

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT**  
**Minutes – July 17, 2014 at 7:30 PM**

**Call to Order**

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

**Present:** Michael Denning  
Marygrace Flynn  
Meredith Goodwin  
Joanne Sekella  
Britt Simon  
Richard Thompson

**Excused:** Diana Hendry  
Keith Hendrickson  
Patrick Ryan

**Professional Services Contract**

A motion by Britt Simon, seconded by Joanne Sekella to approve the 2014 professional services contract for Attorney Roger Thomas was unanimously approved by voice vote.

**Approval of Minutes**

A motion by Britt Simon, seconded by Meredith Goodwin to approve the Board's 5/15/14 minutes with no revisions noted was approved by voice vote with Ms. Sekella abstaining. Ms. Sekella also commented that the minutes were well done and very informative.

A motion by Britt Simon, seconded by Meredith Goodwin to approve the Board's 6/19/14 minutes as revised was unanimously approved by voice vote.

**Correspondence**

**July 9, 2014 Letter, re: Ryland Office Park/Walgreens Condition of Approval**

It was noted for the record that Ms. Goodwin recused herself from this matter.

Present for the discussion on behalf of the applicant was Attorney Guliet Hirsch and Project Manager Bill Hotz. Attorney Hirsch came forward and explained that she was seeking an interpretation from the Board regarding condition number 36 in the Ryland Office Park resolution of approval which was memorialized at the Board's 12/10/13 meeting. She noted the condition states, "Off-site fencing and/or landscaping shall be installed on properties located at 3 Oldwick Road, 4 Oldwick Road and 4 & 6 Central Avenue. Following installation the applicant shall add additional plantings if needed to provide adequate screening."

Attorney Hirsch clarified that 2 of the 3 property owners have agreed to have the fencing installed but the other has indicated they would prefer to have a cash payment, equivalent to the cost of the fencing, as an allowance for future landscaping at their discretion. She further explained that the property owners are elderly and expressed concern with having to maintain a fence. She requested the Board interpret condition number 36 of the resolution to allow for this arrangement.

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Attorney Thomas noted that if the Board agrees that this matter is an interpretation they can act on the request this evening if they wish to do so, but if the Board believes the request is a modification of a condition of approval then the applicant would have to notice a public hearing and return to the Board accordingly.

Ms. Sekella commented that if the neighbors were satisfied with this agreement then she had no issue. Mr. Thompson agreed with the sentiment.

Ms. Flynn commented that she believes the request to be an interpretation and not a modification.

Chairman Denning expressed concern over the request and remarked that he believed it to be more of a modification. Mr. Simon added that he voted against the application because he believed the proposed project was too large for the property. He stated that the applicant promised to provide screening and the current request to allow for a cash payment instead of fencing seems like an attempt to buy off the neighbor.

Project Manager Hotz came forward and indicated that they have no problem providing fencing and landscaping screening to the neighbors. He noted that it is because one property owner doesn't want the fencing that they are here requesting to be allowed to provide money in lieu of a fence for the property owners to use at their discretion for the buffering/screening of their choice.

Ms. Flynn recalled at the public hearing property owners had indicated that Walgreens had approached them with offers of money. She remarked that it isn't her concern now if someone prefers money instead of a fence. Ms. Sekella asked if the property owners will receive fencing and landscaping. Attorney Hirsch said yes and clarified that additional planting will be done if the existing landscaping is found to be insufficient.

A motion by Marygrace Flynn, seconded by Joanne Sekella to interpret condition number 36 to authorize a cash payment to the owners of Block 11 for fencing or landscaping subject to the signed agreement with Ryland Office Park, LLC was unanimously approved by roll call vote.

**Roll Call Vote:** Marygrace Flynn: Yes, Joanne Sekella: Yes, Michael Denning: Yes, Britt Simon: Yes, Richard Thompson: Yes

**Public Hearing**

**110-112 Main Street, LLC – Use Variance Approval for Block 34 Lot 5**

Present for the application, on behalf of the applicant, was Attorney Steven Gouin, Transportation Planning Manager Jeffrey Fiore and Planner Daniel Bloch.

Attorney Gouin explained that they are seeking approval for a village scale commercial building with 6 retail spaces. He noted that the public hearing was carried from the Board's June meeting to address additional traffic concerns and he indicated that Transportation Planning Manager (*Traffic Expert*) Jeffrey Fiore would be presenting testimony this evening.

Traffic Expert Fiore came forward and provided his credentials to the Board. He was accepted as an expert to provide testimony on this application and Attorney Thomas swore in all of the professionals.

Traffic Expert Fiore referred to previously marked **Exhibit A-8** and explained that the Board had expressed concern with whether or not tractor trailers would be able to access the subject site for deliveries. **Exhibit A-10** was presented, a map dated 6/23/14 depicting details of a truck turning analysis along with **Exhibit A-11** a traffic report dated 6/30/14. He explained that the Institute of Transportation Engineers Manual (ITE) categorizes trip generation by specific uses. For example, residential uses are calculated by the number of housing units, commercial uses are calculated by the square footage of the building and schools are calculated by either the number of students or the square footage of the facility.

Traffic Expert Fiore provided 3 scenarios for the subject site: (1) All retail, (2) Half retail – half office and (3) All office space. He elaborated on each by explaining that an all retail site would generate 59 trips with 43 at peak evening hours (4:00 PM – 6:00 PM) and 59 at peak hours on Saturdays (11:00 AM – 2:00 PM). A half retail – half office site would generate 37 daily trips with 29 at peak evening hours and 33 at peak hours on Saturday. A site with all office space would generate 13 daily trips with 13 at peak evening hours and 4 at peak hours on Saturday. He compared these examples to a daycare facility which averages 120 daily trips, a grocery store which averages 80 – 90 daily trips and a tavern which averages 130 daily trips. Traffic Expert Fiore commented that what is being proposed generates limited traffic and he noted that they are providing 43 parking spaces which complies with the parking ordinance. He referred to Exhibit A-10 and stated that the existing driving aisles are 22 ft. wide noting that if they were increased to 24 ft. the site could accommodate a tractor trailer but remarked their tenants will have deliveries made by vans or box trucks, not by tractor trailers.

Ms. Flynn asked if a tractor trailer would have a problem turning south on County Route 523. Traffic Expert Fiore said no. Chairman Denning commented that the swing of a truck will encroach on 3 of the parking spaces shown on the site. Traffic Expert Fiore indicated that those spaces would be marked as employee parking and reiterated that they do not intend to have any tractor trailers coming to the site. Attorney Gouin stated that they can include language in their tenant leases indicating no tractor trailer deliveries are allowed and noted that the Board could also include this as a condition of approval. Chairman Denning remarked that he is still concerned that a tractor trailer may come and simply park elsewhere.

Ms. Goodwin commented that she believes language in the lease prohibiting tractor trailers from making deliveries would not be enforceable and she added that she doesn't agree with the prior testimony that the business on site would be "neighborhood retail." She indicated that there will likely be people coming from County Route 523 and State Highway 22. Traffic Expert Fiore stated that retail space under 20,000 sq. ft. is considered neighborhood retail. Attorney Gouin expressed that if they get to the site plan stage of the application they will agree to work with the Board's Professionals regarding truck traffic, mitigation and signage.

Mr. Thompson referred to several empty store front locations and asked if a study was done to determine whether or not there is an economic need for additional retail space in the area. Attorney Gouin explained that economic factors cannot play a part in the Board of Adjustment's decision. Attorney Thomas clarified that the Board cannot concern itself with the success of the site, and noted that the vehicles accessing the property are within the Board's purview. He commented to the applicant's professionals that he believes the Board is seeking a better defined use of the site. Attorney Gouin indicated they have no intention of constructing a Wawa on the property.

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Ms. Flynn stated that it is impossible for anyone to make a left out of Willow Court at peak hours of traffic and asked how delivery trucks would impact the traffic issues at those times. Traffic Expert Fiore indicated that deliveries will not be made at peak hours. Attorney Thomas noted for the record that there is case law that talks about whether or not traffic is being added to existing streets. He indicated the Board's concerns with internal traffic circulation on the subject site as well as with the possibility of potential tractor trailers parking on Main Street are the issues that need to be focused on.

Ms. Sekella asked if it was possible for a tractor trailer to make a right onto Willow Court while maintaining its lane of travel heading north on County Route 523. Board Engineer Brightly remarked this is an excellent question and referred to Exhibit A-10 commenting that the rendering should depict a vehicle waiting to make a left. He remarked that the two drawings show a WB50 tractor trailer appearing to make a left and a WB40 truck with the rear wheels appearing to be on the center line of the road. Traffic Expert Fiore indicated he did not know and stated they can certainly provide a revised truck circulation exhibit to address this question. Ms. Goodwin asked if a tractor trailer would even be able to turn around on Willow Court noting it is a dead end street. Traffic Expert Fiore remarked there is a cul-de-sac but stated he has not done any specific calculations on the turning radius.

Ms. Flynn expressed that the concern with not knowing exactly what the uses will be on the subject site leaves the Board with questions regarding whether or not there is any possibility of tractor trailers coming to the property. Traffic Expert Fiore expressed that 2500 sq. ft. retail spaces do not have the storage room or the operation to accommodate the amount of goods delivered on a tractor trailer. He noted all of the product would be coming via vans or box trucks. Attorney Gouin asked Traffic Expert Fiore if he has ever done work for Wawa type convenience stores and asked how many square feet such a building typically requires. He indicated 5500 sq. ft. to 7000 sq. ft. Attorney Gouin stated that they will represent that no potential retail user of the proposed spaces will utilize more than 2250 sq. ft. of either building which limits the type of retail businesses that will occupy the space. He clarified that if an office use wanted the space these limitations would not apply.

Ms. Sekella referred back to the Board's 6/19/14 minutes and read a portion saying Mike Sullivan said, "If the Board were to say that you could have a mix of office and retail that's not a 'd' variance because you haven't told them exactly what it is. It's tantamount to a zoning change..." and then Mr. Cucci asked, "Would they have to give a specific number i.e. 3 offices and 3 retail if it's not known at this point and would they be limited to that?" Ms. Sekella commented that it isn't clear to the Board what the applicant is asking for and indicated she would like to know the answer to the question.

Planner Andrea Malcolm commented that she spoke with Engineer Sullivan about this issue and noted that it is a concern. She stated that they feel they need as much detail as possible in order to advise the Board on findings of potential impacts to the site and surrounding areas. Planner Malcolm noted that specialty retail is typically associated with high end goods and local neighborhood uses vs. upscale uses are different types of retail in terms of planning definitions. She indicated better specificity would be helpful in getting people to understand what retail will be on the site and what the potential impact may be. Ms. Flynn suggested that perhaps telling the Board the uses that will not be there might be an approach.

Attorney Gouin commented that they don't know exactly what type of retail store will be there but when they provide the planning testimony they will note the list of permitted uses in the VC zone and he believes they can limit the retail to what is permitted but indicated he needs to confirm this with his client.

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He added that often times there are applications presented to Boards for 75,000 sq. ft. of retail space where the applicant doesn't know the details of exactly what that space will look like because the economics are such that tenants just cannot be locked up that early in the process and applicants require some flexibility to let the market sort itself out and as a landlord be able to fill the spaces with the tenants that are available. Attorney Thomas stated that Attorney Gouin is correct but clarified the point here is that those types of applications are generally for large malls on arterial roads.

Chairman Denning re-focused the discussion on whether or not a tractor trailer can make the turn off of County Route 523. He commented that the evidence shown tonight has not answered the question. Traffic Expert Fiore remarked that he disagrees and stated that the site can be controlled by assigning specific parking spaces to employees and by controlling when deliveries are made. Ms. Sekella noted that there is still a question about the accessibility of Willow Court.

Ms. Flynn asked if Willow Court conforms to the Residential Site Improvement Standards (RSIS). Traffic Expert Fiore indicated he doesn't know and remarked that generally when there is no parking on either side of the road, a 20 ft. road width is the standard. Ms. Flynn commented that RSIS takes into account moving vans and fire trucks and serves to make everything uniform and safe. Traffic Expert Fiore stated that Willow Court may have been established prior to the adoption of the RSIS.

Engineer Brightly asked what the impervious coverage would be if the aisle widths were increased to 24 ft. Traffic Expert Fiore indicated he did not know but stated that they could consider reducing the size of the proposed building which would require less parking in order to accommodate better maneuverability on the site.

Chairman Denning opened the floor to public comment.

Bill Van Veldhuisen came forward and commented that he was representing the church across the street from the subject property. He stated if the applicant can live with deliveries by van and box truck only then they should just put up signs prohibiting tractor trailers.

Jerzy Makowiecki of 3 Willow Court came forward and expressed concern with potential parking on Willow Court by customers or employees from the subject site. Traffic Expert Fiore stated they have 43 parking spaces on site which complies with the ordinance and said he can't imagine any scenario where all 43 spots would be utilized at the same time.

John Woodward of 122 Main Street came forward and asked if the site lines were considered noting the incline in the roadway. Traffic Expert Fiore indicated that all site triangle questions were deferred to the site plan aspect of their application.

The Board recessed from 8:59 PM – 9:19 PM.

Attorney Gouin commented that since the Board still has concerns with the site design he would like to request that the application be carried to the Board's 8/21/14 meeting in order to give them some time to work with the Board's professionals and return with revised plans. Ms. Flynn suggested they meet with the Township's Fire Official as well.

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Attorney Thomas noted for the record that the application will be carried to the Board's 8/21/14 meeting at 7:30 PM with no additional public notice required. Attorney Gouin provided an extension of time for the Board to hear the application through 9/18/14 in the event a quorum of Board Members is not available for the August meeting.

**Adjournment**

A motion by Marygrace Flynn, seconded by Joanne Sekella to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 9:24 PM.

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Maria Andrews, Substitute Secretary