

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

**VIRTUAL MEETING
December 3, 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: Anthony Caldwell, Bruce McCracken, Alan Rich, Gary Rosenthal, Robert Shepherd, Joel Reiss, Cheryl Bethea, Richard Procanik, and Chairman Thomas

ABSENT: Laura Graumann and Kunal Lakhia

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

MINUTES:

- **Regular Meeting – September 17, 2020**

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

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

AGAINST: None

- **Regular Meeting – October 1, 2020**

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

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

AGAINST: None

RESOLUTIONS:

- **Diamond Investors & Builders, LLC / ZBA-19-00030**

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

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

AGAINST: None

- **Catherine C. Cunningham / ZBA-20-00018**

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, Mr. McCracken, Mr. Rich, Mr. Reiss, Ms. Bethea, and Chairman Thomas

AGAINST: None

- **William & Rubye Csehi / ZBA-20-00008**

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

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

AGAINST: None

HEARINGS:

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

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 TO DECEMBER 17, 2020 – with further notification required.**

DL - 2/21/2021

Ms. Woodbury, Planning & Zoning Secretary then read the information for the Webex links for the general public for them to participate in the hearing on December 17, 2020 for the Rishay Group (Bottle Republic).

- **PILLAR OF FIRE INTERNATIONAL / ZBA-19-00045**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Pillar of Fire International. He indicated that they were before the Board that evening for Preliminary & Final Major Site Plan w/C & D Variances in which the Applicant sought to expand the existing parking lot and add a free-standing sign at 2 Ministry Center Drive, Zarephath; Block 516.01, Lot 1.01, in the Agricultural (A) Zone.

Mr. Lanfrit then explained that in 2009, Pillar of Fire received approval to construct a house of worship on a 144-acre site in the Agricultural (A) Zone where houses of worship were a permitted, conditional use. In conjunction with that Application, Mr. Lanfrit stated that there was a proposal to construct 251 parking spaces. He added that the ordinance required, in calculating required parking spaces for houses of worship, that the Board consider that every possible seat would be always filled. Based on the ordinance calculations, Mr. Lanfrit indicated that there was a requirement of 1,305 parking spaces, and that they were proposing to add 224 additional parking spaces, bringing the total parking spaces on-site more into conformity with the zoning. He also added that they were requesting the approval of a free-standing sign. Mr. Lanfrit wanted to make the record clear that there were certain conditions that were imposed in the original approval in 2009, which included that the seating capacity shall be limited to 750 people within the gymnasium/sanctuary building and that at no time would floor seating be used simultaneously with bleacher seating. Mr. Lanfrit then indicated that they were not seeking to modify or amend that condition and that they were not seeking to add more people or bring in more congregants into the church. Mr. Lanfrit then stated that they did submit a traffic report from McDonough Reyes Associates, which was completed on December 18, 2019, which was pre-pandemic. He added that they went out to the site to view the situation regarding the parking when there were services taking place. Mr. Lanfrit then told the Board that Mr. Troutman, who prepared the report, would not be attending the meeting since the report was straightforward and self-explanatory.

Mr. Alfred Shjarback, Board of Directors Member/Pastor of Zaraphath Christian Church of the Pillar of Fire, 2 Ministry Center Drive, Zaraphath, NJ, came forward and was sworn in. Mr. Shjarback stated that he has been charged by the Board of Pillar of Fire to oversee the parking lot project. He added that the Pillar of Fire had abided by all the conditions set forth in the 2009 approval. Mr. Shjarback indicated that their primary services were on Sundays, currently at 9:00 a.m. and 11:00 a.m. He then told the Board why they were coming back before the Board to increase the number of parking spaces, stating that their goal was to safely park as many congregants as possible on the site before each service. He noted that they were able to do so before the first service, but the later serviced involved a certain amount of congestion that was derived by exiting parishioners and incoming parishioners trying to navigate the parking lot at the same time. Mr. Shjarback stated that the congestion was confined to the driveway and the parking lot areas. He then testified that they have not any issues at the intersection of Weston Canal Road and their driveway in all the years that they have been there. Mr. Shjarback explained that within the parking lot, they currently have a parking team of eight (8) people who manage the flow of traffic as well as making sure that there was also pedestrian safety on the site. He added that they also hire the Franklin Township Police Dept. to be on-site, generally from 8:00 a.m. through 1:30 p.m. He added that should the parking lot expansion be approved; they would still continue to have the Franklin Township Police Dept. on-site to assist with the traffic flow in and out of the site onto and from Weston Canal Road as well as continue to have the eight (8)-person parking team

to assist with the traffic flow as well.. Mr. Shjarback indicated that they currently have a temporary sign for the church and were requesting approval for a permanent sign for the church, which was approximately 36 sq. ft. in the message area and would be internally illuminated.

Mr. Shepherd then asked if the permanent sign would be the same size as the existing temporary sign. Mr. Shjarback indicated that the permanent sign would be slightly larger. Mr. Shepherd then asked if the permanent sign would be in the same place as the temporary sign. Mr. Shjarback indicated that the approximately location of the permanent sign would be slightly closer to the road than the existing sign.

Mr. Rich then asked Mr. Healey, Planning Director/Sr. Zoning Officer, whether there had been any charges or citations against the property. Also, Mr. Rich mentioned that the Planning report from Mr. Healey, dated September 30, 2020, indicated that the original approval included a variance to construct 259 parking spaces, not 251 as testified to by Mr. Lanfrit and Mr. Shjarback. Mr. Lanfrit indicated that, to his knowledge, there had not been any complaints or violations of any kind with respect to the church and its operations since its inception. Mr. Lagana, Board Attorney, stated that, according to the Engineer's report, there were 251 parking spaces approved in the original hearing.

Ms. Pam Mathews, Site Engineer, Van Cleef Engineering, 32 Brower Lane, Hillsborough, NJ, came forward and was sworn in. The Board accepted her qualifications. Ms. Mathews brought up the existing conditions exhibit, showing the boundaries of the property, the location of the buildings on the site as well as the location of the proposed free-standing sign. She indicated that the sign would be set back 25 ft. from the right-of-way, which was in conformance with the Township ordinance. She then showed a closeup exhibit of the church and the parking lot. Ms. Mathews then showed the Board members the location of the existing parking on-site as well as the proposed parking, noting that all the proposed parking would be located behind the building and not in view of the canal or Weston Canal Rd. She then explained that the storm water management for the proposed parking lot would include an extension from the existing system and would be located within the stone layer under the paved parking area. Ms. Mathews then indicated that parishioners would access the proposed parking area from the same driveway that they access the site now. Ms. Mathews then drew the Board's attention to the fact that trees that were planted in conjunction with the original application were in the newly proposed parking area. She added that it was the Applicant's intention to relocate those trees throughout the 144 acres so there would not be any reduction in trees on the site because of the Application.

Ms. Mathews then testified that she had reviewed the CME Engineering report of September 25, 2020 and indicated that they would be able to make all the requested changes in that report without significantly altering what was before the Board that evening.

Mr. Lagana, Board Attorney, asked regarding item #10 in the CME Engineering report, related to asking the Applicant to delineate the existing traffic arrows servicing the church parking lot to make clear whether they were proposing one-way or two-way traffic flow on the site. Ms. Mathews indicated that they were proposing two-way traffic flow based upon the width of the lanes provided.

Mr. Lanfrit, for the record, stated that they did appear before the Historic Preservation Committee and approved the plan. He added that the Police Dept., Fire Prevention Director, Health Dept. and Dept. of Public Works had no comments related to the proposal. Mr. Lanfrit stated that they did have a report from the Delaware & Raritan Canal Commission (DRCC) and Somerset County, indicating that they would comply with those reports.

Mr. Healey then asked for clarification regarding comment #3 in his report in relation to landscaping and trees being incorporated into the parking lot islands. Mr. Lanfrit indicated that they would be incorporating landscaping/trees into the parking lot islands on the property.

Mr. Lagana, Board Attorney, then asked Mr. Lanfrit if he could provide him a copy of the Historic Preservation Committee approval letter. Mr. Lanfrit stated that he would do so.

Mr. John Chadwick, Planner, 3176 Rte. 27, Kendall Park, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Chadwick then detailed the variances that they were seeking and the justification they had for the request of those variances.

According to Mr. Healey's Planning report, the following approvals were required:

- Site Plan approval
- D(3) Conditional Use Variances
- Off-Street Parking, where 1,305 parking spaces were required, and 475 parking spaces were being provided.
- "C" Variances
 - Free-standing Sign – Area: 25 sq. ft. permitted, and 36 sq. ft. proposed.

Mr. Chadwick told the Board that the Application was an inherently beneficial use and that they were looking to expand the parking lot, which had a previous variance approval, to make it more conforming to the zone requirements. He noted that the reason for the expansion of the parking lot was to have a safer and more efficient changeover from the early service to the later service on Sundays. Mr. Chadwick reiterated the previous testimony that they were not looking to expand the parking lot to accommodate more parishioners beyond the 750 that were approved in the original hearing, but solely to create a safer and easier to navigate parking lot between services. He then also told the Board that the newly proposed parking area had a very limited view from Weston Canal Rd., and he concurred with the testimony given earlier regarding the provision of shade trees in the landscape islands of the proposed parking lot. Mr. Chadwick indicated that he did not believe that there were any significant or substantial impacts to the zoning plan or zoning ordinance, he stated that he felt it was a better accommodation for the parishioners who were coming to and from the facility. Mr. Chadwick then addressed the variance requested for the sign, noting that the message area of the sign was approximately 25 ft., with the remainder for the decorative detail of the free-standing sign. He then told the Board that the distance from the roadway, he felt, was in scale with the facility. Mr. Chadwick testified that he did not see any negative impacts to the Board granting a variance for the sign or for the D(3) variance for the additional parking area. He told the Board that he thought the additional parking only had positives.

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

Mr. Lagana, Board Attorney, then asked Mr. Chadwick for some clarification regarding the sign size, with Mr. Chadwick reiterating that the 25 sq. ft. was for the face of the sign, and the rest of the sign size was to incorporate the posts and decorative portions of the free-standing sign.

Mr. Lanfrit then gave his closing statement.

Mr. Shepherd made a motion to approve the Application, with Variances, as long as they continue to abide by all the terms and conditions in the CME Engineering report. Mr. McCracken seconded the motion, and the roll was called as follows:

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

AGAINST: None

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 8:17 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
December 29, 2020