

**READINGTON TOWNSHIP
BOARD OF ADJUSTMENT MEETING
October 15, 2015**

The Meeting was called to order by Chairwoman Goodwin at 7:41 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, Alan Harwick, Diana Hendry, Patrick Ryan, Joanne Sekella, Britt Simon, Richard Thompson

Also present: John Hansen, Engineer
Andrea Malcolm, Planner
Roger W. Thomas, Attorney

Members absent: Michael Denning

NEW BUSINESS:

Mr. Alan Harwick was sworn in as a 1st Alternate to the Board of Adjustment.

MINUTES:

A Motion was made by Ms. Sekella, seconded by Mr. Simon, approving the Minutes of September 17, 2015. The Motion was carried with the following roll call vote:

Ayes: Mr. Simon, Ms. Sekella, Chair Goodwin

Nays: None recorded.

Abstain: Ms. Flynn, Mr. Harwick, Mr. Ryan

RESOLUTION:

**Liberatoscioli
Variance
Block 8, L 10**

Not eligible to vote: Ms. Flynn, Mr. Harwick, Mr. Ryan

Chairwoman Goodwin asked if there were any comments or corrections to the resolution. Chairwoman Goodwin noted a date correction on page 5. A Motion was

made by Ms. Sekella, seconded by Mr. Simon, to approve the resolution, as amended.
Motion was carried with the following roll call vote:

Ayes: Mr. Simon, Ms. Sekella, Chair Goodwin

Nays: None recorded.

**Plaza 22
Use Variance
B 36, L 65**

Chairwoman Goodwin asked if there were any comments or corrections to the resolution. Ms. Malcolm noted a change on page 8. A Motion was made by Ms. Flynn, seconded by Ms. Sekella, to approve the resolution, as amended. Motion was carried with the following roll call vote:

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

Nays: None recorded.

BREAK at 7:50 p.m.
RECONVENE at 8:02 p.m.

Mr. Thompson arrived at 8:00 p.m.
Ms. Hendry arrived at 8:04 p.m.

PUBLIC HEARING:

**Sirbiant
Use Variance
B 34, L 30**

Present for Applicant: Lloyd Tubman, Attorney
Gary Durga, Applicant
Patrick Pentland, Architect
Joseph Schaffer, Planner
Craig Stires, Engineer

Attorney Thomas indicated that there is history to the property he wanted to make known for the record. In 2013 the Board heard an application for a non-conforming use variance pursuant to Municipal Land Use Law N.J.S.A. 40:55D-68. At that time, the Board denied the application. It is Attorney Thomas' understanding that this application is

different, it is for a D1 variance for mixed use, as well as having more than one principal use on an individual lot.

Attorney Tubman concurred with the information provided by Attorney Thomas. She testified that the property has an existing residential use, a vacant, but approved by variance, dentist office and retail space previously occupied by Sahara Pools for seasonal use with a significant service component.

Exhibit A-1 was introduced: Resolution of the Board of Adjustment, BOA 2013-256, adopted July 18, 2013

Exhibit A-2 was introduced: Industrial & Commercial Property Record Card

Attorney Tubman stated that **Exhibit A-2** establishes that in 1977, 1982 and 1985 there were three (3) uses on this property: 1) residential; 2) retail; and 3) professional office. She continued by asserting that Readington Township (the "Township") has often struggled with the Route 22 corridor. In 1955 residential uses were allowed in the highway business zone. The reason this property has three (3) uses is because the Township ordinances have evolved over time. In 1976 multiple uses were encouraged in the Master Plan in order for residents to make several stops without having to continually traverse on/off the highway.

Exhibit A-3 was introduced: Hunterdon Review Public Notice, dated August 15, 1990

Attorney Tubman advised that in 1990, the zoning ordinance changed and it was the first time in the Township's ordinance history where differentiation of lots less than two (2) acres, two (2) to five (5) acres, and more than five (5) acres is identified. The re-examination encouraged common driveways to inter-connect entry points on Route 22. There is an incentive to combine lots because the ordinance allows for greater permitted coverage, Floor Area Ratio, and number of uses in lots of more than five (5) acres. In lots of less than two (2) acres, and this property is approximately .84 acres; only one use is permitted.

Exhibit A-4 was introduced: Master Plan 1990, prepared by Clarke & Caton

Attorney Tubman advised that the 1990 Master Plan indicates that the range of uses of parcels of less than two (2) acres is too restrictive and should be expanded. Attorney Tubman quotes "in order to minimize traffic hazards, development plans on lots with narrow frontage must provide shared parking and access driving with adjacent existing uses. Small shops, offices, stores may be built at one time or over a period of years on one or more lots provided each parcel is developed according to an overall design concept." 1990 Master Plan §3.1, paragraph 4

Exhibit A-5 was introduced: Whitehouse Corridor Master Plan, dated September 6, 2007

Ms. Goodwin advised that **Exhibit A-2** is antiquated and a recent tax record showing the three (3) uses should be submitted.

Applicant's professionals are sworn in.

Exhibit A-6 was introduced: Rendered Sheet 1 of 2, dated June 30, 2015

Mr. Stires testified that this property is located at 541 NJ State Highway 22. Located on the property is an existing one story building with attached house structure; that of which is comprised of an office on the first floor and residence on the second floor. Although the striping has faded, parking is located in front of the building. The building's mechanicals and a stone drive are located behind the building. There are driveways located on site for access on/off Route 22 and on/off Juniper Drive. Mr. Stires indicated that the only changes to the site would be 1) recreate the striping of twenty-two (22) parking stalls; 2) install a loading zone and enclosed dumpster behind the building; and 3) add lighting within the parking lot and along the building.

Ms. Flynn inquired about site improvements including plantings and landscaped beds. Mr. Stires indicated that the Applicant is looking to reinstate and reuse the existing property, and the egress restricts plantings. Attorney Tubman stated that the site would be improved to the extent allowed by ordinance.

Exhibit A-7 was introduced: Rendered Site Plan, 10/15/15

Mr. Stires testified that **Exhibit A-7** depicts an alternate plan for the site in that Applicant would eliminate the existing stone drive and add plantings. The green area depicted along Juniper Drive would allow for the buffer requirements. He further indicated that two (2) parking stalls would be removed, the exit onto Route 22 would be eliminated, and the loading dock and dumpster would be reconfigured along the easterly side of the building. These changes would allow for i) a twenty (20) foot buffer along Juniper Drive, ii) a 15 x 55 loading dock, iii) relocation of the dumpster to the business side; and iv) enhancement of the property.

Ms. Flynn inquired about the green area on the west side of the building and dedicated residential parking. Mr. Stires advised that the green area is for the tenants use, but at this time there is no signed parking for the residence.

Mr. Stires testified that as it sits, the property is comprised of 61% impervious coverage. With the changes testified to above, it would reduce impervious coverage to approximately 42.7%.

Ms. Goodwin inquired about the location of the apartment entrance. Mr. Stires advised that a wooden staircase is located on the western side of the building.

Ms. Goodwin inquired about a buffer on the southern side of the property, as a residential community is located behind the building. Attorney Tubman advised that two (2) trees initially indicated for removal would remain due to the relocation of the dumpster.

Ms. Malcolm inquired about evergreen plantings behind the building. Mr. Stires indicated that at this time, Applicant would not add plantings to the rear of the building. Currently there is a solid PVC fence between the properties that accounts for buffering.

Ms. Goodwin inquired about parking. Mr. Hansen indicated that there may be the opportunity for parallel parking. Mr. Stires advised that there is flexibility for parking on-site and they would continue to look into it.

Mr. Hansen indicated that the loading zone changed, and inquired about the types of vehicles that would be used for delivery. He also inquired about the condition of the parking lot. Mr. Stires testified that single unit box trucks would make deliveries. He also advised that it is Applicant's intention to improve the parking lot.

OPEN TO PUBLIC

Neil Hurwitz – Whitehouse Village – inquired about eliminating the exit onto Route 22 and the path a delivery truck would traverse on the property. Mr. Stires confirmed the elimination of the Route 22 exit, and indicated that a delivery truck would likely enter the site from Route 22 and exit via Juniper Drive. Mr. Hurwitz inquired about the distance from Route 22 and the exit on Juniper Drive. Mr. Stires indicated that it was approximately twenty (20) to twenty-five (25) feet, confirming a delivery truck would block traffic traversing south on Juniper Drive.

Denise Hupka – Whitehouse Village – inquired about impeding traffic along Juniper Drive. Mr. Stires indicated that they will work with Township professionals to accommodate the required buffers and preserve the entrance/exit on Route 22.

Yvonne Clark – Whitehouse Village – asked about the expected delivery times. Ms. Clark's question could not be answered by this expert.

Exhibit B-1 is introduced: Arial as modified to show residence #283 in Whitehouse Village

Ms. Goodwin inquired about police and fire accessibility. Mr. Stires indicated that he does not foresee a problem as it is a one story building with ability to stage in front.

BREAK at 9:00 p.m.
RECONVENE at 9:07 p.m.

At 9:07 p.m. Ms. Hendry excused herself

Exhibit A-8 was introduced: Proposed Architectural Rendering of Front Elevation, dated October 12, 2015

Mr. Pentland testified that the existing building's first floor is comprised of a brick facade with large expanses of glass, and the second floor's façade is stucco. The proposed façade of the entire building will be clapboard with decorative wood piers. Signs will be located in a 6 foot 9 inch by 1 foot 9 inch box-out on the wall of the building.

Mr. Simon summarized the changes in that there would be a new roof, new siding, new windows, and new doors. Mr. Pentland confirmed, but indicated that the windows will not be replaced, only detailed.

Ms. Malcolm indicated that because **Exhibit A-8** was not submitted prior to this meeting, additional time is required for review. Ms. Malcolm advised that the proposed sign location would require a variance. Mr. Pentland indicated that the sign would be moved to adhere to the Township ordinance.

Discussion ensued regarding the architecture of the building. Mr. Pentland testified that the basic architecture of the building will remain the same, he is providing a "facelift."

Ms. Goodwin inquired about interior improvements to the building, including the residence. Mr. Pentland advised that the residence and professional office will remain the same. The retail space will include a new floor, lighting and ceiling. Shelving will be installed for retail display.

Ms. Malcolm inquired about the residential outdoor staircase. Mr. Pentland indicated that it would remain the same.

The Board requested to revisit the architecture after the Board's professionals had the opportunity to review the rendering.

OPEN TO PUBLIC

No questions

Exhibit A-9 was introduced: B Zone History & Neighborhood Analysis, dated October 15, 2015

Mr. Schaffer testified that within the Business Zone ("B Zone"), zoning requirements are set by lot size with thresholds of five (5) acres or greater; two (2) acres to five (5) acres; and less than two (2) acres. **Exhibit A-9** Inset A demonstrates, moving west to east, in 1990 there were two (2) clusters of B Zone, one at the extreme west end of the Township and the other a block away. In 2009, the westerly most B Zone was removed completely, and changes were made to the other cluster. What remained was a portion to the east of the Township and a small cluster in the middle of the Township.

Attorney Thomas described **Exhibit A-9** Inset A in that lots with (x) red hatch marks have been removed; (y) green triangles have been added; and (z) heavy black lines remain in the B Zone.

Mr. Schaffer testified that **Exhibit A-9** Inset B is intended to compare the zoning ordinance with the existing lots. He indicated that the Master Plan's intent is to encourage development of combined smaller lots. The intents, uses and Floor Area Ratio requirements increase as the lot size increases. He described **Exhibit A-9** in that (a) green hatch-marked lots are unbuildable or exempt from this ordinance; (b) star pattern lots are greater than five (5) acres; and, (c) cross pattern lots could be combined. There are four (4) lots within the B Zone that are less than two (2) acres and cannot be combined, including this property. The zone changes have brought this lot out of conformity.

Mr. Schaffer identified the negative criteria in that the property has been a multi-use property for years. The uses do not affect the adjacent properties, as the primary concern is the lot size. The benefits of approving this variance will outweigh those detriments to the public good. Applicant will attempt to design the structure to resemble others along Route 22. Mr. Schaffer testified that it can be accomplished without substantial impact to the purpose and intent of the zoning ordinance.

Attorney Thomas inquired about the two (2) lots to the west of this property. Mr. Schaffer advised that those lots are greater than two (2) acres.

Ms. Goodwin inquired about the grade change between this property and the property immediately to the west. Mr. Schaffer indicated that it was very steep, approximately twelve (12) feet.

Ms. Malcolm asked that the hardship be clarified. Mr. Schaffer advised that this lot is unique in the B Zone in that the use is not a permitted use and it is one (1) of four (4) lots that cannot be combined with another to create the two (2) acres required for retail use, or five (5) acres required for multiple uses.

Attorney Thomas inquired about whether there was anything preventing the property from being developed as a small professional or general retail use. Mr. Schaffer indicated that the property is a great example of a corner lot, highly prized for retail; but there is nothing preventing it from development permitted within the B Zone.

Ms. Malcolm indicated that there are allowable uses within the B Zone; and the property is suitable to work against Applicant for multiple uses. Attorney Tubman indicated that the space exists and is empty, indicating a hardship.

Attorney Thomas clarified the hardship in that the building exists and was most recently used as a residence, professional office, and retail. The lower level could be professional offices as Attorney Tubman previously advised. Mr. Schaffer concurred.

OPEN TO PUBLIC:

Neil Hurwitz – Whitehouse Village – inquired about the definition of fully developed and whether that indicated the buildings were fully built out or fully occupied. Mr. Schaffer indicated that fully built out structures are fully developed.

Mr. Hurwitz also inquired about additional changes to the building that would be for the public good. Mr. Schaffer advised that with Board's approval, the addition of retail along Route 22 was a positive factor.

Mr. Hurwitz sought clarification in that retail generates the most traffic. Mr. Schaffer testified that the size of this retail would not generate a lot of traffic compared to a day care center or coffee house.

Denise Hupka – Whitehouse Village – questioned Mr. Schaffer's development of retail space that is located in close proximity to a 290 unit residential development and its impact on traffic. Mr. Schaffer is not a traffic expert and, thus, unable to answer the question.

Attorney Thomas noted that this matter will be carried until November 19, 2015 with no further notice.

TECHNICAL REVIEW COMMITTEE

**Gil Petroleum, LLC
Use Variance and Site Plan
Block 30, Lot 1**

The applicant seeks a use variance and site plan approval. The T.R.C. has reviewed the application and determined it to be **incomplete**.

ADJOURNMENT:

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

The meeting was adjourned at 10:09 P.M.

Respectfully submitted,



Rebekah Harms
Board of Adjustment Secretary