

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

**REGULAR MEETING  
April 5, 2018**

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:

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**PRESENT:** Raymond Betterbid, Alan Rich, Robert Shepherd, Anthony Caldwell, Gary Rosenthal, Cheryl Bergailo and Chairman Thomas

**ABSENT:** Laura Graumann, Donald Johnson, Bruce McCracken and Joel Reiss

**ALSO PRESENT:** Mr. James Kinneally, Planning Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning & Zoning Secretary

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**MINUTES:**

- **Regular Meeting –March 1, 2018**

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

**FOR:** Mr. Rich, Mr. Shepherd, Mr. Caldwell, Mr. Rosenthal, Ms. Bergailo and Chairman Thomas

**AGAINST:** None

**DISCUSSION:**

- **Franklin II Associates, LTD – Appeal of Zoning Decision**

**CARRIED TO MAY 3, 2018**

## HEARINGS:

- **Sri Ramanuja Mission, Inc. / ZBA-17-00017**

Mr. Peter Wagner, Esq., Attorney and up-counsel for the law offices of Richard Lupo, LLC, appeared before the Board on behalf of the Applicant, Sri Ramanuja Mission, Inc. Mr. Wagner explained that they were there that evening to obtain a D(3) Conditional Use Variance and Site Plan approval in which the Applicant was proposing to construct a one-story temple and expand the parking lot at 619 Elizabeth Avenue, Somerset; Block 508.02, Lot 50.01, in an R-40 Zone - **CARRIED FROM MARCH 15, 2018 – with no further notification required.**

Mr. Wagner went on to explain that the property was located in an R-40 residential zone in Franklin Township and consisted of approximately 6 acres. He noted that a Site Plan had been previously approved under docket # ZBA-13-00006 for the existing building to be utilized as a priest's quarters as well as a conversion of an existing 2,000 sq. ft. barn to 1,020 sq. ft. of worship space and 980 sq. ft. of priest space. The Resolution stated that there were 69 parking spaces (42 parking stalls constructed and 27 land-banked) and related modifications and improvements approved as well. He then described the new proposal for a new temple structure of approximately 6,870 sq. ft. to be constructed at the rear of the property behind the residential priest quarters, the existing worship space and the existing parking. Mr. Wagner indicated that the new worship space would house an additional 1,200 sq. ft. of new worship area, with the remaining space dedicated to priests, the deity statue and new facilities for the parishioners. He then detailed the inclusion of a total of 149 parking spaces, 69 of which currently exist, and 49 to be land banked and stated that it would more than accommodate the new worship space. Mr. Wagner then indicated the relief they were seeking from:

1. Parking Location (Section 112-37.E): the majority of the parking must be located behind the main building with no more than 10% in front of the main building – where the majority of the parking was located in front of the main building (between the proposed building and the building approved under the previous approval, according to Mr. Healey's Planning report.
2. Buffer (112-37.K(1) and (2)): Requires a 15 ft. buffer consisting of double, staggered rows of evergreen trees planted at a maximum of 10 ft. on center with a minimum planting height of six (6) to eight (8) feet, or approved equivalent as well as a mix of evergreen and deciduous shrubs and a six (6) ft. high, solid, board on board fence or a 25-ft. wide heavily landscaped buffer with triple, staggered rows of evergreen trees planted at a maximum of 10 ft. on center with a minimum planting height of six (6) to eight (8) ft., or approved equivalent; and a mix of evergreen and deciduous shrubs - where the buffer requirements were not fully satisfied in a few locations.
3. Lighting (112-37.K(3)): Lighting shall not exceed 0.0 foot-candles beyond the property line zoned or used for residential purposed – with foot-candles approximately 0.5 foot-candles at the property line.

Mr. Wagner then testified that revised plans were submitted to the Township on or about September 15, 2017, which showed that the lighting requirement was now satisfied and that they no longer required the relief that was being sought for the lighting at the property line.

Mr. Wagner then indicated that they felt that the benefits of the proposal far outweigh any detriments and that their site plan served the public interests and would have no substantial detrimental impact on the neighborhood or the community

Mr. Greg Ulman, President/Owner/Engineer of Menlo Engineering Associates, came forward and was sworn in. The Board accepted his qualifications. Mr. Ulman then proceeded to explain the existing conditions on the site and the construction plan. Mr. Ulman entered into the record as Exhibit A-1, which was an enlarged and colorized version of the second page of the submitted "Existing Conditions" engineering plans. He then explained that the use in the R-40 Zone was a conditional use. He then discussed the previously approved plan and parking area, noting that the spaces were 9 ft. in width and 18 ft. in depth with 26 ft. wide drive aisles. He added that there was also an infiltration basin constructed in the northwest corner of the property that was sized to handle the three key components for storm water management; i.e., rate of runoff from the site, water quality and groundwater recharge. Mr. Wagner then spoke of a dumpster that was located at the southeast corner of the existing building which handled all the trash that was being generated on-site. He then told the Board that the residential home at the front of the site continued to be utilized as priest quarters, as testified to during the previous application hearing. Mr. Ulman then marked into evidence as Exhibit A-2, the overall plan exhibit, with the site plan overlayed on an aerial photograph. He then told the Board that they were looking to construct a 6,670 sq. ft. temple to the east of the existing parking lot that was previously constructed, with 1,200 sq. ft. used for worship space and the remaining 5,670 sq. ft. utilized by the priest, statue area, bathrooms and common areas. Mr. Ulman then indicated that the existing building was only going to be utilized for meditation after the new temple was built.

Mr. Ulman reiterated Mr. Wagner's testimony by saying that there would be a total of 149 parking spaces, where 148 were required. The exhibit showed 91 total for the site with 58 spaces land banked, which was 40% of the requirement as was also done on the previous application. He then spoke of the 26 ft. drive aisles around the perimeter of the building for the use for emergency and fire vehicles. He then discussed the storm water management system, stating that they were going to maintain the existing infiltration basin because the infiltration area was large enough to provide the water quality and ground water recharge for the additional impervious area to the east. He did say that they had to expand the basin towards the east to reduce the rate of runoff leaving the site because of the size of the County drainage system within Elizabeth Avenue. Mr. Ulman then discussed the utilities on-site, noting that they would be utilizing the same as what was on-site currently, but would be constructing a new septic field that would be completely independent of what was already there. He then stated that they would be extending the LED lighting on the site on 14-1/2 ft. poles, which also provided ample circulation for pedestrians as well as vehicles on-site. He addressed a comment regarding some light spillage at the southern property line, but they were able to correct that issue and now, therefore, no longer require that variance. Mr. Ulman then opened a discussion regarding the landscaping for the property, noting that they basically followed the same procedure that they did with the previous application, with a double row of evergreen plantings or shrubs and a 6 ft. high board on board fence. He did state that they did not continue the double row of evergreens along the entire southern property line with the last application since there was a significant amount of vegetation there. Mr. Ulman then indicated that they worked with Mr. Healey to come up with a planting plan to supplement those areas and included a board on board fence. He added that they were looking to do the same with the current Application. He also stated that on the eastern property line, there was also a

significant vegetative buffer that abuts with Township property to the east, so they did not show an additional buffer in that area because they did not think it was necessary to take down mature, existing vegetation just to comply with that one condition. Mr. Ulman then testified that they did not propose a board on board fence on the eastern property line either. In total, he stated that they were proposing a total of 132 new trees, 194 shrubs, and 132 ground covers, day lilies and fountain grasses and foundation plantings around the new building. He then spoke about getting approvals from the various outside agencies.

Chairman Thomas asked what the capacity of the septic system was going to be, and Mr. Ulman stated that the system was being designed based on a requirement that was set by the Township Fire Official who asked them to use a ratio of one (1) person for every square foot instead of the typical 1 person per 14 sq. ft. guideline. Mr. Ulman stated that the design of the septic system was not approved yet, but was submitted to the Health Dept. and would support approximately 172 people at any one time.

Mr. Ulman then addressed the Township Engineer's report, providing the clarification asked for in item #8 of the General Review Comments. He noted that presently there was a private hauler that collected trash at the southeast corner of the existing building, but that they were proposing a new location for a dumpster at the southeast corner of the development and just to the east of the 15 land banked parking stalls he showed on Exhibit A-2. Mr. Ulman did indicate that they would be using a private hauler and would have control over how often the trash was picked up. Mr. Ulman stated that they would comply with the request to provide an As Built Survey prepared by a licensed Land Surveyor as noted in item #9 as well as be able to comply with all the other items on the Township Engineer's report as well.

Chairman Thomas then asked if there was a master plan in place for the future use of the facility.

Mr. Shepherd asked Mr. Ulman to show him on the exhibit where the board on board fence would be located on the site and where it would not be placed. Mr. Ulman indicated that they didn't have the board on board fence continuing back along the northern and southern property lines along with some additional landscaping as per Mr. Healey's request. A discussion ensued among the Board regarding the existing vegetation on the site, and Mr. Healey asked for clarification regarding the testimony Mr. Ulman gave earlier regarding light spillage on the site. Mr. Ulman again stated that they would not be seeking a variance for light spillage since they were able to correct that issue.

Chairman Thomas then opened the meeting to the public for questions of the Engineer.

Mr. Doug Dembick, 2027 Amwell Rd., Somerset, NJ, came forward. Mr. Dembick asked about why there was so much parking required for only 172 people allowed on-site at any one time. Mr. Ulman indicated that there were many discussions regarding the appropriate amount of parking required. He added that they came to the conclusion that approximately 40% should be land-banked. Mr. Dembick then asked about the lack of fencing on the eastern property line, noting that he could see the grassed area and refurbished barn from his home presently and that the newly proposed temple would be closer to his property. A discussion ensued among the board about the possibility of buffering the eastern property line with a board on board fence. Mr. Ulman indicated that they would be able to put a fence all the way around the perimeter to shield Mr. Dembick's backyard.

Mr. Mark Chambers, renter of adjacent property and future homeowner there. He spoke about how bright the lights were and how they have gotten much brighter recently. Mr. Chambers wanted to know if they were going to do something about how bright the lights were and how they shone into the rooms on his home. He then told the Board that in the winter and early spring, he could see the lights and activity of the temple. Mr. Chambers said that a 6 ft. fence was not enough to screen any of that. Mr. Ulman suggested that they might be able to set the lights on timers after a certain time at night and dim others for safety reasons. A discussion ensued.

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

Ms. Bergailo asked Mr. Ulman whether they were relying on the curbing in the land banked areas for storm water management. Mr. Ulman indicated that the storm water management system was sized for a full build out of the parking lot.

Mr. Shan Sreenimasan, Executive Director and Member of Board of Trustees of Sri Ramanuja Mission, came forward and was sworn in. Mr. Sreenimasan indicated that their average attendance at the temple was almost nothing during the weekdays (10-15 people throughout the course of the day), but that the weekends could see 60-80 people coming throughout the day. Mr. Sreenimasan stated that the size of their congregation was not expected to grow. Mr. Wagner asked to have the floor plan showing on the easel marked into evidence as Exhibit A-3. Mr. Sreenimasan discussed the need for a storage area inside for footwear to be stored before entering the temple area and there was no area to store coats during the colder months. He also added that there were not enough toilet stalls and not enough area to line up to use the restroom either. Mr. Sreenimasan explained that everything in the current temple space would be moved to the new temple space and the existing building would then be utilized as a meditation space. Utilizing Exhibit A-3, Mr. Sreenimasan walked the Board and public through a typical visit to the property should the Application be approved. He also spoke of having an area for the priest to prepare a ceremonial food offering to be shared by the congregation who are there at either 10:30 a.m. or 7:30 p.m., but did not include a full-fledged kitchen for serving other and larger amounts of food to the congregation. Mr. Sreenimasan stated that the new area for worshipers in the proposed temple would be approximately 1,200 sq. ft. as well as the existing 1,020 sq. ft. that was in the existing building for parishioners. Mr. Sreenimasan then testified that the meditation area in the existing building would not have any changes made to it, and would have no kitchen or sitting area at all.

Mr. Healey recommended to the Board that if they were inclined to approve the Application, the Applicant would have to agree, as a condition of any approval, that the submission put into evidence that evening as Exhibit A-3 would have to be included with the plans as they are an update to what was originally presented. There shows a much smaller corridor that separated the service area from the worship area.

To answer a Board member's question, Mr. Sreenimasan stated that there were currently two priests, with no plans to increase that number.

Mr. Sreenimasan spoke of three special events during the year, noting that they had gotten permission the past three years for the Sunday of the Memorial Day weekend to put up a tent

outside, but that the December and January celebrations would be held inside the temple. He added that they pay the Police Dept. to help with traffic and parking on those larger events.

Chairman Thomas then opened the meeting to the public for questions of Mr. Sreenimasan.

Mr. Mark Chambers, 2045 Amwell Rd., Somerset, NJ, came forward again to ask Mr. Sreenimasan if they had any evening events. Mr. Sreenimasan indicated that the temple closed between 8:00 p.m. and 8:30 p.m. and that there were sensors on the lights so they will stay off when there was no activity. Mr. Chambers stated that there was a light that comes on and off all night long, so Mr. Sreenimasan indicated that they could look into that for him. Mr. Chambers then was wondering how many people would come to the special events, and Mr. Sreenimasan indicated that they predict it would be approximately 150 people attending and spread out over the entire weekend.

Seeing no one further coming forward, the meeting was closed to the public.

Chairman Thomas asked if the Applicant would have any problem keeping the same conditions as were placed on the previously approved application. The Chairman mentioned all of the conditions placed the last time, and Mr. Sreenimasan agreed that they could agree to all of the same conditions. The hours of operation were discussed, with 8 a.m. to 11a and 4 p.m. – 8:00 p.m. (Monday through Friday) and weekends from 8:00 a.m. to 8:00 p.m. agreed upon.

Mr. Jay Troutman, Traffic Expert, employed with McDonough & Rea Associates, came forward and was sworn in. The Board accepted his qualifications. Mr. Troutman explained that they had now done two traffic studies at the site, the first in late 2012 and the second was done in conjunction with the proposed Application. He then gave the Board the conclusions of the study, noting that the first study indicated that there would be no traffic impact based on the Applicant's testimony of operations at the site. Now that the original temple had been built, they were able to go out to the site again and confirm that the site operates as stated, with staggered attendance throughout the day, with the largest attendance occurring during the weekend. For their second study, Mr. Troutman testified that they then chose to go out to the site on a weekend to observe the parking lot activity and it continues to operate as stated, with about 60-80 people a weekend day, staggered throughout the day and no negative impact at the driveway or at the nearest intersection.

Chairman Thomas then opened the meeting to the public for questions of the Traffic Engineer.

Mr. Michael Dalessandro, 612 Elizabeth Avenue, Somerset, NJ, came forward. Mr. Dalessandro asked for clarification of where the parking area would be located after construction of the new temple. Mr. Troutman indicated that the area was shown on Exhibit A-2, noting that the existing parking area would be expanded to the east around the new temple building. Mr. Troutman answered in the affirmative when asked if there would be adequate parking for events at the temple. He further explained that the testimony given by Mr. Sreenimasan indicated the busiest day was over the Memorial Day weekend where there would be up to 80 people attending throughout the day, with a possible 50 people on-site at one time. He added that there were a total of 91 parking spaces (58 to be land banked). Mr. Dalessandro expressed his concern about a church located a little further down Elizabeth Avenue and how they did not have enough parking, so people were parking along the

roadway. Mr. Troutman responded by saying that the other operation was a church with specific times for services and the subject temple did not operate that way, as testified to by Mr. Sreenimasan. A discussion ensued regarding where Mr. Dalessandro's driveway was located in comparison to the temple's driveway. Mr. Healey then discussed the term "land-banking" with Mr. Dalessandro.

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

Mr. Jim Miller, Planner, 222 Nicholson Drive, Morristown, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Miller explained that he was able to review the site, the Master Plan and the surrounding areas and gave his assessment regarding the Site Plan and proposed variances. Mr. Miller went straight to the criteria for a D-3 variance, with two conditions on-site that were deviations from the conditional use standards for houses of worship. Mr. Miller explained that the proofs in the case need to show that the conditional use must show that the site remains appropriate for the use despite the deviation from the standards. He then explained how the site would advance two purposes of the Municipal Land Use Law (MLUL), noting the inherently beneficial use of the site as a house of worship. Secondly, Mr. Miller explained that he felt the use would comply with the purpose of the MLUL to promote sufficient space and appropriate locations for a variety of agricultural, residential, cultural and commercial areas to provide a community with a variety of uses and services as well as the property being appropriate for the use as proposed. Mr. Miller then addressed the parking deviation by saying that the purpose of that stipulation was to make sure that there was a building between the parking area and the right-of-way. He described the location of the new temple, indicating that it would be located at the rear of a narrow site that had extensive vegetation along both sides and along the front to shield views from Elizabeth Avenue and cannot see into the site coming from either direction. He also stated that there were the existing buildings that shield the rest of the property from view and a residential structure at the front of the site that helps to maintain the residential character of the streetscape along Elizabeth Avenue. Mr. Miller then addressed the second deviation, which he stated had to do with the buffering of the site at the eastern property line. He explained that they felt that there was such dense vegetation there that including additional vegetation there would be counterproductive by having to tear out existing, mature vegetation to plant the new. Also, Mr. Miller indicated that earlier testimony agreed to install fencing along the easterly property line, which further achieved the objective of that standard. He stated that for all these reasons, the site fulfills all of the positive criteria. Mr. Miller then discussed the negative criteria, proving that the site was not a substantial detriment to the public good and that the use would not substantially impair the intent or purpose of the zone plan. He testified that the site would not damage the character of the existing neighborhood or a substantial detriment to the public good. Mr. Miller added that appropriate mitigation was being taken to screen the site and new building from view of the public. In summary, he testified that the benefits of the use far exceed any detriments.

Chairman Thomas then opened the meeting to the public for any questions of the Planner.

Mr. Mark Chambers, 2045 Amwell Rd., Somerset, NJ, again came forward. Mr. Chambers asked how the Applicant was going to screen their property from the Amwell Rd. residents' properties. Mr. Miller explained the standards that had to be met from the Elizabeth Avenue frontage and Mr. Healey stepped in to explain the buffering standards on the remaining sides of the property to buffer the surrounding residential properties. He went on to explain that the

testimony given that evening showed that they met those buffering standards along the northerly and southerly property lines and that they were relying upon the existing vegetation along the easterly property line and also agreed to add a fence there as well. Mr. Shepherd also reminded Mr. Chambers that the Applicant had also agreed that they would fill in any areas that were lacking with evergreen trees.

Seeing no one further coming forward, the Chairman then closed the meeting to the public.

Mr. Zack Moros, Architect, 6 Ashwood Court, Lawrenceville, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Moros testified that he prepared the architectural drawings for the new temple and was familiar with the site plan and zoning ordinance of Franklin Township. Utilizing Exhibit A-3, Mr. Moros described the plans and the size of the proposed building. He explained that the proposed height of the building was 20 ft., 6 inches tall, with a square dome that rises to 46 ft. tall where it comes to a point. Mr. Moros indicated that the walls of the proposed temple would be constructed of a concrete masonry unit (CMU) and clad with a granite stone, a sample of which was provided. He then noted that the worship area was going to have a flat roof with a parapet surround that was the high point of 20 ft., 6 inches. He indicated that the dome's measurements were 13 ft. x 13 ft. and approximately 20 ft. in height with a gold coloration.

Chairman Thomas then opened the meeting to the public for questions of the architect.

Mr. Michael Dalessandro, 612 Elizabeth Avenue, Somerset, NJ, again came forward. Mr. Dalessandro asked whether the parking lot could be expanded. Chairman Thomas indicated that they were entertaining questions of the architect at that time, but explained again the idea of land banking parking spaces if they were needed in the future. Mr. Healey also added that if the Applicant had a habitual problem with adequate parking facilities, the Township can make the Applicant construct additional parking spaces.

Chairman Thomas then instructed the public that that was the time to make a statement or comment regarding the Application.

Mr. Mark Chambers, 2045 Amwell Rd., Somerset, NJ, again came forward and was sworn in. Mr. Chambers asked when the Applicant might start construction of the new temple and parking area if the Application was approved. Mr. Wagner, the Applicant's attorney stated that it would be constructed within 2018 and completed sometime in 2019.

Seeing no one further coming forward, the meeting was closed to the public.

Ms. Bergailo wanted to revisit the lighting on the site and asked whether house side shields would be included on all the perimeter lights. Mr. Ulman stated that there was one perimeter light that needed to be rotated about 20 degrees to eliminate the light spillage at the property line and now complied. Ms. Bergailo asked that they include house side shields on the perimeter lighting in the residential areas. Mr. Healey indicated that the new LED lights can have the optics changed so that the shine only goes forward. The Applicant agreed to look into doing so. Ms. Bergailo asked that they swap out the white pine trees on the plan for a more sturdy species of tree. Mr. Ulman agreed that they could do so.



Chairman Thomas reopened the meeting to the public for a comment from a resident.

Mr. Mike Gamber, 600 Elizabeth Avenue, Somerset, NJ, came forward and was sworn in. Mr. Gamber was concerned for the control of how many people can be on the property. Mr. Shepherd indicated that the Township has had the Applicant size the septic system to accommodate 175 people on the site at one time. He also stated that he would craft a resolution so that they were constrained by conditions of approval. A discussion ensued.

Mr. Shepherd then made a motion to approve the D-3 variances necessary and approve the Site Plan, subject to the following conditions: the new temple building to have a 1,200 sq. ft. portion reserved for temple activities and there will be no formal group activities except for three (3) events held during the year in December and January inside the building and in May outside of the building if the appropriate permits were obtained from the Township. Additionally, the lighting on the property should have house side shields on the light fixtures around the perimeter of the property or should otherwise use lighting equipment that would be able to reduce/eliminate any light moving in the direction of the perimeter of the property. Also, Mr. Shepherd included that the building should not be occupied at any time by more than 170 people, the dome they are planning for the building should not be illuminated and that the buffer fencing should go around the north, south and east side of the property. He added that the buffer variance being granted is that they do not have to install the two-layer buffer, but will work with the Township Planner, Mark Healey, to identify areas along the east side of the buffer where additional trees should be planted, the buffer should not include any white pines and swap any of those on the plan with more sturdy trees such as Norwegian spruce. Mr. Shepherd also included that the hours of operation for the temple would be 8 a.m. to 8 p.m., with lights being turned off soon after closing, but no later than 9 p.m., there shall be no overnight parking or people staying overnight except for the priests in the house, there will be allowed a stove to prepare ceremonial food to be given to celebrants at 10:30 a.m. and at 7:30 p.m. to be taken with them as they leave and a refrigerator in the restricted priest area of the new building to allow for the storage of flowers. Chairman Thomas also added any of the additional conditions from the previous approval would also apply and Mr. Healey stated that a standard language for land banking should be added to the plans. Mr. Betterbid seconded the motion, with amendments, and the roll was called as follows:

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

AGAINST: None

Chairman Thomas indicated that they would take a short break to get set up for the next hearing. After a few moments time, the meeting proceeded once again.

- **FRANCIS E. PARKER MEMORIAL HOME, INC. / ZBA-18-00001**

Mr. Bob Smith, Esq., Attorney, appeared before the Board on behalf of the Applicant, Francis Parker McCarrick. D(1) Use Variances and Site Plan in which the Applicant was seeking a building expansion, parking lot reconfiguration & addition with additional signage for the existing facility at 15 Dellwood Lane, Somerset; Block 424.01, Lot 39.08, in an R-20 Zone - **CARRIED FROM MARCH 15, 2018 – notification required.**

Mr. Smith then detailed the variances that were being sought and that which was enumerated in the Township Planning Director's memo, dated March 2, 2018. They are listed as follows:

1. D(1) Use Variance: nursing facilities are not a permitted use in the R-20 Zone, proposal consists of an expansion of the existing nursing facility.
2. D(6) Building Height Variance: 35 ft./2.5 stories permitted – 48 ft./3 stories proposed.
3. Impervious Coverage (C Variance): 25% maximum permitted – 31.13% existing – 38.23% proposed.
4. Width of Parking Drive Aisles (C Variance): 26 ft. required – 24 ft. proposed.

Mr. Roberto Muniz, President and CEO for Parker, residing at 536 Jackson Avenue, Washington Township, NJ, came forward and was sworn in. Mr. Muniz gave a brief history of the various locations of Parker facilities in Central New Jersey and their reasoning for acquiring the McCarrick Care Center.

Mr. Betterbid asked how their plans for the facility would enhance care for the residents/patients. Mr. Muniz elaborated on how they plan to make each room private with its own bathroom/shower and include dining rooms and community areas in each "neighborhood" of rooms to enhance the care given. Additionally, he indicated that they had brought in more well-trained staff and increasing the staffing patterns.

Ms. Joan Martin, 16 Opal Court, Franklin Park, NJ, resident, came forward and was sworn in. Ms. Martin indicated that her father resided at Parker at McCarrick now for about a year and a half and that he and her family was very pleased with the care given. Ms. Martin indicated that she felt that the addition of an Adult Day Care service would be a benefit to the community.

Mr. Jim Zauner, Administrator for Parker at McCarrick, residing at 108 Sycamore Lane, Skillman, NJ, came forward and was sworn in. Mr. Zauner then described what services were now being providing and why he believed that the expansion space would be beneficial to the clientele as well as what was being proposed. He stated that they presently had a 120-bed nursing home, 30 of which were earmarked for post-acute care. He stated that most of their rooms were semi-private rooms and that they were very tight. He added that there was not much room for families to visit their loved ones or for residents, especially now that most residents were in wheel chairs. Mr. Zauner then spoke about the addition of a 60-person Adult Day Care option that they were planning to incorporate that included a mix of social and medical day care.

Mr. Betterbid asked for an explanation of what "adult day care" was. Mr. Zauner indicated that it was a service provided to people in the community to have their senior loved ones picked up by bus and brought to the facility where they would be engaged in many activities during the day, reminded to take medications, etc., and then brought back home. Mr. Smith added that it

allowed seniors to live with their families, but were able to socialize and be monitored while their family members were at work.

Mr. Zauner indicated that they were proposing to add 75,000 sq. ft. of new space spread over three floors of 25,000 sq. ft. each, without adding any additional beds and 8,000 sq. ft. of space would be incorporated for the Adult Day Care option. He added that the rest of the space was to be added to enhance the programs that were already in place as well as to add aqua therapy and other therapies that they presently do not provide.

Mr. Michael Thomas, Engineer employed with T&M Associates, 123 Peartree Lane in Franklin Park, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Thomas told the Board about the area, the surrounding properties and the proposed project. Mr. Thomas then entered into the record as Exhibit A-1, a colorized rendering of the proposed conditions. He then referred to the Site Plan submission, Sheet 3 of 16. In his discussion, Mr. Thomas pointed out the existing vegetative buffer that he said covered the eastern and southern portions of the site in addition to residences that were located to the west of the site that also had an existing buffer. Mr. Thomas noted that there were two entrance driveways from the site on Dellwood Lane, both located on the southwestern portion of the site. He then noted that one of the driveways lead into Darlington Boulevard, which was a private drive. He detailed the footprint of the existing facility with 38,000 sq. ft. and an existing parking lot with a total of 164 parking spaces currently and existing landscaping. Mr. Smith stated that the parking spaces presently exceeded the needs of a facility of that type, per Township ordinance. He then drew the Board's attention to the existing stream tributary to the Raritan River on the southern portion of the property as well as wetlands that were also located on the southern portion of the site and closer to one of the existing driveways. Referring to Sheet 5 of 16 of the Site Plan set, Mr. Thomas noted that the expansion would include the ability to have a single room use for all 120 beds in the facility and noted that the gross square footage area that they were proposing to add was approximately 77,000 sq. ft., with about 25,000 sq. ft. per each of the three proposed stories of the addition. He then testified that they would be adding 23 more parking spaces, for a total of 187 parking spaces on-site. Mr. Thomas then told the Board that there was an existing solar canopy located on the northwestern portion with parking underneath it would remain untouched. He then detailed the locations of the additional planned parking for the Board's edification. Mr. Thomas then spoke about the detention basin that currently existed, but told the Board that it was not located on the same lot and block as the building, but was located to the southeast of the site, and would be expanded to accommodate the increased impervious coverage. He went on to explain that it was not only the most economical choice, but also the most amenable and easiest to construct and maintain.

Mr. Betterbid asked whether they would be adding any additional staff to the facility, and Mr. Thomas answered in the affirmative since the level of care would be increasing on-site.

According to Mr. Thomas, in order to meet Township ordinance requirements, they had also added additional landscaping improvements, directional signage and traffic control signage throughout the site. Additionally, they proposed a monument sign at the southern entry of the site. He did note that the proposed monument sign was not shown on the Site Plan map in a location that complies with the setback requirements; however, Mr. Thomas indicated that they would be locating that monument sign to conform to the setback requirements. He then added

that the size of the sign and its lettering would also conform to the ordinance requirements in the zone.

Mr. Smith then reminded the Board that they had been before them several months ago for an approval for a six-month Temporary Use Permit for a construction trailer. He then noted that the temporary construction trailer was also shown on the plans, and they would also be asking for an Extension of Time until the construction was completed.

Mr. Thomas then indicated that there were new patios and walkways proposed and a 1,500 sq. ft. dining room addition, located on the northwestern corner of the existing building as well as a 245 sq. ft. vestibule being added on the northern portion of the building.

Mr. Thomas then handed out copies of the responses they had made to all of the Township Professional reports, marking them into evidence as Exhibit A-2.

Mr. Thomas then drew the Board's attention to the loading dock that was on the existing building and was going to be maintained, but that they were proposing the addition of a new compacter which would be removed and unloaded every couple of weeks.

Mr. Thomas then addressed the comments on the township Engineer's report, dated February 20, 2018. He clarified that the pads would be used for the proposed emergency generator, which is required for a nursing facility, and for the proposed trash compacter. He then addressed comment #5, stating that they were not proposing any dumpsters on-site due to the addition of the trash compacter. He went on to address comment #7 by saying that there was a guardrail proposed for in front of the detention basin and extending it in front of the addition. In addressing comment #16, Mr. Thomas indicated that they did submit an environmental report, but would be happy to provide any additional copies that were needed. He then addressed comment #17 regarding the wetlands on-site, noting that T&M Associates had been to the property on two separate occasions to delineate the wetlands area, but regarding the buffers associated with the wetlands, instead of going to the NJDEP for a Letter of Interpretation (LOI), they instead obtained an applicability determination from the flood hazard area department. In doing so, Mr. Thomas stated that they learned that the buffers associated with those wetlands would be 50 ft. He added that when they were designing the site, they elected to stay outside of both the wetlands and the buffers. Mr. Healey suggested that the Applicant have a conversation about the wetlands topic, and Mr. Thomas would be happy to oblige. Mr. Thomas then drew the Board's attention to item #23 regarding grading and pipe installations on proposed adjacent Lot 39.09. Mr. Smith stated that there was a letter in the file from the adjacent property owner indicating that the minor grading that was at the edges were a minor issue. Mr. Thomas next addressed comment #37, noting that the footbridge that was referred to was not on the properties owned by Parker and, therefore, was not expected to have much usage. Mr. Smith then brought up comment #36, which asks for 26' wide aisle widths within parking areas. He reiterated to the Board at that time that they were requesting a waiver from that requirement. Mr. Thomas testified that 24 ft. wide drive aisles were typical to use as a minimum and that they had designed the drive aisles to accommodate emergency vehicles traversing the site. In addressing comment #45, Mr. Thomas indicated that they were asking for a waiver from recharge requirements due to a shallow bedrock issue. He then gave details from geotechnical testing that would substantiate their findings. Mr. Thomas indicated that they would be able to comply with all other Engineering comments. Mr. Healey suggested

that the Board could agree to the waiver, subject to the review of the Township Engineer, and duly noted in any Resolution.

Ms. Bergailo asked whether the DRCC (Delaware & Raritan Canal Commission) was reviewing the Application, and Mr. Smith answered in the affirmative, stating that it was already submitted to them and they know that they need their approval to move forward with the project.

Mr. Thomas then addressed a comment from the Environmental Commission, noting that since the impervious coverage exceeds what was allowed, that the Applicant use pervious asphalt for the parking lot addition, thus reducing the extra impervious coverage. He indicated that any groundwater would travel over the shallow bedrock and create unstable conditions on the site.

Ms. Bergailo asked whether the shallow bedrock and high ground water existed everywhere on the site. Mr. Thomas indicated that there were pockets just as there were all over the region.

Another comment of the Environmental report was asking for solar panels to be put on the roof to offset the additional impervious coverage. A discussion ensued.

Mr. Thomas then moved on to the Fire Prevent Director's report, stating that they would comply with all comments.

He then addressed the Public Works memorandum, dated February 14, 2018, stating that they could comply with the first comment and answered in the negative to comment #2 regarding whether there would be any new service connections required for the addition.

In addressing Mr. Healey's Planning comments regarding some engineering issues, Mr. Thomas addressed comment #2 regarding existing screening/earthen berms by saying that it was not adequately screening the residential properties because the height of it was not adequate. He noted, however, that the landscape plan did provide additional screening for that area and that there was a pretty heavy existing condition screen there today just north of Darlington Boulevard. A discussion ensued among the Board.

Mr. Healey then brought up the need for 187 parking spaces on site. Mr. Zauner, Administrator of Parker at McCarrick, explained that he felt that they needed to construct all 187 parking spaces to accommodate employees, visitors, volunteers, 15 spaces for Great Expectations as well as to accommodate the vans for the shuttle service for the proposed Adult Day Care option on-site. A discussion ensued among the Board.

Mr. Healey then enumerated the engineering-related comments on his report, stating that the Applicant had already addressed comment #4a related to the stream corridor preservation by agreeing to avoid the area, including the buffer. He agreed with the Applicant that they satisfied comment #4b regarding the pylon sign. Mr. Healey then suggested that they get together with staff to discuss the sidewalk connections from the parking lot under the solar arrays to the proposed building entrances.

Mr. Thomas then spoke about comment #4d regarding a sidewalk connection out to Dellwood Lane, noting that there was an existing stream tributary and wetlands on the southern portion

of the site and would create an additional exacerbation of environmental areas on the site where additional permitting would be required. Mr. Healey engaged in a conversation regarding that with the Board. Mr. Healey then indicated that comment #4g was usually addressed at the time of Site Plan could be complied with during compliance. Mr. Thomas then testified that they would be able to comply with all other engineering comments in the Planner's report.

Mr. Randall Voinier, Traffic Engineer, employed with T&M Associates, residing at 152 Elm Street, Rockaway Township, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Voinier discussed traffic generation, site circulation, parking and aisle width on the site. In reviewing the parking needs/traffic impacts, Mr. Voinier included the testimony of Mr. Zauner where he indicated there would be 21-25 new employees for maintenance and to accommodate for the new Adult Day Care option. He spoke specifically about the two ring roads and their intersection with Darlington Boulevard and Dellwood Lane as well as the intersection of Dellwood Lane and DeMott Avenue during the peak hours of 7a-8a. He noted that there were levels of service "A" at the two driveway intersections coming out of Parker at McCarrick and a level of service "C" at Dellwood Avenue and DeMott Lane. Mr. Voinier testified that with the addition of the 21-25 more employees plus a few more visitors, there would not be any significant difference in levels of service for the facility.

Mr. Shepherd asked if there would be a two-way circulation on the drive the busses would utilize. Mr. Voinier indicated that the roadway was a one-way 15 ft. road with a by-pass lane. Mr. Voinier then drew the Board's attention to the width of the drive aisles and explained how the 24 ft. width aisles would work on-site, utilizing turning templates to make sure that emergency vehicles would be able to navigate the site. He then testified to the fact that he believed that the 24 ft. wide aisles would be adequate for the facility, which was supported by the Residential Site Improvement Standards (RSIS) manual and the Urban Land Institute. Mr. Healey weighed in by saying that in his experience, the 24 ft. wide aisles were standard.

Ms. Bergailo opened a discussion regarding the tight parking spaces and asked about the type of striping that would be provided in the parking lot. Mr. Thomas addressed Ms. Bergailo's suggestion of utilizing hairpin striping, noting that it would provide for a bigger target to park vehicles within even though the parking space was still only 9 ft. wide regardless of the type of striping. Mr. Thomas testified that they would be able to accommodate that kind of striping should the Board require that. Ms. Bergailo then suggested that the lower parking lot be redesigned to include the widening of the aisle width to avoid potential damage to cars because of the tight configuration. She then added that the van parking spaces could be moved elsewhere to accommodate for that. A discussion ensued regarding the possibility of incorporating the 26 ft. wide drive aisles into the plan. Mr. Thomas stated that he felt he could work with the Township Engineer to revise the plans in the lower parking lot area.

Mr. Kinneally indicated that he could include language in the Resolution to state that the Applicant's Engineer would work with the Township Engineer to try to widen the drive aisle in that area somewhat wider than 24 ft. without losing more than five (5) parking spaces. Mr. Smith agreed to that condition.

Mr. Steven Leone, Architect employed by Spiezle Architectural Group, and residing at 229 Stonehurst Boulevard, Freehold, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Leone entered into the record as Exhibit A-3, colorized renderings of the

proposed front entrance elevation. He then utilized Exhibit A-1 to give reference to the location of newly proposed additions. He then described the materials to be used for the outside façade to include brick and siding to match the existing building and stone in key areas as a water table around the entire facility, but also to mark the main entrance. Mr. Leone then marked into evidence, Exhibit A-4, which was a colorized rendering of the nighttime view of the front elevations. He then marked into evidence as Exhibit A-5, which was a colorized rendering from a view from the parking lot. Mr. Leone then marked into evidence as Exhibit A-6, a colorized rendering of the front drop off entrance. Exhibit A-7 then showed a colorized side entrance view coming up the entrance drive. Exhibit A-8 was entered into the record and showed an additional colorized side view rendering.

Ms. Bergailo then asked if there would be a basement and what it would be utilized for. Mr. Leone indicated that there was a partial basement comprised of 3,900 sq. ft. and used for storage only. A discussion ensued regarding the height of the building, each individual floor and how that was impacted by the grade of the land.

Mr. Leone testified that the height of the building also included the screening for the rooftop mechanicals that included most of the HVAC equipment. .

Mr. Martin P. Truscott, Supervising Planner employed by T&M Associates, came forward and was sworn in. The Board accepted his qualifications. Mr. Truscott then discussed the Municipal land use Law (MLUL) justification to grant the two Use Variances requested, namely, the expansion of the non-conforming elder care use, height variance, and the two bulk variances to include the aisle width and the impervious coverage. Mr. Truscott first explained that nursing homes are an inherently beneficial use. He stated that he believed that there would be little detrimental effect of the use, if at all, and that benefits of the expansion of the use outweigh any detriments. Of note, Mr. Smith remarked on the 4-story residential building (The Avalon at Somerset) and Mr. Truscott stated that the 300 ft. setbacks also shielded the height from view from passing motorists and nearby residences. He also indicated that the mature trees at the front of the site additionally screened the building from view. To address the impervious coverage variance, Mr. Truscott indicated that the additional runoff and storm water management would be handled with the modifications to the detention basin. Finally, he addressed the issue of the drive aisle width, noting that he didn't feel it was a detriment to the public good and felt it allowed for the efficient use of space on-site.

Mr. Smith made his closing statements, mentioning that there didn't seem to be any objectors from the neighborhood coming to contest the proposal.

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

Mr. Shepherd made a motion to approve the Use Variances and Bulk Variances requested as well as the Site Plan displayed that evening, subject to the Applicant meeting with the Township Engineer to review the parking configuration in the lower lot to increase the aisle width or take whatever action was necessary to improve the safety and maneuverability there. Mr. Betterbid seconded the motion and the roll was called as follows:

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

AGAINST: None

**WORKSESSION/NEW BUSINESS**

**MEETING ADJOURNED**

Mr. Betterbid made a motion to adjourn the meeting at 11:00 p.m. Mr. Caldwell seconded the motion and all were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary

April 26, 2018