

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

**VIRTUAL REGULAR MEETING
February 3, 2022**

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, Gary Rosenthal, Robert Shepherd, Vaseem Firdaus, Elizabeth Clarkin, and Chairman Thomas

ABSENT: Richard Procanik

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

HEARINGS:

- **1784 Capital Holdings, LLC / ZBA-21-00009**

D(1) Use Variance; Preliminary & Final Major Site Plan w/C Variances in which the Applicant is seeking approval for construction of a 125,335 sq. ft. self-storage facility at 1613 Route #27, Somerset; Block 85, Lots 58 & 59.02, in the GB Zone - **CARRIED TO MARCH 17, 2022 – no further notification required.**

Christine Woodbury, Planning & Zoning Secretary, then gave information for listeners to log into the carried meeting on the appropriate day/time for 1784 Capital Holdings, LLC.

- **CEDAR HILL HOLDINGS, LLC / ZBA-19-00041**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Cedar Hill Holdings, LLC. The Applicant was seeking a D Variance to allow operation of a summer day camp at 152 Cedar Grove Lane, Somerset; Block 424.12, Lot 6.03, in an R-40 Zone - **CARRIED FROM APRIL 15, 2021, with notification required.**

Christine Woodbury then introduced the Board members to Mr. Darren Mazzei, CME Engineer.

Chairman Thomas then recused himself from the hearing by virtue of residing across the street from the Applicant and being directly affected by the proposal.

Mr. Lanfrit indicated that the initial Application that was submitted in conjunction with the project was for a Use Variance for a summer camp and a Site Plan approval for a track and a

soccer field. He then noted that that Application was modified and was handled and approved administratively so that the only Application before the Board that evening was for the D-1 Use Variance for the summer day camp. Mr. Healey then corrected Mr. Lanfrit's statement regarding the Application being handled and approved administratively, indicated that it was limited only to the grading of the front yard. He then added that the Application that was going to be Site Plan before the Board was more intensive. That being said, Mr. Healey stated that the soccer field and track was no longer being proposed and was limited to a Use Variance for a summer day camp.

Ms. Nandini Menon, Owner/Operator of Cedar Hill Prep School, came forward and was sworn in. She described receiving an approval in 2007 to construct a private school on the property. She explained that they started with some of the lower grades and then came back before the Board in 2011 and 2012 for the inclusion of upper grades and currently teach Pre-K through 8th grade at the school. In the history of the school, Ms. Menon indicated that there was an enrollment limit of 330 students. Currently, she stated, that there were 240 students, with a school year running from September to June. Ms. Menon then discussed how the students arrive and leave from school, to include their school bus, school van or Franklin Township bus as well as pick-up and drop-off by parents in vehicles. She added that since COVID-19, Franklin Township did not provide bussing, so more parents bring their children to the school. Ms. Menon stated that they currently have one school bus and one school van that does the pickups and drop-offs, noting that they make multiple trips in both the mornings and afternoons. She then discussed the hours of the school as 8:00 a.m. to 4:00 p.m., to also include morning care (7:00 a.m.-8:00 a.m.) and after care (3:00 p.m. to 6:00 p.m.). Ms. Menon then spoke about the staggered hours of the lower school (8:30 a.m. to 3:30 p.m.) and the upper school (8:00 a.m. to 4:00 p.m.). She noted that the Pre-K starts at 9:00 a.m. Ms. Menon stated that they have 46 employees for the school, to include teachers, custodians, administrators, and herself. She then described the procedure that the school used for the children arriving and departing, noting that they used a multipurpose room for drop-off and pick-up by parents and now since COVID, all children go through a temperature check upon arrival, in the lobby, and then are released to the multipurpose room. She added that some parents park and walk their children to waiting teachers and some drive through the drop off area to waiting teachers. In both cases, Ms. Menon stated that they get their temperatures taken in the lobby and go to a multipurpose room where they are then disseminated to their classrooms. She then described the process for the afternoon, with departures at 3:00 p.m., 3:30 p.m. and 4:00 p.m., either by bus or by parent pick-up. Ms. Menon testified that it was a fair statement to say that most children were off the campus by 4:00 p.m. She then told the Board that since 2007, they have not had any issues with cars/busses stacked up onto Cedar Grove Lane in the mornings or the afternoons. She then indicated that the teachers/staff park in the parking lot in the parking spaces. Ms. Menon then discussed a parking agreement for shared parking they have with the Cedar Hill Swim Club located just next door but testified that they did not use their parking lot for day-to-day operations. She did indicate, however, that they do use the shared parking agreement when there are special events at the school where many parents would be attending and notify the swim club of their parking use, Back to School Night, etc., utilizing that overflow parking, pre-COVID, 10-12 times per year in the evenings. Ms. Menon then discussed traffic signs at the end of the driveway restricting turns onto Cedar Grove Lane to right turn exits only during specific morning and afternoon time-frames during commuter hours. She added that they instruct their parents at the beginning of any school year of the traffic protocols of the school during parent orientation prior to the beginning of the school year. Ms. Menon indicated that they have a camera system that

helps them identify anyone not complying with the right-turn exit and other protocols of the school. She then discussed the summer school program that was started when the school opened at the present location in 2007, consisting of both indoor and outdoor enrichment activities. Ms. Menon then indicated that they had up to 110 students in that initial summer school program that included outside students and some of their own students. She then noted that the summer school program changed to a summer camp in 2016. Ms. Menon then explained the difference between the two programs, noting that the summer camp included much more outdoor activities. She also added that they had someone else run the summer camp for them, but that she was always there on a daily basis for 8-9 weeks during the summer break. She then discussed how the summer camp ran the program with the same protocols as the school. Ms. Menon stated, however, that busses were not utilized in the summer, and parents drop off and pick up their children to and from the program. She then added that they also had a small tutoring class within the administrative building (starts at 10 a.m. for 2 to 3 hours) during the summer. (12-15 students max) with parental drop-off and pick-up.

Vice Chair Shepherd asked how many students were being brought to and from school during the school year in parents' vehicles. Ms. Menon stated that their school bus holds 26 students, and their van holds 7 students. She added that the remaining 220 students (including siblings), for an approximate total of 200 cars coming and going at the various stated times. When asked how many parking spaces are in the parking lot, Ms. Menon indicated approximately 54 parking spaces, with about 10 spaces available for parents to park after accounting for the 46 employees. She then indicated that they use approximately 20-25 parking spaces in the swim club lot for special events during the school year. The Vice Chair then opened a discussion regarding whether the camera system was used during the summer camp program, and Ms. Menon answered in the affirmative.

Mr. Mazzei, CME Engineering, indicated and confirmed that there were 50 parking spaces on site.

Mr. Reiss opened a discussion regarding the summer camp utilizing/renting the space on the school property.

Mr. Healey then clarified that the summer camp was not an extension of the school, but a separate program entirely, and Ms. Menon answered in the affirmative.

Vice Chair Shepherd wanted to know if Ms. Menon and the school had control over what occurs on their property while the summer camp was in operation, and she answered in the affirmative since she is at the school daily throughout the entire year.

Vice Chair Shepherd then made a motion to open the meeting to the public for questions of Ms. Menon. Mr. Healey then gave instructions to the public to participate. Seeing no one coming forward, the meeting was then closed to the public at this time.

Mr. Galen Smith, Operator of Summer Camp, Cedar Hill Prep School, Somerset, NJ, came forward and was sworn in. Mr. Smith gave his background and experience with running summer camps. He then described typical camp activities, including science and nature to arts and crafts, gymnastics, swimming, canoeing, day trips. Pre-pandemic, they had between 250-300 kids attending; and during the pandemic, they had about 125 kids. He added that

they were now back up to their pre-pandemic numbers. The hours of operation starts at around 7:00 a.m. for before care and most kids were dropped off by around 8:30 a.m./8:45 a.m. He did say that they had a bus available for pick-ups and drop-offs, but that the vast majority of the kids were dropped off by their parents. Mr. Smith also indicated that they did have siblings being dropped off together, which would lower the number of cars coming into and out of the facility. He said they have some kids only attending for ½ days, whether it be mornings or afternoons and some coming three (3) days a week or four days(4) a week, and the peak number of children attending are not all there at the same time. He said that approximately 80 children are off campus attending activities such as at the canal, or at Colonial Park. He also indicated that some activities were inside, and some were outside, and the same protocols that the school used were utilized by the summer camp. He added that they have three separate entrances for different age groups and temperatures were taken, and they also have a valet service where children were dropped off. He said that they also hold parent orientations and prefer that they utilize the swim club parking lot and walk their children to the site so as not to jam up the site trying to drop their kids off. He stated that they also prefer that their staff park next door at the swim club parking lot to give space fore the parents to pick up their children as well. Again, he reiterated that they prefer that the parents park at the swim club and walk over to pick up their children, but there were a lot of parking spaces on the property with which parents can park to pick up their children. Mr. Smith then testified that they never had an instance where there was not enough parking for the swim club members to park in their own lot. He then explained that the swim club opens up at 11:00 a.m., and only kids who have swim lessons or diving instruction would be at the swim club earlier than that time. Mr. Smith then told the Board that they have between 40-60 employees, but that they were not all on site at the same time, and the counselors were the only employees who were on-site for the entire day. He noted that many employees are dropped off by their parents, with college-aged employees' carpool. Mr. Smith indicated that he was on the subject site every day. He also noted that there were 4-6 employees to assist with pick-ups and drop-offs, and parents were not allowed to park in certain areas that would cause back-ups onto Cedar Grove Lane. Mr. Smith then talked about monitoring the right turnouts out of the facility, and he indicated that the situation was monitored closely. Finally, Mr. Smith said that the summer camp attendees were mostly from the Somerset area.

Vice Chair Shepherd then asked for clarification regarding the cooking classes Mr. Smith indicated was held on campus. Mr. Smith stated that the class was called "Cooking Without Heat," but that they have not held that class during COVID. The Vice Chair then opened a discussion regarding his observation of children and parents having to walk from the swim club parking lot through a looped line of cars dropping children off on the site. He noted that their administrators monitor and assist with those drop-off and pick-up times to ensure safety and a smooth operation. Vice Chair Shepherd then stated that he was made aware of a situation on the site that someone was acting as a disk jockey and playing loud music outside. He talked about announcements being made and monitor the situation to make sure the sound does not go further than the property line. The Vice Chair then asked if Mr. Smith was aware of the swim club parking lot being reduced significantly in size and how he thought that would affect the summer camp operations. Mr. Smith talked about having a valet system to keep the traffic moving and that anyone coming to the site were encouraged to park in the swim club parking lot for the 5-minute time period of time. He also spoke about the use of cones on the property to not allow parking in drive aisles, etc. to cause back-ups on the property or create unsafe situations.

Mr. Darren Massey asked about the operating hours of the swim club, and Mr. Smith stated that they had a small contingent of employees on the site all day, but that besides swim and dive lessons in the early morning, the activities on that site start to pick up around 5:00 p.m. when the day camp has already concluded for the day. Mr. Massey then noted that he made a site visit during July of 2021, and that during the time he was there in the morning during peak traffic hours of 7 a.m. – 9 a.m., 15 people violated that no left turn sign. He also added that during the 15-minute period after that time frame, another 15 people took a left turn out of the facility. Mr. Smith stated that there would always be someone trying to violate the rules, but that they hold parent orientation. He stated that they have not had a single accident or incident in the past six (6) years they have operated at that location and that he was on-site to make sure that they have a smooth operation. Mr. Massey then noted that there were people trying to make a left turn into the site from the New Brunswick Rd. direction and that he observed multiple car queueing on a single lane roadway there. Mr. Smith did not observe nor has he had complaints from their campers' families about issues related to entering or exiting the property. Mr. Massey then explained to Mr. Smith that he had received complaints about traffic flow in that area during the time frame that the summer camp was operating, which was the purpose of his visit to the site. Mr. Massie also noted that he observed some people being dropped off right on Cedar Grove Lane. Mr. Smith indicated that they would not receive the child into the camp if they were not properly dropped off at the valet area or walked over by the parent from their parking lot or the swim club parking lot, so he thought it probably was a staff member.

Mr. Healey then asked for clarification on when his summer camp started operating at the site. Mr. Smith stated that he had been there since 2017. Mr. Healey then asked if there was any discussion between himself and Ms. Menon that the summer camp was a permitted use at the site. He indicated that the first year they had between 100-125 campers and that it was basically an extension of her summer enrichment program that had included math, English, writing, etc.. He also stated that the campers were comprised of the students that were already attending the summer program there as well as those from Somerset and surrounding areas. Mr. Smith also told the Board that a lot of the existing staff of the summer enrichment program came over to work at the summer camp as well. He told the Board that the existing staff of the original summer enrichment program were teachers/staff already employed by the school during the school year. He then indicated that they also had an enrichment program in the summer camp, however, he stated that it was mostly science-based and not as extensive as the previous enrichment program. A discussion ensued.

Mr. Healey then told Mr. Smith that his office had received noise complaints well beyond the first week of camp. Since Mr. Smith had noted that the camp ran from the last two weeks in June to the middle of August each summer, Mr. Healey told him that the complaints were received well beyond the first week of camp. Mr. Smith stated that he did not get any complaints beyond the first week, and that the noise was cut down significantly. If it becomes a problem, they would bring those activities inside the gymnasium.

Mr. Healey then opened a discussion regarding bussing. Mr. Smith indicated that they pick up about 10 children from Piscataway and it also operates as a shuttle to and from other locations during the day. He added that the bus could hold 52 occupants.

Mr. Healey then told Mr. Smith that a substantial portion of the swim club parking lot was being removed and, more specifically, those parking spaces that abut their parking lot that

were being removed. Mr. Healey indicated that they were going to have some very clear understanding of how the shared parking was going to work. Mr. Smith once again described their valet service and the staggered arrival times at the site.

Mr. Healey then opened a discussion regarding the broad range of employees on the site and asked for clarification for the difference in numbers of employees on-site. Mr. Smith stated that their counselors were at the site from about 8:30 a.m. to about 4:00 p.m. He then added that there was a before care staff and an after-care staff. He also stated that some of their instructors were only there two (2) days per week and some only work half days. Mr. Healey asked how many employees would be on-site at 8:30 a.m. on their busiest day of the week, and Mr. Smith stated that it was probably about 40-50 employees at that time. Mr. Healey then asked if anyone had done any hard counts of how many vehicles that translated to. Mr. Smith stated that it would involve about 20 cars because they have a lot of siblings and families working there.

Mr. Reiss asked if the summer camp was in violation of zoning laws, and Mr. Healey indicated that they had received a violation notice for operating a summer camp at that location without a proper variance. Mr. Lanfrit stated that they did receive a violation notice, but it did not include a cease-and-desist order. In response to the violation notice, Mr. Lanfrit indicated that they made their Use Variance Application. He also added that during the pandemic it was difficult to obtain certain information and their numbers decreased, but they have all of the data now to properly present to the Board. A discussion ensued with Board Attorney, Mr. Frank Regan, who concurred that they would only have had to stop operation of the camp if there was a summons and a court hearing, which did not happen. Mr. Reiss then asked Mr. Smith if it would have been prudent to assign a staff person to monitor the traffic issues and circulation on the site during the morning drop-off hours. Mr. Smith stated that they tried to enforce and monitor any traffic/parking issues as much as they could, but that maybe they would have to assign someone that specific task each day. A discussion ensued.

Ms. Bethea then opened a discussion regarding the use of the 52-person bus. Mr. Smith stated that only 10 children are transported to and from the camp, and once there, the bus was used to shuttle children to other locations two (2) or three (3) times per day.

Mr. Massey noted that the Traffic Study indicated that a van as well as a bus was used to transport children, so he suggested that the point be discussed with the Traffic Engineer for clarification. Mr. Smith reiterated that in 2021 we did not use vans. Mr. Lanfrit testified that the Traffic Engineer issued two reports on the matter, dated 2020, based on activities that occurred in 2020. Mr. Lanfrit suggested that the Traffic Engineer get together with Mr. Smith and supplement her report to reflect the changes that have occurred since then.

Vice Chair Shepherd then made a motion to open the meeting to the public.

Ms. Kimberly Piva, 9 Wexford Way, Somerset, NJ, came forward. She indicated that she wanted to make a statement and not ask a question and deferred to waiting until that portion of the public hearing occurred to do so.

Mr. Lanfrit suggested that they wait to hear testimony from the Traffic Engineer so that she could research and address some of the questions and concerns raised that evening. A discussion ensued.

Mr. Regan, Board Attorney, then asked if the Applicant could submit a copy of the agreement between the owner and the camp operator as well as the parking agreement between the school and the swim club. He also suggested the provision of a brochure with information in regard to the summer camp, setting forth the activities and programs offered would be helpful. Mr. Lanfrit indicated that he would get the information to the Board for the next meeting.

Ms. Woodbury suggested that they could carry the hearing to the next meeting on February 17th. Mr. Lanfrit stated that the Traffic Engineer would be ready to testify within two (2) weeks.

Mr. Healey then explained to the public the next steps in the process for the hearing. Vice Chair Shepherd then asked Mr. Lanfrit to also have Ms. Menon available at the next hearing to answer any questions, if appropriate, and particularly with regard to the parking lot issue. Mr. Lanfrit then asked for a five (5)-minute recess so he could consult with the Traffic Engineer regarding her availability for a February 17th continuance of the hearing. Vice Chair Shepherd agreed, and they had a brief recess in the proceedings.

After the meeting resumed, Mr. Lanfrit stated that the Traffic Engineer would not be available on February 17th and it might be prudent to give more time to address all of the questions and concerns brought up that evening and provide a report prior to the next hearing date. Ms. Woodbury, Board Secretary, indicated that the next meeting date would be March 3, 2022. Mr. Lanfrit suggested that he put on his Planner on February 17th, since he cannot make the March 3rd meeting date. The Board agreed to allow for a continuation of the hearing.

The hearing on the matter would be **CARRIED TO MARCH 3, 2022 – with no further notification required.**

Ms. Woodbury gave instructions and a Webex link for the public to participate in the March 3, 2022 continuance, with no further notification required.

MEETING ADJOURNED:

Mr. Reiss made a motion to adjourn the meeting at 9:41 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
April 1, 2022