

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT  
MINUTES**

**February 21, 2013**

**A. Chairperson Denning called the meeting to order at 7:34 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**

<b>Marygrace Flynn</b>	<b>present</b>
<b>Diana Hendry</b>	<b>present</b>
<b>Keith Hendrickson</b>	<b>present</b>
<b>Britt Simon</b>	<b>absent</b>
<b>Craig Rossi</b>	<b>absent</b>
<b>Meredith Goodwin</b>	<b>present</b>
<b>Joanne Sekella</b>	<b>present</b>
<b>Richard Thompson</b>	<b>present</b>
<b>Michael Denning</b>	<b>present</b>

**Donald Moore, Esq., Kelleher & Moore  
Steve Bolio, Ferriero Engineering  
Michael Sullivan, Clark Caton & Hintz  
Clay Emerson- Princeton Hydro**

**B. Swearing in new members:**

**Richard Thompson – Four years  
Joanne Sekella – Four years**

**Attorney Moore swore in the new board members prior to the meeting commencing.**

**C. APPROVAL OF MINUTES:**

**January 17, 2013 - Mrs. Flynn made a motion to approve the minutes. Mr. Thompson seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded. Joanne Sekella abstained.**

**D. CORRESPONDENCE:**

**1. Secretary read the letter of appreciation that was sent to former member Eric Stettner thanking him for his years of devoted service.**

**E. TECHNICAL REVIEW COMMITTEE:**

**None**

**F. RESOLUTIONS:**

**1. Professional Services Resolution**

**Mrs. Flynn made a motion to approve the resolution. Mr. Thompson seconded the motion. All in Favor, no Nays recorded.**

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

**Mr. Thompson made a motion to approve the vouchers. Mrs. Goodwin seconded the motion. All in Favor, no Nays recorded. Diana Hendry and Joanne Sekella abstained.**

**H. PUBLIC HEARINGS**

**1. Red 7 Enterprises, LLC  
547 Rt. 22 East  
Variance**

**Donald Whitelaw, Esq., stated that he is the attorney for the applicant. He informed the board that this matter is a continuation hearing from the February meeting.**

**The board attorney swore in the board's professionals. Mr. Roger DeNiscia, the applicant's planner, remained under oath.**

**Mr. DeNiscia reviewed his testimony from the last meeting. He discussed the outdoor seating. He established that there are 4 zoning issues. First is the use of the store and specifically the service. The second element is the outdoor seating. The third element is the sign. The fourth issue is the parking. The site is in the business district. There is a restriction for outdoor seating and window service in this zone. The use as proposed is a restaurant which is permitted. The zoning problem occurs because of the service window. The window service is inherent as a specific use with this type of business. The zoning ordinance permits this use under certain cases. The ordinance does not permit outdoor seating in connection with a restaurant. In this case there is no inside seating proposed. The typical customer stay is approximately 15 minutes. The third element is the sign. A variance is proposed for the awning and the logo. The purpose of the awning is to shield the customers as they are making purchases. The way the awning covers the width of the store, it is reasonable to add on the logo. The awning has a certain color panel. In the B Zone District, store front signs are limited to 12 square feet. If it were considered that the awning is not an attractive design it would not need a variance. Because it has the Rita's colors it needs a variance. The total awning size is 96 square feet. There are no window signs proposed. The last element is the parking. This requires a variance because the proposed use is classified as a fast food restaurant. The parking requirement is 26-46 parking spaces. The present shopping complex has 149 parking spaces. This is deficient according to the zoning ordinance. When he inspected the site he could see that the parking spaces were grossly under used. In order to document this, he made surveys when**

**Rita's would be the busiest which would be the peak afternoon hours and the peak shopping time during Saturday.**

**Mr. DeNiscia testified that the site is conducive to this type of business. With respect to the suitability to the site: The applicant is proposed to be a tenant in an existing shopping complex. There is parking for 149 cars. All of the parking is not utilized at this time. The site is able to accommodate the use. Approving the application would not result in any compromise to the site. Mr. DeNiscia stated that the application meets the criteria to grant the variances requested. The application advances the purposes of planning. The sign and parking variances could both be granted NJSA 40:55-70 C2. The proposed use is permitted in the zoning ordinance except for the unique features of the application. Due to the outdoor seating and the service windows, the applicant needs a variance. With respect to the bulk variances, the parking and signs should be looked at separately. Those would result in planning benefits by encouraging economic development by using a site that has excess parking capacity and both of those variances would advance the purposes of planning listed in NJSA 40:55D-2. There would be no detriment by granting this variance. There would be no expansion or addition to the building, only cosmetic changes. There are sufficient parking spaces for the proposed use. This application would not impair the intent and purpose of the zoning ordinance. The use is not inconsistent with the Master Plan. The use of outdoor seating is common and typical. The zoning ordinance does permit the use of window service in connection to other uses in other zones. There is no prohibition of the idea of using the window service.**

**Mr. Moore stated that the one of the conditions that the applicant has agreed to is the re-application of the striping in the parking lot. The seating is to be located between the building and the bollards. The seating would be located to the east of the building. Parking is to be located alongside the building.**

#### **PUBLIC QUESTIONS:**

**There were no questions from the public.**

**Mr. Whitelaw wanted to address the fact that he did notify the landlord about the Readington Township Police memo. He stated that the landlord is agreeable to provide the signs that the police recommended.**

**Thomas P. Fitzgerald, architect, was sworn. He placed his credentials on the record. He was licensed in the State of New Jersey in 1998. The board accepted his credentials.**

**Mr. Fitzgerald stated that he prepared the plan for the applicant. He stated that he is working with the township's engineer, Rob O'Brien, to determine the location of the directional signs. This information will be on the revised drawings.**

**Exhibit A-2 Plan dated January 7, 2013, prepared by Thomas P. Fitzgerald.**

Mr. Fitzgerald stated that they are locating a business within an existing strip mall. The building is 29,500 square feet and consists of a one story block and brick building. The applicant's store will be located at the far end of the mall. It is 16 feet 6 inches wide and the depth of the store is 42 feet 6 inches. There is no plan to expand or make smaller the existing space. The total square footage is 1400 gross area. The total useable space is about 1270 square feet. Regarding lighting, they are proposing 3 standard wall packs on the easterly side of the building. This would illuminate the parking and seating area. They prepared an isometric graphic on the plan. The plan shows that there is no light pollution off of the property and it will illuminate the 11 parking spaces including one handicapped parking spot. These parking spaces will be striped on the existing asphalt. The parking is along the easterly side of the building. They are proposing 3 tables with 4 seats at each table. They propose bollards between the parking spaces and the tables. The parking spaces would be addressed with a concrete curb stop at the end of each parking space and striped. The parking numbers were calculated for a 1,400 square feet business. The Rita's function would be 761 square feet that would only require 26 spaces. The ancillary space to Rita's would only require 3 spaces. They would be required 29 spaces, as opposed to the 46 spaces that are listed under the fast food numbers. Mr. Fitzgerald testified that the canopy from the corporate standards is intended to protect patrons as they access the service windows. The canopy is 3 feet tall and projects out 3 feet out from the building. The Rita's logo specifically is centered consisting of approximately 2 feet by 2 feet in diameter. The walk up windows are installed in the front of the store. The awning is 17 feet by 3 feet along the front of the store and it covers the entire front of the store and turns the corner for approximately another 10 feet.

Exhibit A-3 Sheet 11 dated January 7, 2013

Mr. Fitzgerald testified that the plans will be revised pursuant to the conditions in John Hansen's report dated January 14, 2013.

Mr. Bolio stated that regarding comment number 3 of John Hansen's report dated January 14, 2013, the type of delivery vehicles should be provided and loading areas required by 148-70 H should be depicted on the plan. Mr. Kowl testified that the deliveries are made by two different companies. They are box trucks. They would use the same route that the garbage disposal truck would use.

The board requested an access lane for delivery trucks. The applicant agreed that they would stripe the access lane, but first they will need permission from the landlord. The applicant will provide the calculations for the parking requirement. The applicant will comply with the board's engineer's requirement for the site lighting fixtures.

Mr. Sullivan requested that the applicant provide a diagram of the full cut off lighting fixtures. The township's lighting preference is only sufficient lighting to be safe. There should be adequate illumination but not overly lit.

Mrs. Sekella asked if the awning was lit. Mr. Fitzgerald answered it is illuminated by back-light. Ms. Hendry was concerned that there was too much light with the illuminated

awning. Mr. Fitzgerald answered that they would revise the lighting and install a single pendant light rather than back-lit.

Mr. Sullivan requested that the tables be moved so as to provide additional 3 feet space so that customers have more room to sit and not hit the bollards.

**PUBLIC COMMENTS:**

There were no comments from public.

Mrs. Goodwin was concerned about the safety issues. The exit out of the shopping center is a problem. There is going to be additional traffic. She is not sure if additional directional signage will solve the problem. Unfortunately, this is not the applicant's responsibility. The signs need to be installed and maintained.

Mr. Hendrickson made a motion to approve the application with the following conditions: comply with the recommendations of Detective Gooley's memo and in addition add an exit arrow on the existing pavement; the entrance and exit signage will comply with the board's professionals; 3 standard wall pack lighting situated on the east side of the site consisting of the type that is the full cut off in nature and not high pressure sodium lights; one pendant light located on the front of building; 11 parking spaces including one handicapped located on the east side of the building and to be a handicapped van accessible parking space; there will be the installation of the bollards; and there will be 3 feet clear space around the tables to insure adequate pedestrian circulation; there will be three tables including 3 umbrellas with signage; the applicant will comply with the conditions of John Hansen's report dated January 14, 2013 specifically items numbered – 6, 7, 11, 12, 13; the parking lot will have a striped lane of travel designated for the delivery trucks.

**Roll Call:**

Mrs. Flynn	aye
Mrs. Goodwin	aye
Ms. Hendry	aye
Mrs. Sekella	aye
Mr. Thompson	aye
Mr. Hendrickson	aye
Chairman Denning	aye

The board took a 10 minutes break.

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

Lloyd Tubman, Esq., with Archer & Greiner, stated that she is the attorney for the applicant. The following are the applicant's witnesses: Scott Scammell, Principal; Peter McCabe of Van Cleef Engineering; and Tamara Lee as Planner. This is a proposed subdivision of a single lot into 2 lots in the village of Three Bridges. This is a 1.75 acre lot. Three Bridges has many small lots. The minimum zone size is one acre. Looking at the lot, it looks like there is a missing house. There is a small house and a big broad expanse. The reason is that in 1932 George & Elizabeth Dilts purchased a  $\frac{1}{4}$  acre lot. In 1943 they purchased the half acre next door. The built on the  $\frac{1}{4}$  acre and the  $\frac{1}{2}$  acre remained vacant. As little as 1994 it was sold as 2 tracts but in one deed. Somewhere in 1994 and 2005 the tax assessor eliminated lot line. They are seeking to reestablish the lot.

Mr. Moore swore the witnesses.

Peter McCabe, Van Cleef Engineering, licensed in the State of New Jersey in 1995. The board accepted Mr. McCabe's credentials.

Mr. McCabe stated this is a subdivision application for Block 88, Lot 7 consisting of  $\frac{3}{4}$  acres.

Exhibit A-1 Aerial map dated February 21, 2013, Bing Maps- prepared by Peter McCabe.

Mr. McCabe testified that to the right of aerial photograph is Route 202. Board Street runs down the middle of the aerial. Main Street is located to the bottom of the aerial, east of the subject site.

Exhibit A-2 dated October 19, 2012, colored rendering of the minor subdivision plan revised date February 21, 2013.

The exhibit shows what they are proposing and the existing conditions. It indicates the existing dwelling and garage. They are proposing to subdivide and build another house, driveway and garage at the end of the proposed newly subdivided lot. There is sanitary sewer. The utilities would be underground and the water is a private well. The township committee has approved the sewer for the proposed house. The proposal provides for a 57 foot wide building envelope. They are showing a schematic of a proposed house for the purpose of this hearing. The footprint of the existing house is a two story dwelling consisting of 1350 square feet. The proposed footprint is approximately 1800 square feet. The area required by ordinance is 1 acre. The lot is  $\frac{3}{4}$  acres. They are proposing that the existing remainder lot 7 would consist of .307 acres and the proposed lot 7.01 would be .443 acres. The applicant would require a variance for the undersized proposed lots; and a variance for contiguous useable land. The applicant will comply with a stormwater easement and the grading of a swale in between the two properties. The applicant agrees to plant the street trees. In terms of the stormwater, the lot development plan will be created at a later date.

**PUBLIC QUESTIONS:**

**There were no questions from the public.**

**Tamara Lee, Licensed municipal planner. Ms. Lee placed her credentials on the record and the board accepted same.**

**Ms. Lee testified that the property is  $\frac{3}{4}$  acre lot in Three Bridges. This lot even though it consists of  $\frac{3}{4}$  acre it is one of the largest lots in the area. The 2009 amendment to the Master Plan states that 80% of the lots in this zoning district are undersized. What the applicant is proposing is consistent with the area. This originally was two lots.**

**Referring to Exhibit A-1, this is a classic in-fill development. This is an appropriate location for in-fill development which is stated in the State Master Plan. The applicant will need a lot size variance; but the ordinance does suggest that a minimum 20,000 lot size can be appropriate under some circumstances in this zone.**

**Exhibit:**

**A-3 schematic architectural plan provided by the client.**

**Ms. Tamara informed the board that the schematic represents a type of house that they envision will be on the lot. The height will comply with the ordinance. They will respect the side and rear yard set-back.**

**Mrs. Tubman stated that in Mr. Sullivan's report, they will agree to plant 3 street trees.**

**Exhibit A-4 Letter December 14, 2012, from Hatch Mott indicates that a right of way dedication is not needed because there is a uniform 40 feet already that is not in the metes and bounds description for these lots.**

**PUBLIC COMMENTS:**

**William Rabosky B. 88, L.3 was concerned about the stormwater runoff and the location of the drywells. In addition, he wanted to know if there would be a buffer so that he would not have to look at the proposed garage.**

**Mrs. Tubman informed the board that the applicant will move the garage so that it is consistent with the existing garage. This will allow for a 25 foot set-back versus the proposed 15 foot set -back as previously requested on the plan.**

**PUBLIC COMMENTS:**

**There were no comments from the public.**

**Marygrace Flynn made a motion to approve the application with the following conditions: the approval shall be in accordance with the engineer's suggestion that there be an A-inlet at the swale; that the design elements of the new proposed building will match closely and**

conform with the existing building; the maximum square footage of the proposed house will be a maximum size of 2900 square feet; the garage will be moved 25 feet forward from the rear property line; there will be 3 street trees planted; the applicant shall comply with the engineer's letter; the individual lot development plan will address stormwater. Joanne Sekella seconded the motion.

**Roll call:**

Mrs. Flynn	aye
Mrs. Goodwin	aye
Ms. Hendry	aye
Mrs. Sekella	aye
Mr. Thompson	aye
Mr. Hendrickson	aye
Chairman Denning	aye

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

Chairman Denning announced that this matter is carried to March 21, 2013 with no 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 is carried to March 21, 2013 with no further notice to the public.

**I. ADJOURNMENT:**

Mr. Thompson made a motion to adjourn the meeting at 10:45 p.m. Mrs. Flynn seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda Jacukowicz