

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
March 17, 2005**

Chairperson Fort called the meeting to order at 7:42 p.m. announcing that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised.

A.

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|----------------------|----------------|
| Mrs. Fort | present |
| Mrs. Flynn | present |
| Mrs. Goodwin | present |
| Ms. Hendry | absent |
| Mr. Felicetta | absent |
| Mr. Shepherd | absent |
| Mr. Staats | present |
| Mr. Thompson | absent |
| Mr. Denning | present |

**Michael Sullivan, Clarke Caton & Hintz
John Hansen, Ferriero Engineering
Donald Moore, Esq.**

B. APPROVAL OF MINUTES:

1. February 17, 2005

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

2. Executive Minutes February 17, 2005

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

C. CORRESPONDENCE:

The secretary read the correspondence into the record.

D. EXECUTIVE SESSION:

Mr. Moore read the resolution into the record.

RESOLUTION
(Open Public Meetings Act – Executive Session)

WHEREAS, N.J.S.A. 2:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist:

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment, of the Township of Readington, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
Active litigation and subject to attorney/client privilege. – **Various litigation matters.**
3. It is anticipated at this time that the above matter will remain confidential because litigation remains pending.
4. This Resolution shall take effect immediately.

Certified to be a true copy of a Resolution adopted on March 17, 2005.

Mrs. Flynn made a motion to go into closed session. Mr. Denning seconded the motion. Motion was carried with a vote of ayes, nays none recorded.

Mrs. Flynn made a motion to close the executive session and to open the public hearing. Mrs. Goodwin seconded the motion. Motion was carried with a vote of ayes, nays none recorded.

E. OTHER BUSINESS:

1. Request from Zoning Officer for informal meeting

Chairman Fort stated that she would like to have permission from the board so that Attorney Moore and she can meet in an informal setting with John Barczyk the zoning officer.

Mrs. Flynn made a motion to approve that meeting. Mr. Denning seconded the motion. Motion was carried with a vote of ayes, nays none recorded.

Mr. Moore informed the board that Mr. Barczyk had approached him to ask for assistance regarding some enforcement issues and interpretation of the zoning ordinances. Mr. Moore informed him that he does not technically have the authority

to discuss these topics with him. So Mr. Moore asked Sharon Dragan the township attorney if she would bring this to the attention of the township committee for their approval. She had no objection and neither did the Committee.

2. Ordinance Review Subcommittee

The Planning Board has created a subcommittee to review the ordinances. The Chair asked if anyone was interested in volunteering to help.

Mike Denning agreed to work on the subcommittee.

F. TECHNICAL REVIEW COMMITTEE:

- 1. W. E. Timmerman & Co.
Final Major Site Plan
Block 15, lot 10
3554 Rt. 22 West
Action date: March 26, 2005**

Mrs. Flynn stated that the application was incomplete.

- 2. Commerce Bank
Block 19.01, lot 8
Preliminary/Final Major Site Plan
Action date: April 2, 2005**

Mrs. Flynn stated that the TRC recommended that this matter be deemed complete.

- 3. Cellco Partnership d/b/a Verizon Wireless
Preliminary/Final Major Site Plan
Block 14, lot 14.03
Action date: April 3, 2005**

Mrs. Flynn stated that the application was incomplete.

- 4. Laurence & Janice Hoffman
Block 9, lot 6
Variance application**

Mr. Sullivan stated that there are questions as to whether or not there is an encroachment into the stream corridor. This has to be resolved prior to the hearing. Mr. Hansen has agreed to contact the attorney to see what could be done to speed the application along through completeness phase.

G. COMPLETENESS:

1. **Commerce Bank**
Block 19.01, lot 8
Preliminary/Final Major Site Plan
Action date: April 2, 2005

Mrs. Flynn made a motion to deem the application complete. Mr. Denning seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.*

H. PUBLIC HEARINGS:

1. **Yardville National Bank**
Block 5, lot 6
Preliminary & Final Major Site Plan
signed extension to March 17, 2005

Geoffrey Soriano, Esq., stated that he is the attorney for the applicant. He stated that this is continued hearing. The site, the structure and the landscaping topics were covered at the prior meetings.

Attorney Moore swore in the witness:

Frank J. Fuzo stated that he is the Vice President of Yardville National Bank. He testified that his office is located at 90 Main Street, Flemington, NJ. He has been employed at this bank for 3 years. He previously worked for the Department of Treasury State of NJ for 5 years.

He stated that Yardville Bank has been located in Hunterdon County for the past 4 years. They have a regional office located in Flemington and branch offices in Somerville and Piscataway. Yardville Bank is involved in the local community. Mr. Fuzo stated that they offer personal banking for persons who cannot come into the bank. They have people who will go out and meet with individuals at off hours or on weekends if necessary in order to perform their banking for them. They also enter into agreements with local vendors. They performed a site search in order to find a location for another bank. There were 2 other locations that were located in Readington Township. The proposed facility will not be a regional office. It will only have one office inside the building and that will be the branch manager's office. There will be no loan officers located at this site. Most of their client's are residential or small business owners. Mr. Fuzo stated that the normal days of operation would be Monday through Saturday. Saturday's hours would be from 9:00 a.m. to 12:00 p.m. During the week the facility would be open either from 8:30 a.m. to 5:00 p.m. or 9:00 a.m. to 5:00 p.m. and open one night a week until 6:00 p.m. There would be between 4 and 5 employees at the site at any given time. No noise would be produced from the site. Deliveries are made either by van or car. The illumination would be on until 5:30 p.m. They are proposing 3 drive-thru lanes, which consists of an ATM and teller lanes. The interior layout of the building will

consist of one office and a conference room. In all of the branches, the conference room is offered to any community group that would need space to meet. The conference room can accommodate approximately 10 people. Mr. Fuzo stated that they did their own marketing analysis. He stated that this property is in their site area. He testified that he is satisfied this is an area where their demand is needed.

Mr. Moore swore in the witness.

Gary Dean stated that he is a licensed professional engineer in the State of New Jersey. He is a graduate of Lehigh University with a Bachelor of Science Degree in Civil Engineering.

Mr. Dean stated that he prepared a traffic impact assessment dated April 16, 2004. This information was submitted with the application. He stated that he was focused on the time that the traffic would be the busiest. Along the Route 22 corridor the morning rush hours generally are between 6:30 a.m. and 9:00 a.m. and the afternoon rush hour between 4:00 p.m. and 6:30 p.m. They also observed traffic along Ramsey Road, which was almost non-existent. He stated that he had checked with the township to see if there were any pending projects in the area that might affect the traffic. There was one development which consists of a 50,000 square foot building. He included this in his report a few years ago. They included the traffic that would be generated by the County Classics' development and the Fallone Project. They prepared a forecast of all of this traffic including the site and found that they would be able to provide adequate service levels at Ramsey Road and Route 22.

In his analysis, he estimated the traffic generated by this bank would be approximately 20 vehicles during the morning peak hour and maybe 25 to 40 during the evening peak hour.

Mr. Dean stated that functionally they feel that they have met the spirit of the ordinance regarding the adequacy of the parking. They are proposing 15 dedicated parking spaces, whereas the ordinance requires 18 spaces. The drive-thru function serves customers instead of having additional parking spaces. They have 12 stacking spaces through the drive-thru lanes for their customers. If this is added to the 15 spaces it gives the applicant the opportunity to have 27 spaces. This is a passive use after 5:00 p.m.

Mr. Dean addressed all issues in Mr. Parker's January 18, 2005 report. He will provide the field sheets in comment number five. In Mr. Parker's report, there was a concern about landscaping within the site triangles. Mr. Dean will comply with Mr. Parker's requirements.

Mrs. Goodwin wanted to know how the traffic calculated. She stated that you can access the ATM 24-7. Mr. Dean answered that they propose to install the ATM

closest to the building, which would allow the 2 outside lanes for to be used for transactions. People do use the ATM during rush hour times.

Mrs. Fort wanted to know if the applicant could have had an entrance or exit on Route 22. Mr. Dean answered that this was a choice due to the fact that the detention facility has to be located in that area.

Mrs. Fort stated that she was concerned with the intersection of Central Avenue and Route 523. Making it less of an issue, there should be no left turn out of the site, so the traffic would have to deal with Route 22. Mr. Denning and Ms. Goodwin did not think no left turn would help the traffic flow on the secondary roads.

PUBLIC COMMENTS:

Mr. Gerald 1 Ramsey Road was concerned about the building creating light and noise at night.

Mr. Weigand was concerned about the fence along the property line. He wanted the fence to be erected 5-6 feet from the property line because a portion of his driveway is on their property. The applicant agreed to move the fence.

The board took a 5 minute break.

Elizabeth McKenzie was sworn. She stated her credentials for the record.

Exhibit A-4 – Outline of Elizabeth McKenzie’s testimony

Exhibit A-5 Curriculum vitae for Elizabeth McKenzie

Ms. McKenzie testified that this application is an existing undersized lot in the B zone along Route 22. The applicant is seeking a D-1 variance to locate a bank which requires 2 acres or more on a lot that is slightly less than 1 acre. There is approximately 150 feet of frontage on the westbound side of Route 22 and 285 feet of frontage on Ramsey Road. The property is currently developed with a 2 story dwelling. The lot is wooded in the rear. The existing dwelling does not comply with the required set backs for Route 22 or Ramsey Road. North of the property is Stryker Place which is a paper street. Also, they need the D variance because they are proposing the drive-thru lanes.

Ms. McKenzie testified that based upon Mr. Fuzo’s testimony there is a need for the bank in this area. The property has not been maintained. Any re-development of this site would make it more attractive. The applicant finds this site to be suitable for the bank. The proposed branch bank is a small branch. It will be 3500 square foot building. It will not have corporate offices. Route 22 has existing undersized lots. The Master Plan goal is to encourage the consolidation of lots; and to make sure that the scale of the development is appropriate to the size of the lot. The landscaping plan and the architectural plan support the idea that they are

promoting a desirable visual environment. The fact that they are re-developing a property that has development already on it and they are improving it promotes the conservation of open spaces. Ms. McKenzie stated that the granting of the variance would not be substantially detrimental to the public good. She testified that both purposes (a) and (g) that are cited in her report are promoted by approving the drive-thru facility in connection with this bank. This will help serve the public.

PUBLIC COMMENTS:

There were no comments from the public.

Exhibit A-6 2002 Aerial photograph showing the vicinity of the bank prepared by Elizabeth McKenzie

Mr. Soriano stated that the applicant will work with the board's engineer regarding drainage issues prior to the next meeting. An extension was signed to April 21, 2005.

Mr. Moore stated for the public that this matter was carried to April 21, 2005 without any further notice.

- 2. Hunterdon Christian Church
Block 94, lot 1.203
Preliminary & Final Major Site Plan
signed extension to April 21, 2005 – Carried to April 21, 2005**

This matter was carried to the April 21, 2005 meeting.

- 3. Krew Car Wash/Readington
Block 34, lot 31
Amended Preliminary Major Site Plan
Action date: April 2, 2005**

Lloyd Tubman, Esq., stated that she is the attorney for the applicant. This is an application for a sign variance for the existing Victory Lane Car Wash on Route 22. The car wash was approved in 1990. In 2002 the operator, Frank Boffa, made some site plan adjustments. The plans and resolution for that approval recite that the location and dimension of the sign would be left up to the board's planner. The sign is up. Frank Boffa the former operator is no longer associated with the business. Cardie Saunders is present to testify on behalf of the ownership of the property and the reason for the request to increase the height and the dimension of the sign and to relocate the sign. Currently the sign is located 20 feet behind the property line.

Mr. Moore swore in the witness.

Cardie Saunders stated that he is one of the owners of the property and operates it as well. The reason for the change to the sign is for a visibility issue. He is adjacent to the King's Shopping Center. Usually once or twice a day, customers will over-shoot the entrance and enter the exit lane. They approach the cars trying to exit. He stated that he took the dimensions of his neighboring signs as far as a height and size and determined this size. The present sign is 9 feet high and 10 feet wide. It has a 5 x 10 face, 50 square feet. He is requesting an 18 foot sign to the top of the face and to increase the face size from 5 x 10 to 6 x 12 feet. In addition he proposes to move the sign forward to the sign set-back line set forth in the ordinance.

Mrs. Goodwin suggested directional signs might be more appropriate.

Mr. Sullivan stated that a condition of the approval should include that the earlier site plan's conditions should be met. The applicant has no objection.

Mrs. Flynn stated that the board is very cautious about signs on Route 22. The 18 foot sign will stay with the property. It would be considered clutter.

Mrs. Fort stated that she did not feel that the proposed larger sign would help.

Mrs. Flynn also agreed that she did not feel it would be helpful to have a larger sign. The King's sign would block the highway visibility. She thought that it could be more effective if the sign would be moved closer to the highway.

Ms. Tubman asked if the sign could be moved to the location that it is permitted, and to change the sign face within the present dimensions which is 5' x 5' face dimension and 9 foot height and moved to within 10 feet of the property line, then with the board's permission, there is 1 tree that is in conflict with the sign and the applicant will plant the rest of the landscaping that was approved.

Ms. Sullivan suggested that the applicant put in top soil so that the landscaping will survive.

PUBLIC COMMENTS:

There were no comments from the public.

Mrs. Flynn made a motion to approve the application. Mr. Staats seconded the motion.

Roll Call:

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| Mr. Denning | aye |
| Mrs. Flynn | aye |

Mrs. Goodwin **aye**
Mr. Staats **aye**
Madam Chair **aye**

4. CVS
Final Major Site Plan
Route 202 & Summer Rd.
Block 95, Lots 16 & 17.01
Action date: April 3, 2005

Tom Malman, Esq., stated that he is the attorney for CVS. He stated that they are before the board for final site plan approval. They have received the reports from the professionals and have addressed all of their comments. There are no outstanding issues.

Ms. Sullivan wanted the applicant to submit samples of the building materials of the exterior finishes. Mr. Malman agreed with that request.

Mr. Hansen stated that he was satisfied with all of the conditions.

Regarding Princeton Hydro's report confirms that the plan is acceptable.

PUBLIC COMMENTS:

There were no comments from the public.

Mrs. Flynn made a motion to approve the application. Mr. Denning seconded the motion.

Mr. Denning **aye**
Mrs. Flynn **aye**
Mr. Staats **aye**
Madam Chair **aye**

Mr. Malman requested that the board memorialize the resolution for CVS. Mrs. Fort was hesitant to do this due to the amount of litigation within the municipality.

Mr. Moore stated that he would have to add a condition that all of the requirements of the professional's have been met.

Mr. Denning stated that he does not have a problem with memorializing the resolution.

Mr. Staats stated that they have met all of their conditions and this is for final so he is comfortable with memorializing the resolution.

Mr. Moore informed the board that if this is what the board is inclined to do, he will amend the resolution and forward it for signature during the week.

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

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| Mr. Denning | aye |
| Mrs. Flynn | aye |
| Mr. Staats | aye |
| Madam Chair | aye |

H. ADJOURNMENT:

Mrs. Flynn made a motion to adjourn. Mr. Denning seconded the meeting. *Motion was carried with a vote of ayes, nays none recorded.*

Respectfully submitted,

Linda A. Jacukowicz