

**READINGTON TOWNSHIP PLANNING BOARD
MINUTES
November 10, 2008**

A. Vice Chairman Duffy called the meeting to order at 7:53 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	absent
Mr. Cook	present
Mrs. Duffy	present
Mrs. Filler	absent
Mr. Getz	absent
Mr. Klotz	present
Mr. Monaco	present
Mr. Smith	present
Marygrace Flynn	absent

**Valerie Kimson, Esq.,
H. Clay McEldowney – Hatch, Mott & McDonald
Brent Krasner – Clark, Caton & Hintz**

C. MINUTES

- 1. September 22, 2008 Mr. Cook made a motion to approve the minutes. Mr. Klotz seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.***
- 2. September 22, 2008 Executive Minutes - Mr. Klotz made a motion to approve the minutes. Mr. Monaco seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.***
- 3. October 14, 2008 - Mr. Smith made a motion to approve the minutes. Mr. Cook seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.***

D. CORRESPONDENCE: - No comments from the board.

E. VOUCHER APPROVAL - Mr. Smith made a motion to approve the vouchers. Mr. Monaco seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.*

F. TECHNICAL REVIEW COMMITTEE:

**1 Clyde H. Allison
Block 76, Lot 2.03**

**Preliminary and final subdivision
Action Date: December 5, 2008**

The TRC determined that this matter remains incomplete.

G. RESOLUTIONS:

1. None

H. PUBLIC HEARINGS

1. Tom Jr. Properties
Preliminary Major Subdivision
Block 36, Lot 7
1 Railroad Lane
Carried to December 8, 2008

Madam Chair announced that this matter would be carried to December 8, 2008 and there would be no further notice.

2. Janet Rollero/Healthy U Personal Training, Inc.
Block 21.01, Lot 8
Minor site plan
Action Date: November 10, 2008

Mark Yates, Esq., stated that he is the attorney for the applicant. He testified that this is an application for a minor site plan and conditional use approval for a home occupation within Mrs. Rollero's personal residence located at 6 Miller Lane in Whitehouse Station. Mrs. Rollero is a personal fitness trainer. A portion of the basement is designated for this use on a non-exclusive use basis. The exercise equipment is used by her clients and by her family. There will be no more than two cars used by her customers at any one time. They will park in the driveway of the residence. This satisfies the requirement of the off street parking.

Attorney Kimson swore in the witness, Janet Rollero.

Mrs. Rollero stated that she owns the business known as Healthy U Personal Training Inc. Her home is a single family detached residence. The home occupation will be an incidental use of the home. There are no signs proposed on the outside of her residence. She proposes using 900 square feet of the home for her business. The following equipment is used in her home occupation: two tread mills, one bike; and two personal multi stations in her basement. She currently has rented a commercial building located behind Bishop's Plaza for her personal training business. This is where most of her clients will be trained. She will accept people with body image problems at her home business.

Mr. Yates referred to the Cushtunk Courier which is published by the homeowner's association. He stated that there are a number of businesses conducted at this development. In the PND-1 zone, the only commercial activity that is allowed is a home occupation.

Mr. Monaco asked if the applicant was aware of the letter that the board received from the homeowners' association. Ms. Rollero answered yes. Mr. Yates stated that this would be an issue between the applicant and the homeowner's association, not this board.

Exhibits

A-1 Cushetunk Courier – math tutoring ad

A-2 Cushetunk Courier – Pilate's ad

Madam Chair stated that there is a difference between those types of businesses identified in the exhibits and this proposed use and that is located in Section 5.14 of the Land Use Ordinance.

Attorney Kimson informed that the board's jurisdiction is separate and apart from the homeowner's association. The board's determination is not dependent upon the homeowner's determinations. The applicant will have two hurdles to pass. One will be this board and the other is the homeowner's association.

Madam Chair asked how many square feet of the residence does the gym occupy. Ms. Rollero answered that she wasn't sure. Maybe two hundred feet.

PUBLIC QUESTIONS:

Allison Wood, 5 Miller Lane – She wanted to make sure that the board received the letter from the Lake Cushetunk Homeowner's Association. The board has a copy of the letter. Also the two cars that will be parked in the driveway, is there any way for them to get to the residence without parking on Miller Lane.

Mark Jeffries, 2 Miller Lane - He wanted to know if the applicant could use the facility at the commercial site after hours for this type of clientele. Ms. Rollero answered no.

Bob Krupnik, 4 Miller Lane – He wanted to know if all access would be through the front of the residence. Ms. Rollero answered yes. Mr. Krupnik also wanted to know if there would be signage or other changes to the outside. Ms. Rollero answered no.

Joe Heary 8 Abraham Road – He wanted to know if Lake Cushetunk was zoned for residential and commercial. Mr. Monaco answered that it is residential. Mr. Krasner answered that this application falls under a "home occupation". This is permitted as an accessory use to the residence in the PND zone.

Mr. Cook was concerned about the enforcement problem that the board is faced. Mr. Monaco answered that he is concerned about that too. Also, Mr. Cook raised the question that what would happen if the commercial site would cease to exist, would this use intensify. The applicant stated that she would come back to the board.

Attorney Kimson recited the conditions: no person other than one or two members of the household owning and residing in the premises is permitted to be engaged in the occupation; that the use of the property for home occupation shall be clearly subordinate and ancillary to its use for residential purposes by its occupants; up to 200 square feet of the dwelling may be dedicated solely for the conduct of the home occupation, however, the applicant has indicated that there won't be an area that will be used exclusively for the home occupation and that will consist of not more than 900 square feet in the basement which is used by the family as well; no goods, materials, equipment or

supplies or other items shall be delivered to or from the property in connection with the home occupation, except in a passenger automobile owned by the proprietor or a two axel 4 wheel delivery service vehicle; clients, patrons, customers or other persons shall be permitted on the property in regards to the home occupation provided that the visitation shall not create the need to park more than two (2) vehicles at any time in addition to those ordinarily used by the residents and the two (2) vehicles shall be limited to passenger automobiles and must be parked off street; the approval will extinguish upon the conveyance of the property.

Raul Aramburo 3 Miller Lane – He wanted to know who would be in charge of monitoring the applicant so that the conditions would be followed. He is not in favor of approving this application.

Allison Wood 5 Miller Lane - She stated that she purchased a home in a cul-de-sac so that her children would be safe. She is not in favor of the board approving this application.

Bob Glauber 11 Abraham Road – He was concerned about approving this type of application.

Madam Chair made known to the public that the Planning Board is only concerned with the Municipal Land Use Ordinance and pursuant to the ordinance the home occupation is allowed. The township's ordinance differs from the homeowner's association regulations. Additionally, the public could look to the homeowner's association for enforcement.

Allison Wood requested that a time restraint be imposed on the application so that it would not correlate with the time that the children are walking to the bus stop.

Attorney Yates stated that from a compliance point of view, he did not feel this time restriction should be imposed.

PUBLIC COMMENTS:

Robert Krupnik, 4 Miller Lane – He commented on the past history. He stated that there were cars in the street daily. Cars blocked his mailbox daily. He entered as evidence his annual street sweeping sign for 2005 into the record. The streets were not swept due to cars being parked in front of the house.

Exhibit O-1 Sign 2005 street sweeping

Mr. Klotz stated that if the applicant has clients a few times a week, it would be a minimal affect on the neighborhood. Pursuant to the ordinance conditions, the board cannot prohibit the traffic. If the lease on the commercial property expires, is the board giving permission for two cars to attend between the hours of 5:30 a.m. and 8:00 p.m. Should the board look at this question?

Madam Chair informed the board that this is the case based upon the ordinance. The ordinance does not address how often the cars can come and go. She did not agree with the conditions of the ordinance either.

Mrs. Rollero testified that there would be no more than 20 hours a week.

Raul Aramburo 3 Miller Lane – wanted to know who would monitor this activity.

Allison Wood 5 Miller Lane – She asked does it state that she has to be there at the residence to do the training. Attorney Kimson answered that no person other than one or two members of the household owning and residing in the premises shall be engaged in the occupation.

Debbie (inaudible) 29 Stonehouse Road & Kathy Wagner 7 Millstone Road. Stated that they have lived in the development for a number of years. She did not feel that the 2 cars would create a problem.

Mark Jeffries 2 Miller Lane – stated to the two prior public commenters, how would they like to have this business on their street? Also, he has lived at here for 4 years and has never seen cars in the driveway. There will be constantly cars backing out on to the street. He is concerned about the safety of the children.

Mr. Monaco stated that the Planning Board has less power than the homeowner's association. The board has to listen to the State of New Jersey's rules. The homeowner's association will probably have more to say about this matter. His only question has to do with the amount of square footage. The other conditions have been met. Sometimes it is better to have an approval and if the applicant were to deviate from those conditions, there will be a penalty imposed.

Attorney Kimson stated that the use of the property shall be clearly subordinate and ancillary to its use for residential purposes for the occupants. The applicant provided testimony that only basement area would be utilized. The applicant provided testimony that no shower facilities will be permitted to be used by the clients. Up to the 200 square feet of the principal dwelling may be dedicated solely for the conduct of the home occupation. The only testimony before the board was that none of this is actually exclusive to the home occupation. The 900 square feet of the basement is used by the clients as well as the family members. The zoning officer's letter dated October 22, 2008 stated that this use qualifies as a home occupation.

Madam Chair wanted to make sure that the applicant heard what the neighbors had to say so that they can live in harmony.

Mr. Smith stated that the board has satisfied the requirements of the ordinance.

Mr. Smith made a motion to approve the application with the following conditions: that any approval will extinguish upon the sale or conveyance of the property; the applicant has agreed that there will be no shower facility made available for the clients; the applicant has agreed that there shall be no more than 20 hours of instruction per week at the premises; there shall be no more than 2 vehicles parked in the driveway off street; as well as the conditions set forth in the ordinance. Mr. Klotz seconded the motion.

Roll Call:

Mr. Cook	aye
Mr. Klotz	aye
Mr. Monaco	aye
Mr. Smith	aye
Madam Chair Duffy	aye

I. ADJOURNMENT

Mr. Cook made a motion to adjourn at 9:12 p.m. Mr. Smith seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda A. Jacukowicz