

ZONING BOARD OF ADJUSTMENT
RARITAN TOWNSHIP, NEW JERSEY
REGULAR VIRTUAL MEETING
SEPTEMBER 3, 2020

MINUTES

Chairperson Schaefer: The meeting will be offered virtually for all Board members, Board professionals, applicant and applicant's teams, 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 participant 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
Roger Ahrens
Jim Ferraro (Alternate)
Bradford Perry (Alternate)

Board Members Absent:

John Gudelis
Steve Farsiou

RTBOA

9/3/20

Page 2 of 7

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

Jim Ferraro made a motion to accept the absences of John Gudelis and Steve Farsiou, seconded by Chairperson Schaefer.

(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.

STEVEN P. GRUENBERG, ESQ.
151 Main Street
Flemington, New Jersey 08822
Attorney for Morgan Equity, LLC

CONNELL FOLEY
185 Hudson Street
Suite 2510
Jersey City, New Jersey 07311
Attorneys for NRG
BY: NANCY A. SKIDMORE, ESQ.

PINILISHALPERN, LLP
160 Morris Street
Morristown, New Jersey 07960
Attorneys for Diamond Communications, LLC &
Cellco Partnership d/b/a Verizon
BY: JUDITH A. FAIRWEATHER, ESQ.

MESSRS. GEBHARDT & KIEFER
1318 State Route 31
North Annandale, New Jersey 08801
Attorneys for VitalEssence Center for Laser and Aesthetics,
LLC
BY: TARA A. ST. ANGELO, ESQ.

6. BOARD MEMBERS AND COUNSEL:

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

August 20, 2020

A motion was made to approve the Minutes from August 20, 2020 by Randy Block, seconded by Cynthia Schaefer.

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

7. RESOLUTIONS: None

8. APPLICATIONS:

- (A) **Board of Adjustment Case No. 08-2016**
APPLICANT: Raritan Solar W3-029, LLC (Miller Bros.)
LOCATION: Block 86, Lots 10, 26, 26.02
53 Highway 202/31 South
APPLICATION: Time Extension

Attorney Nancy Skidmore from the Connell Foley Law Firm, Jersey City, New Jersey, appeared representing the applicant NRG, who is the successor in interest to the applicant/owner. They are there with a request for an extension to permit the issuance of the construction permit that had previously been approved by the Board on September 29, 2016. Condition One of the original application required the applicant to apply for and obtain a construction permit by October 6, 2017, and to commence construction and obtain a permanent certificate of approval within one year from the date of the issuance of the first construction permit.

By Resolution 2017-06 dated June 1, 2017, the Board granted an extension allowing the applicant to obtain construction permits

by May 6, 2018, commence construction and obtain a permanent certificate of approval from the date of the first construction permit, which was issued on or about January 26, 2018, requiring the applicant to obtain a permanent certificate of approval one year later.

After hearing Attorney Skidmore's explanation of the circumstances, Roger Ahrens made a motion to extend the time to obtain the permanent certificate of approval to March 3, 2021, seconded by Alicia Dominguez.

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

- (B) Board of Adjustment Case No. 11-2018**
APPLICANT: Diamond Communications, LLC &
Cellco Partnership d/b/a Verizon
LOCATION: Block 40, Lot 4
408 Highway 202
APPLICATION: Time Extension

Attorney Judith Fairweather from the Law Firm PinilisHalpern, Morristown, New Jersey, appeared representing the applicant Diamond Communications, LLC, and Cellco Partnership, d/b/a Verizon. She indicated that they had to receive their CO by July of 2020, which they did not due to COVID. Therefore, she was seeking a time extension until January 22, 2021.

Alicia Dominguez made a motion to grant said extension of time until January 22, 2021, seconded by Roger Ahrens.

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

- (C) Board of Adjustment Case No. 13-2020**
APPLICANT: Morgan Equity, LLC
LOCATION: Block 16.01, Lot 37.02
97 River Road
APPLICATION: Minor Site Plan with D Variance

Attorney Steven Gruenberg of Flemington, New Jersey, appeared representing the applicant. He indicated that at the last meeting he had the owner, Donald Baldwin, testify, as well as Eric Rupnarian, his engineer. He stated it is an application for use variance relief, and for minor site plan approval, as well as a C variance for parking.

Mr. Gruenberg stated that they left off as they were about to present the testimony of James Kyle, their planner.

After hearing Mr. Kyle's qualifications, the Chairperson accepted him as an expert witness on planning.

He indicated that the applicant is seeking a D-1 variance to permit a residential use in a zone where it is not permitted, the I-2 industrial zone. He stated there is also a variance to permit two principal uses on the site that was identified in a memo. He stated that there is also a bulk variance related to parking being requested.

After hearing the testimony, the Board professionals asked questions, followed by Board members. They questioned the need for security for wooden pallets. No members of the public asked questions.

Attorney Drill stated that variances run with the land, and whatever conditions are imposed would apply to future owners of the property as well. The Board could limit residential use to the owner or owner's family only.

After deliberation, Roger Ahrens made a motion that the application be approved with conditions, seconded by Alicia Dominguez.

(On roll call, Dominguez, Kuhl, Block, Ahrens and Perry voted in the affirmative, and Chairperson Schaefer and Jim Ferraro voted against.)

RTBOA

9/3/20

Page 6 of 7

- (D) **Board of Adjustment Case No. 05-2020**
APPLICANT: VitalEssence Center for Laser & Aesthetics, LLC
LOCATION: Block 15, Lot 63
149 Highway 31
APPLICATION: C Variances for a Sign

Tara St. Angelo, Esq. of the Gebhardt & Kiefer Law Firm in North Annandale, New Jersey, appeared representing Dr. Randy Klein of the Doctor Is In, and also the owner of VitalEssence Center for Laser & Aesthetics, LLC. She indicated that since the previous meeting they had had two technical reviews from the Board Engineer and Zoning Officer, including the existing sign plan for the building. Ms. St. Angelo stated that based upon that document and the restrictions, only 5 percent of the façade can be signed, and based upon the signs currently up on the building, the applicant continues to request that they receive a variance for the two window signs that are currently there, and as indicated previously, the window signs should not be a concern.

The Chairperson noted that there were no changes to the presentation since the prior meeting. Dr. Klein indicated that the box truck parked in the parking lot close to the highway is needed, not for advertising, but to indicate the location of "The Doctor Is In" and also "VitalEssence". He also stated that the truck is needed to take equipment to their other locations, also.

Dr. Randy Klein stated he would agree to park his truck in rows 2, 3 and 4 to comply with the Board's request, although he could not park in row 1 because of the handicapped spaces. He also agreed that he would take the sign off the inoperable door as a condition of the granting of the three variances.

After hearing the testimony, examining the witness and deliberating, Kevin Kuhl made a motion to approve the application, seconded by Randy Block.

(On roll call, all members voted in the affirmative with the exception of Roger Ahrens.)

9. Adjournment

The Board discussed whether or not meetings could begin at 7:00 instead of 7:30 in order to cut short the time the meetings would end. In-person meetings will not resume until the COVID emergency is over.

The meeting was adjourned to September 17, 2020 for the Raritan Experiential hearing.

Respectfully submitted,

Jacqueline Klapp

JACQUELINE KLAPP