

READINGTON TOWNSHIP PLANNING BOARD and  
BOARD OF ADJUSTMENT JOINT EDUCATIONAL MEETING  
MINUTES

March 10, 2014

A. Chairman Flynn of the Planning Board called the meeting to order at 8:00 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:

Julia Allen	present
Jerry Cook	absent
Elizabeth Duffy	present
Cheryl Filler	present
Marygrace Flynn	present
Betty Ann Fort	present
Chris John	absent
Ronald Monaco	present
Ben Smith	present

Meredith Goodwin	present
Diana Hendry	absent
Michael Denning	present
Britt Simon	absent
Joanne Sekella	present
Richard Thompson	present
Keith Hendrickson	absent
Patrick Ryan	present (previously sworn in prior to the commencement of the meeting by Attorney Robertson)

Victoria Britton, Esq., Mason, Griffin & Pierson  
Michael Sullivan, Clark Caton & Hintz  
William Robertson, Esq.,

C. EDUCATIONAL INSTRUCTION:

Mr. Sullivan began by informing the board that the focus this evening was to instruct the board on the fundamentals of site plan review, land use policies and C variance criteria. Since the Board of Adjustment only deals with D variances, this grouping will not be a part of tonight's discussion. He spoke about the history of the Master Plan.

Victoria Britton, Esq., covered site plan and subdivision reviews and how to evaluate an application. She informed everyone to refer to the ordinance for the technical rules that indicate how the applicant is required to execute a piece of the property. The purpose of the ordinance is to achieve sound design and promote the general health and safety of the community. She stated that generally the Planning Board will have jurisdiction over subdivision or site plan review, but there are times that the Zoning Board will review a site plan or subdivision application if there is a use variance connected. She indicated that exceptions to an approval are granted from the design standards set forth in the site plan ordinance but variances are granted from the zoning ordinance.

Ms. Britton discussed what the board should look at for site plan consideration. Some examples are is the road width suitable for traffic; is there adequate water supply and drainage; is the layout of the plan consistent with the zoning ordinance.

William Roberson spoke about the criteria for granting C variances. Since this is a joint meeting, tonight they will focus what is common between the two boards. There was some discussion about testimony evidence and the decision making process that is engaged by the Planning Board and Board of Adjustment. They are focusing on what is common between the two boards and the intersection that is the ancillary jurisdiction of both boards. The jurisdiction of both boards can overlap with each other. It allows the Planning Board to consider C variances and it is what permits the Board of Adjustment to hear and decide subdivision and site plan applications only when they involve a use variance. This is where they meet. The D variance is a separate issue that is within the exclusive jurisdiction of the Board of Adjustment. He recommended having a continued educational meeting with the Board of Adjustment regarding the D variance application. The starting point is where the board gets their power. The starting point is the New Jersey Constitution. This authorizes and delegates to the legislature the ability to delegate the land operation to the municipalities. The legislature has adopted certain laws and acts including the Municipal Land Use Law which specifically delegates to the Governing Body, Planning Board and Board of Adjustment the power to develop, enforce to grant relief from the zoning ordinances of the municipalities. The other item that is important to know and understand is that both boards are a creation of the New Jersey Statute and can only exercise the powers that have been granted to them. There are only 3 types of variances. There is the C-1 which is the hardship variance, C-2 variance which is sometimes referred to as a flexible variance and then there is the special reason variance. Lastly, there is the D-variance. This permits the Board of Adjustment in particular cases and for special reasons to grant those variances. In all 3 cases the applicant is required to establish negative and positive criteria which involve proof that there would not be a substantial impact on the public good, zone plan or ordinance. The C-1 and C-2 variances were identified for the boards that were decided by the New Jersey Supreme Court. He described the facts and analysis of what was involved and how the board went through the negative and positive criteria. The board has to understand the nature of the variances so they know what proofs to provide. With respect to the C-1 variance section N.J.S.A. 40:55:D-70, subsection C permits the Board of Adjustment and Planning Board in the context of a subdivision or site plan whereby the reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptionally situation uniquely affecting a piece of property or the structures lawfully existing thereon, the strict application of any regulation of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, grant upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficult or hardship; (2) where an application or appeal relating to a specifically piece of property the purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations provided however that the fact that a proposed use is an inherently beneficial use shall not be dispositive of a decision on a variance. and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to review a request a variance.

In addition, John Hansen even though not present did submit a memo outlining the positive and negative criteria that are required to be met for variances and a guide the Board.

Michael Sullivan provided a slide-show instructional presentation to the board demonstrating on how to access land use ordinances and Master Plan Amendments on the internet.

D. ADJOURNMENT:

Mrs. Fort made a motion to adjourn. Mrs. Flynn seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda A. Jacukowicz