

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
May 20, 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	absent
Ms. Hendry	present
Mr. Hendrickson	absent
Mr. Simon	present – arrived at 7:45 p.m.
Mr. Stettner	present
Mrs. Goodwin	present
Mr. Thompson	present
Mr. Denning	present

**Donald Moore, Esq., Kelleher & Moore
Michael Sullivan, Clark, Caton & Hintz
Clay Emerson, Princeton Hydro
John Hansen, Ferriero Engineering
John Erdreich, Ostergaard Acoustical Assoc.**

B. APPROVAL OF MINUTES:

1. April 15, 2010 Mrs. Goodwin made a motion to approve the minutes. Mr. Denning seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded*.

C. CORRESPONDENCE:

1. Letter to Francis A. Omilian dated May 6, 2010 -There were no comments from the board regarding this letter.

D. TECHNICAL REVIEW COMMITTEE:

**1. Whitehouse Auto Service, LLC
378 Rt. 22, West
B. 18, L. 12
Action Date: June 20, 2010**

Mr. Denning made a motion to deem the application complete. Ms. Hendry seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded*.

E. RESOLUTIONS:

none

F. VOUCHER APPROVAL: (sent electronically to Board)

Mrs. Goodwin made a motion to approve the vouchers. Mr. Denning seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded. Ms. Hendry abstained from voting on the Hunterdon Hills Vet vouchers.*

G. PUBLIC HEARINGS

1. **Mark Hartman
Preliminary-Final Site Plan
Use and Bulk Variance, Minor Subdivision
US Rt. 22
Block 36, Lot 47 & 48
Action date: May 20, 2010**

Geoffrey Soriano, Esq., stated that he would address the professionals' reports for the board. The first report is from Jacobs Engineering dated April 14, 2010. This report outlined what was agreed upon at the March 26, 2010 meeting. At that time, Mr. Dean had not yet submitted the data that he discussed at the last meeting. Mr. Dean submitted a report and on April 19, 2010, Mr. Nelson Caparas of Jacobs Engineering authored a memo that dealt solely with the parking issues. In his opinion the subject of the parking has been satisfied to the approval of Jacobs Engineering. Additionally, there were two memos from Princeton Hydro. One was dated May 4, 2010 and another one dated May 19, 2010. The May 4 2010 memo addressed the issue regarding the gun shop. In that letter it is clear that all issues have been resolved. The memo of May 19, 2010 from Princeton Hydro indicates that on a majority of the points, they either state that no further is action required, or recommend that the outstanding item be a condition of approval. On page 2, section 2.5 there is a comment relative to the septic system. It was presented that Mr. Hartman will place the detail on the plan. The field location of the septic drain field on lot 47 has been hard to pin down. There were test holes dug, and they are confident they have an idea where the drainage field is located. They will delineate this on the plan. Regarding 2.6 of Dr. Souza's report, he recommended that a revised Environmental Impact Statement should be a condition of approval. The applicant agreed to comply with this item. The site plan will clarify that only clean washed stone will be used. The profile will be revised to show the presence of filter fabrics, separating the planting soil mix from the clean stone. The applicant will comply with all of the conditions of Dr. Souza's report.

In the report from John Hansen dated May 19, 2010, the FAR discrepancy is discussed. Mr. Soriano answered that they did not include the basement calculation. This area will be included.

Mr. Hartman stated that if the basement is going to be used for storage, then he can use the basement and it would not be included in the Floor Area Ratio calculations. These calculations are for a basement consisting of a 6 x 8 feet.

Exhibit A19 – Bohler Site Plan dated May 7, 2010

Exhibit A-20 – Document prepared by Daniel Ward – consisting of the farm building, basement area breakdown

Mr. Hartman testified that Building A would consist of 20,040 square feet. Building B would consist of 6,333 square feet. Mr. Hansen informed the board that the applicant would like to make use of the basement area. The floor areas would be calculated to include the FAR which would be a different number than what is shown on the Bohler plans.

Mrs. Goodwin asked if the basements would only be used for storage. Mr. Hartman answered yes. Mr. Hartman testified that if he were to build the basements 6'7", then he would need a variance. Mr. Hartman stated that the FAR would be from 3.1 to 4.7. Mr. Sullivan suggested that the plans be revised to include the new calculations for the FAR. Mr. Soriano suggested that the applicant revise the plans and submit same to the board by the next meeting.

Mr. Soriano testified that the applicant will comply with all of the conditions of Mr. Hansen's report dated May 19, 2010.

Regarding Mr. Sullivan's report dated May 19, 2010, the applicant will meet the requirements suggested for the architectural plans. Mr. Soriano read into the record the proposed uses that are listed on the May 7, 2010 plan. The building to include any combination of the permitted uses in the B zone at the time the Zoning Board approval which includes the following: small professional and general excluding medical, dental, real estate offices and other high traffic generated offices; small appliance repair services, excluding automotive repair; facilities for fabricating, finishing or assembling hand crafts, gifts, ornamental or similar goods for sale exclusively on the premises and at retail provided that horsepower does not exceed 2 horsepower for any one machine and is not in excess of a total 10 horsepower for any one business. Retail sales of goods and services, personal services, facilities such as barber shops, beauty salons, laundry collections, shoe repair, radio and television repair, watch making, bars and taverns – providing that a liquor license is available, printing establishments and newspaper offices, banks, not including drive-in facilities, full service restaurants, fast food restaurants, professional and general offices.

Additionally regarding the landscaping design and plantings for lot 47, minimum plantings are provided on this lot. The applicant submitted a proposed landscaping plan for the site, which does not comply with the ordinance requirement. Regarding lot 48, Mr. Sullivan pointed out that the plan does not create a clear meaningful pedestrian connection between the muse and the green open space on lot 48. He recommended that such a connection should be developed through the parking lot. Mr. Hartman testified that the parking lot will be striped to indicate the pedestrian walk-way. The applicant is amenable to have the buffer plantings encompassed in a formally recorded survey buffer planting easement. The applicant agreed to plant 3 to 4 more shade trees. The applicant is requesting a waiver from the shade tree ordinance. The ordinance requires 65 trees for lot 48 and the applicant proposes to plant 40 in and around the parking lot area. The shade trees should be added to the northern side of the basin where they will not compromise the detention basin. The applicant will agree. Regarding the landscape for the courtyard area, Mr. Soriano stated that this was discussed at a prior meeting. Mr. Hartman agreed to plant one tree in this area. The applicant will provide color samples of the concrete to the board's planner.

The planner is requesting that plans be revised to show the proposed signs, however, the applicant has already shown the signs on the plan to be 12 square feet. The signs will all be located in a uniform location. Regarding the request for a stone veneer, Mr. Hartman answered that he would install block, since it will be not facing the front. Regarding the architecture, Mr. Sullivan is requesting that both sides of the building be submitted. Mr. Hartman agreed to comply.

Mr. Soriano stated that the applicant will refine the FAR and demonstrate how they came up with their calculations. They will revise the plans to include the comments from this meeting, which will include items such as lighting, planting, and elevations of the buildings.

Mr. Moore stated that by leaving the basement area the full height, it should not generate a problem. The FAR is designed to make sure that you don't have too much run-off. Therefore, it would be preferable to allow the applicant to have the full height in the basements, even if the FAR looks like a larger number. Mr. Hansen informed the board that if the basement heights are 6'6", the level of intensity is not enhanced. But, the FAR number should be correct and reflected on the plans.

The applicant signed an extension and this matter has been carried to June 17, 2010.

The board took a five minute break.

2. **Hunterdon Hills Animal Hospital
Block 21.13, Lot 7
Route 22 Eastbound
Variance & Preliminary & Final Site Plan
Action date: July 16, 2010**

Madam Chair announced that Ms. Hendry recused herself from participating in this application.

Antony Koester, Esq., stated that he is the attorney for the applicant and this is a continuation hearing.

Attorney Moore swore in the following witnesses:

**Eric Zwerling Noise Consultancy
William Macholdt from Amy Greene and Associates
Theodore Bayer, P.E., from the firm Bayer-Risse
Dr. Westfield, applicant
Michael Sullivan, Clark, Caton & Hintz
Clay Emerson, Princeton Hydro
John Hansen, Ferriero Engineering
John Erdreich, Ostergaard Acoustical Assoc.**

Eric Zwerling stated his qualifications for the board. The board accepted his credentials.

Mr. Zwerling testified that he reissued a report on May 4, 2010 to incorporate some of the comments from Ostergaard Acoustical Associates. The nature of the study was that there were 3 primary sources of sound that were identified on the property. One of them was the barking dogs, the other the HVAC equipment and the emergency generator. He conducted ambient sound level measurements, primarily at Lake Cushetunk because there were some complaints about the barking dogs. Measurements were taken at the closest residence. He took the levels of noise from the barking dogs outside of the kennel area and the HVAC equipment, the emergency generator. The conclusion to his study was that the operation will be well below the permissible limits and will have no acoustical impact whatsoever. The current situation, where the dogs are outside and the dogs occasionally bark, has raised some issues at Lake Cushetunk. Allowing the renovation and to fully enclose the dogs in the kennel area will be an acoustical improvement to the situation.

Dr. Erdreich's report dated May 14, 2010 dealt more with the construction materials. He testified that the applicant submitted a letter from the architect which resolved those questions. Additionally, there was nothing to indicate that there

would not be outdoor dog runs. He suggested that the board consider this item as a condition of approval.

Chuck Westfield, applicant, stated for the record that there would be no outdoor runs, and everything will be kept inside.

Dr. Erdreich testified that based upon that statement, he would recommend that the board accept the applicant's acoustical report.

William Macholdt from Amy Greene and Associates stated his credentials for the record. The board accepted his credentials as an expert in environmental science and consultant.

Exhibit A-2 Portion of plan that was generated by Ted Bayer dated May 20, 2010. This exhibit was prepared by Amy Greene Environmental Consultants Inc.

Mr. Macholdt testified that he performed a wetland delineation of the site. This was done in 2008 in order to allow Dr. Westfield to move forward with the project. Mr. Macholdt wanted to clarify for the board that there were some errors in the comments. First of all, the wetlands are delineated along the southern portion of the site. There are exceptional resource wetlands on the site identified as a green line on the exhibit. Those wetlands are subject to a 150 foot freshwater wetland transitional which are indicated by the pink line on the exhibit. When the DEP verified their wetlands, they moved the swale downward which had the overall effect of moving the transitional line away from the development area. The wetland swale area does not have a transitional associated with it.

Clay Emerson of Princeton Hydro indicated that the markers that were submitted on the plan were incorrect. Mr. Macholdt answered yes, that was true. He testified that the orange line on the plan indicates the 300 foot riparian zone. Mr. Macholdt stated that the applicant has now addressed the demarcation of the various areas of concern that was in the Princeton Hydro report. This information will be forwarded to Ted Bayer for his implementation on the plan.

Regarding Princeton Hydro's report, page 2, comment number 2, Mr. Macholdt stated that the endangered species have been addressed with the revised transitional lines. Item 2.1, the flood hazard area, the applicant represented in the Environmental Impact Statement that the development activities would be less than one acre of total disturbance and less than one-quarter acre of impervious cover. In this scenario, those activities even though they are within the riparian zone, would be covered by "Permit by Rule" under the Flood Hazard Area Control Act Rules. There is some disturbance to the 300 foot riparian zone area that currently contains building, lawn or parking area, and this would be allowed under the Permit by Rule. There is no additional new disturbance to the wooded areas. There is no

clearing or cutting vegetation, which would be the regulated activity under the flood hazard area program.

Regarding the freshwater wetlands permitting comments on page 3 of Princeton Hydro's report, Mr. Macholdt states that this goes back to the location of the wetlands. There is no encroachment of the proposed development into the wetlands.

Mr. Emerson stated with the buffer shown correctly on the exhibit, there would be no transitional waivers required. The question concerning the flood hazard rule is still uncertain. With the current site plan, the Permit by Rule is not applicable because the additional impervious cover is outside of the quarter acre definition for the minor development. Right now for the proposed site plan, an individual permit would be needed. The site could be redesigned so that the permit would not be necessary.

Theodore Bayer stated for the board the existing conditions of the site.

Exhibit A-3 Color rendering of the site, dated May 20, 2010. Mr. Bayer is the author of the plan.

At the southern part of the property, a small portion of the Rockaway Creek appears. Above that to the north, indicated in blue, is a 100 year flood hazard area, which has an existing sanitary sewer easement running through it. The lighter shade of blue denotes the 500 year flood hazard area. Colored in green is the wooded area that falls into the riparian buffer. The existing animal hospital is shown and the proposed new animal hospital is shown on the exhibit. The darker color is the proposed parking area. The existing animal hospital has to remain open as the construction occurs. Once the proposed new building is constructed, they would demolish the existing building and construct the parking lot.

Exhibit A-4 – original site plan dated May 20, 2010

Mr. Bayer gave the board an overview of the existing site. They are proposing 26 parking spaces, with 2 handicapped accessible parking stalls. The access is off of the existing driveway on Route 22. The employees will park in the rear parking lot. There is an on-site water well that is proposed to be abandoned. A new water service will be extended under Route 22. There will also be a fire hydrant installed. The newly calculated impervious coverage consists of the actual number which is 11,280 square feet. The stormwater plans consists of taking the roof run-off and the run-off from the parking area and channel it through a sub-surface infiltration system to recharge the rain water back into the ground.

Mr. Koester stated for the board that regarding the temporary parking for the site, the applicant has an agreement with Van Doren and Waste Management Company. That detail of parking must be provided to the professionals, and address the safety

issues. There will be temporary drainage system. This will be for a short time. The applicant will be bound via a developer's agreement.

Mr. Bayer testified that there is sufficient lighting for the patrons and patients to walk from the parking area located on Lot 6. The staff will park on the Van Doren property. Clients and patients will be required to park in front of the existing animal hospital. Construction workers will park on the Waste Management property.

Mr. Denning was concerned about how the applicant was going to coordinate the construction while the business remained open. Mr. Bayer answered that they will have parking on the Van Doren site. There will be a 10 foot aisle located behind the building for trucks to travel. Additionally they have proposed temporary lighting in the parking lot. Mr. Bayer testified that the lighting fixtures for the finished site are similar to the style you would find on an old barn. There will be 7 pole mounted fixtures in the parking lot and 3 building mounted fixtures.

Mr. Hansen recommended that one plan be created to show the parking, lighting and access for construction.

Madam Chair Fort suggested that the board conduct a site visit. She recommended that the applicant show the proposed layout of the proposed parking and the proposed building by either staking the property or by outlining the lines with spray paint.

Additionally, Mrs. Goodwin suggested some type of demarcation so that the patrons know where to walk. The applicant agreed.

Mr. Bayer stated that the other lighting for the site is for the free standing sign. The applicant is proposing a 2 foot by 2 foot stone pilasters that will support the sign. They are proposing some ground lighting to light the sign.

Dr. Westfield testified that he would prefer field stone pilasters. He is trying to capture the appearance of a sign that would go with the character of his project. The architect will provide a sign plan for the board.

Mr. Bayer testified that the trash enclosure and the generator will be located to the south of the building in the rear parking lot.

The comments regarding the professional reports will be held for another time. Madam Chair asked if the applicant would consider reducing the size of the building. Dr. Westfield answered that he would be unable to reduce the size, given the services he needs to provide.

The board decided to have a site visit on June 13, 2010, beginning at 2:00 p.m. This meeting will be noticed for the public.

The application is carried to June 17, 2010.

H ADJOURNMENT:

Mr. Denning made a motion to adjourn @10:45 p.m. Mr. Stettner seconded the motion. *Motion was carried with a vote of Ayes all, Nays none recorded.*

Respectfully submitted,

Linda Jacukowicz