

**READINGTON TOWNSHIP
BOARD OF ADJUSTMENT MEETING
September 18, 2014**

The Meeting was called to order by Chairman Denning at 7:33 p.m. stating that the requirements of the Open Public Meeting Law have been satisfied. The Meeting had been duly advertised.

Members present: Marygrace Flynn, Meredith Goodwin, Britt Simon, Richard Thompson, Michael Denning

Members Absent: Diana Hendry, Joanne Sekella

Also present: Attorney Donald Moore
Planner Michael Sullivan

**Alternate
Members present:** Patrick Ryan

APPOINTMENT :

A Motion was made by Mr. Simon, seconded by Mr. Ryan, to approve the appointment of Rebekah Harms as Board of Adjustment Secretary. Motion was carried with a vote of ayes all, nays none recorded.

DISCUSSION

Discussion followed regarding Mr. Moore. Chairman Denning noted that Mr. Moore had been contracted to represent the Board during the public hearing relating to 25 Ridge Road Realty LLC; Block 38, Lot 52.

MINUTES:

A Motion was made by Mr. Simon, seconded by Mr. Thompson, that the Minutes of July 17, 2014 be approved as circulated. Motion was carried with a vote of ayes all, nays none recorded. Mr. Ryan abstained from the vote.

CORRESPONDENCE:

None

TECHNICAL REVIEW COMMITTEE

**Ryland Developers, LLC
B 14, L 29.02 & 29.03
Use Variance, Preliminary & Final Major Site Plan**

The applicant seeks a Use Variance with several waivers. The T.R.C. has reviewed the application and determined it to be **complete**.

The applicant's Preliminary Major Site Plan application has been reviewed by the T.R.C. and deemed complete. The T.R.C. supports the waivers applicant requested of certain checklist items. Applicant has been advised that technical information relating to stormwater management is required as part of the technical review; receipt of which should be three (3) weeks prior to their scheduled public hearing date. The T.R.C. has reviewed the application and determined it to be **complete**.

The applicant's Final Major Site Plan application has been made separate from the Preliminary applications as policy. The Final Major Site Plan application remains **incomplete** as detailed in the June 19, 2014 T.R.C. meeting summary.

A Motion was made by Mrs. Flynn and seconded by Ms. Goodwin to deem this application **complete**. Motion was carried with a vote of ayes all, nays none recorded.

RESOLUTIONS:

1. **Block 8, Lots 4, 5, 6 and 7
Ryland Office Park, LLC
Interpretation of Condition of Approval**

Chairman Denning asked if there were any comments or corrections. None were noted. A Motion was made by Mr. Simon, seconded by Mrs. Flynn, to **approve** this resolution. The motion was carried with the following roll call vote:

Ayes: Mrs. Flynn, Mrs. Goodwin, Mr. Ryan, Mr. Simon, Mr. Thompson, Chairman Denning.

Nays: None recorded.

OLD BUSINESS:

110-112 Main, LLC

Chairman Denning advised that the applicant would be heard at the next Board of Adjustment meeting currently scheduled for October 16, 2014.

PUBLIC HEARINGS:

**25 Ridge Road Realty, LLC (JED Trucking)
Block 38, Lot 52
Use Variance**

Present for the applicant Roy E. Burnos, Attorney
Barry Becker, Applicant

Attorney Moore, Board of Adjustment Attorney, explained that this matter was remanded back to the Board of Adjustment by Judge Miller before he issued his decision.

Attorney Kurnos indicated the property located at 25 Ridge Road, Block 38, Lot 52 was purchased on January 21, 2011. Prior to applicant's purchase, he completed due diligence, applied for, and was granted, a zoning permit on August 31, 2010 by John Barczyk, Readington Township Zoning Officer. On May 27, 2011 applicant received notice from Sharon Dragan, Readington Township Attorney, that the zoning permit was issued in error and was to be withdrawn. Prior to notice, Mr. Becker evicted the ten (plus) tenants who leased space on the premises. Applicant proceeded to remove numerous junk cars, trucks and trailers from the property; including a crane and the concrete support piers. Additionally, applicant fixed the fence, replaced the roof and landscaped the property. Applicant presented his case to the Board for a continuance of non-confirming use variance and was denied at the Board meeting on August 16, 2012.

Mr. Barry Becker sworn in by Attorney Moore.

Attorney Kurnos inquired of applicant if there was anything different in terms to his prior testimony. Mr. Becker advised the Board that he terminated Mr. Balardo's lease. The facility continues to repair trucks in the building, dispatch tractors and trailers and park trailers and trucks on the property. The business operates with seven office employees, two full time mechanics and a number of part time mechanics.

Attorney Kurnos questioned Mr. Becker about the location of the stored trailers on site. Mr. Becker advised that they were parked in the back, not visible from the road.

Attorney Kurnos inquired about any complaints from neighbors or the Readington Township Police Department (“RTPD”) for light and/or noise pollution. Mr. Becker advised that he had not.

Attorney Kurnos further inquired with applicant with regards to storage and warehousing. Mr. Becker advised that he had done nothing to date. If he was given permission for warehousing, it would all be stored inside the buildings and would not include anything that was flammable or controlled and would definitely not be of a chemical nature.

Attorney Kurnos asked Becker to clarify the number of trucks and trailers that are located on site. Mr. Becker approximated that he had a total of seventy-five (75) trailers onsite and five (5) to ten (10) trucks inside the building for repair.

Attorney Kurnos advised the Board that applicant was withdrawing his request to lease 7,500 square feet of the premises to Mr. Balardo. Additionally, the modular office building formerly occupied by Mr. Balardo had been removed.

Ms. Goodwin sought clarification of the truck traffic on Ridge Road and with relation to the intersection between Route 22E and Ridge Road as she is concerned with lane blockage due to the narrowness of the intersection. Mr. Becker advised that both trucks and trucks with trailers drive down Ridge Road. Drivers do not turn right onto Ridge Road from Route 22 East; but, rather, traverse the cut through between Route 22 East and West in order to pull straight down Ridge Road by crossing over Route 22 East.

Mr. Simon inquired about the number of trucks running down Ridge Road. Mr. Becker approximated that a total of ten (10) trips were completed each day. Mr. Simon further inquired about accidents since applicant has occupied the site.

Attorney Moore previously inquired with the RTPD and confirmed only one (1) accident that was not Applicant’s or his employees’ fault. Mr. Becker further testified that he has not been cited nor received any infractions.

Mr. Thompson did a site visit on September 18, 2014, prior to the Board meeting, wherein he observed the trailers location to the left and behind the building. Mr. Simon concurred and advised the Board that the site looks good and the applicant put a lot of effort into the grounds of the facility.

Michael Sullivan, Readington Township Planner, asked for clarification on the truck traffic and possible road blockage. Ms. Goodwin advised that the trucks with trailers basically block Ridge Road and other drivers are stuck in the middle worried about getting hit.

Attorney Kurnos asked applicant to clarify the number of trucks that ran up and down Ridge Road. Mr. Becker advised that the majority of his business is

off site. He estimated that a truck/trailer made approximately ten (10) trips a day on Ridge Road.

Discussion continued between Mr. Simon, Chairman Denning and Mr. Becker to get a more definitive number of trips. Mr. Becker than approximated twenty (20) trips where taken by tractor/trailer per day.

Ms. Goodwin further inquired about the onsite truck repairs. Mr. Becker advised that on average up to five (5) trucks are on premises for repairs for up to four (4) days. This time period is on average as the time to repair the trucks depends on the extent of the mechanical problem.

Clarification was requested on ownership and maintenance of the truck fleet. Applicant advised that eighty percent (80%) or eighty (80) trucks were leased and he was responsible for minor repairs to the leased trucks. The other twenty percent (20%) were owned by him and fully maintained by his mechanics.

Ms. Goodwin inquired about trailers. Mr. Becker advised that they use approximately fifteen to twenty trailers; but store approximately seventy-five onsite. Mr. Becker advised that it was rare to move trailers to his facility due to the nature of his business with Wakefern.

Ms. Goodwin asked about warehousing and its impact on truck traffic. Although Mr. Becker had not begun to solicit for the warehousing use variance he sought, he did believe it would increase truck traffic; but he urged the Board to keep in mind that he was interested in long term warehousing.

Mr. Sullivan clarified that the Board is looking at the straight D-use variance application. He noted that warehousing and trucking are two principal uses. The Applicant needs to show positive criteria as part of a D-use variance and that is how it promotes the zoning which is because of the unique or particularly suited nature of the property or the proposed use.

Attorney Moore advised that positive criteria would include the fact that applicant has increased the curb appeal and reduced the truck traffic compared to the prior owner. Attorney Moore felt that the Board should consider a compromise by limiting the number of trucks in/out and requesting a site plan identifying the location of the trucks on the premises.

Ms. Flynn expressed concern on the amount of negative criteria. She advised that a site plan would be helpful.

Attorney Kurnos reminded the Board that the Applicant was present in good faith. Mr. Becker purchased the property with Mr. Barczyk's permit and put a significant amount of money into the property; none of which required a site

plan. If Mr. Becker obtained a site plan, traffic and width of Ridge Road (including the intersection with Route 22 East) could not be considered.

Ms. Flynn advised that the Board was not requiring a site plan, rather they would like to know where things were going. She reminded them that Mr. Becker indicated before the Board on February 16, 2012 that he would like to sell the property one day. She expressed concern about what the new owners may do with the property.

Attorney Kurnos withdrew Applicant's request for warehousing.

Chairman Denning inquired with the Board if they have enough information to render a decision.

Ms. Goodwin continues to express concern about Ridge Road and the fact that applicant keeps changing the number of trucks/trailers that drive Ridge Road.

Discussions continue between the Board and Applicant about limiting the truck traffic and trailer storage at the facility.

The following Motion was made by Mr. Simon, seconded by Mr. Thompson.

Truck/trailer traffic would be limited to twenty-five (25) trucks per day. Applicant would be permitted to store up to eighty (80) trailers on site. Parking of the stored trailers would be limited to the south of the building, west of the façade and south of the eastern wall.

**Ayes: Ms. Flynn, Mr. Ryan, Mr. Simon, Mr. Thompson,
Chairman Denning.**

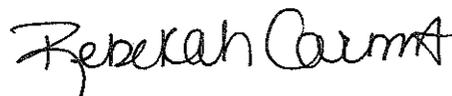
Nays: Ms. Goodwin.

ADJOURNMENT:

A Motion to adjourn was made by Ms. Flynn, seconded by Mr. Simon. The motion was carried with a vote of all ayes, nays none recorded.

The meeting was adjourned at 9:17 p.m.

Respectfully submitted,



Rebekah Harms
Board of Adjustment Secretary