

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

**REGULAR MEETING  
JULY 17, 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 Vice Chair, Laura Graumann, at 7:30 p.m. The Sunshine Law was read and the roll was called as follows:

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**PRESENT:** Laura Graumann, Bruce McCracken, Alan Rich, Gary Rosenthal and Cheryl Bethea

**ABSENT:** Anthony Caldwell, Donald Johnson, Robert Shepherd, Joel Reiss and Chairman Thomas

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

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**HEARINGS:**

- **ODIN PHARMACEUTICAL, LLC / ZBA-19-00007**

Application for D(1) Use Variance and C Variances for the expansion of the existing building and parking at 300 Franklin Square Drive, Somerset; Block 502.02, Lot 39.05, in the C-B Zone - **CARRIED TO SEPTEMBER 5, 2019 – with no further notification required.**

**DL - 8/31/2019**

- **JAYME MOSKAL / ZBA-19-00019**
- **JAYME MOSKAL / ZBA-19-00020**

Application for C Variance - Currently, the garage and driveway are shared between these two properties. Applicant was asking to relocate the existing garage to one lot and another garage would be constructed on the other lot. The driveway will also be reconfigured to no longer be shared at 150 & 160 Blackwells Mills Road, Somerset; Block 59.01, Lots 26.02/4.01, in the CP Zone.

The Technical Review Committee (TRC) report indicated that the following variances would be required:

**Lot 12/02:**

- Rear yard Setback (accessory structure): 150 ft. min. required – 35 ft. proposed.
- Side yard Setback (accessory structure): 50 ft. min. required – 10 ft. proposed.
- Building Coverage of Accessory Buildings: 1% max. permitted – 1.37% proposed.

**Lot 12/03:**

- Rear Yard Setback (accessory structure): 150 ft. min. required – 30 ft. proposed.
- Building Coverage of Accessory Buildings (accessory structure): 1% max. permitted – 2.5% proposed.
- Impervious Coverage: 10% max. permitted – 11.2% existing- 11.4% proposed.

Ms. Jayme Moskal, Applicant, 160 Blackwells Mills Road, Somerset, NJ, came forward and was sworn in.

Mr. Jack Van Cleef, Contractor/Builder, 1548 Millstone River Road, Hillsborough, NJ, came forward and was sworn in. The Board accepted his qualifications. Ms. Moskal stated that she was before the Board that evening to obtain approval to build a storage garage on her properties, 150 & 160 Blackwells Mills Road. She indicated that the garage would be to store her classic and collectible vehicles.

Ms. Moskal then testified that she read the staff comments in the Technical Review Committee (TRC) report and agreed to comply with all of them. She indicated that her Uncle and Project Manager, Jack Van Cleef, would provide some background information and answer any questions the Board might have.

Mr. Van Cleef utilized an exhibit/map that showed the property and surrounding area, noting that the property was surrounded by lands donated to Rutgers University when he worked on the Six Mile Run project. He also stated that the two lots in question were both owned by his niece, Ms. Moskal, and were both pre-existing, non-conforming lots. Because of the situation on both properties, Mr. Van Cleef stated that they were before the Board that evening seeking numerous variances. He also told the Board that there was a garage in place that presently straddled the property line, and that they would like to move it to an alternate location that would move it entirely onto Lot 12.02. Mr. Van Cleef then explained that Ms. Moskal would then like to construct a second garage to house her classic and antique car collection.

Vice Chair Graumann then asked what the need was to move the garage, and Mr. Van Cleef stated that there were no setbacks to it because it straddled the two properties and because the staff recommended moving it.

The Board then discussed the use for the newly proposed second garage, and Mr. Van Cleef indicated it was just to store Ms. Moskal's antique cars and would have no electricity. Vice Chair Graumann asked if Ms. Moskal would do any maintenance of the cars on the property, and she answered in the negative. She then agreed to a condition that no maintenance would occur in the garage.

The Vice Chair then enumerated the variances required. Mr. Healey then stated that both lots were significantly undersized, where one was 1.2 acres and the other was 2 acres in size where 6 acres was required in the zone. Mr. Healey stated that he felt that that issue was creating a lot of the variances in terms of coverages (building and impervious) and setbacks. He then stated that the project was a positive in that they were eliminating a situation where there was a garage encroaching upon three (3) different properties, including one (1) that wasn't owned by the applicant. He also noted that each property would now have its own garage, which was a benefit, and the lack of impact to sensitive neighbors. Mr. Healey then indicated the other existing, non-conforming conditions:

	<u>Min./Max.</u>	<u>Lot 12.02</u>	<u>Lot 12.03</u>
Lot Area	6 acres	1.24 acres	2.004 acres
Lot Frontage	400 ft.	200 ft.	249.72 ft.
One Side Yard	75 ft.	60.1 ft.	48.2 ft.
Two Side Yard	150 ft.	129.6 ft.	166.3 ft.
Rear Yard	200 ft.	59 ft.	83.5 ft.
Principal Building Coverage	3%	3.96%	
Side Yard (Access. Structure)	50 ft.		27.9 ft.
Rear Yard (Access. Structure)	150 ft.		75 ft.

Mr. Healey stated that they were requesting a C(1) variance because he felt that there were hardship issues affecting the properties as well as C(2) because there was some benefit resulting from the project.

Absent any public in the chambers that evening, Vice Chair Graumann abstained from opening the meeting to the public.

Mr. McCracken made a motion to approve the Application, with variances, as presented with the condition that the newly proposed garage would be limited to the storage of vehicles only and no vehicle maintenance would take place on the property. Mr. Rosenthal seconded the motion and the roll was called as follows:

FOR: Vice Chair Graumann, Mr. McCracken, Mr. Rich, Mr. Rosenthal and Ms. Bethea

AGAINST: None

**WORK SESSION/NEW BUSINESS:**

There was no work session or new business discussed.

**MEETING ADJOURNED:**

Vice Chair Graumann made a motion to adjourn the meeting at 7:40 p.m. and was seconded. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary  
August 6, 2019