

**READINGTON TOWNSHIP PLANNING BOARD
MINUTES
May 12, 2008**

A. Chairman called the meeting to order at 7:32 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	absent
Mrs. Filler	present
Mrs. Flynn	present
Mr. Getz	present
Mr. Klotz	absent
Mr. Monaco	present
Mr. Smith	present
Madam Chair	present

Brent Krasner, Clark – Caton & Hintz
Valerie Kimson, Esq., Purcell, Ries, Shannon, Mulcahy & O’Neill
H. Clay McEldowney – Hatch, Mott & McDonald

C. APPROVAL OF MINUTES:

1. April 28, 2008 – Mr. Cook made a motion to approve the minutes. Mrs. Allen seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded*.

D. CORRESPONDENCE:

There were no comments.

E. RESOLUTIONS:

1. Wilmark Building Contractors
Final Subdivision
Block 25, Lot 38.01

Madam Chair announced that there were some changes that the board would like to make to the resolution. On page 4, an apostrophe should be inserted into the word “land’s”. On page 5, they wanted to add language as follows: “the revised trust document must conform with the conditions stated in this resolution as attached”; on page 11, at number 24, “the applicant chose to install a split rail fence on the easterly side of the open space lot and install “no motorized” vehicle signage around it and on the access easement to the Vislocky property.” Also add, “the applicant shall maintain the existing hedgerows.” On number 28, insert the following language, “the open space lot deed shall contain a restriction that no structures other than the fence shall be permitted.” Also in number 28, no building permit

shall be issued, instead of the language “shall issue”. On page 6 at the very top, “with the exception of the fence and signage noted, the open space lot is to remain undeveloped.” Mrs. Filler wanted to also include the following language, “... and without structures, with the exception of the fence.”

Mrs. Filler made a motion to approve the resolution with corrections and additions. Mr. Getz seconded the motion.

Roll call:

Mr. Cook	aye
Mrs. Filler	aye
Mr. Getz	aye
Mr. Smith	aye
Madam Chair	aye

2. LFP Holdings, LLC
Minor Subdivision
Block 77, Lot 28
204 Pleasant Run Road

This matter will be carried to the next meeting.

3. Adner Ebeb Realty Corp.
Block 39, Lot 8.01
Request for an extension of approval

Mr. Cook made a motion to approve the resolution. Mrs. Filler seconded the motion.

Roll Call:

Mrs. Allen	aye
Mr. Cook	aye
Mrs. Filler	aye
Mr. Getz	aye
Madam Chair	aye

F. VOUCHER APPROVAL

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

G. TECHNICAL REVIEW COMMITTEE:

1. American Classics, LLC
Final Major Subdivision

Block 69, Lot 12
Action Date: May 30, 2008

Madam Chair stated that the Technical Review Committee reviewed the application. It was determined that the application remains incomplete.

F. OTHER BUSINESS:

- 1. Nicodemus, John & Angela**
Block 64, Lots 36 & 37
Request for an extension of approval

Mrs. Allen made a motion to grant an extension to their approval. Mrs. Filler seconded the motion.

Roll Call:

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

- 2. Merck & Co., Inc.**
Block 4, Lots 48, 49, 98, 99, 100 & 104
Block 9, Lot 2
Request for an extension of approval

Thomas Malman, Esq., from the law firm of Day & Pitney in Florham Park appeared on behalf of the applicant. He stated that this is a request for an extension of the site plan approval that was approved in 1988 for the original Merck campus. At that time there was a preliminary approval for 2 phases consisting of 1.8 million square feet of office space. There was a final approval granted in 1988 for the first phase of that project, which has been built consisting of approximately 900,000 square feet of space. The applicant is seeking an extension for the second phase of the project. In 1988, the board granted the applicant a 20 year vested right of protection. The Statute provides that for properties consisting of over 50 acres or more the board has the authority to grant vested rights for extended periods of time. The applicant has not yet built the second phase. Additionally at this point in time, Merck has no immediate plans to build that phase, but they would like to continue the right to build it at some future date.

John Higgins was sworn. He stated that he was responsible for the site from the time that the applicant occupied the site until approximately 2 years ago. At the present time, Roger Humphrey is responsible for this site.

Exhibit A-1 shows the current aerial photograph of the site.

Mr. Higgins stated for the board that the property, as currently constructed, consists of the original parcel of about 450 acres, and a second parcel that they acquired consisting of another 400 acres, on either side of Hall's Mill Road. Finally, there is another 180-190 more acres on the far side of Route 78. Offsite improvements were made. The original office space is 900,000 square feet, which is the current world headquarters. A separate undertaking is the 221,000 square feet of office space with outside parking decks for their manufacturing division which was not part of the 1988 approval. They also have a 22,000 square foot day care facility off Hall's Mill Road.

Exhibit A-2 shows what was conceived as the original 1988 approval.

When the approval was granted, they had envisioned two further expansions of 450,000 square feet each, which would be built onto the original building. Both would lie within the perimeter road that was constructed as part of the original build-out. This was planned as the second phase of the project. Merck is asking for an extended vested right to protect the two additional future expansions in the form of a ten year extension. They can not foresee when and if they would actually build the two extensions, hence the request for the long extension. They are not asking for any changes, or any changes in the conditions of the Resolution as proposed initially. The property is under an application for an LOI. The map is on file at the Municipal building.

Mr. Higgins stated that when they finally build, they would make a small impact on the surrounding landscape.

Rodger Humphrey stated that they are proposing in the future solar panels for the site that will provide approximately 6 to 10 percent of the electrical need for the entire site. This will be an application that will come before the Planning Board.

Mr. Smith asked that since the original application was approved 20 years ago, what is the increase in the COAH requirement. Mr. Malman answered that the applicant would comply with whatever COAH requirements are pending at the time of construction. Mr. Malman stated that the township's FAR requirements have changed and they still comply with the ordinance.

Mr. Monaco wanted to know if they still have van pools in place. Mr. Higgins answered that they are maintaining their subsidiaries that consists of \$75.00 a month for van pools and they still have employees arrive at the train station and are transported to the site. They are still encouraging using mass transportation and van pooling.

Mr. Higgins testified that the last time he looked at the employee zip code demographics which was about 4 years ago there was a substantial amount of employees living in Lake Cushetunk and in the Flemington area. The site contains 2200 employees in the main building and 600 employees occupying the manufacturing building and 600 employees located in Cokesbury leased facility.

Attorney Kimson stated that the conditions would be all of the existing conditions in the current resolution continue to apply, the TID - TDD language will be updated

and the applicant shall comply with the COAH requirements that are in effect at that time of construction.

Mrs. Filler made an application to grant an extension. Mr. Smith seconded the motion.

Roll Call

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

2. Ordinance amendments:

Madam Chair announced that the ordinance is being reviewed and there are some minor changes in the prohibited uses section. She stated that there is some ambiguity and the board would like to clean up the language. Mr. Krasner stated that there are some inconsistencies as to whether or not a car dealership is prohibited or permitted in the "B" zone. Currently, it is not listed as a permitted use, however, in the list of prohibited uses there is a item that states that use car dealerships are prohibited unless accessory to a new car sales dealership on site. He stated that this could be a hold over from when the ordinance at one time used to allow car sales in the "B" zone. If the board feels that they would like to make this clearer that new car dealerships or used car dealerships, motorcycles, and vehicle sales are prohibited in the "B" zone, a draft ordinance could be drafted to that effect. Lawn mowers and farm tractors are not intended to be included in this ordinance and will be an exception. Mr. Krasner stated that he will review other ordinances in other municipalities to see how their ordinance is drafted.

Madam Chair stated that another revision item within the ordinance is to remove agriculture from the use of open space in the RR zone. Conservation should be the highest use.

Additionally, the cell tower ordinance should be revised. Originally when it was drafted, they were focusing on the tower and the co-location of the antennas, but now there are equipment shelters that have different size buildings, and there is different color fencing installed. The ordinance needs to address the equipment compound area. It needs to be consistent and uniform, but also lessen the visual impact.

Cheryl Filler made a motion to authorize Mr. Krasner to draft the above mentioned changes to the ordinance. Mr. Smith seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

G. ADJOURNMENT

Mr. Cook made a motion to adjourn at 8:13 p.m. Mrs. Filler seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda A. Jacukowicz