

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

**REGULAR MEETING
March 7, 2019**

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 Chairman, Robert Thomas, at 7:30 p.m. The Sunshine Law was read and the roll was called as follows:

PRESENT: Anthony Caldwell, Laura Graumann, Bruce McCracken, Alan Rich, Robert Shepherd (arrived at 7:34 p.m.), Gary Rosenthal, Cheryl Bergailo, Cheryl Bethea and Chairman Thomas

ABSENT: Donald Johnson and Joel Reiss

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

RESOLUTIONS:

- **KATHLEEN KELLY / ZBA-18-00015**

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

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

AGAINST: None

- **MARCUS SIRMANS / ZBA-18-00016**

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

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

AGAINST: None

- **ROBIN SUYDAM / ZBA-18-00020**

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

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

AGAINST: None

DISCUSSION:

- **FRANKLIN II ASSOCIATES, LTD. – APPEAL OF ZONING DECISION – CARRIED TO APRIL 4, 2019**

HEARINGS:

- **JARRETT SUTTON / ZBA-18-00018**

“C” Variance in which the Applicant wanted to construct a 283 sq. ft. front addition, a 629 sq. ft. rear addition, and a 40 ft. x 16 ft. in-ground pool at 10 Evergreen Road, Somerset; Block 411, Lot 18 in the R-20 Zone.

Mr. Jarrett Sutton, 283 Girard Avenue, Somerset, NJ, came forward and was sworn in.

Mr. Healey described the property as currently developed with a single family home. He went on to state that Mr. Sutton proposed to construct a 283 sq. ft. front addition, which he indicated did not trigger any variances, a 623 sq. ft. rear addition and a 40 ft. x 16 ft. in-ground pool. He then enumerated the variances required for this Application, as identified in the Township’s Technical Review Committee (TRC) report, dated February 12, 2019, as follows:

- Rear Yard Setback (House): 50 ft. required – 50 ft. existing – 45.625 ft. proposed.
- Side Yard Setback (Pool): 15 ft. required – approximately 6 ft. proposed.
- Building (Lot) Coverage: 15% maximum permitted – approximately 12/9% existing – approximately 17.54% proposed.
- Impervious Coverage: 25% maximum permitted – approximately 21.9% existing – approximately 27.06% proposed.

Mr. Kinneally, Board Attorney, then interjected by saying that Mr. Shepherd had arrived and was eligible to vote on the Application.

Chairman Thomas then asked the Applicant, Mr. Sutton, whether any of the impervious coverage could be reduced or if the pool could be moved to a different spot to decrease the side yard setback variance.

Mr. Sutton indicated that the pool could probably be moved slightly to reduce the side yard setback variance a bit, but that the home was located on a lot that was undersized for the

area on a 100 ft. x 150 ft. lot, so impervious coverage would have to be addressed by anything he did on the property. The Chairman had a discussion with the Applicant about how far away from the proposed pool was the nearest neighbor's home, and Mr. Sutton indicated that the pool was about 25 ft. or so away from the neighbor's side yard. He did note that there was a residence to the rear of his property and both rear yards abut each other.

Mr. Healey then asked if there were any fencing between his property and the neighbors surrounding it, and Mr. Sutton indicated that there was 5-6 ft. wood fencing around his entire property, including both sides and the rear of the property.

Vice Chair Graumann then opened a discussion with the Applicant regarding the choice of where to place the pool. Mr. Sutton testified that the chosen location of the pool was to give some additional backyard space next to the pool rather than place the pool right in the middle of the backyard property. The Vice Chair then discussed the fencing that would shield the neighbor's view of the pool.

Ms. Bergailo then asked Mr. Healey regarding the point to which storm water mitigation would be required. Mr. Healey responded that if the increase in impervious surface added up to 1,000 sq. ft. or more, the Applicant might have to include a dry well or some other sort of storm water remediation. Mr. Healey also added that the staff would look at that at the time of building permit.

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

Vice Chair Graumann made a motion to approve the Application. Mr. Healey suggested the addition of requiring fencing, and Mr. Sutton corrected his earlier testimony at that time to indicate that the fencing that currently existed on the property was made of PVC and not wood. Mr. Caldwell seconded the motion and the roll was called as follows:

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

RECUSED: Mr. McCracken

AGAINST: None

- **ABEL SMITH / ZBA-19-00002**

“C” Variance in which the Applicant wanted to construct a two-story addition on house located at 28 County Route 518, Princeton; Block 10, Lot 15 in the RR-3 Zone.

Mr. Healey gave a brief summary of the proposed project, stating that the first floor of the addition would contain a garage and a workshop for their private use and the second floor would contain a recreation and entertainment room. He then explained to the Board that the home was built in 1770 and that the entire house was located in the front yard setback, so even though the addition was proposed in the rear of the house, they still need a front yard setback variance for the existing condition.

Mr. Abel Smith, 28 County Road 518, Princeton, NJ, came forward and was sworn in.

Chairman Thomas asked Mr. Smith if having a second story put onto his home would have an effect on any other property in the neighborhood. Mr. Smith indicated that he can see some neighbors, but they were a great distance away from his home.

Mr. Rich then asked Mr. Smith to discuss the garage. Mr. Smith indicated that there was no staircase down to the basement from inside the home, so the basement was not being used. He told the Board that he would like to have a place to put his tools for his own private use.

Vice Chair Graumann then asked about whether Mr. Smith had reviewed the comments in the Township Technical Review Committee report. She was concerned that there would not be a kitchen in the proposed addition or lockout situation that separated the addition from the existing portion of the home. Mr. Smith agreed that those would not be included, and the Vice Chair indicated that they would condition any approval that those items would not be included.

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

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

AGAINST: None

- **ADICHUNCHANAGIRI CULTURAL & SPIRITUAL FOUNDATION OF USA, INC. / ZBA-18-00014**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Adichunchanagiri Cultural & Spiritual Foundation of USA, Inc. The Chairman introduced the Application by stating that the Applicant was seeking a D(3) Conditional Use Variance, “C” Variance and Site Plan in which they were seeking approval to construct a new one-story house of worship with 80 parking spaces at 216 Weston Road, Somerset; Block 512, Lot 12.01, in the Agricultural (A) Zone - **CARRIED FROM FEBRUARY 21, 2019 – with no further notification required.**

Mr. Lanfrit explained that the presentation that evening was a bit different from other house of worship applications that he had presented in the past because they were governed by two (2) sections of the Township's ordinance including the conditional use standards of a church (Section 112-37) as well as the Scenic Corridor District Overlay (Section 112-201). He noted that the subject site currently had a single family dwelling and two barns. Mr. Lanfrit indicated that the house of worship was planned to be constructed to the rear of the buildings and would most likely not be visible at all from Weston Road. Due to the Scenic Corridor District Overlay in that area, Mr. Lanfrit stated that there was a limitation in the size of the church (not over 5,000 sq. ft.). He then explained that there was a D(2) variance that was required because there were other structures on the site.

Mr. Lanfrit then indicated that he would be introducing three (3) witnesses that evening, the Architect, the Site Engineer and Planner and a representative of the Applicant. He added that they submitted a traffic report in conjunction with the Application, although the Traffic Consultant was not able to be there that evening to provide any testimony. Mr. Lanfrit stated that he would be glad to bring Mr. Dean, Traffic Engineer, back at a future meeting to provide testimony and/or answer questions, should the Board request it.

Mr. Lanfrit then handed out smaller versions of the Architect's testimony.

Ms. Yeshitra Chendrani, Architect, came forward and was sworn in. The Board accepted her qualifications. Ms. Chendrani testified that the proposed house of worship was a single story building with a basement and 4,999 sq. ft. in size as proposed. Ms. Chendrani brought exhibits that included the floor plans as well as the exterior elevations, entered into the record as Exhibit A-1. Ms. Chendrani then described the first floor of the proposed building, utilizing Exhibit A-1. She included the worship area and multipurpose hall as well as a designated area to bring the sanctified food offerings for distribution to the visitors. Ms. Chendrani then discussed an ADA ramp, ADA bathroom and limited use elevator going down to the basement. She indicated that the worship area was approximately 700 sq. ft. in size, the multipurpose room was approximately 945 sq. ft. and the area where the food offerings were brought was approximately 167 sq. ft. and did not include a kitchen. Ms. Chendrani then drew the Board's attention to the basement area, showing where the solar equipment room, the mechanical electrical room as well as a few toilets and shoe closet were located. She indicated that there was also a telecommunications area and the rest of the area was to be used for storage.

Mr. Shepherd inquired as to whether there would be a meeting room in the basement, and Ms. Chendrani indicated that there would not be any type of meeting room there.

Ms. Chendrani then directed the Board's attention to the exhibit showing the elevations of the proposed building. She then discussed the materials to be utilized on the exterior of the building, include granite tiles and beige colored stucco. Ms. Chendrani stated that the parapet height of the building was 24 ft. 8 inches and the tallest dome was at 33 ft. 4 inches. She added that the tallest area of the building (the coprum) was 50 ft. and testified that no portion of the domes would be illuminated, but that there would be lighting illuminating the walkways around the building.

Vice Chair Graumann asked what the maximum number of people the building was designed to hold, and Ms. Chendrani stated that the building, including the office areas, were designed to hold up to 183 people.

Chairman Thomas then opened a discussion regarding whether the building and its domes could be seen from Weston Rd. or from Mettlers Rd. Mr. Healey indicated that he felt that visibility of the building would be extremely limited being that it was located about 900 ft. off of Weston Rd. with the existing house and barn in front of the building, hedgerows along the roadway and supplemental landscaping. He then added that there would be a good amount of landscaping on the Mettlers Rd. side of the property. Mr. Lanfrit testified that they had taken great pains to make sure that they had met the spirit and intent of the ordinance related to the Scenic Corridor.

Mr. Babu Reeregowba, Member of Congregation and Member of Board of Trustees, ADICHUNCHANAGIRI CULTURAL & SPIRITUAL FOUNDATION OF USA, came forward and was sworn in. Mr. Reeregowba then detailed what was currently on the property. He then told the Board that the current single family home on the property would only be used for the pontiff to live, with no other religious activities being conducted at the house. He added that the barn would be used to store tools, lawnmowers and maintenance items for the property. Mr. Reeregowba indicated that since the pontiff did not drive, there would be no requirement for parking for a vehicle. He then testified that they currently had 140 members (those adults 21 years and older). Mr. Reeregowba then described the activities that would go on in the house of worship and the hours they would operate. He stated that the temple would be open from 9 a.m. to 2 p.m. and again from 4 p.m. to 8 p.m. during the weekdays and weekends as well. Mr. Reeregowba then told the Board that the multipurpose room would be used to exhibit artifacts as well as have a place for people to socialize and eat the sanctified food that was brought. He then told the Board that they would not be using the multipurpose room for parties, meetings, gatherings, etc. Mr. Reeregowba then discussed the fact that there would be no outdoor parties or festivities. He added that on a typical weekday, there would probably be no more than half a dozen (6) people at the temple, but that it could be as much as 70 people a day coming to the temple on a weekend day. Mr. Reeregowba then spoke about the 11 holidays in Hindu culture that were all celebrated on the weekends, but that they all resembled the prayers/food offerings that was held during the week. He then testified that if they had a scholar or speaker come, they would hold the gathering off the property. He added that they would not be holding any weddings, banquets or parties at the temple and would not rent any space out either. He also added that there would not be any activities held at the residence and that the single family home would be for the use of the pontiff for his day to day living.

Chairman Thomas then asked if the congregation would be looking to grow in numbers. Mr. Reeregowba indicated that the temple was unique in that a person would have to be from a particular state of India and have to have a belief in the pontiff in order to be members. That being said, Mr. Reeregowba stated that they did estimate growth into the future to up to 183 people, having a traffic analysis being done based on the full membership.

Ms. Lorelei Totten, Engineer/Planner employed with Crest Engineering Associates, came forward and was sworn in. The Board accepted her qualifications. Ms. Totten then introduced an aerial exhibit of the subject property and surrounding land uses as Exhibit A-2 and handed out smaller versions of that exhibit to the Board members. She then took the

Board through a description of the subject site and surrounding area, noting that the site encompassed 18.75 acres. Ms. Totten then discussed the surrounding land uses, indicating that there was a hedgerow between the subject property and the single family homes in the Enclave section of an age-restricted single family home community. Ms. Totten then introduced a colorized rendering of the Landscape Plan on the second page of the exhibit. She noted the location of the existing driveway that accessed the existing dwelling/barn and showed the Board where they would be moving the driveway to the center of the property to provide access down to the parking lot and access drive that surrounded the proposed 4,999 sq. ft. temple. Ms. Totten pointed out the location of the existing home and barn and told the Board that the existing shed on the property would be removed. She indicated that the Site Plan would show that the driveway and access ring road would be adequately sized to accommodate emergency vehicles.

Ms. Totten then discussed with the Board the environmental constraints on the property that included some wetlands across the southern end of the property that extend up around a pond as well as a ditch that extended through the eastern portion of the property. She testified that there were no flood plains located on the site, however, and that they had received a Letter of Interpretation (LOI) from the NJDEP in which they required a 50 ft. buffer. Ms. Totten testified that the site plan honored all of the wetlands and all of the required buffers on the site.

Ms. Totten continued her testimony by discussing the proposed parking lot that would include 80 parking spaces on the site, which were located at the terminus of the driveway and then connect to sidewalks around the perimeter of the proposed temple building to access the doorways. Ms. Totten then drew the Board's attention to the proposed 18 ft. high light poles with LED fixtures on top. She then remarked that they would be reducing the poles to 15 ft. high based on comments in the staff reports to meet the ordinance requirements. She then told the Board that they were proposing low-level bollards along the driveway out to Weston Rd. to light that area. Since there was a requirement for 0 foot candles at the property line, they would be asking for a deviation of that for the one bollard light (0.23 foot candles) where the driveway intersections Weston Rd. for safety in locating that driveway when it is dark.

Ms. Totten then told the Board that refuse would be handled with a private hauler and showed the location of the dumpster/recycling enclosure at the rear of the property. She then discussed the septic system which would be located at the "L" portion of the property that had already been reviewed by the Board of Health and felt that they had addressed all of their concerns. Ms. Totten then talked about how storm water management would be handled on the property, noting the use of swales on the edges of the driveways and front of the property as well as through a pipe system to a proposed pond/detention basin that would provide water quality measures. She testified that there was some pervious pavement proposed along the edge and four (4) dry wells at the corners of the building to collect and infiltrate enough water to maintain the average annual groundwater recharge as is required. She then told the Board that they had submitted plans to the Somerset Union Soil Conservation District and were expected to hear back from them soon.

Ms. Totten then reviewed the variances that were being sought and gave justification for them. She told the Board that they were requesting relief from certain portions of the requirement, including additional use building size that included the two (2) existing structures to remain on the site, the buffer requirements for the conditional use as well as the parking

requirements from the conditional use, the aisle width and the lighting issue at Weston Rd. that was previously mentioned. Ms. Totten addressed the “C” variances first that included the proposed lighting and the aisle width, noting the safety concern for motorists being able to safely locate the driveway to the temple with the use of the bollards.

Mr. Healey then interjected, noting that the lighting was actually part of the “D” conditional use variances because it was part of the conditional use standards for houses of worship.

Ms. Totten then drew the Board’s attention to the driveway aisle width, noting that the requirement was for 26 ft. wide drive aisles and they were proposing 24 ft. wide aisles. She gave the reasoning for the smaller width size because they were trying to be a very environmentally sensitive project to minimize the disturbance especially considering that it was a very low intensity use. She also added that they were trying to be sensitive to the fact that Weston Rd. was part of the Scenic Corridor.

Ms. Totten then addressed the “D” variances, stating that the house of worship was considered an inherently beneficial use. She went on to discuss how the specific use of the subject property met the planning goals of the Township. She told the Board that keeping the existing buildings on the site was because they would be used as accessory structures to the religious use of the property and would require a technical variance from the building square footage requirement. Ms. Totten then discussed that the distances all of the buildings would be away from the roadway, keeping the property looking very much the way it looked presently. Mr. Healey then gave his opinion related to zoning and planning issues related to the subject Application. He told the Board that he felt the Applicant was complying with the intent of the ordinance, but would trigger the need for the D(3) variance.

Ms. Totten then discussed the buffering that was already in place and what they were supplementing with on the Landscape Plan. She spoke about creating a 4 ft. berm along the eastern side of the property along the driveway to buffer the driveway as well as supplementing with deciduous and evergreen trees. She told the Board that they were attempting to keep a “pastoral” look to the property by keeping the vegetation that already existed and supplementing that with additional trees.

Ms. Totten then addressed the various staff reports and noted that they would be able to comply with all of the comments in the reports, except as she had testified to regarding the lighting and the width of the drive aisles. She then noted that by complying, there would only be minor changes to the plan and not substantively changes to what the Board was being presented with that evening.

A discussion ensued regarding having a discussion with Mr. Hauss of the Fire Prevention Dept. regarding the driveway width. Mr. Healey then brought up the topic of the requirements of the Scenic Corridor not allowing a driveway wider than 12 ft. A discussion ensued.

Chairman Thomas then opened a discussion regarding the limits of the septic system on the property as it related to the number of people allowed on the site at one time. Mr. Lanfrit indicated that there were some NJDEP regulations in place that would limit the septic system use. Ms. Totten stated that the septic system was designed to allow for the maximum number of people allowed in the building at once time, which was testified to earlier at 183 people. A

discussion ensued among the Board. Mr. Lanfrit accepted a condition of any approval that there would never be more than 182 people at the subject property at one time.

Mr. Rich brought up the subject of water supply on the property. Mr. Totten indicated that it was serviced by a well and that they were going to speak to the Fire Prevention Director regarding some options related to fire safety other than a water tank leading to a fire hydrant. She gave assurances to the Board that they would reach an agreeable solution. She noted that there would be two (2) separate wells on the property, adding a new one to service the temple. She added that there would also be two (2) separate septic systems as well.

Ms. Bergailo then asked that the landscaping along Weston Rd. be more pastoral looking and less formally planted. A discussion ensued about species types to be planted. She also talked about bollard lighting looking too industrial and asked if there were other lower level alternatives, and Ms. Totten stated she would look into other options.

Mr. Lanfrit then brought up the topic of when lighting needed to be turned off. Seeing that their temple would be open until 8:00 p.m., he indicated that they would agree to turn off all lighting by 8:30 p.m. He then gave his closing statements.

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 grant the Applicant the required variances, including the lighting, and subject to the following: all lights will be turned off at 8:30 p.m., changing the height of the parking lot light poles to comply with the 15 ft. requirement, the landscaping plan will be subject to further review with Mr. Healey, Township Planner, reviewing the lighting along the driveway to make it look more rural in nature, 183 person occupancy limit, no outside activities, etc. The motion was seconded and the roll was called as follows:

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

AGAINST: None

WORK SESSION/NEW BUSINESS:

There was no work session or new business discussed.

MEETING ADJOURNED

Chairman Thomas made a motion to adjourn the meeting at 9:00 p.m. and was seconded. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
March 28, 2019