

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

**VIRTUAL MEETING
November 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, 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

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.

- **JOE SALAZAR / ZBA-21-00018**

C Variance in which the Applicant is asking for the construction of two columns and a small roof over the existing front stoop at 51 Jurocko Avenue, Somerset; Block 207, Lot 9.12, in an R-7 Zone - **CARRIED TO DECEMBER 2, 2021 – with notification required for newspaper.**

DL 01/10/2022

- **SAI DATTA MANDIR, INC / ZBA-19-00037**

Preliminary & Final Major Site Plan w/C & D Variances in which the Applicant wants 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 APRIL 7, 2022 – with further notification required.**

DL - 04/07/2022

- **ROBYN MANDALAKIS / ZBA-21-00017**

C Variance in which the Applicant sought to construct an expansion of an attached garage at 1 Edna Court, Somerset: Block 59.05, Lot 4, in the Agricultural w/ Cluster Overlay (AC) Zone - **CARRIED FROM OCTOBER 21, 2021 – with notification required to Businesses only.**

Ms. Robyn Mandalakis, Co-Applicant and Homeowner, 1 Edna Court, Somerset, NJ, came forward and was sworn in. Mr. Ted Mandalakis, Co-Applicant and Homeowner, came forward and was also sworn in.

Mr. Healey indicated that the Applicant wanted to expand their attached garage out from the front of the house. He added that the required setback was 35 ft., and the proposed was 26 ft. Mr. Healey indicated that his report showed an aerial view of the property as well as a street view of the property as it existed currently.

Ms. Mandalakis stated that they were trying to add two (2) additional bays to their existing garage. She then went on to state that they own a few antique cars and had been renting garage space elsewhere that they would like not to have to do. She added that they would like the additional garage space to be continuous with the house and felt that the expansion would not impact the street view of the house.

Chairman Thomas then asked if there was an alternative to bumping out the garage to the front of the house. Ms. Mandalakis indicated that they could build a detached garage, and that their architect felt that there was sufficient room to do so, without a variance. She then added that they also felt that building a detached garage would not be aesthetically pleasing from the view from the street or from the neighbors' homes.

Mr. Rich asked how the addition to the front of the house would affect the existing driveway. Ms. Mandalakis indicated that they would have to adjust the driveway to allow it to still be a circular driveway such as what existed currently. They then discussed the right elevation on the home on pg. 2 of Mr. Healey's report, and Ms. Mandalakis stated that they were just adding the third garage door at the front of the house. Mr. Mandalakis then described how the driveway would be adjusted to accommodate the third garage at the front of the house.

Chairman Thomas then opened a discussion regarding their request, and Ms. Mandalakis stated that they felt it was a better zoning alternative to add to the front of the home rather than construct a separate detached building.

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

Mr. Rich made a motion that they approve the Application. Ms. Firdaus 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, Ms. Clarkin and Chairman Thomas

AGAINST: None

- **GABRIEL & LUZILDA MERCADO / ZBA-19-00042**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicants, Gabriel & Luzilda Mercado. C Variance in which the Applicant is applying to construct a two-story single-family home at 17 Ambrose Street, Somerset; Block 181, Lot 41.01, in an R-7 Zone.

Mr. Lanfrit indicated that there were two (2) variances that were required. He then indicated that the lot is an undersized lot, with the requirement of 7,500 sq. ft. and 5,000 sq. ft. was existing/proposed. He added that the lot frontage requirement in the zone was 75 ft. minimum, and they were proposing 50 ft. Mr. Lanfrit then told the Board that the matter was previously heard by the Zoning Board under ZBA-2005-1103 under the name of James Mamone in 2005 where Mr. Mamone came before the Board and presented testimony to support the variance for the undersized lot (50 ft. x 100 ft.). Mr. Lanfrit stated that the Board granted the variance at that time, but never built a house and eventually sold the property to the Mercados. He added that the Mercados now intend to construct a single-family dwelling on the property. Mr. Lanfrit also mentioned that there were other variances indicated on the Technical Review Committee report because the house that was being proposed exceeded the coverage requirements, where the maximum building coverage was 20% and they were proposing 24.97%. Additionally, he stated that they originally intended to exceed the impervious coverage maximum of 30% and were proposing 33.8%. Mr. Lanfrit indicated that he discussed the variances with his client, and they had agreed to reduce the size of the dwelling so that they would not be seeking any variance for the building coverage or impervious coverage. In discussing the matter with Mr. Healy, he indicated that the proposed covered porch would be included to calculate the building coverage and impervious coverage. Mr. Lanfrit indicated that they felt it would be more aesthetically pleasing to put a roof over the front porch, however.

Mr. Laurence C. Johnson, Architect, came forward and was sworn in. The Board accepted his qualifications. He testified that when he put forth the original plans, the proposed home had a building size of 26 ft. x 48 ft. Mr. Johnson indicated that to bring the home size down to 1,000 sq. ft., notwithstanding the conversation regarding the porch, the home size was adjusted to be 26 ft. x 38 ft. 5 inches. Mr. Johnson then discussed the proposed materials that would be used to construct the home and what it would look like. He indicated that they would be utilizing hardy board and delineated the layout of the rooms within the proposed home. Ms. Johnson stated that they reduced the size of the rooms in the home in order to comply with the building coverage and impervious coverage requirements. Mr. Johnson stated that he felt it was much better to include a covered porch for aesthetic and weather coverage concerns.

Mr. Lanfrit then discussed the home size as it related to the lot size, and he indicated that the proposed home was compliant with all the bulk standards and that the only variances being sought were related to the undersized lot in the zone. A discussion ensued regarding the ability to add other elements to the property, such as a shed, in the future. Mr. Lanfrit indicated that the reduced size home on the lot was fully built out and that variances would be required for such things as a shed or patio on the property. He added that a deck would not require a variance.

Mr. Shepherd then asked if the Applicants were amenable to a condition that they build the house that appeared on pg. 6 of the Technical Review (TRC) report. Mr. Lanfrit indicated that it was their intention to build the house shown on the plans, other than making it smaller.

Mr. Lanfrit then explained that when there was an application on an undersized lot, there was a requirement to attempt to acquire additional property or sell the property to the adjoining property owners. He testified that they prepared a letter, dated June 28, 2021, which was sent to the property owners at 15 Ambrose Street and 43 Somerset Street, the two (2) adjoining properties. Mr. Lanfrit indicated that they had the Return Receipt Requested cards in his possession, but that neither of the homeowners responded to their request to either purchase the subject property or sell any property to the Applicant. He added that he submitted copies of both letters that were sent to the Township as part of the record.

Mr. Michael K. Ford, Engineer/Planner, came forward and was sworn in. The Board accepted his qualifications. Mr. Ford then shared the screen and spoke about the lot area and lot frontage variances that were required as a result of the undersized lot. He added that they had withdrawn the previously requested variances for building lot and impervious coverage. He then noted that there was a hardship in acquiring additional land, as testified to by Mr. Lanfrit, in order to make the lot conforming to the zone. Mr. Ford then testified that the proposed lot was consistent to what existed in the neighborhood as well as the home being similarly sized to other homes in the neighborhood. He did add that their proposal had the front yard setback consistent with the zoning requirements in comparison to the homes on either side of the proposed property. Mr. Ford testified that including a covered porch to the front of the home would aesthetically improve the appearance of the dwelling and provide coverage from the weather.

Ms. Bethea asked for the building (lot) coverage if they were to cover the front porch. Mr. Ford stated that it would increase the building coverage for the 5 ft. x 8 ft. porch (40 sq. ft.) and, therefore, they would now require a variance for building coverage, but not impervious coverage as that had already been included in the footprint of the proposed home.

Mr. Healey then asked if the proposed home would comply to the 30 maximum impervious coverage with the addition of the covered front porch.

Chairman Thomas then opened the meeting to the public.

Mr. Kevin McNeill, 11 Ambrose Street, Somerset, NJ, came forward and was sworn in. Mr. McNeill stated that he would welcome the construction of a new home to remove the eyesore of the open lot. He then mentioned that the homes on either side do include coverings over their porches and that it was a benefit for coverage for weather and for package deliveries.

Mr. Bill Connell, 25 Spring Street, Somerset, NJ, came forward and was sworn in. Mr. Connell asked for clarification as to whether the home could be marketed as a double-family dwelling based on the plans. Mr. Lanfrit stated that the proposed home was a single-family home and that it was not large enough to qualify as a double-family home. Mr. Healey indicated that a property needs to have 15,000 sq. ft. to have a double-family home approved.

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

Mr. Lanfrit then gave his closing statements.

Vice Chair Shepherd made a motion to approve the Application to include a lot coverage, lot frontage and building coverage variances (for covered porch) to build a single-family dwelling. Additionally, the house to be built would be the same that was shown on pg. 6 of the TRC report. The roll was called as follows:

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

AGAINST: None

- **DK APNA GROCERY, INC d/b/a APNA BAZAR / ZBA-21-00021**

Mr. Lane Miller, Esq., Attorney, appeared before the Board on behalf of the Applicant, DK Apna Grocery, Inc. d/b/a Apna Bazar. Variance in which the Applicant sought sign variances to place two signs for a tenant within a shopping center located at 3151 Route #27, Franklin: Block 34.05, Lot 43, in the Neighborhood Business (NB) Zone

Mr. Victor Tandon, Landlord/Owner of center, came forward and was sworn in. Mr. Tandon explained that the Applicant would be taking over a number of units in the center. He also stated that he was aware of the design of the proposed signage. He then indicated that the previous tenant had a larger sign than what was being proposed by the current tenant. Mr. Tandon also indicated that the sign size that was being proposed here was to make it more visible from Rte. 27 and the safety of the travelling public when trying to locate the business. Mr. Tandon then discussed the second sign that was being proposed and the purpose of why it was being proposed to include the large size of the business and the different offerings within to include a grocery and a restaurant (food court) that have their own entrances.

Vice Chair Shepherd asked for clarification regarding the previous tenant and the location of the signage. Mr. Tandon stated that the signs would be building-mounted.

Mr. Rich asked for clarification regarding a third business in the center. Mr. Miller clarified that there was another tenant in the center, however, was unrelated to Apna Bazar and not part of the Application.

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

Ms. Bethea asked about any freestanding sign on the property. Mr. Tandon indicated he was not seeking to add another free-standing sign.

Mr. Reiss made a motion to approve the Application with sign variances. 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, Ms. Firdaus, Ms. Clarkin, and Chairman Thomas

AGAINST: None

SAHAROSE, INC. / ZBA-20-00026

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Saharose, Inc. A "D-1" Use Variance was requested in which the Applicant was applying to be able to park fifteen (15) school buses on the property at 2 JFK Boulevard, Somerset; Block 386.17, Lot 138, in the General Business (G-B) Zone - **CARRIED FROM OCTOBER 21, 2021 – with no further notification required.**

Mr. Lanfrit reminded the Board that the Application started on May 6, 2021. He then noted that they had six (6) members that were present for the original hearing in May and that both Mr. Reiss and Vice Chair Shepherd were not present at the previous hearing. He then wanted to know if they had viewed/listened to the video/audio of the previous hearing. Both Mr. Reiss and Vice Chair Shepherd stated that they had viewed/listened to the hearing, and Ms. Woodbury, Zoning Board Secretary, also indicated that she did receive a response back from both, stating that they had done so.

Mr. Lanfrit then spent some time reviewing the Application and the testimony that was given at the May , 2021 hearing. He reminded the Board that the request was to approve the ability to park fifteen (15) smaller (16–24 passenger) on the property at 2 JFK Boulevard. He then told the Board that at the May 6, 2021 hearing, he had testified that the proposal was reviewed by the Franklin Township Historic Preservation Commission and was approved by them at that time. He then added that he had presented the testimony of Mr. Ali, the Principal of the Applicant. Mr. Lanfrit went on to state that Mr. Ali's company was charged with transporting children to schools in New Jersey. Furthermore, he went on to state that Mr. Ali was a tenant in the building at 2 JFK Boulevard and told the Board that he currently had 25 busses. He added that the Application before the Board that evening was to park 15 busses in a portion of the parking lot that was furthest away from the building. Mr. Ali indicated that the other 10 busses stayed with the drivers. He then told the Board that the busses could hold from 16-24 students and that they were small busses. He testified that the drivers would pick up the busses around 7 a.m. in the morning, depending on when the schools operate, and that some would come back with their busses around 9:30 a.m., but some would not. He indicated that the drivers coming back with their busses would then retrieve them again for the afternoon run. Mr. Lanfrit reminded the Board that Mr. Ali testified that his company did not do any weekday evening or weekend bus runs.

Mr. Lanfrit then told the Board that he had also presented testimony of Mr. Antisell, a Professional Engineer and Professional Planner, who described the property as consisting of 3.72 acres, which included a two (2)-story building with a 7,328 sq. ft. footprint. Mr. Lanfrit then explained that Mr. Antisell reviewed the uses that were at the property and reviewed and had exhibits showing the area where the busses would be parked and the

screening/vegetation around the area they would be parked. Mr. Lanfrit then told the Board that Mr. Antisell, in his testimony, opined that there would be no negative impacts to the zone scheme and Master Plan. He then indicated that, during that testimony, he referenced the Scholastic Bus case, which indicated that the parking of school busses was an inherently beneficial use, and that the Board would have to give due consideration, as indicated by the Board Attorney at the time, Mr. Daniel Lagana. Mr. Lanfrit also explained that Mr. Antisell also testified as to what he observed concerning the usage of the parking lot and that it was minimally used. He went on to state that at the conclusion of the testimony, Mr. Rich, Chairman Thomas, and Ms. Bethea all had questions concerning traffic, thereby obtaining a traffic report. Mr. Lanfrit then added that Chairman Thomas also asked that he speak to the owner of the shopping center, Mr. Rubin, to be available that evening and was asked to be present at the meeting that night.

Ms. Elizabeth Dolan, Traffic Engineer, Dolan & Dean Consulting, came forward and was sworn in. The Board accepted her qualifications. Ms. Dolan stated that they are initiating a series of traffic counts at the site, beginning in July, 2021. She said they also monitored the in/out flow during the typical morning peak hour as well as the afternoon peak hour. She indicated that they also counted up the actual parked vehicles on site, which included busses. Ms. Dolan stated that there were more busses parked there in the evenings and the weekends than during the day. She did make a statement that they were aware that July/August numbers would be lower than when school would be in session, so they resumed counting in September. She then stated that in addition to having her staff there, she also indicated that she visited the site several times. Ms. Dolan indicated that formal counts were performed Wednesday, July 28, 2021 between 2-4 p.m., Thursday, July 9, 2021, between 7-9 a.m., Tuesday, September 21, 2021, between 7:30-9 a.m., Wednesday, September 22, 2021, between 2-4 p.m. She then added that they provided a table that showed a 200 vehicle increase in the two (2)-way traffic on JFK with the traffic volumes entering and exiting the site were generally consistent, not particularly high, and maxing out at about 70 trips (total of inbound and outbound). She stated that there might be a short wait making a left out of the site, but Ms. Dolan indicated that the driveway was functioning fine, which was based on formal counts and her several visits to the site. She stated that she did not see any problems with on-site circulation and movements into and out of the site.

Ms. Dolan then explained that the bigger point of their exercise was to examine the parking sufficiency because they were proposing to utilize a portion of the site to park busses in the northeast overflow parking area. She then indicated that that portion of the site was well-suited to parking busses there because there was not much parking demand in front of the building or behind the building. Ms. Dolan then indicated that they had twice as much parking provided as was required by ordinance (66 required, with 135 parking spaces on-site). She then noted that the maximum demand that was ever encountered there was 39 vehicles, leaving at least 85-90 parking spaces available. Ms. Dolan then testified that they were provided the Resolution from the catering facility on-site that occupied about 4,600 sq. ft. and that their approval relied upon providing valet service for higher attended events or the use of that northeast overflow parking area. She did note, however, that when there were the higher-attended catering events at the center, many of the other businesses were closed. She then stated that even if the busses were parking in that northeast overflow parking area, there would still be sufficient parking. Ms. Dolan then described the scenario if valet service was used for the 75+ attendee events, those vehicles could be parking in the back parking area than that area was striped for. Utilizing all of the information just presented, Ms. Dolan

testified that she did not see that the bus parking had any negative to the successful and continued operation of the shopping center, especially because many of the business uses there had different parking demands at different times of day. She added that she would agree with Mr. Lanfrit's testimony that reviewed Mr. Antisell's previous testimony at the May, 2021 hearing that there was just not that much parking demand at that location. Ms. Dolan then referred to the reduction of parking demands, noting that the fifth edition of the parking generation manual from the ITE (Institution of Transportation Engineers) showed the previous requirement from 10 years ago of 5 spaces per 1,000 sq. ft. and the current requirement at 3 spaces per 1,000 sq. ft. She then told the Board that the parking accumulation counts were conducted on Friday nights, Saturdays, and weekdays at all different times of day, beginning in July and extending to September, 2021. Ms. Dolan added that at no time did they find any parking problems. She also informed the Board that COVID-19 had reduced the need for parking for the catering business. She then stated that she did not know what the future held for that use, but that there was limiting capacity in attendance figures. She then drew the Board's attention to pre-COVID parking demands and found that there was ample parking for all the uses on-site, with multiple busses being parked in that northeast corner of the parking lot.

Mr. Lanfrit stated that Ms. Dolan noted in her report that the building was fully occupied, with the exception of 2,500 sq. ft., and she agreed. She indicated that when they adjusted for that possible occupancy, they still found that there should be at least 85-90 parking spaces available.

Vice Chair Shepherd asked for clarification of the number of busses and size that would be parked on-site. Mr. Lanfrit indicated that they would have 15 busses on-site that would be able to accommodate 16-24 passengers.

Mr. Rosenthal asked for clarification as to whether there would be any bus maintenance done in the parking lot, and Ms. Dolan responded that they would just be parking the busses there and would not perform any maintenance/repairs/washing/fueling. Mr. Lanfrit testified that the busses would not be sitting in the parking lot, idling, either. He reminded the Board of Mr. Ali's testimony at the last hearing that not all of the busses go out every day, some would remain as back-up busses.

Ms. Bethea then inquired about where the bus drivers would be parking their personal vehicles. Mr. Lanfrit indicated that the bus drivers would be parking in the same area that the busses would be parked. Mr. Lanfrit also told the Board that the bus parking area would be signed as bus parking only (21 parking spaces) and was at the rear of the northeast corner of the parking area. He added that the rest of the parking lot was available to other patrons of the shopping center.

Chairman Thomas then indicated that they were reviewing an Application for Saharose Bus Company and wanted to know who Sunset Bus Company was. Mr. Lanfrit stated that there were other busses that were being parked in the subject location, but not with the consent of his client. He noted that Sunset Bus Company was not his client, and they were not requesting anything of which he was aware. Chairman Thomas reminded Mr. Lanfrit that the Sunset busses were parked back in the subject parking area all the time and wanted to know what he suggested. Mr. Lanfrit stated that the Zoning Officer could issue a summons to Sunset Bus Company if they were violating the ordinance. The Chairman then stated that if the Application were approved, he would like to see the parking spaces for the requested 15

busses from Saharose Bus Company be aligned to fit the size of the busses involved so as not to allow interference from aisle traffic for other uses on the site. Mr. Lanfrit stated that they would have no problem restriping the designated bus parking spaces to fit the requested busses as well as providing signage for Saharose bus parking only. A discussion ensued regarding the owner making some minimal cleaning efforts in the northeast corner parking area since the last hearing.

Mr. Procanik then asked what Saharose would do if others were utilizing the designated Saharose bus parking area. Mr. Lanfrit stated that he would think that his client would have other busses/vehicles towed from those parking spaces.

Mr. Rich asked Ms. Dolan, in her Traffic Study, and looking at page 5, first paragraph, the last sentence stated that a few more spaces may be needed for the busses to comfortably park. Ms. Dolan referred the Board to page 4, the second to last paragraph, the Traffic report indicated that on August 16, 2021, there were 18 parked in the lot occupying 22 parking spaces. She indicated that it went along with Mr. Antisell's prior testimony that they would need 20-21 parking spaces to comfortably park the busses since they were typically bigger than regular passenger vehicles. She also added that the previous discussion suggesting that they provide appropriately sized striping to make sure they had appropriately sized parking spaces to fit. They then discussed that some of the 18 busses noted, some of them may have been Sunset Bus Company busses. Ms. Dolan then indicated that the back parking area currently has 56 parking spaces, so that restriping to accommodate the size of the proposed busses would certainly allow for additional parking of other vehicles, and that the discussed signage would keep the bus parking separate from other parking in that area.

Mr. Healey then discussed the square footage of the building. Mr. Lanfrit described how they got the square footage of the building (approximately 14,600 sq. ft., with a footprint of 7,328 sq. ft.) with the current requirement of one (1) space per 225 sq. ft., for a total of 66 parking spaces for the shopping center. Mr. Lanfrit stated that those numbers were indicated in the original approval for the building. Mr. Healey indicated that he had a measurement of 14,600 sq. ft. as a footprint of the building and important to get right as it was part of Ms. Dolan's testimony of the parking requirements on the site.

Mr. Ruben, Owner, 368 Altiburg Avenue, Franklin Township, NJ, came forward and was sworn in. Mr. Ruben confirmed that the footprint of the shopping center was 14,000 sq. ft. for a total of 28,000 sq. ft. for both floors. Mr. Healey indicated that the total sq. ft. of the building needed to be divided by 225 to determine how many parking spaces were required for the parking requirement. Mr. Healey also indicated that some of their testimony was going to have to be revised in light of this new information. Ms. Dolan indicated that the new parking requirement would be 125 parking spaces required for the site as compared to the 66 parking spaces they had just quoted earlier in the hearing. She did note that there were 135 parking spaces on-site, so that there was a surplus but not the double that she had indicated earlier.

Mr. Ruben then testified that there was common space for the building (lobby and hallway space), so the total rentable space was actually only 25,000 sq. ft. He told Mr. Healey that his parents were the original owners of the shopping center (built between 1983 and 1985), and he became one of the owners after his parents passed away.

Mr. Healey then asked Mr. Ruben if he could explain the low parking count at the site, as testified to by Ms. Dolan (39 vehicles at most on-site). Mr. Ruben noted that most of the customers of the shopping center were very transient, as opposed to the clients of the gym that used to be located there. He also noted that COVID-19 was a major factor. He also added that in past years, they were having a serious problem with dumping in the far end of the parking lot and have had to spend tens of thousands of dollars cleaning up the area. He added that since the busses had been parking there, they had had absolutely no dumping issues.

Chairman Thomas then asked Mr. Ruben who Sunset Bus Company was, and he stated he had no idea who they were and that only Saharose had the right to park their vehicles there. He added that they have had construction vehicles park there and have had the police go there to monitor the activity and contact owners.

Chairman Thomas then discussed the issue of having Sunset Bus Company having their vehicles on the property for so long and initiated an idea of having a way to avoid the mixing of busses on the property with other vehicles going to the shopping center. He suggested that having the busses traverse the rear of the shopping center would avoid the busses having to drive through the parking aisles and make for an easier entrance/exit. The Chairman suggested that the circulation pattern he just spoke of would be possible if the site were cleaned up of debris. Mr. Rubin indicated that the police did not want to get involved in policing those who dump on the property. He also spoke about having to evict some tenants for non-payment of rent and added that now that the building was almost fully occupied, they had been attending to cleaning up the property. A discussion ensued about fulfilling the conditions required.

Mr. Lanfrit asked Mr. Rubin if he could assure that the dumpsters at the rear of the building would be maintained where they were supposed to be maintained so that the busses could circulate in the rear of the building as well as allowing for emergency vehicles to have access there as well. Mr. Rubin stated that since the approval for the construction of the building years ago, there was also a requirement to add a container for recycling of cardboard. He indicated that he would speak to Falgi, the refuse company, asking them to push the container back so that it did not impede the driveway. He also agreed to do everything in his power to keep the roadway clear of debris to allow for bus movements and access by emergency vehicles.

The Board Attorney suggested that the circulation of busses in/out of the shopping center could be imposed as a condition of any approval. Additionally, concerns regarding the other bus company parking their busses on-site could be alleviated simply by the limitation of the 15 school busses that the variance would allow for. A discussion ensued regarding tabling the matter until the Applicant could find out who the other bus company was.

Mr. Healey indicated that he was inclined to agree with the Board Attorney, noting that the owner of the property would receive any violation notice should there be more than the approved 15 busses on the property. The Board Attorney responded to Ms. Firdaus' question of who had responsibility, and the answer was that the variance was being granted to the property. Chairman Thomas indicated that the Resolution should include the size of the busses being allowed (16-24 passenger busses), not just the number of busses allowed on the property. The Board Attorney agreed, but also added that it should be specified that the

Resolution should include that the busses were school busses, which were an accessory to a school, which was being presented as an inherently beneficial use in the Applicant's testimony.

Mr. Antisell, Engineer and Planner, 12 Concord Drive, Kendall Park, NJ came forward and was sworn in. The Board continued to accept his qualifications from the previous hearing on May 6, 2021. Mr. Antisell agreed that he gave testimony at the previous hearing and was listening in at that night's hearing to Ms. Dolan's testimony. He added that his previous testimony was that the use was an inherent beneficial one, according to case law, and that the site was appropriate for the parking of school busses, particularly at the northeast corner of the property. He indicated that his opinion did not change based upon Ms. Dolan and Mr. Rubin's testimony that evening. Mr. Antisell then explained that he got the square footage of the building from the Tax Assessor's office that he relied upon, and that Ms. Dolan relied upon.

Chairman Thomas then opened the meeting to the public.

Mr. Connell came forward and continued to be sworn in. He asked if the recent approval for a catering business on the property would be in conflict with the request to park 15 busses. Ms. Dolan indicated that there would be approximately 85-90 additional spaces available. Her calculations, she stated, for a highly attended event by the catering company would be up to 150 people. Utilizing their ratio of three people to a vehicle, which would include 50 vehicles on-site, with plenty of parking for both the event and the parking of 15 busses, according to Ms. Dolan. She added that she did not see any negative impact to the prior approval for that use on the property.

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

Mr. Lanfrit gave his closing summation.

Vice Chair Shepherd made a motion to approve a Use Variance to allow 15 school busses (16-24 passenger size) to park in the northeast corner of the property, that no maintenance or repairs be made on-site with the exception of tire replacement, the requirement to stripe the 56-space parking area to include the 15 bus parking spaces to the specifications of the school bus size, that those plans be submitted to the Township Technical Review Committee (TRC) for review. Also included would be appropriate bus only parking signage, no idling and exit direction signs for busses, with all plans submitted within one (1) month of the memorialization of the Resolution that typically occurred at least a month after approval to provide ample time to get plans to the Township staff for review. He added that those improvements would have to be made on-site within three (3) months after memorialization of the Resolution. Additionally, the parking lot must be operational and in good state of repair and that the busses exit the designated parking spaces from the rear of the building and that the owner of the site keep that travel lane clear. Mr. Reiss seconded the motion, and the roll was called as follows:

FOR: Ms. Bethea, Mr. Procanik, Mr. Reiss, Mr. Rosenthal, Ms. Firdaus, and Ms. Clarkin

AGAINST: Mr. Rich, Vice Chair Shepherd, and Chairman Thomas

MEETING ADJOURNED:

Mr. Reiss made a motion to adjourn the meeting at 9:45 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
December 13, 2021