

READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
May 16, 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
Keith Hendrickson	absent
Britt Simon	present
Craig Rossi	absent
Meredith Goodwin	absent
Joanne Sekella	present
Richard Thompson	present
Michael Denning	present

Donald Moore, Esq., Kelleher & Moore
John Hansen, Ferriero Engineering
Michael Sullivan, Clark Caton & Hintz
Dr. Steve Souza - Princeton Hydro

B. APPROVAL OF MINUTES:

1. April 18, 2013- Joanne Sekella made a motion to approve the minutes as amended. Britt Simon seconded the motion. All in favor, no Nays recorded.

C. CORRESPONDENCE -

None

D. TECHNICAL REVIEW COMMITTEE:

None

E. RESOLUTIONS:

John M. Cunha
Variance
B. 32, L. 9

Britt Simon made a motion to approve the resolution. Marygrace Flynn seconded the motion.

Roll Call:

Marygrace Flynn	aye
Britt Simon	aye
Joanne Sekella	aye
Chairman Denning	aye

F. VOUCHER APPROVAL: (sent electronically to Board)

Britt Simon made a motion to approve the vouchers. Marygrace Flynn seconded the motion. All in favor, no Nays recorded.

G. PUBLIC HEARINGS

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

Lloyd Tubman, Esq., from the law firm of Archer and Greiner, stated that this is a continuation of a prior public hearing. The hearing had been re-noticed for this meeting date. In addition, property owners for Lot 3 were included in the notice. The applicant has agreed to install the improvements into the Winfield Management site which is the adjacent property at the applicant's expense.

On another matter, the applicant has relocated the dumpster area in order to allow tractor trailer access to the site.

Exhibit A-20 Dumpster location prepared on May 16, 2013, by Hiland Turner.

Harold Maltz, the Board's traffic engineer, submitted a report dated May 14, 2013 indicating that he was in agreement with the new location of the dumpster. Mr. Sullivan had a concern about the height of the shrubs around the parking area. The plantings should be a minimum of five feet in height so that the cars are screened. Dr. Souza had a concern about grading the bottom of the detention basin. He recommended that a deed restriction be created so that it will mandate the basin will be mowed once yearly and not lower than six to eight inches in height assuring that it will remain a meadow. In addition, the parking lot lights will be turned off one hour after closing.

Exhibit A-30 East elevation smaller signage and removal of one pharmacy sign dated May 16, 2013 prepared by Hiland Turner

Exhibit A-31 wider door and wider canopy, dated May 16, 2013 prepared by Hiland Turner.

Exhibit A-32 dated May 16, 2013 Maser Consulting truck parking exhibit for HC Walgreens .

William Hotz, who is a member of the Ryland Office Park team working on the design details, was sworn. He described to the board how the delivery trucks would be loaded and unloaded. The deliveries would take place during off-peak hours. The store schedules the deliveries through their distribution center. Deliveries would take place between 9:00 a.m. and 4:00 p.m.

PUBLIC QUESTIONS:

There were no questions from the public.

John Madden was sworn and placed his credentials on the record. He was licensed in the State of New Jersey in 1974. The board accepted his qualifications.

Mr. Madden testified that they have significantly reduced the signage. They are proposing to install 5 façade signs. They have eliminated the pharmacy sign on the easterly elevation. The Walgreens sign will be installed on the east façade. On the south façade, they are proposing to install two wall signs, identified as the logo Walgreens, and the pharmacy sign.

Diana Hendry stated on the record that John Madden was retained by her husband for their variance application. She wanted to make sure that the applicant and/or the board did not feel that there was a conflict with her participating during this application. She felt that she could continue as an unbiased board member and this would not influence her decision on the application. Attorney Tubman indicated that she and her client had no problem with Ms. Hendry continuing.

Mr. Madden testified that the application is consistent with the Readington Township Master Plan and Whitehouse Corridor plan. The applicant is seeking approval for a minor subdivision and site plan. The property consists of five point two acres. They are requesting that two acres be subdivided for the Wells Fargo Bank and three point two acres would be designated for the Walgreens property. The applicant is seeking relief for the following D variances: drive-thru; multiple uses for lot 13; multiple uses on lot 14; and a billboard. They are proposing to construct a bioretention basin on the Walgreens lot that will also serve the Wells Fargo Bank property. In addition they are proposing to construct a billboard sign that will specify that this is a shared facility. The applicant is seeking the following bulk variances: minimum front yard; buffer to County/State road; canopy trees; tree height; number of parking spaces; steep slope disturbance; wall height in front/side yard; maximum elevation change; topographic change percentage; topographic modification setback; retaining wall within topographic modification setback; number of free standing signs; and the façade sign. Pursuant to NJSA 40:55 D-2 a & g, there are special reasons for the need to have the drive through as it creates a convenience. It promotes public health because the drive through for a pharmacy only dispenses medical products. In terms of the negative criteria, there is no impairment to the public good. There is no substantial detriment to the zone plan. The drive through is a customary accessory feature to a modern pharmacy.

In terms of the positive criteria, the particular uses are well fitted for the site. The bioretention basin is located at a topographic low point on the site. The corner property offers an opportunity to provide convenient access for these three separate retail uses.

Richard Thompson suggested that the board should visit the site in order to get a better grasp of the layout.

Mr. Madden continued testifying about the zone plan for multiple uses on the one property. He stated that there is ample sign separation that would prevent the appearance of sign clutter. The safety of having the monument signs outweighs the detriment to the public. In closing, Mr. Madden stated that the uses are permitted in the zone. There is no substantial impairment to the zone plan. The township has zoned this area and emphasized that this is where to cluster the retail uses. They are seeking three D variances and twelve bulk variances. Of those variances, two are pre-existing and four of them deal with topographic modifications. One of the variance's deals with less parking than the ordinance requires, another deals with three signage variances and lastly one variance for the retaining wall.

The board took a break at 9:15 p.m. The meeting reconvened at 9:23 p.m.

Dr. Souza testified that there had been discussion about the applicant meeting the stormwater requirements. He testified that it would be difficult to meet the stormwater requirements if there was not a mechanical device installed on the property. There is a need for the basin. Without the basin the site cannot meet the water quality requirements.

PUBLIC COMMENTS:

Jody Schneider 5 Oldwick Road – wanted to know how this application would benefit the community given the traffic.

Mr. Madden stated that he is relying on his knowledge as a planner and the board and applicant's consultants that the application is safe. The connecting driveway is both a planning policy as well as a desirable means of distributing traffic.

Darlene Pickerell, B. 8, L. 8 wanted to know the dimensions of the billboard sign. Mr. Madden answered 34.69 square feet and 5 ½ feet high.

Fran Zangara, B. 8, L. 12 – had questions about the size of the buffering on the other site. Mr. Madden answered that in the winter you can see through the buffer. The applicant's property has a substantial buffer.

Marygrace Flynn suggested to Ms. Zangara that she address the buffering ordinance with the Township Committee.

Daniel Schneider was concerned about the large equipment on the site removing vegetation. John Hansen answered that they were performing soil testing which is required by ordinance and the State.

Tom Flath, 7 Blue Heron Lane, Gladstone asked Mr. Madden to describe the size of buffers and elevation.

Peter Shalvey had concerns about the size of the buffer. He wanted to know if Mr. Madden felt the buffering was sufficient. Mr. Madden answered yes.

The board agreed to perform a site visit on June 1, 2013 beginning at 10:00 a.m. The board members decided to meet at the Wells Fargo parking lot. No official action will be taken by the board during the site visit. Marygrace Flynn and Richard Thompson stated that they would not be available to attend the site visit. Attorney Tubman indicated that the applicant's engineer will be in attendance to answer questions.

Chairman Denning announced that this public hearing will be carried to June 20, 2013, beginning at 7:30 p.m. Attorney Tubman signed an extension to that date.

H. NEW BUSINESS

1. Gary Durga
B. 34, L. 30
Appeal from Denial of Zoning Permit

Michael DeSapio, Esq., stated that he is the attorney for the applicant. He testified that Mr. Durga is the prospective purchaser of the property. The applicant is seeking a certification that the proposed use is a preexisting non-conforming use on the property. There are three uses on the site. There is a retail use on the first floor and the smaller area is a professional office with a residential apartment on the second floor. His client's zoning application was denied. The reason for the denial was that the application was made more than one year after the ordinance was adopted. The ordinance was adopted on February 19, 2002. The jurisdiction is before this board to make that determination. Mr. DeSapio stated that they are intending to show that the property has been this use since 2002 and that the uses have been continued and not abandoned by the owners.

Attorney Moore swore in all of the applicant's witnesses and board's professionals.

Gary Durga testified that he is the prospective purchaser. He is proposing to use the retail section of the building as a discount party store.

Exhibit A-1 Affidavit of proof of mailing
Exhibit A-2 – Picture taken by Baricaua Realty of the building dated 2010.
Exhibit A-3 Footprint of the building that was taken from an architectural prepared by Berberidge and Kim Architects dated November 12, 1985.

Mr. DeSapio stated that this was a drawing that was submitted in the 1985 application for an expansion to the building; however, it was never approved.

Exhibit A-4 – survey prepared by Harris Surveying, Inc. dated March 27, 2006.
Exhibit A-5 – example of traffic pattern prepared by Mr. Baricaua May, 2013.

The maximum amount of customers that would be in the store during peak hours would be eight to twelve. The maximum amount of employees would be approximately two part time employees for the morning and two part time employees for the evening shift.

Exhibit A-6- resolution dated October 15, 1985.

Yuhpyng Weng stated that she is the property manager. She gave a brief history how she became affiliated with the property and how she has managed the property.

Exhibit A-7 – Copy of the Sahara Pool lease

Ms. Weng stated that it has been between five to six years since it was commercially used. However, Mr. DeSapio stated that the owners did not abandon the use.

Exhibit A-8 – Copy of business lease between Juniper Corner Associates and Jeffrey Asen, DDS., dated. 2001.

The residential tenant has occupied the apartment for 13 years.

Exhibit A-9 – List of potential buyers/renters created by Ms. Weng.

Exhibit A-10 Copy of a commercial listing prepared by Yuhpyng Weng of Weichert Realtors

Chairman Denning announced that this matter would be carried without further notice to June 20, 2013.

I. ADJOURNMENT:

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

Respectfully submitted,

Linda Jacukowicz