

**READINGTON TOWNSHIP
BOARD OF ADJUSTMENT MEETING
September 15, 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, Patrick Ryan, Britt Simon, Richard Thompson

Members absent: Diana Hendry, Karen McCullough, Joanne Sekella

Also Present: Roger W. Thomas, Esq.

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

MINUTES:

A Motion was made by Mr. Simon, seconded by Mr. Harwick, that the Minutes of August 18, 2016 be approved. Motion was carried with the following roll call vote:

Ayes: Mr. Denning, Mr. Harwick, Mr. Ryan, Mr. Simon, Mr. Thompson, Chair Goodwin

Nays: None recorded.

PUBLIC HEARING

**Leibowitz
B. 51, L. 37
D Variance**

Present for Applicant: Karen Leibowitz
Peter Leibowitz

Applicant indicated that they are seeking a variance to build a fourth bedroom over the existing garage. Applicant's current fourth bedroom is very small, and does not make for a comfortable living space. Applicant anticipates their elderly parents may need to stay with them for an extended period of time, and they would like to make a comfortable living space for them and other guests. The addition over the garage does not expand the house's existing footprint. The architect has made certain it's within the character of the house and the neighborhood. The house was built to model an 18th century colonial, and the exterior addition will look like a carriage house.

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OPEN TO PUBLIC

Scott Scammell – 80 Dreahook Road – is familiar with the application and thinks it's a positive approach to the house.

Chair Goodwin questioned the current square footage and the proposed square footage. Applicant testified that the house is currently 2,500 square feet and the addition will increase this number to approximately 3,000.

Mr. Hansen questioned if the house would have four (4) bedrooms following the completion of the addition. Applicant advised that it would.

Mr. Malcolm indicated that with a F.A.R. variance the emphasis is on whether there will be any negative impacts, and whether the site can accommodate the expansion. She noted that this site is set back from the road and is heavily treed around the sides.

A Motion to approve the application and grant the variances requested was made by Mr. Simon, seconded by Mr. Thompson. Motion was carried with the following roll call vote:

Ayes: Mr. Denning, Mr. Harwick, Mr. Ryan, Mr. Simon, Mr. Thompson, 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
Mr. Lam, Bohler Engineering
Douglas Polyniak, Traffic

Exhibit A-3 was introduced: Site Plan, revised August 26, 2016

Exhibit A-4 was introduced: Colorized Rendering of Sheet 4, dated August 26, 2016

Mr. Obara testified that changes were made to the plans wherein two (2) oversized parking stalls along the southern end of the property were removed. This allowed Applicant to increase the buffer to the south and reduced the impervious coverage. The septic area and septic reserve area were moved thirty (30) feet to the north, reducing the encroachment onto County Line Road. The stockade fence located to the south has been moved up fifty (50) feet, and additional landscaping was added along the southern property line.

Chair Goodwin asked if the southern neighbor would no longer see the fence, only landscaping. Mr. Obara confirmed and advised that the neighbor would see a berm, as the grading is increased. Attorney Wohl advised that Applicant will install a fence, the height and material to be agreed upon with the Board during site plan approval.

Exhibit A-5 was introduced: Correspondence from Delaware-Raritan, dated August 29, 2016

Attorney Wohl confirmed that **Exhibit A-5** indicates the types of landscaping materials that will be used on the site. Mr. Obara testified that the species of plantings indicated on the plan was derived directly from the Township's ordinance.

A bicycle rack has been added to the front right-hand corner of the facility. At the request of the Board's planner, site lighting locations have been added to the plan; including pole lighting, canopy lighting and perimeter lighting.

Ms. Malcolm questioned the size of the berm. Mr. Obara advised that the primary goal of the berm is to provide equal elevation along the rear of the property.

Mr. Denning questioned the size of the lot. Mr. Obara testified that it is 7.11 acres and remains the same from the last submittal. The floor area ratio remains the same at .02%, and impervious coverage has been reduced to 23.04%.

OPEN TO PUBLIC – no comments

Mr. Lam was sworn in and confirmed as an expert.

Attorney Wohl advised that in Clarke Caton Hintz's report fuel safety concerns were raised. Mr. Lam advised that Applicant uses equipment that exceeds the state and federal requirement. The equipment has numerous safety components; including monitoring both locally and at headquarters, corrosion protection, tanks and piping are made of two (2) layers of fiberglass. There is a spill prevention system within each fuel port, consisting of a five gallon "bucket" to contain drips from the hoses. There is also an overflow protection wherein once the tanks are at 90%, the fuel flow will slow down, an alarm will go off both visually and audibly; and at 95% the hose shuts off automatically.

Attorney Thomas questioned if there was a system to monitor the tanks for leaks. Mr. Lam advised that there is a monitoring system that can be viewed within the store and at headquarters. The monitoring system is located between the two (2) fiberglass walls. There is at least one (1) employee monitoring the fuel pumps.

Mr. Harwick questioned if there was a kiosk for the employees. Mr. Lam advised that there is a 4 foot by 7 foot kiosk that is required by building code.

Chair Goodwin questioned the time it took to deliver fuel. Mr. Lam advised that for 9,000 gallons it takes approximately 30 minutes, and fueling trucks will deliver about one time a day.

OPEN TO PUBLIC

Timothy Scoville – 19 County Line Road – inquired about the time at which fueling trucks would make deliveries. Mr. Lam indicated they would be off-peak hours, during the day. Mr. Scoville inquired about the number of gallons per month to be delivered. Mr. Lam approximated 180,000 gallons of fuel per month would be delivered.

Exhibit A-6 was introduced: Traffic Circulation Plan, revised August 26, 2016

Exhibit A-7 was introduced: Rendered Traffic Circulation Plan page 1 of 3, dated August 26, 2016

Douglas Polyniak was sworn in and confirmed as an expert traffic engineer. Applicant believes that this site is well suited for a convenience store and gas station, as it is a large property which allows for the process of fuel delivery vehicles, convenience store delivery vehicles, and customers with appropriate sized aisles, parking stalls and driveway widths. This property allows for dual driveways along both Route 22 and County Line Road with plenty of space before the traffic signals. Traffic studies show that 80-90% of the traffic is not traffic coming to the area specifically for this site, but is traffic that already exists along the roadways. The zone is approved for a hotel or office building both of which would generate more peak hour traffic than the Applicant.

Applicant performed traffic counts, morning and evening peak periods. On April 14, 2016 from 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:30 p.m. and found that from 7:30 a.m. – 8:30 a.m. and 4:45 p.m. – 5:45 p.m. are the peak hours. Traffic was projected using the Institute of Transportation Engineers trip generation, 110 vehicles visiting the site during morning peak hours and 140 during the evening peak hours. Existing roadway traffic was taken and a growth factor was applied, which is a NJDOT growth factor for Hunterdon County at 1.5% for two (2) years. A 2018 based was created, and traffic associated with several approved projects in the area was added.

Exhibit A-8 was introduced: Traffic Signal Installation Plan Approved NJDOT Conditions for Route 22 / County Line Road, dated April 26, 2010

It was noted that Applicant's traffic study did not take this new configuration into consideration. Applicant is aware that a development of apartments may be built on Route 22 West, consisting of approximately 120-170 units. This traffic has been included in Applicant's calculations.

Exhibit A-8 was introduced: Rendered Traffic Circulation Plan page 2 of 3, dated August 26, 2016

Mr. Harwick inquired about some of the changes depicted on **Exhibit A-7**. Mr. Polyniak advised that an additional left turn lane is proposed on Route 22 West, a right turn added to Route 22 West into the residential development, and Route 22 East will have a dedicated left turn lane into the development. County Line Road will be widened to receive the two (2) left turn lanes, as well as to extend the right turn lane that is currently there.

Chair Goodwin inquired about the distance the entrance on Route 22 will be from the traffic signal. Mr. Polyniak advised that it would be more than 200 feet to the intersection, which is double what NJDOT requires.

Mr. Harwick questioned the location of the exit onto County Line Road if the two (2) lanes are constructed. Mr. Polyniak advised that the exit falls south of the two lanes.

Mr. Denning questioned if the State maintained a right of way for a right turn lane at the intersection. Mr. Polyniak advised that the state does have a right of way and could put a right turn lane on Route 22 East. Not knowing what NJDOT would do, they may or may not put a turning lane in that would be close to Applicant's entrance on Route 22.

Mr. Harwick inquired about the number of cars that would stack up to turn into the facility. Applicant did observe that, and advised that the driveway proposed is approximately 260 feet from the stop bar at Route 22.

Mr. Harwick questioned whether tractor trailers would have the ability to pull into the lower driveway on County Line Road. Mr. Polyniak referred to **Exhibit A-7** which shows a tractor trailer accessing the site. It illustrates a WB-50 vehicle entering the County Line Road access and exiting onto Route 22.

Chair Goodwin questioned traffic backing up during peak hours. Mr. Polyniak does not anticipate any problems. The entrances / exits are located a substantial distances from the intersection. Mr. Simon expressed his concern about adding to the traffic that backs up along Route 22 East during morning peak hours.

Chair Goodwin questioned if Applicant limited vehicles to an entrance on Route 22 and exit on County Line Road, if that would improve traffic flow. Mr. Polyniak advised that it would make traffic flow substantially worse.

Mr. Thompson inquired how Applicant is going to prevent tractor trailers from pulling onto the site or parking illegally along the road. Mr. Polyniak advised that it is Applicant's intention to not cater to tractor trailers, even though they can traverse the site. Mr. Harwick inquired if this is something Applicant does at all of their locations. Attorney Wohl confirmed that it is, and it is controlled by signage.

Attorney Thomas advised that the application has been carried until October 20, 2016 with no further notice.

BREAK 8:59 p.m.
RECONVENED 9:08 p.m.

Gill Petroleum, Inc.
B 30, L 1
Use Variance

Present for Applicant: Christopher Erd, Esq.
Craig Stires, Engineer

Attorney Erd described the Applicant's location on Main Street as being an existing gas station with a two (2) bay building that Applicant wishes to convert into a small convenience store. Applicant has been heard by the Historic Preservation Committee ("HPC") and the Sewer Advisory Committee ("SAC"). Applicant has received reports from Clarke Caton Hintz and Princeton Hydro that identified some issues that Applicant was not aware of. Applicant is the tenant on site and has been the tenant since 2012. Applicant has been made aware of a 2004 Resolution for the canopy that had a number of conditions that were not addressed.

Mr. Simon advised that the site is in default of the conditions placed upon it in 2004. Even so, Attorney Thomas advised Applicant to move forward with an overview of the application.

Chair Goodwin asked about whether there is sewer capacity, and the unmet conditions. Attorney Erd advised that the deficiencies are described in Clarke Caton Hintz's report of September 8, 2016. Applicant advised that this site is on well, and there is no meter on site. Applicant is willing to move forward with the application at its own risk. According to the calculations for a convenience store, Applicant would require additional capacity. Applicant does not believe they need additional sewer and will provide testimony to support this claim.

Mr. Hansen advised that as a condition for approval, Applicant will have to get additional sewer capacity or prove that they are using much less water and sewer than they already have allocated.

Mr. Harwick questioned condition 9 of the Ferriero Engineering report dated September 13, 2016. Mr. Hansen advised that it was closing off the access on Somerset Street closest to Main Street.

Chair Goodwin asked Ms. Malcolm to review the deficiencies in their September 8, 2016 report. The unmet conditions include lighting, signage, drainage, curb cuts, access drives and canopy color. One access drive along Somerset Street was to be closed. The shoebox lighting was to be replaced with fixtures that blend in more esthetically. There are more signs than permitted in the 2004 Resolution, including signs attached to light posts, signs on the canopy, and the pricing signs are changeable copy signs and it is not clear if that is permitted. The canopy color was to be grey and simply designed to adhere to the HPC recommendations.

Ms. Goldman advised that in 2003 Princeton Hydro issued a letter that required the applicant to install trench drains and trench drain insert filters as a condition of approval.

Discussion ensued regarding the fact that the conditions of the 2004 Resolution were not met.

Craig Stires was sworn in as a professional Engineer.

Exhibit A-1 was introduced: Colored Rendering of Landscape Plan, dated April 12, 2016

Mr. Stires testified that Applicant will remove the service bays and create a convenience store. The façade would be redone, the doors removed, and more windows added. Nine (9) parking spaces would be created in the rear of the property. The building would have a second entrance in the rear and a small addition that would essentially be an ice box. The parking stalls would be on an existing paved/stoned area. New lighting and landscaping would be installed landscaping.

Attorney Thomas questioned the façade changes. Mr. Stires advised that the front of the building would have the biggest changes with the removal of the bay doors. There is an addition to the side of the building, a requirement of the HPC because utilities have to be concealed. Signage would be added on the south side of the building for train traffic exposure.

Currently there are two (2) drives along Somerset Street. Essentially the condition was to combine those drives to make one large drive. The fueling trucks need to be able to come in off of Main Street, and exit along Somerset Street. The police report recommends closure of the northerly Main Street entrance and creates one entrance on Somerset Street. These changes would prevent a fueling truck from traversing the site.

Chair Goodwin asked Mr. Malcolm to provide a letter of all known deficiencies.

This matter was carried until October 20, 2016 at 7:30 p.m. with no further notice.

ADJOURNMENT:

A Motion was made by Mr. Simon, 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 9:46 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 initial "R".

Rebekah Harms
Board of Adjustment Secretary