

READINGTON TOWNSHIP PLANNING BOARD

MINUTES

July 26, 2010

A. Chairman Flynn called the meeting to order at 7:45 p.m. announcing that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised.

B. Attendance:

Mrs. Allen	present
Mr. Cook	present
Mrs. Duffy	present
Mrs. Filler	present
Mrs. Flynn	present
Mr. Shamey	absent
Mr. Klotz	absent
Mr. Monaco	present
Mr. Smith	present – arrived at 8:00 p.m.

**Michael Sullivan, Clark – Caton & Hintz
Valerie Kimson, Esq., Mason, Griffin & Pierce
John Hansen, Ferriero Engineering**

C. APPROVAL OF MINUTES:

1. June 28, 2010 – Mr. Cook made a motion to approve the minutes. Mr. Monaco seconded the motion. Motion was carried with a vote of Ayes all, Nays none.

D. CORRESPONDENCE:

Mrs. Filler referenced the memo concerning the tennis court lights. The memo was not clear. She wanted to know if the lights were on or off. Mrs. Allen answered that they are off.

Additionally, Mrs. Filler commented on the status of the Mountain Woods application. Mr. Hansen informed her that he is reviewing the plans for compliance.

E. ATTORNEY PROFESSIONAL SERVICES

**1. Valerie Kimson, Esq.
Law firm of Mason, Griffin & Pierson, P.C**

Mrs. Duffy made a motion to approve the professional services contract for Valerie Kimson. Mrs. Filler seconded the motion. *Motion was carried with a vote of Ayes all, Nays none recorded.*

F. RESOLUTIONS:

**1. Ridge Road Realty, LLC
Preliminary Major Subdivision**

**Block 38, Lots 54, 74, 75
Pearl Street**

Mrs. Duffy made a motion to approve the resolution with the changes. Mrs. Filler seconded the motion.

Roll call:

Mrs. Allen	aye
Mr. Cook	aye
Mrs. Duffy	aye
Mr. Monaco	aye
Madam Chair	aye

- 2. Fallon Properties, LLC
B. 36, L. 49
Phasing Plan Application – Carried to the next meeting.**

G. TECHNICAL REVIEW COMMITTEE:

- 1. Ryland Office Park, LLC/Walgreens
Preliminary Major Site Plan
420 Route 22
Block 8, L. 4, 5, 6, 7
Action date: July 26, 2010 (signed extension)**

The zoning officer made a determination that this application requires a D variance and therefore the Planning Board did not have jurisdiction over the application. Additionally, the attorney for the applicant submitted a letter to the TRC on this date and requested that it be transferred to the Board of Adjustment.

H. OTHER BUSINESS:

- 1. Voucher Approval**

Mr. Cook made a motion to approve vouchers. Mrs. Duffy seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

- 2. Professional Services Vouchers
Discussion - timely submittal**

Madam Chair announced that the board's professionals should submit their vouchers in a timely manner. The board determined that the professionals should

submit their vouchers within 60 days from the date the work was performed. A memo will be forwarded to all professionals as a reminder.

I. NEW BUSINESS:

1. **Ordinance #22-2010
Supplement/amend Chapter 148 entitled "land development"
Create regulations to provide protection for existing landforms**

Mr. Hanson wanted to make sure that he understood the intent of the ordinance so that when he reviews applications it is clear. In Ordinance 148-60.1 there is a maximum change in elevation which shall not exceed two vertical feet. He wanted to know if the intent of this ordinance was from edge of limit of disturbance to edge of limit of disturbance. The board answered yes. He understood then that the applicant would be allowed to have a retaining wall of two feet in height. There would have to be grade change. He did not want to have a conflict.

Ms. Kimson had a question regarding sub-section B. She recommended that a definition of topographic changes should be included.

Mrs. Allen stated that this is a diminimus change and this should be recommended to the Township Committee.

Madam Chair stated that the ordinance as written is a reflection of the board's intent. She is in favor of recommending the ordinance as presented. Mrs. Allen stated they only change would be the inclusion of surface elevation, which is the same as topographical change.

The next Township Committee meeting is set for August 2, 2010. Mr. Monaco made the suggestion that the Planning Board make their recommendation to the governing body and it will be up to them to determine whether or not it is a diminimus change.

Additionally, Ms. Kimson recommended that under paragraphs E, to change "under no circumstances shall retaining walls" to "retaining walls shall not be located"..... Additionally in paragraph G, to change "under no circumstances shall retaining walls" to retaining walls shall not be utilized".....

Mrs. Duffy made a motion to recommend that the ordinance is consistent with the Master Plan and recommended the diminimus changes. Mrs. Filler seconded the motion.

Roll call:

Mrs. Allen	aye
Mr. Cook	aye
Mrs. Duffy	aye
Mrs. Filler	aye
Mr. Monaco	aye
Mr. Smith	abstain
Madam Chair	aye

- 2. Ordinance #23-2010
Supplement/amend Chapter 148 entitled "land development"
Revise regulations to facilitate utilization of (ECHO) units**

Mrs. Filler made a motion to recommend that this ordinance is consistent with the Master Plan. Mr. Monaco seconded the motion.

Roll call:

Mrs. Allen	aye
Mr. Cook	aye
Mrs. Duffy	aye
Mrs. Filler	aye
Mr. Monaco	aye
Mr. Smith	aye
Madam Chair	aye

J. PUBLIC HEARING:

- 1. Somerville Associates c/o Walmart Stores, Inc.
3572 Route 22 West
Block 14, lot 49
Minor Site Plan
Action date: August 12, 2010**

Tracy Seibold, Esq. stated that she is with the firm of Ballard Spahr. She is the attorney for the applicant. They are before the Planning Board for a minor site plan application regarding signage and paint color on the existing building.

Ms. Seibold stated that Walmart is in the process of renovating all of their existing stores. As part of their re-branding, the Walmart sign is now white with a yellow spark. The building will still remain a neutral color. Art Bernhard was hired based

upon the recommendation of the board's planner. The applicant is concerned with the signage based upon what they are proposing. The shrubbery that exists around the sign is at least over 5 feet tall. The concern is whether or not the proposed sign will be visible. They could cut the shrubbery, or remove it in its entirety and replace it with lower growing variety. Another option would be to construct a brick monument shell with the sign on the top or retain the pylon and place the new sign on it.

Attorney Kimson swore in the witnesses.

Arthur Bernard stated his credentials for the record.

Mr. Bernhard testified that he is concerned about the shrubbery height and the height of the sign. The applicant would like to replace the pylon sign with a ground sign.

Exhibit A-1 Picture indicating the height of the sign

Exhibit A-2 Picture indicating the height of the sign

In his professional opinion, he felt that the monument sign would be an improvement to the site.

Madam Chair informed the applicant that when this was originally approved, it was before the Board of Adjustment which she also serves as a member. She stated that the subject of the sign was a concern for the board. Their idea is to reduce the clutter along Route 22; therefore she was not in favor of the pylon sign.

Mr. Smith made the observation that traveling east on Route 22, motorists use the pylon sign as the landmark so they know where to turn to cross over Route 22.

Attorney Seibold testified that all of the old signage is coming off of the store. The new letters that will be placed on the store will be larger.

A-3 Picture taken from the east

The recommendation from the board was to drop the sign onto the existing pylon.

Mark Chisvette, PE from City Scape Engineering and Surveying stated his credentials for the record.

Mr. Chisvette stated that currently there are 3 signs on the building. The proposal is to remove all of those signs and only have a Walmart sign with their asterisk looking symbol that would be placed on the building façade in the same location where the existing sign is located. That sign will consist of 298 square feet. This is

an increase in the present total square footage. Currently the 3 signs combined total is 220 square feet. The applicant is asking for a variance to increase the size of the sign. The sign on the building will not have the blue background. The background will be the building façade.

A-4 Colored version of drawing

Mr. Chisvette stated that the pylon sign will remain and it will be the same size as the existing sign, which is 8'x20' and will have the blue background. A variance is requested for the existing sign that is 5 feet offset from the property line.

Mr. Sullivan pointed out that a tree that was planted during the last application should be replaced. The board determined that the tree shall be planted in a location that is satisfactory to the board's planner.

Mr. Bernard testified that in preparation for this evening he reviewed the Township's Master Plan as well as the ordinance and the applicant's plan for the property. The proposal has changed since he started the application. The monument sign is no longer being considered. There is going to be an upgrade to the Walmart building. The three façade signs will be replaced and there will be one new façade sign. The board has agreed that the size of this sign will be arrived at by alternating the lettering and thereby the spark will be reduced proportionately. They pylon will remain. The setback variance can be granted based upon the C-1 criteria, since there are physical characteristics of the site that create practical difficulties. He stated the positive criterion is the visual impact on the environment. He did not see any negative impact to the community.

Mr. Hansen recommended that if the board approves this application that it include a provision that revisions to the plan that are consistent to the testimony must be submitted. He requested that items 2, 4, 6 and 7 of his report dated July 22, 2010 should be included with the conditions of approval.

Tracy Siebold informed the board that Walmart is proposing a grand opening August 28. She requested that the resolution be memorialized prior to that date.

Chairman Flynn stated that the applicant could possibly move forward without a resolution at their own risk.

PUBLIC COMMENT:

There were no comments from the public.

Mrs. Filler made a motion to approve the application. The pharmacy sign will be removed from the free standing sign. The new sign will sit at or just above the cross bar of the existing pylon; it will be the same size sign as had been proposed on the wall; the façade would consist of 5 foot size letters spelling Walmart and the “spark” will be proportionately reduced from 8 feet. They will also comply with the conditions 2, 4, 6 and 7 of John Hansen’s report dated July 22, 2010. Mr. Monaco seconded the motion.

Roll call:

Mrs. Allen	aye
Mr. Cook	aye
Mrs. Duffy	aye
Mrs. Filler	aye
Mr. Monaco	aye
Mr. Smith	aye
Madam Chair	aye

K. NEW BUSINESS;

1. Proposed Ordinances

The subcommittee had no new ordinances to propose at this point.

L. ADJOURNMENT

Mrs. Filler made a motion to adjourn the meeting at 9:31 p.m. Mr. Smith seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda A. Jacukowicz