

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

**REGULAR MEETING  
May 16, 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:

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**PRESENT:** Bruce McCracken, Alan Rich, Joel Reiss, Cheryl Bethea, Cheryl Bergailo and Robert Thomas

**ABSENT:** Anthony Caldwell, Laura Graumann, Donald Johnson, Robert Shepherd and Gary Rosenthal

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

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**HEARINGS:**

- **MEILONG JIANG / ZBA-19-00011**

Mr. Eric Goldberg, Esq., Attorney with the firm of Stark & Stark, appeared before the Board that evening on behalf of the Applicant, Meilong Jiang. He explained that the Applicant was seeking Certification of a Pre-Existing Non-Conforming Use related to the existence of the three-family dwelling and the existence of two dwellings on the same lot at 121 Victor Street, Somerset; Block 145, Lots 25-26, in the HBD Zone.

Mr. Goldberg stated that there were two (2) existing houses that straddle both lots (Lots 25-26). He then told the Board that one of the homes had been used as a single family home and the other had been used as a three (3)-family home. Mr. Goldberg then stated that the key date in the matter was October, 1959, which was the date that the zoning ordinance was adopted. He noted that the first witness has had her grandparents owning/living on the property from 1944-2002. He added that she would testify that she could recall the property being used as a single-family home and the other was used as a three(3) family or multi-family dwelling from the time she was a child prior to 1959 up through 2002 when the property was sold. Mr. Goldberg then informed the Board that the property was initially used for members of the Russian Orthodox Church, and, as demographics changed in the late 1980's/early 1990's, the property was then rented out to members of the Greek Orthodox Church. He then indicated that in approximately 2002, the property was sold to Pastor Johnny Myers' congregation. He stated that Mr. Myers would testify that during his ownership of the property from 2002 to 2018 the property was used as a single family home as well as a three (3)-family home, indicating that the use had been continuous since before zoning was in place and was never abandoned.

Ms. Natalie Zenkert, 21 Holland Lane, Colts Neck, NJ, came forward and was sworn in. Ms. Zenkert then told the Board how she was familiar with 121 Victor Street, Somerset, NJ, reiterating Mr. Goldberg's testimony that her grandparents, Rev. Gabriel Metz and Mrs. Gana Metz, owned the property from 1944 to 2002 when it was sold. Ms. Zenkert stated that she was born in 1944 and gave her recollections from when her grandparents owned the property before 1959. She testified that she never actually lived on the property, but that other relatives did live there, and that she went to visit her grandparents there. She also testified that the one building was a single-family home and the other was a three (3) family multi-family dwelling where various members of the Russian Orthodox Church lived over the years her grandfather owned the property. She then noted that the church was adjacent to 121 Victor Street. Ms. Zenkert then stated that her grandfather died in 1982 and shortly thereafter a Greek Orthodox church wanted to use the church building as an outreach as well as Rutgers University using it as an outreach for students. Ms. Zenkert told the Board that the homes were used as a single family home and a three (3) family multi-family dwelling since her birth in 1944 to the present.

Mr. Healey then remarked that the technical date of when zoning was put in place was October, 1958 instead of the October, 1959 that Mr. Goldberg had stated. Mr. Goldberg then asked Ms. Zenkert to testify that the two homes previously discussed were utilized in the manner of a single family home and a multi-family home prior to October, 1958, and she agreed.

Pastor Johnny Myers, 26 Hunt Rd., Somerset, NJ, came forward and was sworn in. Pastor Myers indicated that his congregation was Full Gospel Temple of Praise purchased the subject property in 2002. He then told the Board that from 2002 until 2018 when he sold the subject property, the dwellings were used as a single family home and a multi-family home continuously.

Chairman Thomas then asked Mr. Kinneally, Board Attorney, if they required any additional proofs, and Mr. Kinneally indicated that if the Board felt that the Applicant had established single family and multi-family uses on the property prior to October, 1958, and continuously up to the present time, then that was the only thing needed to prove the case.

For the record, Mr. Healey stated that the Applicant submitted some affidavits that matched the testimony that was provided that evening as well as some exhibits going back to 1990 showing some drawings of the three (3) units in the front building stamped by Fire Prevention and some tax information, etc. that he felt added to the testimony provided that evening.

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

Mr. McCracken made a motion to approve the Application for a pre-existing, non-conforming use and Mr. Reiss seconded the motion. The roll was called as follows:

FOR: Mr. McCracken, Mr. Rich, Mr. Reiss, Ms. Bethea, Ms. Bergailo and Chairman Thomas

AGAINST: None

- **ENGEL BURMAN AT SOMERSET, LLC / ZBA-18-00006**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Engel Burman At Somerset, LLC. He explained that the Application was for a D(1) Use Variance, Site Plan, Preliminary and Final Major Subdivision, and associated 'C' variances for construction of a 5,694 square foot Quick Chek convenience store with an 8-pump gasoline filling station. The subdivision application involves appending a portion of an adjoining lot to allow for the construction of the new driveway to World's Fair Drive. Variances associated with the proposed Quick Chek consist of variances from requirements pertaining to impervious coverage, rear yard, rear yard (accessory building) and parking in required front yard. Signage variances consist of variances from requirements pertaining to size of freestanding signs (monument and pylon signs), height of freestanding sign (monument and pylon signs), setback of freestanding signs (monument and pylon signs), number and size of building-mounted signs (Quik Chek), and placement of corporate logos on directional signage. New/revised variances associated with the subdivision result from the slight changes in lot size and frontage provided to the hotel lot and the basin lot for property at 1860 Easton Avenue & 4 Worlds Fair Drive, Somerset; Block 468.01/468.10, Lots 26.02/4.01 in the C-B & M-2 Zones.

Mr. Lanfrit then told the Board that the Application that was submitted was a two-part application, with one (1) being a technical major subdivision and the second part was the site plan. He reminded the Board that when they came before the Board a few years ago, they had a minor subdivision to create three (3) lots and that they had received site plan approval for two of the lots. Mr. Lanfrit went on to explain that one of the lots was for the Bristol Assisted Living facility and the other facility being a hotel and he noted that the Bristol was currently under construction. He then told the Board that they had a third pad site for another user that had not been defined at that time, but that they had subsequently filed an application for Site Plan approval and a Use Variance for that user, which was a Quik Chek. Mr. Lanfrit then told the Board that that was supposed to be presented that evening, but that they were still working through things with the Historic Commission and with the Delaware & Raritan Canal Commission (DRCC) and was not ready to be presented. He then asked the Board if that portion for the site plan be carried to the second meeting in June (June 20, 2019), with no further notice required. Mr. Lanfrit then stated that they were there that evening for a technical Major Subdivision to create two (2) lots from a lot which was from a detention basin lot on Worlds Fair Drive in order to create a new access into the site which was for the new hotel, the assisted living facility and, hopefully, the Quik Chek.

Mr. F. Mitchell Ardman, Planner & Engineer employed with the Reynolds Group, 575 Rte. 28, Raritan, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Ardman then entered into the record as Exhibit A-1, which was a colorized site plan for the subdivision that they were proposing. He then delineated the two lots on the exhibit, which were shown in different colors for ease of viewing. He was referring to Lot 26.02, which was an interior lot with no frontage and which had cross easements with the other lots which had access from the driveway off Easton Avenue. Mr. Ardman then added that there had also been an easement put in place through the driveway that came off of Worlds Fair Drive and serviced a medical facility. He then explained that the Township staff suggested that they look into an alternative means of ingress and egress for the site, and that they were now proposing to obtain access through an existing detention basin lot (Lot 4.01) that serviced a good portion of the Worlds Fair development and was owned by First Industrial. Mr. Ardman

then explained to the Board how the subdivision would work, noting that the detention basin lot was approximately 2.88 acres. He went on to state that they were going to swap out about .8429 acres to attach it to the existing lot to create the entrance drive. Mr. Ardman then entered into the record as Exhibit A-2, which showed the overall site plan and how the existing driveway coming off of Easton Avenue would connect to the proposed secondary driveway that would go out to Worlds Fair Drive with full access, both in and out. As a result of creating the secondary access, the Applicant proposed to close off the access through the medical office property by a bollard and chain and only used as an emergency access for fire and police. He noted that there would be ingress into the site from the Rte. 287 ramp and egress out of the site onto Easton Avenue as well as a full entrance and exit on Worlds Fair Drive. Mr. Ardman then stated that when they received the approval for the hotel, there were numerous variances that were granted, and as a result of the night's Application, each and every one of the variances that were granted were going to be diminished and noted in the March 12, 2019 Technical Review Committee report and also as follows :

- Proposed Lot 26.04 would need variances for:

Lot Area; 5 acres minimum, 2.617 acres proposed (2.187 acres previously approved)  
Lot Frontage: 300 ft. minimum, 50 ft. proposed (0 ft. previously approved)  
Impervious Coverage: 55% maximum, 79% proposed (66.2% previously approved)  
Floor Area Ratio: 0.4 maximum, 0.67 proposed (0.81 previously approved)

Mr. Ardman stated that the variances now would be diminished, except for impervious coverage because the increase in land for the driveway would be mostly paved.

- Proposed Lot 4.02 would need a variance for Lot Area (2 acres minimum, 1.853 acres proposed. Existing Lot 4.01 has a 2 acre lot area.

Mr. Ardman then testified that they would be able to comply with all of the review comments in the Technical Review Committee (TRC) report. He then gave his opinion for the justification for the grant of the variances that they were seeking. Mr. Ardman explained that they would be seeking C-2 variances based on the positive and negative criteria. He told the Board that he felt that bringing the circulation on the site out to a secondary driveway would be a big benefit to the neighboring property, specifically. He added that he did not believe that there were any negatives, especially since they were reducing three (3) of the variances that were previously approved. Mr. Ardman then explained that they were going to handle the extra runoff from the secondary driveway through the storm water management system and, with that balance, he felt that the positives outweighed any negatives.

Chairman Thomas then asked whether the new driveway onto Worlds Fair Drive would have any impact on the driveways at the medical buildings in the area. Mr. Ardman indicated that the other driveways were much closer to Easton Avenue and the proposed driveway would not have any impact on those. The Chairman expressed his pleasure that the facility would not be utilizing the medical building driveway to get out of the site due to its close proximity to the exit onto Worlds Fair Drive from Easton Avenue.

Mr. McCracken suggested another driveway at the rear of their property, but Mr. Ardman indicated that there were First Industrial loading docks right up against the rear of their property and could not mix traffic with the loading dock area.

Ms. Bergailo then opened a discussion on what type of subdivision they were seeking. Mr. Lanfrit explained that they had previously been granted a minor subdivision for the property and, therefore, could not ask for another minor subdivision within 10 years, so they were seeking a technical major subdivision for the lot that would allow for the secondary driveway access to the property from Worlds Fair Drive. A discussion ensued.

Chairman Thomas then opened the meeting to the public

Mr. Jonathan Gottloven, Attorney for the University Orthopaedics Associates, One Worlds Fair Drive, Somerset, NJ, came forward and was sworn in. Mr. Gottloven asked whether the drive aisle from the Quik Chek would be connected to the newly proposed secondary driveway, and Mr. Ardman answered in the affirmative, indicating that that was the intent of including the secondary driveway.

Dr. Jeff Beckler, Orthopedic Surgeon associated with the University Orthopaedics Associates, came forward and was sworn in. Dr. Beckler indicated that they have a large practice with physical therapy and including pediatric patients that services about 250 patients per day, including Saturdays, starting at 5:30 a.m. until late in the evening. Dr. Beckler indicated his concern for the patients who were using crutches and wheelchairs as well as young mothers with strollers walking across the street. He stated that he wanted to make sure that the traffic from the proposed use was routed away from their building. He explained that motorists already have been using the easement road as a cut through to avoid traffic on Easton Avenue and they wanted to prevent the same thing from happening on the new driveway. Chairman Thomas asked whether they might like something along the new driveway that would show more physical separation from their parking lot and the driveway.

Mr. Lanfrit stated that they couldn't put a fence along the easement line on their front driveway because the police want to get their police cars or a fire engine through there in an emergency. Mr. Ardman stated that there was some room in spots along their newly proposed driveway that they could look to put fencing or landscaping and that they could look at that between now and the next hearing on June 20, 2019. A discussion ensued among the Board. Mr. Lanfrit also noted that there was a detention basin and some trees on the property of the orthopedic building that would separate the property from the driveway.

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

Mr. Lanfrit then gave his summation comments.

Mr. McCracken then expressed his concern for the access into the site from Easton Avenue. A discussion ensued among the Board.

Ms. Bergailo made a motion to approve the Application. Ms. Bethea seconded the motion and the roll was called as follows:

FOR: Mr. McCracken, Mr. Rich, Mr. Reiss, Ms. Bethea, Ms. Bergailo and Chairman Thomas

AGAINST: None

- **MATSON CONSTRUCTION, INC. / ZBA-18-00019**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Matson Construction, Inc. He noted that the Applicant requests to construct a single-family dwelling at 235 Jerome Avenue, Somerset; Block 564 Lots 23-25 in an R-10 Zone.

Mr. Lanfrit explained that the Application was to construct a single family home on a vacant lot.

Ms. Maureen Matson, Applicant, 4 Nebbons Court, Hillsborough, NJ, came forward and was sworn in. Ms. Matson explained that she is Principal in Matson Construction, which was in the business of building homes. She then told the Board that her firm had completed the construction of approximately 20 homes in Franklin Township, to date. Ms. Matson then testified that Matson Construction was a contract purchases of 235 Jerome Avenue, with frontage on Jerome Avenue, which is an improved street with pavement and would have to be extended in front of the property to build the single family home. Ms. Matson then told the Board that the property consisted of 7,500 sq. ft., but that the requirement was 20,000 sq. ft. if the property was not serviced by public water and sewer. She stated at that time that they were planning to service the newly proposed home with public sewer and well water. Ms. Matson explained that they planned to connect with public sewer through an easement of the adjacent property at 29 Howard Avenue. She testified that she had negotiated the easement, which would now be considered Lot 28.01 and would connect to the sewer system on Howard Avenue that ran to South Bound Brook. Ms. Matson told the Board that she had reached an agreement with South Bound Brook, but that they were in the process of finalizing the agreement. She stated that they would be agreeable to a condition of any approval to ensure a valid agreement between South Bound Brook for the sewer connection.

Ms. Matson then drew the Board's attention regarding the type of home she intended to construct on the property, which was a four (4)-bedroom Colonial with a two (2)-car garage and full basement and submitted a set of plans prepared by Mr. Druga that showed the home she intended to build on the subject property. She described the home as having vinyl siding and brick trim. She then indicated that since the lot was an undersized lot, she was aware of her need to try to make the lot conforming by either purchasing adjacent property or by selling the lot to the adjacent property owner. Ms. Matson indicated that the adjoining properties were owned by Franklin Township and that she sent a letter March 8, 2018 asking if they would be interested in selling any of their property to her or purchasing her lot, with negative results. Mr. Lanfrit then entered both letters into evidence as Exhibit A-1. Ms. Matson then stated that she resent the letter by certified mail to Franklin Township again on April 28, 2019 and received no response. Mr. Lanfrit then entered into the record the letter Ms. Matson sent to the Township as Exhibit A-2.

Chairman Thomas then asked Mr. Healey why the Township would not be interested in purchasing the property since they owned the adjacent land. Mr. Healey stated that he felt strange speaking for the Township, but that generally they were hesitant to acquire land that they don't have a specific purpose for. As far as selling land, he thought that the Township had to go through the whole bidding process.

Mr. McCracken then opened a discussion about possible wetlands on the property, possibly impeding their ability to widen and extend the roadway. Mr. Lanfrit indicated that they had sent a letter to the Delaware and Raritan Canal Commission (DRCC), who stated that they

had no objection to the project. He added that if there were an issue regarding wetlands, Mr. Lanfrit indicated that the DRCC would have asked them for a wetlands delineation.

Mr. Stephen Fisk, Planner, Land Surveyor and Principal of Fisk Associates, PA, 631 Union Avenue, Middlesex, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Fisk then described the subject property, noting that the property was located about 40 ft. from Samuel Place. He stated that the property was examined and that they had checked the NJDEP mapping to ascertain that there were no wetlands on the property. Mr. Fisk stated that he had spoken with Mr. Scott Thomas in the Township Engineering Dept. to determine what was required to bring the roadway up to standard and was determined that they would provide a 28 ft. paved road from Samuel Place to the end of the subject lot. He indicated that doing so would accommodate for the driveway for the proposed home, which would be the only one on the road at that time, and allow for two way circulation and parking on the roadway, if necessary. Mr. Fisk stated that right now the roadway now varies from between 14 and 16 ft. wide and would be a great improvement to the area to have it improved.

Mr. Fisk then stated that they were planning to construct a single family home with driveway and walkway improvements. He then indicated that the dwelling itself met the zone requirements, with the exception of the lot area deficiency as was discussed earlier and the lot width of 75 ft. where 100 ft. was required. Mr. Fisk then discussed the surrounding land uses around the subject property, noting that they were all residential in nature. He added that there were residential properties along Howard Avenue that were built in the 1980's and that those included curbing and sidewalks, however, the rest of the neighborhood did not include curbing or sidewalks and only had narrow roadways of about 16 ft. wide. As a result, Mr. Fisk stated that that should be their justification for a waiver to provide curbs and sidewalks along the subject property. Mr. Fisk indicated that most of the properties along Howard Avenue included 100 ft. lot frontages, with the exception of two lots which were similar to the subject property with 75 ft. frontages. He stated that the houses along Howard Avenue were similar in size than what was being proposed with a one (1)-car garage as opposed to the proposed two (2)-car garage that was being included with the subject home.

Mr. Fisk then addressed how they were going to handle the storm water runoff on the property and stated that soil tests were done and a drywell was designed to mitigate the runoff and handle the impervious coverage that was being constructed. He stated that he submitted a drywall construction report, dated October 15, 2018, and signed by Mr. Gazale from his office. Mr. Fisk further explained that the Technical Review Committee (TRC) report indicated that they would review the design upon building permit. Mr. Fisk then gave his justification for the grant of the two (2) variances that they were requesting based on hardship because they were not able to purchase additional property to meet the area and width requirements of the zone. He stated he didn't believe there were any detriments to the public good and that there were certain benefits in the advancement of the Municipal Land Use Law (MLUL) as well as including the construction of a roadway of approximately 130-140 ft. that met the Township standards.

Mr. Fisk then addressed the TRC report, dated May 7, 2019, stating that they could comply with all comments and that doing so would not have any detrimental effect on the plan that was being reviewed by the Board that evening. He did note, however, that they were

requesting a waiver to provide sidewalks and curbing for the approximately 140 ft. of roadway that they were improving.

Mr. McCracken opened a discussion regarding the road improvements in front of the property. Mr. Fisk reiterated his testimony that they would be widening the roadway from Samuel Place to the north end of their property line to 28 ft.

Chairman Thomas asked if the proposed home was going to be a two (2)-story home and if that was consistent with the rest of the surrounding homes. Mr. Fisk stated that both of those statements were true. He added that the footprint was 1,474 sq. ft. and approximately 2,350 sq. ft. for both floors, which he indicated was slightly larger than the homes on Howard Avenue because they only have a one (1)-car garage. They then discussed all of the setbacks, which were met or exceeded according to Mr. Fisk. Mr. Healey interjected by stating that the Applicant was allowed to have 20% building coverage and they were at 19.65% and they were allowed to have 30% impervious coverage and they were at 29.35%. Mr. Thomas then asked if there would be a memorandum given to the buyer of the home noting that if they want to add a patio or storage shed that they had to request a variance for any additional impervious coverage. Mr. Lanfrit indicated that they could put that in any contract of sale as a condition of approval. A discussion ensued among the Board, and Mr. Healey suggested that the Applicant could make the house smaller to avoid any additional variance issues in the future. Mr. Lanfrit then stated that they met the requirements of the zone regarding all of the setbacks and that they were entitled to request a variance for lot size because the Township would not sell them any property to make the lot more conforming to what was required in the zone nor are they willing to buy the lot. A discussion ensued.

Chairman Thomas suggested that whoever was responding to the letters sent asking if the Township wanted to sell land to Applicants whose lots were adjacent to Township land and were non-conforming should provide a report or memorandum to the Board stating the reasons behind why they were saying that the Township was not interested. Mr. Healey stated that the staff could make a note in their report what the reasons were for the Township to indicate that they were not interesting in either buying or selling property to make a lot more conforming. He added that sometimes, however, the buy/sell letters do not come back in time for that information to be included in the staff reports/comments. Mr. Healey then indicated that he did sit with the Land use Committee and that these types of issues were discussed at those meetings.

Ms. Bethea opened a discussion on what other pieces of property in the neighborhood had similar lot sizes and how large a home was built on those lots. Mr. Fisk indicated that there were two similar sized lots on Howard Avenue, and the homes were slightly smaller because they only had one (1)-car garages as opposed to the two (2)-car garages that was being proposed for the subject property.

Chairman Thomas then opened the meeting to the public for questions and comments of the witnesses.

Mr. Zack King, 306 Samuel Place, Somerset, NJ, came forward and was sworn in. Mr. King told the Board that he was a Licensed Architect and Professional Planner and indicated that he's lived in the neighborhood for 30 years and told the Board that the neighborhoods had been devastated by flood waters again and again. He stated that adding additional



impervious coverage to the neighborhood would only make things worse and felt that the Applicant needed more property or a smaller home. Mr. King then implored the Board to have the Department of Public Works, the NJDEP or even the property owner to determine if there were wetlands in that area.

Ms. Luann New, 521 Jerome Avenue, Somerset, NJ, came forward and was sworn in. She asked whether the Applicant ever came up with a value they would be willing to pay the Township for additional property to make the lot conforming or have the Township make an offer to purchase the subject property. Mr. Lanfrit stated that they did not get an appraisal for the property because the Township stated that they had no interest in either purchasing the lot from the Applicant or selling a portion of the adjacent Township land. Ms. New then expressed her concern for the fact that they only had 7,500 sq. ft. of land and the ordinance required that an Applicant have 20,000 sq. ft. if there was a well on the property. Additionally, Ms. New stated that the property owner on Howard Avenue that the Applicant stated they were going to get the easement from for sewer connection were selling their property and just had a moving sale recently. Mr. Lanfrit stated that they did already have an easement agreement on the property that would be binding on any future owner of the property on Howard Avenue and would be a condition of approval. Ms. New then reiterated Mr. King's concern regarding the standing water issue at the dead end of Jerome Avenue and that additional impervious coverage would just make that situation worse for the entire neighborhood. She then asked who was responsible for building and maintaining the road, and Mr. Lanfrit stated that the Applicant was responsible for building the roadway and it was the Township's responsibility to maintain it. Ms. New then discussed the proposed home being out of character for the neighborhood based on the proposed size on such a small lot.

Mr. Fred Yanetta, 311 Samuel Place, Somerset, NJ, came forward and was sworn in. He told the Board that there was a land sale in the area back in the 1980's and anyone who bid on a parcel of land was told that they weren't guaranteed to be able to build on the property they purchased. He noted that the original owner had never built on the subject property. Mr. Yanetta then told the Board that he has two sump pumps in his basement because of the high water table and stated that if they were to build a basement for the proposed home, that there would be water issues associated with that.

Mr. Paul New, 521 Jerome Avenue, Somerset, NJ, came forward and was sworn in. Mr. New explained that there was a utility pole with a light fixture on it at the end of Jerome Avenue and Samuel Place. He asked who would be responsible for relocating that pole once they proceeded to widen the roadway. Mr. Lanfrit stated that they hadn't looked at that yet, but if it needed to be moved, he said that it would be the Applicant's responsibility.

Mr. Healey then responded to Mr. Yanetta's testimony regarding a land sale back in the 1980's where the properties were deed restricted to say that you would not be able to build on the land if you couldn't meet the zoning requirements. Ms. Matson indicated that she researched that issue and stated that there was no such deed restriction on the subject property.

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

Mr. Kinneally, Board Attorney, addressed Mr. Reiss' questioning about whether the Applicant was the owner or a contract purchaser. Mr. Lanfrit indicated that they were a contract purchaser, and Mr. Kinneally stated that the status of the purchaser could not be used to deny the Application and the Applicant would most likely sue the Board and Township for that line of questioning.

Mr. McCracken stated that was concerned that what was before the Board that evening was an incomplete application without a wetlands delineation. Mr. Lanfrit stated that earlier in the hearing, they agreed to provide a wetlands report. Mr. McCracken asked if they could wait to vote on the hearing until after a wetlands delineation was obtained by the Applicant for the property. He also stated that they could look at the size of the home and perhaps reduce the size of the proposed home. Mr. Lanfrit suggested that they should carry the meeting to the June 20, 2019 meeting.

Mr. Healey brought up the fact that there were some issues raised about storm water management. He also agreed to have the dry well and storm water management system reviewed by staff prior to the next meeting on June 20, 2019 and copies of those reports given to both Board members as well as the Applicant before that hearing - **CARRIED TO JUNE 20, 2019 – with no further notification**

#### **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 9:33 p.m. and was seconded. All were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
June 25, 2019