

**READINGTON TOWNSHIP ZONING BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING
December 14, 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
Coates (arrived at 8:00 p.m.)
Kirk
Maurer
Mittleman
Roglieri
Saad

Board Members Absent:

Hendry
Nees

Mr. Bola moved, and Mr. Maurer seconded a motion to excuse the absences of Board Members Hendry and Nees. The motion carried unanimously.

Others Present:

Attorney Matt Flynn for Board Attorney Steven Warner, Board Planner James Clavelli, Board Engineer Rob O'Brien, Board Traffic Engineer Jay Troutman, and Board Secretary Ann Marie Lehberger.

APPROVAL OF MINUTES

Mr. Maurer and Mr. Saad abstained.
Ms. Kirk moved, and Mr. Roglieri seconded a motion to approve the November 16, 2023, minutes as amended. The motion carried unanimously.

RESOLUTIONS

There were no resolutions presented for Board consideration.

PUBLIC HEARINGS

Ira Sumkin

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

Chair Mittleman announced that at the Applicant's request, this application will not be heard this evening. It will be carried to the meeting on January 18, 2024, at 7:30 p.m. No further notice will be provided.

Susan and Adrian Baglino

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

The following exhibit was marked into evidence as follows:

A-1 15 slide Power Point presentation dated 12/14/23

Susan Baglino, the applicant, was sworn and provided testimony as follows: They are seeking a bulk variance to permit the construction of an above ground swimming pool within the stream corridor. The property is 2.3 acres located in the AR (Agricultural Residential Zone). An 18-foot round above ground pool is proposed. The proposed location is approximately 75 feet from the top of the stream bank. It will be placed on maintained lawn, where a 15-foot round trampoline is currently situated. Ms. Baglino explained that the proposed location is the only viable location for the following reasons:

- The property line setbacks;
- The Pleasant Run Creek and surrounding woodlands (approximately 50 feet from top of bank) that centrally traverses the property;
- The existing patio (recently renovated);
- The existing septic tank and distribution field (takes up much of existing maintained lawn).

Ms. Baglino continued her testimony stating that Jeff Tareila Environmental Consulting performed a wetlands investigation and determined that no freshwater wetlands, freshwater wetlands transition areas, state open waters or riparian buffers were present within the proposed pool location. She also explained how the pool would be maintained for the winter.

In response to a question from the Board, Ms. Baglino confirmed that there is free growing vegetation from the edge of the maintained lawn.

Board Engineer Rob O'Brien asked for clarification on the setbacks shown on the survey and questioned if markers were placed in the field by the surveyor.

Ms. Baglino stated that the pool ladder will have a locking mechanism as required by code.

In response to a question from the Board, Ms. Baglino confirmed that there was no decking proposed around the pool.

Board Planner James Clavelli questioned the chemicals that would be used to clean the pool. Ms. Baglino stated that they are still deciding between saltwater or freshwater but noted that chlorine is recommended by the pool company.

The Board questioned if there was any difference in impact between saltwater and freshwater.

The Board questioned if there would be any impact to the stream if the pool were drained. Board Engineer O'Brien stated that the pool could be drained if necessary to the street.

The Board questioned if any existing trees would interfere with the pool. Ms. Baglino stated that the existing trees are far away from the where the pool is proposed.

Chair Mittleman opening the public portion of the meeting for questions of Ms. Baglino.

Richard Iorio was present and questioned if there would be a fence around the pool. It was noted that a fence was not required as per code requirements for the 54-inch height of the pool. He also expressed concern about overflow and questioned the existing easement. It was noted that the proposed pool location is outside the easement.

The public portion of the meeting was closed, and the Board began deliberations.

Mr. Maurer moved, and Ms. Kirk seconded a motion to approve the application for Adrian and Susan Baglino with the conditions as discussed. The roll call vote follows:

Member	Motion	2 nd	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					
Coates (Alt #2)						X		

The Board took a 5-minute recess.

It was noted that Board Member Coates was now present at the meeting. Board Attorney Flynn also stated that Board Members Saad and Maurer are eligible to vote for the Whitehouse Mall LLC application.

Whitehouse Mall LLC

Appl# ZB23-006- Motion by Applicant for reconsideration to reopen hearing on application and, if granted, reconsideration/reopening of hearing.

Attorney Steven Gruenberg was present on behalf of the applicant. Mr. Gruenberg explained that the applicant was previously in front of the Board on November 16th seeking amended site plan relief with variances to relocate the existing Starbucks from its interior location in the mall to the end of the building with the addition of a drive-thru. He stated that at the end of the testimony that evening there was not a formal closure of the public portion of the meeting and during the deliberations there were some concerns raised by members of the Board that they were not able to address. He further stated that the applicant is requesting that the Board consider reopening the hearing as per the Board of Adjustment rules below:

3:2-1. Rehearing

An applicant or other interested party may, within 20 days after the publication of notice of the decision, move the Board for a rehearing of the matter or a portion thereof by filing an application in the form of a letter addressed to the Board containing a brief statement of the grounds relied upon. If the Board grants the motion, the moving party shall deposit into the

applicant's escrow account sufficient funds to cover the anticipated Board professional fees incurred in the rehearing. Once the escrow deposit has been made, the Board shall fix a date for rehearing and shall require the moving party to give notice to all persons who participated in the original hearing or hearings, upon such terms as the Board may deem adequate. Failure to make the escrow deposit within 30 days of the Board granting the motion shall result in the Board vacating the grant of the motion for the rehearing. The Board may grant a rehearing on its own motion when unusual circumstances so require in the interest of justice.

Mr. Gruenberg stated that he sent in a letter well within the 20 days and is requesting that the Board reopen the hearing to reconsider the application and allow them to provide additional testimony regarding a contingency plan for any overflow traffic. Mr. Gruenberg confirmed that adequate proof of service of notice was provided in advance of this evening to the Board's attorney.

Board Attorney Flynn clarified the procedure for the Board.

Mr. Maurer moved, and Ms. Kirk seconded a motion to entertain reconsideration of the application and reopen the hearing for Whitehouse Mall LLC . The roll call vote follows:

Member	Motion	2nd	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					
Coates (Alt #2)			X					

Board Attorney Flynn stated that the hearing will be reopened, the applicant must present new testimony in support of its reconsideration request and the public will have the opportunity to ask questions and comment. Mr. Flynn also reiterated his advice from the last meeting which is that no Board decisions have precedential weight, and every application is taken on its own merits.

The following exhibits were marked into evidence as follows:

- A-5 Revised vehicle stacking and circulation plan
- A-6 Comparative vehicle queuing exhibit from other Starbucks locations (2 sheets)

F. Mitchel Ardman, the applicant's engineer, was present. It was noted that he had been previously sworn and remained under oath. Mr. Ardman explained the modifications that were made to the stacking plan and provided testimony as follows: The car numbering on the plan has been clarified. The plan now shows a 19-foot box to represent each car

tacking around which is an average car size; 14 cars can fit in line before the crosswalk. Signs stating “No standing beyond this point, park in the designated spaces” will be placed at the end of the entrance island, which has been widened, directing traffic to three designated overflow places in the parking lot. Those customers can either enter the store or utilize the mobile app for ordering. Pedestrian safety rails and an audible signal have been added to the plan. Starbucks is committed to monitoring the drive aisle traffic and diverting any overflow vehicles to the designated parking spaces.

The Board requested that directional arrows to the location of the additional parking spaces be added to the signs for clarification. It was noted that the applicant will work with the Board’s professionals on the exact verbiage for the signs.

Board Traffic Engineer Jay Troutman requested that it be two-way signage.

The Board expressed concern about additional cars driving fast through the intersection and whether the Starbucks employees will have time when the store is busy to watch the line in the drive-thru.

Mr. Gruenberg stated that the owner of Whitehouse Mall is committed to step in and take responsibility for diverting the traffic away from the drive-thru aisle if a problem arises.

Chair Mittleman opened the public portion of the meeting for questions of Mr. Ardman. There were no questions from the public.

Douglas Polyniak, the applicant’s traffic engineer, was sworn and accepted by the Board as an expert witness. Mr. Polyniak provided testimony as follows: There is a contingency plan for any overflow traffic. The prior stacking plan presented was extremely conservative using boxes that were 20 and 22 feet that represented much larger vehicles. A standard car is about 16 feet in length. The revised plan shows a 19-foot box which is a more appropriate representation of an average size vehicle. It is not expected to have more than 13 cars stacked in line at any given time, but 15 could fit if needed. There is 290 feet of stacking distance at this location. Referencing Exhibit A-6, Mr. Polyniak stated that the average stacking distance at other Starbucks locations in New Jersey is between 110 and 270 feet.

The Board questioned the stacking distance for the location in Flemington. Mr. Polyniak stated that it was approximately 111 feet.

In response to a question from the Board, Mr. Polyniak confirmed that vehicles would have to wait for the opening to exit the line.

In response to a question from the Board, Mr. Gruenberg confirmed that it takes approximately 4 minutes from the time an order is placed until it is picked up.

Chair Mittleman opened the public portion of the meeting for questions of Mr. Polyniak.

Neil Hendrickson questioned if there was any data regarding emissions.

Susan Masinda questioned traffic issues that occurred at other Starbucks locations and expressed concern regarding emissions from idling cars.

Neil Hendrickson questioned the amount of emissions coming from cars that are waiting in line.

In response to questions from the Board, Mr. Polyniak stated that he did not expect any difference in the drive-thru queuing or traffic at the mall location versus a stand-alone location.

The Board questioned if there was any data on emissions or traffic from the other similar location that was shown at the last hearing. Mr. Polyniak stated that he did not have any data.

The Board questioned what the driving factor was that caused Starbucks to reroute the traffic at the location in Flemington. It was noted that Ms. Kile from Starbucks was present and could answer that question.

Jacqueline Hindle questioned if they knew what direction the cars were coming from to the site.

The Board questioned what the worst-case scenario would be if all the vehicles in line were large sport utility type vehicles. Mr. Polyniak stated that 13 large sport utility type vehicles could fit in the line.

Mr. Polyniak confirmed that this is an excellent, safe design for this location.

In response to a question from the Board, Mark De Mattheis, owner of Whitehouse Mall confirmed that the lane that goes around the back of the mall building is one way.

Board Traffic Engineer Jay Troutman provided the following recommended conditions for the Board's consideration as follows:

The drive-thru lane vehicle queue shall not extend into the main traffic flow aisle that runs along the front of the proposed Starbucks restricted area. The following is required to enforce this condition:

1. Traffic signs shall be posted to alert motorists not to queue in the restricted area;
2. Starbucks personnel shall monitor the drive-thru lane and dispatch employees with hand held ordering devices to improve the drive-thru lane efficiency;
3. Starbucks and/or shopping center ownership personnel shall monitor the drive-thru lane and be deployed to the parking lot to ask customers to vacate the restricted area in the event of a violation.

Jacqueline Hindle asked for clarification that the traffic goes clockwise around the back of the building. Mr. DeMattheis confirmed that it did. She also questioned if there is enough room for a large vehicle to exit the drive-thru lane if needed and turn around. It was noted that it was designed for a Suburban size vehicle. The applicant agreed to add additional signage there for clarification.

The Board questioned if there are any other menu boards before the order board. It was noted that there is a pre-menu board.

Lizanne Kile, Senior Store Development Manager for Starbucks, was present. It was noted that she was previously sworn.

In response to a previous question from the Board, Ms. Kile stated that the traffic was rerouted at the location in Flemington based on the request received from the bank.

Board Engineer Rob O'Brien questioned how the overflow parking spaces would be serviced. Ms. Kile stated that those customers would likely walk in to place their order or utilize the mobile app.

In response to a question from the Board, Mr. De Mattheis confirmed that there was a stop sign at the end of the roadway before the walkway.

Chair Mittleman opened the public portion of the meeting for questions of Ms. Kile. There were no questions.

Chair Mittleman opening the public portion of the meeting for comments.

Trevor Izzo stated that he believed the proposed vehicle stacking was sufficient to manage the demand.

John Osso, owner of Bensi spoke in favor of the application.

Susan Masinda commented on the excellent maintenance of Whitehouse Mall and their commitment to step in and resolve any issues that may arise with the drive-thru.

Brain Carter, owner of the bagel shop in the mall spoke in favor of the application.

Mr. Saad moved, and Mr. Maurer seconded, a motion to close the public portion of the hearing. The motion carried unanimously.

The applicant's attorney provided a brief summation, and the Board began deliberations.

Mr. Saad moved, and Mr. Maurer seconded, a motion to grant reconsideration and approve the application as modified for Whitehouse Mall LLC with the conditions as discussed. The roll call vote follows:

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

Board Attorney Matt Flynn confirmed that the reconsideration was granted, and the application was approved by a 5-2 margin.

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 10:00 p.m.

Respectfully submitted,
 Ann Marie Lehberger
 Zoning Board Secretary