

RARITAN TOWNSHIP ZONING BOARD OF ADJUSTMENT

MINUTES

March 17, 2016

1. CALL TO ORDER:

Chairman Kevin Kuhl called the meeting to order at 7:30 p.m.

2. NOTICE OF MEETING:

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

3. ROLL CALL:

Members Present:

Kevin Kuhl, Chairman
Arthur Teatzner
John Gudelis
Alicia Dominguez
John Collins
Randy Block
Judy Dreher, Alternate

Members Absent:

Cynthia Schaefer
Steve Farsiou

4. ALSO PRESENT:

Antoine Hajjar, Township Engineer
Jamie Sunyak, Township Planner
John Morgan Thomas, Township Landscape Architect

5. APPEARANCES:

STICKEL, KOENIG, SULLIVAN & DRILL, LLC
571 Pompton Avenue
Cedar Grove, New Jersey 07009
Attorneys for the Board
BY: JONATHAN E. DRILL, ESQ.

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

MESSRS. GIORDANO, HALLERAN & CIESLA, P.C.
125 Half Mile Road
Red Bank, New Jersey 07701-6777
Attorneys for BJ's Wholesale Club
BY: JOHN GIUNCO, ESQ.

AARON CULTON, ESQ.
110 Main Street, 2nd Floor
Flemington, New Jersey 08822
Attorney for the Applicant

6. BOARD MEMBERS AND COUNSEL COMMENTS,
ANNOUNCEMENTS, DISTRIBUTION AND
CORRESPONDENCE, MINUTES

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

1. Minutes of February 4, 2016.

A motion was made to adopt the minutes of the
February 4, 2016 meeting by Mr. Teatzner, seconded
by Mr. Gudelis.

(On roll call, all members voted in the affirmative,
with the exception of Chairman Kuhl, who abstained.)

7. RESOLUTIONS:

a. RESOLUTION ADOPTING THE ANNUAL REPORT

Mr. Teatzner made a motion to adopt the annual report, seconded by Chairman Kuhl.

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

b. RESOLUTION 12-2015
DAVID DALLENBACH

After Attorney Drill read corrections into the record, Mr. Teatzner made a motion to approve the resolution, seconded by Chairman Kuhl.

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

c. BOARD OF ADJUSTMENT CASE NO. 13-2016
RESOLUTION OF DORIS SIMPSON

Mr. Teatzner moved to adopt the resolution in the matter of Doris Simpson, seconded by Ms. Dominguez.

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

8. APPLICATIONS:

a. 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.

Attorney Ferraro indicated he previously appeared before the Board on February 4, 2016 for approval for replacing equipment. After discussing the matter, the Board found there was a tax arrearage, and also there were tractor trailers parked on said property. The Board indicated that the tractor

trailers had to be removed and the back taxes had to be paid. The Board granted the site plan waiver.

Upon trying to solve the problem, it was found the owner of the property is in Receivership. The creditors had filed in the Bankruptcy Court and Gary Marks was appointed as said Receiver.

Mr. Ferraro indicated he had spoken with the Township Attorney, Jeffrey Lehrer. The owner had not been operating his business on the property for a number of years, and both the Town and the Receiver are aware of the situation.

Attorney Drill indicated that his recommendation to the Board is that he be authorized to participate in a conference call with the parties involved for the purpose of taking two conditions from the resolution.

Mr. Teatzner made a motion to that effect, seconded by Mr. Gudelis.

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

- b. CASE NO. 7-2016
BJ'S WHOLESALE CLUB, INC.
BLOCK 16, LOT 29

John Giunco, Esq. of the law firm of Giordano, Halleran & Ciesla, Red Bank, New Jersey, appeared on behalf of BJ's Wholesale Club. He presented Justin Auciello, of Cofone Consulting Group, as a witness. They are applying for an above ground propane tank system of a thousand gallons which will comply with the Fire Protection Code and will be administered by the employees of BJ's as customers come to the site.

Additional variance relief is being sought from the requirement that all uses be conducted within a building structure. The sale of the propane will take place outside, so a D-1 variance is required.

After hearing the testimony and questioning the witnesses, the Chairman moved that the variances be approved, subject to the conditions that were discussed, and the Board's standard conditions. Mr. Teatzner seconded the motion.

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

- b. CASE NO. 12-2015
ERIC K. RAPHAEL
MINOR SITE PLAN APPROVAL FOR CONTINUED
STORAGE AND MAINTENANCE OF BUSES AT THE
PROPERTY AND RENTAL OF THE EXISTING HOUSE
BLOCK 44, LOTS 51 AND 54

Aaron Culton, Esq., of Flemington, New Jersey, appeared on behalf of the applicant. Attorney Drill indicated the members that were able to vote on the application were Chairman Kuhl, Ms. Dominguez, Mr. Gudelis, Mr. Teatzner and Mr. Block.

Attorney Culton indicated that he was before the Board in December, at which time the Board granted an interpretation and certification of a lawfully created pre-existing, nonconforming use that was entitled to continue. He indicated the Board stated that although the applicant was subject to newer site plan ordinance standards, they were required to apply for waivers from a site plan variance.

Attorney Culton stated that during the February 18th hearing on the minor site plan, it was discovered that a variance from the Zoning Ordinance was indicated, and that the parking area has to be paved.

The applicant is seeking site plan approval in connection with a prior approval of the continued non-conforming use of the property for the storage and maintenance of a bus operation. They are also seeking a variance from the Raritan Township Zoning Ordinance 16.70.020.C to permit the parking area to remain gravel and not be permanently paved and marked. They would seek to have parking permitted within 25 feet of a residential zone.

After hearing the testimony of the witnesses, and reviewing exhibits, the Board listened to the reasoning of Engineer Hajjar as to why he felt the parking lot needed to be paved.

Attorney Drill requested the Board to do a straw vote

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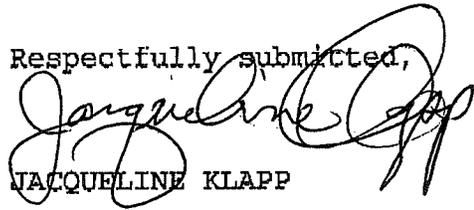
in this matter. Following the straw poll, Mr. Block made a motion that the application be granted, seconded by Mr. Teatzner.

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

9. ADJOURNMENT:

The next meeting will be on April 7, 2016.

Respectfully submitted,



JACQUELINE KLAPP