

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

**REGULAR MEETING
September 15, 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, Alan Rich, Gary Rosenthal, Robert Shepherd, Firaz Khan, and Chairman Thomas

ABSENT: Richard Procanik, Joel Reiss, and Vaseem Firdaus

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

DISCUSSION:

- **Franklin II Associates, Ltd – Appeal of Zoning decision
Indefinite Extension of Time to act – with further notification required.**

RESOLUTIONS:

- **Matson Construction, Inc. / ZBA-180019**

Vice Chair Shepherd 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. Rich, Vice Chair Shepherd, Mr. Khan, and Chairman Thomas

AGAINST: None

HEARINGS:

- **MUHAMMAD H. REHMAN & TEHMINA HABIB / ZBA-22-00005**

C Variance in which Applicant installed an enlarged driveway, walkway, and patio without permits at 54 Winding Way, Princeton; Block 11.09, Lot 8, in the R-10A Zone – **CARRIED FROM AUGUST 4, 2022 – no further notification required.**

Mr. Healey then updated the Board by stating that the Applicant had put in a patio, walkway, etc., without permits, and exceeded the impervious coverage. He added that they were coming to the Zoning Board for relief and appeared a couple of months ago. He added that the Board gave the Applicant direction to explore taking out some of the impervious coverage and expressed a preference for some of that being in the front yard. He added that the Board also asked the Applicant to meet with him to go over a plan. Mr. Healey then stated that, lastly, the Board impressed upon the Applicant that they get the impervious coverage below the 1,000 sq. ft. of additional so that they would not have to include a dry well on the property. Mr. Healey stated that he met with the Applicant on September 1, 2022, and the Applicant's revised proposal, which was prepared by him but that was signed off by him, showing what he was willing to do to modify his Application. Mr. Healey told the Board that the proposal shows areas in black that he plans to remove, including two areas in the front yard with one area to the left around the curve (250 ft. of pavement being reduced) and allowing for two cars to park with a walkway to the front door. Mr. Healey then described an area of 40 sq. ft. to the right of the driveway that would also be removed. He added that the Applicant was also amenable to removing 3-4 ft. of a 7-8 ft. wide walkway on the side of the house that connects the driveway to the rear of the property. Altogether, Mr. Healey indicated that they would be removing 340 sq. ft. and puts the additional impervious coverage below 1,000 ft. (approximately 975 sq. ft. additional). He added that that would bring the impervious coverage from almost 47% down to 43.5%, where 35% was the maximum in the zone.

Mr. Rehman continued to be sworn in from the previous hearing. He agreed with Mr. Healey's description of what he was planning to do. Mr. Shepherd asked whether Mr. Rehman understood that if they approve his Application, he would not be able to put anything additional on his property, and Mr. Rehman agreed.

Mr. Healey then discussed with the Board that if they were inclined to approval the variance, that they should have some kind of time frame for which he has to remove the agreed upon impervious coverage. Mr. Healey suggested that they give him three (3) months, and then Mr. Rehman could work with staff if he needed more time than that.

Chairman Thomas stated his concern that the proposal ended up as shown and that the work was actually done. Mr. Healey indicated that that would be part of the enforcement and coordinate with staff when the work was completed.

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

Vice Chair Shepherd then made a motion to approve the "C" variance to allow for the additional impervious coverage over what was permitted and allowing 43.5% impervious coverage as discussed during the hearing and shown on Fig. 2 in the revised Technical

Review Committee (TRC) report. Additionally, the Applicant would have three (3) months to complete the changes to the property and provide staff with an As-Built Survey showing the changes that had been made and lowering the impervious coverage to 43.5%. Chairman Thomas seconded the motion, and the roll was called as follows:

FOR: Ms. Bethea, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, Mr. Khan, and Chairman Thomas

AGAINST: None

MEETING ADJOURNED:

Vice Chair Shepherd made a motion to adjourn the meeting at 7:41 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
October 11, 2022