

READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
April 18, 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	present
Diana Hendry	present - arrived at 7:40 p.m.
Keith Hendrickson	present
Britt Simon	present
Craig Rossi	absent
Meredith Goodwin	absent
Joanne Sekella	present
Richard Thompson	absent
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:

March 21, 2013 – Britt Simon made a motion to approve the minutes. Joanne Sekella 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

Marygrace Flynn made a motion to deem the application complete. Britt Simon seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

E. RESOLUTIONS:

1. Merck, Sharp and Dohme Corp.
Block 4, Lot 99

Britt Simon made a motion to approve the resolution as amended with the grammatical changes suggested by the applicant's attorney. Joanne Sekella seconded the motion.

Roll Call:

Britt Simon	aye
Joanne Sekella	aye
Michael Denning	aye

F. VOUCHER APPROVAL: (sent electronically to Board)

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

G. PUBLIC HEARINGS

1. John M. Cunha
Variance
B. 32, L. 9
Action date: May 17, 2013

John Cunha was sworn. Mr. Cunha stated for the record that he is the applicant and owner of the property. He gave a brief history of the prior land use applications that were filed on this property, but were never approved. The application is to allow the construction of a two family house. The property is located in a split zone. He testified that the construction of the two family house would be beneficial to the township since the first floor would be a designated a COAH unit.

Exhibit A-1 6 Photographs of the property and surrounding properties taken by John Cunha

Exhibit A-2 – Proposed architectural notes and design dated December 12, 2012.

Mr. Cunha stated that the other homes in the area have a similar design. There are two multi-family homes in the area. He is seeking bulk variances and waivers. Mr. Cunha referred to Mr. Sullivan's report dated April 11, 2013. He testified that the property is located in the VC and VR district asserting that he is under considerable hardship to try to develop the property that falls within the two zones. Mr. Cunha testified that the proposed structure would be aligned to the existing homes.

Mr. Sullivan quantified his April 11, 2013 report for the board. He stated that in §148-54 a, numbers 2 & 3 only apply to single family dwellings. This section refers to non-conforming lots. There would be relief only for a single family home. There is no relief for the multiple family home. He is proposing 2-3 bedrooms per unit, with attached garage.

Mr. Sullivan's report stipulates that pursuant to §148-18A and §148-22A, a two family dwelling is not permitted in the VR or the VC zoning district. The VR district permits detached single-family dwellings and the VC district permits one or more residences on floors above the ground floor provided that the ground floor is used for one or more of the permitted uses within the VC district. The VC district does permit residences on the first floor of a building but only if the residence existed at the time the ordinance chapter was adopted. The proposed two-family dwelling does not meet any of the VC district conditions for allowing a residence on the first and second floor of the dwelling and is not

considered a permitted use in the VC zoning district. In addition, a two family dwelling is not permitted in the VR zoning district. Therefore a “d1” variance is required for the requested use in each zoning district. Mr. Sullivan stated that currently the township has 29 surplus COAH units in their plan. He informed the board that at any time when a developer builds the COAH unit, it is a savings for the township.

Mr. Cunha referred to John Hansen’s report dated April 16, 2013. He stated that he is required to have only 3 parking spaces. Mr. Hansen stated that it is a technical item. The architectural elevations and floor plans should be provided in order to confirm compliance with the bulk standards. The approval for sewer allocation and connection is required. Mr. Hansen recommended that all utilities be constructed underground. This note should be added to the plan. The Board should determine if a conservation easement is warranted to protect the wetlands and wetland transition areas. If so, this should be a condition of any approval and the metes and bounds of the conservation easement should be added to the plan. The zoning table notes four (4) parking spaces are required for the development. The applicant should specify the number of bedrooms in each apartment in order to verify the number of required parking stalls per the Residential Site Improvement Standards (RSIS). RSIS section 5:21-4.14(d)3. stipulates that a two-car garage and driveway combination is required to have 3.5 parking spaces. A portion of the existing stone driveway that serves the properties to the north is located on the subject property. An access easement should be provided on the plans and recorded with the deed as a condition of any approval. Mr. Hansen’s office recommended that drywells or other storm water infiltration system be provided to store 3” of runoff from the proposed roof area. An overflow should be provided and it should tie into the existing catch basin located along the frontage of the property. If the dwelling is to contain a basement, then the infiltration system should be located at least 15 feet from the basement wall. A copy of the survey referenced within note #1 on the plan should be provided to the Board. This could be a condition of any favorable Resolution. As a condition of any favorable Resolution, the applicant must deed restrict the lower level of the residence for a two bedroom COAH apartment. This should be recorded prior to the issuance of any building permits. Prior to issuance of any building permits, all easements required by the Board must be recorded. Prior to the start of any construction, the applicant must obtain approval (or letter of no interest) from the Hunterdon County Soil Conservation District. If approved by the Board, a lot development plan is required prior to the issuance of a building permit or any site disturbance. The lot development plan must be reviewed by the Township Engineer and must contain the following minimum information:

Mr. Cunha requested that he be granted approval for a 30 year moderate income COAH unit for the second unit.

Mr. Sullivan was concerned that the architectural rendering that was submitted was not detailed enough for the board to make the determination as to whether or not the unit would be accessible as a COAH unit. The pictures are not adequate. The board should be aware of that since this might impact the structure.

PUBLIC QUESTIONS:

Peter Schapley 128 Main Street stated that he shares the driveway with the applicant. He stated that he has resided here since 1963 and has tried to maintain the driveway. It is wet and it settles. He has been placing gravel and quarry dust in it without improvement. Mr. Cunha is proposing to use the driveway on the other side. He will not use this driveway.

Dr. Karen Oberhansley stated that she owns 3 properties on Main Street. The applicant’s lot is very small. Most of the structures in the surrounding area were built in the 1890’s. To build a 2 family house

on the small lot and in addition attached garage there won't be much yard left. Parking is already an issue. She testified that a 2 family house is an inappropriate use. She objected to a multifamily home.

Marygrace Flynn felt that not enough information was provided in order for her to be able to make a decision.

Mr. Cunha stated that the additional information was not a component of the application.

Mr. Hansen indicated to the board that if they felt there was sufficient testimony to form a decision, the outstanding issues could be compiled as conditions of approval as long as the applicant complied with the bulk standards of the ordinance. However, if the architecture is a mitigating factor with the board's decision as to whether or not this can be a one or two family home, then architectural renderings must be provided.

Britt Simon wanted to know what makes this project any better suited to become a 2 family dwelling than any other building in Whitehouse. This use is prohibited in the zone. He stated that he has not heard yet why the board would vote in favor of this exception.

Diana Hendry asked the applicant if he felt the approval to build a two family house would benefit Main Street. Mr. Cunha answered that he felt that it would make use of the property. There would be a new home in the area which might encourage upgrades to the neighborhood.

Chairman Denning asked the applicant to place the positive criteria on the record for the board members. Mr. Cunha answered that it would be a benefit to have a two family residence in the town.

Marygrace Flynn stated that sewer capacity is only given for repairs or COAH units.

Mr. Cunha answered that unofficially he was told that since this is a building lot, he would be allowed to build a one family home and receive sewer capacity.

BOARD COMMENTS:

Keith Hendrickson commented that the board has had similar applications. If the lot has been vacant for so long, it might be good to have something constructed on the lot. With the COAH situation it would be good to have the applicant build the unit rather than the township.

Joanne Sekella stated that two family units have always been frowned upon.

No other comments from the board.

Diana Hendry made a motion to approve the application with the conditions that were enumerated in the Ferriero Engineering report dated April 16, 2013, in addition to meeting all of the COAH and underground utility requirements. Keith Hendrickson seconded the motion.

Roll Call:

Marygrace Flynn	nay
Diana Hendry	aye
Britt Simon	nay
Joanne Sekella	nay

Keith Hendrickson aye
Chairman Denning nay

The board took a five minute break.

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

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. Attorney Tubman stated that she re-noticed the application for this evening's meeting.

Attorney Moore wanted to make sure that the board members who were absent read the transcript from the previous meeting. The following board members acknowledged that they have read the transcript and are therefore eligible to vote: Marygrace Flynn, Diana Hendry and Keith Hendrickson.

Exhibit A-20 west elevation amended April 17, 2013
Exhibit A 21 is the north elevation amended April 17, 2013

Hiland Turner was previously sworn. Mr. Turner reviewed the architectural concept plan and materials that the applicant is proposing to use for the construction.

Mr. Turner described Exhibits A-20 and A-21 for the board and identified the construction materials. He stated that the design represents an older building.

Mr. Turner addressed Mr. Sullivan's report dated April 11, 2013. Regarding the windows, Mr. Sullivan refers to the windows as storefront windows. The material and scale of these windows is much more commercial than the rest of the building. In the report, Mr. Sullivan writes that it may make sense to add additional divisions, or have the scale and material of the windows more closely match the upper floor, double hung windows. Mr. Turner disagreed with Mr. Sullivan's analysis. Mr. Turner testified that the architecture is metaphor of a Greek revival residence. It is a commercial building and as such the storefront style windows are acceptable. In addition, Mr. Sullivan's report states that they should provide information about the size, material and configuration of the proposed upper floor windows. The first floor windows below the "Pharmacy" sign on both the east and south elevations are significantly smaller than the other windows. He suggested that the applicant explore using larger windows that match more closely the other windows on the façade. Mr. Turner described the windows that they are proposing. The website indicates that this size window is appropriate for a Greek revival style residence.

Mr. Sullivan's report indicates that the window grills on the north and west elevations specifically the window grills over the "third floor" windows are not satisfactory. Mr. Turner stated that the windows were created this way intentionally. The size is to give depth to a flat surface. Mr. Turner demonstrated for the board the appearance of the windows with Exhibit A-22, "Frame distance" cards.

Exhibit A-22 Frame distance exhibits – prepared by Hiland Turner.

Mr. Turner disagreed with Mr. Sullivan's comments about the window grills.

Exhibit A-23 Window grills

Regarding the shutters, Mr. Sullivan wanted the applicant to provide information about the material and color of the proposed shutters. They should be attached to the windows in a traditional manner, and sized so that they appear to cover the windows if they were closed. Mr. Turner testified that the shutters he is proposing are made to look like they are functional. The detail gives authenticity.

In Mr. Sullivan's report he requested that the applicant provide addition information regarding the exterior lighting, including size and color, of the proposed "gooseneck" fixtures. Mr. Turner stated that the lights they are proposing are a style that the township endorses.

Exhibit A-24 South elevation – revised April 17, 2013

Exhibit A-25 East elevation – revised April 17, 2013

The report recommended exterior trim and pilasters to be appropriately scaled for the building and provide interest, particularly on the blank walls. Mr. Sullivan suggested that the applicant consider adding corner boards to the smaller block or blocks that appear on the elevations. Mr. Turner indicated that the revisions are subtle.

Mr. Turner presented the veneer fieldstone. It will be installed in a horizontal style.

Mr. Turner stated that regarding the louvers, they mirrored the look of the Rail Restaurant and would be painted white.

Regarding the exterior access doors and maintenance doors, Mr. Turner testified that these doors are fire proof and there is no need to over detail them. He disagreed with Mr. Sullivan's suggestion that they consist of six panels or similar design. He will provide information about the proposed material for these doors as well as the roll-up door.

Exhibit A 26 dated February 21, 2013 Walgreens signs prepared by Hiland Turner.

Exhibit A-27 Composition of materials prepared by Hiland Turner dated March 20, 2013

Mr. Turner identified the size of the signs and where they would be located on the southern and eastern elevation. In addition he identified the construction materials that they will be using.

Exhibit A-28 Field Stone Material March 20, 2013

Mr. Turner testified that the stone is a natural material.

PUBLIC QUESTIONS:

Fran Zangara, Lot 12 wanted to know if the illuminated signs would impact her back yard. Mr. Turner answered that the light for the identification signs shines in a downward position. The directional signs are back-lit. Mr. Turner stated that Ms. Zangara would be able to see two signs and 2 fixtures that are located over the doorways for security purposes. They will use very small wattage bulbs.

Jody Schneider 5 Oldwick Road stated that her concerns are similar as Mrs. Zangara. She testified that she can see the lights from the shopping center. She asked what benefit of this approval

would there be for the community. In addition, why are they proposing 138 square feet of signage? Ms. Tubman answered that the planner will address this matter.

Mr. (inaudible) Schneider wanted to know if there were any permits issued for this site. Mr. Turner answered no. Mr. Schneider testified that there is tree removal and soil disturbance on the property. Ms. Tubman answered that the soil disturbance was for soil testing.

Darlene Pickerell B. 8, L. 8 asked if the cupola would be lit. Mr. Turner answered that in the cupola; they are proposing to install a light that will hold a 100 watt bulb. Ms. Tubman informed the board that they do not have to light the cupola. Ms. Pickerell wanted to know if the applicant was going to provide a site view from Route 523. Mr. Turner answered no.

END OF PUBLIC QUESTIONS

Mr. Sullivan stated that according to NJSA 13:39-5.3A, it requires that a pharmacy sign must be visible from public roadway unless it is prohibited by lease agreement or ordinance.

Chairman Denning announced that this matter will be carried to the next Board of Adjustment meeting scheduled for May 16, 2013 without further notice to the public.

H. ADJOURNMENT:

Mr. Simon made a motion to adjourn the meeting at 10:40 p.m. Mrs. Flynn seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda Jacukowicz