

**TOWNSHIP OF ROBBINSVILLE ZONING BOARD OF ADJUSTMENT MEETING
TOWNSHIP OF ROBBINSVILLE, MERCER COUNTY, NJ
WEDNESDAY, MAY 7, 2008 7:30 P.M.**

MINUTES

Present: *Chair Perhacs, Mr. Gibeault, Mr. Kirkpatrick, Mr. Siekerka, Mr. Kreig and Mr. Griffin*

Absent: *Mr. Bihl, Mr. Lynch and Ms. Carbone*

Also Present: *Mr. West, Township Engineer; Ms. Doobrajh, Esq. (on behalf of Mr. Herbert, Esq.); Ms. Kooper, Planning Consultant; Ms. Post, Board Secretary*

Roll call for the above Board members was called and the Flag Salute took place.

“Adequate notice of this meeting has been provided as required under Chapter 231 P.L. 1975 specifying the time and place with such notice as being sent to the *Times of Trenton, Trentonian* and the *Messenger Press* and posted in the Municipal Building Public notice meeting bulletin board.”

Chair Perhacs stated that the Board did not meet last month as a result of the Board not having a quorum. Six members are present to hear applications versus seven Board members for the below applications.

CORRESPONDENCE

Mr. West sent Mercer Mobile Homes a letter regarding the metering of the sanitary sewer system at the mobile park, and to date he has not received a response from Mercer Mobile Homes.

PUBLIC COMMENT

No member of the public came forward.

BOARD COMMENTS

Chair Perhacs said that Ms. Post is reaching out to Board members regarding feedback and attendance at the meetings. Chair Perhacs indicated that he would like for the Board members to contact Ms. Post in advance if they know they are unable to make a meeting. Chair Perhacs also thanked Ms. Post for all her hard work and effort.

MINUTES

March 5, 2008 - A motion was made to approve the minutes by Mr. Kreig and seconded by Mr. Kirkpatrick. All eligible Board members voted in the affirmative (Mr. Gibeault, Mr. Kreig, Mr. Kirkpatrick, Mr. Griffin, Mr. Siekerka, Chair Perhacs).

BUSINESS TO DISCUSS**Annual Zoning Report for 2007**

Mr. West stated that this report is a summary of the applications that appeared before the Board. There were a total of fifteen applications, six residential and nine commercial. The report summarizes each application. A motion was made to accept the Annual Zoning Report for 2007 as submitted by Mr. West, dated April 11, 2008 by Mr. Kirkpatrick and the motion was seconded by Mr. Siekerka. All Board members were in favor (Mr. Kirkpatrick, Mr. Griffin, Mr. Kreig, Mr. Gibeault, Mr. Siekerka, Chair Perhacs).

Update of the Reexamination of the Master Plan

Mr. Kirkpatrick asked for an update of the Reexamination of the Master Plan. Chair Perhacs and Mr. Gibeault are members of the Master Plan Subcommittee. Mr. Gibeault said the focus of the review was on two areas: (a) southern gateway into town and adjacent properties; and (b) southern gateway out of Route 526 into Allentown adjacent to the Wittenborn property. The language was confusing in the Master Plan as to whether it should be just the Wittenborn property or should it include other uses to allow a transition from the larger structures in Mercer Corporate Park down into Allentown along the Township line. More information will be gathered. The Master Plan Subcommittee consists of: Bill Perhacs, Paul Gibeault, Sheree McGowan, Janet Van Nest and Michelle Siekerka.

Resolutions**ZB2007-18 – Mercer Mobile Homes – Approval of Use Variance & Preliminary/Final Major Subdivision**

Per Mr. West, Mr. Kaufman had agreed to televise the sewer system to find out the problem. A company came out for two days, and they completed a small percentage of the system. Mr. West said that a letter was sent to Mr. Kaufman stating that televising a small percentage of the sewer system is unacceptable. The entire system should be televised. No response was sent back to date. In summary, Mr. Kaufman cannot perfect his subdivision until he satisfies the conditions outlined in the resolution. One condition was repairing the areas in the sewer system in need of repair. Page 7, Item 9 (d) of the resolution, and also incorporated into page 4, Item H, is to make the verbage consistent per Mr. Kreig. Based on the afore-mentioned comments, Mr. Kreig made a motion to approve ZB2007-18 – Mercer Mobile Homes with the one change being that the last two sentences under Item H-page 4 be copied into the condition on page 7, item 19(d), and the motion was seconded by Mr. Gibeault.

ROLL CALL: ZB2007-18 – Mercer Mobile Homes

AYES: Kirkpatrick, Kreig, Griffin, Gibeault and Perhacs

NAYS: None

There being five (5) “AYE” votes, the ZB2007-18 Mercer Mobile Homes was adopted.

ZB2008-03 – Crossroads Storage, LLC – Denial of a Use Variance and Bulk Variance Approval

Mr. Gibeault made a motion to adopt ZB2008-03 – Crossroads Storage, LLC and was seconded by Chair Perhacs.

ROLL CALL:

AYES: Gibeault and Perhacs

NAYS: None

There being two (2) “AYE” votes, ZB2008-03- Crossroads Storage, LLC was adopted.

Application ZB07-08-05 – Frank Matteo, Inc.

Block 26, Lot 28

23 Woodside Road

Zoning: RR

Public Hearing for Use Variance (carried from 04/02/08 Meeting)

This applicant is requesting approval of a use variance to allow the preparation of motor vehicles for wholesale for car auctions located in Bordentown, NJ and Lancaster PA.

Chair Perhacs stated that there are 6 Board members present, and he had to recuse himself from the afore-mentioned application due to fact that he is a member of the Woodside Board Homeowner's Association, which adjoins this property. Therefore, there are only 5 Board members to hear the application. Chair Perhacs turned the meeting over to Vice-Chair Gibeault.

Lee Hutchinson, Esq., from the firm of Turp, Coates, Essl & Driggers represented the applicant.

Ms. Doobrajh swore in Frank Lucchesi, President of Frank Matteo, Inc., John West and Abbe Kooper.

Mr. Lucchesi explained why he needs a use variance and the vehicle process to the Board. Mr. Lucchesi is the tenant of the property. The company has a used car dealer license to operate in Trenton, but does not have one for Robbinsville. The purpose of the application was to obtain a new and used vehicle dealer license from the State of New Jersey. This type of use – the preparation of cars for wholesale – is not permitted in the zoning ordinance. The cars are driven to the property. Thirty cars on inventory at one given time; on occasion, the cars are brought in on a flatbed. **Exhibit A-1 Site Screening**, prepared by Fett & Foran AIA Architects, LLC, dated 1/7/08 was marked into evidence. Trees will be filled in along the side of the property. The vehicles will be stored behind the building and there are three employees. Cars will not be advertised for sale or sold on site. One sign will be on site location.

Mr. Kreig indicated that the township records indicate that there are three businesses operating at that site: (1) an auto body shop (2) Central Jersey Power Equipment, and (3) a tree or landscaping service. The proposed use for Motor Vehicle Dealership would be the fourth use on site. Mr. West said that Central Jersey Power Equipment sells lawn mowers, etc. and not auto parts. Mr. West said that the applicant received approval for the auto parts business years ago and now there is a business which sells lawn mowers, etc. A tree service company is located in the back of the property. All thirty cars will be located in the rear. Landscaping and a fence will be provided on the easterly side of the property line. Landscaping will be added along the front. The applicant has been operating at the current location for approximately one year. No new lighting is proposed. The hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday. No weekends.

Mr. West said there are existing uses on the property. The town wants more landscaping for screening purposes and the cars will be kept in the back. The landscaping proposed meets the town's requirements. A privacy fence will also be provided. No criminal activity has been reported on site. Mr. West asked that the applicant limit the number of vehicles to be stored on site to 30. The use is parking thirty vehicles on site and Mr. West stated that he was comfortable with recommending the waiver of site plan. The applicant cannot sell or repair cars, which would be a condition of approval. The applicant agreed to Mr. West and Ms. Kooper's comments.

A motion was made to open the meeting to the public by Mr. Kreig and seconded by Mr. Kirkpatrick. All in favor.

Bill Perhacs said that he is a resident of the adjacent community, Woodside of Washington and also President of the Homeowner's Association. He stated that the Homeowner's Association does not have any issues with the application as long as the buffering is done because it would be a great improvement. The current proposed use would be an improvement to the area.

Mr. Kreig made a motion to close the meeting to the public and Mr. Siekerka seconded the motion. All in favor.

Conditions: a fence and landscaping will be provided on the easterly side of the property line; the applicant will fill in the landscaping in the front of the building; the applicant will work with the township regarding the landscaping plan and submit a revised plan to the township for review and approval; the applicant will limit the number of cars on the site to 30; there will be no repair work on site; no retail sale of cars on site; the use will be limited to the current applicant, and will not continue should the applicant move out of the property; the parking will be in the rear of the building as shown on Exhibit 1. Mr. West replied that with respect to the fence being requested, the ordinance does not allow for a fence to be higher than three feet, and this fence should be higher than three feet. Mr. West recommends that the variance be granted to allow for a higher fence. All of the abandoned vehicles are to be removed.

A motion was made by Mr. Kirkpatrick to approve ZB07-08-05 – Frank Matteo, Inc. with the conditions as summarized by the Board Attorney to include the variance for the fence to allow above three feet as well as a waiver of site plan. The motion was seconded by Mr. Kreig.

ROLL CALL:

AYES: Kirkpatrick, Griffin, Kreig, Siekerka and Gibeault

NAYS: None

There being five (5) "AYE" votes, the application was approved.

At this time (8:27 p.m.), the meeting was turned over to Chair Perhacs.

Application ZB07-12-01 – Veterinary Surgical & Diagnostic Specialists, LLC

Block 38.01, Lot 2

315 Robbinsville Allentown Road

Zoning: PCD

Public Hearing for D-4 Variance, Bulk Variances & Preliminary/Final Site Plan (Carried from 04/02/08 Meeting)

The applicant is seeking approval of a D-4 variance; bulk variances and preliminary/final site plan to permit the construction of a two story, 27.653+/- square foot specialty veterinary clinic.

Richard Tilton, Esq., of Heilbrunn, Pape & Goldstein, represented the applicant in the above matter. Also present for this application were Dr. Daniel Stobie, DVM, MS, principal of the company; Jeff Brown, PE, who prepared the site plan; Jeff Grogan, AIA, who prepared the floor plan; and Christine Cafone, PP/AICP.

Mr. Tilton said the property in question has an older home on the lot and is adjacent to Washington Lodging Realty, LLC, who will also be heard and is on the agenda tonight. The proposed site is 3.011 acres and fronts on Robbinsville-Allentown Road and I-195. The applicant would like to construct a two story 27,653 s.f. regional veterinary specialty clinic.

Jeff Brown, Christine Cafone and Dr. Daniel Stobie were all sworn in. Mr. Brown gave his credentials to the Board. **Exhibit A-1 – Color Aerial Photograph Exhibit** was marked into evidence. Mr. Brown described the surrounding area to the Board. **Exhibit A-2 – Site Plan Exhibit** was marked into evidence. There is an existing single-family dwelling with a garage on the site, which would be removed. There are no wetlands on the site. The drainage from the site runs into the sewer system on Route I-195. The veterinary medical center would have parking on site to accommodate 111 cars and a detention basin would be located in the southeasterly corner. A dry well will also be in place. The storm water system will comply with the regulations. Most of the proposed lighting for the site will be mounted pole lights and one building mounted light in rear. There is a proposed pump station in connection with the hotel application and the applicant's site would discharge to that pump station. In regard to Remington Vernick's memo, dated 3/26/06, page 4, #3. Site Circulation & Parking, the applicant will not need the variance for parking and loading areas. Building coverage was discussed. The detention basin is considered impervious coverage and will be a dry pond. There will be a canopy in the front of the building, which will require a setback from the edge of the canopy to the lot line. Areas will be reforested on site. The applicant is willing to reforest off-site if need be. The parking areas will be screened. One tree for five parking spaces will be provided and a waiver will not be needed and the applicant will provide the final tree count. A monument sign was proposed. Buffering issues were discussed (50 feet from curb line to property, which will be screened).

Mr. West that there is a lot of interconnection between both sites and a brief description was given as to how they tie together. Fill will be brought in to save some of the trees and to balance the site. The truck amount will be 200 truckloads. Mr. West recommended granting the waiver because the applicant has done an outstanding job to save the trees. The applicant will be the owner of the building. There will be a total of twelve doctors and five employees for each doctor. A 50-foot setback will be required for the sign. The applicant will also need a waiver from the ordinance requirement that grading shall not alter the natural contour of the land by more than 3 ft. Because of the topography of the site, the applicant will have to back fill a portion of the property so that the building will be level. Some areas of the property will have up to 4 ft. in change.

The variances sought above are listed below as follows:

Front yard setback; lot coverage; floor area ratio; sign setback (five feet); parking lot setback; building setback line; and parking setback from the side rear lot line.

Mr. West indicated that the reason why he requested the joint application was due to the fact that the minor subdivision, which is also on the agenda tonight, will be a condition to the present application. The turnpike expansion happening is resulting in a new on-ramp, which cuts through.

Henry Kent-Smith Esq. appeared on behalf of the applicant, Washington Lodging Realty, and passed a **Photo of the Turnpike Expansion**, which was marked as **Exhibit A-3** into evidence. The next application, Washington Lodging, is for a hotel with a restaurant as an accessory use, which will also be utilizing a liquor license. The pump station area was discussed because both sites will discharge sewer into a shared pump station. Discharge will be toward West Manor Way, which is part of a

shared improvement to implement both projects. The other shared improvement deals with grading for both properties, which will match. The water extension and water service will be shared because it will come out of one water main from Route 526. The two uses will function as one.

Jeff Grogan, Architect, gave his credentials to the Board. **Exhibit A-4 – Surgical Diagnostic Specialist First Floor Plan** was marked into evidence. The first floor has 21,765 s.f. of space. There will be a canopy at the main entrance/drop off area for protection. There will be 13 examination rooms, laboratories, office for the doctors, operation treatments, intensive care unit, exotics, employee room, four surgery rooms, cat scan room, radiology and MRI rooms, treatment procedure area, dog and cat wards, waiting area and special procedure rooms on site. **Exhibit A-5 – Floor Plan for Second Floor** was marked into evidence. The second floor will consist of 5,888 s.f. The building has a sloped roof and this floor has been designed to fit into the roof line. There are two open areas that overlook the reception area and treatment room. Also located on the second floor are the employee's lounge, lockers, showers, conference room, supervisor's office, toilets, kitchen and a residence, and a library. **Exhibit A-6 – Floor Plan for Lower Level** was marked into evidence. This exhibit showed the storage area, stairwells, maintenance shop, file room, electrical, plumbing, and mechanical facilities and the elevator. **Exhibit A-7 – Exterior View of the Building** was marked into evidence. The second floor will be tucked into roof of the building. There will be deck for the employees lounge. An employee entrance will be provided. The exterior of the building consists of a stone base around the building and a neutral colored siding above it. There will be a shingled roof with accent portions of standing metal. Anderson windows will be provided. A canopy will be at the entrance of the building. The building will be a height of 40 ft., which is slightly less than the maximum required height. Samples of the finish and color of the building were shown to the Board. Eldorado stone (imitation real stone) will be on the exterior. **Exhibit A-8 – Front Elevation** was marked into evidence. This exhibit shows the entrance "tower" element, horizontal fiber-cement siding and a "green patina" standing-seam metal roofs at building entrance canopies. **Exhibit A-9 - Back Elevation & Signage** was introduced. The freestanding sign will have a stone base and will be internally lit. This sign complies with the Township ordinance. Also proposed is a building mounted 100 s.f. illuminated sign for the rear of the building, which faces I-195. The applicant would need a variance to place signage on the building for identification purposes.

The Board took a five minute recess at 9:25 p.m. and then reconvened at 9:43 p.m.

Dr. Stobie gave his credentials to the Board. The facility would be for a regional emergency and trauma center for the Mercer County area. The service does not provide any vaccinations and there is no general practice. The animal is seen by the regular veterinarian and is referred to the applicant for advanced care, surgery or diagnostic procedure for the afore-mentioned services. **Exhibit A-10 – Photo Book and Exhibit A-11 – Hospital Brochure** were marked into evidence. Dr. Stobie went over the book (animal services other locations, etc.) with detailed description to the Board. His current practice is located in Millstone. The facility is 4000 s.f., which he has outgrown. This facility is not in an easily accessible location. He is looking for a more visible location. He has been at the Millstone office for five years. Doctors and nurses are on site around the clock. Three shifts are provided. The daytime shift will have 12 doctors in the office and there will be 5 support staff per doctor. The day shift will provide for 12 parking spaces. Mr. Kreig questioned the parking. The applicant responded that 12 doctors and three stalls provided for each doctor (three patients per doctor). The day shift hours are usually 9:00 a.m. to 5-6:00 p.m. (Monday thru Fridays).

This new facility would be used as a blood bank and as an educational resource for other veterinarians. Disposal of hazardous/medical waste will be in waste containers. A service provider will come to the site to pick up the waste material, which will be disposed off site. The deceased animals will be picked up from the hospital and disposed off site. No on-site cremation will be taking place. The applicant has to follow strict guidelines for waste. The area is inspected twice a year. The storage is inside the facility until it is able to be disposed appropriately.

The applicant is seeking a variance for the maximum floor area ratio (18% is required; applicant is requesting 21%) for the design of the building based upon the limitations. The applicant is trying to preserve as many trees as possible.

The second floor will have a kitchen and residence, which will be designed for overnight doctors to eat, take nap, shower, etc. It is not an apartment; just an overnight room. Other than cats and dogs (98 percent), the hospital will also treats birds, reptiles, rabbits, sheep, goats, etc. None of the animals will be outside and the rooms are sound proof for noise reasons. Horses are not treated on site; the doctors attend to these matters off-site. There is an outside dog walking area, for potty purposes. An outside patio for lunch purposes will be provided. There will be no boarding of animals.

The applicant yielded their application at this point in order for Washington Lodging Realty, LLC to present their application and address the traffic issues that ties into the Veterinary Surgical & Diagnostic Specialists application and the Washington Lodging Realty, LLC application.

**** NOTE:** Washington Lodging will only present testimony relating to ZB07-12-01 – Veterinary Surgical & Diagnostic Specialists, LLC. Upon completion of their testimony, the Zoning Board will vote on ZB07-12-01 based on the afore-mentioned testimony provided. The applicant, Washington Lodging Realty, LLC will return on June 4, 2008 for a public hearing.

**Application ZB07-10-02 – Washington Lodging Realty, LL
Staybridge Suites Hotel
Block 38.01, Lot 15
Robbinsville Allentown Road at West Manor Way
Zoning: PCD**

Public Hearing for D Variance, Bulk Variances & Preliminary Site Plan (carried from 04/02/08 Meeting)

The applicant is requesting approval to construct a four-story, 19,600 + square foot hotel, and a 6,375 square foot restaurant on a 4.92 acre site

Henry Kent-Smith, Esq., appeared on behalf of the applicant. Mr. Smith presented the testimony relating to the hotel and veterinary hospital. John Rea is the Traffic Engineer for both applications and provided traffic testimony relating to both applications. A single point of access is being proposed for both projects. Christine Cafone is the Planner for both applications. **Exhibit A-1 – Shows The Two Site Projects Together – Colored Site Rendering** – proposed veterinary hospital and hotel and also shows the landscaping and line work for both projects.

Mr. Atkins, P.E., also gave his credentials to the Board and was sworn in. Mr. Atkins said that there are four/five elements that have shared improvements: access driveway proposed (200 ft. driveway) and the veterinary hospital parking lot ties in at a four way intersection; widening of roads and

widening of the westbound traffic into the site will be a shared responsibility between both applicants. There will also be a shared private pump station, which will be placed further back into the site. There will be a gravity sewer line, which will extend across Route 526 (easterly to West Manor Way) into an existing manhole, which will be a shared cost between both applicants. A wet tap connection will be shared to the existing water line (south side) and the construction of the line will be a shared responsibility between both projects. The grading of the sites will be matched; therefore, a fair amount of fill will be needed. There will be a record agreement between both applicants as to who is paying for which improvement. This agreement will be provided to the Board prior to the next scheduled meeting. The hotel will not accommodate weddings or other major events because the conference room is limited. There will be no extra spill over and ample parking will be provided. The small piece of property to be subdivided is 5.356 acres in size and the portion of the property to be subdivided to the adjoining property owner is approximately half an acre in size. A line (which was shown on the exhibits) goes in an east/west direction and then goes back in a southerly direction. Dr. Stobie will utilize the half acre for his site plan.

Mr. Rea cited his credentials to the Board. He is a licensed Professional Engineer and his specialty is traffic. An analysis was completed for a joint application regarding traffic of the veterinary hospital and the hotel. The focus was on the peak hour of 5:00-6:00 p.m. (Route 526 and West Manor Way). Mr. Rea met with Mercer County's engineers and the applicant has prepared an improvement concept for the intersection, which will be jointly funded by both applicants. A traffic report will be submitted to Mr. West and a sketch of the improvement will be submitted at the June 4, 2008 meeting. The intersection will be signaled and a fourth leg will be brought into the intersection. (Exhibit A-1 will be modified slightly). Route 526 will be widened approximately a distance of 700 feet to enable the intersection to have three lane approaches on Route 526. Each Route 526 approach will have a left turn lane, a thru lane and a right turn lane. The traffic signal timing requirement will be modified slightly and the County has agreed to this modification. Once there is a full-build out, the sites will maintain a Level "C". There is an access between the two sites to enable 10 cars stacking in each of the two lanes coming out into Route 526. Most of the exiting traffic will turn right and head back to I-195. There is adequate parking and circulation on both sites for the veterinary hospital and restaurant. There will be no need for shared parking because each site can stand on its own. The applicant will meet with the Fire Chief and a circulation plan will be provided. Access needs to be provided at the rear of the buildings. The applicant would agree with the condition and meet with the Fire Chief and come to an agreement. The applicant will also meet with DOT for approval. The applicant is meeting with the Turnpike Authority with respect to the proposed exit ramp and design.

Mr. Tilton had no questions of the witnesses.

(Testimony for the Veterinary Hospital continued)

Christine Cafone, Professional Planner, cited her credentials to the Board. Ms. Cafone said that D-1 use variance is requested because a veterinary hospital is not permitted in this zone. Also being requested are 5-6 bulk variances. This site is suitable for the veterinary hospital. **Exhibit A-12 – Rendering Site Plan of the Hotel Facility** was marked into evidence. There is an existing structure on the property. Ms. Cafone went over the different criteria under the Municipal Land Use Law (criteria: C, D, G, J). The negative criteria: no impact to the public good or surrounding properties. The five bulk variances are hardship variances: front yard setback; irregular shape of property; impervious coverage; parking lot variances and floor area ratio.

Mr. West stated that the biggest issue of concern he had related to the shared improvements, and if one application did not move forward, the other party would be solely responsible. However, testimony was given and an agreement will be reached by the next meeting for the attorney's review (Joint Development Agreement). There should be a condition in place stating that Dr. Stobie is responsible for the improvements should the other application not go forward. Note: the township's only concern is that the improvements get done, either solely (one applicant) or jointly (both applicants); regardless, the improvements have to be made. The entrance is on the hotel property and there would be a cross-easement, which has been granted by the hotel applicant to the veterinary application. If one application were denied; the applicant would have to return before the Board. The applicant would be in agreement subject to the memorandums of Mr. West and Ms. Kooper.

Mr. West recommends that the application be approved due to the uniqueness of the site. The applicant needs the fill because they are not cutting in the area of the trees. The site could be balanced if the trees were removed. The ordinance applies to a commercial application. The intent of the ordinance was to limit truck traffic. The application would be subject to the Developer's Agreement. The interstate would be used to get the fill on site and this would be a condition of approval. The turnpike is doing improvements by raising the elevation of Robbinsville-Allentown Road (this will be stressed in the hotel application).

At 10:55 p.m., a motion was made to open the meeting to the public by Mr. Kirkpatrick and seconded by Mr. Kreig. All in favor. No public came forward. A motion was made to close the public session by Mr. Kirkpatrick and seconded by Mr. Kreig. All in favor.

A list of waivers are as follows: height of the fence, wall mount & fixtures; intersection elimination; non-residential parking lots; access driveway (intersection); dimension of the loading space and number of spaces and foot candles. Variances sought: parking lot setbacks, sign and setbacks. The fill was discussed and the change in grade maximum.

With respect to Mr. West's memorandum, the Community Impact Statement and Environmental Impact Statement were referenced. The applicant will comply with all of the conditions outlined in Mr. West's memorandum and Ms. Kooper's memorandum.

Board comments: Mr. Kirkpatrick commended the applicant's team of professionals for presenting a thorough application. The architecture and design of the building is fantastic. Mr. Grogan brought the materials to help visualize. Mr. Kirkpatrick disagrees with Mr. Kreig's comment regarding the trees. Mr. Kirkpatrick feels that the attempt to save the trees on the site is commendable; hopefully, the trees will survive. Mr. Kirkpatrick also thanked Ms. Cafone for presenting the justification for the variances. Chair Perhacs said that the two applications worked together to provide the Board with a big picture. Mr. Gibeault agreed with the architecture and the application is suited for the site.

Conditions:

- If the hotel application is not moved forward, the applicant will be responsible for completing all of the improvements, which the Board designated as the shared improvements between the two sites;
- The application will also be conditioned on the subdivision of the adjacent application, ZB07-11-01 – Washington Lodging Realty, LLC;
- Conditions set for in Mr. West and Ms. Kooper's memorandums;
- Compliance with the Robbinsville Division of Fire

- Conditions outlined in the Robert & Reymann's memo, dated January 23, 2008 with respect to the sewer; the applicant will meet those conditions.

A motion was made by Mr. Kirkpatrick and seconded by Mr. Gibeault to approve the Veterinary Surgical & Diagnostic Specialists, LLC application with the conditions listed by the Board Attorney.

ROLL CALL:

AYES: Kirkpatrick, Griffin, Gibeault, Kreig, Siekerka and Perhacs

NAYS: None

There being six (6) "AYE" votes, the application was approved.

Application ZB07-11-01 – Washington Lodging Realty, LLC

Block 38.01, Lots 2 & 15

Robbinsville Allentown Road at West Manor Way

Zoning: PCD

Public Hearing for Minor Subdivision (carried from 04/02/08 Meeting)

The applicant is requesting approval of a minor subdivision to permit the conveyance of 0.441 acres from Lot 15 to Lot 2 and the consolidation of said lot area, which would result in a new lot area of 3.01 acres for Lot 2 and 5.367 acres for Lot 15.

This application as well as application ZB07-10-02 will be carried to a public hearing on June 4, 2008.

A motion was made to adjourn the meeting by Mr. Siekerka and seconded by Mr. Griffin. All Board members agreed. Meeting adjourned at 11:05 p.m.

Respectfully submitted,

Phyllis Persicketti
Recording Secretary

ADOPTED: AUGUST 5, 2008