

**READINGTON TOWNSHIP
BOARD OF ADJUSTMENT MEETING
August 18, 2016**

The Meeting was called to order by Chair Goodwin at 7:32 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, Meredith Goodwin, Alan Harwick, Karen McCullough, Patrick Ryan, Joanne Sekella, Britt Simon, Richard Thompson

Members absent: Diana Hendry

Mr. Simon arrived at 7:33 p.m.

Chair Goodwin led those present in the *Salute to the Flag*.

MINUTES:

Ms. McCullough, Mr. Ryan and Mr. Simon abstained from the vote.

A Motion was made by Mr. Harwick, seconded by Ms. Sekella, that the Minutes of July 21, 2016 be approved. Motion was carried with the following roll call vote:

Ayes: Mr. Denning, Mr. Harwick, Ms. Sekella, Mr. Thompson and Chair Goodwin

Nays: None recorded.

PUBLIC HEARING

**AOG East Real Estate LLC
B. 15, L. 19
D Variance**

Present for Applicant: Kevin J. Moore, Esq.
Karl Pehnke, Traffic Engineer
Paul Phillips, Planner

Mr. Pehnke stated that a traffic report was submitted together with the application on November 9, 2015. The property was previously developed as a bank with drive-thru and access onto Route 22 West. Applicant intends to remove the bank structure, replace it with a slightly larger medical building and maintain the current drive structure. Applicant will be reconfiguring the parking lot.

Mr. Pehnke projected the prior use and used the same database to predict the anticipated traffic generated by the new use. During peak hours (7:00 am – 9:00 am and 4:00 pm – 6:00 pm), Applicant found the proposed use will generate fifty (50) less trips than the prior use. See **Exhibit A-7** for driveway configuration. The current driveway system will operate at a C or better – technically drives are rated between A-F, C being a good traffic flow. The Applicant is requesting a waiver for the width of the driveway, as the ordinance requires a maximum of sixteen (16) feet, and the current driveway is twenty-two (22) feet in width. The outbound driveway will be reduced to sixteen (16) feet internally, but opens up to twenty-two (22) feet at the DOT right of way. Applicant is proposing thirty-nine (39) 10x18 parking stalls. Sidewalks are proposed between the parking lot and building.

Attorney Moore asked if Mr. Pehnke would address on-site signage. Mr. Pehnke testified that the proposed sign along Route 22 is greater than the height permitted by ordinance. The sign is designed in a v-shape, rather than a flat two-sided sign which is based on the width of Route 22 and the large median. The proposed sign will present itself better for both east and westbound traffic.

Chair Goodwin inquired about the number of parking stalls and the number that are required by ordinance. Mr. Pehnke advised that the ordinance requires twenty-six (26), and the proposed site will have thirty-nine (39) stalls, including handicapped stalls.

Mr. Simon advised that due to the bend in Route 22 while traveling westbound, the site is very visible. He questioned whether the height of the sign would block the adjacent property. Mr. Pehnke indicated that the sign is outside of the right of way and will not impede visibility of the adjacent property.

Mr. Rea advised that through Mr. Pehnke's testimony, the items that were raised in McDonough & Rea's traffic report dated February 11, 2016 were addressed. He asked that Applicant provide them with certification from NJDOT of a letter of no interest.

OPEN TO PUBLIC - No comments or questions

Mr. Phillips testified that Applicant is seeking two (2) D-1 variances because (1) medical office use is not permitted in the PO zone; and (2) the reserve septic system is encroaching on the AR zone. Applicant is also seeking several bulk variances including (a) front yard setback; (b) a six (6) foot fence surrounding the trash dumpsters; (c) the height and shape of the sign; and (d) relief for more than a two (2) foot change in elevation.

Mr. Phillips testified that the proposed use is not out of character for the office use that is intended for the PO zone. Redeveloping the site for low intensity office use furthers the general welfare, serves the community and promotes a desirable visual environment.

Mr. Phillips testified that the proposed use will generate relatively low traffic as the use is low intensity. Applicant is improving the impervious coverage relative to the existing condition.

The requested bulk variances are not significant in nature in that the front yard elevation change is less than two (2) feet, the trash enclosure fence height is designed to provide visual screening, and the sign height is nine (9) feet above street level because of the front yard hill.

Ms. Malcolm questioned the need for design waivers in terms of the number of trees required in the front of the property. She understands the justification for the shape of the sign, and advised the Board it is their decision to permit the design waiver. Ms. Rubin advised that there is a similar sign across Route 22 at Stowaway Storage. Mr. Simon question the reason Applicant was deviating from the sign ordinance as far as the height. Mr. Phillips advised that the actual sign height is six (6) feet, but it stands nine and one half (9.5) feet above Route 22. The overall size of the sign is twenty (20) square feet smaller than the ordinance allows.

Mr. Denning questioned the dimensions of the sign and how far off the ground the sign stood. Mr. Phillips advised that the sign was 5'7" x 7' in size and stood 1'4" off the ground.

OPEN TO PUBLIC (planner) - No comments

OPEN TO PUBLIC (general)

Alan Weissman – 21 County Line Road – questioned why the sign height and shape was in question. Mr. Simon advised that the Township welcomes and promotes businesses. By permitting one (1) business to block the sign of others is not promoting fair business and safety.

Attorney Thomas recommended that the Board take a vote for the D variances and a separate vote for the preliminary site plan, waivers and bulk variances.

Having listened to the audio of prior hearings on this matter, Ms. McCullough, Ms. Sekella and Mr. Simon are eligible to vote. Mr. Ryan and Mr. Thompson abstain from the vote.

A Motion was made by Mr. Simon, seconded by Ms. Goodwin, that the two (2) D variances be approved. Motion was carried with the following roll call vote:

Ayes: Mr. Denning, Mr. Harwick, Ms. McCullough, Ms. Sekella, Mr. Simon, and Chair Goodwin

Nays: None recorded.

A Motion was made by Mr. Denning, seconded by Ms. Sekella, to grant the preliminary site plan, c variances and design waivers. Motion was carried with the following roll call vote:

Ayes: Mr. Denning, Mr. Harwick, Ms. McCullough, Ms. Sekella, Mr. Simon, and Chair Goodwin

Nays: None recorded.

**PMG Retail, LLC
B 39, L 56 & 57
Use Variance**

Present for Applicant: Lawrence C. Wohl, Esq.
William Obara, Engineer
Jeffrey Albanese, Quick Chek

Attorney Thomas advised that the meeting of August 21, 2016 was not recorded, as required by MLUL. Testimony pertaining to this application has to be disregarded.

Attorney Wohl forwarded correspondence, dated August 16, 2016, which described the application and answered questions from the hearing in August.

Exhibit A-1 was introduced: Use Variance Plan pages 1-3 revised on 8/3

Mr. Obara advised that the driveway located on County Line Road shifted to align with the industrial property across the street, and the reserve septic system has been moved out of the residential buffer. The lot line defining the properties has been changed, and a fence has been included in the rear and between the daycare and the proposed project.

Exhibit A-2 was introduced: Use Variance Plan page 4, dated 7/26/16

Mr. Obara testified that the total acreage of Lot 56 and 57 is 12.09 acres. Lot 57 is presently operated as daycare center, and Lot 56 is a single family residence. There is a Conservation Easement between the daycare center and the proposed project, which will not be disturbed. The daycare center will remain unchanged on a 4.93 acre lot. Applicant intends to remove the residential dwelling, and build a 5,496 square foot convenience store with five (5) fuel pumps on 7.11 acres. Site improvements include parking, stormwater management, landscaping and lighting. The reserve septic system has been moved to the west and is a subsurface system, required should the primary system fail. A fifty (50) foot buffer is required from the roadway, and Applicant is proposing 33.4 feet at the corner of the property near the intersection of Route 22 and County Line Road because of the unique shape of the property. There is an existing detention basin in the western corner. When the daycare center was developed, they took into account an additional 2.5 acres of impervious coverage. As such, Applicant does not need to make changes to the current detention basin as the proposed development has less than 2.5 acres of impervious coverage. The site will be serviced by septic, NJ American Water &

PSEG. Site circulation will be accessed from right in/right out along Route 22, with a secondary access point on County Line Road.

Mr. Malcolm noted that the buffer requirements indicate that the fence must be on Applicant's property. Chair Goodwin questioned the location of the fence. Mr. Obara testified that the fence surrounds the water quality area and travels south to the back of the property.

Mr. Denning asked for clarification as to the area that has to be removed for F.A.R. calculations. Ms. Malcolm advised that the wetlands and any steep slope areas, which Applicant accurately calculated.

Mr. Thompson questioned the reason the Applicant believes the Board should permit the proposed use. Attorney Thomas advised that is the purpose of the variance application. Mr. Obara may not answer, but Applicant must provide that there is a basis for the variance application and then the Board will get into the standards at the conclusion of Applicant's case.

Attorney Wohl asked Mr. Obara to testify as to the parking lot and traffic circulation at the proposed development. Mr. Obara indicated that fifty (50) parking stalls are proposed, wherein the ordinance requires twenty-eight (28). The over-sized stalls to the rear of the building are designed to accommodate landscape trucks, vehicles pulling trailers, and such.

Mr. Obara indicated that the type of fueling provided by the facility is not sought by tractor trailers because it's low flow. Attorney Thomas confirmed diesel fuel will be offered on-site, but simply for those personal vehicles requiring diesel fuel.

9:04 pm BREAK

9:15 pm RECONVENED

Attorney Wohl confirmed that the wooded area buffering the wetlands would remain. Mr. Obara testified that additional landscape buffering would be provided during the site plan phase of the application.

Attorney Thomas questioned the distance that plantings could be added between County Line Road and the parking lot. Mr. Obara advised that there is 134 feet between County Line Road and the parking lot.

Mr. Obara addressed the Board's professional reports, indicating that the July 14, 2016 report from McDonough & Rea would be discussed at the next hearing. Applicant will agree to the comments of the July 14, 2016 report from Princeton Hydro during the site plan application. Applicant has either complied with or addressed, during testimony, the August 17, 2016 report from Ferriero Engineering, Inc. Applicant will comply with the sidewalk and bicycle requirements outlined in the report of Clarke Caton Hintz. Attorney Wohl requested that Applicant be permitted to 'bank' the sidewalk requirement until such time that it is relevant.

Chair Goodwin expressed concern with the proposed fence and landscaping and its ability to provide adequate buffering from both the site and noise produced at the site. Ms. Malcolm indicated that the Board has not received a landscaping plan, and until such time cannot comment. Meredith questioned whether the site allowed for enough space to plant/build buffering for adjacent property owners. Ms. Malcolm advised that the buffer requirement is fifty (50) feet, which allows Applicant to meet those requirements.

Attorney Wohl indicated that fueling trucks would be prohibited from running while refueling the site. Applicant will do what they can to avoid unnecessary disruption to the adjacent properties.

Ms. Sekella questioned if a twenty-four (24) hour store was permitted by ordinance. Attorney Thomas advised that he would look into it.

Ms. Malcolm indicated that the lighting plans and proposed signage need to be submitted for review. Mr. Obara advised that the information would be provided during the site plan submission. Attorney Thomas suggested that Applicant may need to submit additional information to obtain use approval.

OPEN TO PUBLIC

Alan Weissman – 21 County Line Road – as the spillway lets out into my property's septic field, what will the additional development do to the parking lot and septic system. Mr. Obara advised that it's an emergency overflow spillway, used in the event of a malfunction.

Jeffrey Albanese testified that Quick Chek is privately owned by the Durling family. The proposed site will employ 35/45 employees both full-time and part-time. He advised that no Quick Chek fuels tractor trailers as the trucks require high rate flow fueled simultaneously from two (2) sides. The oversized vehicle parking is provided to give those vehicles a place to park so they don't take up 5-6 parking stalls. He testified that there are approximately twenty-six (26) to thirty (30) cameras recording on a 24/7 loop for safety purposes. Applicant will work with the Board on appropriate times for fuel deliveries.

Attorney Wohl questioned the safety of the adjacent properties. Mr. Albanese advised that there are a significant number of Quick Cheks located near schools, residential zones, and similar properties. He testified that Applicant will work with the Board to make certain there is an abundant buffer between the properties.

Attorney Wohl questioned the types of on-site deliveries. Mr. Albanese advised that fuel would be delivered once a day, and the refueling takes approximately 25 minutes. Food is delivered three (3) to four (4) times per week, and Applicant will work with the Board on an appropriate delivery schedule. Mr. Albanese testified that there would be a non-refrigerated grocer, a

refrigerated deli truck and a refrigerated milk truck (from the Durling plant). The refrigerated trucks are required to remain running pursuant to Board of Health requirements. The loading zone is located to the rear of the building.

Attorney Wohl asked why Applicant is proposing more parking stalls than are required. Mr. Albanese advised that eight (8) to ten (10) employees are present per shift, and during peak hours spaces fill up quickly. Applicant never wants to not have enough parking for their customers.

Attorney Thomas asked the number of stores owned by Quick Chek. Mr. Albanese advised that there are currently 144 stores. Attorney Thomas questioned the recording of complaints at the stores and how Applicant responds to them. Mr. Albanese did not have the answer, but indicated that there is a department that handles complaints and responses.

The application was carried until September 15, 2016 at 7:30 p.m. with no further notice.

OTHER BUSINESS:

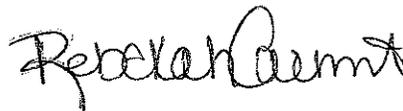
Attorney Thomas advised that he was contacted by Christina Schwartz, Readington Township Zoning Officer to discuss a new antenna on an existing cell facility. There is a provision in the M.L.U.L that indicates if an applicant requests to expand an existing cellular communication site, if certain standards are met; a site plan is not required. Attorney Kevin Jones, on behalf of Cellco (d/b/a Verizon Wireless) advised that a new federal statute, which supersedes the M.L.U.L., indicates that if certain standards are met, Board approval is not required. As such, Board approval is not required, but building code must be met and structural integrity must be confirmed.

ADJOURNMENT:

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

The meeting was adjourned at 10:12 P.M.

Respectfully submitted,



Rebekah Harms
Board of Adjustment Secretary