

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT  
MINUTES  
February 15, 2007**

Chairperson Fort called the 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.

A.

Mrs. Fort	present
Mrs. Flynn	present
Mrs. Goodwin	present left at 9:10 p.m.
Ms. Hendry	absent
Mr. Stettner	absent
Mr. Shepherd	present
Mr. Thompson	present
Mr. Denning	present

Donald Moore, Esq., Kelleher & Moore  
John Hansen, Ferriero Engineering  
John Miller, Princeton Hydro

B.           **APPROVAL OF MINUTES:**

1.       **January 18, 2007**

Mrs. Goodwin made a motion to approve the minutes. Mr. Denning seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.*

2.       **January 18, 2007 Executive Minutes**

Mrs. Flynn made a motion to approve the minutes. Mrs. Goodwin seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.*

3.       **January 24, 2007 - Special meeting**

Mrs. Flynn made a motion to approve the minutes. Mr. Shepherd seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.*

4.       **January 24, 2007 - Executive Minutes**

**Mrs. Flynn made a motion to approve the minutes. Mrs. Goodwin seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.***

**C. CORRESPONDENCE:**

**The secretary read the correspondence into the record. The letter from Lloyd Tubman, Esq., dated January 23, 2007 regarding the Hunterdon County YMCA was addressed. Ms. Tubman approached the podium and stated for the record that the Hunterdon County YMCA is prepared to move for final site plan approval. There are some minor issues that still need to be completed. She asked if the board would consider this application and have the outstanding conditions completed in the spring.**

**Mr. Sullivan had no problem with that stipulation.**

**D. TECHNICAL REVIEW COMMITTEE:**

- 1. Vines, LLC/Readington  
Block 39, lot 59  
3523 Route 22 East  
Site Plan and Variance  
Action date: March 10, 2007**

**Mrs. Flynn stated that the application still had numerous deficiencies and therefore remained incomplete.**

**E. RESOLUTIONS:**

- 1. Report on Variance Applications for 2006**

**Mr. Denning made a motion to approve the resolution. Mr. Shepherd seconded the motion.**

**Roll call:**

<b>Mr. Denning</b>	<b>aye</b>
<b>Mrs. Flynn</b>	<b>aye</b>
<b>Mrs. Goodwin</b>	<b>aye</b>
<b>Mr. Shepherd</b>	<b>aye</b>
<b>Mr. Thompson</b>	<b>aye</b>
<b>Madam Chair</b>	<b>aye</b>

**2. Resolution Authorizing Professional Services Contract**

**Mr. Denning made a motion to approve the resolution. Mrs. Goodwin seconded the motion.**

**Roll call:**

<b>Mr. Denning</b>	<b>aye</b>
<b>Mrs. Flynn</b>	<b>aye</b>
<b>Mrs. Goodwin</b>	<b>aye</b>
<b>Mr. Shepherd</b>	<b>aye</b>
<b>Mr. Thompson</b>	<b>aye</b>
<b>Madam Chair</b>	<b>aye</b>

**F. PUBLIC HEARINGS**

- 1. CharDham Hindu Temple/Readington  
Use Variance & Preliminary Site Plan  
25A Coddington Road  
Action date: February 15, 2007**

**Lloyd Tubman, Esq., stated for the record that she is the attorney for the applicant. This is a continuation of a hearing on the application for the CharDham Hindu Temple. She stated that Mr. Hill and Mr. Bosenberg have collaborated on several exhibits. Ms. Tubman stated that Mr. Hill will conclude his testimony and include the last 2 exhibits. Mr. Bosenberg will then make his presentation and then she will hold both witnesses for additional questioning.**

**Madam Chair stated that Ms. Tubman would have 1 hour for the hearing.**

**Brian Bosenberg and the board's professionals were sworn in by Mr. Moore. Mr. Hill remained under oath.**

**Exhibit A-25 Critical areas map, page 1 of 1, dated 9/28/05 prepared by Thomas L. Yeager & Associates.**

**Mr. Hill stated the map shows all the ordinance requirements.**

**Mrs. Goodwin wanted to know where the septic system would be located and how many people the septic is designed for. Mr. Hill indicated the location on the plan and stated that the capacity is based upon floor area ratio.**

**Exhibit A-26 – Proposed Easement plan - page 2-A prepared 2/1/07**

The easements that are shown are required by the township's ordinance and the Department of Environmental Protection. Mr. Hill indicated on the plan where all of the easements and buffers that were located.

Mr. Denning stated that the location of the septic system shows that a corner crosses into the side yard set back. Mr. Hill stated that that was correct.

Mr. Shepherd asked for more detail regarding the fence that would delineate the conservation easement. Mr. Hill stated that the ordinance requires that a permanent fence would be constructed and would follow the boundaries of all of the easements. Additionally, they would install permanent monuments and pins in each corner.

Mrs. Flynn stated that at the Planning Board they usually require a split rail fence.

Mr. Moore asked the professionals if all of the changes were acceptable. Mr. Sullivan stated that he reviewed the map and it encompasses everything that they would normally ask for in a conservation easement when there is a wetland attached to it.

John Miller of Princeton Hydro stated that their letter was dated February 11, 2007. All of their comments had been addressed except for 2 items. One item relates to the environmental impact statement. There is a statement in the EIS that speaks about the use of energy efficient components and the sufficient installation and orientation to utilize maximum solar heat. Mr. Souza was looking for testimony regarding this subject. The other item dealt with the operation and maintenance manual for the stormwater design. Dr. Souza was looking for further testimony as to the changes that were made to the manual.

Mr. Hill stated that they did not change the manual at this point. The components of the system meet the requirements of the township. A revised manual will be created after all of the changes are made to the stormwater design.

Ms. Tubman stated that the architect will testify to the use of materials at another evening.

Brian Bosenberg of Bosenberg and Company Landscape Architects located in Far Hills New Jersey. He stated that he has been practicing as a landscape architect for 27 years. He stated that he is licensed in New Jersey in 1985, Pennsylvania, New York, Virginia and Maine.

A-27 Sheet one of three of the landscape drawings dated 11.9.06 prepared by Bosenberg and Company Landscape Architects

**Mr. Bosenberg testified that this is the same drawing that was submitted to the board. The plan indicates the landscape buffering that is required by ordinance. They tried to preserve the existing buffering, especially along the south side of the site. In the parking lot, they propose a separate island that will consist of shade trees, flowering shrubs and ornamental grasses. The ordinance requires shade trees along the road, but because of the site triangle issue they are unable to plant the trees in that area. Based upon Mr. Sullivan's recommendation, they have taken those trees and incorporated the shade trees along the northwest corner of the entrance. Instead of planting the trees along Coddington Road, they have moved them to the landscape buffer. Regarding the water company easement, at some date it could be cleared and the applicant already has a plan that would replace any removal of the existing buffering.**

**A-28 Sheet two of three of the landscape drawings dated 11.9.06- prepared by Bosenberg and Company Landscape Architects.**

**Mr. Bosenberg stated that this exhibit shows in greater detail the water quality basin and the landscape for the basin.**

**A-29 Overall landscape plan dated 7.22.06 prepared by Bosenberg and Company Landscape Architects**

**Mr. Bosenberg stated that this was submitted with the original packet to the board. This plan shows the entire site. He indicated to the board the area of disturbance.**

**A-21 – This exhibit was prepared jointly between Mr. Hill's office and his office. The title of the drawing is "vicinity map" revised 7.28.06.**

**The purpose of the drawing is to show the temple in context with the other residences. The residence on Tunis Cox Road at the corner of the temple at the nearest point is 926 feet. The other furthest residence to the eastbound on Tunis Cox Road is 1,107 feet. Traveling in a westerly direction on Tunis Cox Road, there is a residence 802 feet, the next one is 848 feet, and the following residence is 831 feet. These measurements are to the actual building. The applicant felt that it was important to demonstrate this to the board. He stated that there was some concern about the farmhouse that is located on the other side of the railroad tracks, which is 608 feet from the temple.**

**Mr. Moore stated that in summary the closest residential dwelling would be the farmhouse located at 608 feet. The furthest on Tunis Cox Road is 1,107 feet and on Coddington Road the furthest from the temple would be 1,049 feet.**

**Mrs. Goodwin wanted to know what they propose in front of the property along Coddington Road. She mentioned that this area is heavily screened and would it be removed. Mr. Bosenberg answered that sections would be removed. He referred to Exhibit A-27. He stated that at the entrance they propose to remove**

trees. They are going to try to maintain as much of the existing vegetation as possible. They propose to plant 9-10 shade trees in that area and a number of evergreen trees.

Mr. Sullivan suggested that the applicant should prepare a 3 dimensional visual impact model. Additionally, there is a requirement regardless of the use that the applicant would have to screen the north, south and the front side of parking area. In order to insure that this occurs given the tendency that the deer might eat the lower branches, he suggested that they need to install a four (4) foot fence at the very least around the parking lot area on the inside of the buffering.

Mr. Bosenberg referred to Mr. Sullivan's report dated December 19, 2006. Mr. Sullivan suggested that a buffer easement for the township should be placed on the existing utility easement. Ms. Tubman suggested that they could place a buffer easement that would preclude the applicant's removal of the buffer. Ms. Tubman stated that the applicant has received a letter from the water company stating that they would allow the applicant to plant 25 feet from the easement.

Mrs. Goodwin suggested that the buffering should go all along the edge of the building. Mr. Bosenberg stated that what is driving the proposed buffering is the drainage. But he agreed to work with Mr. Hill and Mr. Sullivan to include more buffering. Mrs. Goodwin stated that this is the side that the residents will be looking at and there is minimal screening.

#### **PUBLIC COMMENTS:**

Fred Barden 9 Tunis Cox Road – He asked Mr. Hill what was the date that they started with the plan. Mr. Hill answered July 05.

Mr. Barden wanted to know if the placement of the temple was to maximize the parking. Mr. Hill indicated that the placement takes advantage of the slope to make all of the elements work together.

Amy Ms. Broidrick 9 Tunis Cox Road wanted to know if the septic was designed to the square footage of the building. Mr. Hill stated that this information is with the Board of Health.

Madam Chair stated that she has a copy of the Board of Health findings and she stated that is based upon standard calculations for churches based on seating.

Ms. Savita Saini 6 Tunis Cox Road asked if a bubble building could be erected so that the residents could see the size of the building. She also wanted to know if there is a 300 foot buffer requirement. Mr. Hill answered that they have permits from the State of New Jersey.

**Madam Chair stated that this matter would be continued to April 19, 2007 without further notice to the public.**

**The board took a break at 9:15 p.m. The board reconvened at 9:23 p.m.**

**G. VOUCHER APPROVAL**

**Marygrace Flynn made a motion to approve the vouchers as submitted. Mr. Denning seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.***

**H. PUBLIC HEARINGS: (continued)**

- 2. Hunterdon County Housing Corp.  
Block 4, lot 94  
27 Oldwick Road  
Variance  
Carried and signed extension to February 15, 2007**

**Meredith Goodwin left the meeting.**

**Richard Tice, Esq., Watts, Tice & Skrowneck stated that he is the attorney for the applicant. He stated that this is a piece of property that the Housing Corporation obtained from the County of Hunterdon. The county took over the open space and park land. The property was previously used as a 2 family home for an extended period of time. He had been advised that there were no approvals to use it as a legal two family home. It was rented as a one family. They feel that it could easily be a two family home since it is set up that way. It is rented as moderate to low income housing. There is a problem with sewer. When the property was purchased, they did not realize that someone had placed a pipe in the stream to dump the sewage into the stream. When they discovered that a pipe had been installed they closed the pipe. Now the septic is pumped weekly. He appeared before the sewer advisory board. They have a plan to install a new septic system and a plan for sewer.**

**Madam Chair asked if Mr. Tice has information from the county as to when the road would be widened. Mr. Tice answered that there has been some discussions that the road widening would take place approximately 5 years from now and if the road is widened the home would be demolished.**

**Mr. Sullivan made the board aware of the fact that the township does not have these units calculated in their COAH plan. In the next COAH round, the units could be included in the plan. He suggested that approval should be conditioned upon the applicant either getting the sewer connection for the 2 units or upgrading the septic system on site consistent with the current laws.**

**Mr. Tice testified that the second unit is only for one person.**

**Mr. Sullivan stated that if the variance is created, it is solely for the purpose of providing low and moderate income housing. Mr. Tice stated that the lease that they have with the county states that if it is not used for low and moderate housing it would revert back to the county.**

**Madam Chair noticed that there is also a buried oil tank. Mr. Tice answered that was correct. He stated that the applicant is responsible to try to rent and restore the property to allow low or moderate income households to reside in the house.**

**Mr. Sullivan wanted to know if this would be approved, would it be for low or moderate income households. Mr. Tice stated that whatever the board requested. Madam Chair answered it should be one of each.**

**PUBLIC COMMENTS:**

**There were no comments from the public.**

**Mr. Tice informed the board that the applicant would need a variance for the front yard setback and parking setback. Additionally they are seeking the following waivers to the checklist; for the survey and plans; and for the Environmental Impact Statement.**

**Madam Chair stated that by adding another tenant to the building, it might increase the untidiness of the property. Mr. Tice answered that it is difficult to have enforcement over the tenant.**

**Mrs. Flynn made a motion to approve the application subject to the variances requested; one low income and one moderate income housing unit that would qualify for COAH as long as it exists as a 2 family house; subject to the approval of Board of Health or valid hookup into the public disposal system; and re-locating the parking area to the side or rear of the dwelling. Mr. Denning seconded the motion.**

**Roll call:**

<b>Mr. Denning</b>	<b>aye</b>
<b>Mrs. Flynn</b>	<b>aye</b>
<b>Mr. Shepherd</b>	<b>aye</b>
<b>Mr. Thompson</b>	<b>aye</b>
<b>Madam Chair</b>	<b>aye</b>

3. **Whitehouse Management LLC  
Block 36, lot 47  
669 US Highway 22  
Variance**

**Geoffrey Soriano, Esq., from the law office of Soriano and Soriano located in Somerville stated that he is the attorney for the applicant. He informed the board that this is a continuance of the hearing that took place on January 18, 2007. The applicant is seeking approval to display and sell aluminum trailers in conjunction with his existing business. The board's secretary was instructed to examine the archived records to see if there were additional documentation relating to the prior planning board proceeding. No additional information was found. The applicant also researched his records and found no additional information. Mr. Soriano stated that it is his understanding the only record that exists is the minutes from the 1999 planning board proceeding.**

**Mr. Soriano stated that it was his understanding at the prior meeting, that the board and applicant would continue with the discussion to the existing operation and once that was completed they would embark on an analysis of the additional use that is proposed.**

**Madam Chair stated that the additional use should be addressed first.**

**David Stires stated that he is a professional engineer licensed in the State of New Jersey.**

**Exhibit:**

- A-3 Colored rendering of the variance plan latest revised date 8-23-06.**

**Mr. Stires addressed the existing conditions on the site. He stated that the property consists of 8.625 acres. This is slightly less than what was listed on the letter that was sent to the board by Mr. Horvath and less than what is listed on the tax records. This is due to a dedication on Coddington Road. The property is in the B zone. The existing building has several variances relative to buffering and setback requirements from Route 22. Also, there are variances relative to minimum buffer standards along both Coddington Road and Route 22. Mr. Stires stated that he had received comments from the board's professionals. He stated that he met with Mr. Horvath and now they propose to make modifications to clarify the application. He prepared another exhibit.**

- A-4 Trailer display dated 1-18-07.**

**Mr. Stires testified that they are proposing 20 trailers to be stored on the existing stone parking lot. The ranges of the trailers are 17 to 24 feet in length. There were some comments regarding landscaping and fencing and the applicant is now proposing to add some additional buffering along the western portion of the**

stoned area and along the southern area of the stoned area. Additionally, the fencing was extended from the rear of the main building to the south to enclose the entire stoned area. They are proposing a security light to be installed at the rear of the building.

Mr. Stires stated that regarding John Hansen's report dated January 17, 2007, the existing septic area is located within the stoned area that is proposed for the trailers. They would install wheel stops to delineate the area so that no vehicles would cross over the existing field. In condition #3 of Mr. Hansen's report, he was concerned with the existing number of pole mounted lights. Mr. Stires testified that there are pole mounted lights along Route 22 that provide lighting for the parking area and that shine in a southerly direction away from Route 22. The applicant is not proposing to change these lights.

Mrs. Flynn wanted to know when these lights are turned off. Mr. Horvath answered they are turned off approximately one hour after closing.

Mr. Thompson wanted Mr. Stires to describe the type of fencing that is proposed. Mr. Stires answered that currently there is a fence on the paved area on the Coddington Road side. It is comprised of slats. The fence will be 6 feet in height.

Mr. Thompson wanted to know the height of the trailers. Mr. Horvath answered that the height of the trailers are 7 feet or more. It would depend on the type of trailer.

Mr. Soriano stated that the variances that the applicant is seeking are for outside storage and bulk conditions. Additionally, depending on how the board perceives the application, it could be considered an additional use. He is arguing that this is an extension of the applicant's existing business.

Regarding item number 5 of Mr. Hansen's letter, this refers to a requirement of the site plan application should this application be approved. Mr. Stires answered that they would propose to use the existing lighting, with a security light. The lighting would be turn off at 10:00 p.m. He is already showing the pine tree buffering. The location of outdoor display has been identified on the revised plan. The applicant would request that no curbing be installed in order to access the parking to the east side of the existing building. The parking stalls shall be reserved on site if future NJDOT improvements at the intersection would result in the removal of the existing parking stalls.

Ms. Flynn stated that previously parking improvements were supposed to be made at the site pursuant to the engineer's request. She wanted to know if these improvements were ever made. Mr. Stires answered that he did not know.

**Mr. Denning wanted to know if the proposed landscaping met the requirements of the zone. Mr. Stires answered that probably not.**

**Mr. Thompson asked if the applicant would be willing to plant additional buffering so that it would be harder to see the trailers. Mr. Horvath answered that he wanted visibility for the trailers. He wanted to have 3 or 4 trailers in the front of the property and the rest of the inventory could be stored at the back of the property.**

**Mrs. Flynn stated that horse trailers are not an impulse purchase. She stated that the horse community is well connected as far as where the suppliers are located. Right now the applicant has a business for car improvements, and if the applicant gets approval then he can advertise as such. She did not feel that displaying the trailers would be attractive on the Route 22 corridor.**

**Mr. Thompson wanted to know if the trailers were listed in the applicant's catalog. Mr. Horvath answered no, this is a separate dealership.**

**Mr. Denning asked if the applicant is requesting permission to sell all trailers or horse trailers. Mr. Soriano stated that he did not get to that part of the hearing. He wanted the board to first know what the site consisted of. Mr. Horvath will testify at a later time concerning the type of trailers that he is proposing to sell.**

**Madam Chair wanted to know if Mr. Stires saw any practical hardship in developing this property. Mr. Stires answered that there is no hardship. There is an issue with sewer availability. The site is under utilized. The B zone allows for an FAR point two and the applicant is at point zero three five. The unavailability of sewer restricts the property from being developed in the business district.**

**Mr. Denning wanted to know what was stored in the fenced in area. Mr. Horvath answered those vehicles that are waiting for repair. Mr. Denning felt that this was a large area for storing vehicles that are just having accessory add on work done to them. Mr. Horvath said that they do repairs too. They restore antique automobiles. It is hard to differentiate between installing a specialty item or a repair.**

**Mrs. Flynn informed that board that at the last meeting, Mr. Soriano produced a letter from Jeff Klein the prior zoning officer in which he stated that he did not determine that this use was an automobile repair shop. Now, you are stating that it is. Mr. Horvath answered that this was correct.**

**Mrs. Flynn stated that she spoke with people who sat on the planning board when Mr. Horvath received his prior approval and the approval was just for the installation of items that were sold in the store.**

**Madam Chair stated that this matter has to be carried to the next meeting which is March 15, 2007.**

**Mr. Horvath wanted to know if the board was going to continue to ask him questions as to how he is using the building, or would there only be questions about the trailers.**

**Madam Chair stated that the discussion this evening dealt a lot on where the trailers would be located and how the applicant proposes to improve the site.**

**Mr. Denning stated that the questions regarding the other uses had to with the board trying to get the whole picture of the many uses that are currently on the site.**

**Mr. Horvath stated that his application was a reasonable request when he originally applied.**

**Mr. Moore stated that the board should follow Mr. Sullivan's report. It lays out the legal criteria. The board cannot consider the economics of the applicant.**

**Madam Chair stated that the board has to consider this application for this property. Mrs. Flynn stated that this is not just a simple application. There are legal requirements that the board has to look at.**

**Mr. Shepherd stated that his impression as to what Mr. Horvath was asking was should he continue to spend money to do this, or is this a lost cause. He informed the applicant that this board can commit to giving the applicant a decision about whether trailers will be permitted to be displayed on the property by the next meeting.**

**Mr. Thompson included that the applicant is performing functions that no one knew about. This is what is complicating the application.**

**Mr. Moore referred to his notes from the last meeting which specifies that the repairs were related to the sales of those products on site. For example if a special rim was purchased the applicant would install it. After tonight's testimony it might be that this is not the extent of the business and there is more work being done at the site.**

**Mr. Horvath stated that everything that he is doing at the business, he felt that he was entitled to perform.**

**This meeting will be continued without any further notice to March 15, 2007.**

**I. ADJOURNMENT:**

**A Motion was made by Mrs. Flynn to adjourn the meeting. Mr. Denning seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.**

**Respectfully submitted,**

**Linda Jacukowicz**