

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

**REGULAR MEETING
March 5, 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, Laura Graumann, Bruce McCracken, Gary Rosenthal, Robert Shepherd, Cheryl Bethea, Richard Procanik, and Chairman Thomas

ABSENT: Alan Rich, Joel Reiss and Kunal Lakhia

ALSO PRESENT: Daniel Lagana, Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning & Zoning Secretary

RESOLUTIONS:

- **Maddalena Rubino / ZBA-19-00038**

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

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

AGAINST: None

- **Tabatchnick Fine Foods, Inc. / ZBA-15-00018**

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

FOR: Vice Chair Graumann, Mr. Rosenthal, Mr. Shepherd and Chairman Thomas

AGAINST: None

- **Rental House, LLC / ZBA-19-00032**

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

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

AGAINST: None

- **Demond Barber & Alina Newton / ZBA-19-00033**

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

FOR: Vice Chair Graumann, Mr. McCracken, Mr. Rosenthal, Ms. Bethea 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 57.01, Lot 24.02, in the Agricultural (A) Zone - **CARRIED TO APRIL 2, 2020 – with no further notification required.**

DL 04/02/2020

- **SAI DATTA MANDIR, INC / ZBA-19-00037**

Applicant was seeking a D(3) Conditional Use, C Variances and Site Plan to construct a 28,400 sq. ft. place of worship at 583 South Middlebush Road, Somerset; Block 36.01, Lot 6.03, in the Agricultural (A) Zone - **CARRIED TO MAY 21, 2020 – with no further notification required.**

DL - 5/31/2020

- **FRANKLIN FOOD BANK / ZBA-19-00035**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Franklin Food Bank. He indicated that the Applicant was requesting a Temporary Use Permit for a temporary parking area for workers at 224 Churchill Avenue, Somerset; Block 95, Lot 2.03, in an M-2 Zone.

Mr. Frank Hasner, Executive Director of the Franklin Food Bank, 224 Churchill Avenue, Somerset, NJ, came forward and was sworn in. Mr. Hasner indicated that the Food Bank was a tenant at the above-named address for one (1) year on a five (5) year lease, with the option to terminate the tenancy, with 60 . He then explained to the Board that in addition to the building that they occupy, there was also a parking lot in the rear of the building. Mr. Hasner added that they added a gravel parking area in the front of the building a few months after they leased the building. Mr. Lanfrit indicated that he had a package of four (4) photographs that he wanted to enter into the record as Exhibit A-1, and accurately depict a normal day of operation at the Food Bank. Mr. Hasner indicated that the first picture in the packet depicted the graveled area that they were seeking the Temporary Use Permit for and then stated that the bottom picture on the second page of the packet also showed the graveled area, but was taken from a different angle and showed the access easement for the back of the building, the new driveway entrance off the access easement driveway. He noted that the first photograph on the second page of the packet showed the parking area that was present when they first occupied the building. Mr. Hasner then explained to the Board why they needed the additional parking, noting that they moved to that location in order to distribute over 2 million pounds of food to Franklin residents and needed more warehouse space to store it. He also told the Board that they had changed their operations to “client choice” and pick out what they wanted from the food that was available, based on point allocations, and could come every day to shop for food if they wanted. Mr. Hasner indicated that they wanted to allocate the existing parking for clients and needed to have parking available for staff and volunteers since the area near the easement was too close to the construction happening next door at this time. Mr. Hasner indicated that he realized that he should have gotten Site Plan approval for the gravel parking area, but since it was going to be temporary, he indicated they were there before the Board to obtain a Temporary Use Permit. He told the Board that he hoped that when the construction was completed next door, that they would be able to use the parking area near the easement again for employees and volunteers, alleviating the problem. He then discussed the new point of service computer system for clients to scan their items, which would also give people the ability to purchase items online and just come and pick up their order and wouldn't be in the parking lot for long. He added that they were also trying to be able to serve the southern portion of the Township better. Mr. Hasner testified that if these things did not alleviate the parking situation, they would apply for a Site Plan approval to make the front, graveled parking lot permanent. A discussion ensued among the Board.

Vice Chair Graumann inquired as to how many cars would need to be accommodated in the graveled parking area. Mr. Hasner indicated that there would be five (5) cars, and occasionally seven (7) might need to use that space at one time. A discussion ensued. Mr. Hasner agreed that they could put signage on the gravel parking area to show that that parking area was for employees only.

Mr. Hasner then addressed a question regarding client services, noting that they were open for clients from 10 a.m. – 2 p.m. (Monday-Wednesday), 10 a.m. – 7:00 p.m. on Thursdays

and 10 a.m. – 12:00 p.m. on Saturdays. He then told the Board that there was one (1) spotlight on the building that shone down upon the graveled parking area now, which he felt was adequate.

Mr. Hasner then addressed a comment in the Technical Review Committee (TRC) report, indicated that they called the landlord of the building who then promptly turned off the water line.

Mr. Lanfrit clarified for Mr. Healey, Director of Planning, that they were requesting a six (6)-month Temporary Use Permit to use the graveled area for employee parking.

Chairman Thomas then indicated that there was no public present, so they did not have to open the meeting to the public.

Vice Chair Graumann made a motion to approve the Temporary Use Permit for a six (6) month period of time, with the conditions discussed regarding the limitations of only seven (7) vehicles allowed and that there be signage indicating that the parking area was for employees only. Additionally, that the Applicant would have to utilize the employee parking area as shown on the photos in Exhibit A-1. Ms. Bethea seconded the motion and the roll was called as follows:

FOR: Mr. Caldwell, Vice Chair Graumann, Mr. McCracken, Mr. Rosenthal, Mr. Shepherd, Ms. Bethea and Chairman Thomas

AGAINST: None

Mr. Lanfrit then asked for a 2-minute break, which the Chairman agreed to. The meeting resumed after the break.

- **ALLESHA JADDU / ZBA-19-00044**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Allesha Jaddu. He indicated that the subject of the hearing was an Application for Certification of Pre-Existing, Non-Conforming Use “to continue to use the existing two-family home as a two-family home” at 820 Hamilton Street, Somerset; Block 145, Lots 15 & 16, in the HBD Zone.

Mr. Lanfrit indicated that his client purchased the subject property, was going to rehab it and then ran into an issue with the Building Dept. which indicated that it may not have been a two-family dwelling, which stopped the construction. He told the Board that they were there to get a Certification of Pre-Existing, Non-Conforming Use and that the HBD zoning district where the property was located did not allow two-family homes and that homes were required to have 10,000 sq. ft. where they only have 5,000 sq. ft.

Mr. Rikki Jaddu, Applicant, came forward and was sworn in. He indicated that the property was in his wife’s name, Allesha Jaddu, who was seated next to him that evening. He told the Board that he purchased the property in October of 2019, however, he indicated that the

property had been purchased by the previous owner in a foreclosure. Mr. Jaddu indicated that his realtor went to the Township prior to the October, 2019 purchase to make sure there were no violations or other issues with the property. He then told the Board that they found out from the Township that the home was listed as a two (2)-family home and was given the tax amount for the home. He then explained to the Board that when entering the home, it appeared to be set up as a two-family home based upon how many electrical meters and gas meters as well as having two kitchens and a separate entrance for both apartments. Mr. Jaddu then described what rooms were in the home on each floor when he purchased it, noting the locations of the entrances to each unit. He indicated that he applied for the building permit before demolition began and was told by the Building Dept. that they could commence demolition and replace the roof because of the condition of the roof. Mr. Jaddu stated that after three weeks after demolition started, they still did not have their building permit, so they went back to the Township and were told that a letter had gone out telling them the home was not a two (2)-family house and all construction ceased.

Mr. Lanfrit then entered into the record as Exhibit A-1, a series of photographs of the home and handed out copies to the Board members.

In the meantime, Mr. Healey spoke with Mr. Jaddu to determine what information was given to him, through his realtor, regarding whether the home was a legal two (2)-family home or not. A discussion ensued, and Mr. Lanfrit stated that the Township's Tax Assessor's office does not give a legal opinion.

Mr. Jaddu then described what was shown in the photos in Exhibit A-1, including the two electrical meters, two breaker boxes and second floor bathroom and second floor kitchen sewer line stack that remained after demolition. He indicated that he has been a builder for 15 years and mainly does rehab work on older homes. He answered Mr. Shepherd's question regarding whether he could tell how old the meters were, and Mr. Jaddu indicated that they appeared to be original to the house due to the house paint on them. Finally, he testified that the rest of the home was consistent with building construction prior to 1959.

Mr. Lanfrit stated that recorded in the Somerset County Clerk's office in D Book 813, pg. 395 was an agreement of sale of the subject property, dated November 7, 1953, and including items such as blinds, storm windows, screens, storm doors, two (2) electric ranges, fireplaces, cabinets, both kitchens, barbecue grill and other things. He then entered the document into evidence as Exhibit A-2.

Mr. Rosenthal then opened a discussion regarding the September 25, 2019 survey included in the paperwork submitted to the Township. Mr. Lanfrit indicated that the survey was obtained by the Applicant at the time of purchase of the property that showed the existing two-story brick dwelling plus the garage, indicating the current condition on the property at that time.

Mr. Bradley Valerius, Architect employed with Anchored Architects, 18 Woodbine Road, Kendall Park, NJ. The Board accepted his qualifications. Mr. Valerius then addressed Ms. Bethea's question regarding the architectural floor plans, a one (1)-sheet document that was submitted with the Application as A-1. He stated that the plans were the proposed plans with a dotted line showing the existing conditions. Mr. Valerius testified that the two (2) electrical panels in the subject home were original and were being phased out in the early 1960's. He

indicated that the service cables out to the meters were made of the original cloth braid exteriors and the upstairs kitchen plumbing had the original cast iron vent line showing the original "Y" going to the kitchen sink as well as the original style of tub. He also told the Board that the wall materials on both floors were in the same condition prior to demolition, with no retrofitting at any time after the construction of the home. He indicated that the wall materials were made from a fiberboard with a plaster finish, which had not been used since prior to 1953.

Mr. Healey then asked what was and is in the basement, per the floor plans submitted with A-1. Mr. Valerius indicated that there were rooms down in the basement, with a bathroom, but that the owner was removing them as they were not allowed and would just be used for storage. They then discussed the changes that Mr. Jaddu was making on the first and second floors. Mr. Jaddu indicated that the garage would just be used for storage.

Since there was no one from the public in the chambers, Chairman Thomas did not open the meeting to the public.

Mr. Lanfrit then gave his closing summation.

Vice Chair Graumann made a motion to approve the Condition of a Pre-Existing, Non-Conforming Use as a two (2)-family dwelling with the condition that the home be developed in the same manner that the floor plans prescribe, with only storage space in the basement. Mr. Shepherd seconded the motion and the roll was called as follows:

FOR: Mr. Caldwell, Vice Chair Graumann, Mr. McCracken, Mr. Rosenthal, Mr. Shepherd, Ms. Bethea 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 8:15 p.m. and the motion was seconded. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
April 25, 2020