

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

**VIRTUAL MEETING
December 17, 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:

PRESENT: Laura Graumann, Bruce McCracken, Gary Rosenthal, Robert Shepherd, Joel Reiss, Cheryl Bethea, Richard Procanik, Kunal Lakhia, and Chairman Thomas

ABSENT: Anthony Caldwell and Alan Rich

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

MINUTES:

- **Regular Meeting – October 15, 2020**

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

FOR: Vice Chair Graumann, Mr. McCracken, Mr. Rosenthal, Mr. Shepherd, Mr. Reiss, Mr. Procanik, Mr. Lakhia and Chairman Thomas

AGAINST: None

- **Regular Meeting – November 5, 2020**

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

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

AGAINST: None

RESOLUTIONS:

- **2021 Zoning Board Calendar**

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

FOR: Mr. McCracken, Mr. Rosenthal, Mr. Shepherd, Mr. Reiss, Ms. Bethea, Mr. Procanik, Mr. Lakhia, and Chairman Thomas

ABSTAIN: Vice Chair Graumann

AGAINST: None

HEARINGS:

- **TABATCHNICK FINE FOODS, INC / ZBA-20-00019**

Relief of Condition related to retention of existing gravel area and elimination of a proposed guide rail at 1230 Hamilton Street, Somerset; Block 92, Lots 12-43, in an R-10 Zone.

WITHDRAWN WITHOUT PREJUDICE.

- **RISHAY GROUP (d/b/a Bottle Republic) / ZBA-20-00020**

Mr. Lane Miller, Esq., Attorney, appeared before the Board on behalf of the Applicant, Rishay Group (Bottle Republic). C Variance in which the Applicant was asking to place a building-mounted sign of 68 sq. ft. at 3151 Route #27, Franklin Park; Block 34.05, Lot 43, in the Neighborhood Business (NB) Zone - **CARRIED FROM DECEMBER 3, 2020 – with further notification required.**

Mr. Miller indicated that the subject sign was a store front sign, and they were asking for a variance for the size of the sign because of the nature of the property, its distance from the roadway and the need for the travelling public's need to be able to see the sign without impeding traffic flow. The sign, when measured around the perimeter, was 68 sq. ft. as opposed to the 30 sq. ft. that was permitted by ordinance.

Mr. Drew Patel, Principal of Rishay Group (d/b/a Bottle Republic), 3151 Rte. 27, Franklin Park, NJ, came forward and was sworn in. Mr. Patel indicated that Bottle Republic was a fine wine and spirits retail store and currently have a location in Franklin Township at 1760 Easton Avenue. He noted that the signage at the Easton Avenue location was similar to the signage that they were proposing for the Franklin Park location on Rte. 27 and that they would be operating out of both locations. Mr. Patel then stated that they had a similar variance for the Easton Avenue location when they came before the Board for that store. He then told the Board that the size of the signage that they were asking for on Rte. 27 was consistent with the size of the building and that the building was 310 feet away from the main roadway there, a longer distance than at the Easton Avenue location. He then indicated that the space was

part of a shopping center and was currently separated into several units. Mr. Miller told Mr. Patel and the Board that the proposed signage was now displayed on the screen that they had submitted with the Application.

Ms. Bethea asked if there was any signage in the shopping center that was of similar size, and Mr. Patel indicated that the Dollar General had similar signage size to what they were proposing and was consistent with other signage for businesses along Rte. 27. .

Mr. Shepherd opened a discussion with Mr. Patel regarding the fact that there are two (2) monument signs at the front of the shopping center and that the Dollar General building signage was about 24 inches tall x 36 inches wide. Mr. Patel indicated that the lettering for Bottle Republic was about the same size, but also included the smaller lettering of wine, spirits, beer as well. They also discussed the fact that the landlord had already approved the sign size.

Mr. Daniel Lagana, Board Attorney, then asked Mr. Patel to repeat the address of the Easton Avenue Bottle Republic store. Mr. Patel repeated the address as 1760 Easton Avenue in Franklin Township.

Mr. Healey then had the aerial view of the shopping center shown on the screen, and asked Mr. Miller if he could describe where in the center the Bottle Republic would be located. Mr. Patel explained that the subject store would be located to the left of Dollar General and Fantastic Sam's hair salon. He also explained that a new space was created, along with a new entrance that was created. Mr. Patel noted that the space had previously been occupied by a Chinese supermarket, Asian Fusion.

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

Mr. Miller then gave his closing statement.

Mr. Shepherd then opened a discussion regarding the fact that he did not think the Applicant made their case regarding the need for the larger building sign based upon the other signage in the shopping center and that the variance would not result in a substantial detriment to the public good and will not impair the intent and purpose of the zoning law.

Mr. Patel then reminded the Board that the signage on Easton Avenue was the same size as the signage they were proposing on Rte. 27 in Franklin Park, and that the distance from the roadway at the proposed site was almost double that of what existed on Easton Avenue. He then added that they had to obtain approval from the Historic Commission as well on Easton Avenue due to the location's proximity to the Delaware & Raritan Canal. A discussion ensued among the Board.

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

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

AGAINST: Mr. Shepherd and Ms. Bethea

- **DEEJAIZ, LLC (d/b/a Supreme Productionz) / ZBA-20-00021**

Ms. HaDisha Gordon, Esq., Attorney, appeared before the Board on behalf of the Applicant, Deejaiz, LLC (d/b/a Supreme Productionz). She explained that the Applicant was before the Board that evening to request a (D)1 Use Variance in which the Applicant was asking to operate a business, corporate and social event suite at 2 JFK Blvd., Somerset; Block 386, Lot 138, in the G-B Zone.

Ms. Gordon explained that the Applicant was a mobile entertainment company looking to expand their business venture to operate a private event suite and were requesting a (D)1 Use Variance to operate its corporate, social, and business event suite in the existing commercial and retail space located at Two (2) JFK Boulevard. She stated that the Applicant was proposing to host corporate and business events such as book signings, fundraisers, bar, and bat mitzvas, Sweet 16 parties and other special milestone events. Ms. Gordon indicated that the space was located in the retail center on the second floor, with no physical modifications to the building or to the site.

Mr. Jason Robinson, Co-Applicant and President of Supreme Productionz, 2 JFK Boulevard, Somerset, NJ, came forward and was sworn in. Mr. Robinson stated that he handled the mobile events side of the company and gave a brief background of the company's activities. He indicated that they had been in business for about 15 years and provided emcee's, DJ's, dancers, audio, and pro lighting for private events to include weddings, Sweet 16 parties, bar and bat mitzvahs and corporate events. Over the years, Mr. Robinson stated that they had made observations at bar and bat mitzvas that after providing DJ's, emcee's, audio and lighting, parents would bring in furniture for kids' lounge areas. They also have seen trends changing for Sweet 16 parties, going from a long head table to entourages, so they thought they could also provide furniture for those parties as well. With all their observations at events, to include corporate events, they thought that they could come in at a more moderate price point than an Imperia, Palace or Magnolia event space and provide all the services for one price. Mr. Robinson then indicated that it would also allow patrons to bring in their own caterer to allow for their desired cuisine at the event and be able to control the volume level of the music provided. Finally, Mr. Robinson indicated that he is a 30 yr. resident of Franklin Township, with his wife living here a bit longer, meeting at Franklin High School and being high school sweethearts. He then detailed some of the events that they have provided services for, noting that they had provided services at all the public schools, including proms, events for First Baptist Church, events in conjunction with Parks & Recreation Dept. of the Township to include holiday parties, annual Trunk or Treat as well as pro bono services through the Chamber of Commerce in which they were members.

Ms. Danyal Robinson, Co-Applicant Vice President and Events Manager of Supreme Productionz, 2 JFK Boulevard, Somerset, NJ, came forward and was also sworn in. Ms. Robinson indicated that they were proposing to open events space to host various social affairs, to include business and corporate events, i.e., business meetings, conferences, youth activities, bridal and baby showers, bar and bat mitzvahs and milestone events such as retirement parties, engagement parties and birthdays. She noted that their hours of operation would be 9:00 a.m. to 10:00 p.m. (Sunday-Thursday) with hours of operation of 9:00 a.m. to 12:00 a.m. (Friday and Saturday). Ms. Robinson then indicated that the space would boast white leather furniture, LED lighting, TV screens and an LED dance floor, tables, and a beverage/food station so that patrons could bring in their own catered food, beverage, and alcohol. She added that if alcohol were brought in, they would require a NJ licensed bartender that would be vetted and approved by Supreme Productionz. Ms. Robinson described the event space as turn-key, to include everything needed for an event, i.e., ample parking, chafing dishes/burners to keep food warm, refrigerators to keep beverages and food cold, a photo booth and in-house DJ to be monitored to keep the sound volume at lounge level for classier affairs.

Ms. Robinson then indicated that during COVID times, they agree to comply with CDC rules, recommendations, and guidelines.

Mr. Rosenthal asked for further information from the Applicants regarding how the food would be handled on-site and the parking issue.

Ms. Gordon indicated that Mr. Chadwick would be able to discuss the parking issues, but that Ms. Robinson could discuss how they would be handling food on the premises.

Ms. Robinson indicated that they would not be handling any food since patrons would be catering in their own food, by licensed caterers; however, they would be providing the means to keep food warm and/or cold as needs be.

Vice Chair Graumann asked whether they had any previous experience hosting events at a provided space as opposed to just providing mobile services. Ms. Robinson indicated that they did host events at numerous locations and did have a space in the Township, temporarily, but that it did not work out because of the business zone it was in.

Mr. Procanik then mentioned that there appeared to be some residential property abutting the proposed space and wondered how they would control sound if they were to be open till midnight on Friday and Saturday evenings. Mr. Robinson stated that they would take decibel readings from inside the space and that the sound would be kept to a lounge level, at 65 decibels, which was equivalent to general traffic.

Vice Chair Graumann then asked what the number was for the maximum amount of people that would be allowed in the space. Ms. Robinson indicated that the Planner would be able to go over those details, but she did state that based on the square footage and utilizing the universally used mathematics to determine person per square foot, they would be able to have up to 150 people in the space. The Vice Chair followed up with a question regarding how the dispersing of attendees into the parking lot would be regulated/controlled, considering that the location abutted residential properties. Ms. Robinson explained that the parking area near their space was for employees only, and that they had another parking area, off to the

right as you face the building, for their patrons that was actually behind the storage facility on Easton Avenue. She then indicated that there was ample parking in front of the building as well which was where they would make sure that most of their clients and guests would park. Ms. Robinson did state that the only time that they would utilize the back parking area behind the storage facility would be for overflow. Mr. Robinson then indicated that they would also have mandatory valet services that would avoid people parking themselves in the overflow area. Ms. Robinson stated that the front parking area should not affect the townhouse residences, and that they would tone down the music in the last 15 minutes of any event to subdue the activity. She also stated that people tend to trickle out of events so that they would not necessarily be all leaving at the same time.

Chairman Thomas then brought up the subject of several school busses parked in the parking area behind the storage facility that was earmarked for their overflow parking. Ms. Gordon indicated that they were just made aware of the busses being parked there a few days prior to the hearing and testified that the school busses were removed and were no longer on the site.

Ms. Bethea asked if they had spoken to any of their surrounding tenants, and Ms. Robinson indicated that they did introduce themselves and explained what they were planning. She testified that they did not seem to have any objectors.

Mr. Daniel Lagana, Board Attorney, then asked about the kinds of activities they would be having by doing business seven (7) days per week. Ms. Robinson indicated that they would be designating the weekday hours for business events, and that they may want to host breakfasts and/or lunch. She added that they would most likely only be hosting two events per weekday because they allow for clean-up time but could host evening events during the weekday for dinners.

Mr. Lagana then asked about when the decibel level tests were conducted. Mr. Robinson stated that they were conducted sometime in November of 2020. Mr. Lagana then asked who they were conducted by, with Mr. Robinson indicating that they did the testing themselves with a decibel reader. Mr. Robinson went on to state that from the rear of the building, the decibel levels were at about 65 db's and, simultaneously, the decibel levels inside the room was around 98 db's. He indicated that the levels would never be allowed to be that loud because that reading was akin to a rock concert and they had already testified that they would be keeping the level of sound to lounge level.

Mr. Lagana then asked if they know what the Township ordinance stated was the acceptable decibel level just outside the building. The Robinson's both attested to the fact that when the music was at 98 db's inside the space, they could not hear the music at all from just outside the building and that the 65 db levels taken just outside the building was from birds and nearby traffic noises.

Mr. Lagana then wanted to know how they would reserve the parking area near the townhouse residences for employees only. Ms. Robinson stated that their landlord had it in their lease that the rear parking area near the townhomes would be for employees only and that they could place cones there during their events. She also reminded the Board that they had already testified that there would be mandated valet parking and that would be for events of 76 people or more. Additionally, for events of 75 people or less, there was ample parking

in the front of the building to accommodate everyone. The Robinsons agreed, as a condition of any approval, that they would agree to all stated parking accommodations testified to. Vice Chair Graumann asked how many employees they had and what were their roles in the business. Ms. Robinson indicated that they had upwards of seven (7) employees at any given time and count themselves as two (2) employees for management. She added that one (1) of them will always be on-site to make sure everything was running smoothly. She indicated that they also have three (3) event staff members, depending upon the number of people attending the event. If there were 76 or more people at an event, all three (3) event staff members would be on-site. Additionally, there would be the mandated bartender if alcohol would be served at the event as well as the parking attendants (valet) staff. Ms. Robinson indicated that the valet employees would be outsourced and be transient, however, the event staff members (2-3 onsite) would be regular employees.

Mr. Lagana then asked if they would be including any catering company employees to be on-site during an event, such as waiters, etc. The Robinsons testified that they do not envision that scenario for their business so there would only be up to the seven (7) employees that they testified to, which included themselves.

Mr. Healey wanted the Board to know that they did just receive a Use Variance Application but being out of the office for the past few days prior to that night's hearing, he did not have an opportunity to open the information on that Application, which might be for the site regarding the storing of busses.

Mr. Healey then asked the Robinsons to give the Board the sense of a typical week and how many nighttime events they would expect. Ms. Robinson indicated that they would probably have two (2) or three (3) nighttime events on the prime days of their business, but also wanted to have the ability to offer a nighttime service during the weekdays as well, should that opportunity arise.

Mr. John Chadwick, Planner, 3176 Rte. 27, Kendall Park, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Chadwick indicated that the GB Zone permitted all forms of commercial recreation but did not call out the subject use, however. He noted that the building was about 30 years old and non-conforming in terms of its size but conformed to everything else in terms of the ordinance. He then noted that there was a very mature hemlock buffer area to the rear of the building that separated the building from the townhouses. Mr. Chadwick indicated that there was one exception to that buffer, whereby there was one large tree down that had most likely been down for years, at the end of the northern side of the building. He then detailed the large parking lot in front of the building that included about 109 parking spaces. What had been referred to as the parking lot behind the self-storage building, between Easton Avenue and the townhouses, included around 59 parking spaces, according to Mr. Chadwick. He noted that the space that the use sought to occupy was 4,526 sq. ft. that included dressing rooms, bathrooms, storage, and various other uses shown on the floor plan that was included with the Application submission. He then noted that the active seating area was roughly 2,000 sq. ft., with the occupancy level ultimately determined by the fire marshal of the Township. He noted that 15 sq. ft. per space was the standard per space, and when calculated, came out to 160 for seating capacity. Mr. Chadwick reiterated the Robinsons' testimony that they would be limiting their capacity to 150 people per event. He then described that the building was in a business zone, one of the larger GB districts in the Township, and in a highly developed area with major access routes

through through the Township. Mr. Chadwick noted that all those factors pointed to the location's suitability for the proposed use. In the consideration of enhancing land use purposes, the business was in an appropriate location that provided for a private/public partnership to enhance the business community. In terms of advancing the goals of the Master Plan of the Township, one that has historically been to retain and expand the business base, and he felt that the inclusion of the subject proposal would do just that. Mr. Chadwick then addressed the negative impacts that were noted by Board members, including the noise that would be generated by the proposal. He noted that the events would incur inside the block constructed building, and that the Township had adopted and enforced the public law for noise regulation. Mr. Chadwick testified that the Applicants had already agreed to comply with the noise ordinance. He noted that the 65 db's that the Applicant mentioned was the reading outside of the building, which was louder than was allowed at the property line with a residential property during evening hours. He indicated that there was some concern of the Board members regarding noise generated by patrons leaving the site after an event. He noted that the solution was to mandate valet parking for events of 76 or more people to avoid people congregating in the overflow lot nearest the residential properties that primarily abutted the self-storage facility. Mr. Chadwick indicated that the front parking lot would be more than adequate to handle events of 75 people or less and was away from any residential lots. He added that the inclusion of licensed bartenders, owners of the business present and a permanent employee base operating the activities of the event will enable them to control any negative aspects that might arise. Mr. Chadwick then stated that the use would not change the outward appearance of the building, brings patrons to the site and possibly helping the other tenants with their economic well-being.

Mr. Chadwick then testified that his conclusion was that there was no substantial negative impact to the zoning plan, was contemplated with the array of other uses for the zone, and the aspect of accommodating the use at the site with the scale that had been described clearly could be accomplished because of the exceptionally large, existing parking lot in the front of the building. He stated that he did not see any substantial impacts to the neighborhood or the zoning plan for the reasons he already outlined.

Mr. Rosenthal indicated that he would have felt more comfortable if the Board would have had Mr. Hauss' (Fire Prevention Director) review letter at the time of the hearing. Mr. Healey interjected by stating that with applications that do not require site work, they do one combined Technical Review Committee (TRC) report. He then noted that Mr. Hauss did get a draft of the report and did have the opportunity to comment but did not believe he had any comments. Mr. Healey indicated that it did not mean that he would not have an opportunity to do so later, and that the Applicant would have to go in and file for the necessary permits from Fire Prevention. He noted that issues such as occupancy, egress, and things of that nature all would be reviewed prior to issuing those permits and comply with whatever requirements that were imposed by either Code or Fire Prevention.

Mr. Lagana stated that it sounded like the Robinsons were willing to cap their events at 150 occupancy, so he asked Ms. Gordon if they would be agreeable to do so as a condition of any approval, subject to the occupancy determination by the Township Fire Official. Ms. Gordon answered in the affirmative.

Mr. McCracken then asked if there was any access from the subject parking lot to Marconi Park, and Mr. Chadwick answered in the negative.

Mr. Healey than asked if Mr. Chadwick or the Applicant could locate where the space would be in the building and where the customer entrance would be, utilizing the aerial photograph that was up on the screen.

Ms. Robinson indicated the location of the entrance to their tenant space was where the gray strip was on the aerial photograph in the middle front of the building.

Mr. Healey then asked Mr. Chadwick to expand on his discussion of the uses in the GB zone, perhaps by listing some of the uses that were permitted. Some of the uses included and allowed in the GB Zone, as detailed by Mr. Chadwick, were food establishments, drug stores, bar, household supplies, eating/drinking establishments; basically, having places of business that organizes people into a business or social event.

Mr. Lagana then asked if the Applicant/Mr. Chadwick were aware of any ingress/egress points to the rear of the building that was directly available to the active seating area. Mr. Chadwick indicated that there were none.

Chairman Thomas then opened the meeting to the public for questions. Seeing no one coming forward to speak, the meeting was closed to the public.

Ms. Gordon then gave her closing remarks.

Vice Chair Graumann made a motion to approve the Application for (D)1 Use Variance, subject to the conditions that were agreed upon and enumerated by the Board Attorney. Mr. Reiss seconded the motion, and the roll was called as follows:

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

AGAINST: Mr. Rosenthal

- **150 PIERCE STREET, LLC / ZBA-20-00017**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, 150 Pierce Street, LLC. (D)1 Use Variance and Site Plan for a 16,744 sq. ft. addition to the charter school, parking expansion for PharmScript's use, and associated site plan modifications at 150 Pierce Street, Somerset; Block 468.08, Lot 2.02, in an M-2 Zone.

Vice Chair Graumann recused herself from hearing the Application that evening.

Mr. Lanfrit indicated that 150 Pierce Street, LLC appeared before the Board in 2015 under Docket # ZBA – 15-00011. He indicated that that application was to use part of the building for a charter school and the other part of the building was operated by PharmScript, a medical supply warehouse and distribution packaging facility. He noted that the Board approved that project in 2015, and approved grades up through the seventh grade and that the following year there would be an 8th grade class. Mr. Lanfrit then stated that they were approved to have, by charter from the State of New Jersey, K-12 grades. He noted that now the school

needed additional space and can provide the space for students at the facility and were seeking Site Plan approval to expand the building. Because PharmScript was doing very well, they were also before the Board to seek Site Plan approval to expand the parking lot for PharmScript as well as expand the parking lot for the school. With the previous approval, Mr. Lanfrit told the Board that they had 382 parking spaces and would now have 524 parking spaces. He indicated that the parking areas would be divided and segregated, as previously required by the Board, with certain spaces applied to the school and certain spaces applied to PharmScript. Mr. Lanfrit then noted that the Application met all the Site Plan requirements of the ordinance and do not need any variances for the amended Site Plan and were well under the building coverage requirements, well under the impervious coverage requirements, and met all the front, rear and side yard setback requirements of the zone. He went on to further state that the building did fit within the confines of the property very well.

Mr. Craig Stires, Engineer and President of Stires Associates, 43 West High Street, Somerville, NJ, came forward and was sworn in. The Board accepted his qualifications. He indicated that he was the Engineer of record at the 2015 hearing. Mr. Stires then described the existing conditions on the site, utilizing Sheet 2 of the plan set that was submitted as part of the Application. He noted that the existing building contained 140,000 sq. ft., with PharmScript located on the northerly side and parking on the northwesterly side of the building. He added that the charter school was located on the southerly side of the building, with the entrance on the same side, where they had created a bus lane off Pierce Street where students could be dropped off onto the new sidewalk that was installed and into the new entrance. Mr. Stires also showed the location of a play area and turf field that was also approved in 2015. He then spoke about an Application put forth to the Board in 2016 of an Administrative Site Plan for 100 parking spaces. Mr. Stires then told the Board that the site was part of the Worlds Fair Corporate/Industrial Subdivision, which was created in the mid-1980's and essentially created World's Fair Drive and Pierce Street. He then noted that there were three (3) detention basins that would serve all the properties as part of the subdivision that the subject property was part of and one of them was in the northwest corner of the subject site. Mr. Stires showed the Board on the plans where there was a small wetlands area in the front of the property and were currently in the process of obtaining a Letter of Interpretation (LOI) and a General Permit for the wetland area. He stated that there had been some delays in receiving that due to COVID-19 but anticipate having that in hand in the next few months. Mr. Stires then described and showed on the Site Plan a looped road that goes around the site and goes back out to Worlds Fair Drive. He then noted that the bus traffic for the school came in at the intersection on the southerly side of the property and go back out the other end of the looped road. He further explained that all the parking for the staff and students would go through the same process in the parking lot and out toward the intersection. The employees of PharmScript would enter through the northerly entrance and go into their own parking area and utilize their own entrances to the building so that the two (2) uses were separated on the site.

Mr. Stires then drew the Board's attention to Sheet 4, the Horizontal Control Plan exhibit, as well as Sheet 5 of 11, the Grading, Utility and Soil Erosion Control Plan exhibit. Utilizing these, Mr. Stires showed the location of the addition that the school was proposing, a 16,744 sq. ft. addition located on the second floor where they occupy the building and would connect to the existing school on that same floor through a corridor to provide proper access. He then told the Board that a new parking lot would be constructed beneath the addition consisting of 57 parking spaces for school staff with a one-way drive around the perimeter and a two-way

drive through the middle of that parking area. He described that there would be several islands in the parking area that would contain the support columns for the second-floor addition. Mr. Stires then pointed out the area in the northern portion of the property where they would be adding an additional 85 parking spaces for PharmScript's use. He indicated that the additional parking area would be an extension of the parking they added for PharmScript in 2016. He also told the Board that there would be additional parking spots added to the school's current parking area for handicapped access, which would reduce the parking count to 20 parking spaces to accommodate for the extra space utilized by the ADA parking. Mr. Stiles then testified that by including grades K-12, they would be increasing their enrollment to 650 students. He explained that they were approved for seven (7) large busses and would now be utilizing twelve (12) busses with the addition of several grades. He also showed the circulation that the busses would follow to queue up to drop off and pick-up students each day. Because the site was part of the Worlds Fair Corporate/Industrial Subdivision, and the detention basins were constructed for full build-out at 65% coverage and the site was still under 50% coverage, they felt that the site still complied with the storm water regulations as well as quantity control. He told the Board that because storm water regulations have changed over the years, he stated that they also had ground water recharge and water quality treatment to provide and were proposing three (3) bio-retention basins on the property. Mr. Stires then showed the Board the locations of these bio-retention basins and the areas they would service.

Mr. Stires then spoke about the Lighting Plan, utilizing Sheet 11 of the Site Plan, showing the new lighting for the additional parking area for PharmScript as well as for the new parking area for the school under the new addition as well as new lights to cover the perimeter of the parking lot. He noted that the Lighting Plan had been submitted with the Application and had been reviewed by the Township Engineering Dept.

Mr. Stires then addressed the staff reports related to the Application. He noted that the Police Dept. recommended some additional signage, and he indicated that there was no problem complying with that request. Mr. Hauss, Fire Prevention Director, was concerned that the parking would now satisfy the needs of both tenants, and Mr. Stires indicated that it would with the additional parking areas added to the plan. He indicated that the Sewerage Authority needed certain confirmation, which he indicated would be provided to them. Mr. Stires then drew the Board's attention to CME's Engineering report, dated November 13, 2020, which asked for certain modifications and changes to the plan. He indicated that they were able to address the comments in CME's report and the changes/modifications were included in the revised plans. Mr. Stires noted that the changes/modifications did not substantially alter what the Board was reviewing that evening. He also indicated that there was a letter attached to CME's report, dated November of 2019 from the school stating that certain signage would be dealt with by the Applicant's other professionals. He then drew the Board's attention to Mr. Healey's Planning report, asking whether the gate that was required in the original approval was actually installed. He referred the Board to Sheet 2 of the plan set, the existing conditions, showing the location of the gate that was installed as part of the original application. Mr. Healey's report also asked for the Lighting Plan to comply with the ordinance, and Mr. Stiles agreed to do so to his satisfaction.

Mr. David Feldman, Principal Architect of Feldman & Feldman Architects, Wall Township, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Feldman indicated that his firm were the architects of record for the original application. He then

explained that PharmScript was primarily located on the first floor, while the school occupied the second story. He added that the school did occupy the lower level on the left side of the building, which was a gymnasium, with all the classrooms and other activities of the school occurring exclusively on the second floor. Mr. Feldman then drew the Board's attention to the first of two (2) exhibits, with the first one including three (3) sheets, dated 10/5/2020, consisting of elevations, ground floor plan and a second-floor plan. He added that the second exhibit that he would be showing was a colorized rendering that consisted of three (3) views of what was proposed on the site. Mr. Feldman explained that the first architectural drawing on the first exhibit showed what was existing on the site today, and he showed the area where the second-floor addition would be added using his cursor. He then spoke about the second architectural drawing, showing the areas the school currently occupied, including the first-floor gymnasium and the area that PharmScript occupied. Mr. Feldman then told the Board that they would be elevating the second-story addition to include parking underneath for the school. He noted that the addition would have two emergency egress stairways leading down from the second-floor school. He noted that the school was currently about 65,000 sq. ft. in total, about 12,000 sq. ft. for the gymnasium on the first floor and 52,700 sq. ft. on the second floor. Mr. Feldman then told the Board that they were now proposing the second-floor addition to be 16,744 sq. ft., and would include five (5) additional classrooms, a bonus room, a library as well as a multi-purpose auditorium. Additionally, he indicated that there would also be restrooms provided for the auditorium and the library as well as for the classrooms. Mr. Feldman then stated that there would be two connections the addition would have to the existing second floor that was currently occupied by the school, one along an elevated corridor connected to the area for the upper class (grades 8-9 through 12) and the second to an existing hallway to the long portion of the building on the second floor.

Mr. Feldman then drew the Board's attention to the renderings in the second exhibit, first showing the rendering showing the addition with the parking underneath. He then showed the second rendering in the exhibit, which was a view looking from Pierce street, and showing PharmScript's portion of the building as well as the proposed addition to the school. Finally, Mr. Feldman showed the third rendering, which was an aerial view, showing the entire building. He pointed out the addition, with the parking underneath, and the areas that were part of PharmScript on the first floor. Using his cursor, Mr. Feldman then showed the circulation on the site. He then discussed the building materials for the addition, noting that they did their best to match the existing brick and the existing windows of the original building. Finally, he showed the Board members the additional parking areas.

Mr. Nicholas Gargas, Security Coordinator, Thomas Edison Charter School, 150 Pierce Street, Somerset, NJ, appeared before the Board on behalf of the Applicant. Mr. Gargas indicated that he was also involved in the original Application and provided testimony at that time as well. He discussed the methods used for ingress/egress for the busses and the circulation plan on-site in order to keep the movements of the school separate from PharmScript's. He explained that with the queuing pattern set up, they had room for the busses on-site and could fit seven (7) busses in the shaded area as depicted on a previously shown exhibit. He noted that the morning drop off was a lot easier and quicker since not all the busses arrived at the same time. Mr. Gargas indicated that it took approximately 20-23 minutes in the afternoon for pick-up and departure of the busses. He testified that the site was operating efficiently and was not creating any issues either on Pierce Street or Worlds Fair Drive. Mr. Gargas testified that they kept the traffic from the school and the traffic from PharmScript segregated. He also stated that PharmScript's staggered shifts and the school's

dropping off and picking up times did not occur at the same times of day. He then discussed the parking and on-site circulation on the site, noting that they had worked out some very minor issues with PharmScript over the past five years and meet with them regularly to make sure everything runs smoothly. Mr. Gargas indicated that they currently have 65 employees, and there may be only one (1) or two (2) more employees added.

Mr. Jay Troutman, Professional Traffic Engineer employed with McDonough & Reyes Traffic Engineers, 105 Elm Street, Westfield, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Troutman indicated that he provided testimony at the original 2015 Application hearing. He then drew the Board's attention to the Traffic Report he submitted in conjunction with the Application, dated July 17, 2020. Mr. Troutman indicated that he conducted site visits pre-COVID in February of 2020, when the school was operating normally. He then explained that they did full manual turning movement traffic counts at both site driveways so that they could capture all the activity on the site. He stated that they did a peak hour count and an elongated peak afternoon count from 2:30 p.m. to 6:00 p.m., giving them counts for the surge from the school and a bit of an afternoon surge a little later for Pharm Script. Mr. Troutman then stated that they were able to factor together the school's trip generation, using real world data, adding in 20% to analyze the capacity, and found that there was adequate capacity for 20% future growth. He added that the signal-controlled intersection at the driveway gave the school good capacity and would continue to be that way into the future. He further testified that the traffic and parking activity at the school, associated with the expansion, could be accommodated. Mr. Troutman noted that the on-site traffic circulation pattern would become improved when the site was all connected with the new PharmScript parking lot in the front and that the traffic would be safe because of the traffic signal and the PharmScript driveway that they analyzed. Mr. Troutman stated that back in 2015, the circulation on the site was set up so that the school would use the driveway at the intersection and that PharmScript would use the other driveway, and they found that that was how the site was operating in February of 2020 when they did their traffic counts. He did take notice in February, 2020 that there was a need for additional parking for PharmScript.

Mr. Troutman then discussed the Police Dept. staff report regarding signage. He suggested that school area signage be installed at the intersection, facing both directions, to advise motorists that they were coming into a school zone area. He testified that he would be willing to sit down with the Police Dept. and/or the Engineering Dept. to discuss the most appropriate location for the signs.

Mr. Ogiz Yildiz, Principal of Thomas Edison Charter School, 150 Pierce Street, Somerset, NJ, came forward and was sworn in. Mr. Yildiz indicated that he testified at the original hearing in 2015. He testified that they only had grades K-7 back in 2015 and stated that they would be adding an 8th grade the following year. Mr. Yildiz stated that they got their Charter amended by the State to allow them to offer K-12 grades at the school, which allowed for a maximum of 650 students in the school. Pre-pandemic, Mr. Yildiz indicated that they had 544 students, and stated that they have 594 right now. Additionally, he told the Board that they now have two class for each grade in K-12 and can accommodate 50 students per grade. Should the Site Plan be approved, and they were able to build the addition, Mr. Yildiz told the Board that they would be adding two (2) additional staff members and they will be adding a library, multi-purpose room and five (5) classrooms. During the original hearing in 2015, the school made certain representations that there would be no activities at night, other than Back To School

Nights, and no interscholastic sports at the school. Mr. Yildiz testified that nothing would change and that they would uphold those agreements.

Mr. Edward Kolling, Planner, 123 Oak Hill Avenue, Long Branch, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Kolling testified that he was familiar with the zoning ordinances and Master Plan of Franklin Township, was able to review the Resolution from 2015 and was familiar with all the exhibits shown that evening, along with the Traffic Report. Mr. Kolling stated that back in 2015, the Board found that the school was an inherently beneficial use and granted the Use Variance. He testified that the proposed development is an inherently beneficial use, and, therefore, the use itself met the positive criteria and would promote the public health, safety, morals, and general welfare. In addition, he indicated that the proposed addition met all bulk standards and demonstrated that the project was consistent with sub-paragraph 2C which speaks about provided adequate air. Light and open space. Mr. Kolling noted that the subject property was a larger parcel and provided sufficient space for the use and would meet the needs of NJ citizens (- 2G). He also told the Board that the large parcel could handle the circulation and functioned efficiently to serve both uses on the property, which lends itself to the particular suitability of the subject property. He added that the property's location at the edge of the M-2 Zone (now BI Zone) and adjacent to a residential zone and does not disrupt other commercial activity deeper into the commercial zone also speaks to the further suitability of the use on the property. Mr. Kolling stated that he did not see that the granting of the variance created any substantial detriment to the purposes of the zone plan or substantial detriment to the public good. He noted that there were sufficient landscape buffer areas, existing landscaping that existed along the side property line and along the CR Zone along the rear property line and the R-15 residential zone.

Mr. Procanik asked what the clearance was where the building overhangs the parking lot. Mr. Feldman stated that the clearance in that area was approximately 14 feet. He added that the new addition was going to line up with the existing floor height. Mr. Lanfrit indicated that Mr. Hauss (Fire Prevention Director) had no comment regarding the clearance height. Mr. Feldman was reading from the December 9, 2020 Fire Prevention letter which indicated that Fire Prevention reserved the right to make any additional comments regarding the revised plans and testimony given at the hearing.

Mr. Healey stated that issues of clearance were something that Mr. Hauss typically opines about and would have commented if he had any issue. Mr. Feldman stated that they could have a discussion with Mr. Hauss if there were concerns and could provide additional steps up into the new addition if he deemed it necessary. A discussion ensued.

Mr. Healey asked Mr. Troutman what the street peak hours of travel were, and he replied that it was from 4:45 p.m. to 5:45 p.m. Mr. Troutman then discussed the high number of Worlds Fair Drive movements over the Westerly driveway movements, noting that the school did have several after-school programs/clubs. Mr. Troutman indicated that he did not take note of whether the gate was open or not that might allow PharmScript employees to be using the Worlds Fair Drive driveway. Utilizing Mr. Feldman's aerial colorized rendering of the building, Mr. Healey is seeing that the new parking lot for PharmScript was going to be connected to the existing parking lot in front of the building, which would negate the use of the gate in the rear of the property, thus allowing the employees to utilize the Worlds Fair Drive driveway and intermingle with the school traffic. Mr. Healey then asked how they were planning to continue

the segregation of uses with that situation now in place. A suggestion was made to have a gate to keep the separation for emergency use only. Mr. Healey suggested to the Board that staff look at that situation and come up with the best way to make the now connected parking area become an emergency access.

Mr. Healey asked for more information regarding how the additional busses they were anticipating on the site would circulate and queue, particularly at pick-up in the afternoon when all busses would be arriving at the same time. Mr. Lanfrit then reiterated Mr. Gargas' testimony regarding the additional queuing of busses through the PharmScript parking area in the afternoon. Mr. Gargas stated that the shaded area on the driveway would be able to accommodate seven (7) busses and any additional busses would go into the queuing area by the soccer field in the afternoon only (3 busses). A discussion ensued. Mr. Healey indicated that his biggest issue was that the need for the extra busses queuing along a drive aisle in front of the building was never stated on the Application, so he did not know if Traffic Safety, Engineering, or any of the other staff would have had the opportunity to comment on the issue and was not discussed in the Traffic Study. A discussion ensued about the underbuilding parking area being blocked in the afternoon, with Mr. Lanfrit stating that only teachers/staff would be parking there, and they were still in the building at that time. Mr. Lanfrit agreed to sit down with Mr. Hauss, Engineering, or the Police to see if there had to be any modification of that stacking of busses and related signage, striping, or widening of the drive aisle, etc.

Mr. Lakhia indicated that there were no late busses available to students who stay for after school activities/clubs, so their parents have no other option but to come to the school to pick them up.

Chairman Thomas expressed his concern that no one noticed whether the gate was open, closed or even used to separate the two uses on the site, as was mandated in the original approval. He also expressed his concern for busses queuing and blocking parking areas and the drive aisle as well as the inclusion of a gate in the front of the building where the new PharmScript parking area would be connected to the current PharmScript parking lot related to safety and segregation issues.

Mr. Lagana suggested that there could possibly be a redesign of the front parking area to not only accommodate for the turn-around of the busses, but also to go along with the intent of the Board to keep the parking area separate between the two (2) entities. Mr. Lanfrit stated that he was willing to have a meeting with staff to include himself, Mr. Troutman, and Mr. Stires to come up with a solution to both issues.

Mr. Lanfrit suggested that they carry the matter to give them an opportunity to discuss the options and come up with a plan. The Board agreed. Mr. Lanfrit then asked Mr. Healey to find out when the Police and CME Engineering and Mr. Hauss would be available to do a Zoom call for a discussion.

Chairman Thomas made a motion to open the meeting to the public for the testimony of the Architect or Planner. Seeing no one coming forward, the meeting was closed to the public.

CARRIED TO JANUARY 7, 2021 – with further notification required.

DL - 2/16/2021

WORK SESSION/NEW BUSINESS:

There was no work session or new business discussed.

MEETING ADJOURNED:

Mr. Reiss made a motion to adjourn the meeting at 10:29 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
January 16, 2021