

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

**REGULAR MEETING  
March 2, 2023**

This Regular Meeting of the Township of Franklin Zoning Board of Adjustment was held 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:

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**PRESENT:** Cheryl Bethea, Richard Procanik, Alan Rich, Gary Rosenthal, Robert Shepherd, Vaseem Firdaus, Faraz Khan, Michael Dougherty, Vasiliki Anastasakos, and Chairman Thomas

**ABSENT:** Joel Reiss

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

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**RESOLUTIONS:**

- **Zoning By-Laws**

Ms. Bethea made a motion to approve the Resolution, as submitted. Mr. Rich seconded the motion, and the roll was called as follows:

**FOR:** Ms. Bethea, Mr. Procanik, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, Ms. Firdaus, Mr. Dougherty, Ms. Anastasakos, and Chairman Thomas

**REFRAIN:** Mr. Khan

**AGAINST:** None

- **K & P Somerset Holdings / ZBA-22-00021**

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. Rich, Mr. Rosenthal, Ms. Firdaus, Mr. Dougherty, and Chairman Thomas

**REFRAIN:** Mr. Khan

**AGAINST:** None

## HEARINGS:

- **LINDA SWAYNE / ZBA-23-00001**

“C” Variance in which the Applicant requested to construct a front porch addition at 27 Wortman Street, Somerset; Block 73.01, Lot 35, in R-10H Zone.

Ms. Linda Swayne, Applicant/Homeowner, came forward and was sworn in. Next, Mr. D’Angiolillo, Architect, was sworn in.

Mr. Healey then gave an overview of the Application, noting that the home was an existing home in the East Millstone Historic District. He went on to say that it was an older home and currently sat on the property within the required front setback. Mr. Healey then informed the Board that the Applicant was proposing a front porch addition and that the architectural plans were included in the packet. He noted that the Applicant was proposing an open front porch addition off the front of the house and told the Board that the existing house was 13.2 ft. from the front property line, where 25 ft. was required, and would be 6.2 ft. with the placement of the new porch. Mr. Healey indicated that the Applicant went before the Township Historic Preservation Commission, and he told the Board that it was his understanding that the plans were approved by the Historic Commission.

Mr. D’Angiolillo indicated that the porch was 7 ft. deep by the width of the home and was just about enough space to have a table and chairs placed upon it.

Chairman Thomas asked if there were any similar homes in the area, and Ms. Swayne indicated that there were two (2) historic homes across the street that had front porches on them.

Mr. Rosenthal then asked if the other residents in the area were aware of what she wanted to do, and Ms. Swayne stated that she submitted all of the certified letters to the other residents. She indicated that the other residents were happy with the addition of the front porch as there had been some other work done in the area that made the neighborhood look nicer.

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

Mr. Healey indicated that the Application could be approved under both a C-1 and a C-2 variance due to the fact that the current home sat within the front yard setback and that the Historic Preservation Commission gave the plan their blessing.

Mr. Rich made a motion to approve the Application with Variance. Ms. Firdaus seconded the motion, and the roll was called as follows:

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

AGAINST: None

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

Mr. Jim Stahl, 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 JANUARY 19, 2023 – with no further notification required.**

Chairman Thomas recused himself from voting on the hearing that evening due to his home being within 200 ft. of the property.

Mr. Regan, Board Attorney, indicated that he was viewing the night's hearing as a new Application after granting a Temporary Use Permit to hold a Day Camp for summer of 2022. He then stated, for the record, that the five (5) regular members present as well as the first alternate, as necessary, can vote on the Application. Mr. Stahl then stated that the Board Secretary, Christine Woodbury, had provided certification that everyone was familiar with the Application and prior testimony.

Mr. Gary Dean, Traffic Engineer and Principal of Dolan and Dean Consultants, located in Somerville, NJ, came forward and was sworn in. The Board accepted his qualifications. He then testified that he and Ms. Dolan prepared a Traffic & Operations report, first on October 22, 2022 with a revision date of 12/8/22. Mr. Dean then told the Board that the input for the conclusions and proposals in the Operation Plan came from Cedar Hill Camp's temporary use permit to provide operations for a summer camp on the property. He then told the Board that prior approvals had been granted for a more traditional summer school to operate on the property, consistent with traditional school-year activities. He noted that the differences between a summer school and a summer camp gave rise to concerns regarding traffic activity to include pick-up and drop-off, etc. Mr. Dean stated that due to the temporary use permit last summer (2022), his office was retained to look at the operations and analyze when the camp was at peak operations. He added that members of his staff were present at morning drop-off times and afternoon pick-up times, specifically Thursday, July 21, 2022 from 7 a.m. to 10 a.m. as well as between 3 p.m. and 6 p.m. Mr. Dean told the Board that Traffic Engineers always focus on the peak hour of the mornings and the afternoons when traffic was busiest. He added that in this case, that peak hour occurred between 8 a.m. and 9 a.m. and in the afternoon from 3:45 p.m. to 4:45 p.m. Mr. Dean also added that the afternoon peak hour was a little ahead of the traditional peak hour of traffic, say between 4:30 p.m. and 5:00 p.m. He then told the Board that their findings were memorialized in the December, 2022 report that they submitted to the Township. He then told the Board that their counts were done at both the Cedar Hill Prep driveway as well as at the adjacent Cedar Hill Swim Club driveway that was located immediately to the south of the subject property.

Mr. Dean then spoke to the Board about Figure A in their report, a graph that showed the number of movements to include how many cars turned left and how many turned right, etc. He told the Board that he wanted to point out that at the Cedar Hill Prep driveway, prior approvals had been granted with a turning restriction from that driveway that prohibited left turns from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. and indicated how impressed he was with the number of signs on the site to instruct motorists of that restriction (3 signs in total). They did note in their study, that there were about a dozen motorists who wished to make the left turn in the morning and did so (1 out of 5 over the course of 5 minutes) in the morning peak hour

and 14 in the evening peak hour. Mr. Dean wanted to point out that the subject driveway was the only one in the immediate area that one could not make a left-hand turn. He then speculated that it may have been put in place due to traffic operational concerns the Board or Police may have had. He then testified that the majority of the traffic (192 cars) within that peak hour properly obeyed the restriction by turning right and continuing on Cedar Grove Lane. Mr. Dean then told the Board that most of their entering traffic came from the north, with 129 left turns into the site for drop-off in the mornings from the Cedar Hill Prep driveway, contrasted with 55 left turns in to the swim club driveway during the same time. He then noted that in the evening pick-up hours, the numbers were reversed. Mr. Dean then pointed out something that was discovered through their traffic counts was that more traffic arriving and departing than the enrollment cap (280 campers) that was imposed for the camp. He explained that situation by stating that it was brought to their attention that the higher numbers of cars included a drop-off activity for an off-premises camp in Piscataway – roughly 30-40 campers dropped off at Cedar Hill Prep that were put in a shuttle bus and taken to Piscataway. Mr. Dean stated that the Applicant understands and agreed to eliminate that practice.

Vice Chair Shepherd then discussed the total trip number by adding the ins and the outs to get the total of 590, with 308 entering during the morning peak hour and 282 leaving at that same time. and Mr. Dean explained that the counts included each car having two trips (one 1) in and one (1) out). Mr. Dean stated that there were approximately 282 cars coming to the site during the morning peak hours, with the imbalance created by staff coming to the site in the morning, parking and not leaving. The Vice Chair questioned what the drop-off and transit operation going to another location was all about. Mr. Dean explained that the Cedar Hill Prep had a secondary operation in Piscataway and were using their shuttle bus from the Somerset site for campers to be dropped off and to shuttle the additional campers to that alternate site.

Mr. Dean explained that he would characterize Dolan & Dean's report as something the Technical Review Committee (TRC) wanted, and they simply went out and documented what they saw as far as the operations of the facility during the summer camp timeframe.

Mr. Dean explained that there was one (1) aspect of the approval that was granted and that they were well intentioned, but there were consequences. He then told the Board that there was the desire to spread the traffic out over time so that not all enrollees show up at the same time, but that their start times were staggered. He then referred the Board to page 4 of their Operation Report spoke to the drop-off and pick-up practice that was employed in an effort to spread out the traffic over a period of time, staggering the times by age group. He noted that the consequences of doing that should a family have two (2) or more children of differing age groups would be that they would have to come back to the site more than once to drop off their children at the appropriate time. Mr. Dean indicated that his recommendation to those families that had that situation to only come to the site once to avoid additional trips.

Mr. Dean then discussed the staff, noting that because of their age group, most don't have licenses and were also dropped off at the camp each day.

Mr. Dean then discussed the requirement that the Police be present during these peak hours of drop off and pick up to assist with the traffic movements at the driveways, and when asked the Police noted that they did not need to be there. He did testify that the camp/school did

employ on-site personnel (two (2) at the prep school and one (1) at the camp) to help guide parents to keep the traffic moving in a unified direction. He stated that that was put in place as an additional operational practice that his firm would endorse and should continue in the future.

Mr. Rosenthal then asked about whether they considered the traffic going to the Cedar Hill Swim Club parking lot. Mr. Dean drew the Board's attention to Figure A in their Operation Plan report. Mr. Stahl then added that page 2 of the TRC report discussed that the swim club driveway was to be provided and that the Police didn't deem it appropriate for their presence. He added that the heading, Current Application in the TRC report also discussed assigning driveway access locations to parents to promote an even split of traffic between the Cedar Hill Prep driveway and the swim club driveway. Mr. Stahl also mentioned that the TRC report also discussed the prohibition of using Cedar Hill property as a transport hub to transfer campers to a Piscataway camp. Mr. Dean then continued his discussion related to Mr. Rosenthal's question about the other driveway. He explained the details of Figure 2 in the Operations Plan report noting the numbers associated at each driveway with how many cars entering and exiting, both during the morning peak hours and the afternoon peak hours as well as showing the number and direction of turns out of each driveway both during the morning peak hours and the afternoon peak hours.

Ms. Anastasakos then asked who owned the driveway on the adjacent property to the Cedar Hill School/Camp. Mr. Dean explained that the adjacent driveway was owned by the Cedar Hill Swim Club and that there was an annual renewable agreement for the Cedar Hill Prep School/Camp to utilize that driveway. Mr. Stahl indicated that there was an agreement in place to utilize the Cedar Hill Swim Club driveway for the use for the summer camp during their hours/dates of operation and could be provided to Mr. Healey if it hadn't been shared previously. A discussion ensued.

Vice Chair Shepherd then opened a discussion related to how many cars were queued up on Cedar Grove Lane waiting to make a left-hand turn into the site by either driveway. Mr. Dean stated that that was discussed on page 2 in their Operations Plan and noted a queue of 5 vehicles waiting to turn left into the Cedar Hill Prep driveway, but not the swim club driveway. He added that there was a shoulder that was 18 ft. from the center line of Cedar Grove Lane to the curb that had sufficient space for other motorists to by-pass the queue. Mr. Dean noted that passing on the right in the shoulder was legal and quoted the motor vehicle code and was verified with the NJDOT.

Mr. Rich opened a discussion regarding the illegal left turns that were noted in the Operations Plan. Mr. Dean stated that he appreciated that prohibiting those turns from 7 a.m. – 9 a.m. and from 4 p.m. to 6 p.m. was deemed appropriate. They then discussed why the Police presence was not included, and Mr. Dean noted that discussion on page 2 of the TRC report. Mr. Healey then deferred to Mr. Darrin Mazzei, Engineer with CME Engineering, the Township Engineer.

Mr. Darrin Mazzei, Engineer employed with CME Engineering as the Township Engineer, came forward and was sworn in. Mr. Mazzei indicated that when he went to discuss Police presence at the site, he was told that they wanted to see how the camp operated to see if a police officer was necessary. After a few hiccups over last summer, Mr. Mazzei indicated that the Police determined that their presence was not necessary. Mr. Mazzei then stated that

they did their own counts at the site and were found to be similar to what was determined by Dolan & Dean, albeit a little larger traffic counts a year later (2022). They then discussed ideas to reinforce the no left turn signage on the property such as cones on the property to direct parents to the right as well as possible adding cones to the center line to additionally discourage those who might disregard the signs/cones onsite.

Mr. Stahl then discussed with Mr. Mazzei something in the TRC report that stated that Cedar Hill Prep was negotiating an agreement with the swim club for the summer of 2023. Mr. Mazzei agreed with that state as he was with the additional statement in the TRC that indicated Cedar Hill Prep would have to go back before the TRC and Board should they not be able to come to an agreement with the swim club.

In discussions with Mr. Healey, Mr. Stahl's intent was to let the Board know that the Applicant would agree with all the conditions and requirements as articulated by the TRC.

Vice Chair Shepherd asked Mr. Dean if his Traffic Report and the work that they did on the matter include taking a close look at what happens inside the parking lot and how the children make their way from the swim club parking lot to the school. Mr. Dean replied that it was noted that there were a few connections between the sites that included a footbridge and a means of pedestrian connection that allowed the cross-use to occur safely and in a controlled environment and was endorsed by their office. The Vice Chair stated that when he visited the site, he noted parents/children crossing into the Cedar Hill Prep Site and crossing that parking lot to get to the school while other automobiles were traversing the site while dropping off their children. Mr. Dean stated that he did not focus on that concern.

Ms. Anastasakos indicated that she had visited the site that day and anyone coming from the swim club parking lot would have to go through the woods between the two properties and traverse over two lanes of parking spaces, including the semi-circular driveway of the school as well as an island in the middle in order to get to the door. Mr. Dean indicated that the Applicant had two (2) personnel in the parking lot that was not a requirement of the temporary approval specifically to assist with controlling traffic on the property itself. Ms. Anastasakos asked if the personnel hired to do that job were qualified crossing guards, and Mr. Dean stated he did not know, but that they were mature, responsible adults monitoring the traffic and the pedestrians. He added that the circulation layout of the Cedar Hill Prep School was one-way, counterclockwise on a looped driveway.

Ms. Bethea then asked if there was any issue with dropping off the staff if they were being dropped off on Cedar Grove Lane and walking to the site. Mr. Dean indicated that the staff were all dropped off on-site.

Vice Chair Shepherd then opened a discussion regarding any reporting of levels of service on an already busy roadway (Cedar Grove Lane). Mr. Dean indicated that they did not have the level of service documented as it was not specifically asked of them to provide by the Applicant or through the TRC process. He did say that prohibiting the left turn movement out of the site represents a good level of service, level C or better. He then noted that the level of service D would probably be assigned to the swim club driveway in the afternoon peak times since left-hand turns were allowed.

Mr. Mazzei then stated that they noted staff were being dropped off on Cedar Grove Lane in 2021 but did not notice the same happening in the summer of 2022, which was a positive. Mr. Mazzei was then interested in what percentage of the camp attendees were siblings because it could affect the way the site operates related to traffic. Mr. Dean indicated he did not have the answer to that question. He did state, however, that with pre-schools and other private schools, the percentage was typically about 20% sibling attendance and sometimes a little bit higher. Mr. Stahl, after discussing with the Applicant, agreed with Mr. Dean that 20% was the appropriate answer to that question.

Mr. Healey then indicated that he believed that the Applicant had shown agreement documents with Cedar Hill Swim Club from previous years, but wanted to know if there was one for summer of 2023 in place. Mr. Stahl answered in the affirmative. He then promised to get a copy of that agreement to the Township.

Mr. Healey then opened a discussion related to the fact that as a result of an approval the swim club received, they were going to have a portion of their parking lot removed because the Delaware & Raritan Canal Commission (DRCC) required them to do so to accommodate a cell phone tower going onto that site. Mr. Healey then asked how that was going to change how people bringing their children to the Cedar Hill Prep camp going to get from the swim club to the school site. Mr. Dean indicated that he was not aware of the specific design approval for the swim club, i.e., where the parking spaces were located that were to be eliminated, etc.

Vice Chair Shepherd indicated that the last page of the January 26, 2023 TRC report showed the parking spaces that were to be eliminated on the swim club site. Mr. Dean, after reviewing the aerial photograph superimposed with the areas of parking pavement to be removed and replaced with grass, stated that there would have to be a footpath leading to the foot bridge to join the two (2) sites. Alternatively, he indicated they could look at opening up a connection deeper into the swim club property that would continue to allow the drop-off and may allow for a better walking route around the perimeter of the drop-off lane so as to avoid having children cutting through the middle utilizing a sidewalk or a footpath.

Mr. Mazzei indicated that the removal of pavement on the swim club site was required to decrease impervious coverage for the cell tower site and any sidewalk placed there would negatively impact that. They then discussed previous alternatives.

Ms. Anastasakos then asked an additional question related to the swim club driveway. She asked if the Traffic Study include trips of cars going to the swim club during the summer when the camp was in session and how the two operations would be coordinated. Mr. Dean stated that because the swim club was not allowed to make the improvements in the summer of 2022, he assumed that they were not operating while they were taking their traffic counts. Ms. Bethea opened a discussion regarding the removal of the parking spaces on the swim club property and if it would cause there not to be enough parking for the camp's operations making the Township be empowered to cease operating the camp. Mr. Stahl indicated that they should know before the summer starts whether there will be enough parking for the summer camp to operate.

Mr. Dean corrected his testimony after speaking with the Applicant that the swim club was operational in the summer of 2022, so that the swim club traffic was included in their driveway counts for the Cedar Hill Prep driveway counts.

Mr. Mazzei indicated that their counts also included the swim club traffic, however, it was not the swim club peak operational hours when they did their counts and that there was not much of an increase as was expected.

Vice Chair Shepherd made a motion to open the meeting to the public for questions of Mr. Dean. Seeing no one coming forward, the meeting was then closed to the public.

Mr. Edward Kolling, Planner, 123 Oakhill Avenue, Long Branch, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Kolling stated that he had the opportunity to review the Dolan & Dean Traffic & Operations Report as well as the TRC report, dated January 2, 2023, and the zoning ordinance, community facilities element of the Master Plan of Franklin Township, plot plan and aerial views of the area. Mr. Kolling indicated that he was there that evening to discuss the advisability under the Municipal Land Use Law of the use of the property as a summer day camp. Mr. Kolling indicated that the school was a conditional use in the zone and had been the subject of some previous approvals. He then indicated that the property was in the R-40 zoning district and that the school that was located there was a permitted conditional use and the subject of some previous approvals and with a student count approved up to 330 students. He then told the Board that the proposed use was for a summer day camp that would require a Use Variance and operate on the school property during the summer session and limited to 280 children. Mr. Kolling told the Board that the proposed use was not really that dissimilar in terms of its purpose, such as childcare and although the use was not necessarily an inherently beneficial use, the legislator had recognized that childcare types of use were beneficial and provided a needed service to parents. He then added that the use provided similar services such as physical education, social interaction possibilities, science, and nature activities, etc. and felt that they were compatible. Mr. Kolling then spoke about the large property, comprised of approximately 8.5 acres, and the summer day camp would utilize the same facilities that already existed on the property. For these reasons, Mr. Kolling stated that he felt that the property was particularly suited to the proposed use. He then added that the proposed use would promote some of the goals of the community services element of the Master Plan, one of which was to provide adequate services to meet the needs of the Township and to share services to the extent possible. Because of the particular suitability of the property, he also felt that the Application would advance certain purposes of the Municipal Land Use Law (MLUL) to encourage municipal action to guide the appropriate use or development of lands in the State in a manner which would promote the health, safety, morals, and general welfare. Mr. Kolling described the property as rather large and has sufficient space in an appropriate location to provide the type of use that was being proposed. He added that it would provide efficient use of the land by utilizing a facility that would go largely unused for the summer months. Mr. Kolling stated that he felt that they met the positive criteria in terms of being able to grant the Use Variance. In terms of the negative criteria, which would be whether there was a substantial detriment to the intent and purpose of the zone plan. Mr. Kolling indicated that he didn't believe that would be the case.

Vice Chair Shepherd asked Mr. Kolling to keep in mind that the school was located on the subject property based on a conditional use in an area that was zoned R-40. He then asked how he saw the existence of a summer camp in the middle of an area that was zoned R-40.



Mr. Kolling indicated that he felt that having a summer day camp on a school property was appropriate in a residential (R-40) zone because it provided a childcare use. He felt that a school, daycare center and summer camp all provided a service to residents in the area. The Vice Chair then indicated that a summer camp was not included as a conditional use in a residential zone. Mr. Kolling stated that going through the zoning code and going through all of the different districts, he indicated that he didn't see mention of a day camp anywhere and wasn't considered at all.

Mr. Stahl asked Mr. Kolling if a school use had physical activity and outside activities as part of the traditional indoor school activities, and he answered in the affirmative. They then discussed the services that were provided by both schools and day camps, not the least of which was a service for working parents that operated during overlapping hours and were similar in that regard.

Vice Chair Shephard reminded Mr. Kolling that there had been numerous noise complaints associated with the particular summer day camp but noticed that the TRC included a recommendation that amplification is not used and assumed it was to address issues of noise travelling off-site. Mr. Kolling stated that their discussion pointed to the next negative prong and if there was a substantial detriment to the public good and the general welfare. In looking at that issue, he felt that the Board could look to see if some measures/mitigation can be taken that would lessen the impact of the use. He then added that the Applicant had looked at agreeing to some of the things brought up in the TRC report like not having any amplification of sound on the site, restricting turning movements, vehicular and pedestrian access, etc., with the Applicant agreeing to comply with. Mr. Kolling then indicated that if the Applicant took the mitigative measures that had been recommended by the TRC and implemented and agreed to by the Applicant, he didn't believe that any of the impacts would result in a substantial detriment to the public good.

Vice Chair Shepherd then opened the meeting to the public for questions regarding Mr. Kolling's testimony. Seeing no one coming forward, the meeting was then closed to the public.

Mr. Stahl noted that the Applicant was prepared to accept whatever conditions the Board might impose upon them regarding the operation of the camp.

Vice Chair Shepherd expressed his concern to the fact that the temporary Use Variance that was given to the Applicant last year restricted the number of children who could come to the facility to 280. However, he indicated that it was discovered that they were using the facility as a pick-up spot for another facility outside of Franklin Township. He asked Mr. Stahl how they would monitor the number of kids coming to the site when the Applicant did not uphold their agreement that was given to them with the Temporary Use Variance. Mr. Stahl stated that he could not defend that action by the Applicant, but suggested that the Applicant must, on a monthly or bi-weekly basis, provide a full census of the attendees of the camp to indicate that no more than 280 children were attending. He also added that they agree to provide a census of periodic traffic counts and certification that it would not be used as a transportation hub to any other facility, or they risk being closed down for a 5-7-day period of time. The Vice Chair reminded Mr. Stahl that the children being transported off the premises to another facility would not show up on any roster that they were attending the camp at the Franklin Township site, so that monitoring would be difficult. A discussion ensued.

The Vice Chair discussed any granting of a variance runs with the land and wanted to know if the variance could be extinguished if the use did not abide by the terms of that variance. Mr. Stahl suggested that if they got Use Variance approval for a summer camp on the site, that they receive a Certificate of Occupancy and detail the conditions. A discussion ensued. Mr. Healey stated that if the Board were inclined to approve the D-1 Variance that they make the conditions as specific as possible. Board Attorney, Mr. Regan, gave his opinion that any approval given by the Board was subject to the conditions attached to that approval. He added that any deviances from those conditions could result in a violation of conditions, or a summons. He did add that the tricky part was that they were talking about a two (2)-month use on an annual basis and not quickly enforced but could be enforced for subsequent years. He thought that the issuance of a Certificate of Occupancy on an annual basis might be a good idea in this case. Mr. Healey indicated that if there were a violation, there would be a stop order put in place to shut the operation down but would require that order to come from the Court and Judge, which would take longer than the season lasted.

Vice Chair Shepherd then opened the meeting to the public for comments on the Application.

Mr. Mark Maris, 179 Wilson Road, Somerset, NJ, came forward and was sworn in. Mr. Maris explained that his daughter attends the summer day camp at Cedar Hill Prep and that she had excelled due to the nurturing and learning environment provided by the day camp during the summer months. He added that they are also members at Cedar Hill Swim Club and have never experienced an issue with the traffic control on the site. He added that they have staff that have consistently controlled the safety and proper traffic controls to make the site a safe environment.

Mr. Jeremy Smith, 5 Cornelius Way, Somerset, NJ, came forward and was sworn in. Mr. Smith spoke highly about the care and safety the staff provide for all campers and parents alike. He felt that his kids learned so much at the camp and saw it more as a school and a learning environment than just a summer camp. He asked the Board to approve the Use Variance.

Mr. Dennis Siclari, 151 Cedar Grove Lane, Somerset, NJ, came forward and was sworn in. Mr. Siclari indicated that the school/camp have been good neighbors, but he felt that the camp created quite a bit of traffic during the summer, with traffic queuing up in front of his home and people using the shoulders to get around traffic waiting to enter the facility. He added that a school use during most of the year was turning into a business use during the summer months and there needed to be strict guidelines that the Applicant needed to adhere to.

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

Ms. Bethea agreed that a summer day camp was a beneficial use, but being in a residential zone, the Board should provide sufficient conditions so that the use could be managed for current use as well as future owners of the operation.

Mr. Rosenthal then expressed his concern regarding the relationship between the school, the camp, and the swim club. He indicated that he was not convinced that it would be a good partnership.

Ms. Anastasakos expressed her appreciation for the value of a summer camp as a former educator but was very concerned about the negative impacts and the possibility of the annual agreement with the swim club changing from year to year. She expressed her concern for safety conditions, even with the addition of the no left turn signs. Ms. Anastasakos is very concerned for the shared use of the parking lot with the swim club, particularly due to the removal of parking stalls at the swim club.

Ms. Rafiq asked if the Board could grant another Temporary Use Variance to see how everything works out this year, based upon some of the violations that have occurred over the past few years. Mr. Regan indicated that there was no choice at this time since the Temporary Use Variance was used last year as a stop gap since the season was so close to starting and to give the Board time to review the operations of the camp.

Mr. Healey opined that he felt there were three (3) different options the Board could consider, including an approval with conditions to include the conditions listed in the TRC report, the Board could determine that they hadn't been given the adequate proofs and deny the request or determine that additional information was needed to decide. Mr. Regan agreed with Mr. Healey, however, he stated that the last choice would create the same issues as last year with the opening of the camp starting so soon. Mr. Healey indicated that should the Board choose the third option, the Applicant would have to come back before the Board immediately.

Mr. Stahl then told the Board that if they needed additional information related to a particular issue they had, they could come back to the next hearing to provide that, particularly about the swim club parking that would be available in order to move ahead with the Application.

Mr. Regan stated that they would have to produce an annual lease in order to operate a day camp.

Vice Chair Shepherd made a motion to approve the Application with "D" Variance to the Applicant to operate a summer day camp at the Cedar Hill Prep School subject to the following limitations and conditions:

1. The number of children attending the camp shall not exceed 280.
2. The facility, located at 152 Cedar Grove Lane, Somerset, NJ shall not be utilized as a bus hub for any other camp operated by the Applicant in Piscataway or other location.
3. The camp may have only one (1) overnight event each year.
4. The Applicant shall not use any outdoor public address system or amplified music at any time.
5. The Applicant shall propose a method other than by police enforcement to eliminate the illegal left turns from the parking lot.
6. If the Township Police Dept. determines traffic safety and public safety was compromised by the operation of the summer camp and was deemed a hazard, the Police Dept. may order that the summer camp be shut down until such time as appropriate steps could be taken to satisfactorily address such safety concerns and hazardous conditions to the satisfaction of the Township Police Dept.
7. No later than February 1<sup>st</sup> of the respective year, the camp must submit a yearly Camp Operation Report to the Township Zoning Dept. for the review of the TRC which shall

demonstrate applicable requirements of the Board approval, including but not necessarily limited to the Traffic Operation Plan consist with the Board's approval, compliance with the recommendations in the final Operations Report prepared by the Applicant's Traffic Engineer, Dolan & Dean, revised 12/8/2022. An extension of time, for this year only, to have the yearly Camp Operation Report submitted to the Township by April 1<sup>st</sup>.

8. Yearly proof from the swim club that they have an agreement with the camp to utilize their parking lot that year and that construction would not occur during the camp's operating schedule.
9. There needed to be sufficient parking to support the summer camp operation to include a realignment of the swim club parking lot, in consultation with the Township and the TRC, if necessary, should the swim club parking lot not be available in a particular year due to construction or not at all due to lack of enough parking. Additionally, this would fall under the jurisdiction of the Zoning Board.
10. Proof each year that the number of campers did not exceed the 280.
11. The Township staff would have the right to visit the site, without notice but with discretion, during its operation over the two-months summer period, to ensure compliance with conditions.
12. The Applicant would have to be compliant with all of the previous conditions agreed to by the school and for the school application through all of the variances that they have obtained, except as changed or modified by the Zoning Board's resolution for the summer camp Application.

Board Attorney, Mr. Regan, requested that each member who voted give their reasons for their vote for the record.

Ms. Firdaus seconded the motion, and the roll was called as follows:

FOR: Ms. Bethea, Mr. Procanik, Ms. Firdaus, and Mr. Daugherty

REFRAIN: Mr. Khan

AGAINST: Mr. Rich, Mr. Rosenthal, and Vice Chair Shepherd

Ms. Bethea voted first and stated that she felt that it was a good use even though there were circumstances that could pose a detriment. She added that given the balance of it, given the specificity of the conditions discussed, that they would help to manage and control and give the Board the opportunity to weigh in if there were any violations of those conditions. Based on those things, she stated that she felt there were sufficient controls in place and voted "Yes".

Mr. Procanik voted next and indicated that he felt it was a good use and that he supported it by voting "Yes". He added that the operational concerns that they discussed that evening were satisfied by the conditions in the Resolution.

Mr. Rich voted "No" because, as far as he was concerned, he stated that the Applicant did not satisfy the negative criteria.

Mr. Rosenthal also voted “No” because he indicated that he was not convinced that the school and the swim club, which are two different entities, would be able to work together to provide sufficient parking for the summer camp use. Because of the cones that had already been placed near the swim club driveway, Mr. Rosenthal indicated that he was not convinced that the swim club would not undertake construction and affect the amount of parking that would be available for summer camp use.

Vice Chair Shepherd was next and voted “No”. He stated that he had a number of reasons why he voted that way, including his concern with the fact that this was a variance that will run with the land forever, and while he thought that the current operator of the school and the summer day camp had testified to how they would manage the operations, the Vice Chair indicated that the use was too intense for the particular area. He added that he was afraid that if new people come along to run the summer day camp, that they would not be up to the task of doing the things that were necessary. Vice Chair Shepherd also stated that he was troubled by the traffic on the road (Cedar Grove Lane), the left-hand turns as well as the queueing up. Having visited the site, he also added that he was concerned for how the traffic would move inside the school/summer day camp area and dangerous enough for him to be concerned. He then brought up the situation with the noise level and was concerned for the people who live in the R-40 residential zone surrounding the subject property and felt that they should have some peace and quiet. He added that the summer day camp would be held during the key part of the summer months when everyone’s windows were open and didn’t feel it was a good plan for all the reasons stated.

Ms. Firdaus was up next and voted “Yes” because she stated that by providing the summer day camp and learning opportunities for the 280 children who attend was a big benefit to the community. She then indicated that she felt it was a service that was very much needed by working moms and dads. Ms. Firdaus then indicated that although there were some concerns, she stated that she thought they were well covered by the conditions that were included in the motion.

Ms. Woodbury, Board Secretary, then stated that Mr. Faraz Khan asked to refrain from voting at the beginning of the meeting because he was unable to view all of the videos that were available, so Mr. Michael Dougherty, being the third alternate, would have a vote that evening.

Mr. Michael Dougherty was up next and stated that he would vote “Yes” because he thought it was a good use for the children. He added that with the conditions that were set forth and the maintenance jurisdiction of those conditions being retained by the Board, it would leave the Board with some control of whether all of those conditions were being met.

Board Attorney, Mr. Frank Regan, indicated that the motion failed with having only 4 positive votes, 3 negative votes, and with 5 votes required.

Mr. Stahl indicated that he did not want the Board Attorney to rush to provide the Resolution as he wanted the opportunity to apply for reconsideration if there were issues that could be resolved.

**MEETING ADJOURNED:**

Vice Chair Shepherd made a motion to adjourn the meeting at 9:53 p.m. The motion was seconded by Ms. Bethea, and all were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
April 3, 2023