

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

**VIRTUAL MEETING
February 4, 2021**

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: Cheryl Bethea, Joel Reiss, Alan Rich, Joel Reiss, Gary Rosenthal, Richard Procanik, Kunal Lakhia, Vaseem Firdaus, and Chairman Thomas

ABSENT: Bruce McCracken and Robert Shepherd

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

MINUTES:

- **Regular Meeting – January 21, 2021**

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

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

AGAINST: None

RESOLUTIONS:

- **Pillar of Fire International / ZBA-19-00045**

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

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

AGAINST: None

- **Xin Liu / ZBA-20-00022**

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

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

AGAINST: None

- **DeeJaiz, LLC d/b/a Supreme Productionz / ZBA-20-00021**

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

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

AGAINST: None

- **DCA Guidelines**

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

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

AGAINST: None

- **DCA Protocols (Declared Emergency)**

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

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

AGAINST: None

HEARINGS:

- **THOMAS & KAREN DUFFY / ZBA-19-00034**

“C” Variances in which the Applicant was seeking permission to construct a 60’ x 40’ pole building to store cars at 1464 Hamilton Street, Somerset; Block 87.04, Lot 17 in an R-20 Zone.

Mr. Vincent Dominach, Township Economic Development Director, indicated that he had been assisting Mr. Duffy with the Application that was before the Board that evening. He gave a brief synopsis of the case that evening. Mr. Dominach indicated that Mr. Duffy was a 35 year resident of Franklin Township and has an auto repair shop for the past 50 years. He added that Mr. Duffy had included some pictures with his submission, showing that his yard was in immaculate condition. Mr. Dominach indicated that Mr. Duffy was requesting approval for a 60’ x 40’ pole barn to store his antique and other automobiles. Additionally, he stated that Mr. Duffy would not be doing any auto repairs inside the pole barn, but that it was merely for storage. Mr. Duffy affirmed that the testimony given by Mr. Dominach was true and correct. He then indicated that there were a few variances associated with the Application, and are as follows:

- Height of Accessory Structure: Height cannot exceed the height of the principal structure – at 19 ft., 4 inches, the proposed garage exceeded the height of the existing home on the property.
- Lot (Building) Coverage: 15% maximum permitted – 16.62% proposed.
- Impervious Coverage: 25% maximum permitted – 39.73% proposed.

Mr. Dominach stated that they had the home’s height re-measured, and the height of house is actually 21.5 ft. high, so that the variance for height of accessory structure would not be needed or requested.

Mr. Dominach then stated that Mr. Healey, Planning Director, put together a color-coded map that defined the structures on the property that the Board received. He noted that the map indicated that all the areas in light blue were the existing pavement on the property. He further explained that the dark blue areas were those that would be paved and next to the orange-colored structure, the 60’ x 40’ pole barn that was the subject of the Application. Mr. Dominach then indicated that the sheds, color coded in green, were those to be removed from the property. He testified that those sheds have already been removed from the property. He then went on to discuss the pavement that was connected to the street, which he indicated would be removed once the pole barn was constructed. Mr. Dominach stated that the paved area close to the street would be retained during construction so that the construction vehicles can access the property.

Mr. Dominach then discussed the two (2) remaining variances that were required, noting that the lot coverage was slightly over what was allowed in the zone. He also added that the proposal exceeded the allowable maximum impervious coverage in the zone. Mr. Duffy confirmed that he would be able to comply with all the comments in the Technical Review Committee’s (TRC) report. Those items would include hiring an engineer to design a storm water management system since the improvements on the property exceed 1,000 sq. ft. and work with the Township Engineering Dept. to put in the proper drainage.

Mr. Duffy confirmed that he would only be utilizing the pole barn for the storage of personal automobiles and other personal property and would not utilize the space for any business uses, including car repairs. He also confirmed that the sheds to be removed have already been removed, including the one that was erroneously placed on the neighboring property.

Mr. Healey mentioned that all the sheds and pavement that were being proposed to be removed from the property actually decreased the added impervious coverage on the property to below 1,000 sq. ft. and, therefore, Mr. Duffy would not have to include any storm water management remediation. He did add, however, that the measurement of those areas of impervious coverage being removed would have to be confirmed.

Mr. Rich asked for confirmation regarding the pool, the pond and other water features on the property and if they would be considered impervious or not. Mr. Healey confirmed that they all would not be included in the impervious calculations.

Ms. Bethea opened a discussion regarding the sheds on the property and asked for clarification as to whether they had already been removed. Mr. Dominach repeated his earlier testimony that Mr. Duffy confirmed. Mr. Healey then clarified that the Applicant still needed the variance for impervious coverage for 39.73%, however, the need to include storm water management features on the property did not need to be included because the removal of the sheds and pavement on the property mitigated the additional impervious coverage for the pole barn, bringing the additional impervious coverage added to below the 1,000 sq. ft. measurement.

Ms. Bethea then opened a discussion regarding the number of driveways to access the property, and Mr. Healey indicated that they had one (1) driveway on Hamilton Street and two (2) driveways on Clyde Road. He added that the Applicant had testified that they would be removing the rear most driveway that had access to Clyde Road, leaving the property with two driveways. A discussion ensued.

Chairman Thomas then made a motion to open the meeting to the public. Seeing no one coming forward to speak from the public, the Chairman closed the meeting to the public.

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

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

AGAINST: None

- **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 the PharmScript use, and associated site plan modifications at 150 Pierce Street, Somerset; Block 468.08, Lot 2.02, in the M-2 Zone - **CARRIED FROM DECEMBER 17, 2021 – with no further notification required.**

Mr. Lanfrit gave a summary of the location of the property, the current uses, and the reason they were back before the Board that evening. He indicated that they were before the Board on December 17, 2020 to present testimony to expand the charter school, expand the parking area for PharmScript use and associated site plan modifications. He explained that they had already presented the testimony of Mr. Feldman, the architect, who explained the expansion of the building as extending the second floor out towards Pierce Street, with parking underneath. He then reminded the Board that Mr. Stires, the Site Engineer, testified to the site changes that were being proposed and that of Mr. Troutman, the Traffic Consultant. Mr. Lanfrit added that they also presented testimony of Mr. Kargas, the school's Resource Officer who controlled the bus circulation as well as Planning testimony. After presenting all the testimony, Mr. Lanfrit indicated that there was an issue with the ability to stack the busses on the site in an orderly fashion. Mr. Lanfrit indicated that the original approval allowed for the stacking of eight (8) busses, and based upon the testimony of the school representative, once the school was completely built out, there would be twelve (12) busses. At the last hearing, Mr. Lanfrit stated that the Board has a concern that the busses would be able to safely stack on the property because there was a history of some of the busses parking on Pierce Street while they were waiting to pick up students on the property. At the last hearing, Mr. Lanfrit also reminded the Board that they had proposed a new parking lot for PharmScript, and because of that added parking lot, there would be circulation around the building. At that time, Mr. Lanfrit went on to state that the Board expressed a concern that they wanted to keep the two (2) uses separate, which was the intent at the original hearing. At the last hearing in December of 2020, Mr. Stires indicated that he connected the two (2) parking lots due to fire safety, but the Board felt that the separation was more important. Due to these issues, Mr. Lanfrit testified that they adjourned the hearing to give the Applicant some more time to come up with some alternative circulation patterns to address those two (2) concerns.

Since December 17, 2020, Mr. Lanfrit told the Board that they had submitted numerous versions that were submitted to the Technical Review Committee (TRC) with ways to deal with the bus stacking and the separation of the two uses and circulation on-site. He indicated that the last version was reviewed by the TRC earlier in the week.

Mr. Daniel Lagana, Board Attorney, reminded Mr. Craig Stires, Site Engineer, that he remained under oath from the previous hearing. Mr. Stires indicated that the plan that was submitted at the last hearing, and was consistent with the original approval, included the stacking of six (6) busses along the side of the driveway, with an additional two (2) for a total of eight (8) busses. He showed the location on the plans for the second floor addition with parking underneath and a parking area just opposite the newly proposed addition would be dedicated to PharmScript (the tenant on the northerly side of the building). He reminded the Board that the parking area to the rear was to remain, with an additional handicapped parking spot.

Since that time, Mr. Stires stated that they had had several iterations that they presented to the TRC as well as receiving approval to be able to fill the wetlands in the northern portion of the site. Mr. Stires indicated that the newly revised plans have the PharmScript parking area shifted over to the area where the wetlands existed so that all their parking would be located on the northside of the property to create a separation between the school parking and the PharmScript parking. In doing this, Mr. Stires stated that they were able to remove 21 front row parking spaces near the school side of the building to allow for four (4) more busses to stack along that curb on the site. He further went on to state that the loss of some of the school parking would then be shifted over to where the PharmScript Executive parking used to be, where they were able to create 40 parking spaces in that location for the school. Mr. Stires then added that there would be an increase of 13 parking spaces for Pharm Script from the existing conditions.

Mr. Stires then addressed the concern of having a gate across the looped road adjacent to the school parking lot drive aisle. He indicated that they had shifted the gate slightly out of that area to remove that concern.

Mr. Stires then told the Board that they were proposing a depressed or mountable curb on either side of the parking lot that would not allow cars to travel from the PharmScript lot to the school lot in the front of the building, it would allow for emergency vehicles. He told the Board that the proposal was provided to the TRC, which was approved.

Mr. Rich asked whether the changes that were made and shown that evening would affect storm water management in any way. Mr. Healey stated that the plans would have to be revised and presented to the Township Engineer for their review.

Mr. Procanik asked a question regarding the handicapped parking spaces on the site, and Mr. Stires indicated that they would comply with all the ADA requirements and have the proper number of handicapped spots on both the school side and the PharmScript side of the building with ramps to enter the building.

Mr. Healey just reiterated the testimony given by Mr. Stires, indicating that the TRC did review several iterations of the revised plan that was before the Board that evening, and did, in fact, approve the final version that was being presented that evening. He did add, however, that there was a comment from Fire Prevention regarding an existing issue on the property on the PharmScript side. That included the testimony of Mr. Stires that PharmScript would have a net increase in parking spaces, but that they would have to park in designated spaces.

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

Mr. Lagana then brought up something from his notes from the December 17, 2020 hearing related to school signs. He asked if there was any discussion regarding signage that would help the parking situation.

Mr. Stires testified that the Worlds Fair Drive entrance was for the school and that the other entrance to the north was for PharmScript, which further delineated the two (2) uses. Mr. Lanfrit stated that Mr. Healey could bring the issue up with the TRC if they feel any additional signage would be necessary or appropriate, they would be happy to install it.

Mr. Lanfrit stated that he wanted to remind that Board that, as far as the Site Plan was concerned, the Application was a fully compliant Application, that there were no variances that were being sought, and they were well under the impervious coverage percentages allowed (65% allowed, 49% proposed). He added that the floor area ratio allowed was 0.5%, and 0.2% was proposed. Mr. Lanfrit added that the Application included an almost 17-acre site in a two (2)-acre zone. He then added that the only variance was the Use Variance to expand the school, which was an inherently beneficial use as testified to by the Planner at the December 17, 2020 hearing.

Ms. Bethea asked for clarification regarding the plans/comments from the TRC that the Board was presented with prior to the hearing that evening and what was presented on the screen. Mr. Healey indicated that there were several iterations and that there were additional comments and changes based upon the TRC's review of the Applicant's final plan that was presented to the Board and public that evening.

Mr. Rich made a motion to approve the Application for Use Variance and Site Plan, with any additions for signage to be under the direction of Township staff. Ms. Bethea seconded the motion, and the roll was called as follows:

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

AGAINST: None

- **CEDAR HILL PREP SCHOOL / ZBA-19-00041**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Cedar Hill Prep School, where the Applicant was seeking a "D" Variance to allow operation of a summer day camp and Site Plan to install a soccer field and running track at 152 Cedar Grove Lane, Somerset; Block 424.12, Lot 6.03, in an R-40 Zone.

In the interest of full disclosure. Chairman Thomas indicated that he lived within 200 ft. of the Applicant's location but did not view it as any particular conflict of interest. Mr. Lanfrit agreed that he did not believe the Chairman's participation would be anything but unbiased and did not have any objection with him participating and voting.

Mr. Lanfrit told the Board that the proposal originally started with an Application in October of 2019 for a Use Variance for approval for a summer camp. He noted that there had been a summer camp ongoing at the property. He reminded the Board that they did receive a Use Variance for the school back in 2008. Mr. Lanfrit indicated that after they submitted the Application, there were some staff reports that requested the Applicant look at some traffic counts. Since their Application came in October of 2019 and there was no summer camp at that time, they were going to do some traffic counts in the summer of 2020, so they held off with the Application. During that time, the Applicant also decided they wanted to add a soccer field and a running track, so Mr. Lanfrit indicated that they submitted a second application (Site Plan application) for those two (2) components. When they received the staff reports on the Site Plan application, Mr. Lanfrit testified that they realized there were some issues that

they needed to resolve, with issues raised by the Township Engineer as well as the Delaware & Raritan Canal Commission (DRCC). He offered that Mr. Ford of Van Cleef Engineering was now in the process of addressing those issues and requested that they move forward with the Use Variance for the summer camp.

Ms. Nandini Menon, Chief Educational Officer, 152 Cedar Grove Lane, Somerset, NJ, came forward and was sworn in.

Since there were technical/audio issues with Ms. Menon's testimony that evening, it was suggested that the hearing be carried, and Mr. Lanfrit agreed. The Board agreed as well, and the meeting was **CARRIED TO MARCH 18, 2021 – with no further notification required.**

DL 03/31/2021

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 8:27 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
February 26, 2021