

READINGTON TOWNSHIP PLANNING BOARD MINUTES
REGULAR MEETING
April 10, 2023

The Meeting was called to order by Chair Hindle at 7:00 p.m. stating that the requirements of the Open Public Meetings Act have been met and that this meeting had been duly advertised.

ROLL CALL

Board Members in Attendance:

Allen, J.
Becker, R.
Filler, C.
Hendrickson, N.
Hindle, J.
John, C.
Mueller, A.
Panico, V.
Villa, C.
Barton, S.

Board Members Absent:

Cook, J.

Member	2023 Excused Absences	2023 Unexcused Absences
Allen		
Becker		
Cook		
Filler		
Hendrickson		
Hindle		
John		
Mueller		
Panico	1 (1-9)	
Villa		
Barton	2 (2-13, 2-27)	

Others Present:

Board Attorney Jonathan Drill, Esq., Board Planner Michael Sullivan, and Board Secretary Ann Marie Lehberger.

MINUTES

Mr. Becker moved, and Mr. Hendrickson seconded, a motion to approve the March 13, 2023, minutes. The motion carried unanimously.

RESOLUTIONS

There were no resolutions presented for Board consideration.

ADJOURNMENTS OF ANY SCHEDULED HEARINGS OR MOTIONS

Stanton Ridge Golf and Country Club

Block 51 Lot 21.28- 25 Club House Drive

Appl# PB22-009- Amended Major Site Plan -Patios and Firepits

Chair Hindle announced that this application will not be heard this evening. It will be carried to the meeting on April 24, 2023 at 7:00 p.m. No further notice will be provided.

PUBLIC HEARING

There were no public hearings.

OLD BUSINESS

Chair Hindle reviewed the old business as follows:

1. Sign Ordinance-held until 5/22 meeting
2. Tree Ordinance- TBD
3. Discussion- Accessory Use Structures- held until 5/22 meeting
4. New Stormwater Regulations-TBD

NEW BUSINESS

Discussion-Limited Brewery Ordinance Revisions

Board Planner Michael Sullivan explained that as requested by the Board his office prepared a memo outlining the differences between the state regulations and the Township ordinance regarding events associated with a limited brewery.

The Board had a lengthy discussion specifically regarding outside events with amplified music.

Some Board members expressed concern about the impacts to the surrounding residential properties.

It was noted that the Township has a noise ordinance currently in place and has not received any noise complaints about the Readington Brewery.

Chair Hindle stated that any changes to the ordinance that are made will affect any future breweries that may be established in the Township.

After an extensive discussion, the Board agreed to recommend the following to the Township Committee:

- A Limited Brewery may conduct on-premises special events, as defined and by the New Jersey Alcohol Beverage Control Act, Title 33. These may be held indoors or outdoors.
- A maximum of three (3) events per month will be permitted for outdoor special events with amplified sound.

It was determined that the Board Planner will revise the ordinance as discussed and present it to the Board for review at the next meeting.

OTHER DISCUSSIONS

1. Discussion-Board of Adjustment 2021 and 2022 Annual Reports

The Board discussed each recommendation in the 2022 Board of Adjustment Annual Report. Karen Mittleman, Board of Adjustment Chair was present for the discussion. The Planning Board's comments were as follows:

1. **Working From Home:** The Township should review the regulations governing home occupations, specifically the definition of home occupation to determine whether it is narrow enough so as not to include employees working from home since a significant number of people now have flexible work options. It is recommended that working from home should be differentiated from a regulated home occupation, but the definitions may need to be amended to achieve this. Additionally, the Board may wish to review how to limit a proposed home office use. For example, consider whether the size of the occupation should be limited by square footage, percentage of the total floor area proposed for the use, number of employees, number of parking spaces necessary, or some other condition?

The current definition of home occupation is:

HOME OCCUPATION

An operation or business conducted in or from a single-family detached dwelling incidental and subordinate to its principal residential use and as further regulated in Article VI of this chapter.

Article VI distinguishes between different types of home occupations and provides that home occupations with certain characteristics require neither site plan approval nor conditional use approval (home owner is the only employee; no deliveries; no clients on the property), minor site plan approval (one or two employees; 200 sq. ft. max.; no deliveries; no more than two client vehicles), or site plan approval and conditional use approval (no more than one employee; 25% of net floor area or 1,000 sq. ft. max; signage; no more than two client vehicles).

Planning Board Recommendation: *The Planning Board recommends that the ordinance language be reviewed and revised, as necessary.*

2. **Extensions of Variance Approvals:** The Township should evaluate whether applicants should be permitted to seek more than a one-year extension of variance approvals. There have been instances where applicants have had to return to the Zoning Board of Adjustment multiple times to seek extensions and it may be worthwhile to provide for a greater time period.

Section 148-94(G) provides as follows:

Variance time limitations. Any variance from the terms of § 148-90C (40:55D-70c) or § 148-90D (40:55D-70d) granted by the Zoning Board of Adjustment or the Planning Board permitting the erection or alteration of any structure or structures or permitting specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance or unless such permitted use has actually been commenced, within 12 months from the date of entry of the judgment or determination of the Zoning Board of Adjustment or Planning Board; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Zoning Board of Adjustment to the governing body or to a court of jurisdiction for such appeal or proceeding. In the event that a site plan or subdivision is granted in connection with the variance, the time limitation of the variance shall be extended to coincide with the term of approval of the site plan or subdivision and permitted extensions of time if granted (see N.J.S.A. 40:55D-47, 40:55D-49 and 40:55D-52 for these time limitations).

Planning Board Recommendation: *The Planning Board believes that the BOA has the ability to grant extensions therefore no ordinance revisions are recommended.*

3. **Lighting:** The Township should consider whether the lighting/signage ordinances should be updated to reflect current industry standards of measurement (e.g., nits for LED lighting). Adoption of a more comprehensive or model lighting ordinance, which addresses building lighting, signage lighting, levels of lighting at various locations on a property (property line, right-of-way, parking areas, etc.) should be considered. Any ordinance revisions should include provisions for methods to measure lighting characteristics consistently and accurately.

Comment: Sign Ordinance revisions, including the lighting of signs is currently being reviewed by the Township Planning Board.

Planning Board Recommendation: *The Planning Board is currently reviewing the sign ordinance including the lighting of signs. It is recommended that the ordinance be amended to address measurement in footcandles instead of nits.*

4. **Sound and Noise:** The Township should consider greater or enhanced regulation of sound levels for applications

Currently, noise is regulated for all uses pursuant to Section 148-71(D):

Noise. No disturbing sound except that normally incident to family living or other permitted uses or property maintenance may be audible across a property line. Noise levels shall be designated and operated in accordance with local regulations and those rules established by the New Jersey Department of Environmental Protection as they may be adopted and amended. No industrial and commercial use shall be permitted unless it can demonstrate compliance with state regulations controlling industrial and commercial stationary sources (N.J.A.C 7:29-1.1 et seq.).

Chapter 158 (not part of the Land Development Ordinances, but rather under the Township's police powers) also regulates noise in the Township and provides maximum permitted sound levels.

Comment: The Township has NJ Model Noise Ordinance in place with two (2) Township employees currently certified as Noise Control Officers with Rutgers University.

Planning Board Recommendation: *The Planning Board recommends that the Township Committee review enforcement of the existing noise ordinance in place.*

5. **Route 22 Zoning:** The Township should evaluate the zoning designations along Route 22 to determine the degree to which they are reflective of current conditions and, if not, whether they should be modified accordingly. Currently, zoning along Route 22 includes Business (B), Village Commercial (VC), Planned Neighborhood Development (PND1) and Professional Office (PO). The Board previously considered an application where the Applicant's property was zoned as part of the PO zone, but the Board found that a residence was a proper use, particularly since the Property did not front on, and was not accessed via, Route 22, but rather a side-street. This review should also consider the zoning designation of properties along major thoroughfares that are not accessed via said thoroughfare.

Comment: A subcommittee of the Planning Board commenced in 2020, ordinance changes were implemented in 2022, with the subcommittee continuing review on larger project scope.

Planning Board Recommendation: *This is currently under review by a subcommittee of the Planning Board therefore there are no recommendations at this time.*

6. **Fence Height:** The Township should consider amending the ordinance to permit 6' high fences in both side- and rear-yards of lots located in residential and nonresidential zone districts. The Board has granted variances for these and has considered this relief reasonable in that it provides for greater use and enjoyment of properties without creating negative impacts to the adjacent properties or the public realm.

Planning Board Recommendation: *The Planning Board recommends that the ordinance be revised to allow 7' fence height for side yards to be consistent with the existing rear fence height allowance. It is recommended that the current limitation for 4' fence height in the front yard remain as is.*

7. **Accessory Structures:** The Township should consider amending the Land Development Regulations to permit more than two accessory structures on larger residential lots. There is no limitation on the number of accessory buildings on residential lots larger than 4 acres. They are regulated only by the maximum permitted floor area ratio and impervious coverage.

At the September 8, 2020, Township Committee meeting, the Committee introduced an ordinance that would amend Section 148-51 to include a new section that would provide as follows:

C. Maximum number of accessory buildings on single-family residential lots having lot areas less than four (4) acres is two (2), except that one (1) accessory building that is less than 100 square feet may be excluded from the tabulation of the number of accessory buildings.

Comment: Less noncompliance noted with residential property applications in this report year. This ordinance provision will continue to be tracked and will be revisited if necessary.

Planning Board Recommendation: *This is currently under review by the Planning Board therefore there are no recommendations at this time.*

8. **Outdoor Storage:** The Township should review the current ordinance provisions regarding outdoor storage and evaluate whether the regulations should be modified either to (1) reduce the amount and/or location of permitted outdoor storage and/or (2) increase the buffering and setback requirements to more effectively mitigate the detrimental impact associated with outdoor storage or to delineate the permitted volume in terms of height and area permitted.

Planning Board Recommendation: *The Planning Board recommends that the outdoor storage regulations for areas outside Route 22 be reviewed.*

9. **Route 202 Zoning:** The Township should consider whether the zoning along Route 202 reflects existing land uses and potential acceptable land uses. The Board notes that there have been applications to use residentially zoned lots along Route 202 for commercial purposes.

Comment: The Route 22 subcommittee has discussed including the review of the Route 202 corridor in future projects.

Planning Board Recommendation: *This is currently under review by a subcommittee of the Planning Board therefore there are no recommendations at this time.*

10. **Plantings Near Utilities:** The Township should consider revisions to the Land Development Regulations to include provisions that regulate the height, species, and locations of replacement trees specifically proposed to be located near utility infrastructure so as to avoid significant disruption to the provision of electricity during storm conditions and unsightly pruning of tree branches.

Planning Board Recommendation: *The Planning Board recommends that this be addressed in the Tree Ordinance.*

11. **Development Checklists:** The Township should consider reviewing and Updating application checklists/submission requirements to provide for clarity and relevance to respective development applications.

Comment: This is currently being completed by the Board's professionals.

Planning Board Recommendation: *This is currently under review by the Planning Board professionals therefore there are no recommendations at this time.*

12. **Application Process for Residential Variances :** The Township should consider options for the current application review process for residential variance applications to address the time and cost concerns expressed by previous applicants.

Planning Board Recommendation: *The Planning Board recommends that the Zoning Officer/Director of Land Use and Development make the initial decision on whether the Planner or Engineer review a residential application to help simplify the process and address cost concerns. The BOA can request additional reviews be done if necessary.*

13. **Review of Township Ordinances Regarding Warehouses :** The Township should consider reviewing the current ordinances in place regarding warehouses to see if any amendments are needed.

Comment: The warehouse provisions are currently under review by the Township Planning Consultant and Director of Land Use. Any recommendations will be sent to the Planning Board for review.

Planning Board Recommendation: *This is currently scheduled for introduction by the Township Committee therefore no recommendations necessary.*

NEW RECOMMENDATIONS:

1. **Subcommittee to Review Application Process for Residential Variances :** The Planning Board should consider forming a subcommittee to review the current application process for residential variance applications. The focus of the subcommittee would be to identify opportunities to streamline the process and address the time and cost concerns expressed by previous applicants.

Planning Board Recommendation: *See Recommendation #12 above.*

2. Discussion-Municipal Climate Resilience Planning

Mr. Becker spoke to the guidelines provided by the State Office of Planning Advocacy regarding the need to create a climate change hazard vulnerability assessment, policy statement and resilience strategies to manage climate-related risks for the community.

Attorney Drill explained that this would require an amendment to Land Use Element of the Master Plan.

The Board requested that the Board Planner provide a proposal to Board for the scope and cost.

PUBLIC COMMENT

There were no comments from the public.

Mr. Mueller moved, and Mr. Panico seconded a motion to adjourn. The motion carried unanimously, and the meeting was adjourned at approximately 9:15 p.m.

Respectfully submitted,
Ann Marie Lehberger
Planning Board Secretary