

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

**VIRTUAL MEETING
April 7, 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, Richard Procanik, Gary Rosenthal, Robert Shepherd, Vaseem Firdaus, Elizabeth Clarkin, and Chairman Thomas

ABSENT: Joel Reiss and Alan Rich

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

MINUTES:

- **Regular Meeting – February 3, 2022**

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

AGAINST: None

- **Regular Meeting – February 17, 2022**

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. Rosenthal, Vice Chair Shepherd, Ms. Firdaus, and Chairman Thomas

AGAINST: None

RESOLUTIONS:

- **Anita Khan / ZBA-21-00023**

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

AGAINST: None

- **Malgorzata Serafin / ZBA-21-00025**

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

AGAINST: None

HEARINGS:

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

Preliminary & Final Major Site Plan w/C & D Variances in which the Applicant wanted to construct a 28,970 sq. ft. place of worship at 583 South Middlebush Road, Somerset; Block 36.01, Lot 6.03, in the Agricultural (A) Zone - **CARRIED to MAY 5, 2022 – no further notification required.**

DL- 04/07/2022

- **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. He indicated that 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 MARCH 17, 2022, with no further notification required.**

Mr. Thomas then took the opportunity to recuse himself again from the hearing since he resided within the 200 ft. distance from the property. He stated that he wanted to make the record clear that he has not been a part of any of the previous hearings for the Application, even though the Applicant's attorney, Mr. Lanfrit, has expressed no objections.

Mr. Lanfrit then explained that since the last hearing, they had conducted numerous meetings with the Township staff. He added that it was apparent that as a result of the testimony at the hearing concerning the summer camp that there were serious concerns raised by the Township staff and Board members concerned the operations and with the handling of the arrival and departure of the camp attendees. He then told the Board that they had prepared two (2) Traffic reports during the height of the pandemic when they started the Application where the numbers were not at the level that they were in 2021. Mr. Lanfrit then noted that the Township conducted a Traffic Study in August of 2021, which had significantly higher numbers of vehicles. He then discussed that the operations in place during the original proposal included the children being tested upon entering the site due to COVID protocols at the time, which impacted the traffic. Because things had changed since then, both with traffic and protocols, Mr. Lanfrit indicated that they had to come up with some protocols going forward which would hopefully deal with the issues that were raised by Township staff in the Technical Review Committee (TRC) report as well as those raised by Mr. Mazzei (CME) and Ms. Dolan, Traffic Consultant, in her analysis of the operations. Mr. Lanfrit indicated that as a result, they produced a Driveway Operations Report, which was entered into the record with that day's date as Exhibit A-1 and copies passed out to the Board members.

Vice Chair Shepherd then asked to make sure that the Applicant, Mr. Galen Smith, and Nan Memen, operator of the school. Mr. Lanfrit indicated that they were at the hearing, along with Ms. Dolan.

Mr. Lanfrit then discussed the question raised at the last hearing by Board Attorney, Mr. Frank Regan, related to whether the Applicant had the ability to utilize the parking lot of the swim club next door for their operations. He then indicated that they had provided a lease for last year's use of the swim club parking facilities and entered into the record as Exhibit A-2, the lease with the figures redacted, between the Applicant and the Cedar Hill Swim Club for the use of their parking facilities. Mr. Lanfrit indicated that the lease for 2022 was essentially the same as the one from 2022.

Mr. Lanfrit then testified that there had not been a problem with the day-to-day operations of the school. In reviewing the protocols, he first wanted to make it clear that they first wanted to educate the parents of the attendees about the arrival/drop-off as well as pick-up/departure of the camp attendees. Although the camp brochure was on the website for the prior hearing dealt with the issue, they felt it needed to be discussed more clearly and that they enforce the procedures with the parents related to pick-up and drop-off. The second point that Mr. Lanfrit made was that they planned to stagger the pick-up and drop-off times of the children. He then noted that the bulk of the children came between 8:00 a.m. and 9:00 a.m., with no assigned times. As a result, Mr. Lanfrit indicated that they decided to assign a certain group of children to come between 8:00 a.m. and 8:30 a.m. and another group coming between 8:30 a.m. and 9:00 a.m. He added that they still had to work out what to do with families that had multiple children attending belonging to different categories. Mr. Lanfrit indicated that they also tried to define where the children were dropped off so that it would be clear to parents in order to have a free flow of traffic on the site. Thirdly, Mr. Lanfrit spoke of something that they agreed to do and look into, which may or may not be necessary, was to find a bus hub off-campus where the parents can drop off their children and bussed into the campus to reduce the number of vehicles coming to the site. He added that they were looking into that and would be part of their evaluation as to whether it would become absolutely necessary or

optional. Mr. Lanfrit then discussed the other major component was that they were going to have police presence at the campus every morning and all day for the first month of camp to monitor and help control and direct traffic. He added that they had already been in touch with the Police Dept. Mr. Lanfrit added that the Officer would not direct traffic on Cedar Grove Lane, but at the driveways to make sure that the parents were going into the proper driveway based upon the flow of traffic. Because some parents chose not to follow directional signs, Mr. Lanfrit stated that having an Officer there would ensure that those signs were followed. Mr. Lanfrit then added that some parents of teenagers who work at the summer camp would stop on the street and drop off their children, so having an Officer there would eliminate those problems as well. He then discussed evaluating these protocols to make sure that they were working and adjust, as necessary. Additionally, they agreed to update the traffic counts after the third or fourth week of camp and do an updated evaluation. Mr. Lanfrit indicated that they would notify the Township so that they could be present during those traffic counts as well. He added that they also agree to have some drone flight videos done of the operations so that the Board can have the ability to see what is going on there. He then stated that they would come back before the Board and review the reports and comments/suggestions of Ms. Dolan, Traffic Consultant,

Mr. Lanfrit then asked if the Board would be agreeable to providing a Temporary Use Permit, rather than a Use Variance, which would allow them to continue to operate while they went through the process. Additionally, Mr. Lanfrit indicated that as a condition of the Temporary Use Permit, that they go through the protocols listed and agree to come back to the Board at a date to be determined by Mr. Healey.

Vice Chair Shepherd then expressed his concerns for the future when the Owner/Applicant, Mr. Galen Smith, and Operator, Ms. Nan Memen, were not in charge any longer. A discussion ensued regarding establishing protocols and making them a condition of approval for a Use Variance would ensure that whoever owns/operates the school would be required to comply or face summonses, fines, or perhaps stopping the operation altogether if there were constant violations.

Ms. Bethea then asked Mr. Lanfrit to clarify what he was asking for that evening by his mention of a Temporary Use Permit. Mr. Lanfrit answered in the affirmative by saying that the Township allows for a Temporary Use Variance for up to a period of 6 months. He then explained that during that 6-month period of time, they would collect the data that was discussed, have discussions with Township staff, and then come back before the Board to continue the Application for the permanent Use Variance.

Mr. Healey then asked Mr. Darren Mazzei (CME) whether he had any comments. Mr. Mazzei then asked if the traffic counts were for both driveways and just the one for the school. Mr. Lanfrit answered that it would be for both driveways since they would be using both. Mr. Mazzei then brought up the topic of occupancy levels, and Mr. Lanfrit indicated that the school had a maximum occupancy level of 330 students. According to the Applicant, Mr. Smith and Ms. Memen stated that the average number of campers, pre-pandemic, was between 250 and 280. Mr. Healey then asked if they would agree to condition of approval for a maximum of 280 campers at the summer camp at any one time. Mr. Healey then asked if they could provide some documentation that demonstrated that, and Mr. Lanfrit indicated that they could provide enrollment paperwork.

Mr. Mazzei then asked if the Officer on duty saw an immediate issue, that the Applicant would agree to come before the TRC right away to address those issues. Mr. Healey also added that some language should be included in the condition that if issues were unsafe and were not able to be immediately addressed, that the camp would need to shut down operations.

Mr. Rosenthal then asked the Board Attorney, Mr. Frank Regan, as to whether a Temporary Use Permit would be a workable situation., and Mr. Regan answered in the affirmative. He added that it was provided in the Township ordinance and authorizes the Zoning Board to grant such a temporary use permit

Mr. Healey then noted that Verizon was putting a cell phone tower on the swim club parking lot, and a condition of that approval required the removal of some parking spaces. Mr. Healey asked when that work would be accomplished, and Mr. Lanfrit stated that, according to Verizon, none of the work would be done during the summer months when the swim club and the camp operated.

Mr. Healey then asked about the noise issues that were raised, and Mr. Lanfrit indicated that they were addressed. Mr. Lanfrit stated that he made it clear to the Applicant that they had to be sensitive to noise issues coming from the camp since they were located in a residential zone. He added that the Applicant has to know that they can only utilize amplification of sound if it also does not place a burden on or a distraction to the residents. He indicated that the Applicant would be very sensitive going forward related to the noise/amplification coming from the site as it might affect the ability to obtain the Use Variance. A discussion ensued among the Board.

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

Mr. Dennis Siclari, 151 Cedar Grove Lane, Somerset, NJ, came forward and was sworn in. Mr. Siclari indicated that he lived directly across the street from the school and after the past few summers of the camp operating, he indicated that it created quality of life issues for him related to noise. He also added that all the activities took place in the front of the school and not behind the school. He then indicated that on any given day, traffic was an issue and causing him trouble getting in and out of his driveway, both morning and evening. He also spoke to when Verizon would come in to construct their cell phone tower, taking away many current parking spots at the swim club. Mr. Siclari then clarified that the noise was coming from the children in the front of the school, bullhorns directing activities as well as the P.A. system for the DJ.

Ms. Deirdre Austin, 378 Boller Court, Piscataway, NJ, came forward and was sworn in. Ms. Austin indicated that she was an Assistant Director at the camp. Mr. Regan, Board Attorney, stated that any testimony from a representative of the Applicant needed to be presented through Mr. Lanfrit, their attorney.

Ms. Tara Jordan McKenny, 115 Dunham's Corner Road, East Brunswick, NJ, came forward and was sworn in. Ms. McKenny indicated that she had her son's attend the camp, and specifically related to some issues from the summer of 2021 where those were resolved. She added that she sits in her car and conducts business on her phone and was not bothered by the children or any amplified music even with her car windows down. She then mentioned

that there is one night of the summer where the older children stay overnight at the camp, which is possibly when there were disturbances into the late hours.

Seeing no one coming forward, the meeting was closed to the public.

Vice Chair Shepherd made a motion to approve a Temporary Use Permit that would reflect the terms of conditions set forth in the Driveway Operations Report as well as the additional terms and conditions discussed at the hearing that evening. Mr. Procanik seconded the motion.

FOR: Ms. Bethea, Mr. Procanik, Vice Chair Shepherd, Ms. Firdaus, and Elizabeth Clarkin

RECUSED: Chairman Thomas

AGAINST: Mr. Rosenthal

Mr. Lanfrit agreed to an Extension of Time to 9/30/22 to hear the Use Variance Application. The Board agreed.

WORK SESSION/NEW BUSINESS:

There was no work session or new business discussed.

EXECUTIVE SESSION:

The Board then went into Executive Session to discuss:

- **Saharose, Inc.**

MEETING ADJOURNED:

Vice Chairman Shepherd made a motion to adjourn the regular meeting at 8:37 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
May 26, 2022