

**READINGTON TOWNSHIP ZONING BOARD OF ADJUSTMENT MINUTES  
REORGANIZATION AND REGULAR MEETING  
January 18, 2024**

The Meeting was called to order by Attorney Tauriello 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.

**SWEARING IN OF NEW BOARD MEMBERS**

Attorney Tauriello swore in new members as follows:

Tracy Kirk (Regular Member)

Steve Nees (Regular Member)

Scott Barton (Alt#2)

**ROLL CALL**

**Board Members in Attendance:**

Hendry

Kirk

Maurer

Mittleman

Nees

Roglieri

Barton (present virtually)

**Board Members Absent:**

Bola

Saad

**Others Present:**

Attorney Joe Tauriello, Board Planner James Clavelli, and Board Secretary Ann Marie Lehberger

**NOMINATION AND ELECTION**

**Nomination of Board Chair**

Ms. Hendry nominated Karen Mittleman as Chair for 2024.

Ms. Hendry moved, and Mr. Maurer seconded, a motion to appoint Karen Mittleman as the Board Chair for 2024. The roll call vote follows:

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

Chair Mittleman took over the meeting.

**Nomination of Board Vice Chair**

Ms. Kirk nominated Steve Nees as Vice Chair for 2024.

Ms. Kirk moved, and Mr. Maurer seconded, a motion to appoint Steve Nees as the Board Vice Chair for 2024. The roll call vote follows:

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

**Appointment of Board Secretary**

Ms. Hendry nominated Ann Marie Lehberger as Board Secretary for 2024.

Ms. Kirk moved, and Mr. Maurer seconded, a motion to appoint Ann Marie Lehberger as the Board Secretary for 2024. The roll call vote follows:

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

**SELECTION OF BOARD PROFESSIONALS**

Board Planner - Michael Sullivan /Clarke Caton Hintz

Board Engineer - Robert O'Brien/Van Cleef Engineering

Traffic Engineer - Jay Troutman/McDonough & Rea Associates

Environmental Consultants - Sean Walsh/Princeton Hydro

Mr. Maurer moved, and Mr. Roglieri seconded, a motion to approve the list of professionals for 2024. The roll call vote follows:

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

**APPROVAL OF MEETING DATES FOR 2024**

The Board discussed and agreed to change the meeting date for December to the 12<sup>th</sup>.

Mr. Maurer moved, and Ms. Kirk seconded, a motion to approve the 2024 calendar as amended. The roll call vote follows:

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

**SELECTION OF TECHNICAL REVIEW COMMITTEE FOR 2024**

Chair Mittleman, Mr. Roglieri and Mr. Barton volunteered to be on the TRC (Technical Review Committee) for 2024. Mr. Maurer volunteered to be the alternate.

**SELECTION OF OFFICIAL NEWSPAPERS FOR 2024**

Hunterdon Democrat  
 Courier News  
 Star Ledger

Ms. Hendry moved, and Mr. Maurer seconded, a motion to approve the newspapers for 2024. The roll call vote follows:

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

### APPROVAL OF 2024 RULES AND REGULATIONS

Mr. Maurer moved, and Ms. Kirk seconded, a motion to adopt the 2024 Rules and Regulations. The roll call vote follows:

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

### APPROVAL OF MINUTES

Ms. Hendry, Mr. Nees and Mr. Barton abstained.

Mr. Maurer moved, and Ms. Kirk seconded a motion to approve the December 14, 2023, minutes. The motion carried unanimously.

### RESOLUTIONS

#### Adrian and Susan Baglino

Appl# ZB23-010- Variance-Pool  
 Block 66 Lot 19.42 – 24 Powderhorn Road

Chair Mittleman noted some editorial corrections. The Board secretary noted a correction provided by the Board Engineer on page 4, item#13. It was noted that the wording would be changed to read as follows: “The pool itself will be 19 feet in *outside* diameter.”

Mr. Maurer moved, and Mr. Roglieri seconded, a motion to adopt the resolution for Adrian and Susan Baglino as amended. The roll call vote follows:

<i>Member</i>	<b>Motion</b>	<b>2<sup>nd</sup></b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>	<b>Not Eligible</b>	<b>Recused</b>
<i>Bola</i>						X		
<i>Hendry</i>							X	
<i>Kirk</i>			X					
<i>Mittleman</i>			X					
<i>Nees</i>							X	
<i>Maurer</i>	X		X					
<i>Roglieri</i>		X	X					
<i>Saad (Alt #1)</i>						X		
<i>Barton (Alt #2)</i>							X	

**Whitehouse Mall LLC**

Appl# ZB23-006- Amended Site Plan with Variances-Starbucks Drive-Thru  
 Block 34 Lot 33 – 531 Route 22

Chair Mittleman noted some editorial corrections.

Mr. Maurer moved, and Ms. Kirk seconded a motion to adopt the resolution for Whitehouse Mall LLC as amended. The roll call vote follows:

<b>Member</b>	<b>Motion</b>	<b>2<sup>nd</sup></b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>	<b>Not Eligible</b>	<b>Recused</b>
Bola						X		
Hendry							X	
Kirk		X	X					
Mittleman			X					
Nees							X	
Maurer	X		X					
Roglieri							X	
Saad (Alt #1)						X		
Barton (Alt #2)							X	

**ADJOURNMENTS OF ANY SCHEDULED HEARINGS OR MOTIONS**

**Ira Sumkin**

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

Chair Mittleman announced that this application will not be heard this evening. It will be carried to the meeting on February 15, 2024, at 7:30 p.m. No additional notice will be provided.

**PUBLIC HEARINGS**

**Quick Chek Corporation**

Block 9 Lot 17 – 7 Old Highway 28

Appl# ZB23-014- Application for Certification of Non-Conforming Use

Attorney Adam Garcia was present on behalf of the applicant. Mr. Garcia stated that they were present this evening seeking a certificate of non-conformity for the property located

at 7 Old Highway 28 which is adjacent to the Quick Chek Headquarters. He explained that the property is owned by Quick Check and is developed with a single-family historical home. The applicant is requesting the certificate of non-conformity because the property is being sold to a couple who would like to maintain the property as a residential home. The property is located in the Research Office and Manufacturing Zone (ROM-1) where single family residential is not a permitted use. He stated that they will be presenting testimony to indicate that the house on the property has existed for at least 150 years.

Richard Lamont, Director of Real Estate for Quick Chek was sworn. Board Planner James Clavelli was also sworn.

The following exhibits were marked into evidence as follows:

- A-1 Series of 24 photographs showing the interior and exterior of the home
- A-2 National Register of Historic Places Continuation Sheet
- A-3 Series of deeds related to the property

Mr. Lamont stated that he has been working at Quick Chek Corporation for 17 years and is very familiar with the subject property. He provided testimony as follows: Old Highway 28 is a very quaint stretch of older homes with a historical feel. There is a fire house, a general store and the Quick Check headquarters, which is the only commercial type building. Quick Chek corporation has owned the property since 2000. Mr. Lamont stated that to his knowledge, it has never been anything else but a residential use since that time. He described the home as a three-story building with a small, detached garage.

Mr. Garcia reviewed copies of building permits that were obtained by the Township which indicate that the home was used as residential as far back as 1983.

Referencing Exhibit A-1, Mr. Lamont indicated that the photos of the interior and exterior of the property were taken in conjunction with the realtor to market the property to sell it.

Catherine Weinstock, listing agent for the property was sworn. Ms. Weinstock stated that she has visited the property on many occasions and confirmed that the photos shown in Exhibit A-1 accurately depict the existing conditions of the property.

Mr. Lamont continued his testimony as follows: Quick Chek made the decision to sell the property in 2023. They started marketing it in September and by October they had an interested buyer. Through due diligence done by the prospective buyers, they realized that they needed to obtain the certificate of non-conformity to assure the buyers that they would be able to continue the existing residential use. He stated that the home was constructed in approximately 1870 and has been previously used as rental.

The Board questioned if it was a yearly lease. Mr. Lamont stated that was typical.

The Board questioned the date it became a non-conforming use. Board Planner James Clavelli provided an explanation as follows: The Readington Township Zoning Map that is included in the 1990 Readington Township Master Plan indicates that this site was located in the ROM-1 zone at that time. The Code of the Township of Readington published in 1985 states that the Zoning Ordinance was originally adopted by the Township Committee on

February 1, 1955, and was amended on August 2, 1976. A section of the code indicated a list of districts which includes the ROM-1 and includes a footnote indicating that the list existed at the time of the adoption of the Code in 1955. This would indicate that the zoning in any form in Readington Township, including the ROM-1 zone, was initiated in February of 1955.

The Board questioned if the applicant researched old Township tax records. Mr. Garcia stated that he submitted an OPRA request to the Township and no historical tax records were found.

Mr. Lamont stated that the deed history shows that the property changed ownership only a handful of times since 1955.

In response to a question from the Board, Mr. Lamont explained the relationship between Durling Realty and Quick Check Corporation.

The Board noted that there is a gap in the records from 2000 to 2013.

In response to a question from the Board, Mr. Lamont stated that other employees of Quick Chek Corporation confirmed that the property was used as residential from 2000 to 2006 which is when he joined the company.

Mr. Garcia stated that based on the OPRA request he submitted to the Township, there is no record of any change in use on the property.

Referencing Exhibit A-3, Mr. Lamont reviewed the deeds and prior ownership of the property. The Board questioned the tracts indicated in the old deeds.

In response to a question from the Board, Mr. Garcia stated that the deed does not indicate the use of the property.

The Board stated that they were curious as to why none of the previous owners of the property since 1955 requested a certificate of non-conformity.

Mr. Lamont stated that there is no evidence that they have found that indicates that the property was used as anything other than a residential use.

Mr. Lamont stated that it is difficult to prove what happened going back to 1955 but noted that the implication today is that if they were not able to continue the residential use, their only recourse would be to find a commercial use for the property. Mr. Lamont further stated that they wish to sell the property and continue the residential use which would be consistent with the existing character of the neighborhood.

The Board questioned if there were any additional residential uses currently in the ROM-1 zone. Board Planner James Clavelli stated that there is one additional lot.

The Board expressed concern about the gaps in evidence.





**OTHER BUSINESS**

There was no other business discussed.

**ADJOURNMENT**

Ms. Hendry moved, and Mr. Maurer 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  
Zoning Board Secretary