

**TOWNSHIP OF FRANKLIN
ZONING BOARD OF ADJUSTMENT
COUNTY OF SOMERSET, NEW JERSEY**

**REGULAR MEETING
October 20, 2016**

This regular meeting of the Township of Franklin Zoning Board of Adjustment was held at 475 DeMott Lane, Somerset, New Jersey and was called to order by Robert Thomas, Chairperson, at 7:30 p.m. The Sunshine Law was read and the roll was called as follows:

PRESENT: Raymond Betterbid, Laura Graumann, Alan Rich, Anthony Caldwell, Gary Rosenthal, Joel Reiss, Cheryl Bergailo and Chairman Thomas

ABSENT: Donald Johnson, Bruce McCracken and Robert Shepherd

ALSO PRESENT: Board Attorney, Patrick Bradshaw, Mark Healey, Planning Director, and Vincent Dominach, Senior Zoning Officer

RESOLUTIONS:

- **DESAPIO / ZBA-16-00016**

Chairman Thomas made a motion to approve the Resolution as submitted. Mr. Betterbid seconded the motion and the roll was called as follows:

FOR: Vice Chair Graumann, Mr. Rich, Mr. Caldwell, Mr. Rosenthal, Mr. Reiss and Chairman Thomas

AGAINST: None

- **SULLY & ROHRER / ZBA-16-00020**

Mr. Rich made a motion to approve the Resolution as submitted. Mr. Caldwell seconded the motion and the roll was called as follows:

FOR: Vice Chair Graumann, Mr. Rich, Mr. Caldwell, Mr. Rosenthal, Mr. Reiss and Chairman Thomas

AGAINST: None

- **CAPUTO / ZBA-16-00025**

Chairman Thomas made a motion to approve the Resolution as submitted. Mr. Rich seconded the motion and the roll was called as follows:

FOR: Mr. Rich, Mr. Caldwell, Mr. Rosenthal, Mr. Reiss and Chairman Thomas

AGAINST: None

- **RUDOLPH / ZBA-16-00023**

Mr. Reiss made a motion to approve the Resolution as submitted. Mr. Rosenthal seconded the motion and the roll was called as follows:

FOR: Vice Chair Graumann, Mr. Rich, Mr. Caldwell, Mr. Rosenthal, Mr. Reiss and Chairman Thomas

AGAINST: None

DISCUSSION:

Vouchers:

- **Patrick Bradshaw – Various Matters – April thru September, 2016 - \$542.50**

Mr. Reiss made a motion to approve the Vouchers as submitted. Mr. Betterbid seconded the motion and all were in favor.

HEARINGS:

- **101 METTLERS ROAD, LLC / ZBA-16-00036**

Site Plan w/Use and Sign Variances in which the Applicant was looking to convert roughly one half of their building into a charter school at 101 Mettlers Road, Somerset; Block 511, Lot 1.02, in the ROL Zone - **CARRIED TO DECEMBER 15, 2016 WITH NO FURTHER NOTIFICATION REQUIRED.**

DL 01/09/2016

- **EDWARD CICHOWSKI / ZBA-16-00032**

Variance in which the Applicant was requesting to put up a detached 2-car garage at 179 Delmonico Avenue, Somerset; Block 93, Lots 33 & 34, in an R-10 Zone.

Mr. Dominach's Zoning report indicated that the Applicant was proposing to construct a 40 ft. x 30 ft. garage, in which one variance was needed where 30% was the maximum impervious coverage and 44% was proposed.

Mr. Edward Cichowski, Applicant, came forward and was sworn in. He indicated that he wanted to put up a two-car garage, a pole barn actually, in his backyard for storage of his car, motorcycle, snowmobile and possibly a boat. He added that he would also store his lawn mowers in the garage to keep everything under lock and key.

Vice Chair Graumann raised a question as to whether the Applicant had seen Mr. Healey's Planning comments where there was a question of why there was so much driveway area on the plans. Mr. Healey stated that after doing the calculations that evening, the Applicant would also need a slight variance for building coverage, where the house and the proposed garage came to 21% coverage, where 20% was the maximum allowed in the zone. A discussion ensued between the Board and Applicant regarding his need to keep the gravel area behind the proposed garage for additional parking area for guests because he cannot park on the street due to the patrons of the park across the street parking in front of his home, sometimes even blocking his driveway. Mr. Cichowski indicated that he could make his driveway only 8 ft. wide and reduce the size of the gravel area in the back of his home to reduce the impervious coverage.

Mr. Healey indicated that there was proposed a 30 ft. x 30 ft. gravel area and adding a 30 ft. x 40 ft. garage in addition to the already existing gravel area behind the house which adds to the impervious coverage, increasing it to 44%. Mr. Healey also mentioned that the Township Engineering report generated included the recommendation of adding a dry well or a rain garden to ameliorate the significant impervious coverage variance needed. Mr. Cichowski agreed to do whatever he needed to do in order to be allowed to add the garage on his property.

Mr. Dominach explained to the Applicant that there would typically not be the roughly 30 ft. x 30 ft. section of gravel area behind the home. Mr. Dominach helped the Applicant reduce the gravel area behind the home and he and Mr. Healey did some rough calculations to help reduce the impervious coverage further.

Mr. Bradshaw, Board Attorney, marked into evidence as Exhibit A-1, which was the plan with the pen sketch showing the flow of the driveway to the garage and the elimination of the some of the present gravel section located behind the home. He noted, for the Board's edification, that the reduction of gravel area would bring the impervious coverage on the property down to at least 40%

Chairman Thomas then opened a discussion regarding how tall the proposed garage would be in comparison to the height of the home on the property. Mr. Cichowski indicated that the garage would be roughly 24/25 ft. tall to the peak of the roof. He indicated that the height of

the roof of the two-story home was roughly 35 ft. Mr. Cichowski stated that only electric utility would be added to the garage at some point for residential use only.

Chairman Thomas then opened the meeting to the public for any questions or comments regarding the Application. Seeing no one coming forward, the meeting was closed to the public.

Vice Chair Graumann made a motion to approve the Application, as revised in accordance with Exhibit A-1, which reduced the amount of impervious coverage to no more than 40% and subject to the recalculation by the Township professionals and a building coverage of 21%. Mr. Betterbid seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Vice Chair Graumann, Mr. Rich, Mr. Caldwell, Mr. Rosenthal, Mr. Reiss and Chairman Thomas

AGAINST: None

- **RUKH CEDAR GROVE LANE PROPERTIES, LLC / ZBA-16-00040**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Rukh Cedar Grove Lane Properties, LLC. Sign Variance in which the Applicant seeks approval for a sign at 20 Cedar Grove Lane, Somerset; Block 424.02, Lot 31.01, in the R-40 Zone.

Mr. Lanfrit gave an overview of the Use Variance that was obtained back in 2011 for a hotel and restaurant on the property. He noted that in the original application they had proposed two signs, which the Board was unwilling to grant them, so the request for sign variance was withdrawn at the time. He did state, however, that they did receive approval for the attached signs on the building which are in place now. Mr. Lanfrit stated that the Application that evening was to construct one free-standing sign to identify both the hotel and the proposed restaurant. He went on to state that the reason they needed a variance was because the ordinance allowed for 100 sq. ft. and the actual sign was 70 sq. ft., but that they designed it to match the hotel that brought it over the 100 sq. ft.

Mr. Anthony Gabriel, Representative of Rukh Cedar Grove Properties, came forward and was sworn in. He gave the Board an overview of the restaurant design phase, noting that it had been completed and that they were in the process of putting together the architectural construction documents at the present time. Mr. Gabriel testified that the restaurant was not a chain restaurant, but owned and operated by the owners of the hotel. He indicated that it would be an American Bistro style restaurant and would be located up near Cedar Grove Lane on the property.

Mr. Gabriel then described the type of materials that would be used to construct the sign. He indicated that it would be of some of the same material as the hotel, including EIFS (synthetic stucco) and stone, with landscaping at the base of the sign and channel letter signage that would be internally lit. He also stated that there would be no other lighting on the sign except the lighting from the letters themselves.

Mr. Gabriel then indicated that he had reviewed the staff comments and understands that they would have to provide the landscaping at the base of the sign as a condition of any approval and would not be able to place any additional signage or temporary banners on the EIFS portion of the sign.

Chairman Thomas made a motion to open the meeting to the public. Seeing no one coming forward, the meeting was closed to the public.

Ms. Bergailo asked what the blank band just above the base was going to be used for and Mr. Gabriel indicated that it would be a band of EFIS, one color or possibly two, to match the hotel building. She then asked if the sign complied with the height requirement, and Mr. Gabriel answered in the positive.

Mr. Healey gave a brief history of the proposed signage. He noted that it was in the same location as when they came before the Board previously in 2011, and stated that the Board and Applicant could not come to agreement in the design of the sign. He added that the design standards of the Sign Ordinance indicate that the sign must complement and be constructed of some of the same materials as the building, and that the proposal before the Board that evening shows that they have done that. Mr. Healey then stated that the sign also incorporated channelized lettering, which was a condition of the Board's original approval.

Vice Chair Graumann made a motion to approve the sign, subject to the professional reports. Mr. Betterbid seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Vice Chair Graumann, Mr. Rich, Mr. Caldwell, Mr. Rosenthal, Mr. Reiss and Chairman Thomas

AGAINST: None

- **KIEFFER & CO., INC. / ZBA-16-00038**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Kieffer & Co., Inc. Mr. Lanfrit explained that they were before the Board that evening for two Sign Variances being sought to erect two attached signs at 441 Elizabeth Avenue, Somerset; Block 507.15, Lot 1.02, in the RDO Zone.

Mr. Lanfrit detailed the two sign variances they were seeking for a new store, Pet Smart, coming into the plaza. He noted that one was for the Pet Smart, Pet Spa sign that exceeded the size requirements of 30 sq. ft. and they were requesting 54.46 sq. ft. Mr. Lanfrit also indicated that they exceeded the height requirement of 3 ft. for that sign as well, requesting the allowance of 3 ft. 2.25 inches. Mr. Dominach corrected Mr. Lanfrit, saying that they technically require three (3) variances as they were requesting two variances for the Pet Spa sign and another variance for the second sign, which was not allowed.

Mr. Larry Patierno, Representative of Kieffer & Co., came forward and was sworn in. Mr. Patierno indicated that he worked with the company that was installing the subject signs. Mr. Patierno drew the Board's attention to the smaller, conforming sign. (10 inches high x 29 ft., 3.5 inches wide). He noted that the conforming sign would not be illuminated, but that there

would be gooseneck signs that would shine down upon the sign that was agreed upon in the original approval. Mr. Patierno then discussed the non-conforming sign, explaining that they had to include the logo and the words Pet Spa that were used in a typical Pet Smart sign and was required by Pet Smart; however, the subject sign was much smaller than what was generally used for most other Pet Smart signs. He then explained that that particular sign would be internally illuminated with LED lighting and felt it would proportionately fit over the entrance to the store. He stated that the overall building area that would be taken by Pet Smart was 61 ft. , 3 inches in length, a double space in the shopping center. Mr. Patierno also stated that if two individual tenants took over the double space, they would each have been allowed a sign, which was why they were seeking a variance to have two signs.

Ms. Bergailo asked if the smaller sign would be lettered in white and Mr. Patierno answered in the affirmative. She stated that she liked the low contrast of the sign.

Chairman Thomas then opened the meeting to the public. Seeing no one coming forward, the meeting was closed to the public.

Vice Chair Graumann made a motion to approve the Application with Variances. Mr. Betterbid seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Vice Chair Graumann, Mr. Rich, Mr. Caldwell, Mr. Rosenthal, Mr. Reiss and Chairman Thomas

AGAINST: None

- **RON & YVONNE MCBRIDE / ZBA-16-00030**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Ron & Yvonne McBride. He explained that a variance being sought due to Applicant putting up an addition (with proper permits), but when As Built was submitted, it was over the maximum impervious coverage at 2 Viking Avenue, Somerset; Block 287.02, Lot 28.31, in R-10 Zone.

Mr. Lanfrit explained that Mrs. McBride obtained the building permits to put an addition onto her home and was required to install a dry well to handle runoff. He added that the addition was built and met all the requirements of the ordinance, including the impervious coverage. He then stated that while the addition was being built, she decided to expand her driveway and her patio, which increased the impervious coverage over the acceptable limit. He indicated that they were now at 40% impervious coverage, where the maximum was 30% in the zone.

Mrs. Yvonne McBride, Co-Applicant, came forward and was sworn in. Mrs. McBride gave a brief history of her ownership of the property and stated that she purchased it in 1996. She then stated that they came into the Township offices to start working on the plans for the expansion of her home about two years ago, in 2014. She indicated that she received the building permits and built the addition in accordance with the plans that were approved and was under the maximum impervious coverage requirements. She stated that during construction, they decided to expand the driveway to make it a U-shaped driveway since it was difficult getting in and out of the street since the property sits at the corner of Franklin

Boulevard and Viking Avenue. She stated that she did not know that it was necessary to come back for the additional permit. Mrs. McBride also stated that she leveled out the two patios and expanded the patio to accommodate her disabled father, along with including an elevator within the home for him to gain access. She added that they did install a dry well, as part of the house addition plans. Mrs. McBride indicated that she received Township staff reports recommending that she put in either an additional dry well and/or a rain garden to accommodate the additional impervious coverage. She stated that she employed an engineer and was agreeable to install a rain garden to handle the additional impervious coverage. Mrs. McBride testified that since August of 2016 when the home was completed, she did not see any runoff issues or have any flooding problems, either on her property or on the surrounding properties.

Mr. Bradshaw, Board Attorney, asked about the structures in the rear, and Mrs. McBride indicated that they are sheds and were there before she received her approvals.

Ms. Bergailo asked about the requirements of the rain garden, and Mr. Dominach stated that they had specific standards for both the dry wells and rain gardens and that the Township inspects it for compliance.

Chairman Thomas then opened the meeting to the public. Seeing no one coming forward, the meeting was closed to the public.

Vice Chair Graumann made a motion to approve the Application for Variances and the agreement to include a rain garden. Mr. Rich seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Vice Chair Graumann, Mr. Rich, Mr. Caldwell, Mr. Rosenthal, Mr. Reiss and Chairman Thomas

AGAINST: None

WORKSESSION/NEW BUSINESS

There was no new business

MEETING ADJOURNED

Mr. Reiss made a motion to adjourn the meeting at 8:16 p.m. the motion was seconded and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
November 3, 2016