

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT  
MINUTES  
January 21, 2010**

**A. Attorney Donald Moore called the reorganization meeting to order at 7:36 p.m. announcing that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised.**

**B.**

|                          |                                     |
|--------------------------|-------------------------------------|
| <b>Betty Ann Fort</b>    | <b>present</b>                      |
| <b>Marygrace Flynn</b>   | <b>present</b>                      |
| <b>Keith Hendrickson</b> | <b>present</b>                      |
| <b>Diana Hendry</b>      | <b>present</b>                      |
| <b>Meredith Goodwin</b>  | <b>present</b>                      |
| <b>Britt Simon</b>       | <b>present – arrived @8:30 p.m.</b> |
| <b>Eric Stettner</b>     | <b>present</b>                      |
| <b>Richard Thompson</b>  | <b>present</b>                      |
| <b>Michael Denning</b>   | <b>present</b>                      |

**Michael Sullivan, Clarke Caton & Hintz  
Paul Ferriero, Ferriero Engineering  
Clay Emerson, Princeton Hydro  
Donald Moore, Esq., Kelleher & Moore  
Nick Caparas, Jacobs, Edward & Kelsey**

**Attorney Moore stated on the record that the following Board members were sworn in prior to the meeting.**

**Richard Thompson – Four year term  
Diana Hendry One year of a Four year term  
Meredith Goodwin (2<sup>nd</sup>. alternate – Two year)**

**C. Nominations:**

**1. Chairman: Attorney Moore asked for nominations for Chairman. Mrs. Flynn nominated Betty Ann Fort as Chairman. Ms. Hendry seconded the motion. There were no other nominations. Motion was carried with a vote of ayes all, nays none recorded.**

**The meeting was turned over to Chairman Fort. Mrs. Fort welcomed Meredith Goodwin and Diana Hendry as returning members.**

**2. Vice Chairman: Mrs. Flynn nominated Michael Denning for Vice Chairperson. Ms. Hendry seconded the motion. There were no other**

**nominations. Motion was carried with a vote of Ayes all, nays none recorded to nominate Michael Denning as Vice-Chairperson.**

**3. Secretary: Mrs. Flynn nominated Linda Jacukowicz for Board Secretary. Mr. Thompson seconded the motion. There were no other nominations. Motion was carried with a vote of Ayes all, nays none recorded.**

**4. Professional Services Contracts**

**Donald Moore, Esq., read into the record a portion of the State Ethical Statute. He stated that if any board member felt that his or her judgment in rendering a decision on any matter before the Board of Adjustment might be prejudiced by not allowing them independence of judgment by the retention of his services by such member individually on another unrelated matter they should recuse themselves from voting for his appointment as the board attorney. In summary, he has represented Eric Stettner on a business matter; Betty Ann Fort on an ongoing real estate purchase; and Richard Thompson on a Power of Attorney. If these individuals feel that by Mr. Moore representing them individually, they can't exert independent judgment on any matter that comes before this board, then they should abstain from voting for his appointment.**

**Mrs. Flynn nominated Donald Moore, Esq., as Board of Adjustment attorney. Mr. Thompson seconded the motion. Motion was carried with a vote of Ayes all, nays none recorded.**

**Jacobs, Edwards & Kelsey – Traffic Engineering Services  
Michael Sullivan Clarke – Caton – Hintz, Professional Planning Services  
Key-Tech - Inspection and testing services  
John Hansen, Ferriero Engineering  
Ostergaard Associates – Acoustical experts  
Princeton Hydro – Environmental Consultants**

**Mrs. Goodwin made a motion to approve the professional contracts. Mr. Stettner seconded the motion. Motion was carried with a vote of ayes all, nays none recorded.**

**4. Schedule of Meeting Dates for 2010**

**Third Thursday of each month**

***\*If meeting falls on a legal holiday, the meeting will be held the following day. December meeting will be held on December 14, 2010.***

**5. Technical Review Committee**

**Members – Marygrace Flynn and Betty Ann Fort volunteered to serve on the Technical Review Committee.**

**Schedule of meetings. The TRC meetings occur on the same dates as the Board of Adjustment meetings and it begins at 7:00 p.m.**

**D. PUBLICATIONS**

**Hunterdon County Democrat  
Hunterdon Review  
Courier News  
Star Ledger  
Express Times**

**Mr. Thompson made a motion to approve the publications. Mrs. Flynn seconded the motion. Motion was carried with a vote of ayes all, nays none recorded.**

**E. APPROVAL OF MINUTES:**

**1. December 8, 2009 - Ms. Hendry made a motion to approve the minutes. Mr. Denning seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.***

**F CORRESPONDENCE: -There were no comments regarding the correspondence.**

**G. OTHER BUSINESS:**

**1. Voucher approval – Mr. Denning made a motion to approve the vouchers. Mrs. Flynn seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.***

**H. RESOLUTIONS:**

**1. Report on Variances**

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Mr. Denning made a motion to approve the resolution as corrected. Mrs. Flynn seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.***

**I. TECHNICAL REVIEW COMMITTEE:**

- 1. Hunterdon Hills Animal Hospital  
Block 21.13, Lot 7  
Route 22 Eastbound  
Variance & Preliminary & Final Site Plan  
Action date: February 21, 2010**

**Mrs. Flynn informed the board that the TRC found the application incomplete. The applicant will be notified as to what is still outstanding.**

**J. PUBLIC HEARINGS:**

**Attorney Moore swore in the board's professionals and the applicant's professionals.**

- 1. Mark Hartman  
Preliminary-Final Site Plan  
Use and Bulk Variance, Minor Subdivision  
US Rt. 22  
Block 36, Lot 47 & 48  
Action date: January 21, 2010**

**Chairman Fort informed the applicant that this is a complicated application; therefore, she recommended that the businesses, the residents, customers, neighbors, and motorist needs must be addressed prior to addressing the architecture.**

**Attorney Moore stated the procedure for the record on how the board should move forward with this application. He stated that the board should consider the architectural plans so that the floor areas can be confirmed.**

**Mr. Sullivan informed the board that based upon the new information that has been provided to his office, it is clear that there are inconsistencies and differences in interpretation of the municipal land use ordinance with respect to parking and zoning. Testimony regarding zoning compliance cannot be undertaken until everyone understands what the floor areas are for each particular use. The board should review the proposed uses that the applicant is suggesting. The applicant will have to provide the nature and the extent of all uses defined in the way that the ordinance defines them. From a parking prospective a report was supplied to by board created by Gary Dean. That report was based upon the floor areas identified on the architectural plans. These calculations are not gross floor area.**

**Geoffrey Soriano stated that he is the attorney for the applicant. He agreed with the professionals statements. Another matter had to do with the documentation subpoenaed by the neighbor. The applicant would like to have an opportunity to respond to that information.**

**Mr. Moore stated that he would like to address the architectural concerns that the board had from the last meeting. Mr. Soriano informed the board that the applicant's objective is to submit comprehensive plan sets to be reviewed for the next meeting.**

#### **Exhibit A- 8 Elevation**

**Mr. Hartman stated that dormers and shutters were added to the previously submitted architectural plans. There are two options, awnings or no awnings prepared January 12, 2010.**

**Mr. Soriano informed that the board since the last meeting, they prepared charts. The floor area on his chart, does not match the floor area calculations.**

**Kevin Haney, engineer, stated that the plans do not match the architectural plans. The numbers that he will testify to, will be close to what they will eventually end up to be.**

**Exhibit A-10 – submitted by Bohler Engineering dated January 7, 2010, authored by Kevin Haney, consisting of two sheets.**

**Mr. Haney explained that the first sheet was identified as a list of variances/waivers chart (lot 47 B zone and the other sheet was for lot 48). Mr. Haney referred to the chart. Most of the variances on lot 47 are existing conditions. He read the requested variances into the record.**

**Mr. Moore referred to the motel that might be abandoned, and the storage area that will be replaced, he wanted to know where the storage area would be located. Mr. Haney answered that it will be located behind the existing building in the fenced in area.**

**Mr. Haney informed the board that pursuant to their comments, he will identify that the existing building consists of 11,384 square feet. That is made up of 6,585 square feet of retail area and 4,799 square feet of the service area.**

**Mrs. Fort stated for the record that the second use on this site is not by variance. She stated that it is not supposed to be there. This use was only to allow the installation of car parts that were purchased in the store.**

**Exhibit A-11 – Existing one story car parts auto store schematic floor plan prepared by Bohler Engineering dated January 21, 2010.**

**Mr. Haney testified that the front of the building is the retail and the back area is the service area. There are seven lifts in the service area. The fenced in area houses a trailer and this is used for storage. They propose to move the storage from the motel building and the trailer into the building and it will be a new building. The owner of the building does not have the architectural plans, but he will uphold the square footage.**

**Mrs. Fort wanted to be clear that should this application be approved, it is in no way granting the variance for the second use. Mrs. Flynn was questioning the use that currently exists on the property. Mr. Soriano answered that this application is to legitimize the use that exists on the property. They are asking the board to allow this use. Mrs. Fort was concerned that this board could not grant that relief since Mr. Hartman cannot testify for Mr. Horvath. Ms. Hendry stated that Mr. Horvath has not complied with the ordinance. Mr. Soriano testified that if the board should grant this application, there would be an enforceable resolution.**

**Mr. Moore stated that the applicant should obtain an affidavit from Mr. Horvath indicating that he is in agreement with the terms of this application.**

**Nick Caparas, Jacobs, Edward & Kelsey – stated that the applicant should explain how the cars will enter the site, there is no assessment to that detail.**

**Mrs. Flynn informed the board that if this is going to be a legitimate auto service facility, then the board has to be certain that all of the environmental concerns are met and that Mr. Horvath agrees to these conditions.**

**Mr. Haney stated that from a service standpoint, the facility has seven lifts, they are proposing the correct parking for those lifts pursuant to the ordinance. Mr. Haney informed the board that he visited the site and Mr. Horvath guided him on a tour and he has this information directly from Mr. Horvath. The employees currently park along side of the building, on the asphalt area adjacent to Coddington Road. Under the proposed conditions, they will eliminate the asphalt area and the employees will be parking within the fenced in area. They anticipate 27 stacked parking places for the cars while the wait until they receive their maintenance.**

**Mr. Moore suggested that given all of the testimony relating to Mr. Horvath, it would be imperative that Mr. Horvath swear under oath that he**

**understands what was presented at this meeting and that he confirms the type of operation that Mr. Haney described.**

**Mr. Ferreiro stated that the board would have to look at the number of lifts that are in operation to determine the amount of parking spaces. Mr. Haney answered that this is what Mr. Horvath is using now.**

**Mrs. Flynn stated that based on what is provided to the board, it is a moving target. They have to look at the parking as the worst case scenario.**

**Mr. Hendrickson added that he didn't take into account the additional employees. Mr. Sullivan answered that the employee parking is not required under the ordinance.**

**Ms. Hendry informed everyone that the board has historically minimized parking.**

**Mr. Moore stated that traditionally, the board has always had testimony to confirm what is actually going on at the operation. The factual background must be confirmed by the owner. Madam Chair suggested that Mr. Horvath read the transcripts and affirm that the information is correct. Mr. Hartman answered that he will have Mr. Horvath sign an affidavit that he is in agreement with the facts placed on the record.**

**Mr. Soriano addressed Mr. Sullivan's report, specifically page 10 of 34 of December 7, 2009. Regarding the item 13 A, it states that the applicant will need a variance. Regarding the goods for sale accessory to gasoline filling station may be displayed out of doors; the applicant testified that all goods will be displayed inside of the building. There will be no exterior storage. Regarding the item of the trailers, that has been removed from this application. Regarding the existing free standing sign, that is proposed to be removed. Mr. Soriano stated that there is going to be a traverse from lot 48 to lot 47. The cross drive aisle easement will be prepared and filed with the Hunterdon County Clerk's office.**

**The board took a recessed at 9:30 p.m. and reconvened at 9:45 p.m.**

**Mr. Omelian informed everyone that he received a subpoena. He supplied the environmental report that he had in his possession to the board. Copies will be made and disseminated to the board's professionals and members.**

**Mr. Denning wanted to know what the hours of operation were for Lot 47. Mr. Haney answered that they are from 7:00 a.m. to 6:00 p.m. Monday through Friday and on Saturday 9:00 a.m. to 6:00 p.m. Additionally, Mr. Haney went through the types of uses that would be**

allowed on lot 48. The board's professionals discussed the proposed types of uses and the issues that could relate to each.

Mr. Sullivan wanted to hear more information relating to the residential use proposal. Mr. Hartman answered that the plans will be revised to the extent that the township feels the need for more affordable housing. Additionally, Mr. Hartman informed the board about his vision for a community room that could be used by the public and the residents.

Attorney Moore swore in Gary Dean.

Mr. Dean testified that he was retained to perform a traffic study. He stated that he received comments from the board's traffic expert and we will address those at a later time. The purpose tonight is to explore an appropriate parking standard. Mr. Dean informed the board that this will be a mixed use. Rather than look at the parking requirement for the individual uses, there is an element of cohesive development. The problem comes into play when you incorporate the residential component. Shared parking is a concept that acknowledges during the night, the stores are closed. For that reason, you simply need less parking. In the parking study that he created, he looked at the gross leasable area of the retail stores, the restaurant components and the community room. He considered the aggregate sum of each of these areas and determined that the applicant would need 176 parking spaces.

Mr. Moore wanted to know the gross square footage. Mr. Dean answered that it is 43,391.

Mr. Soriano stated that the applicant will return to the board with revised plans. The meeting was carried to February 18, 2010.

**K ADJOURNMENT:**

Ms. Hendry made a motion to adjourn at 10:38p.m. Mr. Simon seconded the motion. Motion was carried with a vote of ayes all, nays none recorded.

Respectfully submitted,

Linda A. Jacukowicz

