

READINGTON TOWNSHIP PLANNING BOARD
MINUTES
June 27, 2011

Chairman Flynn called the meeting to order at 7:30 p.m. and announced that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised.

A. Attendance:

Mrs. Allen	absent.
Mr. Cook	present
Mrs. Duffy	present
Mrs. Filler	absent
Mrs. Flynn	present
Mayor Gatti	present
Mr. Klotz	present
Mr. Monaco	present
Mr. Smith	present

Michael Sullivan, Clark – Caton & Hintz
Valerie Kimson, Esq., Mason, Griffin & Pierson
John Hansen, Ferriero Engineering
Steve Souza, Princeton Hydro

B. APPROVAL OF MINUTES:

1. May 23, 2011 Mr. Klotz made a motion to approve the minutes. Mr. Monaco seconded the motion. A ***Motion was carried with a vote of Ayes all, Nays none recorded.***
2. Meeting canceled on June 13, 2011

C. CORRESPONDENCE:

No comments.

D. RESOLUTIONS:

None

E. TECHNICAL REVIEW COMMITTEE:

1. Pleasant Run, LLC
Preliminary & Final Preliminary Major Site Plan
Route 202 @Summer Road

Action date: July 16, 2011

Mr. Klotz stated that the TRC reviewed the documentation and determined that application was incomplete for preliminary and final major site plan.

F. OTHER BUSINESS:

1. Voucher Approval – Mr. Monaco made a motion to approve the vouchers. Mr. Cook seconded the motion. A ***Motion was carried with a vote of Ayes all, Nays none recorded.***
2. Time of Application: MLUL Amendment & Recommended Ordinance Amendments - Mr. Smith asked what was driving the contour intervals and reference to monuments from 200 feet to 350 feet. Mr. Sullivan stated that this was changed to make it consistent with the Environmental Impact Statement.

Mr. Smith made a motion to approve the ordinance revision and to forward to the governing body for their review. Mr. Monaco seconded the motion.

Roll Call:

Mr. Cook	aye
Mrs. Duffy	aye
Mayor Gatti	aye
Mr. Klotz	aye
Mr. Monaco	aye
Mr. Smith	aye
Madam Chair	aye

G. PUBLIC HEARING

1. Hassan Nahvi
Block 39, L. 3
Preliminary Major Site Plan
Action date: July 7, 2011

Lloyd Tubman, Esq., Archer & Greiner, stated that she is the attorney for the applicant. She stated that the applicant is proposing redevelopment of a formal retail property, identified as Block 39, Lot 3 located on Route 22 East. The property consists of approximately 2.6 acres. The applicant, Mr. Nahvi, obtained a demolition permit intending to reconstruct the building on its current foundation. Once it was fully demolished, it was discovered that the foundation was in poor shape. The Zoning Officer informed Mr. Nahvi that he could

rebuild, but he would have to respect the current front yard setback. The application proposes to construct an approximately 1,400 square foot single story, retail building, which would respect the 75 foot front yard setback in the Business Zone. There are two variances. One is for signage, which is in the Route 22 right-of-way and another variance for the buffering. Attorney Tubman stated that her witnesses would be the applicant Mr. Nahvi, Jim Hill, engineer; Noel Musial, architect; and Tamara Lee, who is both a landscape architect and a professional planner. Attorney Kimson swore in the applicant's professionals, along with the board's professionals.

James Hill, Thomas L. Yager & Associates, stated that he is a licensed engineer in the State of New Jersey.

Exhibit A-1 Sheet one of the Plan

Mr. Hill stated that sheet one of the plan indicates the current condition of the site and it also shows the proposed areas that would have to be changed to comply with the ordinance. The existing structure that was on the property was demolished. When the applicant applied for a permit to re-construct, it was denied based upon the fact that he violated the front setback. The applicant has received Board of Health approval for a septic system for the site.

Exhibit A-2 Sheet two of the plan

Mr. Hill described the two different views which consist of the site plan grading, drainage and utility. The other view is the soil erosion and sediment control plan and lighting plan. In 1990 the applicant received site plan approval for a trailer/sales and service area. The applicant never moved forward with the approval, and therefore the approval expired.

Mr. Hill stated that the applicant's proposal places the building behind the setback lines that are required for the front yard setback and between the two side yard setbacks. The applicant therefore complies with the ordinance. The pre-existing driveways were extended on the site, as shown on Exhibit A-1. The driveways are located on the west and east side. Over a period of time, there was an encroachment onto this property by the neighboring property. The applicant plans on utilizing the driveway that is on the NJDOT records. They are proposing a gravel parking area in order to reduce the impervious coverage on the property.

In order to accommodate the stormwater, there is a shallow area in the front that would capture the water from the building area and portions

of the driveway. The runoff from the back of the parking lot would go across a vegetative field and eventually drain to the property line in the direction of the southwest.

Mr. Hansen asked what type of retail the applicant is proposing. Ms. Tubman answered that the applicant does not have a tenant at this point. Mr. Hansen emphasized concern that the driveway is deteriorated and not sure that it meets the code for safety. He suggested that the applicant consolidate the driveways into one driveway. This would allow the applicant to have an easily identified access off of Route 22 that could be permitted through the NJDOT.

Madam Chair Flynn stated that she agreed with Mr. Hansen's comments. Conditions have changed since the older building was built.

Mr. Hansen stated that if the applicant complied with the NJDOT access code and there was only one driveway, the applicant would have less lighting requirement and less impervious coverage. Mr. Hill testified that he would consider this option, but he would rather move forward with the plan as it exists for this hearing.

Mr. Hill referred to Mr. Hansen's report dated June 21, 2011 and stated that regarding item two under variances and design waivers, number 1—they would provide this information once they identified the variances and waivers. Regarding number 2 – the basement is not habitable area. The parking spaces would be constructed to 10 ft. x 18 ft. Regarding number 3 - Mr. Hill requested a variance from the 15 foot topographic modification since the landscaping has not been planted. A variance was requested from paving the parking lot. Mr. Hill stated that they would comply with numbers 5 and 6 of Mr. Hansen's report. He is requesting a variance from number 8 of Mr. Hansen's report; commercial driveways must be 20 feet from the property line. The driveway entrance that turns into the site would allow box trucks that would normally serve a facility of this size. They would not propose a loading space. The architect would explain that a small area inside the building would be designated for the solid waste storage. Regarding item 11, they are proposing to use the existing sign. The existing hedgerows would be confirmed on the plan. The applicant is proposing to construct a fence to eliminate encroachment from the neighbors. Regarding the stormwater collection system serving Route 22, they have an inlet in front of Pelican Pool. No inlet was identified on the property.

Dr. Souza wanted to reiterate the same comments from Mr. Hansen, and wanted to know why the applicant would want a sheet flow runoff from the basin and not take the runoff over to the swale. Mr. Hill stated

that he would have to go on the neighbor's property. Regarding Sheet 2 comments, 1, they would follow through with this item. Number 2, they had an old plan that had gone through NJDOT at one time, but since it had never been filed they didn't bother to place on the plan. Number 3, the details for the traffic signage, if they are required to pave, they would stripe the parking area. The traffic signage must be added to the plan if they get approval from NJDOT. Mr. Hill stated that they comply with numbers 5, 6 and 7. Regarding number 8, a new architect plan would be provided showing the basement door. Mr. Hill agreed to comply with the balance of Mr. Hansen's comments regarding Sheet 2 and 3. The stormwater management comments would be addressed with the professional since they are technical in nature. Mr. Hill agreed with the remainder of the miscellaneous comments.

Dr. Souza stated that in terms of the EIS, he wanted to know whether or not a Phase One determination had ever been completed on this property. Mr. Hill testified that he did not perform one. If there was one implemented years ago, the applicant would submit it. Dr. Souza stated that most of the stormwater management comments have already been addressed, however, some minor comments are that the seed mix needs to be reviewed again. This is for the vegetative filter area. Dr. Souza is concerned with the lack of soil data within the footprint of the basin. If the site is paved, then the stormwater management would have to be recalculated. Dr. Souza suggested that the applicant not use the woven geotextile fabric in the infiltration basin.

With regard to Mr. Sullivan's report dated June 22, 2011, item 5 on page 3 which deals with the lighting, Mr. Hill stated that they designed the lighting in accordance with the ordinance. The board would have to grant the applicant either a waiver or variance from the requirement of the ordinance. Regarding items 6, 8, 9 and 10 the applicant would comply. Item 5 on page 8, if a sidewalk is required, they would install it on the site.

PUBLIC QUESTIONS:

There were no questions from the public. There were no comments or questions from the board.

Noel Musial, The Musial Group, 191 Mill Lane, Mountainside, New Jersey. He testified that he is a licensed architect in the State of New Jersey, State of New York, State of Connecticut and State of Pennsylvania.

Exhibit A-3 - drawing A-2 – floor plan revised and dated June 27, 2011

Mr. Musial identified the differences between the revised drawing and the drawing that was submitted. The change consisted of the relocation of the entrance to the basement. The building consists of 1400 square feet. The basement area cannot be considered habitable space. This would be used only for storage. The signage would be a no illuminated sign.

Exhibit A-4 - Drawing A-2 building elevation

The building would be vinyl sided in a beige color, replicating wooden clapboard. The roof would consist of asphalt shingle in a brown color. The style of the building is residential appearance. The applicant tried to replicate the demolished building. The building height is 18 feet as shown on the drawing.

Exhibit A- 5 – Letter from State of NJ regarding the proposed work does not affect State right of way, therefore no permit is required, dated November 23, 2009.

Mr. Musial stated that the applicant received a letter from the State of New Jersey indicating that the proposed work would not affect the right of way, and therefore would not require a permit.

PUBLIC QUESTIONS:

There were no questions from the public. There were no questions from the board members.

Tamara Lee, Tamara Lee Consulting, stated that she is a licensed planner and landscape architect in the State of New Jersey.

Exhibit A-6 – Illustrative Landscape Plan

The plan depicts the landscaping plan as well as pictures of the rear portion of the property. She concentrated all of the new landscaping in the front of the property. She proposes to plant 4 new canopy street trees near the highway. The ordinance requires buffering along the side yards. In the center of the property, there already exists valuable plant material. This plant material could be transplanted to the buffer areas. Within one growing season, the buffers should look like they've been there forever. Once the buffers are created, they would be surrounded with snow fencing so that all of the other contractors that come on site would not touch or disturb these buffers. At the end of the process, the landscape contractor would return to the site to replenish

open areas with nursery stock. There would be a hedge near the parking area. There would be 2 shade trees in the parking area.

Madam Chair Flynn was concerned about transplanting invasive species. Ms. Lee agreed that there are some invasive species. They can pick them out during the transplantation.

Mr. Sullivan stated that the planting plan does not differentiate between the plants that would be transplanted and those that would be brought in from a cultivated site. He wanted to know if all of the plants in the schedule are plants that are identified and are on the site and are they tagged. Ms. Lee answered that she has identified the plant species, but did not tag the plant. She did not create a tree survey. If this is something that the board would require, it becomes much more cost prohibitive for the applicant and it would be in their best interest to then forget transplanting and just plant nursery stock. The board asked questions as to the logistics of how the contractor would know what plant material to move. Ms. Lee explained that they would be instructed to get the largest and healthiest specimen. There are occasions when she oversees the transplanting.

Dr. Souza wanted to touch again on the problem with invasive species. He stated that in the EIS, the plant material that was identified included a lot of invasive species. He wanted to know what would prevent that seed stock to move up into the buffer area and essentially would contaminate the buffer area. She agreed, and said they could make a plan that the invasive species have to be taken out of the transplanted plug.

Dr. Souza suggested that the applicant should perform a more thorough soil analysis.

PUBLIC QUESTIONS:

There were no questions from the public.

The board took a five minute break.

Mr. Hassan Nahvi stated that he is the applicant and property.

Exhibit A-7 Plan that was approved in 1988 for the purpose of allowing the sale of recreation vehicles.

Mr. Nahvi wanted to sell high end vehicles on the site. He never proceeded with the approval. He stated that through the years, they have had many ideas and uses for the building. But for now they are

limited to perhaps an antique shop or a flower shop. The use would depend on the interest. Since different uses have different parking requirements, the limited 7 parking spaces would bind the use.

Ms. Duffy stated that since a franchise is so specific, perhaps it would make more sense to find the purpose and then build the building.

Mr. Nahvi answered that he agreed. But unfortunately he has not been successful.

Mr. Monaco is concerned that this is a small building on a large lot. So Mr. Nahvi's successor could be a shrewd person and think I am going to use this large lot for storage of equipment or products. This is an opportunity to improve the sites on Route 22. The gravel driveway could deteriorate over time, and that is not what the board is envisioning for the properties along Route 22.

Mr. Nahvi testified that if he does not find a tenant, his family would run an antique shop out of the site. He has tried to sell the property, but there has been no interest.

Madam Chair stated that the board has tried to have the property along Route 22 meet the character of Readington Township. There were no details presented about what the site would look like because they do not know the tenant. There is significant success when the architecture is fitting into the community, i.e. Victorian or the Colonial or rural style.

Attorney Tubman stated that Mr. Nahvi is trying to use the property that he has owned for a long time, consistent with the ordinance.

Mr. Monaco informed everyone that he is opposed to the gravel parking lot and would require a paved parking lot, with striping. He would also request language in the approval that there is no outside storage allowed.

Tamara Lee stated that the applicant is seeking a variance for the buffers and a topographic variance. These are C-2 variances where the benefits of having the buffers and landscape outweigh any detriments to not having more significant buffers to the highway. The building would be less visible and thereby compromise the viability of the building. There would be no substantial impairment to the zone plan because this would be an enhancement to the character of the area. The landscape would fit into the character of the area. There is a low intensive use. There is all commercial use in the area. The sign that is

in the NJDOT right-of-way is an existing sign. The sign has to be as visible as possible in order to make the business successful.

Regarding Exhibit A-7, there is a sign along the frontage of the property. It is approximately 18 feet back from the cart way line.

Mr. Sullivan informed the board that the buffer does not conform to the ordinance regarding the spacing and size standard. If the board is interested in the applicant's approach to transplant the plant material, the plans should be revised to meet the spacing and size requirements. Mr. Sullivan is concerned about the transplantation of the invasive plant material. He is also concerned about the sign and the gravel parking lot. He suggested that more shade trees be planted along the parking area. Mr. Sullivan reiterated to the board that his recommendations regarding the size and the plant material and the species closest to the roadway should be followed.

Mr. Hansen recommended a conventional access be designed from Route 22 and that it be permitted through NJDOT. He suggested that the site be paved. He requested that the soil testing be performed so that the professionals can confirm that the infiltration basin is going to function. He recommended that this be completed prior to the board voting on the application. He cannot comment on whether or not a loading space would be required, since the tenant is unknown. All of the other items in his report are details that the applicant's engineer has agreed to address.

Dr. Souza stated that if the site is paved, this would require the need for stormwater quality management as well as rate and recharge. This would add to the size of the basin.

Mr. Klotz stated that he would require that the parking area be paved.

Mayor Gatti stated that he is also in agreement with paving the parking lot and the conventional access off Route 22.

Ms. Duffy stated that she is in agreement with the other board members. She indicated that part of the problem is that they do not know the use. If the board knew that it was going to be an antique shop, they would be less concerned about the paving and the access. The board has no alternative then but to think of the worst case scenario and plan for that.

Mr. Smith was concerned that the use could change a year after the applicant moves in.

Madam Chair indicated that the board has not heard too much testimony to support the building design, and the size of the building. The 7 parking spaces could make the intensity increase. The board is trying to eliminate and clean up the untidy small properties along Route 22.

Attorney Tubman stated that Mr. Nahvi wanted to use the existing foundation to build a small building. The zoning officer instructed Mr. Nahvi to bring the plan to the board since he was building the same size building that was previously there, but now moving it back to conform to the setback lines. Mr. Nahvi's intent was to replicate what was there. It appears that the board would require a paved parking lot and a new driveway. These are health and safety issues. Ms. Tubman stated that she is not going to ask for a vote, but requested that they return at a later date. The board does not have esthetic ordinances. The board does not have esthetic control.

The board carried the application on the record to July 25, 2011. The applicant signed an extension to September 12, 2011.

Attorney Tubman agreed to send the demolition permit information to the Planning Office as an amendment to Mr. Nahvi's application. She also requested that the board give the applicant their comments.

Ms. Duffy stated that the main issue is not knowing what the use is going to be. This is the hardest part for her to try to evaluate what would be required at the site.

Mr. Hansen informed the board that the applicant is asking for design standard waivers. This is not a fully conforming application.

H. ADJOURNMENT:

Mr. Cook made a motion to adjourn. Mr. Monaco seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda A. Jacukowicz