

READINGTON TOWNSHIP BOARD OF ADJUSTMENT
REORANIZATION MINUTES
January 17, 2013

A. Attorney Donald Moore called the reorganization meeting to order at 7:33 p.m. announcing that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised.

B.

Marygrace Flynn	present
Keith Hendrickson	present
Diana Hendry	absent
Meredith Goodwin	absent
Britt Simon	present
Craig Rossi	present left the meeting at 8:15 p.m.
Joanne Sekella	absent
Richard Thompson	absent
Michael Denning	present

Kendra Lelie, Clarke Caton & Hintz
Donald Moore, Esq., Kelleher & Moore
John Hansen – Ferriero Engineering, Inc.
Clay Emerson, Princeton Hydro- left meeting at 9:45 p.m.
Harold Maltz, Hamal Engineering Associates

Attorney Moore stated on the record that the following Board members were sworn and took their oaths of office prior to the meeting.

Britt Simon – Four years
Keith Hendrickson (1st Alternate) Two Years
Craig Rossi (2nd. Alternate) Two years

C. Nominations:

1. Chairman: Attorney Moore asked for nominations for Chairman. Mr. Simon nominated Michael Denning as Chairman. Mrs. Flynn seconded the motion. There were no other nominations. Motion was carried with a vote of ayes all, nays none recorded.

The meeting was turned over to Chairman Denning

2. Vice Chairman: Mr. Hendrickson nominated Britt Simon for Vice Chairperson. Mrs. Flynn seconded the motion. There were no other nominations. Motion was carried with a vote of Ayes all, nays none recorded to nominate Britt Simon as Vice-Chairperson.

3. Secretary: Mrs. Flynn nominated Linda Jacukowicz for Board Secretary. Mr. Simon seconded the motion. There were no other nominations. Motion was carried with a vote of Ayes all, nays none recorded.

4. Professional Services Contracts

Donald K. Moore, Esq., Attorney Services
Michael Sullivan Clarke – Caton – Hintz, Professional Planning Services
Key-Tech - Inspection and testing services
John Hansen, Ferriero Engineering
The Noise Consultancy, LLC, Acoustical Consultants
Princeton Hydro – Environmental Consultants
Harold Maltz, Hamal Associates – Traffic Engineer

Mr. Simon made a motion to approve the professional contracts. Mr. Henrickson seconded the motion. Motion was carried with a vote of ayes all, nays none recorded.

4. Schedule of Meeting Dates for 2013

Third Thursday of each month

**If meeting falls on a legal holiday, the meeting will be held the following day. December meeting will be held on December 10, 201.* Mr. Simon made a motion to approve the 2012 meeting dates. Mrs. Flynn seconded the motion. Motion was carried with a vote of ayes all, nays none recorded.

5. Technical Review Committee

Schedule of meetings. The TRC meetings occur at 7:00 p.m. prior to the regularly scheduled Board of Adjustment meetings.

Marygrace Flynn volunteered to serve on the Technical Review Committee and nominated Meredith Goodwin to serve on the TRC in 2013. Mr. Hendrickson made a motion to approve the TRC members. Motion was carried with a vote of ayes all, nays none recorded.

D. PUBLICATIONS

Hunterdon County Democrat
Hunterdon Review
Courier News
Star Ledger
Express Times

Mr. Simon made a motion to approve the publications. Mrs. Flynn seconded the motion.

Motion was carried with a vote of ayes all, nays none recorded.

E. APPROVAL OF MINUTES:

1. December 11, 2012 – Mr. Simon made a motion to approve the minutes. Mrs. Flynn seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded*.

F. CORRESPONDENCE: - None

G. TECHNICAL REVIEW COMMITTEE:

1. John M. Cunha
Variance
B. 36, L. 9

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

2. Readington Commons
Variance
B. 4, L. 51

Mrs. Flynn stated that the application remained incomplete.

H. RESOLUTIONS:

1. Report on Variances

Mr. Simon made a motion to approve the resolution and forward to the Township Committee. Mrs. Flynn seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded*.

I. VOUCHER APPROVAL: (sent electronically to Board) - Mr. Simon made a motion to approve the vouchers as submitted. Mr. Hendrickson seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded*.

J. OTHER BUSINESS: Chairman Denning welcomed the two new board members. In addition he recommended that a letter be sent to Eric Stettner thanking him for his years of service. Mr. Stettner will be moving out of the area.

K. PUBLIC HEARINGS:

1. Ryland Office Park, LLC/Walgreens
Minor subdivision/lot line adjustment
Block 8, L (s) 4, 5, 6, & 7
Action date: January 18, 2013

Lloyd Tubman, Esq., stated that she is with the law offices of Archer and Greiner located in Flemington, New Jersey. This is the second public hearing for the proposed Walgreens application. Ms. Tubman stated that at last month's meeting, it was apparent that the board did not agree with the proposed architecture. In addition, the applicant tried to meet with the Historic Preservation Commission prior to this hearing date, but was advised that they declined the meeting with the applicant since this was new construction. In lieu of the meeting, the applicant toured Readington Township to obtain architectural ideas. The applicant's professionals and board's professionals met during the last few weeks to prepare for this hearing. This evening the architect and traffic engineer are the only two witnesses. All of the witnesses and the board's professionals remained under oath.

Hiland Hall Turner stated that after listening to the board's concerns, they have re-designed the entire structure. They also reviewed existing buildings within the township. A more residential scale to this building might be acceptable to the board.

Exhibit A-15 (a) – Copies of elevations, the south elevation for the proposed building as well as 3 dimension color rendering that represents the building in 3-D dated January 17, 2013.

Exhibit A-15 (b) – Elevations of the east elevation of the proposed building.

Exhibit A-15 © - small handout

Exhibit A-16 – preliminary site plan prepared by Maser Consulting.

Mr. Turner described the elevations to the board. He compared the elevations to the Ryland Inn. He stated they created the main body of the building to look like a main house, a colonnade to break up the mass, and an individual element that compliments the Wells Fargo Building. They are proposing horizontal siding, as a "hardy plank". The scale of the building is important. The highest point of the building is 32 feet. The board members had questions about the window placement and signage on the proposed building. Mr. Turner answered that the window placement is to mirror the Ryland Inn and the signage is a requirement of Walgreens.

The board members commented that this architectural design is more desirable than what was previously presented.

Ms. Lelie stated that this proposal in her professional opinion is more pleasing since it mimics the Wells Fargo building.

PUBLIC QUESTIONS:

There were no questions from the public.

Jay Troutman, Traffic Engineer, from McDonough & Rea Associates, Inc. He stated for the record that he was previously sworn and placed his credentials on the record. Mr. Troutman identified that he was licensed in 1992. The board accepted his credentials.

Mr. Troutman testified that he submitted a traffic impact study. He indicated that Mr. Maltz had reviewed and had some additional items that he will address. There are two accesses to the site. The Route 22 access is under the jurisdiction of NJDOT and the access on Oldwick Road is under the jurisdiction of Hunterdon County. He has designed both accesses with the acceptance of those jurisdictions.

Exhibit A-16 Preliminary site plan rendering dated November 15, 2012, prepared by Maser Consulting

Mr. Troutman pointed out to the board the two main accesses to the board. In terms of the site traffic, the pharmacy's peak impact is on a weekend afternoon. The pharmacy traffic volume with a retail use will have a peak impact on weekend afternoons and after work during the workweek. There are in addition primary trips that would also exist on Saturday. He conducted traffic counts at the intersection to establish a base traffic volume and conducted roadway traffic analysis at both access points and at the intersection. He concluded that there would be no offsite deterioration. In terms of the onsite traffic circulation pattern, heading on Route 22 west cars would make a right turn into the property and another right turn to access the main parking lot located on the east side of the building. Exiting cars would return the same path. They could also continue circulating in a counterclockwise manner if they are utilizing the drive thru on the north side of the building. There is also a 2 way connection to Route 523 providing access to the drive thru and parking lot. One of the good planning features is that it is interconnected to other properties. They can connect to the Wells Fargo Bank and to the Winfield Cushetunk Manor property to the west.

Mr. Denning was concerned about the traffic flow around the building. He observed from the exhibit that there is traffic traveling and crossing the entrance off of the highway continuing through a parking lot with patrons parking and walking into the building. There will be children and people walking in between cars and the building. This will now be a thoroughfare between 2 building complexes. This is a passage way between the two "campuses" Mr. Troutman testified that the bank parking is located at the north end adjacent to the lanes behind the building. Mrs. Flynn suggested that there is room to widen the area if the banked parking is eliminated. Mr. Troutman answered that he cannot answer that until he speaks with the engineer.

Mrs. Flynn asked that regarding the egress onto Route 22, what is to stop a car from coming out and trying to cross over to head back east on Route 22. The traffic light on Route 523 is backed up during rush hour. A car could go through the parking lot and exit the access on Route 22 and use the cross over to travel east on Route 22. Mrs. Flynn stated that this is going to be a short cut. This would impact the cars going into Bishops or the child day care center. This is not good

traffic planning. Mr. Troutman answered that the site is not designed for that type of operation. He did agree that there are times when it might be possible.

Mr. Simon stated that this design is inviting cars to go through the parking lot and use the egress on Route 22 and cross over and use the median to travel east on Route 22. Mr. Troutman stated that it would be a safe movement if there is no traffic on Route 22 west.

Mr. Hendrickson stated that the median cut-through is stacked up even during the day.

Harold Maltz wanted to know if the ingress and egress on Route 22 were moved, would it make a difference in relation to using the median opening. Mr. Troutman answered he thought it would be better if the driveway was moved closer to the median. He preferred this location, feeling that it is safer for the cars. Mr. Maltz asked that considering that this is a concern, did the township ever contact the NJDOT about closing the opening. Mr. Hansen stated that this was a concern during the Cushetunk Manor application, but to date nothing has been done about the median closing. Ms. Tubman interjected that the NJDOT selected the location of these driveways for the applicant.

Mrs. Flynn suggested that there has to be some other solution to this problem. Mr. Hendrickson asked if the applicant could construct the egress so that a car could only travel in the westbound direction of Route 22. Mr. Troutman answered that they are already located at the property line and this is the farthest west they can place it.

Richard Kenderian, previously sworn, testified that they met with the NJDOT and this was selected as the safest location. If someone wants to make the turn, this is the safest place to locate the egress.

Mr. Maltz stated that the ingress and egress have to be located on Route 22. There is good site distance. Mr. Maltz testified that he agreed with the board that drivers will cut through the parking lot and use the median cut through to travel east on Route 22.

Mrs. Flynn wanted to know why the applicant didn't have one ingress to be utilized by the bank and Walgreens. Mr. Troutman answered that there are grading issues and this was not feasible to have one ingress.

Regarding Mr. Maltz's letter dated January 16, 2013, Mr. Troutman provided testimony on how they will address potential traffic activity and vehicle queuing at the pharmacy drive-thru window, the 16 green banked angled parking spaces and agreed to the recommendation that the applicant require employees to park in the more remote parking areas on site.

Mr. Maltz stated that the plans have to be cleaned up to show the correct parking arrows. Mr. Troutman testified that he will meet with all of the conditions of Mr. Maltz's letter dated January 16, 2013.

Exhibit A-17 CAD rendering dated January 17, 2013, Wells Fargo Drive-thru area. Prepared by Maser Consulting. This is prepared from a sketch created by Mr. Troutman.

There was a request as to how the driveway will operate. At the banks access at Route 523, Hunterdon County requested that they restrict the right-in/right-out. By doing this, they widened out and introduced some islands. The second area has to do with the organizing the stacking at the bank drive-thru. They have added stripping. They can store 16 vehicles.

Regarding the circulation of the delivery vehicles, they would enter off of Route 523 and exit via Route 22.

Clay Emerson asked that regarding the traffic circulation and bank parking lot, what is the reason the applicant did not install curbing in the area. Why is it stripped? Mr. Troutman answered that the intent was for less maintenance.

PUBLIC COMMENTS:

Fran Sangara, 6 Central Avenue, was concerned about the traffic circulation on Central Avenue. Mr. Troutman answered that in terms of the Walgreens, Haver Road would be used by the people who live on Haver Place.

Mr. Chairman announced that this matter will be carried to February 21, 2013, with no further notice given to the public.

2. Red 7 Enterprises, LLC
547 Rt. 22 East
Variance
Action Date: March 15, 2013

Donald Whitelaw, Esq, stated that he is the attorney for the applicant. Thomas Kowal, applicant's professionals and board professionals were sworn. He stated that the applicant is seeking to open a Rita's Water Ice at the Station Center Shopping Center. It is the eastern most store. The front end of the store will be designated for Rita's sales and the back portion of the building will be used for office space. There are several use variances requested. The Rita's franchise is a walk up window. There is no indoor seating. This would require a use variance. They have asked for approval for the awning that you typically see with the Rita's locations. This would be considered signage. They are asking for 3 tables to be located at the side of the building. This would require a use variance. There have been issues regarding the parking. The township professionals' reports suggest that this is a fast food establishment which will change the parking requirement.

Thomas Kowal stated that he is the owner of Red 7 Enterprises. He owns other Rita franchises in the area namely Route 31 in Clinton and Route 12 in Flemington. This is a seasonal business. Its starts in March, peaks in summer and goes down in the fall. He operates

from early March to October. He would have no less than 2 employees and no more than 4 at a time. The hours of operation are in the month of March noon until nine p.m.; summer 11 a.m. to 10 p.m., after Labor Day noon until 9 p.m. This is a franchise operation and they are inspected monthly. He is proposing to utilize a 2 yard dumpster, with once a week pick-up. He has a signed contract with Raritan Valley Disposal. He is familiar with the township's ordinance for recycling. The product delivery is once a week, one for frozen custard and one for paper products. They would use the same loading area as the garbage pickup area in the back. This is hand-trucked off of the trucks. Mr. Kowal maintains a sweep/log. It is done 5 times a day. There is also periodic power-washing. The professionals requested additional wheel stops to provide safety for the patrons. Mr. Kowal agreed to install the wheel stops. Mr. Kowal provided information from 5 surrounding Rita locations. Currently in Clinton it is a standalone building with 19 parking spaces. The Stewartsville store is located in a 3 unit building with 52 shared parking spaces. In Flemington the store is located in a strip mall with 9 units and a comprised total of 55 parking spaces. In Whitehouse they are proposing to locate their store in a strip mall that currently has 149 parking spaces for 13 units. He is confident that the parking availability will adequately service this location.

Mrs. Flynn asked how he will maintain the parking during peak hours. Attorney Whitelaw testified that since the applicant is not the landowner, and this is a small location. The applicant could go back to the landlord and convey the problem. Mr. Simon indicated that this is a general concern that this is a dangerous ingress and egress. With the added business, it will increase the traffic flow. Being located at the end of the structure where the exit is located, cars would be entering at this driveway. Mr. Whitelaw answered that there are 4 vacancies at this site. There will be traffic generated by the additional businesses. The burden shouldn't be on this applicant. Mr. Simon stated that he wants the applicant to be successful, but not to the detriment to the public.

Mrs. Flynn wanted to know how he would keep children from lingering out in the parking lot. Mr. Kowal answered that he has not had a problem with children remaining in the parking lot. In Flemington, where people walk by, he does not have the issue of skate boarders, etc. from Rita's.

PUBLIC COMMENTS:

Ramona Lloyd - 279 Morning Glory Court stated that she lives across from McDonalds. Ms. Lloyd wanted to know how the applicant would handle the trash blowing around since there is another fast food facility at the other end of the mall.

Mr. Kowal answered that he does have inspections periodically and he does not want a untidy area.

Roger DeNiscia, P.P. Urban Planning Consultant was sworn. He was licensed since 1972. The board accepted his credentials.

Mr. DeNiscia stated that he had reviewed the application and plan. He understands that there are variances required to allow the window service, outdoor seating, parking and the awning.

Exhibit A-1 Photo taken January 10, 2013 prepared exhibit today by Roger DeNiscia.

The site is located 545/547 Route 22 East. It is 2 lots of record. The site has a frontage of 790 feet along Route 22. Access is provided along Route 22. There is also secondary access along Juniper Drive. Mr. DeNiscia described the site.

Mr. DeNiscia referred to the exhibit. In photo two, it indicates the location of the westerly parking area. The second parking area is opposite the line of stores. There are two lanes of parking. The third parking area is shown on photo 3 and 4. This is where the proposed Rita's will be located. There is no free standing sign. During peak hours the site has sufficient parking. Rita's is a generic restaurant. The second item deals with the service through the exterior window.

The primary issue is the zone. There are 3 elements of the zoning variance. First is the use. The site is located in the B zone. This is consistent with the Master Plan. Mr. DeNiscia stopped his testimony, but will continue at the next meeting.

Attorney Whitelaw informed the board that he will have to get an extension from the landlord.

This matter will be carried to February 21, 2013 and there will be no further notice given to the public.

3. Broad Street Properties, LLC
Three Bridges
B. 88, L. 7
Variance

Chairman Denning announced that this matter would be carried to the February 21, 2013 meeting without further notice to the public.

4. Merck Day Care Facility
Preliminary/Final Site Plan/D Variance
B. 4, L. 99

Chairman Denning announced that this matter would be carried to the February 21, 2013 meeting without further notice to the public.

L. ADJOURNMENT:

Mr. Simon made a motion to adjourn at 10:50 p.m. Mrs. Flynn seconded the motion. Motion was carried with a vote of ayes all, nays none recorded.

Respectfully submitted,

Linda A. Jacukowicz