

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

**REGULAR MEETING
April 6, 2017**

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 , Alan Rich, Anthony Caldwell, Gary Rosenthal, Joel Reiss, Cheryl Bergailo and Chairman Thomas

ABSENT: Laura Graumann, Donald Johnson, Bruce McCracken and Robert Shepherd

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

MINUTES:

- **Regular Meeting – March 2, 2017**

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

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

AGAINST: None

RESOLUTIONS:

- **Montauk Transit Service, LLC / ZBA-16-00035**

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

FOR: Mr. Betterbid, Mr. Rich, and Chairman Thomas

AGAINST: None

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- **50 Atrium Drive, LLC / ZBA-17-00006**

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

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

AGAINST: None

DISCUSSION:

Vouchers:

- **Patrick Bradshaw – Resolution Prep – Wilson - \$315.00**
Resolution Prep – Shennard - \$227.50
Resolution Prep – RUKH Cedar Grove Lane Partners - \$297.50
Resolution Prep – Doublestone Holdings, LLC - \$420.00
Resolution Prep – DeGoias - \$227.50
Resolution Prep – Chichowski - \$227.50
Resolution P rep – Keith Wilson - \$280.00

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

HEARINGS:

- **ANANDA MANDIR, INC. / ZBA-15-00024**

Amended Site Plan w/Use Variance & Appeal in which the Applicant was seeking to amend the Use Variance & Preliminary and Final Site Plan approval to add second floor living quarters at 369 Cedar Grove Lane, Somerset; Block 508.02, Lot 5.02, in an R-40 Zone - **CARRIED TO MAY 4, 2017 – with no public notification needed, but individual notification needed.**

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

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, 101 Mettlers Road, LLC. Mr. Lanfrit indicated that they were there before the Board for a Use Variance in which the Applicant was seeking to increase the square footage of the school by 11,500 sq. ft. to construct a gym at 101 Mettlers Road, Somerset; Block 511, Lot 1.02, in the ROL Zone.

Mr. Lanfrit gave a short summary of the Application, noting that they were there before the Board on December 15, 2016 and January 5, 2017 to present to the Board the use of approximately 90,000 sq. ft. of an existing building at the subject property for a charter school. He went on to state that as part of the Application, they requested to construct a new 11,500 sq. ft. gymnasium to the right side of the existing building in the vicinity of a gas transmission pipeline. He explained that the Board, at the first hearing in December, asked the Applicant to

look for alternative locations for the gymnasium and came back before the Board in January to tell the Board that they didn't think that any of the possible exterior locations would work and asked for the approval of the Use Variance, without the gymnasium, in January. He added that testimony was given by Mr. O'Brien, a licensed Planner in the State of New Jersey, noting that the charter school was an inherently beneficial use. Mr. Lanfrit testified that they were there that evening to ask for approval to increase the square footage of the school by the same 11,500 sq. ft. by locating the gymnasium internally within the existing building. He then drew the Board's attention to the Site Plan that showed the entrance to the school and now also showed the entire bus circulation, parent parking, drop-off area, with everything agreed to at the previous hearings. Mr. Lanfrit intended to put the testimony of the architect before the Board, stating that Mr. David Feldman testified at the first two hearings, but that one of his colleagues, Mr. McCorry, would be giving the architectural testimony that evening.

Mr. McCorry, Architect, came forward and was sworn in. The Board accepted his qualifications. Mr. McCorry testified that he had reviewed the plans prepared by Mr. Feldman as part of the original Application and the plan that was before the Board that evening. He then entered into the record as Exhibit A-1, which was part of the plan set (Sheet 2) submitted in conjunction with the Application by Mr. Feldman. Mr. McCorry explained that Exhibit A-2 showed the original plans for the first floor of the school, with the gymnasium of 11,500 sq. ft. appended to it. He then discussed the basketball court, locker room facilities and seating capacity of 320 people. Mr. McCorry noted that the gymnasium could also be used for other multi-functional purposes. He then stated that the space now planned for the new gymnasium within the building was a former warehouse space, such that the owner of the building would have to raise the roof in that area in order to accommodate the gymnasium, which would be well under the height limitations for the zone. Mr. McCorry testified that the proposed gymnasium is the same design and size as the previous plan for the gymnasium when it was proposed to be located near the pipeline.

Since there were no Board questions or comments at that time, Chairman Thomas then opened the meeting to the public. Seeing no one coming forward, the meeting was closed to the public.

Mr. Dominach noted that there may be a pad and perhaps a sidewalk that may be required due to egress issues that the Applicant would have to work out with the Construction Dept. He stated that the Applicant was way under the maximum impervious coverage and would be able to get approval for that portion by the Technical Review Committee (TRC) for code requirements. Chairman Thomas then opened a discussion regarding whether the parking requirements were now met. Mr. Healey then discussed the March 28, 2017 memorandum from the Technical Review Committee regarding the status of compliance with Planning conditions. He spoke of the parking areas where visitors would park in the main parking lot and access the gymnasium through the school via the main entrance. Visitors arriving by bus (such as the opposing teams) would be dropped off via the ring road. Mr. Lanfrit clarified that utilizing the ring road would occur if they were arriving in a larger bus, but that they could park in the main parking area should they have a smaller vehicle so as not to have to open up another door into the gymnasium for access. Mr. Healey then asked about the door being provided to the gymnasium along the ring road was going to be used for emergency purposes or regularly utilized and stated that a sidewalk would need to be connected to the pad outside the doorway should they be using the doorway on a regular basis. Mr. Lanfrit stated that the door would be used as emergency egress only, but would work out the details with the

Technical Review Committee. Mr. Healey then indicated that the Site Plan needed to be updated to clear up some of the parking requirements discussed now that the gymnasium was being added back on to the plans. Mr. Lanfrit indicated he would have the Engineer make those corrections/additions.

Chairman Thomas inquired as to whether the gymnasium facilities and fields would be made available for other uses since it is a public school that was funded with public monies. Mr. Lanfrit indicated that it was possible that they would allow their facilities to be used by other groups as a public service. A discussion ensued among the Board.

Mr. Caldwell opened a discussion regarding how close the school was to the gas pipeline. Mr. Healey indicated that the Applicant was making a sec

Mr. Betterbid made a motion to approve the Application as presented, with all agreements from previous hearings. The motion was seconded and the roll was called as follows:

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

AGAINST: None

WORKSESSION/NEW BUSINESS

There was no new business

MEETING ADJOURNED

Mr. Rich made a motion to adjourn the meeting at 7:55 p.m. The motion was seconded and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
April 27, 2017