

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

**REGULAR MEETING
January 16, 2020**

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 Mark Healey, Director of Planning, at 7:30 p.m. The Sunshine Law was read, and the roll was called as follows:

PRESENT: Anthony Caldwell, Bruce McCracken, Alan Rich, Gary Rosenthal, Robert Shepherd, Cheryl Bethea, Richard Procanik and Chairman Thomas

ABSENT: Laura Graumann, Joel Reiss and Kunal Lakhia

ALSO PRESENT: Mark Healey, Planning Director, and Christine Woodbury, Planning & Zoning Secretary

REORGANIZATION:

- **Nomination/selection of Chairperson**

Mr. Shepherd made a motion to nominate Robert Thomas for Chairperson. Mr. McCracken seconded the motion.

Mr. Healey then asked for additional nominations, and seeing none, the roll was called as follows:

FOR: Mr. Caldwell, Mr. McCracken, Mr. Rich, Mr. Rosenthal, Mr. Shepherd, Ms. Bethea, Mr. Procanik and Chairman Thomas

AGAINST: None

- **Nomination/selection of Vice Chairperson**

Mr. Shepherd made a motion to nominate Laura Graumann for Vice Chairperson. Mr. McCracken seconded the motion.

Chairman Thomas then asked for additional nominations, and seeing none, the roll was called as follows:

FOR: Mr. Caldwell, Mr. McCracken, Mr. Rich, Mr. Rosenthal, Mr. Shepherd, Ms. Bethea, Mr. Procanik and Chairman Thomas

AGAINST: None

- **Appointment of Board Attorney**

Chairman Thomas explained that it was the policy of the Township to solicit applications and hold a public interview with the candidates. He noted that there was one (1) application from the Dakotas firm, located in Teaneck, NJ, noting that the former Board Attorney, Mr. Kinneally, decided to withdraw his application.

Seeing no one coming forward, Chairman Thomas opened a discussion regarding the parts of the meeting that can proceed without a Board Attorney. Mr. Healey indicated that it was not advisable to proceed with a Use Variance hearing without a Board Attorney present, however.

MINUTES:

- **Regular Meeting – December 19, 2019**

Mr. McCracken made a motion to approve the Minutes as submitted and was seconded by Mr. Rich. All were in favor.

RESOLUTIONS:

- **2020 Calendar**

Mr. Shepherd made a motion to approve the 2020 Board Calendar. Ms. Bethea seconded the motion, and all were in favor.

- **Muslim Foundation, Inc. / ZBA-19-00016**

Mr. Rosenthal made a motion to approve the Resolution as submitted. Mr. McCracken seconded the motion, and the roll was called as follows:

FOR: Mr. Caldwell, Mr. McCracken, Mr. Rich, Mr. Rosenthal, Mr. Shepherd, Ms. Bethea and Chairman Thomas

AGAINST: None

- **Odin Pharmaceutical, LLC / ZBA-19-00007**

Mr. Rosenthal made a motion to approve the Resolution as submitted and was seconded by Ms. Bethea. The roll was called as follows:

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

AGAINST: None

The Board then discussed the idea of proceeding with any of the hearings scheduled for the evening without the benefit of a Board Attorney. Mr. Shepherd as well as Chairman Thomas both indicated that they would not feel comfortable

HEARINGS:

- **TRUST UNDER ARTICLE 6 u/w/o SIGMUND SOMMER AND LEVIN PROPERTIES, LP / ZBA-19-00015**

Applicant was requesting Site Plan approval for 50 town house units provided in 9 separate buildings with 179 parking spaces at 31 Cedar Grove Lane, Somerset; Block 468.09, Lot 34, in an R-40 Zone. The development previously received a Use Variance approval - **CARRIED TO FEBRUARY 20, 2020 – with no further notification required**

DL – 2/20/2020

Chairman Thomas then announced to the public that all the hearings scheduled for that evening would be postponed to February 6, 2020, because there was no Board Attorney present that evening.

Mr. Linnus, Attorney representing Calvary Baptist Church, indicated that they would be able to attend the and present their case on February 6, 2020.

Mr. Lanfrit, Attorney representing John Sudia and Diamond Investors & Builders for both of their hearings, stated that all Applicants have the same Planner who had a conflict for February 6, 2020 and would not be able to attend that evening. He did ask that all three hearings be carried to February 20, 2020 instead.

- **CALVARY BAPTIST CHURCH / ZBA-19-00005**

Site Plan w/Use Variance in which the Applicant was proposing to construct an addition to the rear portion of the building and expand the existing on-site parking at 5 Franklin Street, Somerset; Block 71, Lots 1.01 & 2, in an R-10 Zone - **CARRIED TO FEBRUARY 6, 2020 – with no further notification required.**

DL – 2/6/2020

- **JOHN SUDIA / ZBA-19-00008**

C Variances in which the Applicant was seeking to construct a 1-story addition to the rear of the house, a covered porch to the front of the house and two large additions to the existing garage at 2024 Amwell Road, Somerset; Block 73.01, Lot 53.01, in an R-40 Zone - **CARRIED TO FEBRUARY 20, 2020 – with no further notification required.**

DL – 3/31/2020

- **DIAMOND INVESTORS & BUILDERS, LLC / ZBA-19-00031**

C Variance in which the Applicant was looking to build a 2-story single family dwelling. The subject property is a corner lot located at the intersection of Market Street and Livingston Street in East Millstone; Block 62, Lot 3, in an R-10 Zone. - **CARRIED TO FEBRUARY 20, 2020 – with no further notification required.**

DL – 3/31/2020

- **DIAMOND INVESTORS & BUILDERS, LLC / ZBA-19-00030**

C Variance in which the Applicant was looking to build a 2-story single family dwelling at 61 Juliet Avenue, Somerset; Block 160, Lot 1.01, in an R-10 Zone - **CARRIED TO FEBRUARY 20, 2020 – with no further notification required.**

DL – 3/31/2020

WORK SESSION/NEW BUSINESS:

There was no work session or new business discussed.

MEETING ADJOURNED:

Mr. Shepherd made a motion to adjourn the meeting at 7:46 p.m. and the motion was seconded. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
February 5, 2020