

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

The Meeting was called to order by Attorney Thomas at 7:40 p.m. stating that the requirements of the Open Public Meeting Law have been satisfied. The Meeting had been duly advertised.

Members present: Michael Denning, Marygrace Flynn, Meredith Goodwin, Diana Hendry, Keith Hendrickson, Patrick Ryan, Joanne Sekella, Britt Simon, Richard Thompson

Also present: Michael Sullivan, Planner
Roger W. Thomas, Attorney

REORGANIZATION

Nomination and Election of Chair and Vice Chair. Ms. Hendry nominated Meredith Goodwin as Board of Adjustment Chair. Ms. Goodwin's nomination was seconded by Ms. Sekella. Attorney Thomas asked for additional nominations, at which time Mr. Hendrickson nominated Michael Denning. Mr. Denning's nomination was seconded by Mr. Simon. Hearing no additional nominations, a roll call vote followed.

Mr. Denning: Mr. Denning, Mr. Simon, Mr. Thompson

Ms. Goodwin: Ms. Flynn, Ms. Goodwin, Ms. Hendry, Ms. Sekella

Attorney Thomas turned the meeting over to Chairwoman Goodwin.

Chairwoman Goodwin invited nominations for the Board of Adjustment's Vice Chair. Ms. Flynn nominated Joanne Sekella. Ms. Sekella's nomination was seconded by Ms. Goodwin. Chairwoman Goodwin asked for additional nominations, at which time Mr. Simon nominated Michael Denning. Mr. Denning's nomination was seconded by Mr. Thompson. Hearing no additional nominations, a roll call vote followed.

Ms. Sekella: Ms. Flynn, Ms. Goodwin, Ms. Hendry, Ms. Sekella

Mr. Denning: Mr. Denning, Mr. Simon, Mr. Thompson

Chairwoman Goodwin acknowledged Ms. Sekella as Board of Adjustment Vice Chair.

Nomination of Board of Adjustment Secretary. Motion was made by Ms. Flynn, seconded by Ms. Sekella, to appoint Rebekah Harms as Board of Adjustment Secretary. Motion was carried with the following roll call vote:

Ayes: Mr. Denning, Ms. Flynn, Ms. Hendry, Mr. Hendrickson, Mr. Ryan, Ms. Sekella, Mr. Simon, Mr. Thompson, Chairwoman Goodwin

Nays: None recorded.

Nomination of Board of Adjustment Professionals. Motion was made by Ms. Sekella, seconded by Ms. Flynn, to appoint Roger W. Thomas, Dolan & Dolan, as solicitor; Michael Sullivan, Clarke Caton Hintz, as planner; Ferriero Engineering as land surveyor and John Hansen, Ferriero Engineering, as engineer; Key-Tech Laboratories as materials testing company; Princeton Hydro, LLC as environmental consultant; and The Noise Consultancy, LLC as acoustical consultants. Motion was carried with ayes all, nays none.

The appointment of a Board of Adjustment professional traffic engineer was carried until the next meeting.

2015 Meeting Dates. Chairwoman Goodwin set the 2015 Board of Adjustment schedule to take place on the third Thursday of each month. Chairwoman Goodwin further advised that the meeting date in December will be held on December 8, 2015. Motion was made by Ms. Sekella, seconded by Ms. Hendry, to accept the 2015 meeting schedule. Motion was carried with a vote of ayes all, nays none recorded.

Technical Review Committee. Chairwoman Goodwin requested volunteers for the Board of Adjustment's Technical Review Committee. Ms. Goodwin and Mr. Ryan volunteered. Meetings will take place prior to the Board of Adjustment meetings, or, if necessary, via teleconference.

PUBLICATIONS

A motion was made by Ms. Hendry, seconded by Ms. Sekella, to accept the following as the official publications for the Board of Adjustment:

Hunterdon County Democrat
Hunterdon Review
Courier News
Star Ledger
Express Times

Motion was carried with a vote of ayes all, nays none recorded.

MINUTES:

A Motion was made by Ms. Sekella, seconded by Mr. Denning, that the Minutes of December 9, 2015 be approved. Motion was carried with a vote of ayes all, nays none recorded. Ms. Goodwin and Mr. Hendrickson abstained from the vote.

TECHNICAL REVIEW COMMITTEE

**Route 22 Plaza
B 36, L 65**

The applicant seeks a D1 Variance with several waivers. The T.R.C. has reviewed the application and determined it to be **incomplete**.

**Della Pello
B 14, L 4.06**

The applicant seeks a D4 Variance with several waivers. The T.R.C. has reviewed the application and determined it to be **complete**. The application has been set to be heard on February 19, 2015.

RESOLUTIONS

**Roger Furstenburg
B 52, L. 1.15
Interpretation**

Chairwoman Goodwin asked if there were any comments or corrections. None were noted. A Motion was made by Ms. Sekella, seconded by Mr. Denning, to approve the resolution. Motion was carried with a vote of ayes all, nays none recorded. Chairwoman Goodwin, Mr. Hendrickson and Mr. Ryan abstained from the vote.

Ms. Hendry excused herself at 8:10 p.m.

PUBLIC HEARINGS:

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

Present for Applicant: Robert L. Podvey, Attorney

Attorney Podvey advised the Board of Adjustment (the "Board") that Applicant appeared before the HPC on December 9, 2014. In a memorandum dated December 10, 2014, the HPC summarized their recommendations to the Applicant.

In correspondence dated January 12, 2015, Attorney Podvey responded to the HPC's memorandum and advised that it was Applicant's position that the Readington Township Historic Preservation Commission (the "HPC") does not have jurisdiction over the property.

Exhibit A-12 was introduced: Correspondence from Robert L. Podvey to Pat Fisher-Olsen, HPC Chair, dated January 12, 2015

Mr. Podvey advised that he contacted the HPC on January 13, 2015, to confirm Applicant was to be heard at the HPC meeting scheduled for that evening. Ms. Fisher-Olsen indicated that Applicant was not, but she had forwarded Exhibit A-12 to Attorney Dick Cushing, Esq., Readington Township Land Use litigator. Attorney Podvey contacted Attorney Cushing who advised that he had no authority to speak with Attorney Podvey. Attorney Podvey also reached out to Sharon A. Dragan, Esq., Readington Township attorney, who advised that she was not involved with the matter at hand.

Attorney Podvey reiterated his belief that the property is outside of the historic district, and he stands by the position taken in Exhibit A-12.

Mr. Sullivan pointed out that there is no question as to where the property lies within the newly minted historic district. He advised that the HPC's review is a statutory authority they have through the Readington Township Land Use Ordinance. In addition to creating master plan elements and granting design standards, the HPC has the capacity to review and refer applications. Mr. Sullivan indicated that although the property does not currently have an historic building on-site, it does not negate the work of the HPC in reviewing this application. Mr. Sullivan acknowledged that the recommendations suggested by the HPC make Applicant's proposed project infeasible. Mr. Sullivan advised that the HPC's recommendations should be reflected in the Applicant's plans at some level, and if they cannot, Applicant needs to demonstrate why they cannot to the Board.

OPEN TO THE PUBLIC

Alan Hardwick, 53 Old Highway 28. He advised, as a member of the HPC, he was not speaking in the official capacity of the HPC. Mr. Hardwick informed the Board that the HPC recommended to Applicant what they felt would be a less visual impact on the surrounding area. The HPC asked Attorney Podvey to return to the HPC with revisions to the proposed project incorporating their recommendations. Mr. Hardwick further advised that the HPC believes they have jurisdiction over the property, as it has been a local historic district for decades.

Mr. Sullivan clarified Applicant's position to the Board in that despite the fact that the property is located in a local historic district and has been recognized by the State of New Jersey as an historic district, Applicant interprets the language in Readington Township's Land Ordinance and Master Plan as ambiguous due to the way the historic district is mapped. Mr. Sullivan noted that updated maps of the historic district were incorporated into the Master Plan in 2009.

Attorney Thomas advised the Board that they are being asked to review a D variance together with a site plan. Attorney Thomas told the Board that they have the right to review applications, but cannot determine the jurisdiction of the HPC. Attorney Thomas further advised the Board that if they determine that the memorandum submitted by the HPC is credible, the Board should advise Applicant that the memorandum's recommendations need to be addressed.

Mr. Sullivan indicated that due to the property location, the HPC's recommendations should give weight to the Board's decision.

Attorney Podvey indicated that one fact that he would like to verify is whether the historic district has been approved by the State. As to the local designation, Mr. Podvey disagrees that the property is located within an historic district. As Attorney Podvey set forth in Exhibit A-12; the 1988 subdivision from the Ryland Inn property and the 1990 Master Plan did not indicate the property was in an historic district. Mr. Podvey indicated that, if, in fact, the State has approved the property as historic, Applicant may wish to return to the HPC and discuss their recommendations.

Attorney Thomas advised the Board that they are in receipt of a memorandum from the HPC, and the Board has the right to take the memorandum into account as part of their determination of the requested variances. Attorney Thomas suggested to Attorney Podvey that he speak to Applicant and advise the Board prior to the next meeting as to their position.

The matter was carried, without notice, to February 19, 2015 with an extension through the end of March 2015.

ADJOURNMENT:

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

The meeting was adjourned at 8:58 P.M.

Respectfully submitted,

A handwritten signature in black ink that reads "Rebekah Harms". The signature is written in a cursive style with a large, stylized initial 'R'.

Rebekah Harms

Board of Adjustment Secretary