

READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
June 20, 2013

A. Chairman 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	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
Kendra Lelie, Clark Caton & Hintz

B. APPROVAL OF MINUTES:

1. May 16, 2013- Britt Simon made a motion to approve the minutes. Marygrace Flynn seconded the motion. Joanne Sekella abstained. All in favor, no Nays recorded.

C. CORRESPONDENCE -

None

D. TECHNICAL REVIEW COMMITTEE:

1. Mane Stream
Variance & Preliminary/Final Site Plan
B. 53, L. 5 & 5.02
14 Holland Brook Road

The TRC determined that the application remained incomplete.

E. RESOLUTIONS:

None

F. VOUCHER APPROVAL: (sent electronically to Board)

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

G. OLD 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. This is a continuation of a meeting that took place last month. He testified that Mr. Durga is the prospective purchaser of the property. The applicant is seeking a certification that the proposed use is a continuance of a pre-existing non-conforming use on the property.

Attorney Moore swore in the witness Stephen Chen.

Mr. Chen testified that he is the owner of the building. It was purchased on May 4, 2006. At that time, the property was occupied by 3 tenants; a residence, Sahara Pools and a dental office. Sahara Pools vacated the premises in 2008.

Exhibit A 11 Copy of Yellow Page advertisement for Sahara Pools in 2006

Exhibit A 12 Sprint phone book advertisement in 2007 for Sahara Pools

Mr. Chen testified that he visited Sahara Pools store several times. He described to the board the type of merchandise that Sahara Pools sold.

Gary Durga was previously sworn. Mr. Durga described the exhibits.

Exhibit A 13 – Picture of slot walls dated June 6, 2013.

The picture indicated remnants of the slot walls that prove Sahara Pools had retail displays.

Exhibit A 14 – Another view of slot walls, dated June 6, 2013

Exhibit A-15 – & 16 Pictures of slot walls of the current Sahara Pool's interior at their Lebanon building location, dated June 6, 2013

Exhibits A17 through A-24 – Additional slot walls and the retail products that Sahara Pools sold, dated June 6, 2013.

The board agreed that the prior use was more of a service, and not a retail use.

Mr. Moore informed the board that they have to determine if this application is the same use as the prior use.

Mr. Durga testified that at the last meeting he presented a customer count. For a 2,400 square foot retail store, he projected that the peak time would be from 1:00 p.m. to 3:00 p.m. During that time he estimated that they would have 8 to 10 customers. At the non-peak times which are projected to be from 9:00 a.m. 12:00 p.m., they would have 2 to 8 customers. He is proposing to have 2 full time employees and 4 part time employees. He did not know how many employees Sahara Pools employed. Every shift would have 2 employees available. The hours of operation would be 9:00 a.m. to 8:00 p.m. Monday through Saturday. Sunday hours would be 9:00 a.m. to 5:00 p.m.

Vincent Baricaua testified that he is the listing real estate agent. He described to the board his endeavors to market the property beginning in October 2010.

Exhibit A-25- Real Estate listing October 14, 2010.
Exhibit A-26 May 3, 2011 Real Estate Listing

PUBLIC QUESTIONS:

There were no questions from the public.

PUBLIC COMMENTS:

There were no comments from the public.

Mrs. Sekella stated that she did not feel it was good to have an empty building in the township; however, it is her job to determine if the two businesses were similar. In her opinion the two uses were not similar.

Mrs. Flynn stated that her role as a member of the Board of Adjustment is to uphold the township's ordinances. She also supports the community and businesses, but felt this was not a continuation of a pre-existing non-conforming use.

Mr. Simon informed everyone that the building is empty and an eyesore. If there was a variance application before the board, he would be inclined to vote favorably. But this is not what is before this board. The board's function is to review the facts and to either uphold or overrule the zoning officer's decision.

Mr. Simon made a motion to uphold the decision of the zoning officer. Mr. Thompson seconded the motion.

Mrs. Flynn	aye
Mrs. Goodwin	aye
Mr. Simon	aye
Mrs. Sekella	aye
Mr. Thompson	aye
Chairman Denning	aye

The board took a 5 minute break

H. PUBLIC HEARINGS:

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

Meredith Goodwin was recused from participating in this application and stepped down from the dais.

Lloyd Tubman, Esq., from the law firm of Archer and Greiner stated that this is a continuation of a hearing that took place last month.

Chairman Denning placed on the record that the board had a site meeting on June 10, 2013. He stated that there were stakes located on the property indicating where the new road entrance would be installed and where the detention basin would be located. During the site visit he was able to get an indication of how much property would remain after the development was built. Mr. Simon added that he got a good sense of the size of the structure and how close it would be to the neighbors.

Mrs. Flynn could not attend the scheduled site visit but did inspect the site at two different times.

Ms. Tubman gave a brief summary of the relief the applicant is seeking. She explained that the applicant requires a use variance because there is a driveway that will serve more than one use on the site. Another use variance is required because it cuts through to the neighboring site. The applicant is making efforts to accommodate the neighbor's concerns.

Richard Kenderian was previously qualified as an engineer. Mr. Kenderian placed his qualifications on the record as a professional planner. He has been licensed in the State of New Jersey as a professional planner since 1988. The board accepted his credentials.

Exhibit A-33 – three dimensional computer generated composite rendering prepared by Maser Engineering May 29, 2013

Mr. Kenderian stated that the site is in the Business Zone. The minor subdivision that is being proposed is conforming. The pharmacy use that is proposed is also conforming. The Master Plan intended this type of use be allowed within the Business Zone. The proposed building is custom made. If this is to be approved, the architectural design will be unique to Readington Township. They reduced the amount of parking stalls. They increased the landscape buffering area. The lighting is consistent with what is used throughout the community. The applicant's professionals met with the adjacent property owners at which time learned that some of the neighbors were concerned about the traffic circulation on the site. In addition, he recapped the list of variances for the board members and the members of the public.

Exhibit A-34 – Two way circulation plan dated June 19, 2013 prepared by Maser Consulting.

Mr. Kenderian testified the applicant is not proposing this traffic flow plan unless the board would desire it. In addition, the applicant is offering plantings and a fence to be installed along the entire buffer area, thereby increasing the adjacent property owners' privacy.

Chairman Denning asked if the subdivision is driving the need for the variances. Ms. Lelie answered that the applicant can subdivide the property into a conforming subdivision. Engineering wise, the topography is steep on the site. The board has to accept that there is a hardship and what they are proposing is sufficient. Mr. Kenderian testified that nothing can be developed on this site without those variances requested by the applicant.

Exhibit A-35 Block 8, L. 5, 6, 7 & 8 Tax records Hunterdon County Bank of Flemington located in the B zone.

Mr. Kenderian stated that they have a diminimus overage of impervious coverage due to the fact that they are promoting the Master Plan by having the connecting road into the adjacent property.

Ms. Tubman addressed the board and stated that Mr. Hotz had personally met with the adjacent property owners to discuss how to remediate the negative impact that would be potentially created by the development. The applicant has agreed to install a fence and in addition include landscaping thereby shielding the neighbors from the site.

PUBLIC COMMENTS:

Fran Zangara, Lot 12 stated that the building will present more pollution. She acknowledged that the applicant did present the neighbors with a fence and landscaping proposal, but she is still not satisfied.

Karen O'Brien, B. 9, L. 9 was concerned with the additional traffic that the Walgreens would create.

Darlene Pickerel, L. 8 stated that she wanted the wooded lot to stay intact. She stated that the applicant is trying to work out improving the situation with the neighbors. She recommended not approving the access road and drive-through. She felt that the building should be smaller.

William Hotz testified that he was previously sworn. He informed the board that he met with the neighbors individually. He stated that the applicant is proposing to install a fence and plant landscaping on the neighbor's property which will provide security and buffering.

Exhibit A-36 – Aerial rendering prepared by Maser Consulting, dated November 15, 2012.

Mr. Hotz used the exhibit to indicate the area where the proposed fence would be installed. It would be installed prior to any construction of the Walgreens development. Mr. Moore

requested a sketch of the fence installation layout. The applicant agreed to provide this information.

Mr. Thompson requested to visit the site. The applicant's professionals agreed to meet at the site with Mr. Thompson at his convenience.

The hearing was carried to July 18, 2013.

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

Chairman Denning announced that this matter is carried on the record with no further notice to July 18, 2013.

I. ADJOURNMENT:

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

Respectfully submitted,

Linda Jacukowicz