

READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
November 21, 2013

A. Chairman Denning called the meeting to order at 7:34 p.m. and announced 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	present
Britt Simon	present
Meredith Goodwin	absent
Joanne Sekella	present
Richard Thompson	present
Michael Denning	present

Donald Moore, Esq., Kelleher & Moore
John Hansen, Esq., Ferriero Engineering
Steve Souza, Princeton Hydro
Kendra Lelie, Clark Caton & Hintz

B. APPROVAL OF MINUTES:

1. October 17, 2013 Britt Simon made a motion to approve the minutes. Marygrace Flynn seconded the motion. All in favor, no Nays recorded. Michael Denning abstained.

2. October 17, 2013 Executive Minutes – Britt Simon made a motion to approve the executive minutes. Marygrace Flynn seconded the motion. All in favor, no Nays recorded. Michael Denning abstained.

C. CORRESPONDENCE - The resignation letter from Donald Moore Esq. was read into the record. The board thanked Mr. Moore for his many years of service and wished him the best for the future. A subcommittee was created to search for Mr. Moore's replacement.

D. TECHNICAL REVIEW COMMITTEE:

1. Triad Tool & Die Co.
Block 39, Lot 53.18
9 Commerce Street

Mrs. Flynn made a motion to deem the application complete. Britt Simon seconded the motion. All in favor, no Nays recorded.

E. RESOLUTIONS:

None

F.

VOUCHER APPROVAL: (sent electronically to Board) Britt Simon made a motion to approve the vouchers. Richard Thompson seconded the motion. All in favor. No Nays recorded. Diana Hendry abstained.

G. PUBLIC HEARINGS

1. Anderson House, Inc.
Variance
B. 42, L. 8.02 - signed extension to January 16, 2014 and it was announced that this matter is carried to January 16, 2014.
2. Ryland Office Park, LLC/Walgreens
Minor subdivision/lot line adjustment
Block 8, L (s) 4, 5, 6, & 7

Lloyd Tubman, Esq., stated for the record that she is the attorney for the applicant. As a matter of background, the application started in December 2012. Their last appearance was in June 2013. The reason for the delay is due to the fact that since they are seeking a use variance, they required more than 4 members present. Ms. Tubman asked if the members who had been absent, read the transcript. All members who were absent have certified that they have read the transcript.

Ms. Tubman stated for the record that Joanne Sekella visited the site a few days ago.

Mr. Kenderian has been qualified as an engineer and planner previously and remained under oath. Mr. Kenderian testified that the tract contains undeveloped portions of land and the Wells Fargo Bank. The connector road to the Cushetunk Manor is recommended to be installed in order to advance the goals of the Master Plan. The applicant is proposing a reduction in amount of parking; re-grading the site; installing additional walkways to facilitate pedestrian traffic between the 3 uses; will make changes to the materials and retaining wall height, commit to planting additional landscaping over 700% from the original site plan; will make revisions to the lighting to propose LED; and they are making revisions to the building architecture. An element of the 2009 Master Plan Amendment identifies this intersection within the B zone as a node appropriate for cluster development. It also identifies goals for economic development. The B zone presents the most intensive non-residential use in the municipality. They are seeking a variance for the impervious surface coverage on lots 13 and 14.

Exhibit 37 – Hand drawn map dated November 21, 2013 authored by Richard Kenderian.

Mr. Kenderian testified that on the site there is a triangular anomaly caused by lot 8. The corner of lot 8 encroaches into his site. Mr. Kenderian stated that the development's stormwater

management facilities would conform to the state and municipal water quality and rate reduction standards. By placing the bioretention basin on the Wells Fargo lot to be located at the lowest section on the property, it will be designed utilizing the best management practices as dictated by the state and municipality. They have submitted schematic plans to the board's engineer indicating that they can have the detention and water quality measures totally underground for the Walgreens site. The alternate stormwater management plan was submitted simply because they heard resistance from the board that they were overdeveloping the site.

Dr. Souza concurred with Mr. Kenderian that the alternate stormwater management plan is acceptable.

Mr. Moore addressed the board stating that to justify the use variance for the two uses on one parcel, the applicant is testifying that they can avoid that variance by installing the underground stormwater management system.

Mr. Kenderian testified that they are proposing to install 52 parking stalls, even though 68 parking stalls are required by ordinance. There had been testimony from both traffic engineers that this use would not require more than 40 parking stalls.

Regarding the landform ordinance, Mr. Kenderian stated that according to the 2009 Master Plan Amendment, approximately 10% of the township contains slopes greater than 15 percent.

Exhibit A-38 Topographic survey prepared by Brian Leff of Maser Consulting dated June 2013.

Mr. Kenderian indicated that Exhibit 38 shows that this property appears to be the only property in the B zone with steep slopes. The rest of the properties in the B zone are relatively flat or without critical slopes. The strict application of the Readington Township Landform Protection Ordinance will prevent the development of this tract. It conflicts with the Master Plan.

Exhibit A-39 Plan showing critical areas colored in red prepared by Richard Kenderian dated November 21, 2013.

Mr. Kenderian stated that without granting the C-1 variance, you are condemning the property. Relief is being sought from the strict compliance and the requested relief will not result in any detrimental impacts to the adjacent property owners. No disturbance is proposed within the 50 foot residential buffer. The planned development would remain consistent with the goals and intents of the zone plan and zoning ordinance. He testified that they are proposing the four existing lots to be re-subdivided into two fully conforming lots. The existing Wells Fargo improvements will remain on proposed lot 14 and the new Walgreens building consisting of 12,300 square feet of gross floor area will be constructed on lot 13. Most of the relief sought is due to the topographic conditions and the shape of the tract. They are now proposing to reduce the size of the building and reduce the parking by 5 parking stalls whereby now meeting the impervious coverage requirement.

Mr. Moore stated that the applicant is trying to achieve its optimum use that is allowed under the ordinance. What the board has to decide is whether the C variances are acceptable. Due to the topography, the applicant has tried every conceivable way of dealing with the property.

Dr. Souza alerted the board that there is still going to be the need to manage a portion of the runoff from the access road. That is going to require some type of structure. If the applicant installs the underground stormwater management system, you don't achieve the level of phosphorous removal as you would obtain from the bioretention basin. There is a built-in benefit of having the bioretention system. The site can only stand on its own in terms of its ability to meet the peak flow reduction requirements, and the total suspended solids requirements. It does not meet the requirements for recharging. Therefore, it is more beneficial to have the detention basin because that will capture the phosphorous and not allow it to run into the stream.

The board took a break at 9:25 p.m.

The board reconvened at 9:50 p.m.

Ms. Sekella was concerned about the drive-thru driveway since the Rite Aid received approval and does not use it. Ms. Tubman answered that she would agree to the condition that if Walgreens does not use the drive-thru, they will close it and the overhead arch would be removed.

PUBLIC QUESTIONS:

Ms. Elaine Lee, B, 8, L 11. wanted to know if the construction would have an impact on her well water. Mr. Kenderian answered no. This site will be serviced by city water. Ms. Lee also wanted to know if there would be runoff from the site. Mr. Kenderian answered no; you'll have less water running off after the development than you do now.

Janice Hoffman wanted to know how much of an impact would be on the sewer system. Mr. Kenderian answered that there will be no negative impact.

Karen O'Brien, B, 9, L, 9 wanted to know how can this be an improvement to the conditions when you're adding to the number of lanes and adding more traffic. Mr. Kenderian answered that there is already an existing driveway that is very close to the intersection. They are proposing to move that driveway further away so that the left turns don't queue up right near the intersection. This is definitely a safety improvement. The connector road is an improvement so that if you want to visit the Cushetunk Manor you don't have to go back out on Route 22.

Darlene Pickerel, L, 8, B, 8 wanted to know how the traffic flow would change on Route 523. Mr. Kenderian answered that he did not testify to this item; therefore he cannot answer the question. Ms. Pickerel also wanted to know since there are 4 separate lots there now, could they be developed with smaller buildings and comply with the ordinance. Mr. Kenderian answered no.

Mr. Snyder, B, 8, L. 9 wanted to know why we have ordinances in place. Mr. Kenderian answered to provide general guidance for the development of communities. Also, Mr. Snyder stated that if you stand in his backyard the building will be higher than the proposed fencing and trees.

CLOSED PUBLIC QUESTIONS:

OPEN PUBLIC COMMENTS:

Karen O'Brien, B. 9, L. 9 – stated that her home is for sale and was specifically told by her realtor that since the road is busy she is having difficulty selling it.

Daniel Snyder asked the board to have compassion and empathy for the neighbors.

Darlene Pickerel asked what changes would take place on this property in the future.

CLOSE OF PUBLIC COMMENTS:

BOARD COMMENTS:

Marygrace Flynn felt that the connector road would present dangerous traffic circulation conditions. There is a playground on the other side of Cushetunk Manor and this could pose a difficult situation for parents and children. The architecture is still in the shape of a box. She felt that the variances requested would be a detriment to the intent and purpose of the Master Plan. Ms. Flynn stated that would not support this application.

Mr. Moore guided the board as to what they need to concentrate on when making their decision. He instructed that the applicant's request for relief from the steep topography on the site would require a C variance. This type of variance does not deal with the positive criteria. The use is allowed. This is a classic hardship case. The board members must ask themselves if this particular location is well suited for this application. It is next to a bank, it is next to a commercial development and it is zoned properly.

Richard Thompson stated that he has looked at this application from a positive and negative side. In his opinion it is consistent with the Master Plan. He did a site walk. In his tenure as a board member he has never seen an applicant more willing to mitigate their negative impact on the community. He is requesting that the applicant retain 168 trees and 529 shrubs. He did not have a problem with the connector road.

Diana Hendry stated that she agreed with many of Mr. Thompson's comments. The applicant has tried to compromise for the benefit of the community and to mitigate any negative aspects. In terms of the connecting road, she felt that it is positive.

Chairman Denning addressed the board. He stated that after listening to the other board members and the fact that the land cannot be a deciding factor. He agreed that the applicant has mitigated a lot of the negative issues.

Keith Hendrickson wanted to know if after the applicant has planted the buffering would they go back and add to the plantings if they thought they needed additional buffering. Ms. Tubman answered yes.

Richard Thompson made a motion to approve the application with the specifications that were previously defined, including the connector road. Diana Hendry seconded the motion.

Roll Call:

Marygrace Flynn	nay
Diana Hendry	aye
Keith Hendrickson	aye
Britt Simon	nay
Joanne Sekella	aye
Richard Thompson	aye
Chairman Denning	aye

3. Triad Tool & Die Co.
Block 39, Lot 53.18
9 Commerce Street
Action date: February 27, 2014 -

Chairman Denning announced that this matter is carried to December 10, 2013 without further notice.

H. ADJOURNMENT:

Diana Hendry made a motion to adjourn the meeting at 11:00 p.m. Richard Thompson seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda Jacukowicz