

**READINGTON TOWNSHIP
BOARD OF ADJUSTMENT MEETING
April 16, 2015**

The Meeting was called to order by Chairwoman Goodwin at 7:35 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, Diana Hendry,
Patrick Ryan, Britt Simon, Richard Thompson

Members absent: Michael Denning, Keith Hendrickson, Joanne Sekella

Also present: John Hansen, Engineer
Harold Maltz, Traffic
Michael Sullivan, Planner
Roger W. Thomas, Attorney

MINUTES:

A Motion was made by Mr. Simon, seconded by Mr. Thompson, approving the Minutes of March 19, 2015. Motion was carried with a vote of ayes all, nays none recorded. Ms. Flynn, Ms. Hendry and Ms. Sekella abstained from the vote.

OTHER BUSINESS

Attorney Thomas presented the Annual Report of actions taken by the Board of Adjustment during the calendar year 2014.

A Motion was made by Mr. Simon, seconded by Ms. Flynn, that the report be approved and forwarded to the Township Committee. Motion was carried with the following roll call vote:

Ayes: Ms. Flynn, Mr. Ryan, Mr. Simon, Mr. Thompson, Chair Goodwin

Nays: None recorded.

PUBLIC HEARINGS:

**Plaza 22 Corporation
Use Variance
Block 36, Lot 65**

Present for Applicant: Ernest Renda, Attorney
John Madden, Planner
Jeffrey Fiore, Traffic
Christopher Pickell, Architect

Attorney Renda advised the Board of Adjustment (the "Board") that this matter pertained to a proposed mixed use commercial building on Route 22 East. The application is bifurcated, and Plaza 22 Corporation (the "Applicant") is seeking a use variance from the Board.

Exhibit A-1 was introduced: Concept Plan dated September 17, 2014

Mr. Madden was sworn in as an expert. He testified that Applicant is proposing an eight thousand (8,000) square foot, two-story mixed use building on Block 36, Lot 64 in the Professional Office ("PO") zone. Each floor would be comprised of four thousand (4,000) square feet, retail on the first floor and dwelling units on the second. The sewer authority has approved four (4) equivalent dwelling units ("EDU") on this property.

Attorney Renda inquired about on-site parking, particularly the parking lot closest to Mullen Road. Mr. Madden advised that as the concept plan stands, Applicant would require a variance to accommodate parking stalls. Instead, Applicant will move the building thirty (30) feet west, negating the need for a variance.

Ms. Flynn questioned the location of the building. Mr. Madden indicated that the driving force of the design is the driveway location. The entrance from Route 22 East has been designed to be remote from the property next door, but in keeping with the location of the Route 22 cut-thrus.

Exhibit A-2 was introduced: Existing Land Uses dated September 2014

Mr. Madden testified that fifty eight percent (58%) of the area near this property is retail, residential buildings comprise twenty-nine percent (29%), and thirteen percent (13%) is devoted to offices. Applicant will contribute to the affordable housing requirements, and architectural value will be added to the property. Applicant initially proposes one (1) on-site affordable dwelling unit, and deed-restrict three (3) units in The Gables.

As to The Gables, Mr. Sullivan requested the number of dwelling units, number of bedrooms per unit, and whether each unit had a kitchen and bathroom. Mr. Madden clarified that The Gables is a boarding house consisting of thirty-two (32) one-bedroom units that share a common kitchen and bathroom.

Mr. Sullivan advised that it would be speculative that the Township would get affordable housing credit for The Gable units. He recommended that no decision be made until the matter is reviewed.

Ms. Goodwin inquired as to why Applicant proposed retail instead of professional offices. Mr. Madden advised that the market is stronger for retail; although space may be rented as an office.

Discussion ensued regarding sewer allocation which will be further detailed upon submission of a site plan.

Mr. Madden indicated that there was flexibility on site as to the building footprint and stormwater retention basin. He testified that Applicant will meet all site plan requirements.

Mr. Simon inquired about the size and marketability of the dwelling units. Mr. Madden advised that each dwelling unit is nine hundred (900) square feet and has two (2) bedrooms. Applicant will market the units to couples, single occupants and the like. Due to location, individuals with children will not be included in the target market.

OPEN TO PUBLIC

Cindy (inaudible) – Mullen Road – asked for clarification on affordable housing and how The Gables fit in with this application. Mr. Madden advised that the Township's ordinance requires four (4) affordable dwelling units. Applicant proposed one (1) affordable dwelling unit on-site. The other three (3) required dwelling units would be fulfilled at The Gables.

Ms. (inaudible) Johnson – Ryland Road – inquired if both properties were owned by the same individual, and how easy it would be to move the requirements between the two properties. Both properties are owned by the same person and, as Mr. Sullivan indicated, Applicant's proposal will be reviewed.

Cindy – Mullen Road – inquired about the market for retail. Mr. Madden pointed out that it would be a matter for the owner to consider.

Debbie McKenna – Old Highway – inquired about upgrading The Gables. Mr. Madden advised that was a separate property, not currently before the Board.

Mr. Fiore was sworn in as a traffic expert, and testified that he reviewed the concept plan prior to the meeting. He testified that Applicant is improving the site access by

reducing the number of curb cuts and proposing a more centralized driveway that has been NJDOT approved.

Attorney Renda inquired about trip generation. Mr. Fiore defined a trip as a vehicle entering or exiting the site. During peak hours (i.e., 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m. Monday thru Friday and 11:00 a.m. – 2:00 p.m. on Saturday), the total number of trips would be approximately fifteen (15) to twenty-five (25).

Mr. Thompson inquired as to whether Mr. Fiore had reviewed the traffic impact on Lamington Road. Mr. Fiore testified that he had not as vehicles entering the site would be traveling along Route 22. The retail is intended to serve the immediate area.

Attorney Renda asked Mr. Fiore to address Mr. Sullivan's concerns regarding onsite circulation, parking and deliveries. Mr. Fiore indicated that the site will include twenty-eight (28) parking stalls, with the option to add more. Although there is currently no loading area, one can be provided for box trucks/vans with the knowledge that impervious coverage would increase.

Ms. Flynn inquired about separate resident parking. Mr. Fiore indicated separate resident parking had not been considered, but can be addressed in the site plan.

Exhibit A-3 was introduced: Schematic Design Floor Plans & Elevations dated November 25, 2014

Exhibit A-4 was introduced: Schematic Design Floor Plans & Elevations dated November 25, 2014

Mr. Pickell was sworn in as an expert. Both exhibits show a rectangular building consisting of four thousand (4,000) square feet on each floor. **Exhibit A-3** resembles a grand house, and **Exhibit A-4** resembles a large barn. Both have entrances oriented on the south side.

Attorney Renda inquired about the floor plan. Mr. Pickell advised that over time walls within the retail space are moving, the first floor is an undifferentiated undefined space. The dwelling units in **Exhibit A-3** have one bedroom and an office; whereas, the units in **Exhibit A-4** have two-bedrooms. Both buildings are designed to limit dead space.

Ms. Flynn inquired how retail would fit in without window space. Mr. Pickell advised that the building is not designed to look like a strip mall. Applicant intends to have a monument sign on the highway and a more descriptive sign on site.

Ms. Flynn inquired about the utilities and whether the building will have a basement. Mr. Pickell indicated that attic space will house utilities, and there is no basement.

Mr. Sullivan instructed that the Township requires multi-family dwellings to have storage available, typically found in a locked area in the basement. Mr. Pickell indicated that a basement will be included.

Mr. Sullivan inquired about signs on the building. Mr. Pickell proposed plaque signs by each entrance to the retail space.

Mr. Sullivan advised that Township ordinance does not allow individual tenant names on signs.

Attorney Thomas advised Applicant that the matter would be carried until May 21, 2015 with no further notice required. He also advised that Ms. Hendry had recused herself from this hearing due to a professional conflict.

BREAK 9:01 p.m.
RETURNED 9:11 p.m.

PUBLIC HEARING:

Ryland Developers, LLC
B. 14, Ls. 29.02 & 29.03
Use Variance and Preliminary/Final Site Plan

Present for Applicant: Robert Podvey, Attorney
 Gary Dean, Traffic Expert

Attorney Thomas advised the Board that the application before them was a continuation of the March 19, 2015 Board meeting.

Exhibit A-15 was introduced: Correspondence from NJDEP dated March 30, 2015

Attorney Podvey pointed out that **Exhibit A-15** indicates that the Whitehouse / Mechanicsburg District, of which this property is a part, was entered into the New Jersey Register of Historic Places on December 2, 2014 and the National Register of Historic Places on March 17, 2015.

Attorney Podvey testified regarding Mr. Sullivan's involvement in this application. He believes it is impossible for Mr. Sullivan to be impartial and objective in evaluating this application due to his involvement in certain litigation. He indicated that Mr. Sullivan (i)

created the Village Hospitality ("VH") and Agricultural Residential ("AR") zones, (ii) submitted a report in 2009 pertaining to the property; and (iii) created an overlay zone on the property.

Exhibit A-16 was introduced: Evaluation of the Appropriateness of the VH Zone and the AR zone on the Ryland Developers Properties dated July 1, 2013

Exhibit A-17 was introduced: Evaluation of the Applicability of the New Jersey Permit Extension Act to the Ryland Office Complex Site Plan dated April 8, 2015

Attorney Podvey indicated that on pages 20 and 25 of **Exhibit A-17**, the site development did not comply with requirements of the NJDOT. He further testified that page 36 lists all Applicant has done incorrect since 1988.

Attorney Podvey continued his testimony by directly quoting verse from pages 6, 29 and 46 of **Exhibit A-16**. Attorney Podvey personally asked Mr. Sullivan to step down as an expert for the Board on this application.

Attorney Thomas testified that there is a difference between a planner representing a town as it pertains to a zoning challenge and the request of an applicant for a D variance.

Discussion ensued as to Board members thoughts regarding Mr. Sullivan representing the Board as an expert and providing them with his professional opinion.

A Motion was made by Ms. Hendry, seconded by Mr. Simon, to retain Mr. Sullivan as the Board's planner on this matter. Motion was carried with the following roll call vote:

Ayes: Ms. Flynn, Ms. Hendry, Mr. Ryan, Mr. Simon, Mr. Thompson, Chair Goodwin

Nays: None recorded.

Attorney Thomas clarified a misquote in **Exhibit A-13** as it pertains to Mr. Sullivan's testimony on March 19, 2015.

Mr. Dean was sworn in as Applicant's traffic expert. Mr. Dean testified that he focused his traffic study on the intersection of Old Highway 28 and Route 22. Although the traffic study was conducted on February 11, 2014, there has been no substantial growth since that time. The report identifies forty-seven (47) traffic movements during morning peak hours (7:30 a.m. – 8:30 a.m.) and sixty-six (66) traffic movements during evening peak hours (4:45 p.m. – 5:45 p.m.).

Mr. Thompson inquired about a traffic assessment on Lamington Road. Mr. Dean indicated that they had not completed one.

Discussion ensued among the Board members as to the fact that an increased number of people continue to work and drive beyond the age of 55.

Mr. Dean had not considered the number of Hunterdon County residents over 55 still driving. The Institute of Traffic Engineers ("ITE") determined less vehicle traffic in a similar community where residents age in place, compared to Mr. Dean's study.

Ms. Flynn inquired if the traffic study took into account the additional traffic generated by the expansion of the Ryland Inn. Mr. Dean advised that they had not, but he did include the Wilmark and Toll Brothers properties in his study. In comparison to his study, the Ryland Inn's traffic study indicated two hundred twenty eight (228) traffic movements during evening peak hours.

Ms. Hendry clarified that the number of parking spaces on-site are based on a Township ordinance and unrelated to the number of traffic movements. Ms. Hendry sought to clarify what data is used to calculate the study. Mr. Dean advised that he used a compilation from the ITE and included site employees in his calculations.

Attorney Thomas advised Applicant that the matter would be carried until May 21, 2015 with no further notice required.

ADJOURNMENT:

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

The meeting was adjourned at 10:29 P.M.

Respectfully submitted,



Rebekah Harms
Board of Adjustment Secretary