

**READINGTON TOWNSHIP ZONING BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING
April 18, 2024**

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

Board Members in Attendance:

Hendry
Kirk
Mittleman
Nees
Roglieri
Saad
Barton

Board Members Absent:

Bola
Maurer

Mr. Nees moved, and Ms. Kirk seconded a motion to excuse the absence of Board Member Bola. The motion carried unanimously.

Others Present:

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

APPROVAL OF MINUTES

Ms. Hendry abstained.
Mr. Nees moved, and Ms. Kirk seconded a motion to approve the March 21, 2024, minutes. The motion carried unanimously.

RESOLUTIONS

Appointment of Board Conflict Engineer- Boswell Engineering

Ms. Kirk moved, and Mr. Nees seconded, a motion to adopt the resolution appointing Boswell Engineering as the Board Conflict Engineer for 2024. The roll call vote follows:

<i>Member</i>	Motion	2nd	Yes	No	Abstain	Absent	Not Eligible	Recused
Bola						X		
Hendry			X					
Kirk	X		X					
Mittleman			X					
Nees		X	X					
Maurer						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 May 16, 2024, at 7:30 p.m. No additional notice will be provided.

PUBLIC HEARINGS

Rodina Mikhail

Appl# ZB23-009- "D" Use Variance for apartment in existing 2nd building on property
Block 17 Lot 19 – 10 Old Highway 28

Alex Dougherty, the applicant's planner was sworn in for testimony and accepted by the Board as an expert witness. The applicants Rodina Mikhail and Eric Heuberger and Board professionals Planner James Clavelli and Engineer Rob O'Brien were also sworn.

Mr. Dougherty explained that the applicant was present this evening seeking a use variance to utilize the second floor of an existing second principal building on the property as a residential apartment for the applicant's mother. He stated that the property is located in the (VC) Village Commercial District and noted that no exterior site alterations are proposed.

Mr. Heuberger testified that they purchased the property in June 2021 so that Rodina's mother could live with them since her husband had recently passed away. He stated that the previous owners received approval in the 80s to have a photography studio in the secondary building but it is no longer being used as such. He further stated that when they purchased the property it appeared that the basement and second floor had been used as apartments and had previously had a kitchen, sink, shower, and toilet that were removed.

Mr. Heuberger explained that after they purchased the home they had to have the basement of the second building completely gutted to remove some mold and it is now currently concrete and will remain that way. The first floor is currently being used as storage and that will continue. The second floor would be used as an apartment for Rodina's mother and would consist of one bedroom, one full bathroom, and an open area containing a living, dining area and kitchen space.

The Board asked for clarification about the proposal. Ms. Mikhail stated that they are trying to make as minimum changes as possible to accommodate her mom comfortably.

The Board asked what items were removed. Mr. Heuberger stated that the bathroom and shower in the basement and second floor were required to be removed by the Township for closing. He noted that a space and hookup remain for a stove on the second floor.

The Board questioned if the second building was ever approved for a residence. Mr. Heuberger stated that it was not. He noted that it received a use variance in the 80s to be used as a photography studio but has not been used as that for some time.

Board Planner James Clavelli confirmed that a use variance would be required for it to be used as anything other than a photography studio. He noted that there were no approvals found for the apartments that appeared to have been there previously.

The Board questioned if there would be an increase in the need for sewer capacity. Board Engineer Rob O'Brien inquired about the number of bedrooms that are proposed, noting that there is a discrepancy in the plans submitted. He stated that approval from the Sewer Advisory Board would be required.

The following exhibits were marked into evidence as follows:

- Exhibit A-1 Drawing of Proposed Apartment
- Exhibit A-2 Photograph of Existing First Floor of Accessory Building
- Exhibit A-3 16 slides entitled "Planning Exhibits for Rodina Mikhail 10 Old Highway 28 Readington Township NJ
- Exhibit A-4 Rendering of Abandoned Plans for First Floor
- Exhibit A-5 Rendering of Existing Conditions on Second Floor

Mr. Heuberger explained that they changed the plans from two bedroom to one bedroom based on a request by Rodina's mother to have the kitchen, bedroom, and bathroom all located on the second floor.

The Board questioned if they had a permit history for the property. Mr. Heuberger stated that they did not. It was noted that those items that were not permitted were removed prior to the completion of the sale.

The Board questioned the expansion of the impervious coverage on the property. Board Planner James Clavelli confirmed that they are not over the limit of what is permitted.

Board Planner James Clavelli reviewed his report explaining that a use variance is required for a second residence on the property. He cited the preexisting variances that exist on the property. Mr. Clavelli expressed concern about the discrepancies in the plans that were presented to the Board and questioned how they plan to use the apartment in the future if it was no longer needed for Rodina's mother. Ms. Mikhail stated that her mom is 68 years old and plans to use it for many years to come confirming that they have no intentions to rent the property.

The Board questioned if a condition could be placed on the approval if granted stating that it could be used for a family member only. Board Attorney Tauriello stated that with the application in its current form, it could become a rental property in the future. He explained that if the applicant chose to amend the application and abandon the second principle use and seek a D1 use variance for an accessory dwelling instead, the Board could put conditions on the approval.

The Board took a 5 minute recess.

Mr. Heuberger stated that he and Rodina are seeking to amend their application and change the D1 use variance from two principle residences to one principle residence and

an accessory dwelling.

Board Planner James Clavelli expressed concerns about the clarity of the documentation submitted versus the testimony presented. He requested that the applicant revise the application and submit new documents clearly defining the proposal. Mr. Clavelli stated that he is unable to weigh in and advise the Board without the appropriate documentation and information.

The Board questioned the parking requirements.

Mr. Heuberger explained that the proposal has evolved and changed since the original submission. He stated that they originally thought they would have two bedrooms with a kitchen on the first floor but realized that it did not make sense and that it would be easier for Rodina's mother to have everything on one floor.

The Board agreed that there is some confusion and encouraged the applicant to resubmit documents to clarify the proposal.

Mr. Dougherty stated that they wished to continue and could answer any questions the Board may have.

Referencing Exhibit A-3, Mr. Dougherty reviewed the current zoning, existing conditions and surrounding areas of the subject property. He described the applicant's proposal for the accessory building as follows: The basement is concrete and will remain as is. The first floor is an open area that will be used for storage and the second floor will be the proposed apartment consisting of one bedroom, full bathroom, and an open area with a kitchen and living area.

The Board asked if there are electricity and gas hookups on the first floor, Mr. Heuberger stated there are outlets, a refrigerator, and a sink but no gas hookup that he saw.

The Board questioned when the photos in the exhibit were taken. Mr. Dougherty stated that he took the photos on August 28, 2023. The Board asked if the conditions on site have changed. Ms. Mikhail stated that they are unchanged.

The Board questioned if there is gas in the accessory dwelling. Mr Heuberger confirmed that there is a gas furnace.

The Board asked if there are any concerns with safety since there were no permits obtained. Ms. Mikhail confirmed that an inspection was done on both buildings when they purchased the home.

The Board questioned if they had an as-built.

The Board questioned where Rodina's mother is currently living. Ms. Mikhail stated that she is currently living in the primary residence with them.

The Board questioned if the mother would be watching children in the accessory

building. Ms. Mikhail stated that she would be watching her nieces and nephews from time to time.

The Board questioned if there were any concerns with her living on the second floor with the stairs.

Mr. Dougherty reviewed the permitted uses in the VC zone and provided planning testimony as follows: The proposal is in line with the existing character of the neighborhood, is well buffered and has adequate parking. The property is particularly suited for the proposed accessory dwelling unit use because the building has existed on the property since 1988 when it was constructed. The proposal has many positives that advance the purposes of the MLUL (Municipal Land Use Law) and meet the intent of the zone and Township Master Plan. In addition, because the VC Zone does not allow multiple principal uses at all, there is nothing that the owners can do with the second building, other than recreate the abandoned photography studio that was approved in 1987 without a use variance.

Board Planner James Clavelli expressed his concern again for clear identification of the proposal noting that there are discrepancies in the testimony this evening and what was previously submitted. He requested that the applicant provide a clear narrative, accurate architectural plans and parking details.

The applicant agreed to submit plans clearly indicating the intended proposal. Board Attorney Tauriello announced that the application will be carried to the meeting on May 16, 2024 at 7:30 p.m. with no additional notice.

ADJOURNMENT

Ms. Hendry moved, and Ms. Kirk seconded a motion to adjourn. The motion carried unanimously, and the meeting was adjourned at approximately 10:15 p.m.

Respectfully submitted,
Ann Marie Lehberger
Zoning Board Secretary