

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

**VIRTUAL MEETING  
November 5, 2020**

This Regular Meeting of the Township of Franklin Zoning Board of Adjustment was held virtually 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:

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**PRESENT:** Anthony Caldwell, Laura Graumann, Bruce McCracken, Alan Rich, Joel Reiss, Cheryl Bethea, Kunal Lakhia, and Chairman Thomas

**ABSENT:** Gary Rosenthal, Robert Shepherd, Richard Procanik

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

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**MINUTES:**

- **Regular Meeting – September 3, 2020**

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

**FOR:** Mr. Caldwell, Vice Chair Graumann, Mr. McCracken, Mr. Rich, Mr. Reiss, Ms. Bethea, and Chairman Thomas

**AGAINST:** None

**RESOLUTIONS:**

- **Somerset Group Hospitality, LLC / ZBA-20-00011**

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

**FOR:** Mr. Caldwell, Vice Chair Graumann, Mr. McCracken, Mr. Rich, and Chairman Thomas

**AGAINST:** None

- **Francis E. Parker Memorial Home Inc. / ZBA-20-00012**

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

FOR: Mr. Caldwell, Vice Chair Graumann, Mr. McCracken, Mr. Rich, and Chairman Thomas

AGAINST: None

**HEARINGS:**

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

Preliminary & Final Major Site Plan w/C& D Variances in which the Applicant wanted to construct a 28,970 sq. ft. place of worship at 583 South Middlebush Road, Somerset; Block 36.01, Lot 6.03, in the Agricultural (A) Zone - **CARRIED TO JANUARY 7, 2021 – with no further notification required.**

Mr. Peter U Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Sai Datta Mandir, Inc. Mr. Lanfrit indicated that the matter would be carried to January 7, 2021, with no further notification required. He also stated that he would grant the Board an extension of time with which to act through February 28, 2021.

**DL - 2/28/2021**

- **DADA BHAGWAN VIGNAN INSTITUTE / ZBA-19-00040**

D(3) Conditional Use Variance, “C” Variance and Site Plan in which the Applicant was asking to construct a 21,083 sq. ft. place of worship with parking lot and 5’ monument sign at 630 South Middlebush Road, Somerset; Block 37.02, Lot 46.03, in the Agricultural (A) Zone - **CARRIED FROM OCTOBER 15, 2020 – with no further notification required.**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Dada Bhagwan Vignan Institute. Mr. Lanfrit indicated that when the Chairman made his opening comments that evening, he made a comment that the available materials for the various applications were available on the Township website. Mr. Lanfrit went on to state that it appeared that through something inadvertent, the Township website did not carry for a certain period copies of all the plans, reports, and other relevant materials for the above-named matter on the website, and thus were not available to be viewed by the members of the public. Mr. Lanfrit then stated that they had a conference call today between himself, the two (2) attorneys representing the objectors and the Board Attorney, Mr. Daniel Lagana, and reviewed the COVID regulations regarding public hearings. Mr. Lanfrit stated that it was his opinion that the fact that the reports and plans were not on the website for a period, it may lead a member of the public to not have had the ability to review those documents prior to the hearing, to which they were entitled. He further explained that he did not want to be put in a position, if the matter went to court a year or two down the road, of a judge stating that notice

was defective and then send everything back to the Board to have the matter re-heard. So, for the interest of safety and caution, Mr. Lanfrit asked that the matter be carried to the January 7, 2021 meeting, at which time they would continue presenting their testimony in the matter. Mr. Lanfrit then stated that he would grant the Board an extension of time through February 28, 2021. The Board was in agreement.

Mr. Healey then explained to the listening public how to connect to the next hearing via Webex and by phone. He also read into the record the direct link to participate in the next hearing.

## **DL - 2/28/2021**

- **WILLIAM & RUBY CSEHI / ZBA-20-00008**

C Variance in which the Applicant sought to construct one-story additions to the rear and right side of the existing house at 140 Runyon Avenue, Somerset; Block 266, Lot 19, in an R-7 Zone.

Mr. William Csehi, Co-Applicant, 140 Runyon Avenue, Somerset, NJ, came forward and was sworn in.

Ms. Rubye Csehi, Co-Applicant, 140 Runyon Avenue, Somerset, NJ, came forward and was sworn in.

Mr. William Csehi explained that they wanted to demolish the breezeway and garage that were attached to the house and they wanted to add space where the breezeway once was to include a kitchen and a two(2)- car garage would be added, with one space in front of the other. Mr. Csehi then told the Board that the reason that they were asking for a variance for the side of the home was that a 3 ft. wide stairway to get into the kitchen would be added from the garage. He then also told the Board that they would be adding a front porch and extending a portion of the rear of the house to the gutter fascia board.

Mr. Healey then told the Board that the Application was spelled out for them in the Technical Review Committee (TRC) report that included the exhibit that was on the screen for the Board's and public's viewing. He added that the areas shown in gray were the areas that would be added to the home, which was a one (1)-story home. Additionally, Mr. Healey indicated that all additions would also be only one (1) story. Mr. Healey then detailed the variances that were proposed for the project:

- Front Yard Setback: 25 ft. required – 18.1 ft. proposed (at new front porch)
- Side yard Setback: 8 ft. required – 6.2 ft. proposed
- Total Side yard Setback: 20 ft. required – 15.7 ft. proposed
- Lot (Building) Coverage: 20% permitted – 28.38% proposed
- Impervious Coverage: 30% permitted – 33.59% proposed

Vice Chair Graumann asked whether they had spoken to their neighbors, and Ms. Csehi testified that they had, and she stated that they were all very excited for them.

Chairman Thomas asked whether they considered other potential plans that might eliminate some of the variances. A discussion ensued. The Chairman told the Applicants that if they wanted to proceed with the plans presented, and assuming the Application was approved, that they could not add anything else to their property, including a storage shed, without an approval. Mr. Csehi stated that they understood and that they would use the rear portion of the garage as a craft area during most of the year, and for the storage of both of their cars just in the winter months.

Mr. Lagana, Board Attorney, asked how many steps would go down into the garage. Mr. Csehi stated that it would be either two (2) or three (3) steps, which was why the garage had to extend further toward the side yard.

Mr. Healey then directed the Board's attention to the proposed elevations of the home shown on the screen, which was also included in the TRC report.

Chairman Thomas then opened the meeting to the public. Since there was no one coming forward, the meeting was then closed to the public.

Mr. Reiss made a motion to approve the Application, with Variances. Mr. Caldwell seconded the motion, and the roll was called as follows:

FOR: Mr. Caldwell, Vice Chair Graumann, Mr. McCracken, Mr. Rich, Mr. Reiss, Ms. Bethea, and Chairman Thomas

AGAINST: None

- **CATHERINE C. CUNNINGHAM / ZBA-20-00018**

C Variance in which the Applicant sought to construct an in-ground pool and patio to the rear of the existing house at 6 Tamarack Road, Somerset; Block 364, Lot 17, in an R-20 Zone.

Ms. Catherine Cunningham, Applicant, 6 Tamarack Road, Somerset, NJ, came forward and was sworn in. Ms. Cunningham indicated that she wanted to have an in-ground pool in the backyard along with a patio area around the pool.

Based upon the Technical Review Committee (TRC) report, the following variances would be required:

Front Yard Setback (JFK Boulevard): 40 ft. required – 35.2 ft. proposed

Side Yard Setback: 15 ft. required – 10 ft. proposed

Impervious Coverage: 25% permitted – 31.3% proposed

Chairman Thomas asked Ms. Cunningham if there was any way that the side yard setback could be eliminated. Ms. Cunningham stated that, unfortunately, the garage juts out beyond the rear of the home and there would not be enough walkway if it were shifted.

The Chairman then opened a discussion regarding impervious coverage, and Ms. Cunningham indicated that she would be removing an existing paver patio. She added that

the existing plans show that the property was already at 25% impervious coverage just with the house, so she technically would not be able to add anything to the property.

Vice Chair Graumann asked if Ms. Cunningham had spoken to her neighbor and wanted to know how close the pool came to the side yard property line. Ms. Cunningham indicated that her neighbors were aware of what she was proposing and were looking forward to attending future pool parties.

Mr. Daniel Lagana, Board Attorney, stated that the home was located in the R-20 Zone, which permitted building on 20,000 sq. ft. parcels. Mr. Lagana then told the Board that the Applicant's lot was only 15,000 sq. ft. in size, an undersized lot in the zone. Regarding the front yard that was along JFK Boulevard, Mr. Lagana asked if there were any landscaping/trees that would block the view of her yard from JFK Boulevard. Ms. Cunningham stated that there were some trees and that no one could see into her yard from JFK Boulevard. Mr. Lagana then asked if there was any landscaping between the proposed pool and the neighboring property. Ms. Cunningham stated that there was a 6 ft. high fence that separated the two yards and that there was no landscaping proposed. Mr. Lagana then suggested that she could slide the pool away from the side yard by 5 ft. and extend the patio to behind the bump out of the house. Ms. Cunningham reiterated her earlier testimony given to the Chairman that by doing so, there would not be enough walkway space because the pool would be too close to the house.

The Chairman then opened the meeting to the public. Since there was no public comment, the meeting was then closed to the public.

Vice Chair Graumann made a motion to approve the Application, with Variances. Mr. Reiss seconded the motion, and the roll was called as follows:

FOR: Mr. Caldwell, Vice Chair Graumann, Mr. McCracken, Mr. Rich, Mr. Reiss, Ms. Bethea, and Chairman Thomas

AGAINST: None

#### **WORK SESSION/NEW BUSINESS:**

There was no work session or new business discussed.

#### **MEETING ADJOURNED:**

A motion was made to adjourn the meeting at 8:10 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
December 9, 2020