

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
April 21, 2005**

Chairperson Fort called the meeting to order at 7:34 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
Ms. Hendry	present
Mr. Felicetta	present
Mr. Shepherd	present
Mr. Staats	present
Mr. Thompson	present
Mr. Denning	present

Michael Sullivan, Clarke Caton & Hintz
John Hansen, Ferriero Engineering
Donald Moore, Esq.
Valerie Bollheimer, Esq.
Nelson Caparas, Edwards & Kelcey

B. **APPROVAL OF MINUTES:**

1. **March 17, 2005**

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

2. **Executive Minutes March 17, 2005**

Mr. Staats 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. RESOLUTIONS:

- 1. Krew Car Wash, Inc.
Block 34, lot 31**

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

Roll call:

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

E. TECHNICAL REVIEW COMMITTEE:

- 1. Our Lady Of Lourdes Church
Block 28, lot 10
Preliminary Major Site Plan
Action date: April 29, 2005**

Mr. Staats informed the board that the Technical Review Committee recommended that this matter be deemed incomplete. There are several outstanding documents that must be submitted.

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

Mr. Staats stated that the Technical Review Committee recommended that this matter be deemed complete.

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

- 3. W. E. Timmerman & Co.
Final Major Site Plan
Block 15, lot 10
3554 Rt. 22 West
Action date: May 13, 2005**

Mr. Staats stated that the Technical Review Committee recommended that this matter be deemed complete.

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

F. OTHER BUSINESS:

Madam Chair addressed the board to request permission to permit Donald Moore, Esq., and herself to pursue the Hionis matter before the County Ag Board.

Mr. Moore stated that it could be that Madam Chair and himself would need the authority from the Township Committee. But if not, they would have the approval of this board.

Mrs. Flynn made a motion to approve the chair and attorney to pursue this matter before the County Ag Board. Mr. Felicetta seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.*

G. PUBLIC HEARINGS:

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

Geoffrey Soriano stated that he is the attorney for the applicant. He stated that this matter is a continuation hearing. They were before the board in January, February and March. They already presented the vast majority of their application at the prior hearings. There is one last issue that has to be resolved, namely the drainage. The plans have been revised to reflect this change.

Mr. David Stires stated that he prepared the plan revisions with respect to the drainage. He testified that the revision was in response to John Hansen's comments that the stormwater management system be re-visited. They have increased the volume of detention in the underground system by enlarging the pipe capacity to a 48 inch pipe which is located around the perimeter of the parking area. They have included a storm sceptor system to handle the water quality measures that are required by the ordinance and they have modified the stone underground system to handle ground water recharge along Route 22. They have also incorporated the other issues that were raised by the planner and the engineer. The lighting was lowered, the fencing was installed, and a swale was created adjacent to the property owner.

Mr. Stires testified that the storm sceptor takes out the total suspended solids from the runoff for the parking areas and the roof and that is cleaned out periodically. The system removes at 85% of the total suspended solids. The requirement for this property is 45% removal of total suspended solids. He stated

that the applicant requests a waiver from installing the storm sceptor. The reason being is that an NJDEP Stormwater Management criterion for this size site does not require a water quality system. That is due to the fact that they are proposing less than 1 acre of disturbance and less than a quarter of an acre of increase impervious coverage. Also, this system once it is cleansed and drains off of site, it drains into the Route 22 system and runs west approximately ½ mile through a piping system that is collecting debris from the Route 22's roadbed and then discharges into Lake Cushetunk. So once it is cleaned on site, it is then contaminated off site. The storm sceptor is designed to handle almost 20 times the runoff that is proposed from this site.

Chairman Fort swore in the board's professionals.

Mr. Hansen testified that the applicant must use Best Management Practices that are approved by NJDEP. The trade off if you use an underground system is that the site looks nicer and you don't have the detention basin, but it is more expensive. He stated that this matter has never been waived before for other applicants.

Mr. Shepherd stated that the Environmental Commission did review the application. It was his feeling that even though this is discharging to the Route 22 corridor, there is still no reason to create more polluted water into the environment.

Mrs. Goodwin wanted to know who would maintain the storm sceptor. Mr. Stires answered that the property owner would maintain the system.

Mr. Stires testified as to the changes to the signage. The original proposal was to have a sign at the rear and at the front of the building, but now they have revised the plan so that there would be one sign on the front of the building, and it would not exceed the maximum allowable 24 square feet.

Mr. Stires stated that there are 2 site triangles that are shown on the plan. One triangle complies with the ordinance and the other complies with the AASHTO sight triangle requirements. The AASHTO is little less stringent and does not impact the landscaping. The applicant has requested a waiver from the township's ordinance standard. Mr. Hansen testified that he did not have a problem with the board granting a waiver for this item.

The revised plan was submitted and there was a request to waive the shade trees along Route 22. The ornamental trees remain.

Mr. Sullivan testified that the ordinance requires the shade trees along Route 22.

EXHIBITS:

A-7 Revised rendering of the site plan dated April 7, 2005

A-8 Plan prepared by Gardner Associates, revised date April 6, 2005.

The board agreed not to waive the requirement for shade trees along Route 22.

Mr. Sullivan's report states that variances are required for buffering along Route 22 and Ramsey Road. Mr. Soriano stated that this would be a waiver from the design standards, which the applicant has requested. This does not require a variance.

Mr. Stires stated that the plan would be revised to show the 2 additional shade trees pursuant to Michael Sullivan's report. The applicant will construct a masonry enclosure for the trash dumpster.

Mr. Nelson Caparas, of Edwards & Kelcey stated that there was a comment made by Mr. Dean at a prior meeting regarding an access permit and there was a substantial response regarding the curb line. Mr. Dean testified that the township would have to file an application with NJDOT.

Mr. Stires stated that the applicant had submitted an application to NJDOT for a drainage connection to their storm water system. That permit has to be modified to include the widening of Ramsey Road and Route 22 and in doing that because it is a township public right-of-way; the township has to endorse that application. That application is currently on hold pending approval of this application.

PUBLIC COMMENTS:

There were no comments from the public.

Mr. Soriano recapped for the board that the application is a D variance, but it is related to the property size and the drive-thru is not permitted. They exceed the impervious coverage limitation. There is a minimum frontage variance. There is a minimum set back variance along Ramsey Road. A variance is required for the number of parking spaces. The applicant is proposing 15, and the ordinance requires 18 parking spaces. The applicant is requesting a waiver for the size of the parking stall; a waiver for the size of their site distances; waiver for the plant material in the buffer area.

Ms. Hendry wanted to know if the applicant could reduce the number of parking spaces below the number 15. Mr. Soriano stated that the applicant agreed to reduce the parking an additional 2 parking spaces.

Mrs. Goodwin was concerned that the parking spaces could be banked rather than eliminated.

Mr. Moore informed the board that all of the conditions have been reviewed. He stated that the board should review the legal analysis for the use variance. If it meets everyone's approval, he would then run through all of the conditions of approval.

Mr. Moore stated that if you have a basic use variance the first requirement would be to determine the exact use and how that deviates from the permitted use. The applicant has already outlined for the board what the use variance is. As far as the positive criteria is concerned, the board has to ask itself is this use particularly well fitted or suited to the property at this location. The second analysis would be the negative criteria. Does this use represent a substantial impairment to the public good and does the use present a substantial impairment to the intent and purpose of the zoning ordinance and master plan. The applicant's planner addressed these issues and included the Medici Decision, which asks is the use consistent with the zoning ordinance. There were a number of reasons given as to why the planner thought that this use was consistent with the zoning ordinance. One of which was if the site's lot had been slightly larger, this use would be permitted.

Mr. Staats was concerned that the fence that will be erected between the property lines would not protect the neighbor from the lights. He stated that if it was 4 feet higher, it would eliminate the lights from the bank.

Mr. Hansen stated that the further away you get from the canopy, you can only see that there is light at the bank, but you would not be able to see the source of the light.

Ms. Hendry moved that the following be granted: D use variance relating to the size of the property; a variance for the drive-thru; a variance for impervious cover, subject to the reducing the parking spaces by 2; a variance for the frontage of 150 feet on Route 22; a variance for the set-back on Ramsey Road of 25 feet; a variance for the 13 parking spaces. The board waived the required parking stall size; waive the 100' x 300' site distance, but maintain the AASHTO standard site distance, waived the requirement for the row of evergreen buffering, however, maintain some shade trees that will be worked out with the board's planner. Mr. Denning seconded the motion.

Mr. Denning	aye
Mrs. Flynn	aye
Mrs. Goodwin	aye
Ms. Hendry	aye
Mr. Shepherd	aye
Mr. Thompson	aye
Madam Chair	aye

- 2. Hunterdon Christian Church
Block 94, lot 1.203
Preliminary & Final Major Site Plan
signed extension to May 19, 2005 – Carried to May 19, 2005**

Madam Chair announced that this applicant by their request has been carried to May 19, 2005.

- 3. Commerce Bank
Block 19.01, lot 8
Final Major Site Plan
Action date: May 1, 2005**

Donald Moore stated for the record that he has recused himself from this application. Valerie Bollheimer, Esq., will cover the meeting.

William Robertson, Esq., stated that he is the attorney for the applicant. This is an application for final site plan approval. The applicant received preliminary site plan approval along with a use variance to permit the drive-thru structure and bulk variances relating to the minimum buffer, the number of directional signs and the location of an outlet structure. This occurred in September, 2004. Since that time the applicant has revised their plans to address the resolution of approval and comments from the professionals. The only outstanding item has to do with a direction sign that is located within a site triangle. There is a 30 inch high directional sign that is located within the site triangle. The applicant is requesting a waiver to permit the directional sign to remain. There is no other place to install the directional sign.

Madam Chair swore in the professionals.

Mr. Sullivan had requested that the applicant apply stone veneer on some of the concrete elements that are used for drainage. He also recommended that color should be added to the concrete. This should be provided on the plan. The “color add mixture” should be submitted too. The coloration should be earth tone.

Mr. Hansen testified that there is no issue with the site triangle waiver. He would ask that the items in his letter dated March 16, 2005 that those items be carried as conditions of approval.

Mr. Shepherd made a motion to approve the final site plan. Mrs. Flynn seconded the motion.

Mr. Shepherd amended is motion to approve the final site plan with a condition the sign on Old Route 28 is not illuminated. Mr. Denning seconded the motion.

Mr. Denning	aye
Mrs. Flynn	aye
Mrs. Goodwin	aye
Ms. Hendry	aye
Mr. Shepherd	aye
Mr. Thompson	aye
Madam Chair	aye

H. ADJOURNMENT:

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

Respectfully submitted,

Linda A. Jacukowicz