

**READINGTON TOWNSHIP ZONING BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING
October 19, 2023**

The Meeting was called to order by Chair Mittleman at 7:30 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

Bola
Kirk
Maurer
Mittleman
Nees
Roglieri

Board Members Absent:

Coates
Hendry
Saad

Ms. Kirk moved, and Mr. Maurer seconded a motion to excuse the absences of Board Members Hendry, Saad, and Coates. The motion carried unanimously.

Others Present:

Board Attorney Steven Warner, Board Planner James Clavelli, Board Engineer Rob O'Brien, and Board Secretary Ann Marie Lehberger

APPROVAL OF MINUTES

Mr. Maurer abstained.

Mr. Bola moved, and Ms. Kirk seconded a motion to approve the September 21, 2023 minutes. The motion carried unanimously.

RESOLUTIONS

Minalex Inc.

Appl# ZB22-001- Preliminary & Final Major Site Plan with Use Variance and Bulk Variances for Building Addition
Block 38 Lot 27 – 25 Coddington Road

Ms. Kirk noted a minor change needed in the wording on page 5, item #13. It was noted that the wording would be changed to read as follows: *“The proposal to expand will eliminate the existing nonconformity of outdoor storage, make the site safer and more aesthetically pleasing, and the expansion will be buffered by the neighboring lot with which they merged.”*

Mr. Nees moved, and Mr. Roglieri seconded, a motion to adopt the resolution for Minalex Inc. as amended. The roll call vote follows:

Member	Motion	2 nd	Yes	No	Abstain	Absent	Not Eligible	Recused
Bola			X					
Hendry						X		
Kirk			X					
Mittleman			X					
Nees	X		X					
Maurer							X	
Roglieri		X	X					
Saad (Alt #1)						X		
Coates (Alt #2)						X		

PUBLIC HEARINGS

Ira Sumkin

Appl# ZB22-010-“D” Variance- Addition
 Block 18 Lot 19 – 58 Old Highway 28

Ira Sumkin, applicant was sworn in for testimony. Board Planner James Clavelli and Board Engineer Rob O’Brien were also sworn.

Board Attorney Warner requested clarification from the applicant regarding some discrepancies in the deed that was submitted to the Board with the application to confirm that the applicant was the owner of the subject property and able to represent himself this evening.

Mr. Sumkin testified that he was the owner of the property.

Board Attorney Warner explained there is certain legal criteria that the Board must utilize to determine whether the applicant has satisfied the proofs of that criteria to obtain the relief required.

Mr. Warner reviewed the variances being sought in the application as follows:

- D (4) variance relief to exceed the Maximum Floor Area Ratio (FAR). Pursuant to §148-16.E(1), the maximum permitted FAR is 15%. The existing FAR is 14.23% and 21.43% is proposed.
- Maximum Impervious Coverage. Pursuant to §148-16.E(1), the maximum permitted impervious coverage is 18%. The existing impervious coverage is 25.92% and 32.91% is proposed.
- Minimum Front Yard Setback. Pursuant to §148-16.E(1), the minimum required front yard setback is 40 feet. The front yard setback is ±30 feet. This is a preexisting condition.

- Minimum Side Yard Setback: Pursuant to §148-16.E(1), the minimum required side yard setback is 30 feet. The side yard setback is 9.05 feet. This is a preexisting condition.
- Distance of Driveway to Lot Line. Pursuant to §148-16.G, no driveway shall be located within 15 feet of any property line, except where common driveways are approved by the Board. The existing driveway is not a shared driveway and is located less than 15 feet from the westerly lot line. This is a preexisting condition.

Mr. Warner explained that in addition to proving the positive and negative criteria for the variances being sought, the burden of proof is on the applicant to prove that the preexisting condition deviations existed prior to when the ordinance was enacted.

Mr. Warner also stated that “D” variances are higher level variances that require 5 affirmative votes for passage and there is usually expert testimony when these variances are being requested.

Mr. Warner also noted that the professional who prepared the plans should be present to speak to the plans.

Mr. Sumkin indicated that the house was very old and built sometime in the 1800s.

Mr. Warner explained that in addition to the preexisting conditions, the applicant must address the FAR and impervious coverage variances which may require professional testimony such as an engineer and planner.

Mr. Sumkin questioned the Board process and the need for him to hire professionals instead of doing it himself.

Mr. Warner stated that Mr. Sumkin can proceed this evening by himself and ask for a vote or come back to another meeting.

The Board noted that the reports done by the Township professionals are a helpful tool for the applicant to utilize.

Mr. Sumkin questioned the escrow required for the Board’s professionals.

Mr. Sumkin stated that he would like to carry the application to the next available hearing date.

The Board suggested that the applicant view videos from previous Board hearings as well as the Township Master Plan documents. The Board secretary will send the applicant the link to the Township website where these items are located.

Board Attorney Warner announced that the application will be carried to the meeting on December 14, 2023 at 7:30 p.m. with no further notice. The applicant agreed to provide an extension of time for the Board to act through December 31, 2023.

OTHER BUSINESS

There was no other business discussed.

ADJOURNMENT

Ms. Kirk moved, and Mr. Maurer seconded a motion to adjourn. The motion carried unanimously, and the meeting was adjourned at approximately 8:30 p.m.

Respectfully submitted,
Ann Marie Lehberger
Zoning Board Secretary