

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

**REGULAR MEETING
September 1, 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, , Robert Shepherd, Vaseem Firdaus, and Chairman Thomas

ABSENT: N Richard Procanik , Gary Rosenthal, and Faraz Khan

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

MINUTES:

- **Regular Meeting – July 7, 2022**

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

FOR: Mr. Reiss, Ms. Firdaus, and Chairman Thomas

AGAINST: None

- **Regular Meeting – August 4, 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. Reiss, Mr. Rich, Vice Chair Shepherd, Ms. Firdaus, and Chairman Thomas

AGAINST: None

DISCUSSION:

- **Rutgers Community Christian Church / ZBA-16-00024 – Ext. of Time**

Mr. Jim Stahl, Esq., Attorney, appeared before the Board on behalf of the Applicant, Rutgers Community Christian Church. Mr. Stahl stated that they were before the Board that evening to request an Extension of Time of the Resolution for some minor changes.

Mr. Jeffrey D. Reynolds, Landscape Architect, employed by the Reynolds Group, 575 Rte. 28, Raritan, NJ, came forward and was sworn in. Mr. Reynolds explained that they went before the Planning Board on 9/1/2016, and the Resolution was passed in March of 2017. He then added that they were requesting an extension of time because they were not yet compliant with the approval of 2016. Mr. Reynolds indicated that they wanted an extension of time because they wanted to utilize the well water for use as opposed to a requirement in the Resolution to connect the irrigation to public water, to complete the sanitary sewer and any other open items. He stated that they would decommission the wells and utilize public water if the Township required it, however. He indicated that the delay was caused by COVID-19 issues. They then asked for a two (2)-year extension to September 1, 2024 to complete the requirements.

Mr. Healey asked if they head meant that they went before the Zoning Board of Adjustment on 9/1/2016, and Mr. Stahl indicated that that was correct. Mr. Healey then went on to ask what the intension were with the project, and Mr. Reynolds stated that they purchased the flower shop property, with good intentions to expand the facility to include a community center in the future. He added that they no longer had those plans and that the well water on-site would work sufficiently for them. He added that they had the wells tested and were deemed good for drinking and for the use they had been used for in the past for the existing buildings that were there. Mr. Healey indicated that the Board could waive their requirements; however, there were still other requirements from other agencies, such as the Health Dept.

Mr. Reiss made a motion to grant the Extension of Time to September 1, 2024 to include the modification of the condition of approval that was just discussed. Vice Chair Shepherd seconded the motion, and the roll was called as follows:

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

AGAINST: None

HEARINGS:

- **KAREN MOORE / ZBA-22-00016**

C Variance in which the Applicant sought to construct a 10' x 13' sunroom at 46 Renaissance Blvd., Block 507.02. Lot 98, in the SCV Zone.

Mr. Healey explained that the Application was for a one(1)-story sunroom to be added to the rear of their home in the Renaissance age-restricted community. He noted that the required setback was 15 ft., with 13 ft. proposed to be built on the footprint of the existing deck. He noted that the deck complied because there was a lesser setback required for a deck. He then referred to the Technical Review Committee (TRC), which did not have any comments. He did add, however, that the report showed the height and the proposed location of the sunroom as well as the location of the property, which backed up to some common property and no neighbors to the rear. He then explained that they required a rear-yard setback variance, but that the proposal complied with the side yard setbacks and would not interfere with both neighbors to each side of the property.

Ms. Karen Moore, Owner/Applicant, appeared before the Board and was sworn in. She indicated that Mr. Healey's description of the situation was accurate.

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

Vice Chair Shepherd made a motion to grant a Rear Yard Setback Variance to construct a sunroom, as described, on the property. Ms. Firdaus seconded the motion, and the roll was called as follows:

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

AGAINST: None

- **MUSLIM FOUNDATION, INC. / ZBA-22-00009**

Mr. Jim Stahl, Esq., Attorney, appeared before the Board on behalf of the Applicant, Muslim Foundation, Inc. He indicated that they were there to obtain a Minor Subdivision w/D Variance in which the Applicant proposed to subdivide an existing lot into two (2) lots. There will be no new construction at this site, 43 Cedar Grove Lane, Somerset; Block 468.09, Lots 36 & 37.01, in the R-40 Zone.

Mr. Michael Ford, Engineer/Planner, employed with Van Cleef Engineering, 32 Brower Lane, Hillsborough, NJ, came forward and was sworn in. Mr. Ford then identified the property and the request they were making that evening. He added that they were taking 2-1/2 acres at the rear of the facility (a neighboring lot) and subdividing that portion and adding it to the existing Muslim Foundation property. Mr. Ford then indicated that there would be no new construction on the property at that time. He added that once the consolidation was complete, they needed a D-3 Conditional Use Variance for failure to comply with the buffering requirements.

Mr. Ford indicated that he had reviewed the Technical Review Committee (TRC) report of August 18, 2022 regarding the required conditions. He added that they had no issues regarding those conditions, and that when any additional work was done on the property, they would have to come back for Site Plan approval that would include any required buffering and landscaping.

Mr. Ford indicated that all of the D variances were attributed to the existing facility, which was currently located on 5.3 acres, and add another 2-1/2 acres to it to be increased in size by 150% and become a 7.5 acre lot. He added that none of the existing non-conformities would be exacerbated and would be, in fact, diminished by the Application, to include lot coverage, building coverage, setbacks. Mr. Ford stated that the addition of the 2-1/2 acres made the Application a positive one for the reasons just given and that he did not see any negatives

Chairman Thomas then asked if the Application might cause additional variances for a possible future use being proposed in the future. Mr. Stahl stated that the purpose of purchasing the additional property was for possible future use as the congregation grows and, perhaps, for other educational services. He noted that there were no plans at that time. A discussion ensued, and Mr. Healey stated that by acquiring the rear portion of Lot 36, they would have an L-shaped lot. He explained that the Board should apply a condition of any approval that should any construction be entered into in the future, that they needed to come back to the Board regarding setbacks and buffering. Chairman Thomas added that the property should not be cleared before plans were approved going forward.

The Chairman then asked Mr. Ford, as a Planner, if he thought the additional property was big enough to build a reasonably sized structure without any more variances. Mr. Ford answered in the affirmative. Mr. Stahl agreed that they would not do any work on the site without approval from the Board.

Mr. Rich then asked if there were any liens, easements or exceptions on the property. Mr. Ford indicated that there were none of those when they did their

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

Vice Chair Shepherd made a motion to approve the Application for variance to create a subdivision of Lots 37.1 and Lot 36, resulting in new lots 37.02 and 36.01 with the condition that no clearing, grading, disturbance or construction would be done on the new portion of the lot until a full Site Plan had been obtained from one of the Boards. Ms. Firdaus seconded the motion, and the Roll was called as follows:

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

AGAINST: None

MEETING ADJOURNED:

Mr. Reiss made a motion to adjourn the meeting at 7:57 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
October 10, 2022