

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

**REGULAR MEETING
March 7, 2024**

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:

PRESENT: Richard Procanik, Alan Rich, Robert Shepherd, Faraz Khan and Chairman Thomas

ABSENT: Cheryl Bethea, Joel Reiss, Gary Rosenthal, Vaseem Firdaus, Michael Dougherty, and Kunal Lakhia

ALSO PRESENT: Brian Hak, Acting Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning & Zoning Secretary

RESOLUTIONS

- **Venkateswar & Padmaja Vakkalagadda / ZBA-22-00024**

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

FOR: Mr. Rich, Mr. Khan, and Chairman Thomas

AGAINST: None

- **Andaaz Caterers, LLC / ZBA-23-00013**

Vice Chair Shepherd made a motion to approve the Resolution, as submitted. Mr. Procanik seconded the motion, and the roll was called as follows:

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

AGAINST: None

- **Muslim Foundation Inc / ZBA-23-00017**

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

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

AGAINST: None

- **Cedar Hill Holdings, LLC / ZBA-23-00019**

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

FOR: Mr. Procanik, Mr. Rich, and Mr. Khan,

AGAINST: None

HEARINGS:

- **ECG NEW JERSEY, INC / ZBA-23-00014**

D(1) Use Variance applicant seeks to operate a 1,600 sq. ft. place-of-worship in one (1) of the tenant spaces at 1165 Route #27, Somerset; Block 88.01, Lot 43, in the G-B Zone - **CARRIED TO MARCH 21, 2024 - with no further notification required.**

DL - 04/14/2024

- **THOMAS HAUSS / ZBA-23-00021**

C Variance in which the Applicant was requesting to construct an addition to the home at 23 Triplet Road, Somerset; Block 396, Lot 34, in an R-20 Zone - **CARRIED FROM FEBRUARY 15, 2024 - with notification required.**

Mr. Thomas Hauss, Applicant, was sworn in. Mr. Hauss stated that he was asking for three (3) variances for a one (1)-story addition they wanted to place at the rear of their home. He indicated that they were looking for the following variances:

- Rear Yard Setback – 50 ft. required, 31 ft. requested
- Building Coverage – 25% allowed and 26.88% requested
- Lot Coverage – 15% maximum, 20.5% requested

He then told the Board that they were proposing a sunroom and a work-out room measuring 16 ft. x 26 ft. He noted that the roofline on the addition would be one (1) story and would be 13 ft. 6 inches, which was half the existing roofline height. Mr. Hauss stated that there were a

number of trees and bushes on the property that would help screen the addition. He then told the Board that the home was in the Levitt development and were built in the 1960's and the lots were undersized and do not meet the current requirements for the R-20 Zone. Mr. Hauss then told the Board that there wasn't any additional land available to purchase to increase the lot size and make it conforming. He then noted that the lot was only 120 ft. deep and does not allow for a rear addition without obtaining variances. He then told the Board that Tripplett Road had 26 homes on it, and eight (8) of those home have built rear additions on them.

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

Mr. Rich asked if his neighbors had any objections to the addition. Mr. Hauss indicated that they didn't object.

Vice Chair Sheherd made a motion to approve the Application, with variances. Mr. Rich seconded the motion and the roll was called as follows:

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

AGAINST: None

- **ARUN DODDAGHATTA / ZBA-24-00005**

C Variance in which the Applicant was seeking permits to construct a single-family detached home at 6 Hans Voji Drive, Franklin Park; Block 20.02, Lot 50, in the C-P Zone

Mr. Arun Doddaghatta, Applicant, came forward and was sworn in. Mr. Doddaghatta stated that their family is vegetarian and their children are a mix of vegetarian and regular diet and his wife wanted separate kitchens to prepare each type of food, for religious beliefs.

Chairman Thomas stated that the home needed to be designated as a single-family home and not to be confused with a home that had a separate kitchen for the use of two (2) families. The Chairman indicated that it didn't seem to be constructed in such a way that it would be occupied by more than one family, but asked for confirmation of the same.

Mr. Doddaghatta confirmed that it was being requested for the second kitchen for his wife's vegetarian diet for religious purposes.

Mr. Healey then described the definition of a single-family home, which included the wording that it would contain only one (1) kitchen. He added that the purpose of the ordinance was to prohibit second kitchens within homes to not allow for more than one (1) family to live within that single-family home. He added that denials are usually for kitchens in basements or in separate suites, in combination with separate bathroom facilities, would make such a suite very conducive to having a second unit. Due to the layout of the proposed home, staff was not concerned that the provision of a second kitchen would result in a second dwelling area. Mr. Healey noted that the second kitchen was proposed in the main living area of the house in proximity to the main kitchen and dining area. He also stated that the second kitchen was not

proposed to be in the vicinity of separate bedrooms and bathrooms, conducive to having a second living space for another family. Mr. Healey also provided the floor plans that were provided to the Township for their review.

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, with variance, to construct a kitchenette in addition to a main kitchen within the proposed single-family home. Under the terms of the variance, the Applicant/Owner agrees not to advertise the home, now or in the future, for sale or rent, as a two (2)-family home. He also agrees to construct the single-family home as laid out in the floor plans submitted to the Township for their own personal use. Mr. Rich seconded the motion, and the roll was called as follows:

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

AGAINST: None

- **KARTHIKEYAN KUPPUSWAMY / ZBA-24-00004**

C Variance in which the Applicant sought a variance from the maximum permitted impervious coverage limitation at 5 Summerfield Drive, Somerset; Block 11.06, Lot 3, in an R-10B Zone - **CARRIED TO MAY 02, 2024 - with no further notification required.**

Mr. Karthikeyan Kuppuswamy, Applicant, came forward and was sworn in. Mr. Kuppuswamy explained that they purchased the home and constructed a deck and patios at the rear of the property due to an uneven and steep slope in the background that made the property unusable as it was. He added that they used a contractor to build these patios/deck, and wanted to rectify the situation with the Township.

Chairman Thomas then asked what was behind his home since Mr. Kuppuswamy indicated that he had a backyard that sloped down. He added that there was an easement and a creek behind his backyard. He also said that he did not see an accumulation of water there nor did it affect any of the surrounding neighbors.

Mr. Healey asked for clarification as to whether the contractor put in a new deck or just resurfaced one that was already there. Mr. Kuppuswamy stated that it was resurfaced and provided an inspection report. In their discussions, it was determined that the deck was made larger as well. Vice Chair Shepherd stated that he was at the property that day and he saw a cement surface under the raised deck where they were storing summer furniture. Mr. Healey stated that there were patio pavers to each side of the raised deck and to the rear of the deck, and he indicated it looked like more than 43.7% impervious coverage, which was what was reported by the Applicant's surveyor. The Applicant then showed that there was gravel underneath the pavers; however, Mr. Healey indicated that that was still considered impervious coverage. He stated that the patio surface was 944 sq. ft. by itself and then they would have to include the cement surface under the raised deck. Mr. Healey also indicated that following the Township's storm water ordinance, they would have to hire an engineer and do some type of analysis for a stormwater system like a dry well or whatever is deemed

appropriate for that site. Mr. Healey also stated that the Applicant would also have to apply for all of the construction and zoning permits and the size of the cement surface under the raised deck would get reviewed as part of that process in addition to the stormwater analysis. He indicated that if the added impervious coverage was over 1,000 sq. ft., they would have to, by ordinance, include a stormwater system on the property.

Chairman Thomas stated that there was also a recommendation to plant some trees. Mr. Kuppuswamy then discussed piping that was put in to allow the water to go down the slope, but the Vice Chair was concerned that the runoff wouldn't then be captured within the Applicant's yard. A discussion ensued among the Board. Vice Chair Shepherd then stated that he saw that the next-door neighbors did the same kind of improvements on their property and didn't want to encourage others to do the same. Mr. Healey also indicated that there was no preserved land on the other side of the gully at the rear of this Applicant's property, and that those properties could be developed.

Mr. Bhaven Patel came forward, stating that he owned the property that is adjacent to Summerfield Drive. He noted that the water does drain onto his property, which was not an easement, and they were proposing to build single-family homes there eventually.

Mr. Brian Hak, Board Attorney, indicated that the Applicant had not given the proofs for a hardship case other than offering their apologies and asking for forgiveness. The Board then discussed another case where they had the Applicant remove impervious coverage in the backyard and in the front yard. Mr. Healey suggested that they might remove the concrete under the deck to get the impervious coverage to where it would be more acceptable. He added that if the impervious coverage is over 1,000 sq. ft., then it will be very expensive to hire an engineer to design and construct a stormwater management system.

Mr. Procanik asked Mr. Healey to check the setbacks to make sure that the impervious coverage was calculated correctly.

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

The Board agreed that the Applicant could work with Mr. Healey to reduce impervious coverage and then come back before the Board for a proposal. They also agreed to hear the new plan that would more closely make the impervious coverage compliant on the property - **CARRIED TO MAY 02, 2024 - with no further notification required.**

DL - 05/04/2024

MEETING ADJOURNED:

Vice Chair Shepherd made a motion to adjourn the meeting at 8:29 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
April, 14, 2023