

**TOWNSHIP OF FRANKLIN
PLANNING BOARD
COUNTY OF SOMERSET, NEW JERSEY**

**REGULAR MEETING
June 19, 2019**

The regular meeting of the Township of Franklin Planning Board was held at 475 DeMott Lane, Somerset, New Jersey and was called to order by Vice Chair Maclvor, at 7:30 p.m. The Sunshine Law was read, the Pledge of Allegiance said and the roll was taken as follows:

PRESENT: Councilman Chase, Carl Hauck, Meher Rafiq, Cecile Maclvor, Mustapha Mansaray, Robert Thomas, Jennifer Rangnow and Chairman Orsini

ABSENT: Robert Mettler, Charles Brown, Godwin Omolola and Chairman Orsini

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

MINUTES:

- **Regular Meeting – May 15, 2019**

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

FOR: Councilman Chase, Mr. Hauck, Vice Chair Maclvor, Mr. Thomas and Ms. Rangnow

AGAINST: None

PUBLIC COMMENTS:

Mr. Thomas made a motion to open the meeting to the public for all comments and questions related to planning items not being discussed that evening. Vice Chair Maclvor seconded the motion and all were in favor. Seeing no one coming forward, Mr. Thomas made a motion to close the meeting to the public and was seconded by Councilman Chase. All were in favor.

HEARINGS:

- **JOHN SUDIA / PLN-19-00007**

Applicant was seeking relief to amend the configuration of the access easement that extends over his lots at 2024 Amwell Road, Somerset; Block 73.01, Lots 53.01 & 53.02, in an R-40 Zone - **CARRIED TO JULY 17, 2019 – no further notification required.**

- **SHREE SWAMINARAYAN SATASANG MANDAL, INC. / PLN-19-00008**

Mr. Peter U. Lanfrit, Esq. Attorney, appeared before the Board on behalf of the Applicant, Shree Swaminarayan Satasang Mandal, Inc. He indicated that the Applicant was seeking relief from a prior restriction to not have outdoor gatherings at 1667 Amwell Road, Somerset; Block 386.04, Lot 34, in an R-20 Zone.

Mr. Lanfrit stated that the Application was originally presented to the Planning Board in 1997 and wanted to mark into evidence the original Resolution as Exhibit A-1 and handed out copies to the Board members for their edification. Mr. Lanfrit went on to explain that the reason they were there that evening was because of item #11 of findings of fact on page two (2). He went on to state that there was a finding of fact at the time of the hearing, that the Applicant represented that there would be no outdoor festivals. Mr. Lanfrit then indicated that the temple was proposing to, at certain times of the year, put up a tent during religious holy days. He noted that a question arose about whether that would be considered a festival or not a festival and, hopefully the Board would decide to impose a condition that clarified what they would be doing in the future.

Mr. Brogesh Patel, President of the temple, 523 New Brunswick Rd., Somerset, NJ, came forward and was sworn in. Mr. Patel then went on to discuss what they intend to do at the temple on certain dates during the high holy days. He stated that they wanted to erect a tent during holy days in order to have a sheltered waiting area for people to congregate when the temple building was full. He reminded the Board that the temple had two rooms, one was the worship area and the other was the dining area/auditorium. During high holy days, Mr. Patel testified that both of those rooms were being used for religious purposes, stating that the worship area was used for religious purposes and the auditorium was typically used for sermons and lectures or children's cultural programs as well as for dining purposes. He told the Board that because there were those other activities going on in the auditorium, they might not have enough room for everyone in the worship area. Mr. Patel then explained what exactly would go on in the tent, possibly sitting and watching on a TV placed there to see what was going on inside the temple with snacks and food for people to eat. No carnivals, social events or fundraising activities would be included in their request, according to Mr. Patel, and was purely and purposefully for religious purposes. Mr. Patel also testified that they were not planning to have any type of loudspeakers outside and there would not be any cooking outside. Mr. Patel indicated that they would be requesting this for up to five (5) times per year and understood that they would have to fill out a special event permit for

each event. He further stated that he would agree to any condition that prohibited any fundraising, or carnival activities outside and limited to the use of the tent for the stated religious events.

Mr. Thomas then asked how many people would be in the building when both rooms were filled to capacity. Mr. Patel answered that each room had a capacity of 500 standing people, for a total of 900-1,000 people. Mr. Thomas mentioned that the Resolution stated that there was a maximum capacity of 500 people in the building at one time, so he expected the Applicant to ask for relief from that condition as well. He then asked if there would be sufficient parking for the facility presently. Mr. Lanfrit stated that there is enough parking now and that there was an additional agreement entered into, that was still in place, between the temple the Board of Education and that they would be able to use the parking lot of the middle school when the school was not in session. Mr. Lanfrit then indicated that the high holy days celebrations were held during the summer or on weekends so they would have the school's parking lot available to them. Mr. Lanfrit then asked for relief from only allowing 500 people in the building at one time, assuming that they would be following the fire code that was in place. Mr. Thomas then stated that the previous approval for 500 people in the building also was decided due to the traffic, traffic circulation and the parking requirements. A discussion ensued among the Board, and Vice Chair MacIvor asked what the certificate of occupancy stated the capacity of the building was. She felt that they were already asking to double the capacity of the building and wondered how many people could be accommodated under the tent. Mr. Lanfrit stated that the tent could probably accommodate up to 200 people.

Mr. Clarkin stated that there was no language in the notice of the hearing that evening related to relief from the number of people allowed. He indicated that the Board would have to determine whether that was a significant condition, and if it is, Section 10 required notice of it. Mr. Lanfrit then stated that he had the catchall phrase in his notice indicating that any and all relief that may be identified.

Mr. Thomas then stated that he felt that the Applicant would have to demonstrate that they could handle the additional traffic and parking with these types of events.

Mr. Healey asked the Applicant if the intent of including the tent on the premises to allow the head count to go above the 500 people who were allowed in the building. Mr. Lanfrit stated that they weren't looking to increase the occupancy of the building, but just controlling the flow of people in the event that a large group of people came to the site at the same time. Mr. Healey reviewed the Resolution from the original approval and felt that Township staff and the Board needed to know what the affect the increase of people would have on the site plan. Mr. Healey reiterated the Chairman's concern regarding parking and traffic control.

Mr. Lanfrit stated that they weren't looking to construct new parking spaces because they had an agreement in place since 1999 for overflow parking in the parking lot of the middle school. He added that they were required to fill out the Special Events Permit

application, which would require them to demonstrate the adequacy of parking, the anticipated number of people attending and to determine if there was a need for a police officer to control traffic.

Vice Chair Maclvor then stated that the fields at the school were used on the weekends, particularly for soccer, and the parents park in the parking lots there.

Ms. Refiq then inquired about the specific dates of the events and if there would be music playing outdoors that would disturb the neighbors. Mr. Patel indicated that the dates vary within a two-week period due to the holy days following the lunar calendar. He also stated that they had spoken with their neighbors to explain what they were trying to do and that they were mostly happy.

Mr. Thomas again expressed his concern regarding the already overuse of the building over and above what was approved, and Mr. Lanfrit stated that they could bring the parking counts at the school and other information that was needed.

Vice Chair Maclvor asked whether the obtaining of a Special Events Permit automatically require a police officer to be on hand to handle traffic. Mr. Lanfrit then indicated that it was up to Township staff.

Councilman Chase then stated that he didn't think they had to get involved in increasing the number of people allowed in the building because the certificate of occupancy would state the amount, which was a hard number, and the fire code would control the number of people that would be allowed in the building at one time.

Mr. Healey cautioned the Board not to go by what the certificate of occupancy stated because the more important number would be what was approved by the determination of what the parking would allow for. Testimony is often given for houses of worship stating that worship would take place in one room and then the occupants would move to a second room for refreshments, so the testimony indicated that both rooms would not be occupied at one time. Oftentimes, both rooms were being used simultaneously and the parking requirements were set for only one room being used at one time. Mr. Lanfrit stated that they would agree to the condition that was imposed in 1999 to limit the occupancy within the building to 500 people. He did request that they be allowed to erect a tent in case more than 500 people showed up at one time, with a maximum of 200 people. Mr. Healey stated that they didn't know the number of parking spaces on the site and they didn't know how many parking spaces were at the school, and they had already had instances where people were parking in the fire lanes and within the detention basin. Mr. Lanfrit indicated that that might have been a problem in the past, but didn't believe it was a current issue. He stated that some people wanted to park closer to the building, so it wasn't that they had a deficiency in parking spaces. Mr. Healey suggested to the Board that they require a condition that when the Applicant submitted their Special Events Permit, that they needed to demonstrate to Township staff that they had access to the number of parking spaces that would result from

dividing 700 by 3 (assuming the parking requirement of one (1) space per every three (3) people). Mr. Lanfrit agreed that they would agree to that condition.

Mr. Thomas was pleased that they came to a compromise, but was concerned for who would be responsible to stand at the door and make sure that there were no more than 500 people inside the building at any one time. Mr. Healey stated that Fire Prevention was usually the first ones to be on-site when evidence of overcrowding was shown by parking in fire lanes and in the detention basin. A discussion ensued among the Board.

Ms. Refiq asked if the agreement with the school for parking was in perpetuity, and Mr. Lanfrit answered in the affirmative. Mr. Lanfrit also stated that there was a walkway built to connect to the two properties as well for safer navigation from one site to another.

Mr. Hauck wanted to know if the parking agreement stated the number of parking spaces available, and Mr. Lanfrit indicated that the agreement just stated that the parking lot would be available to them when school was not in session.

Mr. Elis Patel, 8 Brookside Drive, Princeton, NJ, came forward and was sworn in. Mr. Patel indicated that by using Google Images, he was able to count the parking spaces, noting that the temple had about 175 parking spaces and the school had 150 parking spaces.

Mr. Lanfrit stated that using Mr. Healey's equation, even if they were capped at 700 people at the property (500 inside and 200 under the tent), they would have enough parking spaces at the temple property alone.

Councilman Chase suggested that they should put on a condition that if there were any more problems with parking in the fire lanes or detention basin, the temple would be required to construct additional parking spaces on-site. Mr. Lanfrit stated that if that is what the Board wanted, they would agree to it. He did explain that it was an enforcement issue and that there was a problem in the past, but that there was a new administration now that was proactive and would be enforcing the rules.

Mr. Healey then asked how the school knows that they will be utilizing their parking lot. Mr. Lanfrit indicated that they just informed the school that they would be using their parking lot on certain dates, but never specified the number they would be using. He added that it had never been a problem.

Mr. Clarkin, Board Attorney, asked Mr. Lanfrit that in order to demonstrate the relief that the Applicant was seeking, they would need to establish either changed circumstances or good cause for the relaxation or elimination of the condition. Mr. Lanfrit stated that it was 20 years since the first approval and the congregation had grown. He added that they weren't trying to violate the tenants of the approval, but just trying to protect the overflow in the event they had to wait to get into the building. Mr. Lanfrit agreed that they were weighing in on the side of changed circumstances.

A discussion ensued regarding the Applicant coming back to the Board to ask for relief of the limit of 500 people allowed in the building at one time. Mr. Lanfrit said that they could do that but would need to provide the Board with additional information. Their intention in coming tonight was to get the approval for the tent because they had an event coming up in July that they were hoping to be able to accommodate.

Mr. Thomas brought up the fact that he believed that they had a sign on the building that was not supposed to be there. Mr. Lanfrit explained that they modified the first sign to comply with the ordinance and replaced the original sign.

Ms. Rangnow then asked the timing of the special events and how late would the temple be open. Mr. Lanfrit stated that the temple would be open at 8 a.m. and would close at 9 p.m. Mr. Lanfrit said that they would agree to any condition of approval to state that they would close the temple at 9 p.m.

Councilman Chase made a motion to open the meeting to the public. Ms. Rangnow seconded the motion and all were in favor.

Ms. Lois Westerfield, 2 South Grosser Place, Somerset, NJ, came forward. Ms. Westerfield's concern was for the increase in traffic this approval would bring during these holy days. She stated that there had been cases in the past where devotees parked on both sides of South Grosser Place, which prohibited her from getting out of her own driveway. Ms. Westerfield asked that if the Board were inclined to approve the Application that they make sure that there was some kind of traffic control put in place during those holy days.

Ms. Elizabeth Akapinti, 6 South Grosser Place, Somerset, NJ, came forward. Ms. Akapinti spoke about some of her concerns, asking the Board to consider why the restriction to 500 people allowed within the building at one time was put upon the Applicant in the first place. She also stated that she nor any of the neighbors she had spoken with had ever been given notice of these days of higher attendance and noise levels in advance and the burdens it placed upon the local neighbors to enjoy their property. Ms. Akapinti then described having the July 4th fireworks right nearby, which she said was beautiful, but also a disruption because of the extra traffic it brought as well as having the Stage House Tavern so close in proximity and the nightly outdoor music it brought as well as the Application before the Board for festivals and the extra traffic it brings to the area. She wanted to add that half the year, she and the residents in her neighborhood have to deal with all of this going on around them as well as anything else that occurs at the municipal complex. Ms. Akapinti stated that they have had craziness and drunkenness on their street that she was sure was documented by the Franklin Police Dept. on the 3rd of July, and that was a municipal event that was not under control. She told the Board that during last year's 4th of July event, her husband could not pull into their street and there were bottles everywhere and tow trucks had to remove cars. Ms. Akapinti also wanted the Board to consider that the testimony given that evening was for 900-1,000 people being allowed in the building and then when it became an issue, all of a sudden there were only going to be 500 people in the building.

She also stated that the school has athletes and events at their facility on the weekends during the time period that the Applicant states they would want to include this tent for extra people on the property. Ms. Akapinti asked that, should the Application be approved, that a condition should be included where there were no outdoor speakers and that on-site parking construction be required. She also asked that they be restricted to having only one tent to accommodate only 200 extra people.

Mr. Steve Boxer, 5 South Grosser Place, Somerset, NJ, came forward. Mr. Boxer restated Mr. Patel's testimony was that he spoke to the neighboring residents regarding the Application that evening, but to his knowledge, no one on the block had any conversations with Mr. Patel about what they planned to do. Mr. Elis Patel apologized, noting that they spoke to their nearest neighbors, 1668 Amwell Rd. Mr. Brogesh Patel stated that the priest and Vice President had gone to speak to the residents behind the temple. He also then apologized that they did not reach out to the residents of South Grosser Place. Mr. Boxer then expressed his disbelief that the President of an organization would not know how many people were allowed on his property and that the testimony started out with 900-1,000 people were already allowed inside the building and that they were asking for an additional 200 person overflow outside. He then stated his concern that when it became an issue, Mr. Brogesh Patel changed his testimony to only being allowed to have 500 people in the temple building. Mr. Boxer indicated that both Mr. Patel and his attorney should have had the numbers of allowed people in the building at their fingertips when readying themselves for a presentation before the Board.

Mr. Vide Cololla, 48 Edward Drive, Franklin Park, NJ, came forward. Mr. Cololla spoke about the temple's new president, Mr. Brogesh Patel, trying to do the right thing and making things better. He then expressed his approval that the new president wanted to make accommodations for a surplus of people who might come to the temple during holy days that was not predictable. Mr. Cololla also stated that a member of the congregation could be stationed in the parking areas so that no one was allowed to park in the fire lanes and in front of the fire hydrants. Mr. Cololla was in support of what the temple was trying to accomplish to accommodate for the extra people on-site during those times that there would be extra people.

Mr. Clarkin, Board Attorney, stated that since the temple was represented by legal counsel, he made a point to give the Board the ability to decide whether they would let every member of the congregation who was at the meeting a chance to speak.

Mr. Vitish Patel, 8 Brookside Drive, Princeton, NJ, came forward. Mr. Patel stated that they had to clean up the bottles and debris left behind from 4th of July revelers in the past on their property. He wanted the Board to know that their devotees were not allowed to drink on the temple property, especially during the high holy days.

Mr. Scott Dufre, resident of South Grosser Place, Somerset, NJ, came forward. Mr. Dufre described instances where he went to the temple property when it was being constructed and just after to see what the temple was about and was told to leave. He

also once was walking across the street and walked on the temple property to get to the post office property and was asked to leave the property. Mr. Dufre also stated that he was never notified by anyone from the temple about what they were planning to do on the property to accommodate for 200 more people on-site. Mr. Dufre expressed his concern for the length of time the temple would be open during their stated 5-day event, especially since he had experience of the noise level coming from the building during a normal day at the temple. He then spoke about the traffic issue trying to get into his development and the time it took to make a left-hand turn onto South Grosser Place. Mr. Dufre suggested that the temple might want to issue a ticket to devotees indicating a specific time frame they should come to the temple in order to spread out the total amount of people showing up at the temple, especially during the high holy days,

Mr. Brogesh Patel stated that the temple would not be busy from 8 a.m. to 9 p.m. during the weekdays where everyone would be able to be inside the temple, and they would probably only need the tent for Friday evening and over the weekend days. He added that he was recently installed as president of the temple and apologized to Mr. Dufre that he was turned away in the past and that they were trying to become more active in the community and friendly and mindful to their neighbors. Mr. Patel indicated that he would come by the following week to speak with the residents of South Grosser Place.

Seeing no one further coming forward, Mr. Thomas made a motion to close the meeting to the public. Ms. Rangnow seconded the motion and all were in favor.

Vice Chair MacIvor mentioned that the building was designed to have bathroom facilities to accommodate 500 people, and now the Applicant was talking about 1,000 people plus a couple hundred more. Mr. Lanfrit stated that they had already agreed that there would be no more than 500 people in the building, based on the original approval. He added that the additional people, up to 200 in the tent, for a maximum of 700 people on-site at any one time. Mr. Lanfrit indicated that they would look at the code to find out if it were necessary to rent portable sanitary accommodations. Mr. Healey stated that the Health Dept. was involved when they would do a special even and could impose that as a condition. Mr. Lanfrit then looked back at the 1997 Resolution, which indicated the possibility of having outdoor picnics during the summer months, but that they have not had anything like that on the site. He felt that the tent would help to buffer any noise coming from the people outside and would have sides to it.

Mr. Thomas once again expressed his concern that the Applicant was acting very cavalier by stating that they wanted relief from the agreement that was made back in 1997 and that it sounded like those conditions were being ignored for many years. He went on to state that the Applicant should have come before them with a parking plan and a circulation plan to show how they planned to get people in and out of the site.

Mr. Lanfrit responded by saying that the temple had a new administration and that they would be looking at the bigger picture going forward and perhaps coming back before the Board for further modifications. He explained that they were only going to utilize the

tent on the weekends of the holy day celebrations and that the Special Event Permit would help to control the situation on the site in the short term.

Ms. Refiq inquired as to when the tent would be dismantled, and Mr. Lanfrit indicated that the tent would be rented and only left up during the celebration.

Councilman Chase made a motion to approve the Application with the following conditions: One tent, with sides in the down position to reduce noise and to hold a maximum of-200 people, no carnivals, no festivals, no outside cooking, no fundraising activities, and only utilized for holy day celebrations. Additionally, there should be no loud speakers, no parking in fire lanes or detention basins, nothing before 8 a.m. or after 9 p.m.= would require a Special Events permit for each event, providing proof each time of the availability of the full temple and school parking lot for a total of 233 spaces. Vice Chair Maclvor seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Refiq, Vice Chair Maclvor, Mr. Mansaray, Mr. Thomas and Ms. Rangnow

AGAINST: None

• **LLURA LIGGETT & GORDON GUND / PLN-19-00006**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Llura Liggett & Gordon Gund. Mr. Lanfrit indicated that they were there that evening because the Applicant was proposing a Minor Subdivision as part of an Open Space application. per the Minor Subdivision Plan, existing Block 9, Lot 20.01, is to be subdivided into proposed Block 9, Lots 20.03 (28.22 Ac.) and 20.04 (3 Ac.). Lot 20.03 will have an open space restriction on all but a 3-acre, non-severable exception area. Lot 20.04 will be a residential building lot.

The Technical Review Committee (TRC)'s report indicated that the Application would require the following variances:

- Proposed Lot 20.03 would need a variance for a through lot (frontage on both Canal Road and Copper Mine Rd.), which was an existing condition.
- Proposed Lot 20.04 would need a variance for lot frontage and lot width (189.74' vs. 250' minimum).
- Bulk requirements for the Application are based upon the Lot Size Averaging option in the Canal Preservation Zone.

Mr. Lanfrit went on to explain that the Applicant had entered into a contract to preserve a significant portion of the property that he owns, in perpetuity, as the result of an agreement with Franklin Township. He then stated that they were creating a 3-acre exception, with the remainder of the lot (31.216 acres) being a separate lot and would be preserved as part of an agreement that was entered into earlier in the year between

Mr. Gund and the Township. Mr. Lanfrit stated that what they were trying to create was known as a “severable” building lot of 3 acres and a second lot that had the capability of having a home built on it, but would also be preserved and could not be further subdivided and must be placed in agriculture.

Mr. F. Mitchell Ardman, Engineer and Planner, employed with the Reynolds Group, 575 Route 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 included the key map and noted dimensions for some of the lots and residences in the surrounding area. Mr. Lanfrit then passed out copies to the Board and Mr. Ardman then described the exhibit. Mr. Ardman then noted that there was only a barn currently on the property, along Coppermine Road, which was there in support of the agricultural use on the property. He noted that the property consisted of farmland and open space with some tree rows that went through the sight in a north/south direction. Mr. Ardman stated that he was originally retained by the Township to prepare a boundary survey in anticipation of the transaction with the Gunds. Afterwards, he stated that the project included a 3-acre severable lot, which was part of the contract, with the location of the severable lot determined by Mr. Gund and submitted to the Township for their review. Mr. Ardman went on to state that the non-severable lot was a 3-acre lot located in the center portion with frontage on Copper Mine Rd. He noted that the severable 3-acre lot would be retained by the Gunds and the Township would have no interest in that lot. Mr. Ardman explained that the severable lot was the portion located on the eastern side of the property. He then detailed the size and frontages of the surrounding lots in the immediate vicinity of the subject property. Mr. Ardman told the Board that the properties were located in the Canal Preservation Zone (CP) and that they were subdividing the property in accordance with the lot size averaging of the zone standards. He then reiterated the variances that were enumerated in the TRC report. Mr. Ardman went on to explain that the lot sizes and widths of the surrounding properties varied greatly because, over time, had been subdivided or existing for many, many years. He then described the sizes of the various lots in the area, noting that they were comparable to the lot they were proposing. He then explained the reason for needing the variance for lot frontage and lot width noting that there would be a small piece of the property located behind the proposed dwelling that would be included in the farming operations if they made the lot conforming to the ordinance. Mr. Ardman felt that it was a better layout and better planning to have a straight property line. He then explained that the surrounding properties were varied and several were well below the standards for the zone, which was common in the rural sections of the Township. Because of that, Mr. Ardman indicated that they would not be out of character for the surrounding area and felt it would not affect the zone plan or the neighbors. He also reminded the Board that there was a good, wooden row between the proposed lot and the existing house, which would provide a screen between that property. He then stated that he also felt that they furthered the purposes of the Planning Act under the C(2) argument for open space and keeping the majority of the property under farmland preservation. Mr. Ardman then told the Board that he did not see any negatives in the granting of the variance, based on his previous testimony.

Mr. Ardman then reviewed the comments in TRC report, stating that should they comply to the right of way dedication, it would bring the lot slightly under 3 acres. A discussion ensued with Mr. Hauck regarding what type of home would be built and the setbacks that would go along with that. Mr. Healey's calculations came to 2.97 acres after consideration of the proper right of way dedication. Mr. Ardman then discussed item #5 and #6 in the TRC report, asking for a blanket easement when it came time to construct a home on the property and felt comfortable that there would be a portion of the property where the soils would be suitable to allow for a septic system. Mr. Ardman then indicated that the remainder of the conditions on the report were standard and they would be able to comply. A discussion ensued among the Board.

Vice Chair Maclvor made a motion to open the meeting to the public. The motion was seconded and all were in favor.

Mr. Gary Forsyth, 125 Copper Mine Rd., Franklin Township, NJ, came forward. Mr. Forsyth indicated that he was Mr. Gund's farm manager and stated that they set the property up with the 3-acre severable lot just to go along with the other four (4) homes around the corner. He then noted that as long as the Gunds were alive, nothing would be constructed on the lands.

Mr. Healey then mentioned that they would probably need a slight set-back variance for the barn fronting on Canal Road. Mr. Ardman agreed that they would require a variance there as well.

Board Attorney, Mr. Clarkin, asked if Mr. Ardman could agree that the benefits to the Township substantially outweigh any detriments as it related to the request of the C(2) variance. Mr. Ardman responded affirmatively because of the open space and the parcel of land as it was configured.

Councilman Chase made a motion to approve the Application as submitted to include the right of way dedications and associated minor variances. Mr. Thomas seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Refiq, Vice Chair Maclvor, Mr. Mansaray, Mr. Thomas and Ms. Rangnow

AGAINST: None

Vice Chair Maclvor then agreed to take a 5-minute break in order for Mr. Lanfrit to get set with the next hearing.

- **RUTGERS PREPARATORY SCHOOL / PLN-19-00002**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Rutgers Preparatory School. The Applicant was appealing to the Planning Board for Site Plan approval and a variance for maximum impervious coverage at 1345 & 1421 Easton Avenue, Somerset; Block 466, Lots 1.01 & 3, in an R-20 Zone.

Mr. Lanfrit stated that the Application consisted of some minor site improvements across the entire campus. Additionally, he indicated that there was also the matter of the completion of a building that was part of a previous approval. Mr. Lanfrit then also told the Board that Rutgers Prep has acquired an additional lot to the north of the existing campus which they wanted to make part of the campus. Currently, Mr. Lanfrit stated that there was a house on that lot and there was nothing they were proposing for the house at that time. Mr. Lanfrit then indicated that he had a handout that was prepared by Mr. Turner of Menlo Engineering, which was a reduced version of the exhibit that was on the board in order to help the Board members to visualize the proposed changes

Mr. Scott Turner, Engineer, 261 Cleveland Avenue, Highland Park, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Turner then entered into the record as Exhibit A-1, a view of the overall plan with a Google aerial image overlay, dated June 19, 2019. Mr. Turner stated that it gave an overview of the entire campus along Easton Avenue, and the Delaware & Raritan Canal along the rear of the property. He then told the Board that the property currently contained 39.46 acres, and that Lot 3 was a small residential lot that was recently acquired by the school located at the northerly end of the campus. He then went on to describe the residential property as containing a house and a small brick out-building as well as an existing semi-paved driveway that led out to Easton Avenue. Mr. Turner then told the Board that they were there that evening for three (3) relatively minor site plan improvements. He started discussing the maintenance garage and storage modifications. He went on to describe the plans, saying that the proposal was to construct a first and second floor on the maintenance building, with 3,200 sq. ft. per floor. Mr. Turner added that that building already had its basement level built behind the building facing the canal, all under a prior approval from 2005. He detailed a garage building in that vicinity, and that they were proposing to build a loft above that garage, with 1,067 sq. ft. per floor with a set of exterior stairs. Mr. Turner then showed the Board where the building was located, in the farthest northeasterly corner of the existing parking lot tucked up against the detention basin 1. He then noted that that building had its footings, its foundations and its concrete slab already constructed in accordance with the 2005 approval. Mr. Turner then detailed the additional improvements in that area, including a 35 ft. x 90 ft. paved storage area of 3,150 sq. ft., and said that they intended to use that area for approximately eight (8) metal storage containers that were already out on the property currently. He did note that the storage containers were to be located there on a temporary basis until the other two buildings that were being proposed were constructed and occupied. Once those buildings were put in place, Mr. Turner stated that the storage containers would be removed from the site. In the same area, Mr. Turner

stated that they were looking to remove a landscaped area that was curbed, and they would like to pave it and stripe it for maintenance workers use. Along with these improvements, Mr. Turner stated that they were looking to add a curbed and paved driveway connector (22 ft. wide) that was located off of the existing T'd intersection that came off of the jug-handle from Willow Avenue. He discussed a comment in one of the staff reports that there was concern that making that a 4-way intersection may be inappropriate and be a bit confusing. Mr. Turner then indicated that they agreed with that opinion and were going to narrow down the driveway to 15 ft. wide and remove the curbing to make it just a service driveway to be used only by the maintenance staff. He then added that they would sign the driveway to restrict movements in and out of that area. Additionally, Mr. Turner testified that they were planning to remove a portion of the existing driveway that was currently servicing the house on Lot 3. The driveway that lead out to Easton Avenue would be removed to a location approximately at the front of the existing home – enough to connect it with the existing driveway to allow the access to occur. He noted that they were planning on providing some additional landscaping to comply with the buffer standards in include 49 evergreen trees and 3 deciduous trees in a double row fashion. Mr. Turner stated that Mr. Healey's Planning report asked that the Applicant comply with the strict standards of Section 112-47h, and they would agree to do so. He then added that there was an existing fence there, but that it did not run the entire length of the property line. Additionally, Mr. Turner testified that if the fence was in disrepair, they would replace it and extend it to comply and provide a revised plan to staff for review if the Board acted favorably that evening on the Application. In the same area in the northerly section of the property, they were going to install just one (1) new light pole immediately behind the curb of the new paved storage area where the temporary containers would be housed to provide additional security. Mr. Turner then told the Board that the curb-cut on Easton Avenue for the house on the property would be eliminated with the project as part of the improvements.

Mr. Turner then spoke about the improvements suggested for the central area of the school property, which was the turf field pavilion, and located at the southwest corner of the sports field that was closest to the canal. He noted that they were proposing a new structure, 16 ft. x 29 ft. 4 inches, that was approximately 470 sq. ft. He noted that the proposed structure would contain permanent restroom facilities and would have an outdoor drinking fountain, a small concession stand as well as a small storage area in the building to hold the sports equipment. In addition to that building, Mr. Turner stated that there would be a small overhang built in the area as well (approximately 24 ft. x 40 ft.) with a roof on top of that to provide some protection for people who were in that area. He added that they would also include the proper sidewalks to provide connections and ramping to make it all ADA compliant and leading up to the elevation of the existing sports field. In order to mitigate some of the impervious coverage, Mr. Turner testified that they were proposing to build a stone dry well and would provide the associated calculations to CME.

Mr. Turner then detailed the proposed plans the school had for the southerly portion of the campus, which was up against the gymnasium building and adjacent to the ball fields. He told the Board that it would be a new 15 ft. x 36 ft. 9-inch glass enclosure that

would be located in the northeast corner of the existing building and would be utilized to accommodate a new set of stairs for that building. He then noted that that enclosure would be approximately 550 sq. ft. and would provide a better aesthetic than what was there today and provide better access to the building itself as well as an overall improvement to the campus. He then told the Board that they would do some minor modifications to the sidewalk to connect to those areas. Other than that, Mr. Turner stated that the other improvements proposed for the site were items that were previously approved by the Planning Board under prior applications, specifically the Performing Arts Center Building that was shown on the plan that was previously approved. He then discussed the approval of a stairway and sidewalk addition from an upper parking lot to get people down to the lower service driveway up near the upper school building that was approved by the Technical Review Committee (TRC) during a prior hearing. Mr. Turner then indicated that they weren't changing anything with parking, where 245 parking spaces were required, and 360 spaces were provided on site. Being located in the R-20 Zone, Mr. Turner explained that they complied with the majority of the bulk standards, but did require a variance for impervious coverage. He then told the Board that they had a prior approval for impervious coverage of 27.8% where 25% was permitted. He did note, however, that that previous impervious coverage was a product of the taking along Easton Avenue by the County during the previous improvements. Mr. Turner then told the Board that the improvements described that evening would increase the variance by .1% and were seeking a variance for approximately 21,000 sq. ft. of additional impervious coverage on the property.

Mr. Turner then spoke about the existing, non-conformity on Lot 3 for the side yard setback where 15 ft. was required and 6.2 ft. existing.

Mr. Turner then stated that the proposal was presented, and they met with the Historic Preservation Commission on two (2) other occasions and had in fact approved the plan in March, 2109. He also told the Board that they had an application pending before the Delaware & Raritan Canal Commission (DRCC) and had some clean-up work to do to satisfy them and felt they would have the approval shortly.

Mr. Healey reminded Mr. Turner that the Historic Commission recommended some screening, and Mr. Turner stated that that additional screening had been added to the March 22, 2019 plans in the northeasterly corner of the proposed garage building addition. Mr. Turner also agreed to comply with the buffer requirement of the existing home lot (Lot 3) since it abutted a residential Mr. Healey said that the Applicant did comply with the ordinance, but would need to prove where there was not a triple staggered row of evergreens that a 6 ft. high fence was provided.

Mr. Lanfrit agreed with Mr. Healey's opinion that the storage containers were not a good long-term solution to store equipment, etc. and asked to be permitted to keep the storage containers there through no later than December 31, 2020, which would give them the ability to construct the maintenance buildings that they will be in the process of constructing. After the building was constructed, Mr. Lanfrit stated that they would

move the materials from the storage units and place them in the maintenance building as well as remove the storage units. Mr. Lanfrit told the Board that they would most likely move to turn the storage area back to grass or use it as additional parking space on the campus.

Vice Chair Maclvor made a suggestion that they put in a rain garden since they were asking for a variance for being over the maximum impervious coverage. Mr. Turner indicated that they would look into putting a rain garden in place to offset the impervious coverage issue.

Mr. Lanfrit then addressed the next item in Mr. Healey's report that related to Lot 3. He noted that there was presently no intended use for that lot, but may use the house there for storage. He added that they agreed to provide a lot consolidation.

Mr. Turner then drew the Board's attention to CME's Engineering report, dated June 12, 2019. He reiterated that they had addressed some of the comments in the report and agreed to make some modifications to the site plan based on that report as well as comply with the remaining comments in the report. Mr. Turner testified that making the minor modifications to the site plan would not substantially alter what was being presented to the Board that evening as they were all technical in nature.

Mr. Turner then spoke about the comment from the water dept. that there were no water connections or services shown on the plan, and he indicated that they would revise the plans to show those connections. He then stated that the County Planning Board had requested some minor revisions as it affected Lot 3 and Mr. Turner stated that they would comply.

The increase of the impervious coverage from 27.8% to 27.9%, in Mr. Turner's opinion, was a de minimus increase considering that the property was almost 40 acres in size. He testified that they were mitigating that small increase by providing some additional storm water management measures on the property as well as providing for a rain garden on the premises.

Board Attorney, Mr. James Clarkin, then stated that if the Board was in agreement that the increase in impervious coverage was de minimus in nature, then they did not require the usual variance proof for both negative and positive criteria. Vice Chair Maclvor stated that the Board had indicated their approval.

Mr. Jeffrey Venezia, Architect, 15 Bethany Street, New Brunswick, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Venezia stated that he was the architect who prepared the plans for the two buildings in the northerly side of the property and presented the same exhibit to the Historical Preservation Commission and was what the Commission approved. Mr. Venezia explained that what was being shown was a colorized rendering of the buildings that were included in the plan set. He then described the two buildings that they intended to construct on the property in the northerly portion of the property. Mr. Venezia then reiterated Mr. Turner's testimony by

saying that the basement floor was already constructed from an approval in 2008 and had a temporary roof installed on it. What was shown in the exhibit, according to Mr. Venezia, was what the maintenance building would look like after adding the two (2) additional floors. He described the building as a simple barn-like structure with some overhead doors to give access to equipment and storage inside the building as well as some offices and locker rooms for the maintenance crews. Also shown on the plans were some on-grade overhead doors to give access to the existing basement. He stated that the building would be in tones of grey, the roof would be constructed with dimensional shingle and the siding was made from a cement board batten and a very residential style window.

Mr. Venezia then described the storage building as having a series of bay doors to give access and then a loft area/mezzanine that created some additional storage space so that the school would be able to get rid of the storage containers that had been on-site, He noted that the materials/colors used on the storage building would be consistent with what was being used on the maintenance building.

Mr. Peter Richardson, Director of Billings & Grounds, Rutgers Preparatory School, 1345 Easton Avenue, Somerset, NJ, came forward and was sworn in. He stated that he had been working both with the professionals who testified earlier and with the Township to come up with the plans that were before the Board that evening. Mr. Richardson then spoke about the pavilion for recreation and indicated that the exhibit being shown was what was submitted as part of the plan set in conjunction with the Application, other than the Rutgers Preparatory logo shown. He reiterated Mr. Turner's testimony to indicate that the building shown what was going to be located next to the athletic field in the middle of the site and would contain restrooms and the overhang roof in case of inclement weather as well as a storage area for sports equipment. Mr. Richardson then showed an exhibit displaying the improvement at the southerly end of the property and was the northeast corner of the existing field house. He noted that what was being shown was part of the submission package given to the Township as part of the Application. Mr. Richardson went on to describe the existing condition there and what was being proposed. He spoke about expanding the footprint of the entranceway to the upper gymnasium. Mr. Richardson testified that the storage containers presently on the property would be removed by December 31, 2020.

Mr. Thomas made a motion to open the meeting to the public, and Ms. Rangnow seconded the motion. All were in favor. Seeing no public, Mr. Thomas made a motion to close the meeting to the public. Ms. Rangnow seconded the motion, and all were in favor.

Mr. Lanfrit then gave his summary comments.

Mr. Thomas made a motion to approve the Application as discussed at the hearing that evening. Vice Chair Maclvor seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Refiq, Vice Chair Maclvor, Mr. Mansaray, Mr. Thomas and Ms. Rangnow

AGAINST: None

COMMITTEE REPORTS

No reports were discussed.

WORKSESSION/NEW BUSINESS:

There was no work session or new business discussed.

EXECUTIVE SESSION:

The Board did not enter into an Executive Session that evening.

ADJOURNMENT:

Vice Chair Maclvor made a motion to adjourn the regular meeting at 8:49 p.m. and the motion was seconded. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
31, 2019