

READINGTON TOWNSHIP PLANNING BOARD MINUTES
September 22, 2014

The Meeting was called to order by Chairwoman Flynn at 7:35 p.m. stating that the requirements of the Open Public Meetings Law have been met and that this meeting has been duly advertised.

Members present: Julia Allen, Jerry Cook, Cheryl Filler, Betty Ann Fort, Christopher John, Ben Smith, Marygrace Flynn

Also present: Attorney, Victoria Britton
Engineer, John Hansen
Planner, Michael Sullivan

Members absent: Elizabeth Duffy, Ronald Monaco

EXECUTIVE SESSION:

Chairwoman Flynn read the following Resolution:

EXECUTIVE SESSION RESOLUTION

WHEREAS, N.J.S.A. 10:4-6 *et. seq.*, the Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Planning Board is of the opinion that such circumstances presently exist and desires to authorize the exclusion of the public from the portion of the meeting in accordance with the Act;

NOW, THERFORE, BE IT RESOLVED by the Planning Board of the Township of Readington, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the hereinafter specified subject matter as set forth below:

<u>Subject Matter</u>	<u>Basis of Public Exclusion</u>	<u>Date Anticipated</u> <u>When Discussion Will</u> <u>be Disclosed to Public</u>
Ryland Developers, LLC	Litigation	Certain information at the discretion of the Planning Board tonight...other information will remain confidential

2. It is anticipated at this time that the above stated subject matter will remain confidential because litigation remains pending.
3. This Resolution shall take effect immediately.

A Motion was made by Mr. Cook, seconded by Ms. Filler, to adopt this resolution. Motion was carried with a vote of ayes all, nays none recorded.

The meeting reconvened at 8:39 p.m.

MINUTES:

A Motion was made by Ms. Fort, seconded by Ms. Allen, that the Minutes of April 14, 2014 be approved as circulated. Motion was carried with a vote of ayes all, nays none recorded. Ms. Filler abstained from the vote.

CORRESPONDENCE:

1. Letter dated June 17, 2014, from the Superior Court of New Jersey to Attorneys Sharon Dragan, Township Counsel, and Trishka Waterbury Cecil, Planning Board Counsel, regarding **Barchi v. Startzel**. No action will be taken on this matter.
2. Letter dated July 14, 2014, from the New Jersey Department of State, Office for Planning Advocacy to Mayor Allen regarding the property to be vacated by Merck Sharp & Dohme Corp. Mayor Allen will ask the Township Clerk to schedule a meeting.

RESOLUTIONS:

**Nagle
Block 40, Lot 1
Final Major Subdivision**

A Motion was made by Ms. Filler, seconded by Mr. Cook, to approve the revised resolution. Motion was carried with the following roll call vote:

Ayes: Jerry Cook, Marygrace Flynn

Abstain: Christopher John, Ben Smith

Recuse: Julia Allen, Cheryl Filler, Betty Ann Fort

TECHNICAL REVIEW COMMITTEE:

**Ryland Inn
Block 14, Lot 29
Phase IB, II, III**

The applicant filed a preliminary major site plan application. The T.R.C. has reviewed the application and deemed it complete.

A Motion was made by Mr. Cook, seconded by Mr. Smith, to deem the application complete. Motion was carried with a vote of ayes all, nays none recorded.

OTHER BUSINESS

Ordinance #18-2014

A Motion was made by Mr. Cook, seconded by Ms. Allen, indicating that the ordinance is not inconsistent with the Master Plan and recommended that it be forwarded to the Township Committee for adoption. Motion was carried with the following roll call vote:

Ayes: Ms. Allen, Mr. Cook, Ms. Filler, Ms. Fort, Mr. John, Mr. Smith, Chairwoman Flynn

Nays: None recorded.

NEW BUSINESS

**Walmart Super Center
Block 14, Lot 49
Concept Site Plan / Proposed Rezoning**

Present for Applicant: Jennifer Loheac, Attorney
Matthew Rutt, Engineer
Paul A. Phillips, Planner
Jerry Birmingham, Owner Representative

Attorney Loheac advised the Board that Walmart Super Center ("Applicant") was seeking to expand their current facility which expansion would be built within the AR Zone.

Mr. Rutt went on to explain that the parcel of land Applicant currently resides on is made up of 48 acres, 11.6 of which is Zone B wherein the current structure is located. The Applicant's proposal is to expand the building to the West, increase the loading dock to the North,

reconfigure the entrance to incorporate two (2) separate entrances, and increase the storm water facilities and parking lot. Mr. Rutt indicated that the building would remain in the B Zone, but the expansion to the West of the building would encroach into the AR Zone. The expansion would include 73,000 square feet of impervious coverage. Mr. Rutt further indicated that the parking stalls were currently at a 5/1000 ratio and although the ordinance would allow for a 4/1000 ratio; Applicant's expansion would only increase the parking stall ratio to 4.5/1000. There are two remaining non-conformities that would be enhanced, but still not in compliance with the B Zone: 1) impervious coverage in the B Zone carries a maximum of thirty percent (30%), the existing B Zone is at 85.3%; under the proposed B Zone area that would be reduced to 73%. He advised the Board that the current FAR maximum in the B Zone is 10%, the existing facility is at 25% with the proposed expansion reducing that to 23%.

Ms. Filler inquired whether any of the parking stalls to the West of the building could be eliminated and still meet the parking requirements. This would allow the Applicant to move the storm water East and possibly remain in the B Zone.

Mr. Sullivan clarified that Readington Township's ordinance allows for a 4/1000 parking stall ratio. The Applicant was indicating they want to go to 4.5/1000. The Board needs to decide if they want to go with the minimum or maximum standards. Additionally, Applicant has an impervious coverage issue. Applicant is seeking feedback in that they go above the 4/1000 parking stall ratio and have an impervious coverage issue.

Mr. Rutt advised that the Applicant does not want to build more parking than they have to as it costs money; but as a tenant and with site requirements the property needs to function properly. Applicant is trying to balance these two issues. Mr. Rutt reminded the Board that the plans set forth were only conceptual. The Applicant was merely looking for feedback, and knows that if they move forward, a site plan would require traffic studies, storm water calculations and much more.

Mr. Sullivan inquired about the waste water and possibly expanding into the sewer service system.

Mr. Rutt advised that the waste water was historically problematic and the Applicant would like to explore the extension of public sewer to service the facility.

Mr. Sullivan inquired about the wetlands located on the property.

Mr. Rutt indicated that there are wetlands, but there is an LOI for the site which is still valid. If Applicant moves forward with the application, during the site plan phase they would review the LOI. There are no wetlands located near the septic, nor where Applicant is proposing the expansion into the AR Zone.

Mr. Sullivan inquired about the current waste disposal system. He wanted to know if Applicant expanded the sewer service area, it would fall under the category that the area would be an environmental sensitive area and be faced with some trouble at the DEP level.

Mr. Birmingham advised that in 2012 the County remapped Applicant's location to the sewer service area. This Planning Board approved the expansion of the sewer service area with limitations that it be only 16,000 gallons which is sufficient to include the proposed expansion. In the meantime, Applicant began testing the septic system. Those results indicate the site has low permeability. The current site uses a septic system that was installed over thirty (30) years ago, with today's laws this system wouldn't be allowed. Even without the expansion, Applicant needs to address this failing system. A formal request to the Township about the public sewer has not been pursued as Applicant would like to first determine if they will be moving forward with the expansion.

Ms. Filler asked if Applicant had looked into other locations on site for the septic system.

Mr. Birmingham advised that Applicant doesn't own the site. The property owner has agreed to the expansion which requires Applicant to lease additional property from the owner. Most of the property is heavy clay with rock underneath. Even if Applicant cut back on parking, Applicant will still require a rezoning of some of the property from AR to B.

Ms. Flynn asked if the expansion alone was driving the storm water or if it was the expansion plus the parking.

Mr. Rutt indicated that the storm water is based on the impervious coverage and that it comes from both the expansion and the additional parking stalls. Even if Applicant loses seventy (70) parking stalls, they would still need a basin area as the impervious coverage is increasing.

Mr. Smith inquired as to the storm water that is currently in place.

Mr. Rutt advised that it is old, underground piping with an underground detention and it pre-dates most of the current storm water requirements.

Mr. Sullivan inquired about the building expansion compared to Applicant's prototypes.

Mr. Birmingham advised that the new site would closely resemble Prototype 150. Most of the expansion is in the rear of the property in order to increase the store's pallet load which would allow them to expand the offerings within the store. The loading dock will expand to accommodate up to six (6) trucks. This would allow the trucks to complete a spin and leave the same way they entered the property which would be safer. Additionally, Applicant's proposal

reconfigures the entrance to allow for two customer entrances; one located near dry goods and one located near the groceries.

Ms. Fort inquired about the specific expansion and its need for additional parking.

Mr. Birmingham advised that Applicant's desire is to increase the stores grocery selection which, in turn, would add to the store's foot traffic. With more people visiting the store, there would be an increase in vehicular traffic.

Mr. Sullivan stated that the Board is looking at what we have to do to keep Applicant viable versus the protection of natural resources including the impact of impervious coverage, traffic, etc.

Mr. Phillips indicated that there are potential benefits that can foster the upgrade of Applicant's location and those need to be weighed against loss of lands currently in the AR Zone along with the rural character along Route 22. The existing store is outdated and not servicing the community to its best ability. Applicant realizes there will be a loss of vegetative area, but there are more benefits to be gained with the expansion. He wanted the Board to keep in mind that the proposed expansion is not large.

Ms. Filler wanted to clarify that Applicant does not need more than 16,000 gallons for the sewer system.

Mr. Birmingham advised that they would not. The 16,000 gallons would cover the expansion.

A Motion was made by Ms. Fort, seconded by Ms. Filler, that the Planning Board recommend to the Township Committee to follow the Board's request and rezone specific pieces of this property from AR to B in order to make the expansion possible. Motion was carried with a vote of ayes all, nays none recorded.

NEW BUSINESS:

A Motion was made by Ms. Filler to authorize Michael Sullivan to explore lands currently in the VH zone for opportunities for overlay permitting senior or assisted living and develop an ordinance to accommodate it. The motion was carried with the following roll call vote:

Ayes: Ms. Allen, Mr. Cook, Ms. Filler, Ms. Fort, Mr. John, Mr. Smith, Chairwoman Flynn

Nays: None recorded

ADJOURNMENT:

A Motion was made by Ms. Fort, seconded by Mr. Smith, to adjourn the meeting at 9:38 P.M. The motion was carried with a vote of all ayes, nays none recorded.

Respectfully submitted,



Rebekah Harms
Planning Board Secretary