

LAW OFFICES OF GERALD MULLER, P.C.

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August 20, 2021

Via e-mail to Christine.Woodbury@franklinnj.gov

Zoning Board of Adjustment
Attention: Christine Woodbury, Secretary
Township of Franklin
475 DeMott Lane
Somerset, NJ 08873

Re: Dada Bhagwan Vignan Institute – 630 South Middlebush Road
ZBA -19-00040

Dear Mr. Chairman and Members of the Zoning Board:

On behalf of objectors John and Ray Snyder and Mary-Ellen Warwick, undersigned counsel write to express real concerns about Mr. Lanfrit's request at the last hearing, on August 5, to bifurcate the use and site plan approvals at this late stage of the proceedings. We are heading into the tenth hearing on this application and bifurcating the use approval from the site plan approval will not only invite confusion but is not supported by caselaw that holds that, when the variance and site plan issues are highly interrelated, bifurcation is not appropriate. See *House of Fire v. Clifton Bd. of Adj.* 379 N.J. Super. 49 (App. Div. 1999) and *House of Fire v. Clifton Bd. of Adj.*, 379 N.J. Super. 526, 539-540 (App. Div. 2005). We believe the variance and site plan issues are highly interrelated in this matter – we have not, for example, seen a revised landscape plan, even though one of the d(3) variances being requested is from the buffer requirement and the issues around buffering have been critical to the discussion of whether this application meets the negative criteria. We therefore reserve the right to object if the Board grants the Applicant's request to bifurcate the application.

Respectfully submitted,

Law Offices of Gerald Muller, P.C.
On behalf of Ray and John Snyder



By: _____
Martina Baillie, Esq.

Price, Meese, Shulman & D'Arminio, P.C.
On behalf of Mary-Ellen Warwick

By: /s/ Jennifer M. Knarich
Jennifer M. Knarich, Esq.

CC: Christine Woodbury, Board Secretary, *via email* at Christine.Woodbury@franklinnj.gov
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