

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
October 18, 2007**

A. Chairperson Fort called the meeting to order at 7:30 p.m. announcing that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised.

Mrs. Fort	present
Mrs. Flynn	absent
Mrs. Goodwin	present
Ms. Hendry	absent
Mr. Hendrickson	absent
Mr. Stettner	present
Mr. Shepherd	absent
Mr. Thompson	present
Mr. Denning	present

**Donald Moore, Esq., Kelleher & Moore
John Hansen, Ferriero Engineering
Brent Krasner, Clark*Caton*Hintz**

B. APPROVAL OF MINUTES:

- 1. August 16, 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. August 16, 2007 Executive Minutes 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.***
- 3. September 25, 2007 – Special meeting Mr. Denning made a motion to approve the minutes. Mr. Stettner seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.***
- 4. September 25, 2007 Executive Minutes meeting Mr. Denning made a motion to approve the minutes. Mr. Stettner seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.***

C. CORRESPONDENCE:

There were no comments regarding the correspondence.

D. TECHNICAL REVIEW COMMITTEE:

- 1. Cellco Partnership d/b/a Verizon Wireless
State Highway 31 & Foothill Road
Block 61, lot 5.02
Variance**

Madam Chair announced that this matter is incomplete.

2. **Mark & Melissa Hampton
3 Powderhorn Rd.
Variance**

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

3. **Wachovia Bank, N.A.
420 Route 22
Block 8, lots 4, 5, 6 & 7
Variance application**

Madam Chair announced that this matter is incomplete.

4. **New Cingular Wireless PCS, LLC
Block 17, Lot 9
384 Route 22,
Variance
Action date: October 6, 2007**

Madam Chair announced that this matter is incomplete.

E. VOUCHER APPROVAL:

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

F. PUBLIC HEARINGS

1. **Mark & Melissa Hampton
3 Powderhorn Rd.
Variance
Action date: January 22, 2008**

Joseph Murray, Esq., stated that he is the attorney for the applicant. He stated that the applicant is seeking a D variance with respect for relief from the floor area ratio standards of the ordinance.

Attorney Moore swore in the applicant's witnesses: Mark D. Hampton, Courtney L. Hoffman.

Mr. Hampton stated that he is the owner and applicant of 3 Powderhorn Road. He testified that there are 4 bedrooms on the second floor and one bedroom on the first floor. There is a living room, dining room, family room and a sun room located at the rear of the

house. The plans were submitted to expand the house. Currently he has two children and has plans on having more children. Based on their financial situation, it would be more advantageous for them to renovate this home versus purchasing another house.

Exhibit:

A-1 Plan dated July 1, 2005 revised to May 3, 2007 prepared by MD Architecture, LLC.

A-2 Survey dated August 4, 2001, prepared by W. M. Fritzinger

Mr. Hampton stated that there have been no changes to the property since the survey was prepared. The proposed house that they are planning to build will have a floor area ratio in excess of that which is allowed under the ordinance. The maximum floor area ratio is 4.0 and they are proposing 6.29.

A-3 Page 4 of Mr. Sullivan's report showing aerial photograph

Mr. Hampton stated that he took photographs of the house and described same to the board.

A-4 Photograph of the front of the house off of Powderhorn Road

A-5 Photograph taken the corner of Powderhorn Road and Biggs Lane

A-6 Photograph taken from the rear of the dwelling.

A-7 Photograph taken from the left property line

A-8 Photograph of the backyard to front yard showing the back of the house.

A-9 Photograph taken front of garage door to the rear of the property

A-10 Photograph taken in the rear yard looking down the driveway

A-11 Photograph taken at the intersection of Powderhorn Road and Biggs Lane looking down Biggs Lane

A-12 – Photograph taken on the edge of Biggs Lane looking at neighbor's house which is located on the corner of Powderhorn Road and Flintlock, showing the large tree line.

Mr. Hampton stated that there is no drainage feature located on his property other than down spouts, the area of disturbance will only be for the new basement area.

Mr. Hansen recommended that the applicant have an environmental professional go to the site and look at the drainage feature in relation to the proposed expansion. Also, they should make sure that there are no wetlands or transition areas, or floodplains affecting the site. The DEP map does show wetlands located on the other side of the road. Mr. Hampton agreed to retain an environmental professional and will submit the results to the engineer. Mr. Hansen stated that this can be performed under a condition of approval. If the report

shows that there are wetlands or transition areas that are affected then the applicant would have to obtain permits from the NJDEP.

PUBLIC COMMENTS:

There were no comments from the public.

Courtney Hoffman is currently employed by M.D. Architecture, LLC but is not a licensed architect. The purpose of her testimony is to detail the materials that she has personally provided into the plans under the supervision of Mr. Giambalvo.

Ms. Hoffman placed her credentials on the record. The board accepted her qualifications. She prepared the plans as submitted.

A-13 Chart prepared by MD Architecture, LLC containing lot coverage and impervious coverage and floor area ratio.

Ms. Hoffman testified that according to her calculations the increase to the house coverage would be 696.57 square feet.

Mr. Hansen indicated that the zoning officer had submitted a denial dated 6-22-07 indicating that the maximum FAR is 4.66% and the application is for 6.29%, so a variance is required.

Ms. Hoffman testified that the front of the house will remain the same and the back rooms will be extended on the first and second floor. The house will consist of 4 bedroom dwelling with 3 bathrooms.

Mr. Hampton clarified his prior testimony to the board that by technical standards the downstairs 5th bedroom has a closet and when he purchased the home it was labeled as a bedroom, but he uses it as an office.

Mike Denning stated that the ordinance is ambiguous and confusing. Ms. Hoffman stated that if you included the two story elements and the garage, the worst case scenario it would have an FAR of 8.21%. The best case scenario is a FAR of 6.28%. The roof at the peak will be 31 feet.

Mr. Hansen stated that he did not think that the applicant was challenging Mr. Barczyk calculations, they are just offering additional information in support of their request.

PUBLIC COMMENTS:

There were no comments from the public.

Mr. Hampton stated that when you compare the homes in the area some are much larger than what he is proposing, but then some are smaller.

Mr. Moore stated that in the planner's report, they had recommended additional buffering along Biggs Lane. Mr. Hampton answered that he would plant a row of buffering pursuant to the planner's recommendations.

Madam Chair asked Mr. Murray if he wanted the board to conduct a straw poll of the board since there were so many members absent. He agreed.

Mr. Denning stated that in his opinion this addition will have minimal negative impact to the neighborhood.

Mrs. Goodwin stated that she did not have a problem with the application.

Mr. Thompson stated that he was fine with the application.

Mr. Stettner stated that he had no problem with the addition.

Madam Chair stated that she did not have a problem with application.

Mr. Hansen stated that the applicant should agree to comply with the conditions of his letter. The applicant agreed.

Mr. Denning stated that since there are no residences on Biggs Lane, he preferred not to have that financial burden placed on the applicant to plant a buffer in this area.

Mr. Denning made a motion to approve the application with the condition that the applicant retain an environmental expert to go to the site and look at the drainage feature and to make sure that there are no wetlands or transition areas, or floodplains affecting the site and to comply with all of the conditions in Mr. Hansen's letter. Mr. Thompson seconded the motion.

Roll Call:

Mr. Denning	aye
Mrs. Goodwin	aye
Mr. Thompson	aye
Mr. Stettner	aye
Madam Chair	aye

2. Station Center Investors, LLC
c/o Net Property Management
547 Route 22
Variance
Action date: December 14, 2007

John Sullivan, Esq. stated that he is the attorney for the applicant. The applicant is the lessee and contract purchaser of the site. The site is located on the eastbound side of Route 22. The property consists of over 7 acres in size. The front portion of the property located along Route 22 is located in the B zone. The rear portion is located VR/SC 4 zone. The B zone portion of the property is improved with the shopping center. The rear portion

of the property is vacant and heavily wooded. His client took over the site in 2003 and has made significant improvements to the site. This application is part of the continuing trend to renovate the property. The applicant is seeking approval to allow the assembly of a pylon sign. There are some variances connected with that request. Regarding the sign area, 50 feet is permitted by ordinance and 237 square feet is proposed. Eight feet is permitted in height and 26 feet is proposed and the distance from the property line, 10 feet is required by ordinance and one and one half feet is proposed. There is also a variance for the content of the sign. They are also requesting waivers for a number of site plan issues. The site plan was prepared by Brunswick West dated August 1, 2006, revised May 16, 2007 and a sign plan prepared by Girtain Sign Company dated September 14, 2006. The witnesses tonight are Vince Castagno, a principal of the applicant, and Gary Dean who is the traffic consultant and Dennis Hudacsko, Professional Planner.

Attorney Moore swore in all of the applicants' witnesses.

Vince Castagno stated that he is the principal for the application. He is involved with the ownership and management of shopping centers primarily in Hunterdon, Somerset, Union and Middlesex Counties. At the time they took over the property, it was severely under managed. The landscaping at that point was overgrown and the parking lot had numerous pot holes. His company re-paved the parking lot; they constructed a new façade and new roof line and installed new sidewalks. The tenants of the shopping center feel that they are at a disadvantage because they are not clearly defined on the sign. The entrance of the shopping center needed a sign to indicate the actual entrance to the shopping center. The location of the sign was due out of respect to the ordinances.

Exhibit A1 – Sign detail

The sign will be located as indicated on the plan. The sign will be illuminated internally. The sign will remain on from dusk to dawn. Currently the site houses 14 tenants and two vacancies. The proposed sign will be 33 feet tall and 20 ½ feet wide.

Mr. Hansen wanted to know if any of the improvements located in the front of the property, for example the wall, would have to be removed in order to place the sign at the proposed location. Mr. Sullivan answered no. Mr. Hansen asked that the old sign located at Juniper and Route 22 must be abandoned and removed by the applicant. Mr. Sullivan answered that the applicant will comply with that request.

PUBLIC QUESTION:

Carl Turner was interested in the location of the sign. Mr. Sullivan informed him that the sign will be located just beyond the entrance.

PUBLIC QUESTIONS CLOSED

Gary Dean stated that he is a consulting civil engineer that specializes in the area of traffic engineering, transportation planning and he is a municipal consultant for traffic related matters. He has previously appeared before this board on numerous applications.

Mr. Dean described the site as a typical highway commercial zone. The property is served by a driveway that is very close to Juniper Road. The site sits on a knoll. The building is hidden due to the topography obscuring any of the building mounted signs so it is at a disadvantage from a visibility perspective which is compelling the applicant to have a greater identification of the site through a free standing sign. There are no physical constraints that would preclude the sign from being installed in the proposed location. He advocates the relocation of the sign to the entrance, the reason being motorists as they are approaching any site use the sign for guidance. The location of the free standing sign should be situated as close as possible to the entrance which provides a target area enabling the motorists to enter the site safely. Mr. Dean testified that for this particular location given the speed on Route 22 the ideal standard that is used by NJDOT and the Federal Highway Administration for decision site distance is 1,125 feet. That means that someone with generally good vision can see a message and decide what to do with it and decelerate. It requires one inch of letter height for every 50 feet of desired visibility. So if it only had to be 50 feet away from a particular location, a one inch letter would be visible. In this case, where they are recommending 1,125 feet that would translate into a 23 inch letter. The letters in the sign for "Station Center" are 30 inches. The applicant slightly exceeds the minimum standard for visibility. The individual sign panels are about 18 inches which would allow about a 12 inch letter. Those particular letters would provide one-half of the site distance they would like to have which would be approaching the site at approximately 600 feet. Mr. Dean stated that in his opinion, he feels that the sign is appropriately sized and would be situated in the appropriate location to provide an effective means of communication to the drivers. Additionally, the requirement is that there be 7 feet of clear distance underneath the sign.

Mr. Thompson wanted to know why the sign was placed to the east of the entrance, rather than the west of the entrance if the concern is that people would see it and slam on their brakes and then try to get into the parking lot. Mr. Dean said that it didn't matter whether it was placed to the east or west of the driveway, as long as it remained close to the driveway.

Mrs. Goodwin stated that the applicant should place an "in" and "out" driveway so that it would be easier to get out of the shopping center.

PUBLIC QUESTIONS:

Mr. Turner wanted to know how long the sign is. Mr. Dean answered that one panel is 18 inches high and the width is 16 inches.

Ed Jablonski Fox Court – He wanted to know if you were traveling east on Route 22 where would someone first see the sign. Mr. Dean answered that you would see the sign at the light on Route 523.

PUBLIC QUESTIONS CLOSED.

Mr. Castagno wanted the board to know that typically he would not dictate color choices to his tenants. As far as relocating the sign into the island east of the driveway, the entrance columns would be blocked.

Dennis W. Hudacsko stated that he is licensed professional planner since 1976 and has been involved in planning for 40 years.

Mr. Hudacsko stated that he was retained to examine the application and to give his determination as to how this application corresponds with the planning and zoning for this community. He visited the site and surroundings and reviewed the reports. From a planning perspective, the topography is critical as well as the arrangement of the road because of how it effects visibility of the façade signage of the property.

Exhibit A-2 Photographs of the site

He stated that the upper photograph is a close up of the site and the lower image is taken further back as you approach the site. There is a requirement for a variance for the sign area, which is 237 square feet versus the code limit of 50 feet. The sign height is 28 feet versus an 8 foot limit by code. The street setback of 1.5 feet versus the 10 foot minimum per code, and section 148:115 c (3) which limits the content category to simply being the owner or the premises name rather than tenant names.

Mr. Hudacsko stated that regarding the public good, it is important to make services accessible to the community. For most commercial properties an important point is visibility and accessibility. This provides for the underlying economic vitality of the community, continued occupancy of the establishment and service availability for the community. It gives usefulness to the land.

In terms of the size of the sign, he examined other signs in the community. The Whitehouse Mall identification component of their sign is 128 square feet and at the Bishop Plaza, the wording and logo add up to approximately 50 feet. There appear to be 14 to 18 possible modular businesses at this site and they have provided 18 modular elements for the sign that accommodate that occupancy. These modular signs are 10 ½ square feet each in size. At the Whitehouse Mall they are 9.75 square feet for the smallest modular.

A-3 Two Photographs depicting Whitehouse Mall sign and the other Bishop's Plaza sign.

Mr. Hudacsko testified that the site is unique due to the situation of the rolling crest that blocks the building view as you get close enough to read a façade sign. To raise the façade signs in order to be seen at a greater distance would be uncharacteristic for the area. The proposed sign is a less visually cluttered resolution.

Mr. Hudacsko stated that he is an expert in architectural aesthetics and in his opinion the sign is acceptable for the site. The sign has a contrast, but at the same time has harmonizing elements, such as the materials and it will draw your attention. In this case, the sign is being placed appropriately to draw your attention to where the entry is and also provide information as to what someone will find when they go behind the wall and explore inside the site. The sign is very well organized. He stated that there is no visual character disruption, there is no blockage of other people's signs on other sites, and it is not intrusive on the residential uses either in line of site or as it affects the entry to the area.

Mr. Hudasco stated that from a planning prospective he did not see a substantial impairment to the zone plan or the zoning ordinance as a result of the application in the Master Plan. In the absence of a code provision for this type of highway directory sign, it qualifies for a hardship variance, meaning if the relief wasn't granted it would prevent reasonable use at this site. The kind of visibility and accessibility to the services of this property that should exist, are impaired by the physical conditions of the property, which is the basis for granting relief. The public benefit of the signage, far out way any possible detriments and there are no substantial detriments. There is one area that they need to examine and that is the possible consequence to the residents behind the Sahara Pool site.

Madam Chair announced that this matter will be carried to December 11, 2007. No further notice will be required. It was recommended that the board members drive by the site.

G. ADJOURNMENT:

A motion was made by Mr. Denning to adjourn the meeting at 10:44 p.m. Mrs. Goodwin seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.*

Respectfully submitted,

Linda Jacukowicz