

READINGTON TOWNSHIP BOARD OF ADJUSTMENT  
MINUTES

September 20, 2012

A. Chairperson Denning called the meeting to order at 7:30 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	absent
Ms. Hendry	present
Mr. Hendrickson	present
Mr. Simon	present
Mr. Stettner	present
Mrs. Goodwin	absent
Mr. Thompson	present
Mr. Denning	present

Donald Moore, Esq., Kelleher & Moore  
Kendra Lelie – Clark Caton & Hintz

B. APPROVAL OF MINUTES:

1. August 16, 2012 – Britt Simon made a motion to approve the minutes. Keith Hendrickson seconded the motion. All in favor, No Nays recorded.

C. CORRESPONDENCE -

1. Letter from HCPB regarding Walgreens, B. 8, L. 4, 5, 7 & 7 – read into the record. No action taken.
2. Letter from Roy Kurnos, dated 9/10/12 regarding 25 Ridge Road – read into the record. No action taken.

D. TECHNICAL REVIEW COMMITTEE:

1. Van Doren Co., Propane Tank Installation  
413 Route 22  
Variance & Minor Site Plan  
Action Date: September 24, 2012

Kendra Lelie informed the board that the application remained incomplete.

2. Ryland Office Park, LLC/Walgreens  
Minor subdivision/lot line adjustment  
Block 8, L (s) 4, 5, 6, & 7

Action date: October 11, 2012

Kendra Lelie stated that the Technical Review Committee determined that the application is complete.

Britt Simon made a motion to deem the application complete. Keith Hendrickson seconded the motion. All in favor, No Nays recorded.

3. Merck Day Care Facility  
Preliminary/Final Site Plan/ D Variance  
Block 4, Lot 99  
Action date: October 11, 2012

Kendra Lelie stated that the Technical Review Committee determined that the application is complete. She also informed the board that a waiver for the site plan was recommended.

Britt Simon made a motion to deem the application complete. Keith Hendrickson seconded the motion. All in favor, No Nays recorded.

E. RESOLUTIONS:

1. 25 Ridge Road Realty, LLC  
25 Ridge Road  
B. 38, L. 52

Britt Simon made a motion to approve the resolution. Eric Stettner seconded the motion.

Roll Call:

Ms. Hendry	aye
Mr. Simon	aye
Mr. Thompson	aye

F. VOUCHER APPROVAL: (sent electronically to Board)

Britt Simon made a motion to approve the vouchers as submitted. Richard Thompson seconded the motion. All in favor, No Nays recorded. Diana Hendry abstained.

G. OLD BUSINESS –

None

H. NEW BUSINESS:

1. Professional Services Contract award for Traffic Engineer

The board discussed retaining the services of Hamal Associates, Inc. as first choice and in case of conflict Omland Engineering, subject to the review of professional contracts.

Britt Simon a made motion to approve the traffic engineering firms. Keith Hendrickson seconded the motion. All in favor, No nays recorded.

The board requested to revisit this matter at the next meeting. The board will receive the proposed contracts for their review prior to the meeting.

I. PUBLIC HEARINGS

1. Quality Auto Service Variance Block 39, L. 53.19

Eric Stettner recused himself from participating in this application. In addition, the applicant's attorney had not objection with having Diana Hendry participate during this application given the fact that her husband had an application before the board in the past.

Anthony Koester, Esq., stated that he is from the law firm Dilts and Koester located in Flemington, New Jersey. He is the attorney for the applicant. The applicant has a proposed use application for property located at 6 Commerce Street which includes a building owned by Readington Business Park. Peter DiLoria, a member of Readington Business Park, LLC ; Mr. Eric Stettner, the principal and owner of Quality Auto Service Inc., were present to provide testimony. The additional witnesses were: Peter McCabe, Professional Engineer, from Van Cleef Engineering and David Maski, Professional Planner from Van Cleef Engineering Associates.

Mr. Moore swore in the applicant's and board's professionals.

Mr. Eric Stettner testified that he is moving his existing business that is located in Readington Township to the ROM-2 zone. He stated that his business is a small automotive business. It is open Monday through Friday 7:00 a.m. to 6:00 p.m. The wintertime hours are normally 8:00 a.m. to noon on Saturday. Including Mr. Stettner, there is one other employer. They do general automotive repair and State inspection by appointment only. Mr. Stettner stated that there would be approximately 12 cars in the parking lot. The 25' x 100' bays will house 2 lifts. These will be portable lifts. There is not underground hydraulics or fluids. All of the petroleum products are recycled. The building is heated with a waste oil heater.

The air guns are used inside so the noise is minimal. Mr. Stettner testified that the garage doors are closed during the winter months. There have never been complaints in the 28 years that he has been in business regarding noise.

Exhibit A-1 Aerial view of the site

Exhibit A-2 – Variance plan for Quality Auto Service sheet 1 one 1 dated July 2, 2012, revised date September 20, 2012.

Peter McCabe testified that he is a licensed Professional Engineer in the State of New Jersey and is employed by Van Cleef Engineering Associates. He has been licensed in the State of New Jersey for 15 years. The board accepted Mr. McCabe's qualifications.

Mr. McCabe stated that Exhibit A-1 is an aerial photograph showing the general vicinity of the project location. It is located on Commerce Drive, number six. The closest residence is located approximately 500 feet away from the building.

Regarding Exhibit A-2, Mr. McCabe testified that the plan shows the layout of the existing property. There are no changes proposed. The building is made up of 5 suites. The parking is sufficiently buffered. Regarding the Planner's report, there was a concern that the storage exceeded the original approval and Mr. McCabe testified that he calculated it to be of 32% and 40% is allowed. The site has been cleaned up and barrels have been removed. There are 6 parking spaces allowed for cars that are in the queue for repair.

PUBLIC QUESTIONS – There were no questions from the public.

David K. Maski, Professional Planner with the firm of Van Cleef Engineering Associates. He has been a licensed planner since 1980. The board accepted Mr. Maski's qualifications.

Mr. Maski testified that the application is for a D use variance. The proposed use is not currently permitted in the ROM-2 zone. Regarding the positive criteria the application meets the following purposes: encourage and development of lands that will promote the general welfare; provide sufficient of the space; and encourages more efficient use of the land. Mr. Maski stated that he feels the applicant complies with this criterion. In addition, the site is well suited for this use. They are proposing a commercial use in an existing commercial building in a non-residential zone. No major alternations are required. The building meets all of the requirements of the current zone. Regarding the negative criteria Mr. Maski stated that the requested variance can be granted without substantial detriment to the public good. There is no detrimental impact to surrounding properties. The application is surrounded by similar uses. The repair shop occupies 10% of the entire building. All repairs will be conducted inside of the building. The outside of the building will not be changed. There is no expansion to the building, façade or additional lighting. There is adequate parking and access. Mr. Maski testified that the ROM-2 zone is to permit the development of small research etc. on smaller size lots. He feels that this proposal is consistent with the ordinance. The use is compatible with the research/manufacturing use that is allowed in the zone. An auto repair operation can comfortably operate in an industrial

setting since this is by appointment only. This use is not listed as a prohibited use in the township's ordinance. He feels that the applicant has provided sufficient proofs to allow the approval of the variance.

**PUBLIC QUESTIONS:**

There were no questions from the public.

Mr. Stettner stated that he does recycle.

Peter DeLoria is one of the owners of the entire business park. He stated that the fence on the property complies with the setbacks.

**PUBLIC COMMENTS:**

There were no comments from the public.

**BOARD COMMENTS:**

There were no comments from board.

Mr. Moore stated that the following are conditions that the board discussed: the signage would be limited to a small sign on the window; the business will be limited to appointment only.

Ms. Lelie stated that the evidence and testimony indicates that the application conforms to the original resolution.

Britt Simon made a motion that the variance be granted with the conditions previously set forth. Mr. Thompson seconded the motion.

**Roll call:**

Ms. Hendry	aye
Mr. Simon	aye
Mr. Thompson	aye
Mr. Hendrickson	aye
Chairman Denning	aye

2. Todd Sherry  
281 Potterstown Road  
B. 4, L. 13 – carried to October 18, 2012

Chairman Denning announced on the record that this matter is carried to October 18, 2012, without further notice to the public.

J. ADJOURNMENT:

Britt Simon made a motion to adjourn the meeting. Diana Hendry seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda Jacukowicz