

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
January 15, 2009**

A. Attorney Donald Moore called the reorganization meeting to order at 7:40 p.m. announcing that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised.

B.

Betty Ann Fort	present
Marygrace Flynn	absent
Keith Hendrickson	absent
Diana Hendry	present
George (Chip) Shepherd	present
Britt Simon	present
Eric Stettner	present
Richard Thompson	present
Michael Denning	absent

**Michael Sullivan, Clarke Caton & Hintz
John Hansen, Ferriero Engineering
Clay Emerson, Princeton Hydro
Donald Moore, Esq., Kelleher & Moore**

Attorney Moore stated on the record that the following Board members were sworn in prior to the meeting.

**Eric Stettner – Four year term
Britt Simon – Four year term
Keith Hendrickson (1st. alternate – Two year)
Diana Hendry (2nd. alternate – One year)**

C. Nominations:

1. Chairman: Attorney Moore asked for nominations for Chairman. Mr. Simon nominated Betty Ann Fort as Chairman. Mr. Stettner seconded the motion. There were no other nominations. Motion was carried with a vote of ayes all, nays none recorded.

The meeting was turned over to Chairman Fort.

2. Vice Chairman: Mr. Simon nominated Michael Denning for Vice Chairperson. Ms. Hendry seconded the motion. There were no other nominations. Motion was carried with a vote of Ayes all, nays none recorded to nominate Michael Denning as Vice-Chairperson.

3. Secretary: Ms. Hendry nominated Linda Jacukowicz for Board Secretary. Mr. Shepherd seconded the motion. There were no other nominations. Motion was carried with a vote of Ayes all, nays none recorded.

4. Professional Services Contracts

**Donald Moore, Esq., Attorney Services
Jacobs, Edwards & Kelcey – Traffic Engineering Services
Michael Sullivan Clarke – Caton – Hintz, Professional Planning Services
Key-Tech - Inspection and testing services
John Hansen, Ferriero Engineering
Ostergaard Associates – Acoustical experts
Princeton Hydro – Environmental Consultants**

Ms. Hendry made a motion to approve the professional contracts. Mr. Stettner seconded the motion. Motion was carried with a vote of ayes all, nays none recorded.

4. Schedule of Meeting Dates for 2009

**Third Thursday of each month
*December meeting will be held on December 8, 2009.***

Ms. Hendry made a motion to approve the meeting dates for 2009. Mr. Simon seconded the motion. Motion was carried with a vote of ayes all, nays none recorded.

5. Technical Review Committee

Ms. Hendry made a motion to appoint Marygrace Flynn and Betty Ann Fort to the Technical Review Committee for 2009. Mr. Stettner seconded the motion. Motion was carried with a vote of ayes all, nays none recorded.

D. PUBLICATIONS

**Hunterdon County Democrat
Hunterdon Review
Courier News
Star Ledger**

Express Times

Mr. Simon made a motion to approve the publications for 2009. Mr. Stettner seconded the motion. Motion was carried with a vote of ayes all, nays none recorded.

E. APPROVAL OF MINUTES:

1. December 9, 2008 Mr. Simon made a motion to approve the minutes. Ms. Hendry seconded the motion. Motion was carried with a vote of ayes all, nays none recorded.

F CORRESPONDENCE:

No correspondence was read into the record.

G. OTHER BUSINESS:

1. Voucher approval

Mr. Simon a motion to approve the vouchers. Ms. Hendry seconded the motion. Motion was carried with a vote of ayes all, nays none recorded.

H. RESOLUTIONS:

1. Hanna Saqa Block 75, Lot 33 Amended final resolution

Mr. Moore stated for the record that after the resolution was memorialized at the December meeting, there were some issues raised. One of the changes had to do with language in paragraph five of the conditions.

Mr. Hansen informed the board that there had been a question on whether a detailed stormwater management plan was required if the applicant developed property that was less than one acre of disturbance and less than one quarter of an acre of impervious coverage. Since this is neither a site plan nor subdivision, it is technically a D variance application. If it was under those threshold limits they would require a dry well design. They reconfigured the language of condition number five to address that item.

Mr. Moore added that there was another change to paragraph four which reads, "... that the whole property must be owned by one entity, such as one or more individuals, but the homes can be occupied by different parties...."

Mr. Simon made a motion to amend the resolution. Mr. Stettner seconded the motion.

Roll Call:

Mr. Simon	aye
Mr. Stettner	aye
Mr. Thompson	aye
Madam Chair	aye

I. TECHNICAL REVIEW COMMITTEE:

None

J. OTHER BUSINESS:

Mr. Shepherd requested that we begin a process to require that the applicants conserve paper by printing on both sides. Also, if documents are emailed, there is no reason to forward hard copies. The township committee will be notified that the checklist should be amended to include that all documents should be printed on both sides of the paper.

Mr. Shepherd made a motion to amend the checklist to require that applicants produce all documents on 8 ½ x 11 paper be printed double sided and to the extent any other document that could be reproduced double sided. Ms. Hendry seconded the motion. Motion was carried with a vote of ayes all, nays none recorded.

K. PUBLIC HEARINGS:

- Hunterdon Christian Church
Amended Preliminary & Final Site Plan
71 Summer Road – Block 93, Lot 12.03
Action date: February 13, 2009**

Anthony Koester, Esq., Dilts & Koester stated that he is the attorney for the applicant. This is an application for an amendment to the preliminary and final site plan approval. He stated that the property is located at Block 93, Lot 12.03. It consists of 5.59 acres. In 2003, the applicant received a bifurcated variance approval where the FAR was increased from the existing point zero four to point one percent. There was also an approval to expand the non-conforming use to allow

a church use in the AR zone. Based upon the bifurcated approval, they applied for preliminary and final site plan application in 2005. There were also a series of extensions that were granted. They exercised two - one year extensions. They are currently in the second one year extension.

Mr. Koester stated that the applicant is applying for a reconfiguration to the site plan. There are also architectural changes.

Attorney Moore swore in the following witnesses:

Thomas Cannarella – LJ Engineering. Stated that he is a licensed civil engineer in the State of New Jersey since 1999.

Arthur Sikula, registered architect in the State of New Jersey since 1983.

Michael Sullivan, Clarke Caton & Hintz

John Hansen, Ferriero Engineering

Clay Emerson, Princeton Hydro

Mr. Koester stated that the addition that was previously approved was for 8,244 square feet. The proposed addition is 7,722 square feet. There is a reduction in the building footprint. The main building entrance has been shifted slightly. The parking lot has also been altered in order to fit with the building. The interior space has been reconfigured so that they now have a court yard in the center of the building. They are not seeking any new variances. There has been a net reduction of the floor area ratio that is being proposed. The height of the steeple has been reduced and also the height of the roof line of the building. There is now a proposed fenced in playground which will be located near the rear of the building.

Exhibit A-1 Plan prepared by Mr. Cannarella

The previous site plan approval was for 8,244 square foot church addition with 248 seats and 98 parking spaces along with site improvements including a new septic and stormwater management system, lighting and landscaping. The amended site plan consists of a slightly different footprint. It consists of 7,721 +/- square feet which is a reduction of 523 square feet of building coverage. It has 248 seats and 98 parking spaces. The outer perimeter of the building has been changed slightly.

Mr. Hansen referred to his letter dated January 12, 2009. Items A through E have been satisfied. Number 3 is a correction to the parking stall count adjacent to the detention basin. Number 4, 5 6, and 7 must be addressed by the applicant.

Mr. Sullivan had no concerns.

Mr. Emerson informed the board that Princeton Hydro submitted a letter to the board which summarized that the operation of the stormwater management system is unchanged by these proposed changes.

PUBLIC COMMENTS:

There were no comments from the public.

Exhibit A-2 Architectural design with beige siding and brown roof

Exhibit A-3 Amended and proposed architectural exhibit

Arthur Sikula compared the two architectural designs for the board. He pointed out the patina (powder coated aluminum) copper color of the steeple.

Mrs. Fort complimented the applicant that the proposed plan is improved over the previously approved plan, however, she would not recommend to have a green (patina) colored steeple. She would prefer white.

Mr. Sikula informed the board that the applicant has agreed to change the color of the green steeple to white.

Exhibit A-4 Previously and approved floor plan

Exhibit A-5 Floor plan

Exhibit A-6 Floor plan labeled SKO3

Exhibit A-7 SK2-1

Exhibit A-8 SK2.2

Mr. Sikula explained the new proposed floor plan to the board.

Mr. Sikula explained that the playground area will be fenced in with landscaping surrounding it.

Ms. Hendry made a motion to approve the amended preliminary and final site plan application and to include the items that were documented in John Hansen's letter dated January 12, 2009. Mr. Simon seconded the motion.

Roll Call:

Mr. Shepherd aye

Mr. Simon aye

Mr. Stettner aye

Mr. Thompson aye

Ms. Hendry aye

Madam Chair aye

The board took a five minute break.

- 2. Winfield Management Corp.
Preliminary-Final Site Plan &**

Use Variance
Action date: January 15, 2009

Mr. Peck stated for the record that this is a continued hearing. The proposed uses have been clarified within the complex. They are proposing one full service 45 seat restaurant that would have a maximum floor area of 18,000 square feet and they are proposing 6 other retail uses that are consistent with the zone. Per the review letter created by John Hansen dated January 13, 2009, they are not proposing a funeral parlor, bar or tavern within the building. Revised plans dated December 22, 2008 were submitted. There is a truck turning area to accommodate tractor trailers. They also added 3 parking spaces to make a total of 81 parking spaces on site. This was accomplished by eliminating the connector to the adjacent site. Sidewalks have been added to the plan along Route 22 and Haver Place frontage. The ground water monitoring wells in the underground stormwater system has been added. Monitoring has begun. Additionally, a letter from Gordon Meth was forwarded to the board that captured the results of his meeting with NJDOT. The State recommends closing the U-turn that is the closest to this property, and moving all U and left turn traffic down to the Route 523/Route 22 intersection.

Mr. Flath brought the board up to date regarding the meeting at the NJDOT. For safety purposes they recommend closing this median.

Exhibit A-15 Map produced by Gordon Meth, Traffic Engineer dated January 15, 2009 (Google map)

Mr. Flath stated that this is the map that they reviewed during their meeting with the NJDOT.

Mr. Hansen referred to the letter from Gordon Meth, particularly item number one, which states that the "...street permit application for Haver Place, is also connected to the U-turn modifications..." It will be a connected application. If the board would approve the Haver Place improvements, the developer is performing the U-turn improvements. This application would be subject to NJDOT approval, as a condition of approval.

Mr. Flath proposed that he will not get a permit to construct the work on Haver Place, unless he does what NJDOT has requested. He informed the board that he does not want the financial burden. But he will if he gets the board's approval, go to the township committee for approval and suggest that the Board of Adjustment work with him and not let this hold up his project. He suggested that a condition of his approval would be that he has to apply for the NJDOT permit. He would perform a cost estimate that would be attached to his performance bond. He wants the opportunity to go to the Township Committee and request a contribution from them or future applicants that may benefit from this improvement. That way if his application is approved, he can continue and the NJDOT will not be able to hold up construction.

Mr. Hansen had a question regarding the Haver Place improvements and the median improvements. He stated that it looks like the two improvements are connected. It is clear, that the Haver Place improvements have to take place. If they're connected, Mr. Hansen did not feel that they could be separated. He suggested that Mr. Flath reach out to NJDOT and request that the two improvements be separated.

Regarding Mr. Hansen's letter dated January 13, 2009, the applicant is in agreement with all of the recommendations. There are some minor points that still needed to be worked out.

John A. Madden, Jr., Licensed Professional Planner in the State of New Jersey, licensed in 1974. He stated that he has over 40 years experience in planning. He is the assistant director of planning for Maser Consulting.

Exhibit A-16 – Google based photograph dated January 15, 2009.

Mr. Madden testified that the subject site is located at the corner of Haver Place and Route 22. It consists of 2.47 acre site. It is located in the B zone and the site has water, sewer and gas service. It is also located along the Route 22 corridor. The surrounding properties are mixed uses. The proposed project consists of a two story mixed use building containing 30,105 square feet. They propose 7 retail uses on the first floor and 12 affordable deed restricted apartments on the second floor. Two apartments would contain one bedroom, six would contain two bedrooms and four would contain three bedrooms to conform to the COAH obligation. All access would be from Haver Place. The parking is located to the rear of the site. The stormwater will be treated through a wastewater recycling system.

Exhibit 17 – Variance Chart dated January 15, 2009.

Mr. Madden explained the variances that are requested by using the variance chart.

In terms of the 2007 Reexamination Master Plan amendment report he stated that the goal in the Whitehouse Corridor Plan would be to move away from highway strip commercial developments. The township is moving toward a center base, smart growth model that consists of character that you would find in Whitehouse Station. The parking is located behind the building. The buildings are located closer to the road. Buildings would have pitched roofs. There would be developments proposed that would be pedestrian friendly by installing sidewalks. Many of the variances that the applicant is seeking are caused by this development model. The affordable housing is one of the primary reasons for many of the variances. There is a D-1 use variance for multi-family housing; two principal uses on the property; exceed FAR – they are proposing point two eight four FAR and point fifteen is permitted; variance for the height, exceeds nine feet two inches; front yard setback; side yard set back; forty-eight point six percent impervious coverage,

the zone requires forty-five percent; steep slope variance; eighteen less parking spaces are proposed. He testified that the parking should in his opinion be 72 parking spaces. Another consideration is shared parking for the businesses and residential.

Mr. Madden stated that the benefits outweigh the detriments of the variances that they are requesting. They provided an inherently beneficial use in the form of the affordable housing.

Regarding the use variance, they meet the positive criteria under the purposes of zoning; they meet the general welfare by providing the affordable units; and they promote conservation.

Mr. Hansen wanted to clarify the building height testimony. He stated that it was not consistent with the plans that were submitted. Mr. Madden thought that this had been worked out by the board. It was an average height to the mid point of the roof. Mr. Madden did not feel that anyone would be affected by a height deviation.

Clay Emerson of Princeton Hydro stated that he reviewed the latest revised plan and he has been in contact with the applicant's engineer. His office will prepare a report based upon the few remaining outstanding issues. He stated that at this point from the stormwater perspective, the vast majority of the issues have been addressed. The groundwater monitoring is ongoing. Mr. Emerson suggested that the engineer should attend the next meeting.

Mr. Sullivan suggested that the professionals meet again prior to the next meeting.

Madam Chair suggested that comments should be obtained from Scott Parker regarding the plan.

Mr. Moore stated that the board has to look at the negative criteria. The township is getting COAH units, but the negative criteria is a safety issue for the residents living in those COAH units and the ability to get across the parking lot to the play area.

Mr. Flath stated that he presented the board with a professional traffic study report. It has been reviewed by the board's expert. After meeting with the NJDOT, they want to close the median. He suggested that when he appears before the Township Committee, he would like to have a letter from the Board of Adjustment stating that they have listened to the testimony he this improvement is recommended. Mr. Hansen stated that this is a condition of the resolution.

The applicant's attorney signed an extension to February 19, 2009. No further notice will be given.

L. ADJOURNMENT:

Ms. Hendry made a motion to adjourn at 10:30 p.m. Mr. Shepherd seconded the motion. Motion was carried with a vote of ayes all, nays none recorded.

Respectfully submitted,

Linda A. Jacukowicz