 p.m.

Respectfully submitted,

Jacqueline Klapp
JACQUELINE KLAPP