

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

**VIRTUAL REGULAR MEETING
October 21, 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, Richard Procanik, Joel Reiss, Alan Rich, Gary Rosenthal, Robert Shepherd, Vaseem Firdaus, Elizabeth Clarkin, and Chairman Thomas

ABSENT: Kunal Lakhia

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

Due to technical difficulties, recording of this meeting started a few minutes into the meeting.

MINUTES:

- **Regular Meeting – July 15, 2021**

Vice Chair Shepherd made a motion to approve the Minutes, as submitted. Ms. Bethea seconded the motion, and the roll was called as follows:

FOR: Ms. Bethea, Mr. Procanik, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, Ms. Firdaus, Ms. Clarkin and Chairman Thomas

AGAINST: None

- **Regular Meeting – August 5, 2021**

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

FOR: Ms. Bethea, Mr. Procanik, Mr. Reiss, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, Ms. Firdaus, and Chairman Thomas

AGAINST: None

RESOLUTIONS:

- **Allwell Pharmacy, LLC / ZBA-21-00010**

Ms. Bethea 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, Vice Chair Shepherd, Ms. Clarkin, and Chairman Thomas

AGAINST: None

- **Brentwood Bay, LLC / ZBA-19-00006**

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. Procanik, Mr. Reiss, Mr. Rosenthal, Vice Chair Shepherd, and Chairman Thomas

AGAINST: None

- **Trinity Rehab / ZBA-21-00012**

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

FOR: Ms. Bethea, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, Ms. Firdaus, Ms. Clarkin, and Chairman Thomas

AGAINST: None

- **Tony & Nicole Hubbard / ZBA-21-00013**

Mr. Rich 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. Procanik, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, Ms. Firdaus, and Chairman Thomas

AGAINST: None

- **Tabatchnick Fine Foods, Inc. / ZBA-15-00018**

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

FOR: Ms. Bethea, Mr. Procanik, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, Ms. Firdaus, and Chairman Thomas

AGAINST: None

DISCUSSION:

- **Franklin II Associates, Ltd – Appeal of Zoning decision – CARRIED TO DECEMBER 16, 2021**
- **Extension of Time: • Adichunchanagiri Cultural & Spiritual Foundation of USA Inc. / ZBA-18-00014**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Adichunchanagiri Cultural & Spiritual Foundation of USA Inc. He noted that the Application had been approved years ago, but that they had not been able to start construction, partially due to the pandemic and the inability of the congregants to get together to raise funds to complete the project. He did note, however, that their extension was still good and valid to the end of the year, 2021. Mr. Lanfrit then refreshed the Board’s memory by saying that the Application was for a house of worship on Weston Road behind an existing house and asked for a two (2) year extension of approval so that they would hopefully be in a position at that time to proceed with the project. Mr. Lanfrit then noted that there had been no changes with the zoning and no changes regarding anything else having to do with the project.

Mr. Rich then asked for clarification regarding the maximum time allowed for an extension of time, and Mr. Healey confirmed that the maximum was two (2) years.

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

FOR: Ms. Bethea, Mr. Procanik, Mr. Reiss, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, and Chairman Thomas

AGAINST: None

HEARINGS:

Ms. Woodbury, Planning & Zoning Secretary, discussed the applications that were being carried that evening to other dates. She also gave information for the public to attend those upcoming virtual meetings.

- **DADA BHAGWAN VIGNAN INSTITUTE / ZBA-19-00040**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Dada Bhagwan Vignan Institute. 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 A Zone - **CARRIED FROM SEPTEMBER 2, 2021 – no further notification is required.**

Ms. Woodbury, Planning & Zoning Secretary, announced that all Zoning Board members who had missed any hearings throughout the testimony for this Applicant have provided all audio certifications for all previous meetings and were on file. She added that should hearing come to a vote that evening, that every member was eligible to vote.

Mr. Lanfrit stated that the night's hearing would be meeting #11 for the Application, with the first meeting having started in September of 2020. He went on to state that at the last meeting, October 5, 2021, they had concluded all of the testimony of the objectors, and, at that time, the Board closed the public meeting. The plan was to adjourn the meeting until the meeting scheduled in September for public comment and a vote on the matter. During the discussion at the end of the meeting, certain Board members indicated that because of the passage of time and changes and amendments to the plan as a result of comments of Board members and members of the public, they were not comfortable voting on a site plan because so much had gone on over the past year. Mr. Lanfrit stated that he offered to bifurcate the matter so that the Board could vote solely on the Use Variance, and that they would come back for Preliminary and Final Site Plan approval. After that hearing, he went on to explain that Ms. Bailey objected to the bifurcation of the matter in a letter that she sent to the Board. Additionally, Mr. Lanfrit indicated that since they had some time between the hearings, Mr. Ardman had an opportunity to update the Site Plan and had submitted the updated plans to the Township a few weeks before the hearing that night.

Mr. Lanfrit wanted to get it on the record that since the last meeting, they received a letter from Somerset County that indicated that they approved the Application. He added that as part of that approval, they did not require any left-hand turn lane or road widening for the project. He did state, however, that the County did require a dedication along their frontage along South Middlebush Rd. The second item that Mr. Lanfrit wanted to point out to the Board was that as they went through the multiple hearings, initially the color of the building was proposed to be white, and there were recommendations and requests by the neighbors that the building be painted earth tones. He went on to state that they had agreed to paint three (3) sides of the building earth tones but preferred to leave the front of the building in white for religious reasons. He told the Board that the Applicant would prefer to keep the front of the building white but would be willing to paint all four (4) sides earth tones if the Board wanted them to do that.

Mr. F. Mitchell Ardman, Engineer, continued to be sworn in from the previous hearings. He stated that he prepared Site Plan exhibits, reflecting all the changes that were discussed at all of the 11 meetings. Mr. Ardman indicated that the Exhibits were submitted to the Township on October 4, 2021, that included the Dimension Plan Sheet 4 and the Landscape Plan Sheet 6, which were revised on 9/1/21, in black and white. He entered into the record the colorized Dimension Plan Sheet 4 as Exhibit A-1, with today's date, as well as a colorized rendering of the Landscape Plan Sheet 6 as Exhibit A-2, also with today's date.

Mr. Ardman then brought up Exhibit-2 on the screen, which was the colorized Landscape Plan, for the Board's review. He indicated that the plan before the Board that evening detailed the changes that they made and agreed to in the past. He noted that the original driveway was going to be replaced with a new driveway that had been shifted over by 300 ft. to the north and further away from the residential property. The original driveway will be filled in with plantings along the common property line. He then noted that the house of worship was moved forward on the property, and away from the Snyder property and now located 130 ft. from the rear property line. He added that it was also shifted to 75 feet from the right and north property line, so there was no longer a side-yard variance in that location. With the shift of the house of worship, the parking moved forward as well, according to Mr. Ardman and still works well on the property in conjunction with the entrance drive. He then stated that the residential home on the property would have its access from the new parking lot area. He then told the Board that they made sure that the new parking lot was a minimum of 110 ft. from the property line with the residents and have banked the parking spaces that directly face that neighbor, which equated to another 18 ft. of green space in that location and would eliminate the headlights of the cars from pointing into the residential property under the banked parking scenario. He added that a full hedgerow was added along those banked parking spaces behind the wooded area between the subject property and residential neighbors. At the back of the house of worship, as agreed to, Mr. Ardman stated that there would be a 10 ft.-high planted berm, with a double row of evergreen trees to shield the house of worship from the neighboring property. He added that they were planning to save the existing trees along the northern edge of the property as well as infilling with additional evergreen trees. Additionally, Mr. Ardman stated that they would be placing a 6 ft. high deer-style fence along the northern property line following to the edge of the wetlands in the southern corner. Mr. Ardman then discussed a tree replacement plan, noting that whatever could not be planted on-site, they would contribute to the Tree Replacement Fund. He discussed the addition of plantings along the common property lines and a large hedgerow along the northerly property line bordering the farm. Mr. Ardman noted that it would add more of the required trees on-site, include a buffer to the farm activity, and a screen for the viewshed from South Middlebush Rd. He also discussed the existing/remaining trees on-site that would also create an additional buffer. Mr. Ardman then discussed the street trees that would be planted all along the entrance driveway. Finally, Mr. Ardman testified that by making the changes to the plan as discussed, it would not substantially affect the storm water management plan that was originally submitted in conjunction with the Application. He spoke about the storm water management plan staying the same as well as the drainage patterns, and that the impervious coverage would stay the same because the driveway was longer in one area, but shorter in another to balance that out. Mr. Ardman indicated that the house of worship would not be visible from South Middlebush Rd., particularly due to the woods and the additional plantings.

Mr. Healey then asked to clarify some numbers with Mr. Ardman, asking what the total of parking spaces would be on-site, including the banked spaces. Mr. Ardman indicated that the number of parking spaces did not change. He then confirmed with Mr. Ardman that the side-yard setback was eliminated as they now have 75 ft., and the rear yard setback was 50 ft. and was now going to be 130 ft.

Vice Chair Shepherd then asked Mr. Ardman if he saw Mr. Healey's Planning report, dated August 10, 2021. He wanted to know if Mr. Ardman complied with all of the points that Mr. Healey made in that Planning report about concessions that the Applicant had made. He added that they put a concession letter together, and if the points in Mr. Healey's August 10, 2021 report were the same, then he indicated the two (2) new plans presented that evening covered those points. Mr. Ardman stated that there was going to be no parking along the entrance drive and would be included in the Dimension Plan as well as minimal lights along that driveway. The Vice Chair then asked if the site lighting set up to comply with the 15 ft. limitation and would they now be LED lights, and Mr. Ardman answered in the affirmative. He then asked Mr. Ardman the number of parking spaces on-site, and he answered that they were providing a total of 157 parking spaces (banking 30 spaces) for a total of 127 parking spaces constructed. Vice Chair Shepherd then asked if the sign lighting would be LED and only lit when the facility was in use. Mr. Ardman answered in the affirmative. They then discussed the cutoff of lighting (set on a timer) for the parking lot lights and would only be illuminated when necessary and that the driveway and parking lot lights would not be used when the facility was not in use and limited to security lighting only. Mr. Ardman agreed with all of those statements. The Vice Chair then asked for confirmation as to whether the utilities would be underground, and he answered in the affirmative.

Vice Chair Shepherd then had a discussion with Mr. Lanfrit regarding the agreement that the Township could invoke Title 39 to make sure that no one parking on the entrance driveway and other areas outside of the paved parking areas. Mr. Lanfrit indicated that the Applicant had agreed to all of those conditions listed on the memo written by Mr. Healey, but that they were not all included on the plans.

Ms. Martina Bailey, Esq., Attorney and Opposing Counsel for Ray and John Snyder, came forward. Ms. Bailey then asked for details about the hedgerow that Mr. Arden explained was going to be planted along the property line with her clients' property to be included in the Tree Replacement Plan. Ms. Bailey then asked how many trees in total were being removed from the site, and Mr. Ardman stated that the original plan included 107 replacement trees, and the revised plan shown tonight now has an additional 135 replacement trees for a total of 242. Ms. Bailey then discussed why they couldn't include more trees in the open area near South Middlebush Drive, and Mr. Ardman stated that it was the Board's request that they keep the viewshed of the Scenic Corridor. They then discussed adding some additional buffering where there was now native vegetation, and Mr. Ardman indicated that they didn't think it was necessary as that area was facing open space land and didn't need additional buffering. He also added that it kept the farm field viewshed that the Board was looking to preserve for the Scenic Corridor.

Ms. Jennifer Knarich, Esq., Attorney and Opposing Counsel for the Warwicks, came forward. Ms. Knarich asked for clarification regarding how many banked parking spaces there would be, and Mr. Ardman answered that there would be 30 banked parking spaces.

Chairman Thomas then opened the meeting to the public for questions of Mr. Ardman.

Ms. Leah Convery, 43 Townsend Court, Franklin Park, NJ, came forward. Ms. Convery asked if there was an estimated time for construction schedule put together. Mr. Ardman indicated that he didn't have a current schedule. Mr. Lanfrit anticipated that should the matter be approved; the construction would commence in the spring and take less than a year.

Seeing no one further coming forward with questions for Mr. Ardman, Chairman Thomas closed the meeting to the public.

Vice Chair Shepherd inquired about the hours and days the house of worship would be open (Friday, 6 p.m. to 10 p.m., Saturday, 9 a.m. to 9 p.m., and Sunday 9 a.m. to 9 p.m.) based on earlier testimony. He stated that he felt that should be part of any Resolution should the matter be approved. He then brought up the idea that the house on the property only be used for the visiting priest when he was in the country and no one else. The Vice Chair also brought up the fact that he felt that there should be something in the Resolution limiting parking on the site to the parking lot only. Mr. Lanfrit stated that they were only going to be using the facility on two (2) Fridays during the year and otherwise would not be using the facility on any weekday, day or night. He added that the hours on the weekend days would vary, but that worse case scenario the facility would be open and available from 9 a.m. to 9 p.m. on those days.

Chairman Thomas then opened the meeting to the public for comments regarding the proposals.

Ms. Barbara Lawrence, 383 South Middlebush Rd., and former member of the Township's Historic Preservation Commission came forward and was sworn in. She indicated that she was going to speak about the proposal before the Board in the context of the Township's overall plans. She felt that it was important to keep rural areas of the Township rural. She added that even in keeping with all of the many accommodations that the Applicant had agreed to, would interfere with not only the underlying plan, but more specifically the Master Plan. She then spoke of preserving the Scenic Corridor and the Historic Preservation goals were to preserve and maintain the historic and agricultural nature of buildings and structures within the Township. She spoke of the Agricultural element of the Master Plan. She indicated that she did not approve of the proposed plan.

Ms. Barbara Tenbrooke came forward and was sworn in. She stated that she also had been a commissioner of the Historic Preservation Commission as well as the Millstone Valley Historic Preservation Coalition and the Meadows Foundation. She stated that she opposed the Application and she spoke about the three (3) different properties on South Middlebush Rd. that were part of the Meadows Foundations. She then discussed the fact that South Middlebush Rd. was considered a Township Scenic Byway, stealing the historic and agricultural nature of the area.

Mr. Jim Johnston, 34 Norwich Place, Somerset, NJ, came forward and was sworn in. He believed that there was a mission to preserve the agricultural and environmental elements in the Township. He then spoke about the shortages of all kinds of materials and wanted to be able to preserve the local agricultural presence locally.

Ms. Leah Convery, 43 Townsend Drive, Franklin Park, NJ, came forward and sworn in. Ms. Convery was very concerned for the traffic issues on South Middlebush Rd. She stated that with the current supply chain issues as it related to construction and the question of funding for the project , Ms. Convery was concerned that the project, if approved, gets completed in a timely fashion.

Mr. Michael Bell, 70 Coppermine Rd., Franklin Township, NJ, came forward and was sworn in. Mr. Bell indicated that he was a member of the Millstone Valley Preservation Coalition, a regional and non-profit organization that sought to enhance the historic and cultural, scenic and open space assets of Millstone Valley. Mr. Bell attempted to discuss a Resolution made by the Millstone Valley Preservation Coalition, but Board Attorney, Mr. Frank Regan, stated that it was not permissible under the Municipal Land Use Law for an organization to do so. Mr. Bell then gave his personal opinion about the Scenic Corridor and opposed the size of the proposed building as it was similar to the size of a small shopping center. He discussed the traffic that would be generated by the use and talked about Snyder's Farm being one of the last active farms in the area. He indicated that many roadways adjacent to South Middlebush Rd. were in the Historic districts of the Township and asked the Board to consider the impact on the area and the roadway and would set a precedent for others to seek to do the same in the area. He then drew the Board's attention to the fact that the building was sized to accommodate 450 people when the testimony given stated that the population of worshippers would only be 250 people and that the location would be the primary location for the particular religious sect in the United States. Mr. Bell pointed out that the property was within the Six Mile Run State and National Register and the Historic District and should be subject to review by the County. He then asked the Board to consider all of the accommodations needed to be made for the proposal to be considered for approval and the fact that another similar proposal within a mile of the subject proposal will be coming before the Board soon. He discussed the impacts these two (2) projects would have on active farming in the area.

Mr. Lanfrit then addressed Mr. Bell, asking about his affiliation with the Millstone Valley Preservation Coalition as a member of the Board of Trustees. Mr. Lanfrit then questioned whether Mr. Snyder was a member of this same Coalition, and Ms. Bailey interjected that she did not see the relevance of the questioning. Mr. Lanfrit went on to state that it went towards Mr. Bell's credibility.

Mr. Babu Veeregowba, 33 West Kincaid Drive, West Windsor, NJ., came forward and was sworn in. Mr. Veeregowba was very appreciative to the Board, the Township professionals and the Applicant for reviewing so thoroughly the details of the Application as it related to the traffic impacts and all of the accommodations that has been made. He told the Board that he approved of the Application.

Seeing no one further coming forward, Chairman Thomas closed the meeting to the public.

Ms. Jennifer Knarich, Esq., Attorney and Opposing Counsel for the Warwicks, came forward Ms. Knarich then gave her closing comments and spoke about the witness rebuttals to the Traffic Engineer, Environmental Consultant and Planner. She spoke about the traffic impacts the proposal would have on a two-lane roadway with no shoulders that served as a regional minor arterial roadway and potential conflicts at the driveway intersection. She then drew the Board's attention to the environmental impacts with the removal of a significant number of trees to accommodate the facility along a Scenic Corridor. Additionally, the Board should

consider the environmental constraints on the property and should ensure compliance with local, County and State requirements. With regard to planning, she indicated that it was their opinion that the site was not an appropriate location for the use for its location along the Scenic Corridor and the size and architectural style of the proposed building which would have visual as well as aesthetic impacts on the character of the area and on the Scenic Corridor. Ms. Knarich stated that the Applicant should be able to build a structure that met the needs of the current number of attendees and that complies with the parking requirement of the zone. She then questioned the need for the 35 ft. height of the building when it was only a one (1)-story structure and spoke of the need to make the architectural style more compatible with the character of the surrounding area. She asked the Board to ensure that the Applicant comply with all items on Mr. Healey's memorandum of August 10th which enumerated the conditions of any approval.

Ms. Martina Bailey, Esq., Attorney and Opposing Counsel for Ray and John Snyder, gave her closing summation. Ms. Bailey stated that she was appreciative that the Applicant made some accommodations to the plans but did not think that they went far enough. She then indicated that her clients oppose the Application. She did add, however, that they didn't oppose the intended use as they respect and agree with freedom of religion, but simply oppose it because it was non-conforming and requiring variances that deviate substantially and unjustifiably from the zoning ordinance and from the Scenic Corridor criteria and was without basis. She then discussed the different variances that were required. Ms. Bailey then asked that the accommodation to paint all sides of the building in beige earth tones. She then discussed the concern that they have for the environmental impact of the facility and that they were opposed to the size and mass of the facility that far exceeded the intended use. Ms. Bailey asked that the Board consider requiring that the building be made smaller and not as tall to comply with the Scenic Corridor criteria. Even though the proposal was a permitted conditional use in the zone, Ms. Bailey was under the opinion that the deviations were just too substantial to be supported by any criteria and the proofs that were required to be met. It was Ms. Bailey's opinion that the Applicant still had to meet the positive criteria and show that the site was suitable for the intended use. She opined that the project did not meet either the positive or negative criteria and permitting the variances would substantially impair the intent and purpose of the zoning plan and zoning ordinance, which was to protect the rural and aesthetic purposes of the Scenic Corridor and to discourage large developments that were not in synch, either visually or structurally, with the preservation of the agricultural resources in the area. Finally, Ms. Bailey stated that granting the Application would set a very dangerous precedent that could not be reconciled with the legislative intent embodied in the conditional use and the Scenic Corridor criteria. She asked that the Board deny the Application

Mr. Lanfrit then gave his closing summation. He first spoke about the facts of the case, including the fact that houses of worship were permitted uses in the zone, the 5,000 sq. ft. requirement of the Scenic Corridor ordinance did not apply to South Middlebush Rd. and clearly set forth in the Township ordinances. He then brought up the fact that many people believed that the site was being overdeveloped; however, the zone requirements for houses of worship in the Agricultural (A) Zone was 12 acres and the site was just shy of 16 acres. Mr. Lanfrit then spoke of the building coverage requirements, which was 10% of the site, whereby the proposed building was 3.68% of the site. He then indicated that the zone requirement for impervious coverage was 40% maximum, and the proposed included 18.6%, well under the zone requirements for the use. When originally proposed, Mr. Lanfrit stated that the house of

worship was in conformance to the zone requirements and no setback variances would be required. He indicated that the Township staff asked that the plan be modified to accommodate for the Scenic Corridor requirements, which they agreed to do but that they were not legally obligated to do so. He told the Board that the objectors seem to want to penalize the Applicant for wanting to protect the Scenic Corridor. He then discussed the parking and the setbacks that have been brought up as issues. Mr. Lanfrit then discussed the D(3) Conditional Use and the need for variances included the standard that the Applicant would show that the site would accommodate the problems associated with the use even though the proposed did not comply with the conditions that the ordinances establish to address those problems. He then enumerated the variances that they were seeking, which include that the parking was not behind the building, and that they did not have a full buffer around the entire property. Mr. Lanfrit then told the Board that the parking was tucked within the woods to shield it from the roadway to accommodate that issue and the environmental constraints on the property prohibited providing a buffer and, in some cases, would require the removal of existing trees along the residential properties to accommodate the buffer requirement. He then drew the Boards attention to the adequacy of the parking on-site and stated that they had adequate parking to accommodate the facility. He noted the flaw he stated existed as it related to parking for houses of worship, which he stated required a parking variance for that use. Mr. Lanfrit then brought up the opposition bringing witnesses that included a Traffic Expert who had never visited the site on a Saturday when the facility would be worshipping, did not include information related to traffic on the weekend on South Middlebush Rd. He went on to state that they brought in an Environmental expert who never visited the site and who suggested that the Applicant should do certain things above and beyond what was required in the Township ordinances. Lastly, the objector's Planner talked about the Scenic Corridor and agreed that the placement of the facility was the best possible location to preserve the Scenic Corridor. He then added that they could have had a conforming Application but would require them to place the building in the open field, with parking in the rear and the removal of many trees to place a fence around the entire facility. In Mr. Lanfrit's opinion, he stated that doing so would benefit no one. He added that the plan presented by Mr. Ardman that evening showed how the facility would not be visible at all from the roadway and completely protected the Scenic Corridor. He then pointed out that the property was in the Agricultural (A) Zone and allowed single-family residences and could be placed with the proper front yard setback from the roadway and following all requirements, but destroy the Scenic Corridor. He then discussed preserving farmland but noted that the subject property was an open field and hadn't been farmed in years. Mr. Lanfrit wanted the Board to know that the proposal was not an overdevelopment of the property and were entitled to propose a house of worship there as they were inherently beneficial uses and that justifications for the request of variances were provided. Mr. Lanfrit stated that the Board must grant the D(3) Variance and the bulk variances, which had been justified through testimony. He also discussed the traffic issues that had been brought up throughout the many hearings.

Vice Chair Shepherd made a motion to approve the D(3) Use Variance, "C" variances and Preliminary Site Plan approval. Variances specifically include off street parking and location in front of the building, rear setback requirement, the buffer to accommodate for wetlands and some existing vegetation and a variance for sign area. The approval should also include all 32 comments in Mr. Healey's August 10, 2021 memorandum that constitute all the conditions and agreements that had been made throughout the hearings on the matter. Additionally, the

facility would limit their hours to two (2) Friday nights per year (between 6 p.m. and 10 p.m.) and Saturdays and Sundays (9 a.m. to 9 p.m.). He added that the spiritual leader should be allowed to stay at the house on the property, but no one else shall be permitted to stay there, that there will be no parking allowed anywhere on the property except in the parking lot provided, and that the color of the building should be painted in earth tones on all four sides of the façade. Mr. Healey added to the Resolution to include that the plan, as amended at the 10/21/21 hearing and supplemented by the exhibit presented at that hearing, should be included. He also added the Schedule and Attendee Report that was provided by the Applicant should be included, enumerated on his August 10, 2021 memorandum. Mr. Reiss seconded the motion with all the additional changes, and the roll was called as follows:

FOR: Ms. Bethea, Mr. Procanik, Mr. Reiss, Mr. Rosenthal, Vice Chair Shepherd, and
and Chairman Thomas

AGAINST: Mr. Rich

MEETING ADJOURNED:

Mr. Reiss made a motion to adjourn the meeting at 9:25 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
December 2, 2021