

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

**REGULAR MEETING
June 2, 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 (arrived at 7:31 p.m.), Richard Procanik, Joel Reiss, Alan Rich, Gary Rosenthal, Robert Shepherd, and Chairman Thomas

ABSENT: Vaseem Firdaus and Elizabeth Clarkin

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

MINUTES:

- **Regular Meeting – April 7, 2022**

Mr. Rich made a motion to approve the Minutes, as submitted. Mr. Rosenthal seconded the motion, and the roll was called as follows:

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

AGAINST: None

DISCUSSION:

Extension of Time:

- **Matson Construction, Inc. / ZBA-18-00019**

Mr. Peter Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Matson Construction, Inc. Mr. Lanfrit indicated that the Application was approved in 2019 and part of the Application and condition of approval was that there be a sewer connection with South Bound Brook as the subject property was in the vicinity of the border between South Bound Brook and Franklin Township. He then told the Board that there was an agreement between Franklin Township and South Bound Brook regarding sewer service, which had now expired. He indicated that Franklin Township and South Bound Brook were negotiating a new agreement and were unable to get a sewer connection with South Bound Brook until that was

accomplished. Mr. Lanfrit stated that the issues had finally been resolved between the two municipalities earlier in 2022 and indicated he had a letter from South Bound Brook that they could now tie into the sewer system in South Bound Brook, which was a condition of the previous approval. Mr. Lanfrit then stated that the variance had been granted more than a year ago, and they were eligible to have an extension granted by the Board. A discussion ensued regarding whether the Applicant had to ask for an extension before the time had expired. Mr. Lanfrit stated that, in their case, they did not know when they would be able to come in to request the extension of time because they were never able to get a connection with South Bound Brook put in place. He said that they were now asking for the Extension of Time for 6 months so that they could apply for the building permit and start construction.

Chairman Thomas made a motion to grant an Extension of Time until November 1, 2022. Vice Chair Shepherd 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:

- **LIV DEVCO LLC / ZBA-21-00011**

D Use Variances; Preliminary & Final Major Site Plan; and Height Variance in which the Applicant sought to develop a 3-story apartment building at 2 Hawthorne Drive, Somerset; Block 194, Lots 127 & 128, in the Hamilton Business District (HBD) Zone - **CARRIED TO JULY 7, 2022 – no further notification required.**

DL - 7/31/2022

- **KINGSLEY SACKKEY / ZBA-21-00015**

C Variance in which the Applicant sought to build a 20 ft. x 20 ft. covered pavilion in their side yard at 1465 Easton Avenue, Somerset; Block 466, Lot 9, in an R-40 Zone - **CARRIED FROM MAY 19, 2022 – with further notification required.**

Mr. Healey indicated that the Application was explained in the introduction, noting that the subject property was very shallow in depth, even where the home was located. He went on to state that it then got progressively shallower in a triangular shape. Mr. Healey then noted that the Applicant had started constructing a covered pavilion for their own recreational use, and due to the shape of the property, it did not meet certain setbacks. He then indicated that the required setback was 55 feet and the pavilion is 25 ft. from the front yard setback; the rear yard setback was required to be 25 ft., with only 11 ft. existing from the pavilion. Mr. Healey answered the Vice Chair's question by indicating that the existing home was only 25 ft. from the setback.

Mr. Kingsley Sackey, Applicant, came forward and was sworn in. He testified that the pavilion was going to be 12 ft. x 20 ft. A discussion ensued, indicating that the pavilion would be lined up with the existing home, at 25 ft. from the setback lines.

Mr. Healey asked Mr. Sackey to discuss the meeting with the Historic Preservation Advisory Commission. Mr. Sackey indicated that the Historic Preservation Advisory Commission asked that the pavilion be reduced in size, and the plans before the Board now show a smaller pavilion, from 20 ft. x 20 ft. to 12 ft. x 20 ft.

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

Board Attorney, Mr. Frank Regan, indicated that the Historic preservation Advisory Commission's comments included that the pavilion should be reduced to 16 ft. x 20 ft. Mr. Sackey indicated that the Commission was also concerned with the height of the pavilion, which was the reason to reduce the size overall to achieve that approved height of 12 ft.

Vice Chair Shepherd made a motion to approve a variance to build a 12 ft. x 20 ft. pavilion. 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, and Chairman Thomas

AGAINST: None

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

Peter Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, for a D(3) Conditional Use Variance, "C" Variances and Site Plan in which the Applicant wanted to construct a 28,616 sq. ft. place of worship at 583 South Middlebush Road, Somerset; Block 36.01, Lot 6.03, in the Agricultural (A) Zone - **CARRIED FROM MAY 5, 2022 – with no further notification required.**

Mr. Lanfrit explained that two (2) witnesses gave testimony at the last meeting on May 5, 2022, to include Mr. Shivakula, a congregation member, and testified to the history of the religion, the fact that they have an existing facility in Edison, NJ, and that the proposed facility was going to be a second facility for the congregants in the Franklin Township community. Mr. Lanfrit indicated that Mr. Shivakula went through the proposed hours of operation, how the temple would operate and why the temple looked the way it was proposed. He then indicated that they had the architect testify who presented exhibits showing the colored renderings of the elevations and floor plans. Mr. Lanfrit stated that the architect also testified concerning the occupancy of the temple.

Mr. Lanfrit then told the Board that they were seeking two (2) variances that involve the conditional use standards, including a buffer variance because they were not providing a triple, staggered row of evergreens and a fence around the property, as well as not providing the majority of the parking in the rear of the building. He added that the other variance was for a small deficiency in lot frontage.

Chairman Thomas then mentioned that, in addition to hearing testimony from the congregation member as well as the architect, they also took questions from the public related to those two (2) witnesses' testimonies. Mr. Lanfrit then asked for confirmation that those Board members not present at the last hearing watched the video of the previous meeting. Vice Chair Shepherd, Ms. Bethea and Mr. Procanik all indicated that they had watched the video from the May 5, 2022 hearing.

Mr. Jayesh Patel, Engineer/Planner, employed with Crest Engineering, 100 Rike Drive, Millstone Twp., NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Patel stated that he would only be presenting testimony as an Engineering that evening. He then introduced 4 (four) sheets in one (1) exhibit and passed out copies of the same to Board members to view at their seats. Mr. Patel then described the subject property and the surrounding land uses, stating that the property consisted of a 24.83-acre site. He then described the vegetation in the center of the site as scrub growth and scattered hedgerows located around the perimeter of the property. He also noted that there was some privately owned, preserved farmland to the rear of the subject property, to the north it is owned by the State (Six Mile Run) as open space, with the property to the south as State owned land and the small portion fronting South Middlebush Rd. is privately owned.

The next sheet in the exhibit shown on the screen was a colorized version of the Site Plan which was part of the plan set submitted in conjunction with the Application. Mr. Patel then discussed the particulars of the Site Plan, noting that there was only one (1) access point to the property from South Middlebush Rd., placing the proposed building approximately 500 feet from the roadway with its narrower side facing South Middlebush Rd. Mr. Patel stated that the building was oriented that way so as to minimize the view from the roadway. In doing so, he indicated that the parking needed to be placed to the side of the building. He added that if they flipped the building to be parallel to the roadway so that the parking could be placed behind it to conform with the Conditional Use Standards, the entirety of the building would be seen from South Middlebush Rd., a Scenic Corridor Byway. He added that the main entrance to the building would be placed on the northerly side of the building closest to the parking area. Mr. Patel then told the Board that the parking area was then also the furthest away from the two (2) residential properties adjacent to the subject property. He then showed the Board on the exhibit that there was an emergency access drive on the southerly portion of the building, noting that there would be no activity on that side of the building closest to those residents. He noted that the distance from the closest corner of the building to the residential properties was approximately 420 ft. Mr. Patel then discussed the green representation of the current vegetation along the perimeter of the site. He testified that having to comply with providing a buffer and fencing would require them to remove existing buffer. Mr. Patel stated that the vegetation was fairly mature, and they were going to preserve as much as possible. He added that there would be additional landscaping proposed along the entrance driveway, on both sides, as well as along South Middlebush Road and along the lot line with the closest residential dwelling. He then discussed the additional landscaping within the parking area islands and that which would surround the building to provide additional buffering.

Vice Chair Shepherd asked what types of trees would be planted, and Mr. Patel included deciduous trees as well as evergreen trees, shrubs, and ground covers.

Mr. Patel then described the storm water management, utilizing a wet basin that discharges into a wetlands area on the property through an existing outlet. He added that the plan had

been reviewed by the Delaware & Raritan Canal Commission (DRCC) as well as the State. He then told the Board that there were environmental constraints on the property in the form of a wetlands area that had been delineated and approved by the NJDEP.

Mr. Patel then spoke about the Lighting Plan that was proposed for the property. He then spoke about the lighting for the 15 ft. high light poles in the parking area (29) and eight (8) building mounted lights for security purposes. He stated that the lights would only be illuminated during times of activity on the site and only security lights would be left on.

Mr. Patel then discussed how the refuse would be managed on-site, noting that there would be a private hauler that would pick up trash from a trash enclosure in the parking lot.

Mr. Patel indicate that there were 196 parking spaces required, and they were proposing 201 parking spaces where eight (8) would be handicapped parking spaces. He stated that they would modify the plan to include EV (electric vehicle) charging stations.

He indicated that 400 ft. for frontage was required where 357.92 ft. was proposed. Mr. Patel indicated that it was an existing, non-conforming condition.

Mr. Patel showed the next sheet in the exhibit showing the site line from South Middlebush Rd. to the highest point on the building (51.4 ft.) along with the accompanying landscaping. He spoke about the entrance drive as being curved and not being able to see the building from the roadway down that driveway.

The next exhibit showed some of the street views of the property from South Middlebush Rd. as well as from Jacques Lane. He told the Board that each view showed the existing vegetation that blocks the view of the proposed temple from both roadways and that the existing vegetation would be preserved as much as possible.

He then told the Board about the proposed sign (conforming and externally illuminated) that would be placed at the entrance drive into the temple property. Chairman Thomas asked if they would be expanding the existing driveway, and Mr. Patel indicated that they were not utilizing the existing driveway but modifying it and moving it further from the property line and further from Jacques Lane.

Mr. Patel then addressed the staff reports regarding the Application. He said that the Police were satisfied, Engineering (CME) report of 9/2/2020, they would comply, and changes would not alter the plan substantially. He then told the Board that they could comply with Mr. Healey's 8/14/2020 report and have discussed through testimony. Mr. Patel then indicated that they could agree to provide supplemental landscaping, if requested, to screen the building.

Ms. Bethea then asked about the buffering and wondering how well the screening would be maintained year-round. Mr. Patel indicated that the hedgerows were mostly evergreen and would be maintained year-round. He indicated that if the Engineering Dept. felt there were gaps, they would be filling in with evergreens.

Mr. Rich asked if there would be a fence around the proposed detention basin, and Mr. Patel stated that they were not planning to put one there because it is close to 1,000 ft. away from

South Middlebush Rd. Mr. Lanfrit indicated that there were counterarguments for and against putting a fence there. He added that there were no outside activities planned. Vice Chair Shepherd then asked how deep the water would be in the detention basin, and Mr. Patel indicated that it would be between 4-6 ft. of water to meet the State requirements.

Mr. Healey then asked if the green coloring on the exhibit was showing lawn and was the limit of disturbance, and Mr. Patel answered in the affirmative. Mr. Healey then asked about what was labeled Meadow Grasses. Mr. Patel indicated that it would stay mostly in its natural state, but not allowed to grow to such a height in order to maintain the septic system.

Vice Chair Shepherd then asked about whether there would be downward facing lighting and would be shut off after activities were over. He then asked if the dome would be illuminated, and Mr. Lanfrit stated that the architect testified that they would have it illuminated on the weekend and during special services and would not illuminate it during the weekdays.

Mr. Healey then brought up the Applicant's suggestion that they have the ability to evaluate the buffer gaps and supplement as necessary was a good one. He just suggested that the Board give him some guidance as to how many trees they would like to supplement so he has some Board guidance. A discussion ensued.

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

Ms. Martina Bailey, Esq., attorney representing Ray and John Snyder, who are the residents who lived immediately south and southwest of the subject property. Ms. Bailey asked for clarification of what was showing in green along the southern property line. She explained that the buffering on that side of the property was very patchy and top heavy. Ms. Bailey asked whether the Applicant would be willing to work with the neighbors in coming up with supplemental landscaping in that area to screen their property from the building. Mr. Lanfrit has suggested that the Township get involved to ensure an adequate buffer for the residents. Mr. Healey indicated that he would be willing to obtain input from the residents regarding the buffering. A discussion ensued regarding the timing of discussions. Ms. Bailey then opened a discussion regarding the lack of adequate buffering closer to Jacques Lane. Mr. Patel indicated that there would be a filtered view from the roadway once all of the landscaping was put in. Mr. Healey suggested that good placement of supplemental landscaping to the north of the building to fill in the gap that is currently on the property.

Ms. Bailey then addressed some of the Township reports. She first spoke of the report from the Somerset County Dept. of Health & Safety, noting that the septic design had been deemed incomplete. Mr. Patel indicated that they had not responded to them as yet but were planning to do so in order to obtain approval. She then went on to discuss the Engineering (CME) report, with Mr. Patel explaining how the detention basin would operate. They then discussed the additional 5 parking spaces, and Mr. Patel explained that is what came out of the design of the parking lot when they were designing it and weren't planning on banking any of the parking spaces. Ms. Bailey then opened a discussion regarding the proposed entrance driveway and the need to move the driveway further south for safety purposes.

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

Chairman Thomas agreed to take a 5-minute break. They then returned from their break, and Mr. Lanfrit introduced the next witness.

Ms. Rianna Kirchhoff, Traffic Engineer, employed with Dolan & Dean Consulting Engineers, came forward and was sworn in. The Board accepted her qualifications. Ms. Kirchhoff prepared a Traffic Report, dated November 5, 2019, which were pre-pandemic numbers. Ms. Kirchhoff described the traffic conditions on South Middlebush Rd. and discuss the site distances from the new driveway. She indicated that during the evening peak hour, trip generations in both directions were 1,800 trips during pre-pandemic time frames, with the higher number traveling southbound. She then discussed how they arrived at trip generations for three (3) different scenarios to include trip generation for the site based on the occupancy on the building. The number they came to, according to Ms. Kirchhoff, was 587 people that could be occupied in the building, utilizing the average of three (3) people to a vehicle, which was consistent with the Township parking calculation that would yield 196 cars entering/exiting the site. She indicated that the peak activity would be for Thursday night between 7:00 and 8:00 p.m. and 9:00 p.m. to 10:00 p.m. Ms. Kirchhoff then discussed highest capacity analysis (196 vehicles) at the driveway on South Middlebush Rd., indicating level of service D at the 7:00 p.m. to 8:00 p.m. hour and level of service C when everyone was leaving the site between 9:00 p.m. and 10:00 p.m. Ms. Kirchhoff indicated that the Applicant did not anticipate 587 individuals in the building at one time. She then discussed 30 vehicles entering the site during the peak hour of traffic on South Middlebush Rd. (5:00 p.m. to 6:00 p.m.) to stop for prayer on the way home from work and would operate at the level of service E exiting the site due to the high volumes on the roadway at that time. Her conclusion was that there would be less cars on the road during the peak hours of the temple (7:00 p.m. to 8:00 p.m.).

Vice Chair Shepherd asked if there were any plans to have both right turn and left turn lanes out of the facility and were only planning for one lane of traffic to exit the site at this time. She said that their preference for one lane of traffic was for safety purposes so that every car turning either way out of the site was the first in queue. The Vice Chair asked what kind of queue motorists would create travelling on the road in the northbound lane and trying to make a left into the site. Ms. Kirchhoff indicated that it would be a level of service B, with a 10 second wait, and only a one(1)-vehicle queue at the 7:00 p.m. to 8:00 p.m. period as well as during the 6:00 p.m. to 7:00 p.m. period. Ms. Kirchhoff indicated that the information was based on the Highway Capacity Manual and software. She then told the Board that they spoke with the County regarding a left-turn lane, and they concurred that one was not necessary at that time.

Mr. Reiss indicated that a textbook analysis was fine but stated that his experience on the roadway was that he believed that devotees would have to wait a long time to make a left-hand turn into the site. He asked if it were not more practice to do a real-time analysis, and Ms. Kirchhoff indicated that there were no driveway actions to study as it was not as yet an active site. Mr. Lanfrit indicated that during rush hour on South Middlebush Rd., the traffic is moving very slowly, and that there would be ample opportunity to make the left-hand turn in because someone would let you do so since traffic is moving slowly. He also added that most of the traffic was travelling southbound at that time.

Ms. Kirchhoff indicated that a sight triangle of 450 ft. was provided at the driveway, which she indicated was in excess of the minimum sight distance required by ASHTOW, which was 425 ft.

Ms. Kirchhoff then indicated that the County has requested that a traffic analysis be done utilizing the information from both temple sites since there was one already approved not too far from the subject property. She stated that her office had already provided the data that they requested, and that they were currently reviewing the information.

Vice Chair Shepherd asked if the Board was provided the report that Ms. Kirchhoff's office provided to the County. Mr. Lanfrit indicated that the initial review of the Application by the County was in February of 2020, as indicated by a letter from the County and provided to the Township at that time. He added that there were subsequent communications when the other temple was being proposed where the County asked for combined analysis. He added that he did not have a letter to that effect, but he stated that he knew that they asked for it and that Ms. Dolan provided it. Mr. Lanfrit stated that he could obtain a copy of that letter to put in the Township file if the Board so requested it.

Chairman Thomas stated that Ms. Kirchhoff's testimony that evening was based on the worst-case scenario, which he believed was contrary to Mr. Shivakula's testimony as to how the temple will actually operate. He then indicated that the levels of service of D and E testified to was only the wait to exit the facility that was borne by the devotees and not on those traveller's driving on South Middlebush Rd. Ms. Kirchhoff testified that there would be no effect on those travelling on South Middlebush Rd. Mr. Lanfrit then stated that at times during high holy days, they agreed that they would meet with the Township and have a police officer be there to direct traffic if it were deemed necessary as any condition of approval.

Chairman Thomas then opened the meeting to the public to ask questions of the Traffic Engineer.

Ms. Martina Bailey, attorney representing Ray and John Snyder, came forward. Ms. Bailey stated that she had a copy of the letter from the County from February of 2020 that Mr. Lanfrit referred to. She believed that a left-hand turning lane was still an open issue. Ms. Kirchhoff answered Ms. Bailey's question regarding how the County bases their decision as to whether a left-hand turn lane was necessary, based on volumes on the roadway. She further stated that the determination was based on the worst-case scenario numbers as outlined in her report. Ms. Bailey then asked for clarification from tables included in the Traffic Engineer's November 5, 2019 report. Ms. Bailey questioned that the projections in that 2019 report were based upon much lower attendance than has been heard in this Application. Ms. Kirchhoff reiterated her testimony, stating that it was consistent with previous testimony.

Ms. Bailey then opened a discussion regarding some overlap of activities on the weekend between the two temple sites. Mr. Lanfrit stated that Ms. Dolan did provide numbers from both sites to the County indicating that Sundays were the only days where there was some overlap for a short time. She reminded Mr. Lanfrit that the Dada Bhagwan site would also have services on Saturdays. Mr. Lanfrit indicated that they provided the information regarding activities on the Dada Bhagwan site to the County as well and have authority to make decisions about the roadway. Mr. Lanfrit assured Ms. Bailey that the County has information from both houses of worship regarding their hours of operation and activities. Ms. Bailey

asked that the information that was given to the County be made public, and Mr. Lanfrit stated he would see if he could get that information from Ms. Dolan and provide it to the Township. A discussion ensued regarding activities that would occur during peak hours of traffic. Ms. Bailey asked for a condition of approval to have a further evaluation from the County, and Board Attorney, Mr. Regan, indicated that the authority over those decisions were with the County and the Board had no overview in that decision

Mr. Kevin O'Brien, Planner, Shamrock Enterprises, Madison House, Suite B, Madison Avenue, Rahway, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. O'Brien indicated that he viewed the video from the last hearing on the matter. He stated that they were before the Board for two (2) C variances for lot frontage and parking aisle width and two deviations from the Conditional Use Standards. Mr. O'Brien reviewed the variances requested and the justifications for those variances. He indicated that the intent of the ordinance was to place parking behind the building to shield it from view from the street. He added that there had been demonstration, through testimony, that there would not be any view of the parking from the street nor any view up the driveway from the street. He also stated that there would be no view of the building because it would be buffered by existing vegetation/trees and augmented in places necessary. He then spoke about the buffering, with the Applicant relying upon the existing hedgerows as well as augmenting the landscaping where required and working with the Township to determine those areas of augmentation.

Mr. O'Brien then discussed the two (2) C variances to include a shortfall of 10% for lot frontage and a small deviation. The other variance was for parking lot aisle width, where 26 ft. was required, and 25 ft. was proposed. Mr. O'Brien indicated that it was a de minimus difference of 0.3% and reduces the impervious coverage which had a positive affect on the Application. Since it was an automobile parking lot, the cars would certainly have no trouble navigating the parking lot.

Vice Chair Shepherd asked why the drive aisles within the parking lot were reduced in width, and Mr. O'Brien indicated that his only reasoning was to reduce impervious coverage. He then suggested asking the Site Engineer for further clarification.

Mr. Patel indicated that most municipalities accept the width of 25 ft. drive aisles and providing a wider lane did not have any additional benefits.

Mr. O'Brien then discussed how the project would meet some of the goals of the Master Plan for community facilities and the Municipal Land Use Law (MLUL).

Mr. O'Brien then addressed meeting the Township ordinance by placing parking behind the building; however, it would not meet the Scenic Corridor ordinance. He then discussed the reasoning for removing vegetation to place new vegetation.

Vice Chair Shepherd opened the discussion regarding the quality of the current vegetation on the site. Mr. O'Brien spoke about the benefits of keeping existing vegetation and augmenting with new landscaping rather than ripping everything out and replacing with new evergreens that will take time to grow to a sufficient height for better buffering. He referred to the Scenic Corridor ordinance.

Ms. Martina Bailey, Attorney for Ray and John Snyder, came forward. Ms. Bailey asked Mr. O'Brien about the dome at 51.4 ft. high that would be lighted and its visibility from the Scenic Corridor. Mr. O'Brien indicated that it would not be seen, based upon the exhibit shown by the Engineer. He added that he did not believe that the lighted dome could be seen from the Scenic Corridor and both the light, and the dome were in conformance with the standards.

Chairman Thomas then opened the meeting to the public. Seeing no one coming forward, the meeting was closed to the public. The Chairman then announced that statements from the public were allowed at that time.

Ms. Martina Bailey again came forward and reiterated what she and her client believe were discussed during the hearings. She explained that they do not believe that a lighted dome at the height discussed was compatible with the Scenic Corridor. She also felt that the Snyder's should be kept apprised of the buffering and augmentation of such landscaping and given a say in where that would be placed. She also indicated that the lighting should be shut off after activities were over and that no outside events or loudspeakers be utilized. Ms. Bailey suggested that more earth tones be considered for the color of the exterior of the building. She then discussed the existing access easement that benefits Ray Snyder and should be acknowledged and preserved. Mr. Lanfrit indicated that all items were discussed in testimony, but they do not intend on changing the color of the building.

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

Mr. Lanfrit then gave his closing statements.

Mr. Healey asked for a reminder of the color proposed for the building and asked if there was a religious representation. Mr. Lanfrit indicated that they were trying to replicate the building to the one in India. He also stated that the building would not be seen, so that the color of the building was not of consequence, and they have gone to great lengths to protect the Scenic Corridor ordinance. He then asked about keeping the signage in earth tone colors, which Mr. Lanfrit agreed to as well as keeping the landscaping that might be augmenting some bare areas be native to the area. Mr. Lanfrit agreed to make sure that all augmentation of landscaping be kept native. Mr. Healey stated that keeping the hedgerow was supporting the Scenic Corridor ordinance.

Mr. Healey then asked about the access easement mentioned by Ms. Bailey. He told Mr. Lanfrit that assuming that there was a valid easement that it had to be honored. Mr. Lanfrit agreed to do so.

Vice Chair Shepherd made a motion to approve the variances required and Site Plan submitted, subject to the following conditions that include working with the neighbors to make sure that the landscaping provided by Applicant gives sufficient buffering from the proposed temple building and that the Applicant will install up to an additional 50 trees in consultation with adjoining property owners. Additionally, lighting will only be illuminated during activities and shut off afterwards as well as the dome only be lit during the weekends and during special events and shut off after activities end and not illuminated at all during the week. He added that the kitchen would only be used for food warming and not food preparations. Parking should be permitted only in the 201 paved stalls and no other place on the property,

with no parking allowed on South Middlebush Rd. He added that the sign at the end of the driveway would be colored in earth tones, no outside activities or loudspeakers/amplification. Some provision should be made for EV charging stations and that police be hired for directing traffic. Mr. Procanik 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

MEETING ADJOURNED:

Vice Chairman Shepherd made a motion to adjourn the meeting at 9:58 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
July 22, 2022