

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT  
MINUTES  
May 21, 2009**

**A. Chairperson Fort called the meeting to order at 7:41 p.m. announcing that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised.**

<b>Mrs. Fort</b>	<b>present</b>
<b>Mrs. Flynn</b>	<b>present</b>
<b>Ms. Hendry</b>	<b>absent</b>
<b>Mr. Hendrickson</b>	<b>present</b>
<b>Mr. Simon</b>	<b>present</b>
<b>Mr. Stettner</b>	<b>present</b>
<b>Mr. Shepherd</b>	<b>present</b>
<b>Mr. Thompson</b>	<b>present</b>
<b>Mr. Denning</b>	<b>absent</b>

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

**B. APPROVAL OF MINUTES:**

**1. April 16, 2009 Mr. Simon made a motion to approve the minutes. Mr. Thompson seconded the motion. *Motion was carried with a vote of Ayes all, Nays none recorded.***

**2. April 16, 2009 Executive Minutes Mr. Simon made a motion to approve the minutes. Mrs. Flynn seconded the motion. *Motion was carried with a vote of Ayes all, Nays none recorded.***

**C. CORRESPONDENCE: none submitted**

**D. TECHNICAL REVIEW COMMITTEE:**

- 1. Phyllis Castells  
Block 56, Lot 2  
108 Pulaski Rd.  
Variance  
Action date: May 24, 2009**

**Mrs. Flynn made a motion to recommend that this application be deemed complete with the provision that the applicant must go before the Historic Preservation Commission prior the public hearing. Mr. Simon seconded the motion. *Motion was carried with a vote of Ayes all, Nays none recorded.***

**E. RESOLUTIONS:**

- 1. Winfield Management Corp.  
Preliminary-Final Site Plan &  
Use Variance  
Block 8, Lot 3**

**Mr. Peck addressed the board concerning the minor disagreements in the resolution. He referred to page 25, paragraph J. This had to do with equipment located outside of the building. Mr. Peck did not feel that this was addressed during the hearings. It is impossible to have air conditioning compressors located inside of the building, so his client is proposing to have the compressors hidden on the roof by parapets. Standing on ground level you would not be able to tell that they were up on the roof. The applicant had some sketches to show the board this evening. He suggested to have the resolution read: "...all mechanical equipment shall be located inside of the building, except for utility meters and also for the air conditioning compressors which shall be hidden by roof top parapets...."**

**Madam Chair stated that there were no parapets located on the plan.**

**Attorney Moore was concerned due to the fact that all of this information is now being addressed after the approval. There is no testimony regarding noise. Attorney Moore informed the board that they are not capable of handling the requested amendment. This would have to come back to the board after the resolution is adopted. Madam Chair stated that the procedure has to be carried out correctly to protect the township and the applicant.**

**Mr. Sullivan informed the board that he is concerned because the township filed the COAH Plan with the State and petitioned for substantive certification. An objector has filed an objection to the plan. At this point the township is going through mediation. One of the items that were brought up in the objection was that the Winfield application was not approved. The objector is tracking this matter.**

**Madam Chair stated that the wording for this condition will remain and the applicant will return at a future meeting with a minor amendment and the resolution will be re-worded at that time. Mr. Sullivan stated that the board wants to make sure that with the added air conditioning compressors, there is no change to the architecture image.**

**On page 28, paragraph DD – which has to do with the NJDOT improvements. Mr. Peck was concerned with the way that it reads. Madam Chair stated that they will remove the language that states...as well as the cost of all necessary improvements that are incorporated in the final approval by NJDOT..." The additional sentence at the end of the paragraph will read: "...Readington Township shall not be responsible for the cost of these improvements..."**

**Mr. Peck stated that his final comment is on page 29, paragraph HH which reads, "...subject to any off track improvements as determined by the township engineer..." Mr. Hansen answered that this sentence has been removed. Mr. Moore informed the applicant that there was one other addition which is the new number 3 and it reads "...Because the**

board significantly relied on the architectural plans and drawings presented by the applicant in granting the D variance, the building in question will be constructed in accordance with the same..." Additionally if there are any refinements to the plan, Mr. Sullivan suggested that they be completed prior to the next meeting.

The additional language should also be inserted regarding COAH, and that reads as follows: ...The applicant shall comply with the affordable housing regulations set forth in the Council on Affordable Housing (COAH's) regulations pursuant to NJAC 5:97, et seq. and with the Uniform Housing Affordability controls (UHAC) as referred in COAH's regulations and found that NJAC 5:80 - 26. (1) et seq. The applicant shall enter into a developer's agreement with Readington Township to insure that COAH's regulations and the UHAC are addressed. The developers agreement shall cover affordable housing issues, including but not limited to, 30 year affordability, deed restrictions, low incomes/moderate income split; bedroom distribution; affirmative marketing, retail pricing, handicapped adaptability; developers fee for ongoing affordable housing administration, etc. The developer's agreement shall be executed by the township and applicant prior to issuance to a building permit..."

Mr. Peck requested that the applicant return for the meeting set for June 18, 2009.

**F. VOUCHER APPROVAL:** Mr. Simon made a motion to approve the vouchers. Mrs. Flynn seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.*

**G. PUBLIC HEARINGS**

1 Mark Hartman  
Preliminary-Final Site Plan  
Use and Bulk Variance, Minor Subdivision  
US Rt. 22  
Block 36, Lot 47 & 48  
Action date: Signed extension and carried to June 18, 2009

Madam Chair announced that this matter has been carried to June 18, 2009 with no further notice.

**H ADJOURNMENT:** Mrs. Flynn made a motion to adjourn at 8:19 p.m. Mr. Simon seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.*

Mrs. Flynn made a motion to re-open the meeting at 8:20 p.m. Mr. Simon seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.*

**I. RESOLUTIONS:**

1. Winfield Management Corp.  
Preliminary-Final Site Plan &

**Use Variance  
Block 8, Lot 3**

**Mrs. Flynn made a motion to approve the resolution as amended. Mr. Simon seconded the motion.**

**Roll Call:**

<b>Mrs. Flynn</b>	<b>aye</b>
<b>Mr. Shepherd</b>	<b>aye</b>
<b>Mr. Simon</b>	<b>aye</b>
<b>Mr. Stettner</b>	<b>aye</b>
<b>Mr. Thompson</b>	<b>aye</b>
<b>Mr. Hendrickson</b>	<b>aye</b>
<b>Madam Chair</b>	<b>aye</b>

**J. ADJOURNMENT**

**Mr. Simon made a motion to adjourn at 8:22 p.m. Mr. Hendrickson seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.***

**Respectfully submitted,**

**Linda Jacukowicz**