

RARITAN TOWNSHIP  
ZONING BOARD OF ADJUSTMENT

MINUTES

FEBRUARY 4, 2016

1. CALL TO ORDER:

The meeting was called to order at 7:30 p.m. by  
Vice Chairman Arthur Teatzner.

2. NOTICE OF MEETING:

Notice requirements of the Open Public Meetings Act  
were read into the record.

3. ROLL CALL:

**Members Present:**

Vice Chairman Arthur Teatzner  
John Gudelis  
Alicia Dominguez  
Randy Block  
Steve Farsiou

**Members Absent:**

Chairman Kevin Kuhl  
John Collins

**Also Present:**

Jamie Sunyak, Township Planner

RTZBOA  
2/4/16  
Page 2 of 6

**4. APPEARANCES:**

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 George Buchamoun  
BY: GEORGE M. DILTS, ESQ.

MESSRS. FERRARO & STAMOS  
22 Paris Avenue, Suite 105  
Rockleigh, New Jersey 07647  
Attorneys for T-Mobile Northeast, LLC  
BY: FRANK FERRARO, ESQ.

MESSRS. VOGEL, CHAIT, COLLINS & SCHNEIDER  
25 Lindsley Drive, Suite 200  
Morristown, New Jersey 07960  
Attorneys for Cellco Partnership d/b/a  
Verizon Wireless  
BY: DAVID H. SOLOWAY, EQ.

MESSRS. PINILIS, HALPERN  
160 Morris Street  
Morristown, New Jersey 07960  
Attorneys for New Cingular Wireless  
BY: CHRISTOPHER QUINN, ESQ.

**5. BOARD MEMBERS AND COUNSEL COMMENTS, ANNOUNCEMENTS,  
DISTRIBUTION AND CORRESPONDENCE, MINUTES**

**a. Comments:**

Vice Chairman Teatzner indicated that the 2005 Annual  
Summary Report needs to be worked on.

**b. Announcements:** None

**c. Distribution and Correspondence:** None

RTZBOA  
2/4/16  
Page 3 of 6

**d. Minutes:**

A motion was made to accept the minutes of the January 21, 2016 meeting by Mr. Gudelis, seconded by Ms. Dominguez.

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

**6. RESOLUTIONS:**

1. **RESOLUTION NO. 2015-12  
DIAMOND COMMUNICATIONS, LLC  
AND CELLCO PARTNERSHIP b/d/a VERIZON WIRELESS**

Resolution No. 2015-12 was presented as to the height variance and amended preliminary and final site plan approval.

Vice Chairman Teatzner made a motion to approve the resolution of Diamond Communications, LLC, and Cellco Partnership, d/b/a Verizon Wireless, seconded by Mr. Gudelis.

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

**7. APPLICATIONS:**

1. **CASE NO. 1-2016  
DORIS SIMPSON  
BLOCK 86, LOT 26.01**

Attorney George Dilts, of Dilts & Koester, 167 Main Street, Flemington, New Jersey, appeared on behalf of Doris Simpson. Mr. Dilts indicated that they are asking for an interpretation and for certification that this particular property is a pre-existing, non-conforming use. He stated that attached to the application was the October 28, 2015 e-mail from Jamie Sunyak which indicated that in the early 1970s the property was zoned highway commercial, permitting eating and drinking establishments.

In 1979 the zone changed and it became residential. Ms. Sunyak indicated that the property was owned by the Simpson family in 1972 and was within the commercial zone.

Mr. Dilts submitted current inspection certifications

RTZBOA  
2/4/16  
Page 4 of 6

from the Health Department for the restaurant, as well as the testimony of Neil Simpson, the applicant's son. They marked exhibits A-1 through A-7, which included photographs of the property as it has looked over the years.

After examining the exhibits and hearing the testimony, the Board determined that the restaurant and food production use was a lawfully created pre-existing non-conforming use and entitled to continue.

A motion was made by Mr. Gudelis to that effect, seconded by Mr. Block.

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

**2. CASE NO. 3-2016  
T-MOBILE NORTHEAST, LLC  
BLOCK 86, LOT 3**

Frank Ferraro of the law firm Ferraro & Stamos, 22 Paris Avenue, Rockleigh, New Jersey, appeared on behalf of the applicant. Mr. Ferraro presented Engineer Lukas to testify as to the matter. Also sworn was Jamie Sunyak, the Board's planner.

Engineer Lukas indicated that the proposed application consists of swapping out the equipment from the cabinet to put in more updated equipment. A discussion was held regarding tractor trailers being parked on the property, and Mr. Drill indicated that a condition could be placed in the resolution that if the trailers were not removed from the site by the time of the adoption of the resolution, a warrant could be issued for the arrest of the property owner.

After considerable discussion on the subject, Mr. Gudelis made a motion to approve the application, seconded by Mr. Farsiou.

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

**3. CASE NO. 4-2016  
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS**

David Soloway of the law firm Vogel, Chait, Collins & Schneider, 25 Lindsley Drive, Morristown, New Jersey, appeared representing Cellco Partnership d/b/a Verizon Wireless.

RTZBOA  
2/4/16  
Page 5 of 6

Mr. Soloway indicated that the application was for site plan waiver to upgrade and replace antennas located on an existing wireless communication tower.

Mr. Soloway presented James C. Murawski from E2 Project Management, LLC, who testified that the application would not affect the existing circulation, parking, drainage, building arrangements, landscaping, buffering, lighting or any other consideration of site plan review.

After hearing the testimony and reviewing the professional reports, the Board approved the resolution with a motion made by Vice Chairman Teatzner, seconded by Mr. Gudelis.

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

Mr. Soloway requested, also, that they be allowed to proceed to building permit in compliance with the conditions that will be in the resolution in advance of the adoption of the formal resolution.

After discussing this matter, the Board members agreed to grant his request.

**4. CASE NO. 5-2016  
NEW CINGULAR WIRELESS, PCS, LLC (AT&T)**

Christopher Quinn of the law firm Pinilis Halpern of 160 Morris Street, Morristown, New Jersey, appeared representing New Cingular.

He indicated that the application was for a site plan waiver, and a D variance for installation of 12 telecommunication antennas, and also to place an equipment shelter at the base of the tower. He stated that they are seeking use variance relief because the use is not permitted in the zone. Mr. Quinn indicated that the tower at 100 feet does exceed the permitted height in the zone, so they need variance relief for that. He stated that the proposal does not affect existing circulation, drainage or landscaping.

He introduced his witnesses, Ron Evans, an RF engineer, Chad Schwartz, a civil engineer from Mallick & Scherer Engineering, and Timothy Kronk, a New Jersey licensed professional planner who were sworn as witnesses. Jamie Sunyak, the Board's Planner,

RTZBOA  
2/4/16  
Page 6 of 6

was also sworn.

The witnesses testified as to the reason for needing the installation of the telecommunication antennas, and then reviewed the reports from the Board's experts. Attorney Quinn indicated that all of the antennas would be concealed so they would not be noticeable.

Vice Chairman Teatzner indicated that he would be in favor of issuing site plan waiver approval following all of the conditions that had been noted during the testimony.

Mr. Gudelis made a motion to grant the application, seconded by Mr. Farsiou.

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

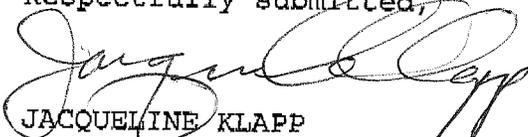
**5. THE NEXT BOARD MEETINGS:**

The next meetings of the Board of Adjustment will be on February 18, 2016 and March 3, 2016.

**6. ADJOURNMENT:**

A motion was made and seconded to adjourn the meeting at 10:42 p.m.

Respectfully submitted,



JACQUELINE KLAPP