

READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
April 19, 2012

A. Chairperson Denning called the meeting to order at 7:38 p.m. announcing that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised.

Members present

Mrs. Flynn	present
Ms. Hendry	present and sworn in by Attorney Moore
Mr. Hendrickson	absent
Mr. Simon	present
Mr. Stettner	present
Mrs. Goodwin	present
Mr. Thompson	absent
Mr. Denning	present

Donald Moore, Esq., Kelleher & Moore
John Hansen, Ferriero Engineering
Elizabeth McManus, Clark Caton & Hintz

B. APPROVAL OF MINUTES:

March 15, 2012 - Mrs. Goodwin made a motion to approve the minutes. Mr. Stettner seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

C. CORRESPONDENCE -

1. Letter from Mary Flanagan dated April 5, 2012 to John Barczyk- noted.

2. Letter from Mark Hartman dated April 19, 2012 - Mr. Hartman explained to the board that he has tried to meet with all of the conditions of Mr. Sullivan's most recent review. Chairman Denning stated that he went through the reports and found 12 outstanding issues. It was determined that a subcommittee consisting of Chairman Denning; Meredith Goodwin, Attorney Moore and Michael Sullivan will meet to work out the details.

D. TECHNICAL REVIEW COMMITTEE:
None

E. RESOLUTIONS:

None

F. VOUCHER APPROVAL: (sent electronically to Board) Mr. Simon made a motion to approve the vouchers. Mr. Stettner seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded. Ms. Hendry abstained.

G. OLD BUSINESS –

1. 25 Ridge Road Realty, LLC
Bifurcated application for Interpretation
25 Ridge Road
B. 38, L. 52 (continuation) – Chairman announced that this matter is carried to May 17, 2012.

H. PUBLIC HEARINGS

1. Winfield Management
B. 8, L. 3
Application for Amended Approval and sign waiver

Mark Peck, Esq., from the law firm of Florio Perrucci Steinhardt & Fader stated that he is the attorney for the applicant. He stated that the applicant is seeking to obtain a waiver from the sign ordinance. Currently they have a sign that displays the street number. They are requesting permission to place individual tenant names on the current sign. The sign will remain the same size.

Mr. Peck stated that his witnesses this evening are the owner, Tom Flath, and Mathew Flath, his son and real estate broker.

Ms. McManus stated that she is prepared to give comments on the policy but not to verify the conformance of the sign since the dimensions of the proposed sign are not shown. Mr. Peck stated that the sign is 35 square feet.

Attorney Moore swore in the witnesses.

Exhibit A-1 Existing sign
Exhibit A-2 – Proposed sign

Tom Flath testified that the entire site is rented except for the last two units. He stated that it is difficult to contract with a corporate tenant because he does not have a pylon sign or a curb-cut. Retail is all about visibility. He doesn't want to change the size of the sign. He is requesting that they have a directory so that when people are traveling west they know who is in the building. He has had numerous tenants tell him that is an issue. He would like the sign to be double sided. Beth McManus stated that the sign ordinance was adopted only a short while ago. She was concerned about the size of the lettering. She felt that the letters should be larger so that they can be seen as vehicles are approaching the site.

Mr. Simon stated that this had been discussed when the applicant was seeking his original approval. Mrs. Goodwin stated that the economy has changed since that time and there are many empty buildings along Route 22. Mr. Simon asked if the applicant is requesting the waiver because he is getting denied tenants or are the current tenants threatening to leave. Mr. Flath answered that he is being denied tenants and tenants are threatening to leave.

Chairman Denning stated he had difficulty determining what stores are in the complex. Mrs. Flynn is more inclined to approve a sign that has uniform lettering and colors.

Mathew Flath testified that they are trying to deal with other companies. They lost Subway since they didn't have a directional sign.

Mr. Simon said that everyone knew what the risk was when the applicant was seeking his approval. He stated that he wants it to succeed, but he felt this was already discussed.

Mr. Flath stated that his competition has a pylon signs. Mrs. Flynn stated that this was covered at the time of his approval. The board discussed that they were not in favor of a directory sign.

Chairman Denning stated that the development has been beneficial to the town. He felt it was a reasonable concession in order that they are allowed to rent the stores.

Ms. Hendry stated that the larger companies are trying to capture regional customers. Mr. Simon didn't think that a directory sign would make a difference. He also does not want to have the stores vacant. Mathew Flath informed the board that the two vacant stores are hidden from the road. This is part of the reason that the stores are not occupied.

Mr. Peck informed the board that the public notice stated the particularity of the relief sought by the applicant.

PUBLIC COMMENTS:

David Simson 651 Route 523 he stated that he listened to the comments. He agrees with the applicant's comments. Tenants need signage. He is in favor of the board granting the applicant's relief.

Mark Hartman stated that he is familiar with commercial chain stores. He stated that you have to have a sign on the highway. This is the criteria of the major chains that they are imposing now.

END OF PUBLIC COMMENT:

Mrs. Goodwin stated that the applicant has done everything that the board requested. He has provided COAH housing for the township. He is not asking for a pylon sign. The size of the sign will remain the same. Mr. Peck stated that it is a hardship due to the topography. Ms. Hendry stated that if the board grants relief on a certain set of circumstances it will not bind the board to any future applicants. This is a unique situation.

Ms. McManus wanted to know if the sign would be illuminated. The applicant stated that it is internally lite.

Mr. Peck stated that the applicant is seeking distinct colors and fonts. They have agreed to allocate not more than 2 spaces to a tenant.

Mrs. Flynn made a motion for monochrome sign lettering with the maximum of 8 individual signs and the ability to use a double space for one tenant. There was no second. Motion failed.

Mathew Flath informed the board that a national chain turned them down numerous times since they don't have a directory.

Ms. Hendy made a motion to approve the relief that the applicant requests for a variance including color and branded font be approved subject to language not being a deviation from the variance other than permitting the change to the sign with the colors and the fonts and logos, with a cap of two rectangle signage spaces for a tenant. Meredith Goodwin seconded the motion.

Roll Call

Mrs. Flynn	nay
Mrs. Goodwin	aye
Ms. Hendry	aye
Mr. Simon	nay
Mr. Stettner	aye
Chairman Denning	nay

Motion fails.

Mr. Simon made motion with the same conditions in the previous motion, except monochrome color, and the logo is acceptable. The background color would be white and the letters would be red. Mr. Stettner seconded the motion.

Roll Call

Mrs. Flynn	aye
Mrs. Goodwin	aye
Ms. Hendry	aye
Mr. Simon	aye
Mr. Stettner	aye
Chairman Denning	aye

2. Hunterdon Brewing Company, LLC
12 Coddington Road
B. 36, L. 44.02

Variance
Action date: July 13, 2012 Chairman announced that this matter is carried to May 17, 2012.

3. Todd Sherry
281 Potterstown Road
B. 4, L. 13
Variance
Action date: July 13, 2012 – Chairman announced that this matter is carried to June 21, 2012.

I. ADJOURNMENT

Mr. Simon made a motion to adjourn the meeting at 9:30 p.m. Mr. Stettner seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda Jacukowicz