

READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES

March 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

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

Donald Moore, Esq., Kelleher & Moore
John Hansen, Ferriero Engineering
Michael Sullivan, Clark Caton & Hintz
Clay Emerson- Princeton Hydro

B. APPROVAL OF MINUTES:

February 21, 2013 – Britt Simon made a motion to approve the minutes. Meredith Goodwin seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

C. CORRESPONDENCE:

None

D. TECHNICAL REVIEW COMMITTEE:

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

Meredith Goodwin made a motion to deem the application complete contingent upon the submission of a current tax certification. Britt Simon seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

E. RESOLUTIONS:

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

Joanne Sekella made a motion to approve the resolution. Meredith Goodwin seconded the motion.

Roll Call:

Meredith Goodwin	aye
Joanne Sekella	aye
Richard Thompson	aye
Michael Denning	aye

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

Meredith Goodwin made a motion to approve the resolution. Joanne Sekella seconded the motion.

Roll Call:

Meredith Goodwin	aye
Joanne Sekella	aye
Richard Thompson	aye
Michael Denning	aye

F. VOUCHER APPROVAL: (sent electronically to Board)

Britt Simon made a motion to approve the vouchers. Richard Thompson seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded

G. PUBLIC HEARINGS

1. Merck Day Care Facility
Preliminary/Final Site Plan/D Variance
B. 4, L. 99
Action date: March 21, 2013

Thomas Malman, Esq., from the law firm of Day Pitney, stated that he is the attorney for the applicant, Merck Day Care located on Halls Mill Road. The request is to modify the original approval in order to allow non-Merck employees to use the day care facility. There is no construction proposed and no change in the operation of the facility. When the daycare was originally approved, a condition was imposed that it could only be used by the Merck employees.

Attorney Moore swore in the board's professionals and the following applicant's witnesses: Willard Mayo – Director of Global Real Estate Services at Merck; Risa Erbes Executive Director and Head of Benefits, Wellness and Work Life at Merck and also head of enrollment; Paul Phillips planning consultant.

Willard Mayo stated that he is familiar with the site and the operations of Merck. He testified that in October of last year, Merck announced that the headquarters' would be moved to the site in Summit. The premises will be vacated some time in 2015. In addition to the main headquarters building, they have a second building consisting of 230,000 square feet that will not be vacated. The application for the variance was submitted due to the fact that enrollment has been declining. There is no proposal to change the operation of the facility. There will be no construction proposed, or site improvements.

Chairman Denning asked for clarification as to the layout of the site. Mr. Malman answered that part of the access drive to the main building is located on the day care site. They are two separate entities.

PUBLIC QUESTIONS:

There were no questions from the public.

Exhibit A-1 Chart that describes enrollment, 2001 to 2012 prepared February 10, 2013, and created by Bright Horizons.

Merck retains Bright Horizons to operate the daycare. Merck does not employ the childcare employees.

Risa Erbes stated that she is the Executive Director Head of Benefits, Wellness and Work Life at Merck. In addition she oversees the daycare center. Ms. Erbes testified that the use of the day care is a benefit for the Merck employees. The chart indicates that enrollment has been declining. They are now operating at 44% capacity.

Exhibit A-2 Indicates the number of children broken down into categories, prepared February 10, 2013, and created by Bright Horizons.

The total capacity is 227. Currently there are 108 children enrolled in the facility. The maximum capacity allowed in the prior resolution was 230 children.

PUBLIC QUESTIONS:

There were no questions from the public.

Paul Phillips, Professional Planner, placed his credentials on the record and the board accepted same.

Exhibit A-3 Aerial photograph enlargement of Merck in 2011

Mr. Phillips stated that the exhibit depicts the existing conditions on the site. The applicant is requesting to remove condition #10 from the 1991 resolution of approval that restricted the childcare needs for the Merck employees exclusively. Child care facilities are permitted in the zone as a principle use and as an accessory use. The zoning also stipulates that childcare centers can only be permitted as an accessory use when they serve the employees of the principle use. The applicant is seeking a D-1 variance. The following is a list of special reasons that support this application: the child care facility exists at this location and has been in operation for some time; enrollments have been declining and right now the facility is operating below 50% capacity; after the main headquarters facility is vacated, Merck will maintain several amenities within the township and surrounding areas anticipating that employees will utilize the daycare facility. With the declining enrollment it would be difficult to continue with the childcare facility without opening it up to the general public. There is no substantial detriment to the public good. Regarding the report from the board's traffic expert, there is no significant traffic impact since there are no changes to the site. Regarding the zone plan impacts, relief can be granted considering the unique circumstances surrounding the following: the facility already exists; the current and future enrollment would be decreasing without this approval; the fact that the host lot is significant in size; and the facility is separate and distinct from the main corporate office facility. Relief can be granted without compromising the zone scheme. The use itself is recognized in the zone and is inherently beneficial.

QUESTIONS FROM THE PUBLIC:

Tom Flath wanted to know if this was a privately owned facility. Mr. Malman answered that it was owned by Merck. Mr. Flath wanted to know if it would be subsidized by Merck. Mr. Malman answered yes.

PUBLIC COMMENTS:

There were no comments from the public.

Joanne Sekella made a motion to approve the application. Britt Simon seconded the motion.

Roll Call:

Meredith Goodwin	aye
Britt Simon	aye
Joanne Sekella	aye

Richard Thompson aye
Chairman Michael Denning aye

The board took a 5 minute break.

2. Ryland Office Park, LLC/Walgreens
 Minor subdivision/lot line adjustment
 Block 8, L (s) 4, 5, 6, & 7
 Action date: March 21, 2013

Lloyd Tubman, Esq., stated that she is the attorney for the applicant. This is a continuation of the hearing for a minor subdivision and site plan approval for a Walgreens store.

Richard Kenderian was qualified and previously sworn. He testified that the plans have been changed with respect to grading and landscaping. The retaining wall was changed to act more as a farm dividing wall. A substantial amount of plantings are proposed to be planted to hide portions of the wall. The retaining wall will be comprised of reinforced concrete with a stone façade. They have eliminated 16 of the land banked parking stalls which will decrease the impervious coverage and increase the green areas on the site. Mr. Kenderian testified that 62% of the tract will be changed topographically. This will require a variance since only a 35% topographic change is allowed. They have changed the lighting arrangement to a high efficient LED lighting scheme.

A-18 Revised colored Landscape plan dated March 21, 2013

A-19 Straight line exhibit prepared by Richard Kenderian dated March 20, 2013.

In Dr. Souza's report, there was a concern about the additional plantings interfering with stormwater recharge. Mr. Kenderian stated that the plants will increase the stormwater recharge ability. They decided that the only other modification is to extend the basin to the south towards Route 22 to capture more runoff and to increase the capacity and decrease the discharge from the site.

Clay Emerson, Princeton Hydro, testified that those modifications have not been made to the plans. This would extend the bottom contour of the basin itself without any modifications to the outward structure. The performance of the basin would be increased. The area of vegetation would be increased.

PUBLIC QUESTIONS:

Karen O'Brien 4 Oldwick Road, Block 9, Lot 9 asked what the impact would be on the residential side of the site. Mr. Kenderian answered that they are required to provide a buffer to screen the residential side. Ms. O'Brien was also concerned about what type of signs they are

proposing and their placement. Mr. Kenderian explained where the signs would be located on the site.

Fran Zangara stated that she owns lot 12. She asked about the vegetative buffer. Mr. Kenderian answered that they are proposing to plant a substantial amount of vegetation. Ms. Zangara was also concerned about the slope. Mr. Kenderian answered that the water currently comes off of the slope and will be redirected into the water basin.

Darlene Pickerell Lot 8 indicated that her property is located near the driveway. She wanted to know how close the driveway would be to her property. Mr. Kenderian answered 85 feet with additional plantings. Ms. Pickerell asked for details about the basin. Mr. Kenderian answered that the main purpose of the basin is to provide water quality.

Tom Flath Block 8, lot 3 questioned the cross access easement. Ms. Tubman answered that this is a legal question. Mr. Flath wanted to make sure that the driveway connection between this property and lot 3 would be part of the applicant's application. Ms. Tubman stated that they will provide a driveway up to the edge of the property and an easement for access.

Mr. Hansen informed the board that the driveway connection has to be worked out prior to the board taking action on this application.

Darlene Pickerell asked if the applicant is proposing speed bumps. Mr. Kenderian answered they are not proposing to install them, however, if the board would request same they would comply by installing one.

PUBLIC QUESTIONS CLOSED:

Jay Troutman the applicant's traffic engineer was qualified and previously sworn. Mr. Troutman testified that he reviewed the site triangle which is going to be required for the property access along Oldwick Road. He recommended using the AASHTO Standard. This recommendation was forwarded to the board's traffic engineer, Harold Maltz.

Mr. Maltz testified that he agreed with Mr. Troutman's observation to apply the AASHTO Standard. He recommended that they provide a profile that shows the vertical elevation. There is also a question as to the right-of-way width for a county road. The applicant will have to verify this information. Mr. Hansen stated that the submission of this information could be a condition of approval.

Mr. Troutman stated that the second item has to do with a tractor trailer heading south on Oldwick Road. He was asked to review to make sure that the proposed radius of the driveway could handle that movement. He recommended that driveway radius be increased.

Ms. Tubman also indicated that the recommendation in Mr. Sullivan's report that a curb be installed at the last parking stall in the Wells Fargo parking lot is not warranted based upon both traffic engineers review.

PUBLIC QUESTIONS:

Karen O'Brien, Block 9, Lot 9 asked if the turning lane would be wide enough for a tractor trailer in the northbound lane. Mr. Troutman answered that the trailer would use the entire pavement to make the turn. He stated that if it comes from the other direction, and not from Route 78, it would block the lane.

Darlene Pickerell had a question as to whether or not the right-of-way is near the residential properties. Mr. Hansen answered that he is asking the applicant to provide written clarification.

Mr. Maltz recommended facilitating a faster truck turn; they should make the radius on the north corner larger.

Ms. Pickerell made the comment that with a truck sitting on Route 523 trying to make a left hand turn, a car would not be expecting a truck to be stopped there.

The last witness will be the architect. His testimony will resume at the April 18th meeting. The attorney signed an extension to that date.

H. ADJOURNMENT:

Mr. Simon made a motion to adjourn the meeting at 10:30 p.m. Mrs. Sekella seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda Jacukowicz