

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

**REGULAR MEETING  
May 18, 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:** Richard Procanik, Joel Reiss, Alan Rich, Gary Rosenthal, Robert Shepherd, Vaseem Firdaus, Michael Dougherty, and Chairman Thomas

**ABSENT:** Cheryl Bethea and Faraz Khan

**ALSO PRESENT:** Ms. Rebecca Maioriello, Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning & Zoning Secretary

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**MINUTES:**

- **Regular Meeting – April 13, 2023**

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

**FOR:** Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, Ms. Firdaus, Mr. Daugherty, and Chairman Thomas

**AGAINST:** None

**HEARINGS:**

- **JAM & JAM CONSTRUCTION, LLC / ZBA-21-00022**

Minor Subdivision w/”C” & “D” Variances in which the Applicant requested to divide the property into two (2) lots and build a single-family home at 27 William Street, Somerset; Block 66, Lots 2 & 3, in an R-10 R-10 Zone - **CARRIED TO A DATE TO BE DETERMINED – further notification required.**

**DL- 5/31/2023**

- **FRANKLIN GREENS FIELDSTONE, LLC / ZBA-23-00012**

Mr. Peter Donnelly, Esq., Attorney, appeared before the Board on behalf of the Applicant, Franklin Greens Fieldstone, LLC. Sign Variance in which the Applicant proposed the installation of ten (10) new poles and banners/flags along the driveway at 1 JFK Boulevard, Somerset; Block 385, Lot 8.05, in a General Business (GB ) Zone.

Ms. Allison Cartin, Vice President of Operations, Fieldstone Properties, came forward and was sworn in. Ms. Cartin then gave a synopsis of what they were proposing. She explained that Franklin Greens, dba The Park at Franklin, was their community of 648 units that had a beautiful long entryway as you pull into the development to the clubhouse that was built a few years back, was originally built around 1960 and has a lot of mature trees and foliage, etc. She indicated that they were proposing to place five (5) flags on either side of the main driveway and have to enter the property to see them. Within their Application, she stated that they included computer renderings of the flags and driveway as well as an up-close rendering of the flag. Additionally, she stated that they included a survey map showing the ten (10) poles/flags. Ms. Cartin then explained that they've done the same at other communities that they own/operate and noted that all the residents love them. She added that they do different flags/colors based upon their colors and felt that there was no detriments to the community by including them.

Vice Chair Shepherd drew attention to the Survey/Schedule of Drawings and asked about the numbers listed in the area of where the poles/banners would be located. Mr. Donnelly indicated that the numbers shown were the number of parking spaces that were located in the area between each flagpole/banner. The Vice Chair then asked Mr. Healey what the Applicant was allowed in terms of signage.

Mr. Healey stated that the ordinance did address flags, but it didn't anticipate the type of situation that the Applicant was presenting. He indicated that it allowed for four (4) flags that might have included the American flag, the NJ State flag and possibly a flag related to their business at the entrance to the property. He explained that since it was not included in the ordinance, Township staff could not approve it and was why it was put before the Zoning Board. He went on to state that if it was not specifically permitted, then it becomes prohibited and needs a variance from the Zoning Board to allow it. He indicated that the Township staff didn't raise any concerns because it was internal to their development and that the Applicant felt it added vitality and marketability to their apartment complex. A discussion ensued.

Mr. Donnelly explained that the complex had 648 residential units and the site occupies 42 acres of property, so in light of the size of the development and the acreage it occupies, they felt that the signage was appropriate.

Mr. Rich wanted to know how the flags/poles would be maintained and wondered how often the flags/banners would need to be replaced. Ms. Cartin explained that the development was about the fifth or sixth that they have included these flags/banners. She noted that the flags/banners were made of a vinyl material and were vented with little holes so that strong winds would not destroy them. She added that they were attached with small silver brackets where they could just slide on/off. Ms. Cartin explained that they can last up to three (3) years, and if there were to be a strong storm like a hurricane, they may only have to replace a few of them. Mr. Rich then asked if they were planning to remove trees so that the

flags/banners could be seen better and Ms. Cartin stated that they were being positioned where there were no trees. Mr. Rich then asked if the flags/banners were to attract new tenants, and Ms. Cartin stated that it was not and that they were 96% rented. She added that they they were just doing it for the current tenants to add excitement and color. She went on to state that it was a mature community with a lot of mature green trees, and this would be an opportunity to add color.

Mr. Procanik then asked for the size of the flags/banners, and Ms. Cartin indicated that they were just about 5 ft. tall by 2 ft. wide on a 13 ft. high pole.

Chairman Thomas then asked about whether they need Planning testimony. Mr. Healey indicated that they needed a variance because flags/banners and flag poles were limited to up to four(4) in the ordinance. A discussion ensued.

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

Vice Chair Shepherd mentioned that he was just not comfortable with the location of the first pole/flag/banner being so close to JFK Boulevard. Mr. Donnelly stated that the first pole/flag/banner was located just behind the setback line as shown on the map provided.

Vice Chair Shepherd made a motion to approve the Variance to erect ten (10) banners/flags along their main driveway. He added that the flags/banners would be no larger than 5 ft. x 2 ft. in size and be erected and displayed no higher than 11 ft. off the ground as per the drawing that was submitted with the Application. Additionally, the flags/banners would be replaced when they become worn/shabby or removed entirely. Mr. Reiss seconded the motion. The roll was called as follows:

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

AGAINST: None

- **64 CASA ESENCIA, LLC / ZBA-21-00027**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, 64 Casa Esencia, LLC. Preliminary & Final Major Site Plan w/"D" Variance in which the Applicant sought to build 12 townhouse units at 64 Norma Avenue, Somerset; Block 234, Lots 3-7, in the O-P Zone - **CARRIED FROM APRIL 20, 2023 –with no further notification required.**

Mr. Lanfrit then indicated that they presented the testimony of their Site Engineer at the hearing on April 20, 2023, who reviewed the Site Plan with the Board as well as the staff reports generate and indicated their agreement to comply with everything in the reports. He indicated that they were starting to present testimony from their Architect, but unfortunately had to stop there because the Principal Architect had sent a subordinate from his office who was not licensed.

The Application required the following variances from the Board:

- D(1) Use Variance: Townhomes are not a permitted use in the O-P Zone.
- D(4) (FAR) Variance: 0.25 max. permitted – 0.42 proposed.
- D(5) Density Variance: More residential units would be realized than under the O-P Zoning.
- Site Plan approval
- C Variances:
  - Min. Front yard setback: 40-ft. required (Franklin Boulevard) – 30.9 ft.
  - Max. Impervious Coverage: 45% permitted – 46.2% proposed.
- Additional Variances – Townhouse requirements (Section 112-49)

Mr. Adam Raiffe, Architect, Raiffe Design, LLC, came forward and was sworn in. The Board accepted his qualifications. The Board accepted his qualifications. Mr. Raiffe then discussed the architectural plans, as submitted to the Board with the Application. He spoke about what he was charged to do and what the Applicant was proposing. Mr. Raiffe indicated that his group designed 12 contemporary style townhomes in a variety of configurations with outdoor spaces as part of the design. He noted that all of the homes have terraces on the back and second floor balconies on the rear of the homes.

Vice Chair Shepherd then asked if there could be cooking facilities up on the rooftops, and Mr. Raiffe stated that they did not have anything like that designed up there. Mr. Lanfrit indicated that it would be a code issue as to whether that was allowed.

Mr. Raiffe then stated that they wanted to provide upscale amenities with either office spaces or additional living spaces. The materials used, according to Mr. Raiffe, were brick, wood and cementitious siding. He then included the addition of a rooftop terrace that was just an open space with railing around it to meet code requirements. Mr. Raiffe then told the Board that the average size of the townhomes were about 2,000 sq. ft., including the basement square footage. He noted that there were five (5) two (2)-story buildings and that all the units had a bit of a variation. Mr. Raiffe explained that all the units have garages, either a one(1)-car or two (2)-car garage and had either one (1) bedroom or two (2) bedrooms. Mr. Raiffe then explained that the basements were not designed to have secondary egress and could not be used as a bedroom. A concern was raised by staff that a full bathroom was noted on the basement level, and Mr. Raiffe explained that they were designing the units to be as marketable as possible. A discussion ensued by Vice Chair Shepherd, and Mr. Raiffe testified that there was no bathroom in the basement of a one (1)-bedroom unit, but that some of the two (2)-bedroom units did have a full bathroom for use for guests. They discussed limiting the bathroom to a ½ bathroom in the basement should the Board have concerns that the basement might be used as a bedroom. A discussion ensued among the Board, and Vice Chair Shepherd felt that there shouldn't be a bathroom in the basement at all. They then discussed the fact that laundry facilities were located in the basements.

They then opened a discussion regarding the potential of converting some of the upper floor rooms into offices and some staff reports brought up some concern that some of the offices might be converted to a bedroom. Mr. Raiffe explained that there were many people in New Jersey who were now working from home and that it was important to provide that space. He agreed not to put closets in those rooms so as not to be able to use them as bedrooms. Mr.

Lanfrit indicated to the Board that if they wanted to restrict the use of the basement and office rooms to exclude bedrooms that they would agree to put deed restrictions on the units involved.

Chairman Thomas then asked if the roofs of the units were going to be solar ready, and Mr. Raiffe stated that there were no plans to include solar panels on the rooftops, especially since the roofs were low sloped. The Chairman then asked if the roofs could be made solar ready; however, Mr. Raiffe indicated that they were relatively flat and not suited for accepting solar panels. A discussion ensued among the Board.

Chairman Thomas then asked about EV charging stations, and Mr. Lanfrit indicated that they were required by code and that they would be compliant by providing them.

Vice Chair Shepherd then opened a discussion about what would be included in the 4,950 sq. ft. of recreational space. Mr. Lanfrit indicated that the Board could ask for what they wanted to include in that space but thought that they would make improvements when they knew who would be living in the units. The Vice Chair didn't think that approach was the best since the developer would carry no responsibility to include those improvements once the units were sold. A discussion ensued between the Board and the Applicant about how they could go about that, including adding those recreation elements after ½ of the units were sold to get a sense of what those recreational needs would be.

Vice Chair Shepherd then asked if there was any plan for street lighting in the development. Mr. Raiffe stated that there was a plan for street lighting and zoomed in on the exhibit to show the Board. Mr. Lanfrit then stated that the lighting would comply with the ordinance.

Mr. Healey then offered to the Board that there was a Lighting Plan on file and that the lighting fixtures were located throughout the parking lot with about 14 ft. mounting heights, with the lighting projected into the parking lot. He went on to state that it was basically the building mass on the site relative to the size of the property.

Mr. Healey explained what FAR meant by stating that it stood for Floor Area Ratio is the ratio of the square footage of building space to the square footage of the property.

Vice Chair Shepherd stated his concern for how "packed" the property will be and how tight the parking situation would be, especially if the storage space would be situated in the garage. A discussion ensued, and Mr. Raiffe explained that there would be a rather large, dedicated storage area in the basements of the units.

Mr. Rich then asked where the excess snow would go after plowing was completed and who would undertake garbage disposal. Mr. Lanfrit stated that there would be cans in the garage and a private hauler would pick up trash, with recycling done by the County. He then reiterated Mr. Edelson's previous testimony at the last hearing that there would be plenty of room for private trash haulers to maneuver through the development.

Mr. Edelson, Site Engineer, continued to be sworn in from the last hearing. Mr. Edelson indicated that the green spaces in the islands and within the parking area to put snow. He added that if they were to be inundated with snow, it would have to be trucked out of the development.

Golda Speyer, Professional Planner, came forward and was sworn in. The Board accepted her qualifications. Mr. Speyer then entered into the record as Exhibit A-1, Site Analysis, Planning Slide Deck -30 slides. She explained that she was there to show the Board that, under State guidance, through Superior Court cases, that the variances listed above could be proved. Ms. Speyer first started describing the property, and, therefore, site suitability, by indicating that there were five (5) lots that front on Franklin Boulevard and were near two other multi-family uses that front on Norma Avenue (1.96-acre lot). She noted that there was some sloping towards Franklin Boulevard. Ms. Speyer then described the site as currently vacant and on a frontage of Franklin Boulevard where it bends. Vice Chair Shepherd then asked for clarification of the subject lots. She then showed some adjoining sites that were fronting on Norma Avenue showing a duplex, an eight (8) unit apartment building with front yard parking and a 14-unit apartment building that served two (2) lots with the building on one lot and the parking on the other. She then noted a property with a parking area and what appears to be a dilapidated office building and not in use.

Ms. Speyer then went on to describe the proposed 12 single-family style townhomes that would be placed in five (5) separate buildings that included one (1) and two (2) bedrooms, 38 parking spaces in total (14 in the garages and 14 in the parking spaces with 10 surface spaces). She indicated that it was a walkable site, in her opinion, as they provide sidewalks, and they were proposing to provide a recreational area with landscape amenities and screening. Ms. Speyer then explaining that they were planning on merging the five (5) lots to have one (1) curb-cut onto Norma Avenue as opposed to five (5) curb-cuts on Franklin Boulevard, which was a County road, and more of a traffic concern.

Ms. Speyer then went back to the zoning, noting that it was zoned Office-Professional (OP), but noted that there were one (1) and two (2) dwelling units were located in the immediate vicinity. She added that they were proposing a townhome product (that acted as a single-family unit) that blended into a multi-family use but were more akin to the one (1) and two (2)-family dwelling use. Ms. Speyer first discussed the D-1 Use Variance with a Townhome as not a permitted use in the O-P zone because of the typology of the structure. She then discussed D-4 FAR Variance and stated that she would show how the proposed was less intrusive than the neighbors and why it was appropriate to build to the noted FAR. Ms. Speyer then discussed the D-5 Variance was about the more residential units realized. She went on to state that each of the noted variances had their own court cases that had their positive and negative criteria. Firstly, she discussed the Use Variance required for a townhome and noted the Medici case that guided the Board where there were special reasons to grant the Use Variance and would have to meet the positive criteria and negative criteria that was a two(2)-pronged approach. The questions raised are five (5)-fold; is the Application still carrying out the purposes of zoning coming directly from the Municipal Land Use Law (MLUL), is the site suitable for the proposed use, and is the enhanced quality of proof met by reconciling why the use might have been omitted. On the negative side, Ms. Speyer asked if there was no substantial impairment to the intent of the zone plan. She then noted how the proposal met the purposes of zoning from the MLUL, noting purpose A, purpose C (adequate light, air and space), purpose I (desirable visual environment with creative development techniques and good civic design and arrangement) and purpose K that speaks to planned unit developments and incorporating the best features and design into that residential type of development (townhomes). Ms. Speyer then spoke to site suitability and mentioned the two other apartment complexes in the area, across from a school which was suitable in the neighborhood. She noted that the proposal was seven (7) dwelling units per

acre, which was lower than any townhome she's ever seen and considered modest density. Vice Chair Shepherd then asked for clarification, and Ms. Speyer stated that she interpreted the approved density as two (2) units on a lot. She then spoke to the negative criteria, noting that the townhomes would not be out of character for the neighborhood because there were other apartments, other multi-family uses and more fitting to what the Township's O-P zoning wanted. She then spoke about having only one curb cut into the development that was completely contained on the site. Ms. Speyer then referred to the Township's Master Plan and how it looked to maintain diversity of housing but encouraging in-fill and stabilization of currently residential areas rather than continuing sprawl patterns of development while encouraging new construction and renovation including accessory apartments and revitalization in developed areas.

Ms. Speyer directed the Board's attention to the required D(4) FAR Variance intended to protect not over-massing something. She indicated that proving this point included meeting the positive and negative criteria, to include can the site accommodate the problems that would be with floor area ratio (FAR) by building something greater than the zoning anticipated. She added that the negative to that would be whether that would have a negative impact to the neighborhood or substantial impairment to the zone plan. She added that they met the building coverage and height requirements of the zone that would control massing. She also added that there were five (5) individual buildings that were broken out and not one (1) massed structure with space between them with architectural design to break up any massing as well as landscaping. She then explained that they were way more in line with the FAR requirements than the two (2) apartment buildings that currently exist nearby. She explained her methodology to measure the FAR of the nearby apartment buildings, with one abutting a wooded lot.

Ms. Speyer then discussed the D(5) Variance they were seeking by asking whether the site could accommodate the problems that might be associated with greater density that would go to the positive criteria. The negative criteria could be addressed by asking whether there were there any substantial detriments to the zone plan. Ms. Speyer's opinion that the answer to the answer to the positive criteria was yes and that they have plenty of parking to offset whatever density problem that would have happened there. She described the living quarters as spacious, there were two (2) stories along with storage and included rooftop decks and met the outdoor space requirements that included sidewalks that made the development walkable. Dealing with the negative criteria, she spoke of the fact that the townhome was a permitted single-family aspect of density and aligns with that in the code with seven (7) units per acre.

Mr. Healey then discussed the fact that the O-P Zone permitted single-family homes and two (2)-family homes and discussed the requirements for both and could be in the range of seven (7) to eleven (11) units per acre. Ms. Speyer then discussed the Grubbs court case related to the issue. Mr. Healey then informed the Board that they did have a zone that allows townhomes called the Cluster Residential Zone that permitted six (6) units to the acre and would allow eight (8) if it included affordable housing. Mr. Lanfrit reminded the Board that in lieu of affordable housing on the property, there was a requirement to pay the municipality an affordable housing fee.

Ms. Speyer then discussed the bulk "C" Variances required and listed earlier, speaking directly about a C-1 Variance which was more about flexibility. She explained that it was

really about benefits outweighing any detriments. She indicated that she plotted out where the variances were necessary, including a front yard setback along Franklin Boulevard where 40 ft. was required and 30.9 feet was proposed. She then noted that the variance was occurring at a curvature of the roadway (pinch point) at the corner of a building and not an entire wall of building. She then noted that they included landscaping along Franklin Boulevard to help the visual of the site. She then discussed the maximum impervious coverage where 45% was permitted and 46.2% was proposed, noting the steep slopes on the site and the need for retaining walls to stabilize the development that she indicated put them over on impervious coverage. Mr. Lanfrit indicated that the site has detention basins, underground storage that was reviewed by the Township Engineer and Delaware & Raritan Canal Commission (DRCC) and would be in compliance with current requirements. He added that the storm water was considered free-flowing currently and would be controlling the run-off with storm water management and would have less run-off after the development was constructed than there was now on the site.

Ms. Speyer then discussed the Townhouse requirements and addressed the need for a drive aisle width variance where 30 ft. was required and 27 ft. was proposed. She discussed the Site Engineer's testimony that included turning templates that trucks could fit on the roadway within the development. She stated that widening the roadway to 30 ft. could cause more danger by motorists driving faster and incurring additional impervious coverage on the site. She then addressed the variance required for setback from the dwelling to the curb and pavement edge itself where 25 ft. was required and 18.4 ft. was proposed. She indicated that she believed the intent of the requirement was to fit cars into the driveways. Ms. Speyer added that one car can fit in the driveway as proposed and the deficiency did not include all of the driveways in the development.

Mr. Reiss asked how many parking spaces were included for guests. Mr. Lanfrit stated that there were two (2) additional parking spaces per unit with ten (10) more for guests. He added that guests could also use the unit's driveway for parking as well. A discussion ensued, and Mr. Lanfrit stated that the parking met all the requirements of the ordinance and Residential Site Improvement Standards (RSIS).

Ms. Speyer then gave her summation and stated that she found the site particularly suited for the development proposed, to include all the variances noted, and that the positive and negative criteria had been met adequately and that there was no substantial impairment to the zone plan or impact to the general welfare.

Vice Chair Shepherd opened a discussion about the inclusion of a Homeowner's Association (HOA) and didn't think that there would be enough people to handle the business of the Homeowner's Board.

Mr. Lanfrit asked to take a 5-minute break to discuss the issue of the Homeowner's Association with the Applicant. Chairman Thomas agreed to allowing for a 5-minute break.

At the conclusion of the 5-minute break, Chairman Thomas called the meeting back to order.

Mr. Lanfrit, after discussing this with the Applicant, agreed to build the development as a rental project; however, they would like in the Resolution to state that they had the right to reserve to come back if they wanted to convert it to market-rate units.



In dealing with the FAR calculations, Mr. Procanik wanted to know which areas of the unit were included or excluded, i.e., the garage, rooftop amenity space. Mr. Raiffe indicated that everything within the unit was included, but that the rooftop terraces were not including in the FAR calculations. Mr. Procanik then asked if the five (5) lots and curb cuts were used as justification for development of basically one (1) curb cut into a smaller roadway. He then asked if the five (5) could have been developed in compliance with the zoning ordinance. Ms. Speyer then indicated that there would probably be some hardships and bulk variances involved. Mr. Procanik asked why not come forward with a conforming Application, and a discussion ensued, and Ms. Speyer then reiterated her testimony to support the variances. Mr. Lanfrit explained that if they put in 5 multi-family homes on the five (5) lots, they would not have the parking available that they have now and the additional curb cuts would take away street parking.

Mr. Procanik then opened a discussion regarding only using two properties to characterize a neighborhood. Ms. Speyer then explained that she utilized the two apartment complexes nearby as those were the two that fronted along Norma Avenue just like the proposed development would. Mr. Procanik then opened a discussion about also taking into consideration of Franklin Boulevard. Ms. Speyer indicated that there were really no buildings fronting on Franklin Boulevard. She spoke of a vacant lot, an asphalt surface lot and the lot with the vacant, unsightly building as those that were in the vicinity in the O-P Zone. Mr. Healey then discussed the surrounding zones to the proposed property and discussed what was permitted there. A discussion ensued, and Mr. Lanfrit reminded the Board that the overage of impervious coverage was caused by the retaining wall that was required.

Mr. Healey then discussed the fact that the Impervious Coverage Variance was not a significant variance, but the FAR Variance was significant. Mr. Healey then suggested that Ms. Speyer might want to go back to her justification for the FAR due to the fact that there was more building mass and development on the site than what the zone permitted. Ms. Speyer indicated that there was no Building Coverage Variance or Height Variance required, so those were the kinds of things she looked at with FAR and was a tool to control how big a building looked and was broken out into five (5) smaller structures and meeting the intent of a massing regulation. She added that they had further articulation in the building by design without a big massing of wall of one larger building. She added that they were also adding landscaping to reduce a visual impact that would come with FAR. Ms. Speyer then explained that that testimony was the basis for the positive criteria that would address the larger FAR calculation. She added that her testimony regarding the negative criteria was about how their FAR affected the adjacent properties and that was why she utilized the apartment complexes nearby. She then explained that the additional wooded lot that butted up against the apartment complex gave a better visual look, but that the complex had a larger FAR of 0.54 without that extra undeveloped lot, which was much higher than what they were proposing. She indicated that the other apartment complex FAR calculations came out to a FAR of 1.1 on its own lot or 0.574 if including the parking lot. A discussion ensued among the Board.

The Board Attorney stepped in and explained that the FAR calculations were instituted to avoid McMansions being built on small lots. He added that he felt the testimony was that because these were smaller buildings, while in total exceed the FAR ratio, there was not the same effect as if you had one large building. Mr. Healey indicated that the testimony was not an unreasonable thing for the Board to consider, whether that and the other testimony was

enough to help you consider that the variance was appropriate would have to weigh that and deliberate that.

Ms. Firdaus was concerned for the safety of children, considering that they had a front yard setback variance they might consider putting something in place for safety. A discussion ensued regarding this issue, noting that there was a steep slope in that area with a retaining wall was in place, but not necessarily at the pinch point. Mr. Lanfrit added that a play area was proposed, but not in that location.

Mr. Healey asked to look at the 3D rendering, and asked if the two stories were above grade and the basements below grade. Mr. Raiffe answered in the affirmative. Mr. Healey was trying to get some clarification for the Board's edification and asked whether the basement was included in the FAR calculations. Mr. Raiffe again answered in the affirmative as well as the garage along with the open 2<sup>nd</sup> floor two (2)-story space was also counted. Because the basements were included and most are completely below grade, that the Board may not be getting the correct FAR information. Mr. Healey asked for how much building mass was above ground. Site Engineer, Mr. Edelson, stated he did rough calculations and stated that somewhere between .1 and .15 of that FAR number would be part of the basement units, so that their total FAR of .42 was probably down in the high .2's, but still not conforming. A discussion ensued related to whether a basement was considered part of FAR calculations or not. Ms. Speyer indicated that if 1.5 of the FAR was underground, then she stated that she should have included that in her testimony to address the negative criteria.

Chairman Thomas then made a motion to open to the public. Seeing no one coming forward, the meeting was closed to the public.

Mr. Lanfrit offered that they did the math by taking out the basements and the double head spaces, the FAR number is .27. A discussion ensued related to eliminated double head spaces. Mr. Healey indicated that the ordinance read that the double head space was not included in FAR, but in reality it is part of massing with just no floor included. Mr. Lanfrit stated that to exclude the basements but include the double head space, the FAR number would be closer to .29 or .3.

Mr. Lanfrit gave his summation to support their case by indicating it was a stand-alone site and only abuts apartment buildings. He added that it was a unique project and adds to the character of the neighborhood.

Mr. Reiss made a motion to grant the variances requested with the exception of the inclusion of 1/2 bathroom in the basement and provide amenities for common recreational area once it was determined what types of amenities were appropriate (after half of the units were built) and those amenities would be discussed and cleared with the Zoning Officer. Further, the project would be run as a leased development by the Applicant, but the Applicant reserved the right to return to the Zoning Board to convert the project into a Homeowner's Association in the future. No closet would be included in the office and not to be used as a bedroom. Ms. Firdaus seconded the motion, and the roll was called as follows:

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

AGAINST: Mr. Procanik

Mr. Procanik stated he voted "NO" regarding the FAR calculations and variance.

**MEETING ADJOURNED:**

Vice Chair Shepherd made a motion to adjourn the meeting at 10:08 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
July 12, 2023