

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
February 18, 2010**

A. Chairperson Fort called the meeting to order at 7:40 p.m. announcing that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised.

Mrs. Fort	present
Mrs. Flynn	present
Ms. Hendry	present
Mr. Hendrickson	present
Mr. Simon	present arrived at 8:10 p.m.
Mr. Stettner	present
Mrs. Goodwin	present
Mr. Thompson	present
Mr. Denning	present

**Donald Moore, Esq., Kelleher & Moore
Michael Sullivan, Clark, Caton & Hintz
Michael Sullivan, Clark – Caton & Hintz
John Hansen, Ferriero Engineering**

B. APPROVAL OF MINUTES:

1. January 21, 2010 Mr. Denning made a motion to approve the minutes. Mrs. Goodwin seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.*

C. CORRESPONDENCE: (sent electronically to board)

- 1. Memo from Vita Mekovetz regarding Volunteer Open House – Madam Chair announced that the Board of Adjustment would not participate at the Open House.**
- 2. Letter from HCPB regarding Hunterdon Hills, B. 21.13, L. 7**
- 3. Letter from HCPB regarding Whitehouse Auto Service, B. 18, L. 12**

There were no comments from the board regarding the correspondence.

D. NEW BUSINESS:

1. Pre-application process

The Chairman recommended that she would initially approve a pre-application process and any meeting that would take place with the board's

professionals a brief report of what transpired at that meeting must be submitted to the entire board. This procedure will keep everything running uniformly. The pre-application is a non-binding process. If the Chairman is not available, the Vice Chair will authorize and sign the pre-application.

2. Seating arrangement

Mrs. Fort wanted to know if the board members would be interested in changing their seating arrangement. The board agreed.

E. TECHNICAL REVIEW COMMITTEE:

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

Mrs. Flynn stated that the application is still under review. The determination will be rendered next week.

F. RESOLUTIONS:

- 1. Professional Services Resolution**

Mrs. Flynn made a motion to approve the resolution. Mr. Denning seconded the motion.

Roll Call:

Mrs. Goodwin	aye
Ms. Hendry	aye
Mrs. Flynn	aye
Mr. Thompson	aye
Mr. Stettner	aye
Mr. Hendrickson	aye
Madam Chair	aye

G. VOUCHER APPROVAL: (sent electronically to Board)

Mr. Denning made a motion to approve the vouchers. Mr. Stettner seconded the motion. *Motion was carried with a vote of Ayes all, Nays none recorded.*

H. PUBLIC HEARINGS

- 1. Mark Hartman
Preliminary-Final Site Plan
Use and Bulk Variance, Minor Subdivision
US Rt. 22
Block 36, Lot 47 & 48
Signed extension to February 18, 2010**

Madam Chair suggested that the board must be notified as to the witnesses that will be presented in the future. The applicant agreed.

Geoffrey Soriano, Esq., stated that he is the attorney for the applicant. As a matter of housekeeping, at the last meeting it appeared as though Mr. Haney was testifying and the information was not coming from Mr. Horvath, who is the principal that owns as well as an entity that operates the property. Mr. Horvath reviewed the transcript. Mr. Horvath signed a certification and has attested that he has read the entire transcript. He stated that the testimony was accurate.

Exhibit: A-12 – Certification of William Horvath signed February 18, 2010

Mr. Moore swore in Steve Tuccio, Jeff Martel, Dave Chewy and the board's professionals.

This evening, the applicant will review what type of use that existed at the site prior to Mr. Horvath. Mr. Steve Tuccio testified that he was a prior employee of Mark Chevrolet. He stated that he worked between 6 months to 1 year as a salesperson. He reviewed Exhibit A-1 and testified that is how the business was configured at the time he worked at the site. Regarding the primary structure, he recalled that the diagram is the same as his recollection. Mr. Tuccio stated that inside the building they sold and serviced cars. His recollected that at the time he worked there is that they had 8 to 10 sales people and 15 to 20 service people.

PUBLIC QUESTIONS:

There were no comments from the public.

Jeff Martel stated that he is employed by Bohler Engineering and in 2007 was licensed in the State of New Jersey. He has not appeared before this board, but he has appeared before other boards in the State of New Jersey.

Mr. Martel stated that he has conferred with Mr. Kevin Haney. The focus last month was on Lot 47 regarding the square footage and the variance that would be required.

Exhibit A-13 – Chart dated February 16, 2010 detailing each building with the floor area as well as the proposed parking calculations for the 5 structures on Lot 48, prepared by Bohler Engineering.

Exhibit A-14 – List of variances/waivers/ Chart for Lot 48 prepared by Bohler Engineering

Mr. Martel referred to Exhibit A-4. He stated building A is located at the northwest corner adjacent to the Route 22 frontage. The “farm” design is 5 separate structures. A-13 has broken down each structure with the proposed uses. Since the last meeting, Mr. Hartman has reconsidered the “community room”. This room will be for the use of the residents occupying the affordable units only. One of the stores will be a two story unit with interior stairs. Mr. Hartman testified that they do propose to have an elevator that will be accessible with a key. Mr. Martel stated that the original application was submitted with the parking calculations, and now they have discovered that the parking calculations were incorrect on the original plan. A planned commercial development is the appropriate characterization for the property. The ordinance states one parking space for every 250 square feet. On the chart, each building was identified, including the common areas and residential areas. They propose 195 parking spaces for this facility. Mr. Martel testified that they have provided the gross floor area for each building.

A-15 Gross floor area prepared by Mr. Dan Ward, Project Architect, prepared February 4, 2010

Mr. Martel stated that this is a chart of each individual building, in particular the gross floor area, the commercial gross leasable area, and calculations for overhang area.

Mr. Hansen questioned how many parking spaces the applicant was providing. Mr. Martel answered 194 parking spaces. At the prior meetings, they had requested 208 parking spaces. Since the community room has been removed, this has reduced the parking requirement. Mr. Hansen was also concerned about loading areas. Mr. Hartman stated that they still need to discuss this matter.

Exhibit A-14 consists of list of variances and waivers that the applicant is proposing for Lot 48.

Mr. Martel testified that the first variance relates to the use variance. They still maintain the community room, but right now they believe that this use is an accessory to the residential use. They have provided for 3 potential outdoor uses. They are listed as outdoor recreation, outdoor dining and outdoor market/gathering place. Another variance is the maximum floor area ratio. The next variance is for maximum impervious coverage. Another variance is for the minimum side yard set back for Building “D”. The next variance is a buffer to a county or state road.

There is a requirement for a buffer to a side or rear yard adjacent to a residential use. He is requesting a waiver from the requirement to install granite block around the perimeter. The next variance has to do with the 5 loading spaces required, and to date they have not provided any designated loading zones. They will need a variance for signage. They are also proposing small panel signs to identify the individual tenants.

Mr. Thompson stated that what the applicant is proposing, he is reminded of Peddler's Village. However, they do not have a huge sign. He does not want a repeat of the Kings sign. Mrs. Flynn recommended that the applicant use a number to identify the address. Mrs. Goodwin suggested small directional signs in the parking lot. Mr. Hartman agreed and informed the board that they have to identify the residential portion for emergencies. Mr. Hartman testified that the school bus will come into the complex. Mr. Sullivan informed the board that the applicant will be required to plant street trees. The applicant will revisit the height of the sign.

Mr. Martel testified that they propose 9'x18" parking stalls as opposed to 10'x18".

Mr. Hansen wanted to know if some of the uses were no longer proposed. Mr. Martel answered that the funeral home use was excluded. Mr. Hansen asked about the child care centers. Mr. Hartman answered that the child care centers were also excluded.

The applicant signed an extension to March 31, 2010 and carried to March 18, 2010.

The board took a 10 minute break.

- 2. Automotive Service Center
Block 17, Lot 10.01
93 Old Rt. 28
"D" Variance
Action date: April 7, 2010**

Attorney Moore swore in the board's professionals and Mr. Peter Chesson and John Madden.

Ernest Renda, Esq., stated that he is the attorney for the applicant. The applicant is located on Route 22 West on the corner of School Road. This is a use variance. The applicant proposes to add to his present business, which is automotive service center, an internet car sales business. In the State of New Jersey, to be licensed as a used car dealer, you must have a physical location. The minimum requirements are a desk, a phone, and an area to display two cars. In order for his client to transact business with wholesalers who are located all over the

country, he is trying to meet the minimum requirements in order to maintain a used car license. The application has been tailored for that purpose. They intend to use the interior of the existing location. This building was actually constructed for a new car dealership many years ago. It is the applicant's intent to use the existing display space to display the two motor vehicles that he is required by Statute to display in order to meet the minimum requirement.

Peter Chesson stated that his business is entitled Automotive Service Center and it is located on 382 Route 22, Whitehouse. The business has been located in this vicinity for ten years. He stated that his business plan is a virtual business. The State requires that he provide office space in order for him to conduct business for his on-line sales of a vehicle. He would not need to stockpile cars, or create a car lot. His lot would be on-line, a virtual lot. Mr. Chesson stated that he does not want an inventory of cars, it would be mainly on-line. He would also use auto-auctions. He plans on providing through his service center, warranties for the cars. If he had to store inventory, he has a location in Bridgewater Township. This would be only in the event, if a customer was delayed in taking delivery of a vehicle, or the deal fell through. He anticipates to display two cars in their show room. These would be high-end vehicles. Mr. Chesson explained to the board the way his business would operate.

Mr. Renda explained that the applicant does not need a used car license in the State of New Jersey to sell cars for example Nebraska to California, but he needs a used car licensed from a state in order for the wholesalers to transact business with him. If you want to purchase a car from an auction house, you have to have a wholesale license. Mr. Chesson stated that he has no plans to sell new cars only used cars.

Madam Chair was concerned about the recreational vehicles that are on his lot. Mr. Chesson stated that he does service their vehicles and they do stay overnight, but he will have the vehicles out of sight and park in the back of the building.

PUBLIC COMMENTS/QUESTIONS:

There were no comments/questions from the public.

John Madden stated that he is a licensed professional planner in the State of New Jersey.

Mr. Madden testified that this type of business is selling cars over the internet. He views this as an accessory use to the business. What the applicant is proposing is that there will be two display vehicles. By State law, a licensed broker has to have a secure office location and they have to have two vehicular display places. Mr. Chesson already has a car show room. The customers that he will be

dealing with will be over the internet. One of the benefits is that since there are limitations regarding used car lots in the area, this would help the residents to take care of their used car needs. There is no change to the exterior of the site.

In terms of the positive criteria, the site is suited for the internet vehicle sales and the indoor display area. There is no renovation required to the building in order to conduct this business. He felt it was an accessory to the repair business since he is offering a warrantee. In terms of the zoning, it does promote the general welfare since the public cannot purchase a used vehicle from an auction service, only a licensed broker can. Mr. Chesson could bring a resident to the auction to look and inspect and purchase a car or he could search the internet for the resident. In terms of the negative criteria, the proposed use will not impair the purpose of the zone or master plan. There were prior variances for this site and they would not negatively impact the site. The applicant is not expanding the non-conforming use, other than the fact there would be cars brought to the site for inspection. There will be no lights, signs, cars parked along Route 22, cars with waxed lettering on the windshield, etc. and this would be a condition of approval. The two vehicles would be allowed to be displayed inside.

In terms of the Medici argument, this is a brand new unique business. The Master Plan couldn't envision that this type of business would occur in town. The fact that the applicant needs a place to call his location is the reason he is before the board.

Mr. Madden testified that pursuant to Mr. Sullivan's report dated February 16, 2010, on page 7, questions are raised to the detriment to the public good. Mr. Madden stated that the applicant is not undermining the intention of the B zone. Regarding the sufficient screening of the parking area, Mr. Madden suggested planting a low shrub along the parking lot would be appropriate. Mr. Sullivan stated that there are some plantings on the site; however, the parking lot should be screened.

Mr. Renda suggested that the applicant will prepare a landscape plan and submit the Mr. Sullivan.

Mrs. Goodwin asked if this license is only limited to automobiles. Mr. Renda answered yes. So, it will not morph into the sale of snowmobiles, boats and RV's. The board will impose these conditions of approval. The board determined to grant relief for only the sale of automobiles.

Mrs. Fort suggested that Mr. Sullivan and Mr. Madden should work on the landscape plan to include screening around the parking areas with a height limitation and a certain number of deciduous trees, along the side and front of the property. Mrs. Flynn recommended that a time limit be imposed as to when the landscaping must be installed.

Mrs. Flynn made a motion to approve the application. Based upon the variance criteria, the nature of the business and the agreement that the applicant will limit his use to internet only sales, the negative criteria is negated. The conditions would be no outside display, no additional signage, the applicant agreed to limit the sales to cars only, the applicant is limited to two cars to be displayed only inside on the site. No sales of used motor vehicles other than automobiles can occur on site. No outside storage of cars. There will be no additional signage on the building or on the cars. Also, the applicant has agreed to plant landscaping by August, 2010. Ms. Hendry seconded the motion.

Roll call:

Mrs. Fort	aye
Mrs. Flynn	aye
Ms. Hendry	aye
Mr. Simon	aye
Mr. Stettner	aye
Mr. Thompson	aye
Mr. Denning	aye

I. ADJOURNMENT:

Mrs. Flynn made a motion to adjourn @10:35 p.m. Mr. Simon seconded the motion. *Motion was carried with a vote of Ayes all, Nays none recorded.*

Respectfully submitted,

Linda Jacukowicz