

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

**VIRTUAL MEETING  
March 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:

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**PRESENT:** Cheryl Bethea, Bruce McCracken, Joel Reiss, Alan Rich, Joel Reiss, Gary Rosenthal, Robert Shepherd, Richard Procanik, Kunal Lakhia, Vaseem Firdaus, and Chairman Thomas

**ABSENT:** None

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

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**MINUTES:**

- **Regular Meeting – February 4, 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

**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 MAY 20, 2021 – with no further notification required.**

- **DIMITRAKIS GENERAL CONTRACTING, INC / ZBA-20-00025**

“C” Variances in which the Applicant was seeking to build a single-family home at 40 Suydam Road, Somerset; Block 36.01, Lot 13.02, in the Agricultural (A) Zone - **CARRIED TO MARCH 18, 2021 – with further notification required.**

- **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 TO MARCH 18, 2021 – with further notification required.**

- **DNT HOLDINGS GROUP, LLC / ZBA-21-00001**

Mr. Evan Pickus, Esq., Attorney, appeared before the Board on behalf of the Applicant, DNT Holdings Group, LLC. Mr. Pickus indicated that they were seeking “C” Variances in which the Applicant wanted to construct additions to the front and rear of the existing residence at 59 Dahmer Road, Somerset; Block 84.01, Lot 40, in an R-40 Zone.

Mr. Pickus indicated that there were several existing non-conformities that would require variances before construction could begin on the property. The variances requested were enumerated in Mr. Healey’s Planning report as follows:

- Front Yard: 40 ft. min. required – 30.68 ft. proposed (to covered front porch)/34.7 ft. (to proposed front addition).
- Side Yard: 25 ft. min. required – 13.5 ft. to proposed rear addition.
- Total Side Yard: 75 ft. required – 27.5 ft. existing (and for proposed addition).
- Lot (Building) Coverage: 10% maximum permitted – 11.9% proposed.

Mr. Marc Leber, Engineer/Planner, employed with East Point Engineering, 11 South Main Street, Marlboro, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Leber indicated that they prepared a plan that was submitted on November 11, 2020. He went on to tell the Board that the lot had 100 ft. of frontage, with 200 ft. in depth (20,000 sq. ft.). He then noted that because the property was located within the R-40 Zone, the lot required 40,000 sq. ft. and 200 ft. of frontage and comply with the zone standards, making the property non-conforming in the zone. Mr. Leber went onto explain that the Applicant wanted to add a 275 sq. ft. rear addition, a 109 sq. ft. front addition, and a 45 sq. ft. covered front porch as well as a deck at the rear of the property. He then referred to the required variances that were enumerated in Mr. Healey’s Planning report and noted previously in the minutes of the hearing. He then explained that they were expanding the house and continuing the 13.5 ft. side yard setback as well as continuing the total side yard setback of 27.5 ft. He then noted that the current lot coverage was . Mr. Leber then pointed out the proposed additions to the property using the plans that were submitted to the Board.

Mr. Shepherd then proceeded to ask Mr. Leber about the proposed deck in the rear of the house. He inquired about the rear yard setback, and Mr. Leber indicated that they don’t

typically take the measurements from a deck, but even if they did, they the minimum was 50 ft. and they were 130 ft. away, so there was plenty of space to satisfy the ordinance. Mr. Shepherd then asked about the side yard setback, and Mr. Leber indicated that the home was built in 1955 and zoning was changed in 1984, rendering the property non-conforming at that time.

Mr. Healey then clarified that if the home were built in 1955, it would have been built before zoning was instituted in 1958.

Mr. Leber then started his Planning testimony by referring the Board to the Zoning map on the screen. He noted that he felt that the the deviations from the zoning code posed no detriment and was looking for the Board's approval for the C-2 flexible variance where the project, as proposed, would further the goals and the purposes of zoning and where the positives would outweigh the detriments. Mr. Leber stated that he didn't believe that the plans did not encroach on neighboring properties or have any negative effect. He then noted that the front porch was an open porch and that both the front and rear additions just extended the existing front and back lines of the home. Mr. Leber indicated that the proposal was to modernize the home and improve the floor plan to today's standards. He then drew the Board's attention to the zoning map, noting that the two properties immediately to the right of the subject property were part of a newer development that was part of a cluster development that allowed for 20,000 sq. ft. lots and as well as for 15% building coverage. Mr. Leber indicated that he was showing that the proposal was compatible to the surrounding neighborhood.

Mr. Healey added that he believed that Mr. Leber was alluding to a C-1 Hardship variance as well related to the size of the lot and the width of the lot relative to the R-40 Zone. Mr. Leber indicated that the classic hardship would be due to the size and the shape of the property; however, he put forth the other concerns (C-2 Variance) as testimony as well.

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

Chairman Thomas made a motion to approve the Application with Variances. Ms. Bethea seconded the motion, and the roll was called as follows:

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

AGAINST: None

**WORK SESSION/NEW BUSINESS:**

There was no work session or new business discussed.

**MEETING ADJOURNED:**

Chairman Thomas made a motion to adjourn the meeting at 8:01 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
March 29, 2021