

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

**A. Chairperson Fort called the meeting to order at 7:35 p.m. announcing that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised.**

<b>Mrs. Fort</b>	<b>present</b>
<b>Mrs. Flynn</b>	<b>present</b>
<b>Ms. Hendry</b>	<b>present</b>
<b>Mr. Hendrickson</b>	<b>absent</b>
<b>Mr. Simon</b>	<b>absent</b>
<b>Mr. Stettner</b>	<b>present</b>
<b>Mrs. Goodwin</b>	<b>present</b>
<b>Mr. Thompson</b>	<b>absent</b>
<b>Mr. Denning</b>	<b>present</b>

**Donald Moore, Esq., Kelleher & Moore  
Michael Sullivan, Clark, Caton & Hintz  
John Hansen, Ferriero Engineering  
Dr. Steven Souza, Princeton Hydro**

**B. APPROVAL OF MINUTES:**

- 1. September 16, 2010 - Mr. Denning made a motion to approve the minutes. Mrs. Goodwin seconded the motion. Ms. Hendry abstained. Motion was carried with a vote of Ayes all, Nays none recorded.**

**C. CORRESPONDENCE:**

- 1. Letter from Attorney Gianos, dated October 6, 2010 – withdrawing the application of Phyllis Castells, B. 56, L. 2 – 108 Pulaski Road – There were no comments from the board.**

**D. TECHNICAL REVIEW COMMITTEE:**

**None**

**E. RESOLUTIONS:**

- 1. Automotive Service Center, Inc.,  
B. 17, L. 10.01 –  
extension to approval**

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

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**Roll call:**

<b>Mr. Denning</b>	<b>aye</b>
<b>Mrs. Flynn</b>	<b>aye</b>
<b>Mrs. Goodwin</b>	<b>aye</b>
<b>Mr. Stettner</b>	<b>aye</b>
<b>Madam Chair Fort</b>	<b>aye</b>

**F. VOUCHER APPROVAL: (sent electronically to Board)**

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

**G. NEW BUSINESS:**

**Mrs. Flynn alerted the board members that the County has a forest management plan to log portion of Deer Path Park. She reminded the board that Readington Township has an ordinance that prohibits the cutting of trees on steep slopes. She urged everyone to individually contact the Freeholders and express their opposition to this tree harvest travesty. Additionally, there is no re-planting plan.**

**H. PUBLIC HEARINGS:**

- 1. Hunterdon Hills Animal Hospital  
Block 21.13, Lot 7  
Route 22 Eastbound  
Action date: October 21, 2010**

**Diana Hendry abstained from participating in this application.**

**Mr. Koester, attorney for the applicant testified that this is a continuation hearing. He informed the board that there were numerous revisions made to the plan and that the engineer would address same.**

**Exhibit A-9 Site plans revised date July 26, 2010**

**Ted Bayer, engineer, remained under oath. In consultation with Mr. Sullivan, Mr. Hansen and Dr. Souza the plan has been revised with the revised date of July 26, 2010. The drainage reports were submitted in early September.**

**Mr. Bayer testified that the revisions to the July 26<sup>th</sup> plan had to do with the parking lot access off of Route 22 and the bio-retention area. They incorporated Mr. Hansen's recommendation to have a 90 degree driveway entrance into the parking lot. The**

layout is identical to the previous submission. The revised plan has the bio-retention area depicted. Previously this proposal was discussed but never delineated on the site plan. They also identified the storm sewer management system below the parking lot. The outlet has been relocated to the western portion of the site. They re-defined the flood hazard areas. They now show the wetland transition area. Stormwater calculations were also submitted.

Mr. Bayer stated that while the new facility is being built, the contractor parking area will be located on the lot to the east, which is the Van Doren property. The access will have mulched walkways, outlined with a chain link fence. The existing parking located in front of the hospital will be used and the property to the west, identified as Waste Management Property, will be designated for clients and their pets. Regarding Mr. Hansen's review letter, the conservation easement is identified by a black line. They are proposing to install monuments and a post and rail fence to delineate the conservation easement.

Mr. Bayer discussed Mr. Sullivan's concerns regarding the conservation easement. Mr. Sullivan stated that he was confused how the data was presented on the plan. It seemed to indicate that the conservation easement would be established prior to the temporary elements being used, and it looked like the conservation easement was going to overlap the temporary improvements during construction. He was troubled about the timing of these elements. Mr. Hansen recommended that the conservation easement be established along the limit of disturbance. It should be blocked off with orange construction fence prior to construction. Dr. Souza stated that the only addition would be to temporarily fence off the bio-retention area because they do not want machinery to compact this area. This would require a different type of fencing and delineation. Both must be done prior to construction. There is however a portion of the temporary parking that will be in the conservation easement for a limited amount of time.

Continuing with Mr. Hansen's letter dated August 17, 2010, item number 4; they will be obtaining written consent from the neighboring property owners. The existing gravel area will be removed and they will plant grass in this area. They understand that NJDOT approval is required. They received approval to cross the water line underneath Route 22. They will need a variance for the new ordinance that requires maximum change to elevation not to exceed 2 vertical feet.

Dr. Souza testified that he is not convinced that the layout of the basin is best suited for the site. He is not inclined to cut down trees to install a basin.

#### **Exhibit A-9 revised site plans of July 26**

The revisions on this plan had to do with the parking lot access off of Route 22 and the bio-retention area.

Mr. Bayer addressed the remainder of Mr. Hansen's report and the applicant will comply with the conditions.

**Dr. Souza stated that they will review the final design and would like to see a design that is more accommodating with the flow of the land and reduce the amount of trees that need to be removed.**

**The board's professionals will review the final product from Mr. Bayer to make sure he has met all of their requirements.**

**Mr. Bayer testified that they are proposing to save the Hickory tree. Mr. Hansen brought up the point that since the tree's roots are positioned alongside the existing building, when the building is demolished the tree will lose a lot of its root system.**

**Mr. Hansen explained his reasons why he felt it would be difficult to save the tree. If the tree is not incorporated into the plan then it would allow the applicant to move the parking area away from the building and they could provide a landscape barrier between the sidewalk and the building. Dr. Souza concurred with Mr. Hansen's recommendation. He is not an advocate to cut the tree. The board's professionals recommended having an arborist look at the tree and move parking spaces.**

**Dr. Souza suggested that instead of using rip-rack, they should install a grass waterway. The applicant agreed.**

**The applicant referred to the Fire Official, John Barczyk's letter in which he requested that a concrete walkway be installed on east side of the building so that extension ladders could accommodate fire fighting capability. The applicant indicated that they could install wheel stops. Mr. Bayer stated that they would work with Mr. Barczyk to find an acceptable alternative.**

**Referring to Mr. Sullivan's report dated August 9, 2010, beginning on page 7, parking lot circulation; the applicant will comply with Mr. Sullivan's recommendations. They are proposing 29 parking places. Madam Chair Fort requested that the applicant "bank" some parking spaces. Dr. Souza informed the board that he has an idea of some spaces that he would like to see banked. The applicant agreed to bank 2 spaces in the front of the building and 2 spaces at the rear of the building.**

**Dr. Souza recommended that parking spaces identified as one and two should be banked to aid the survival of the tree. Parking spaces identified as twenty-one and twenty, should also be banked. The board determined that the applicant must bank a total of four parking spaces.**

**Regarding the temporary site lighting, Mr. Bayer testified that they are proposing temporary lighting poles. The lamp detail will be submitted to Mr. Sullivan for his review.**

**Dr. Souza informed the board that there are three basic outstanding items. Banking parking spaces, the re-design of the bio-retention basin to make it less rectangular, reduce**

the amount of tree removal on the western side of the lot, and issues surrounding the flood hazard permits. He stated that he needs data relating to the bio-retention basin.

**PUBLIC QUESTIONS:**

There were no questions from the public.

John Madden stated his experience on the record. He testified that he is a professional planner, licensed in the State of New Jersey since 1974.

Mr. Madden informed the board that the applicant is proposing to demolish the 2,700 square foot animal hospital on Route 22 and replace it with an 8,760 square foot state of the art animal hospital. In terms of the site condition, it contains 2.85 acres. Only 1.134 acres is outside of the flood hazard area, the wetlands and the regularity setbacks. The development of this property has been moved closer to Route 22 and therefore resulting in the need for a number of the setback variances. The property is in the Business Zone. The non-residential intensity use blends into the corridor.

In terms of the use variance, the animal hospital is not allowed in the Business zone. The professional office is not permitted unless it is situated on a larger lot.

In terms of the positive criteria, it promotes the general welfare for the community because it provides a needed service. There will be substantial buffering to the nearest residence. The business will close at 8:00 p.m. The site has been non-conforming for some time.

Regarding the C variances, the front yard setback and front yard State highway buffer is due to the environmental constraints. The amelioration to the encroachment into the front yard setback is the character of the architecture. In terms of stream corridor setback, C1 variance, there is a mandatory 300 foot setback from the flood hazard line, which would eliminate any development. There are no proposed site improvements in the actual stream corridor. The impacts are not as substantial as if they were actually building in the flood hazard area. In terms maximum impervious coverage variance, the applicant is at .46 as opposed to .45. In terms of the floor area ratio variance, the applicant's floor area ratio is 17.6 percent, and the B zone requires 15 percent. The benefits would be a state of the art building and practice versus the ordinance deviation. Mr. Madden testified that in his opinion, he felt that the board could grant the application knowing that the public interest is being provided by this applicant. This application is an expansion of a non conforming use.

**PUBLIC QUESTIONS AND/OR COMMENTS:** There were no comments from the public.

Mr. Koester concluded the hearing. Mr. Moore informed the board that the approval would be for preliminary site plan approval with the variances.

- **Mr. Denning made a motion to approve the preliminary site plan, along with variances and a direction to all of the professionals to write the resolution with all of the conditions that was discussed. Mr. Stettner seconded the motion.**

**Mrs. Flynn stated that in terms of the D variance, the application is suited since there already is an existing animal hospital. When she weighed it against the environmental concerns, she was confident that the board's professionals would work with the applicant to get the best outcome. Regarding the negative criteria, she stated that this is an existing practice, so proving the negative criteria is moot. Addressing the floor area ratio, the applicant provided reasons and she felt that the issues have been satisfied. In terms of the C variance, she did not feel that there would be a negative impact on the intent and purpose of the zone plan or the zoning ordinance. Granting of the C variances will not harm the public good.**

**Mrs. Goodwin stated that the biggest concern is the size of the building on an environmentally sensitive piece of property. It does appear as though the applicant will work with the board's professionals. She does not feel there is a detriment to the public good.**

**Mr. Stettner stated that the only negative criterion that he saw was the size of the complex.**

**Mr. Denning stated that he supported the application.**

**Madam Chair Fort stated that she felt it was a beautiful application. She appreciates that there will not be outdoor runs. The use is already there. She understands that this property has environmental constraints. She stated that she supported the application.**

**Roll call:**

<b>Mr. Denning</b>	<b>aye</b>
<b>Mrs. Flynn</b>	<b>aye</b>
<b>Mr. Stettner</b>	<b>aye</b>
<b>Mrs. Goodwin</b>	<b>aye</b>
<b>Madam Chair</b>	

**The board took a short break.**

**2. T-Mobile (formerly known as Omnipoint Communications)  
Block 13, Lot 74  
93 Old Rt. 28  
Variance & Preliminary Site Plan  
Carried to November 18, 2010**

- Chair announced that this matter has been carried to November 18, 2010 and no further notice will be given to the public.

3. **John & Patricia Wolfangel  
5 Hageman Road  
B. 70, L. 38.17  
Action date: November 12, 2010**

Lloyd Tubman, Esq., stated that she is with the firm of Archer and Greiner and is the attorney for the applicant.

Ms. Tubman stated that the application is an “after the fact” application for a bulk variance, specifically side yard setbacks. She stated that on March 19, 2010 Mr. & Mrs. Wolfangel received a notice from the construction office and a fine of \$500 for failing to obtain a building permit to build a carport. The fine was paid. Afterwards, they filed a zoning permit that was denied by John Barczyk, Zoning Officer.

John Wolfangel stated that he is the applicant. Mr. Moore swore in the witness.

He testified that the purpose of the paving areas was to accommodate guest parking. Once his daughter started driving, they felt that it would be safer for her to have a cover over the parking area.

Exhibit: A-1 Survey dated October 21, 2010.

Ms. Tubman handed the board a series of photographs of the property. Mr. Wolfangel selected the site for the carport because it was a cleared area.

Mr. Wolfangel stated that he learned that his neighbors did not like the carport so it was suggested that he buffer it with plantings. The landscaping was installed.

Exhibit: A-2 – series of photographs

Chairman Fort wanted to know the distance from Mr. Wolfangel’s property line to his neighbor’s house. Mr. Wolfangel answered approximately 30-50 feet.

Mrs. Flynn stated that reviewing the survey, it would appear that the carport was placed so that the applicant did not see it. She also asked if the applicant used the carport for shelter to perform repairs to his vehicles. He answered no.

Mr. Stettner asked if the applicant could move the carport. Mr. Wolfangel answered it would be difficult because there are footings installed in concrete, but he would be willing to move it outside of the setback lines.

**PUBLIC COMMENTS AND/OR QUESTIONS:**

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**Kenneth Harvey, 3 Hageman Road, stated that he is Mr. Wolfangel's neighbor. He outlined his objections. He felt that the applicant has a large lot which could accommodate cars, whether they are visitors or family cars. Mr. Harvey found it hard to believe that Mr. Wolfangel's contractor did not know that he must obtain a building permit prior to constructing the carport. Mr. Harvey told the board that he did not require Mr. Wolfangel to plant the trees. That conversation occurred after they contacted the township about the carport. They found out that there is a side yard setback requirement. That is why Mr. Wolfangel volunteered to plant the trees that are currently dying. If the variance is granted, there will be no requirement for Mr. Wolfangel to replace the trees. Mr. Harvey stated that he and wife view the carport from 5 rooms in their house. Mr. Wolfangel's trampoline is also situated over the property line. Since Mr. Wolfangel does have a garage, he could have placed his daughter's car in the garage if he was worried about her safety. Right now Mr. Harvey questions the construction of the building since it was erected and never inspected. The structure is not essential. It is no benefit to the community. It does not enhance the look of the neighborhood. He felt that the carport decreases the value of his home. There is no case of any hardship that would require Mr. Wolfangel to build a carport. He requested that the board deny the application and require that it be removed.**

**Christine Harvey, 3 Hageman Road, did not feel that the paver parking existed as long as Mr. Wolfangel testified.**

**Mrs. Goodwin made a motion to approve the application for a variance. Mr. Denning seconded the motion.**

<b>Mr. Denning</b>	<b>nay</b>
<b>Mrs. Flynn</b>	<b>nay</b>
<b>Ms. Hendry</b>	<b>nay</b>
<b>Mrs. Goodwin</b>	<b>nay</b>
<b>Mr. Stettner</b>	<b>nay</b>
<b>Madam Chair</b>	<b>nay</b>

**I ADJOURNMENT:**

**Mr. Denning made a motion to adjourn the meeting at 10:51 p.m. Mrs. Flynn seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.**

**Respectfully submitted,**

**Linda Jacukowicz**