

READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
April 17, 2014
7:30 p.m.

A. Chairman Denning *called the meeting to order at 7:30 p.m.* announcing that all laws governing the Open Public Meetings Act had been met and that this meeting had been duly advertised.

Members present

Marygrace Flynn	present
Diana Hendry	present - arrived at 7:40 p.m.
Keith Hendrickson	absent
Britt Simon	present
Pat Ryan	absent
Meredith Goodwin	present
Joanne Sekella	present
Richard Thompson	present
Michael Denning	present

William Robertson, Esq.,
Victoria Britton, Esq., Mason, Griffin & Pierson
John Hansen, Ferriero Engineering
Michael Sullivan, Clark Caton & Hintz

B. APPROVAL OF MINUTES:

1. March 20, 2014 Britt Simon made a motion to approve the minutes. Marygrace Flynn seconded the motion. All in favor, No Nays recorded.

2. March 20, 2014 Executive Minutes – Marygrace Flynn made a motion to approve the minutes. Britt Simon seconded the motion. All in favor, No Nays recorded.

3. March 10, 2014 Joint Meeting Minutes Marygrace Flynn made a motion to approve the minutes. Joanne Sekella seconded the motion. All in favor, No Nays recorded.

C. CORRESPONDENCE - None

D. TECHNICAL REVIEW COMMITTEE: None

E. RESOLUTIONS:

1. Triad Tool & Die Co.
9 Commerce Street
B. 39, L. 53.18

Marygrace Flynn made a motion to approve the resolution. Richard Thompson seconded the motion.

Roll call:

Marygrace Flynn	aye
Meredith Goodwin	aye
Joanne Sekella	aye
Britt Simon	aye
Richard Thompson	aye
Chairman Denning	aye

F. OTHER BUSINESS:

1. Recently adopted Ordinances. It was announced that this discussion will be carried to the next meeting.

G. VOUCHER APPROVAL: Britt Simon made a motion to approve the vouchers. Joanne Sekella seconded the motion. All in favor, No Nays recorded.

H. PUBLIC HEARINGS

1. Readington Commons
B. 4, L. 51
Variance
Action date: April 17, 2014

William Robertson, Esq., stated on the record that he has a conflict with this application and will therefore be stepping down. Victoria Britton, Esq., will preside.

Michael O'Grodnick, Esq., from the law firm of Mauro, Savo, Camerino, Grant & Schalk, identified that he is the attorney for the applicant. He acknowledged that the applicant was before the board in January of this year. This is a bifurcated use variance application. Originally the approval in 2001 was for a medical office/general office/daycare facility. The owner has had difficulty over the years leasing out the office space. They are now seeking approval to construct two apartment buildings. This is a significant reduction to the intensity of the use based on the prior approval. The two proposed residential apartment buildings consist of 37 units. They are proposing additional buffering. The following is a list of the applicant's witnesses: Robert Heibell from Van Cleef Engineering. John Marshall, Architect; Richard Reading- Economist; Richard Coppola, Professional Planner; Lawrence Gardner, owner. In addition, Attorney O'Grodnick reminded the board that in January Jay Troutman the traffic expert testified that there would be a significant reduction in traffic if the use would change.

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

John Marshall, Architect, indicated that he had no issues regarding the planner's report. Chairman Denning wanted to know the square footage of the apartments and if there were garages. Mr. Marshall answered that the apartments will range from 690 to 740 square feet and there will be 37 units. One building will have 18 units and the other building will have 19 units. They are all one bedroom units and they will not have garages.

PUBLIC QUESTIONS: None

Richard Reading stated that he is an economic consultant. He placed his credentials on the record and the board accepted him as an expert.

He prepared and an overview of the economic, demographic and financial implications of the alternate use. The applicant received approval to construct 55,800 square feet of office space with a day care. The proposed development is for the construction and occupancy of a residential development containing 37 multi-family housing units in lieu of the 35,400 square feet of remaining approved, but unbuilt office space. The units are all one-bedroom units which contain a living area of 740 square feet with an anticipated monthly rent of \$1,406. Based upon the unit distributions in the developer's plans and the current pricing schedule, the completed residential development would be expected to represent an aggregate value of \$5,410,288. At Readington Township's current assessment ratio of 83.64 percent, the completed residential development would have an estimated assessed value of \$4,525,200. The 56 anticipated residents, would have allocated tax-supported municipal costs of \$22,740 had it been occupied and assessed during 2013. Added municipal tax revenues from the proposed development would have amounted to \$23,260 at the current tax rate of \$0.514 per \$100 and would have resulted in a municipal revenue surplus amounting to \$520. By utilizing standard demographic multipliers developed by the Center of Urban Policy Research, the 37 one bedroom rental housing units could be expected to generate 2 public school children. It is estimated that 2 of these children would be enrolled in the Readington Township School District with an allocated cost of \$30,020. These school district costs would be offset by added school district tax revenues of \$29,100 to yield a revenue surplus amounting to \$19,080. The proposed development would generate added tax revenues totaling \$123,490 that would fully offset the tax-supported costs of \$68,610 to yield an annual revenue surplus of \$54,880. The existing development has a current assessment of \$1,367,500 and generates annual property tax revenues of \$37,319. The development of the property with the proposed residential development in lieu of the remaining residential development would yield total annual revenues of \$160,809 as opposed to the \$37,319 currently received.

Ms. Hendry asked if these numbers were based upon full occupancy and is there a limit as to how many people can occupy per unit. Mr. Reading answered yes the numbers are based on full capacity and no limit will be imposed on how many persons can occupy an apartment.

Marygrace Flynn produced an advertisement for Readington Commons demonstrating medical office space for sale or lease.

Exhibit B-1 Advertisement regarding Readington Commons.

Mr. O'Grodnick responded to the exhibit B-1 by asserting that the office space does have leases and if there is a long term tenant, they may want to sell to the tenant.

Richard Coppola placed his qualifications on the record. The board accepted same.

Mr. Coppola testified that the property contains over 11 acres and located on the westbound side of Route 22. It is zoned Research Office but it was previously zoned Business. The stream that is located on the site has recently been categorized as a Category One stream now requiring a 300 foot riparian buffer. Previously, when the applicant received their prior approval from the board, the stream was not designated as such and only required a 50 foot buffer. Three of the eight buildings have been built. The following improvements have already been constructed: a detention basin; all underground drainage pipes; all of the sewer lines; and all of the previously approved water lines. If the applicant completed building the site as approved, the office buildings would now encroach into the required 300 foot riparian buffer.

The applicant is seeking a D-1 Variance. No subdivision is proposed to divide the property from the three office buildings. He compared the intensity of the proposed development to the previously approved office development. Regarding the positive criteria, this use promotes the general welfare because the site is particularly suitable for this type of use.

Mr. Coppola informed the board that since these will be one bedroom rental units, they will generate 2.590 school age children.

Exhibit A-3 Anticipated School Age children comparison Charts.

The special reasons for granting a use variance may include providing sufficient space for a variety of uses. The proposed development consists of small units on a small parcel of land. This would provide a unique possibility for those that desire a small neighborhood with the low amount of children. Also, the development promotes the conservation of open space and the valuable natural resources and will prevent the degradation of the environment.

The negative criteria is not going to cause substantial impairment to the public good due to the substantial buffering from the adjacent properties and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The property is different than what is envisioned in the Master Plan. The proposed development supports the policy of the State of New Jersey to promote the construction of affordable housing and the Mount Laurel mandate. The development will protect 37% of the environmentally sensitive property. Mr. Coppola recited passages out the Master Plan that he felt was on point for this application.

The board took a five minute break.

Michael Sullivan testified that the application has been summarized for the board by the applicant's professionals. Density is not measured in the commercial zone only in the residential zone, but it is an interesting comparison. This is a use that is prohibited in the zone as identified in the Master Plan Land Use Plan Element that was last updated in 2009. At that time, this development had been in place and there was no consideration for the township to look at this site for residential use. This application would insure the rest of this parcel would not develop as a commercial or research office. Therefore there would be an impact to the township's policies. Regarding the classification change to the riparian buffer area, it could be significant to the stream corridor. He does not look at this site as a residential neighborhood. The isolation from other neighborhoods makes it not well suited for residential. This is not planned development. The portion of the Master Plan did not identify this site.

Richard Thompson asked about the "tot lot". Mr. Coppola answered that that the thought was to build two separate areas, one for younger children and one for older children. This is not a development that is going to be geared for children. The board's planner made this suggestion, and that is why the applicant proposed the concept.

Marygrace Flynn asked if the applicant had considered any other environmental impacts. Mr. Coppola answered that the stormwater management system is already built. The applicant will have to meet any standard that is required.

Diana Hendry asked if the 2009 Master Plan amendment identified that office development should be built along Route 22. Mr. Sullivan answered that is correct.

Lawrence Gardner stated that he is a general partner of Larkin Associates. Ms. Hendry asked if any research had been performed regarding the need or the demand for one bedroom apartments in this area. Mr. Gardner answered that they have apartment buildings in the area. So he felt that he does have knowledge of the need. The apartment and rental markets are more desirable. The apartments will not be sold. Ms. Hendry wanted to know if the commercial buildings are at full capacity. Mr. Gardner answered no. In addition Ms. Hendry asked if the number of residents per apartment would be limited. Mr. Gardner answered that he did not feel that he could legally impose this requirement. The existing office buildings will not be converted into apartments.

QUESTIONS FROM THE PUBLIC:

There were no questions from the public for this witness.

Mr. O'Grodnick stated that he concluded his presentation.

John Hansen stated that since this is a bifurcated application, there is not much engineering to review. However, if the board looks favorably on the application it would be appropriate if the board required as a condition of approval that a full site plan application be submitted.

Meredith Goodwin stated that she has participated in a lot of applications. She felt that the board has tried to avoid a situation that now the applicant has asked them to create. This does not fit into our zoning. She felt that once Merck's situation is settled, it might help the office space vacancies. She stated that she will not be in favor of this application.

Marygrace Flynn noted that there is a substantial impairment to the public good. Having 37 apartments on this site would increase the traffic volume. With the office use, there would be specific times when traffic would be heavy. The Master Plan Re-Exam did not reflect that this is where the township would like to have residential development. There is no open space that would be required in a residential zone. The improvements are already installed, so the riparian buffer has already been breached. The applicant has not met the enhanced burden of proof. There is no planning of a development at this location. The township does have rentals available within the township. She is not in favor of granting this approval.

Joanne Sekella stated that it is a substantial impairment to the zoning ordinance and is not in favor of this application.

Richard Thompson reiterated what the other board members stated. He acknowledged that he would like to help the applicant. It is not the purpose of the board to change the zoning ordinance to help someone's economic needs. The site is suited for what is already approved. Therefore he is opposed to changing and approving this application.

Chairman Denning agreed with the other members. He did not think that approving this application would be consistent with the Master Plan. He was not in favor of this application.

Diana Hendry stated that she has mixed feelings. There were positive criteria presented. It is an improved environmental layout considering the sensitive resources. There would be less impervious coverage which would be a benefit. There are other apartments, single family homes, smaller dwellings within the Township where a couple could live. On the negative side, the zone does not permit apartments. There is a policy to promote office space rather than residential space along the Route 22 Corridor. What sways her the most is that it does not appear to be a planned development. Therefore the buildings and apartment plans are not particularly

well suited for the site. She does have sympathy for the applicant but she will not vote in favor of the application.

Joanne Sekella made a motion to disapprove the application. Meredith Goodwin seconded the motion.

Roll Call

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

2. Anderson House, Inc.
Variance
B. 42, L. 8.02 –
Chairman Denning announced that this matter is carried to May 15, 2014

3. 110-112 Main Street
Variance,
B 34, L. 12
Chairman Denning announced that this matter is carried to May 15, 2014

I: ADJOURNMENT: Britt Simon made a motion to adjourn at 10:10 p.m. Richard Thompson seconded the motion. All in favor, no Nays recorded.

Respectfully submitted,

Linda Jacukowicz