

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

**REGULAR MEETING  
July 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:** Laura Graumann, Bruce McCracken, Alan Rich, Anthony Caldwell, Gary Rosenthal, Cheryl Bergailo and Chairman Thomas

**ABSENT:** Donald Johnson, Robert Shepherd Joel Reiss

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

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**MINUTES:**

- **Regular Meeting –June 7, 2018**

Vice Chair Graumann made a motion to approve the Minutes as submitted. Mr. McCracken seconded the motion and the roll was called as follows:

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

**AGAINST:** None

**RESOLUTIONS:**

- **NJ Tabernacle / ZBA-13-00015 (Ext. of Time)**

Vice Chair Graumann 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. McCracken, Mr. Rich, Mr. Caldwell and Chairman Thomas

**AGAINST:** None

- **Patel / ZBA-18-00005**

Vice Chair Graumann 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. McCracken, Mr. Rich, Mr. Caldwell and Chairman Thomas

AGAINST: None

**DISCUSSION:**

***Vouchers:***

- **Marriott Callahan & Blair – Tuan & NJ Chinese Community Center, Inc. - \$1,363.00**
- **NJ Chinese Community Center, Inc. 703.00**

Vice Chair Graumann made a motion to approve the Vouchers as submitted and Mr. McCracken seconded the motion. The roll was called as follows:

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

AGAINST: None

- **Franklin II Associates, Ltd. – Appeal of Zoning Decision – CARRIED TO SEPTEMBER 20, 2018**

**HEARINGS:**

- **SURINDER & RANO SINGH / ZBA-17-00020**

Hardship Variance in which the Applicant was seeking a variance due to his going 1,070 sq. ft. over the previously approved impervious coverage at 3 Buell Street, Somerset; Block 83, Lot 1.04, in an R-20 Zone – **CARRIED TO JULY 19, 2018 – with no further notification required.**

- **GENNARO COSTABILE & JAXGENNARO, LLC / ZBA-18-00004**

Use Variance & Site Plan w/Variations in which the Applicant will convert a 2-story dwelling on Lot 16 into a restaurant; construct a small 1-story addition between the structures on Lot 16 & 17 at 6 Laurel Avenue & 4585 & 4587 Route #27, Kingston; Block 3, Lots 14, 16 & 17 in the NB Zone - **CARRIED TO JULY 19, 2018 – with no further notification needed.**

**DL 08/26/2018**

- **MUSLIM FOUNDATION / ZBA-17-00012**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Muslim Foundation. Mr. Lanfrit explained that the Applicant seeks to amend previously granted D(3) Use Variance and Site Plan approvals related to the construction of a 31,795 sq. ft. K-8 school. The amendment is limited to revision of the proposed building layout with no other site plan changes proposed at 47 & 49 Cedar Grove Lane, Somerset; Block 468.09, Lots 37 & 38, in an R-40 Zone.

Mr. Lanfrit told the Board that they were seeking to amend previously approved D(3) Use Variance and Site Plan approvals after hearings in September and October, 2017 and the adoption of a Resolution granting a conditional use approval that was adopted on March 1, 2018. He reminded the Board that they had presented testimony from their Architect, Site Engineer, Traffic Consultant and Dr. Kharazi, who is a member of the Muslim Foundation and on the Applicant's Board of Trustees. He added that when they first got approval, they had a 1-1/2 story building where the classrooms were and half of the first story was going to be below grade. In pricing out the project, he explained that they found that the cost of digging below grade was going to be too expensive, so that they were now going to make it a two-story building. Mr. Lanfrit stated that the Architect will be showing the new elevations, but other than that, nothing with the project was changing. He did note, however, that there was a comment in Mr. Healey's report concerning parking. Mr. Lanfrit stated that Mr. Healey was concerned that if the gymnasium were full to capacity that there would be a parking issue and that the Applicant would need a parking variance. Mr. Lanfrit indicated that it was not their intent to fill the gymnasium at any time and that they would agree to the Board impose a condition to limit the occupancy of the gymnasium to 264 so that they would be in compliance.

Mr. Yogesh Mistry, Architect, continued to be sworn in from the previous hearing. Mr. Mistry indicated that he had prepared an exhibit, which included four (4) sheets of both the interior and exterior of the building as was previously approved. Mr. Mistry then marked the four (4) sheets into evidence as Exhibit A-1. He then discussed the two floor plans showing each level of the building, with the one that had been previously approved and the newly revised plans. He noted that the number of classrooms was the same, the gymnasium was the same and the cafeteria was the same as in the previously approved plan. Mr. Mistry then showed the second page of the newly revised plans showing the new elevations of the proposed building. He pointed out the one-story gymnasium on grade (35 ft. from average grade) and the entry point to the building was now a two-story height above grade. Mr. Mistry testified that the height of the building was still under 35 ft. tall (33.6 ft.). He indicated that the materials and design he described at the previous hearing remain the same.

Chairman Thomas asked for confirmation that the part of the school that was being raised was behind the mosque. Mr. Mistry answered in the affirmative and the Chairman felt it wouldn't be seen and would have no visual impact to the public.

A Board member inquired about the previous basement area, and Mr. Lanfrit explained that there was never a basement, but that the first floor classrooms were half below ground and now the first floor would be at ground level.

Mr. Lanfrit then testified that the Site Plan had not changed from what was previously approved. A discussion ensued among the Board.

Chairman Thomas then made a motion to open to the public for comment.

Mr. Alex Kharazi, Member & Board of Trustee of the Muslim Foundation, 14 Margaret Drive, Somerset, NJ, came forward. He noted that besides the cost savings of building above grade, there was also a concern for the safety of the students in getting out of the lower level in case of emergency.

Seeing no one else coming forward from the public, the public portion was then closed and Mr. Lanfrit gave his summation.

Vice Chair Graumann made a motion to approve the amended Application and Mr. Caldwell seconded the motion. The roll was called as follows:

FOR: Vice Chair Graumann, Mr. McCracken, Mr. Rich, Mr. Caldwell, Mr. Rosenthal, Ms. Bergailo and Chairman Thomas

AGAINST: None

## **WORKSESSION/NEW BUSINESS**

### **MEETING ADJOURNED**

A motion was made to adjourn the meeting at 7:50 p.m. Mr. McCracken seconded the motion and all were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
July 27, 2018