

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

**REGULAR MEETING
February 6, 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 Chairman Thomas at 7:30 p.m. The Sunshine Law was read, and the roll was called as follows:

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

ABSENT: Laura Graumann, Alan Rich and Joel Reiss

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

REORGANIZATION:

- **Board Attorney Interviews**

Mr. Daniel Lagana, Esq., representing the law firm of Dekotiis, Fitzpatrick, Cole & Giblin, came forward. Mr. Lagana gave his background information, noting that he had experience in land use for many years and represented multiple townships

Mr. Shepherd asked whether Mr. Lagana would be the attorney who would represent the Zoning Board or would other attorneys from his firm also be representing the Board on a rotating basis. Mr. Lagana indicated that he would be the person representing the Board, and if there was a situation where he could not attend a meeting, he would be the one responsible to obtain alternate representation.

Mr. Rosenthal asked Mr. Lagana if there would be any conflicts with representing the Zoning Board, considering that he represented other boards. Mr. Lagana explained that there would be no conflict since the other boards he represented don't meet on Thursday evenings.

Mr. Shepherd made a motion to appoint Mr. Lagana as the Zoning Board Attorney from the firm of Dekotiis, Fitzpatrick, Cole & Giblin. Mr. Rosenthal seconded the motion, and the roll was called as follows:

FOR: Anthony Caldwell, Bruce McCracken, Gary Rosenthal, Robert Shepherd, Cheryl Bethea, Richard Procanik, Kunal Lakhia and Chairman Thomas

AGAINST: None

- **Witness Oath – Director of Planning, Mark Healey**

Mr. Daniel Lagana, Board Attorney, administered the Witness Oath of Office to Mr. Mark Healey, Director of Planning.

MINUTES:

- **Regular Meeting – January 16, 2020**

Mr. McCracken made a motion to approve the Minutes as submitted and was seconded by Mr. Shepherd.

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

AGAINST: None

HEARINGS:

- **URVIM PATEL / ZBA-19-00024**

Applicant was seeking a C Variance to construct a single-family home at 441 Skillman Lane, Somerset; Block 57.0.1, Lot 24.02, in the Agricultural (A) Zone - **CARRIED TO MARCH 5, 2020 – with no further notification required.**

DL - 3/05/2020

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

Mr. Francis P. Linnus, Esq., Attorney, appeared before the Board on behalf of the Applicant, Calvary Baptist Church. Mr. Linnus explained that they were there that evening for a Site Plan w/Use Variance in which the Applicant was proposing to construct an addition to the rear portion of the building with a basement and expand the existing on-site parking at 5 Franklin Street, Somerset; Block 71, Lots 1.01 & 2, in an R-10 Zone - **CARRIED FROM JANUARY 16, 2020 – with no further notification required.**

Mr. Linnus then gave some background information regarding the church, noting that it was originally constructed in approximately 1855. He went on to state that they had appeared before the Zoning Board in 1992, at which time the Board adopted a Resolution acknowledging the church as a pre-existing, non-conforming use. He then described some of the uses on the site that were approved in 1992, including an alteration of the church for classroom use, site changes to provide on-site parking, a lot area variance, size of parking stall variance, a variance for planting screen between the parking area and residential uses, a variance for a 24 ft. wide parking aisle as well as a variance to allow 15 parking spaces. He then added that there were also variances for side yard and rear yard setbacks required for accessory buildings.

Mr. Linnus indicated that they were proposing to construct an addition to the rear portion of the building with a basement and expand the existing on-site parking. He further explained that they wanted to re-organize the parking lot to create a total of 32 parking spaces in two (2) separate parking areas. He reiterated that they were there for Preliminary and Final Site Plan approval as well as Conditional Use Variance approvals for several deviations from the standards. Mr. Linnus then told the Board that before they came before the Zoning Board that evening, they had already been before the Historic Preservation Advisory Commission on three (3) different occasions and was heavily attended by members of the public and worked together to revise the plans to the point where the Historic Preservation Advisory Commission had notified them that the revised plans were acceptable. Mr. Linnus then told the Board that the revised plans that were approved by the Historic Preservation Advisory Commission were the plans that the Zoning Board would be reviewing that evening. Mr. Linnus then spoke about Conditional Use standards for houses of worship, which he indicated was considered an inherently beneficial use. He then spoke about RELUPA – the Religious Land Use Institutional Protection Act – a federal piece of legislation giving protections to houses of worship whereby a town, municipality or board cannot pose an undue burden upon a house of worship to the point where it would interfere with the free exercise of religion.

Mr. Dwayne Muller, Church Administrator, Calvary Baptist Church, 5 Rolling Hills Drive, Somerset, NJ, came forward and was sworn in. Mr. Muller then described the project that they were proposing. He described the changes proposed to the parking lot, the fellowship hall and the classrooms. Mr. Muller then explained the three (3) purposes and/or uses of the classrooms, to include moving the children's classrooms out of the basement under the Sanctuary since the location was not appealing due to the lack of windows and dampness, depending on the weather. He then stated that they wanted more functional rooms for adult Bible studies as well as additional rooms to enable them to potentially offer a wider variety of adult Sunday School classes. Mr. Muller then described the condition of the existing parking lot (mostly stone lot) that had inadequate lighting. He also indicated that street parking was limited and difficult to navigate for people with special needs, i.e., those with babies, small children, carrying a significant load or older adults.

Mr. Muller then discussed tearing down the current non-functional fellowship hall that was attached to the main building and replace it with a new structure that would consist of two stories and a basement. He added that the new structure would have a slightly larger footprint than the original structure, but quickly realized that they would have to utilize some of the additional space for the two (2) stairwells for access to the second floor, increased size of bathrooms to be ADA compliant and a larger kitchen than what existed in the current fellowship hall to be code compliant. Mr. Muller indicated that that was when the decision to include a basement in the new structure was made to be used for fellowship hall overflow and would also serve as a single gathering space; basically, a multi-purpose space. He indicated that they could use the new basement space for a larger classroom space, if necessary, youth activities or games and for storage.

Mr. Muller then went on to describe the intended use for the second floor of the new structure, including classroom space for youth Sunday School classes, potentially a mother's room/children's nursery for younger children only for times when there were church services or other church related activities (Bible study) going on. Mr. Muller then testified that there would be no daycare services provided at the site. He then told the Board that Sunday School was held at 9:30 a.m., with church services currently held at 11:00 a.m.-12:30 a.m.

He noted that the first Sunday of the month they provided lunch after the service for a few hours after the service was concluded. He then told the Board that they had Home Group Bible study on the second and third Sundays of the month, where people met at homes, but sometimes met at the church if there was not a home group near where they lived. Mr. Muller then told the Board that they currently had a family night on some Friday nights where they had a prayer meeting, Bible studies, teen activities and children's activities. There was also a young adult ministry that met on the Friday nights when there were no Family Night activities happening. He added that two Wednesday's of the month they had prayer meetings

Mr. Muller then drew the Board's attention to the reasoning for building a new fellowship hall, noting that not all parishioners were able to stay for the first Sunday of the month lunch that was served after services concluded because there was not enough room for all to do so presently. He added that, currently, the fellowship hall only seated 25% capacity of the sanctuary space and approximately 50% of those who attend on a regular basis.

Mr. Caldwell asked how many members there were currently enrolled at the church. Mr. Muller indicated that there were 101 individual adult members as of January, 2020 that included 60+ member units. He also noted that membership had been stable over the past four (4) years.

Mr. Muller then testified that the proposed renovations did not affect the main sanctuary building or increase the seating capacity there. He added that they did not have any plans to make any changes to the basement of the main building at that time. Mr. Muller stated that they might utilize the basement space of the main building for any new classes they might add in the future, i.e., marriage classes, adult Bible study classes, etc.

Mr. Muller indicated that it was church policy not to rent any of the facilities other organizations or to people who are not church members. He noted that some of the activities held at the church besides Sunday services, Bible study or prayer groups, youth ministry, etc., would be weddings, funerals, bridal/baby showers. Mr. Muller then told the Board that the Sunday morning service would be the largest of all the events held at the church.

Mr. Muller then discussed the access in the parking lot to the dumpster area. He noted that the parking lot would-be full-on Sundays, but empty during the week during the daytime hours.

Mr. Muller then testified that Calvary Baptist Church purchased the building in 1975 and placed a sign on Amwell Road, close to that same time period. Pastor Bobbi came to the church in 1985 and has been the Pastor there for the longest timeframe. Mr. Linnus marked into evidence as Exhibit A-1, a photograph of the church sign which was placed in 1975 for Calvary Baptist Church and passed out a copy to each Board member. Mr. Muller noted that the sign depicted in Exhibit A-1 was destroyed in a bad storm in 2006 when a tree fell upon it. He further stated that Pastor Bobbi met with the Historic Commission in the Spring of 2006, and Mr. Linnus entered into the record as Exhibit A-2 a set of minutes from the Historic Commission meeting where a discussion was held on May 4, 2006 and distributed copies to each Board member. Mr. Muller indicated that, according to the minutes, the Historic Commission gave Pastor Bobbi verbal approval for the new sign based upon the plans brought to that meeting. Mr. Linnus then entered into the record as Exhibit A-3, which was a photograph of the new sign that had been approved and distributed copies to the Board

members as well. Mr. Muller testified that the new sign was put up in 2006 in the same location as the original sign. At the time that the new sign was placed on the property, Mr. Muller indicated that Pastor Bobbi did not know that a permit was required from the Township and thought that the Historic Commission's approval was sufficient. Mr. Linnus then marked into evidence as Exhibit A-4 showing a photograph of a newer sign that had been placed in 2017, with copies distributed to the Board members as well. He noted that the 2017 sign was to replace the sign face to fit the existing columns and was a more fitting sign for the East Millstone area than the previous one. Mr. Muller then testified that the sign did not block the sight triangle.

Mr. Muller then discussed the parking situation on the site, noting that, historically, there had been an issue with parking on the site. He told the Board that they investigated additional parking locations and had spoken with a neighbor across the street about the possible purchase of a grass lot that the neighbor owned. Since the neighbor did not want to sell the grass lot separate from his other property and because it would not be feasible for the church to purchase the entire property, they did not come to any sale agreement. Mr. Muller indicated that a secondary possibility was a parcel across Amwell Road where the firehouse was located, but dismissed that idea due to the traffic on Amwell Road and the fact that the firehouse parking lot was not right in front of the church parsonage and was not served by any sidewalks along Amwell Rd. Finally, Mr. Muller testified that should the improvements proposed be approved, that the parishioners would be able to more fully and adequately practice their religion on-site.

Mr. Rosenthal then asked about any comments from the Fire Prevention Manager since he did not see a report from Mr. Hauss. Mr. Shepherd as well as Mr. Linnus both indicated that a report was generated from Mr. Hauss, dated 1/2/2020, indicated that he had no objection to the project.

Chairman Thomas then opened a discussion regarding how well the Applicant perceived the proposed parking being able to accommodate the largest gathering, presumably the Sunday service as testified to. Mr. Muller indicated that they would still have to access the street for parking for Sunday services as they currently do. He added that the parking, although being increased, would still not accommodate all parishioners for a Sunday service, but would accommodate parishioners with special needs, as indicated earlier, and create a more organized and better functioning site.

Mr. Healey then asked how many cars were observed parking on the site and how many cars were parking on the street currently on a typical Sunday. Mr. Muller testified that he had not personally made that accounting, nor did he know of anyone related to the church who had done so either. Mr. Healey then discussed the fact that he didn't believe the sign for the church ever received any zoning approvals over the years because it would have required some variance approvals. Mr. Healey discussed the requirements for signs in the zone, noting that the maximum size was 25 sq. ft. in size, 10 ft. for the maximum height required and 25 ft. was required for the setback. Mr. Linnus then indicated that they would be amending their Application to include variance approval requests. Mr. Healey then stated that the current church sign was in a road widening easement and could become a problem should Somerset County acquire that easement to widen the roadway there.

Mr. Steve Parker, Engineer and Planner, Somerville, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Parker stated that the road widening easement has been in place since the 1992 application and was requested by Somerset County at that time. Mr. Parker then told the Board that the current Application had been submitted to the County for review and had yet received any comments about the sign from them. He testified that should road widening need to occur in the future, the sign would have to be moved.

Mr. Shepherd asked if there would be any negative effect upon the parishioners in their ability to practice their religion at the site should the Application not be approved. Mr. Muller stated that there would be a negative effect in that there are currently parishioners who were unable to stay for fellowship after services because of lack of space. He added that they have a men's ministry that met on Friday nights and were bursting at the seams for space because they also have Family Night that needs space. He indicated that the Sunday School rooms were also too small for the number of students attending currently and there were several grades that were combined because of space restraints. Mr. Muller then stated that there would be no possibility to include a variety of ministries without the additional space as well. In answer to Mr. Shepherd's question regarding what activities took place in the stand alone building in the rear of the property, Mr. Muller indicated that the stand-alone building in the rear of the property contained the pastor's office on the second floor and the bottom floor contained the church administrator's office and a small conference room.

Chairman Thomas then opened a discussion regarding any potential growth in the church, especially with people who currently attend the church, but were not yet members. He then asked if there had been any thought to have two (2) services to split the crowd to better accommodate for parking need. A discussion ensued, and Mr. Muller stated that they would be open to including a second service to accommodate for parking needs, if necessary, in the future.

Chairman Thomas then opened the meeting to the public.

Ms. Patricia Love, 393 Canal Road, East Millstone, NJ, came forward. Ms. Love asked what the actual capacity of people that could be accommodated in the sanctuary. Mr. Muller first stated that because of a center bar down the middle of the pews, as was the practice at the time the church was built (approx. 1855), the actual number that could be accommodated would be much less than the 200 stated capacity. He then noted that the fellowship hall has about 5 round tables with 8 chairs each, for a total capacity of 40 people that could be accommodated plus some stand-up tables that did not have seating. He then testified that the hall could not accommodate more than 50 people without being very crowded. A discussion ensued.

Ms. Barbara Tenbroeke, neighbor to the east of the church at 2346 Amwell Road, East Millstone, NJ, came forward. Ms. Tenbroeke stated that the stand alone building in the rear used to be a garage and was converted to office space. She wondered whether any permits were taken out and if the building was up to code for the use. Mr. Muller indicated that when he came to be the church administrator in 1995, the building already existed as an office structure, so he could not answer Ms. Tenbroeke's question.

Ms. Robin Scudder, 43 Livingston Avenue, East Millstone, NJ, came forward. Ms. Scudder stated that the recent meetings with the Historic Commission seemed to highlight flooding in

the basement as the need to move the classrooms upstairs. She added that the testimony given at those meetings was that they were not going to use the basement area because it flooded at times. Mr. Muller explained that the basement did flood in a recent heavy rain event and for half a year were without the use of the basement. Since that time, he indicated that they had gotten a generator and several sump pumps and dehumidifiers for the basement space.

Mr. Brian Taylor, Architect, 95 Watchung Avenue, North Plainfield, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Linnus asked Mr. Taylor to discuss the basic square footage of the addition that was being proposed, and Mr. Taylor indicated that the measurements were 1,122 sq. ft. for the footprint of the addition, with a 2,680 sq. ft. second floor. He noted that the difference between the size of the current one-floor fellowship hall (1,191 sq. ft.) and the newly proposed two-story fellowship hall was 350 sq. ft. He noted the differences by stating that some of the additional space in the newly proposed addition was being used to accommodate a larger kitchen, two (2) stairwells and two (2) ADA compliant bathrooms in the basement as well as on the first and second floors which were larger than the existing bathrooms. Mr. Taylor then testified that the plans that were presented to the Historic Commission were also the plans that were being presented that evening to the Board and public.

Mr. Taylor reviewed the existing floor plans (A001 of the plan set) that also showed the basement and crawl space areas of the fellowship hall as well as the sanctuary building. Mr. Taylor then showed the Board an exhibit of the existing building elevations (A002 of the plan set). Mr. Taylor then entered into the record Exhibit A-5, which were photos of the existing conditions of the church building. He noted that the original steeple was damaged during a storm in the late 1960's and what remained was a base to the steeple that had a flat roof. Mr. Taylor then showed a drawing of the proposed floor plans (A102 of the plan set), pointing out the various components, including the proposed six (6) classrooms, two stairwells and two additional bathrooms on each floor. He then drew the Board's attention to drawing A101 of the plan set showing a depiction of the proposed basement area that included the two (2) stairwells, two (2) bathrooms with some storage area as well as a large open space for overflow for the fellowship hall (approximately 2,000 sq. ft.). Mr. Taylor then drew the Board's attention to drawing A104 of the plan set showing the proposed exterior elevations and entered into the record as Exhibit A-6. He showed the Board how they would tie in the existing cornice at the top of the existing church building with the new edition to create some consistency. He then showed the Board a 3D rendering of the proposed to show the volume of the building. Mr. Taylor then discussed the finishes that would be used on the addition that were presented and approved by the Historic Commission. He then showed the existing steeple base on the church building, noting that the Historic Commission suggested that they finish off the steeple by adding a pediment to the top. In doing so, Mr. Taylor stated that they were increasing the height of the church building from 51 ft. 8 inches to 56 ft. 8 inches.

Mr. Healey then asked for clarification for the height of the building at the ridgeline to get the record straight and assuming that the addition would be following the same ridgeline as testified to by Mr. Taylor. Mr. Taylor concurred and confirmed the height of the building at the ridgeline was 46 ft. 9 inches, which they required a variance to continue the same height as the existing church building. Mr. Healey indicated that steeple's on houses of worship were exempt from the height requirements.

Mr. Procanik asked what the net increase of the common space would be for the fellowship hall. Mr. Taylor stated that the fellowship hall would be increasing by 353 sq. ft., going from 1,091 sq. ft. to 1,444 sq. ft. A discussion ensued regarding the difference in the square footage of the new classrooms compared to the existing classrooms, utilizing drawing A101 and A102. Mr. Taylor indicated he did not have exact measurements but would approximate the difference by saying the newly proposed classrooms were 1.5 times larger than the existing classrooms.

Mr. Lakhia opened a discussion regarding how many parishioners would be able to occupy the new fellowship hall space. Mr. Taylor indicated that doing the math utilizing 15 sq. ft. per so, the allowable occupancy would be 100 people which matched what the Mr. Muller testified was about the number of current parishioners.

Board Attorney, Mr. Lagana, asked Mr. Taylor to show how he would be matching the existing exterior materials to the new addition. Mr. Taylor indicated that they would be using a hardy plank clapboard siding which was going to be the same height and the same color as the existing white aluminum siding on the existing church building. He also indicated that all the trim would be made from the same hardy board material and the windows would match the look of the existing windows. He added that the columns on the addition would be made from a permacast material similar to the columns on the church building. He noted that the GAF Timberline roofing material would be replaced over the entire roofline to create consistency. Mr. Taylor indicated that the doors for the new fellowship hall would be white and matched to the building using materials and styles approved by the Historic Commission.

Chairman Thomas then opened the meeting to the public for questions of Mr. Taylor, the Architect.

Mr. Greg Gilfeather, 393 Canal Road, East Millstone, NJ, came forward. Mr. Gilfeather asked what the change in occupancy from the existing fellowship hall to the proposed fellowship hall. Doing the math, Mr. Taylor indicated that the existing fellowship hall would probably hold 70+ people from a building code perspective.

Mr. Jeff Bertelsen, 15 Franklin Street, East Millstone, NJ, came forward. Mr. Bertelsen was concerned about flooding in the area and wondered why they would include a basement in the new addition. Mr. Taylor explained that they wanted additional space and that they could incorporate storm water and drainage measures to mitigate any flooding.

Ms. Barbara Kissell, 33 William Street, East Millstone, NJ, came forward. Ms. Kissell was asking why the new addition was being built so large and Mr. Taylor entered a discussion based upon what the church wanted to use the space for.

Ms. Barbara Tenbroeke, 2346 Amwell Road, East Millstone, NJ, came forward. Ms. Tenbroeke asked why they were putting children, 5 years and younger, on a second floor when building code dictates that they be on a first floor with access and egress. Mr. Healey indicated that Mr. Taylor was testifying as an architect that the plans comply with building code and that should the Application be approved, permits need to be obtained from the sub codes, including fire prevention.

Mr. Caleb Dagnal, 222 Carleton Club Drive, Piscataway, NJ, came forward. Mr. Dagnal asked Mr. Taylor questions regarding the handicap ramp and if it were included in the first-floor square footage. Mr. Taylor answered in the negative. Mr. Dagnal then asked if any of the walls for the second-floor classrooms would be moveable to increase the space in a classroom. Mr. Taylor indicated that as of right now, the walls would be typical stud walls with drywall, but would probably not be load-bearing walls.

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

Mr. Steve Parker, Engineer and Planner, Somerville, NJ, came forward and continued to be sworn in. His qualifications were already accepted by the Board. Mr. Parker proceeded to speak about existing features and the Site Plan. He spoke about expanding the parking areas and installing a storm water management system to include dry wells and including some lighting, as required by the ordinance, in the new parking areas as well as lighting and additional landscaping. He noted that three (3) trees would be removed from the property, but that they were planning on providing supplemental trees on the site.

Mr. Parker then addressed the comments of CME's Engineering report, dated December 10, 2019. Mr. Parker indicated that they could comply with all the comments in the letter but wanted to discuss a few points. He referred the Board to comment #11 regarding parking aisle widths varying from 24' to 26', and Mr. Parker indicated that that was one of the variances/waivers that they were requesting as part of the Application. He indicated that they didn't have room on the site to provide a 26' wide aisle on the site where there was a 24' wide aisle provided between the church and the residence. He then drew the Board's attention to comment #12 regarding the requirement for a 15' wide interior driveway aisle to the south of the main structure, where they were only providing a 12' wide driveway and were requesting a waiver. Mr. Parker then drew the Board's attention to comment #15, which spoke to light levels in the parking lots. He indicated that there would be five (5) pole-mounted lights and four (4) building-mounted lights in the parking lot and drive aisles. He noted that the lighting would exceed the acceptable 0.0 foot-candles along the south side of the main structure in the 12 ft. wide drive aisle that was previously discussed. He noted that they were providing light in accordance with the ordinance as well as providing a type of light (shoebox-type fixture) on the building that directed the light downward rather than broadcast it outward. Mr. Parker indicated that they were doing what they could, to the extent it was possible, to minimize the light spillage. He then noted that the Historic Commission asked that the pole mounted lights between the house and the main structure be of an architectural nature because they preferred the look of them. He told the Board that the style of light that they were proposing was on Sheet 6 in the plan and would be requesting a variance from item #15 in the Engineer's report. A discussion ensued among the Board.

Mr. Healey asked how high the lights would be mounted along the south side of the structure, and Mr. Parker stated that they would be mounted at 15 ft. They discussed other options, and Mr. Parker felt that the building-mounted lights would be a better option.

Mr. Parker then addressed comment #19 in the Engineer's report and stated that the dumpster would be accessed during the weekday when no one would be parking in the affected parking spaces.

Mr. Parker then addressed Mr. Healey's December 19, 2019 Planning report by discussing the seven (7) D-3 variances and four (4) C variances listed in the report.

D-3 Variances

- **Building Height** – 35 ft. maximum permitted, 42 ft. proposed

Mr. Parker brought up the building height as something that had already been discussed by Mr. Taylor, the architect and felt that there would be no detriment to matching the height of the existing building.

- **Off-Street Parking** – Roughly 345 spaces minimum required – 33 spaces proposed

Mr. Parker discussed that 33 spaces was what they could comfortably accommodate on the site. He then discussed the unusual shape of the property.

- **Parking Location** – The majority of the parking shall be located to the rear of the main structure, with no more than 10% of the total parking located at the front entrance – a few proposed spaces located closer to the road than the main building.

Mr. Parker indicated that 20 parking stalls were proposed for the side of the structure, with 13 proposed for the rear of the structure, noting that they could not fit any more than 13 parking stalls to the rear of the structure based on the shape of the property and the located of the main building on the site..

- **Parking Setback** – No parking or access driveways shall be permitted within any required buffer area (15 ft. minimum) – Approximately 1-ft. parking lot setback proposed.
- **Landscape Buffers** – Buffering, landscaping and/or fencing shall be required where any yard is adjacent to a residential zone or residence (15 ft. minimum) – Approximately 1 ft. parking lot setback proposed with no buffer landscaping proposed and unclear extend of proposed fencing.

Mr. Parker explained that they did not have the room on the site to provide more than a 1 ft. setback to provide a buffer; however, they planned to provide a 6 ft. board on board fence right along the parking area. A discussion ensued with Mr. Healey, with his suggestion of amending the detail on the plans to show a full board on board fence as well as adding some evergreen trees on the site in lieu of the double staggered row of evergreens that should be provided in the buffer area. He explained to the Board that it would both meet the tree replacement requirement as well as meeting the buffering requirement to the extent that they can. A discussion ensued among the Board regarding enforcement of the aforementioned requirements. Mr. Linnus indicated that they would agree to a condition, subject to Mr. Healey's reasonable satisfaction as well as submitting an updated Landscaping Plan.

- **Lighting** – Lighting shall not exceed 0.0 foot-candles beyond the property line zoned or used for residential purposes – proposed lighting will exceed 0.0 foot-candles.

C Variances

- **Interior Driveways** – Interior driveways shall be at least 26 ft. wide where used with ninety-degree angle parking – 24 ft. proposed.

A discussion ensued regarding the sign variance, and Mr. Healey suggested that if the Board was inclined to approve the Application, the Resolution could include something to the effect that the locations, height and size of the existing sign as indicated in Exhibit A-1 through A-4. He also added that the Applicant stated that they did not obtain permits for the sign so they would have to do that and be reflective of what currently existed on the site. Mr. Parker indicated that the sign face was just under 20 sq. ft. (just under 4 ft. x 4 ft. roughly) with the pillars at 8 ft tall. They then discussed the dimensions of the sign setback that were listed on the Site Plan. Mr. Parker indicated that the dimension of the sign from Amwell Rd. was approximately 2 ft. and the dimension from Franklin Street was about 1 ft.

Mr. Parker then discussed the Conditional Use Variances, covering both the positive and negative criteria. He testified that he felt the site continued to be suitable for the use despite the deviations from the standards.

Mr. Parker then addressed the other reports included in the review, stating that they agree to comply with the comments in the Traffic Safety Bureau report, the Health Dept. report, and the Environmental Commission memorandum. A discussion ensued with Mr. Shepherd regarding the requirement of the Environmental Commission to use pervious pavement, and Mr. Parker indicated that parts of the parking lot would have pervious pavement and other portions would have impervious pavement and would meet the requirement for water infiltration and water treatment that was also a requirement of the Delaware & Raritan Canal Commission (DRCC). Additionally, Mr. Parker addressed the comments of the Franklin Township Sewerage Authority, noting that they were not creating any new sanitary sewer connections, so nothing in the report applied to the Application. It was noted that the Fire Prevention report and Public Works report noted that they had no comments on the project.

Mr. Healey then asked Mr. Parker what the cartway width was of Franklin Street. Mr. Parker indicated that Franklin Street was 22 ft. wide.

Chairman Thomas then opened the meeting to the public for questions of Mr. Parker, the Engineer/Planner.

Mr. Jeff Bertelsen, 15 Franklin Street, East Millstone, NJ, came forward. Mr. Bertelsen then questioned Mr. Parker regarding “pervious” pavement and what that meant. Mr. Bertelsen indicated his concern for the flooding of his property to worsen as a result of the proposed addition. Mr. Parker then explained the storm water management system that would be included, with the addition of drywells on the property to mitigate any flooding potential. A discussion ensued among the Board and Applicant.

Ms. Barbara Tenbroeke, 2346 Amwell Road, East Millstone, NJ, came forward. Ms. Tenbroeke then expressed her concern regarding distrust of Engineers and her concern for flooding. She reiterated Mr. Bertelsen’s concern for what the residents’ recourse should the proposal cause additional flooding.

Ms. Barbara Kissell, 33 William Street, East Millstone, NJ, came forward. Ms. Kissell wanted more information regarding the buffer requirement. Mr. Healey indicated that there were portions of the buffer that were only 1 ft. wide and other areas that were as large as 25 ft.

Mr. Greg Gilfeather, 393 Canal Road, East Millstone, NJ, came forward. Mr. Gilfeather asked what the runoff was from the newly proposed parking lot near the residential property. A discussion ensued with Mr. Parker regarding the mitigations that would be put in place to address the runoff.

Ms. Patricia Love, 393 Canal Road, East Millstone, NJ, came forward. Ms. Love asked for some clarification regarding where the water presently runs to from the property and the conditions that would occur as a result of the proposal. A discussion ensued with Mr. Parker.

Mr. Dave Scudder, 43 Livingston Avenue, East Millstone, NJ, came forward. Mr. Scudder asked for clarification regarding the Landscaping Plan. Mr. Shepherd gave Mr. Scudder information that would be included in any Resolution regarding what the Board required regarding the Landscaping Plan. Mr. Scudder asked Mr. Healey if the Applicant could provide some larger trees on either side of the entrance driveway on Franklin Street. A discussion ensued regarding the type of trees to be planted.

Seeing no one further coming forward, the Chairman closed the meeting to the public.

Board Attorney, Mr. Lagana, asked Mr. Parker if the existing detached classroom building be connected to the storm water management system, and Mr. Parker answered in the negative. He explained that the building was too far away to get the runoff into the collection system. Mr. Lagana asked if it would be possible to put a dry well in the rear of the property to collect the runoff there, and Mr. Parker stated that they would have to look into that possibility. Mr. Lagana then asked why the location near Franklin Street was chosen to include pervious pavement. Mr. Parker explained that the area in question was where the property drained to so that they would be able to provide the water quality treatment that was required. He added that they might be able to put some pervious pavement near the south side of the property to supplement in that area and agreed to submit that to the Engineering Dept.

Ms. Elizabeth Dolan, Traffic Engineer and Principal of Dolan & Dean Consulting Engineers, 181 West High Street, Somerville, NJ. The Board accepted her qualifications. Ms. Dolan indicated that she believed the site circulation was adequate and satisfactory, indicating that the 12 ft. wide one-way entrance drive and 24 ft. drive aisle width were both satisfactory and appropriate and was a standard design dimension for a two-way aisle, but was proposed as a one-way aisle. More importantly, Ms. Dolan indicated that it allowed for proper movement in and out of parking spaces on either side of the drive aisle. She then stated that by increasing the number of parking stalls on-site, it created a better on-site circulation plan that what currently existed. Ms. Dolan added that the proposal met the dimensional requirements and allows for a safe and efficient maneuverability and parking maneuvers. She then referred to a brief memorandum, dated May 21, 2019 and reviewed her findings. Ms. Dolan indicated that she had observed the operations of the church in 2017 and revisited the site in 9/2019 to observe the operations that currently existed on the site since the Applicant stated that nothing had changed since her first review. Ms. Dolan testified that they had observed a total of 59 parking spaces, both on-site and off-site for the Sunday peak hours. With the proposal, she indicated that they still would not fit everyone on-site, but there would be less off-site

demand for parking. She told the Board and public that the parking and site circulation proposal was more organized and more efficient. Ms. Dolan then spoke to the parking variance that was being requested. She reviewed the parking requirements for all the available spaces on the site, assuming that they would be utilized simultaneously, which was where the requirement for the 345 parking spaces came from. In the Applicant's testimony, however, Ms. Dolan reiterated Mr. Muller's testimony that not all the spaces would be used simultaneously. She indicated that the calculations for parking requirements based on the Sanctuary calculations, utilizing the Institute of Traffic Engineers (ITE) methodology was approximately 69 parking spaces. Ms. Dolan added that that number correlated with the 59 parking spaces utilized during their observations of the use.

Chairman Thomas then opened the meeting to the public for questions of the Traffic Engineer.

Mr. Greg Gilfeather, 393 Canal Road, East Millstone, NJ, came forward. Mr. Gilfeather asked for clarification regarding whether Ms. Dolan felt there would be adequate space for cars to pull out into the drive aisle near the peninsula area, and Ms. Dolan indicated that the 26 ft. drive aisle would be more than adequate.

Mr. Jeff Bertelsen, 15 Franklin Street, East Millstone, NJ, came forward. Mr. Bertelsen asked whether curbing would be placed near the peninsula parking to prevent cars from driving into the fence there. Ms. Dolan stated that she didn't believe that curbing was going to be proposed. She indicated, by way of confirmation from the Engineer, that wheel stops were being proposed at the head of each parking stall.

Chairman Thomas then made a motion to close the meeting to the public for questioning.

Mr. Jeff Bertelsen, 15 Franklin Street, East Millstone, NJ, came forward and was sworn in. Mr. Bertelsen asked if they could increase the amount of pervious material that would be placed upon the subject property to reduce his concerns for flooding.

Ms. Cheryl Frue, 434 Trident Street, Piscataway, NJ, came forward and was sworn in. Ms. Frue indicated that she was a 20-year member of the Calvary Community Church. She added that she was a counselor at the church providing people in the community with counseling services at a much-reduced rate than what could be obtained elsewhere. She wanted everyone to know that the church wants to be a good neighbor to everyone, and that she was very excited about the prospect of having a new kitchen with water pipes that would be housed within a full basement so that they did not have to deal with frozen pipes and gushing water.

Ms. Barbara Tenbroeke, 2346 Amwell Road, East Millstone, NJ, came forward and was sworn in. Ms. Tenbroeke stated that she felt that the proposal was an overdevelopment for the site of the property and was very concerned regarding additional flooding. She also indicated that she felt that the parking situation was still very much unresolved even with the addition of parking spaces and was not happy with the light spillage that would occur.

Mr. Dave Scudder, 43 Livingston Avenue, East Millstone, NJ, came forward and was sworn in. Mr. Scudder asked the Board to do the best they can in order to accommodate the church as well as the neighbors.

Mr. Mark Twombly, 41 Magnolia Road, Somerset, NJ, came forward and was sworn in. Mr. Twombly gave the Board and public the positives regarding the church since he and his family have been parishioners for the past year.

Mr. Greg Gilfeather, 393 Canal Road, East Millstone, NJ, came forward and was sworn in. Mr. Gilfeather gave his opinion regarding the parking situation on the site, even with the addition of parking spaces. He also encouraged the Board to have the Applicant include as much pervious surface in the parking area as possible.

Ms. Barbara Kissell, 33 William Street, East Millstone, NJ, came forward and was sworn in. Ms. Kissell asked the Board if they would consider not allowing them to put parking behind the house as it would change the way the adjacent resident would live.

Seeing non one further coming forward, Chairman Thomas then closed the meeting to the public.

Mr. Linnus then made his closing statements before the Board. He spoke about the parking, noting that what they were proposing would not solve the entire parking issue, but that it would organize the parking and on-site circulation and give better access to the church for persons with special needs, i.e., handicapped persons, persons with infants and small children and the elderly. He then spoke about the storm water management systems they were putting in place as well as additional landscaping and buffering to mitigate any water runoff concerns there might be. He also reminded the Board that what was proposed would increase the functionality of the church as well as bring certain areas up to code.

The Board entered into discussions regarding the Application.

Mr. Healey indicated that pervious pavement had been brought up to be used on the site, but that if the soils were not of the right kind in that area, it would not work. He suggested that the Applicant's engineer should meet with the Township Engineer to see if there were ways to limit the potential runoff onto Lot 1.02. Chairman Thomas then spoke about including as much pervious pavement on the site as possible.

Mr. Shepherd made a motion to approve the Application, with D-3 Variances and C-Variances, as well as the Site Plan with the following additional variances, waivers and conditions: waivers set forth in #11 and #12 in the Engineer's report, setback variances for the sign at the intersection of Amwell Rd. and Franklin Street, the church and other spaces to be used only for church-related activities, that there would be no daycare operation run out of the church facilities except for the time of services and that the facilities not be rented to anyone who was not a member. Additionally, where the driveway materials were concerned, the Applicant's engineer would work with the Township Engineer to identify all possible ways to further reduce the likelihood of excessive run-off, including adding additional pervious pavement materials and exploring the idea of an additional dry well at the back of the building to catch the run-off from the addition, that the landscaping include a solid, board on board fence and where possible that landscaping be included on the site with the plan to be submitted to Mark Healey, Planning Director, for final approval with the input of Mr. David Scudder to add any further suggestions. Mr. McCracken seconded the motion, and the roll was called as follows:

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

AGAINST: None

WORK SESSION/NEW BUSINESS:

There was no work session or new business discussed.

MEETING ADJOURNED:

Chairman Thomas made a motion to adjourn the meeting at 11:00 p.m. and the motion was seconded. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
February 29, 2020