

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

REGULAR MEETING
January 9, 2014

The 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 Vince Dominach, Zoning Officer, at 7:30 p.m. The Sunshine Law was read and the roll was called as follows:

PRESENT: Raymond Betterbid, Laura Graumann, Bruce McCracken, Robert Shepherd, Anthony Caldwell (arrived at 7:35 p.m.), Gary Rosenthal and Cheryl Bergailo

ABSENT: Donald Johnson, Alan Rich, Joel Reiss and Robert Thomas

ALSO PRESENT: Patrick Bradshaw, Board Attorney, Mark Healey, Director of Planning and Vincent Dominach, Sr. Zoning Officer

OATH OF OFFICE:

- **Anthony Caldwell**
- **Robert Shepherd**
- **Cheryl Bergailo**

REORGANIZATION

- **Nomination/Selection of Chairperson**

Ms. Graumann made a motion to nominate Robert Thomas for Board Chairperson. Mr. Shepherd seconded the motion. Seeing no additional nominations, Mr. McCracken made a motion to close the nominations for Chairperson. Mr. Shepherd seconded the motion. A vote was taken and the roll was called as follows:

FOR: Mr. Betterbid, Ms. Graumann, Mr. McCracken, Mr. Shepherd, Mr. Rosenthal and Ms. Bergailo

AGAINST: None

- **Nomination/Selection of Vice Chairperson**

Mr. Betterbid made a motion to nominate Laura Graumann for Board Vice Chairperson. Mr. McCracken seconded the motion. Seeing no additional nominations, Mr. McCracken made a motion to close the nominations for Vice Chairperson. Mr. Shepherd seconded the motion. A vote was taken and the roll was called as follows:

FOR: Mr. Betterbid, Mr. McCracken, Mr. Shepherd, Mr. Rosenthal and Ms. Bergailo

ABSTAIN: Ms. Graumann

AGAINST: None

- **Appointment of Board Attorney**

Mr. Dominach explained that at the last Zoning Board meeting, in accordance with the by-laws, they conducted a fair and open bidding process, where there was only one applicant, the current Zoning Board Attorney, Patrick Bradshaw. He added that the Board interviewed Mr. Bradshaw at that time and asked the Township staff to present the necessary Resolution for his appointment that evening.

- **Witness Oath – Director of Planning, Mark Healey
Zoning Officer, Vincent Dominach**

Mr. Patrick Bradshaw, Board Attorney, administered the Witness Oath to both Mr. Healey and Mr. Dominach for the 2014 calendar year.

RESOLUTIONS:

- **Appointment of Board Attorney**

Mr. Shepherd made a motion to appoint Mr. Patrick Bradshaw, as Zoning Board Attorney. Mr. McCracken seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Vice Chair Graumann, Mr. McCracken, Mr. Shepherd, Mr. Rosenthal and Ms. Bergailo

AGAINST: None

- **Franklin Township BOE / ZBA-13-00020**

Mr. Rosenthal made a motion to approve the Resolution as submitted. Mr. Betterbid seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid and Mr. Rosenthal

AGAINST: None

- **St. Matthias / ZBA-13-00018**

Mr. McCracken made a motion to approve the Resolution as submitted. Mr. Betterbid seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Mr. McCracken and Mr. Rosenthal

AGAINST: None

Vouchers:

- **Patrick Bradshaw – January Retainer - \$865.00**
Resolution Preparation – St Matthias - \$150.00
Behar/Susserman - \$90.00
Franklin BOE - \$195.00
Various Matters - \$300.00

Mr. Betterbid made a motion to approve the Vouchers. Mr. McCracken seconded the motion and all were in favor.

HEARINGS:

- **DIAMOND INVESTOR & BUILDERS / ZBA-13-00023**

Hardship Variance in which applicant seeks to build an approximate 2,360 sq. ft. two-story single family dwelling at 57 Ray Street, Somerset; Block 155, Lots 17 & 18, in an R-7 Zone. - **CARRIED TO FEBRUARY 6, 2014 - NO FURTHER NOTIFICATION REQUIRED.**

- **FAMILY DOLLAR STORES / ZBA-13-00025**

Mr. Ira Weiner, Esq., appeared before the Board on behalf of the Applicant, Family Dollar Stores. Mr. Weiner stated that they were before the Board that evening for sign variances in which the Applicant was proposing to upgrade & replace the existing sign on the building located at 621 Hamilton Street, Somerset; Block 207, Lot 9.21, in the HBD Zone.

Mr. Dominach's Zoning report indicated that the Applicant was proposing to replace an existing sign with a larger sign. The report included the following variances that were required, including:

- Sign area: 30 sq. ft. is the maximum, 100 sq. ft. is existing and 113.95 sq. ft. is proposed.
- Sign height: 3 ft. maximum, 4 ft. existing, 5.33 ft. proposed

Mr. Dominach explained that the existing sign was damaged in a storm and they want to replace the existing sign with one that was slightly larger. He added that the variance required for the sign height of 5.33 ft. also included additional branding logos.

Mr. Healey pointed out to the Board photos of the existing signage and the proposed signage shown in the staff reports. He noted that the sign would be placed in basically the exact location and same design and assumed that it was the result of a rebranding effort. Mr. Weiner stated that after the store was damaged in a storm, his client felt it was a good time to put the re-branding into effect with the new logo. He added that the extra square footage requested was to accommodate the new logo within the middle of the signage. He told the Board that he didn't see any detriment to allowing the additional square footage.

Vice Chair Graumann then opened the meeting to the public. Seeing no one coming forward, the meeting was closed to the public.

Mr. Shepherd made a motion to approve the Variances requested. Mr. Betterbid seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Vice Chair Graumann, Mr. McCracken, Mr. Shepherd, Mr. Caldwell, Mr. Rosenthal and Ms. Bergailo

AGAINST: None

- **EDWARD & MAUREEN MATSON / ZBA-13-00024**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Edward and Maureen Matson. Mr. Lanfrit explained that they were before the Board that evening for a Hardship Variance in which the Applicant sought to build an approximately 2,300 sq. ft. two-story single family dwelling at 294 Franklin Blvd., Somerset; Block 283, Lot 7, in an R-10 Zone.

Mr. Dominach's Zoning report indicated that the following variances were needed:

1. Lot area: 13,125 sq. ft. minimum for corner lots, 10,018 sq. ft. existing/proposed
2. Lot frontage: 105 ft. minimum required for corner lots, 87.19 ft. existing/proposed on DeKalb Street.

Ms. Maureen Matson, came forward and was sworn in. Ms. Matson indicated that they purchased the property in September of 2012 and currently a vacant piece of property. They discussed the adjacent properties, a single family home owned by R. Walter & Hazel Davies (Lots 8 & 9) and Lot 6.0, owned by Mr. Barrood, which included a garage. Ms. Matson testified that she sent out buy-sell letters to both parties on December 15, 2013 (certified and return receipt requested). She further went on to state that they received a reply from the Davies, stating that they were not interested in either selling or buying any property. She indicated that they did not hear from Mr. Barrood. She entered the letters into the record, along with the certified mail receipts, as Exhibit A-1 (Barrood letter) and Exhibit A-2 (Davies letter with response). Ms. Matson went on to describe the house they plan to construct on the proposed property, noting that it would face DeKalb Street. Ms. Matson went on to state that they were proposing 12.82% building coverage, where the maximum was 20% in the R-10 Zone. Additionally, the impervious coverage maximum was 30% and their proposal was 20.82%, which was well under the requirements of the zone. She then discussed the surrounding neighborhood, noting that the house that they were proposing was consistent with what was already constructed in the area. She then discussed the types of homes in the general area. She entered into the record as Exhibit A-3, six (6) photos of the street and pictures of the homes on that street taken by herself on January 8, 2014. She indicated that they were planning to build a home that was similar to the bi-levels on DeKalb Street, shown in the first photo. Ms. Matson indicated that the actual home they were planning to build was depicted exactly on the architectural plans that had already been submitted to the Board with the application. She then stated that all the corner lots along Franklin Boulevard were undersized and the same size as the proposed property.

Mr. Healey explained to the Board that the corner lots along Franklin Boulevard were all consistent with the size of the Applicant's property. He did note, however, that the property to the rear of the subject site was on a double lot, which was the exception to the pattern in the area.

Ms. Matson then addressed the staff reports, noting that they would be able to comply with all the comments, but would like to request from the Board a waiver to construct sidewalks. She indicated that there were no sidewalks on either Franklin Boulevard or DeKalb Street.

Mr. Dominach stated that if the Board did grant a waiver from providing sidewalks, they would ask the Applicant to pay in lieu of providing to a Township fund that had been set up for sidewalk construction. Mr. Lanfrit indicated that they would either construct them or provide payment into the Township fund. Mr. Lanfrit then drew the Board's attention to a request in the Township Engineer's report asking for a 5 ft. dedication of land along DeKalb. He indicated that they didn't have a problem with doing that, but that it would make the lot even smaller, reducing it to 9,586 sq. ft.

Vice Chair Graumann asked whether they were up to date with the 4th quarter taxes on the property. Mr. Lanfrit indicated that he thought they were, but would make sure they were paid immediately if they were still outstanding.

Mr. Shepherd asked whether the Applicant would agree to build the exact house that was shown in the architectural drawings that came with the plan. Ms. Matson testified that they would agree to that condition.

Ms. Bergailo questioned the plans that showed a grading line going through a maple tree. Mr. Lanfrit stated that they would do everything possible to preserve trees on the property.

Mr. Robert Gazzale, Site Engineer, came forward and was sworn in. The Board accepted his qualifications. Mr. Gazzale stated they would be able to preserve the maple tree in question, they would have to relocate the infiltration basin to attempt to preserve it. He added that the storm water management system on the site was a requirement of the Township Engineer's office to mitigate the additional impervious coverage. Mr. Healey suggested that the Applicant look into the situation to see if there would be some alternative design to preserve as many trees as possible and, if not, make a monetary contribution to the tree replacement fund. Mr. Lanfrit agreed that they would do everything they could to preserve trees on the site and would make payment in lieu for any trees removed.

Ms. Bergailo inquired about the pavement of the driveway and Mr. Lanfrit stated that they would be paving the full length of the driveway.

Vice Chair Graumann opened the meeting to the public for questions or comments. Seeing no one coming forward, the Vice Chair closed the public portion of the hearing.

Mr. Shepherd made a motion to grant the Hardship Variance to allow them to build a two-story home in the R-10 Zone. Additionally, he added to the approval that the house to be constructed would be the same home shown in the architectural drawings that accompanied the Application. He also added that the Applicant would be required to either move the drainage infiltration basin to preserve the maple tree on the premises or make payment in lieu to the Shade Tree Fund as well as construct sidewalks or make payment in lieu to the Township's sidewalk fund for that purpose. Mr. Caldwell seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Vice Chair Graumann, Mr. McCracken, Mr. Shepherd, Mr. Caldwell, Mr. Rosenthal and Ms. Bergailo

AGAINST: None

- **NEW JERSEY TABERNACLE / ZBA-13-00015**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, New Jersey Tabernacle. Mr. Lanfrit explained that they were there that evening for a Use Variance w/Site Plan approval in which the Applicant was proposing to convert an existing 1,390 sq. ft. house for a clergy and build a 3,935 sq. ft. worship hall with 59 parking spaces at 8 Como Drive, Somerset; Block 508.02, Lots 42.01 & 43, in an R-40 Zone.

Mr. Dominach's Zoning report indicated that the following variances were needed:

1. D-3 as the following conditional use standards were not met:
 - a. Parking: 78 minimum required (if proposed seating is permanent), 127 minimum required (if proposed seating is not permanent), 44 proposed
 - b. Front yard setback: 65 ft. minimum, 17.36 ft. existing/proposed

Mr. Jeffrey Kusmick, Architect, came forward and was sworn in. The Board accepted his qualifications. Mr. Kusmick entered into the record as Exhibit A-1, the plan drawings and Exhibit A-2, consisting of two color renderings of the plan set. He discussed what the new building would look like, noting that they were intending on utilizing a masonry façade in a burgundy color. He spoke of the building details, adding that there would be a canopy that led to a one-way drive. Mr. Kusmick stated that there were two entrances to the building, the main entrance in the front and one in the rear that would allow access to the parking area. He added that there was no parking area near the main entrance as that was just considered a drop-off area. He testified that the height of the skylight on the building was 28 ft., 8 inches, less than what was the maximum in the zone or any single-family dwelling. Mr. Kusmick then drew the Board's attention to the proposed façade lighting, which he indicated would be strictly up lighting, along the front and underneath the canopy. He noted that the cross was illuminated by the in-ground up-lighting that was depicted on the drawing. Mr. Kusmick stated that the lighting would not go up higher than the building façade. He then discussed the interior of the building, utilizing Exhibit A-1, pointing out the various elements of the interior of the worship space. He indicated that the skylight would be over the main sanctuary section of the building that would house 108 fixed seats. He indicated that there were some doors along the right of the main sanctuary that included a sound room and Pastor's office as well as bathrooms and a section that was set aside for a future fellowship hall that was not part of the Application that evening. Mr. Kusmick also testified that there would be no classrooms or eating facilities.

Vice Chair Graumann asked about a note on the plan indicating that there would be 74 non-fixed seats. Mr. Dominach explained that there was some open area shown on the plan in the form an extra wide center aisle, so that the calculations for parking would depend on how many seats were fixed as well as how many temporary seats could be

accommodated. Mr. Lanfrit stated that, based on the fixed seating, the parking requirements would have been met. He added, however, that because there was extra floor space in the sanctuary, Mr. Dominach and Mr. Hauck, the Assistant Township Engineer, indicated that 77 more parking spaces were required. Mr. Kusmick explained what was listed on the drawing, noting that there was extra square footage in the back of the sanctuary. He indicated that there was a total of 1,310 sq. ft. in the sanctuary area, not including the altar area, plus the rear circulation area of an additional 320 sq. ft.. Doing the calculations for the total square footage of the sanctuary space was how Mr. Kusmick stated that he came up with 108 fixed seats. Mr. Dominach then explained the difference between the calculations for seating in an open area with no fixed seating and calculations for when there was fixed seating. Mr. Dominach stated that the calculations used by the Township were a combination of fixed seating and the calculations for some open area to come up with the total parking requirement that they need a variance for. Mr. Lanfrit indicated that they had enough parking spaces to accommodate for the 108 fixed seats, plus a little more. A discussion ensued among the Board regarding the parking. Mr. Healey brought up topics that the Board might want to discuss with the Applicant, who he indicated went to much effort to screen the building appropriately using various elements. He did indicate that the use of the façade lighting concerned him and asked the architect to discuss the glass wall and dome, particularly if the building would be used at night.

Mr. Kusmick indicated that there were higher parapets on the sides of the building to shield the residential properties from any light spillage. He added that the glass wall faced more to the corner of Como Drive and Cedar Grove Lane. Ms. Bergailo asked how the building would be lighted inside and what type of lighting would be utilized in the interior when the building was not in use. Mr. Kusmick indicated that there was no plan to keep any kind of lighting on inside the building when it was not in use. Ms. Bergailo asked the architect to provide the façade lighting details to the Township Planner and Engineer for their review, which he agreed to. Mr. Lanfrit stated that the building would be used on Sunday's during the day and one night a week.

Vice Chair Graumann then opened the meeting to the public for questions of the architect.

Mr. Ernie Lovis, 21 Como Drive, Somerset, NJ, came forward. Mr. Lovis was concerned for the possible future development of a fellowship hall and the parking situation. Mr. Lanfrit indicated that the fellowship hall was not part of that night's hearing and that the parking would be discussed by the project engineer. Mr. Lovis stated he would hold his questions till later for the appropriate witness.

Seeing no one further coming forward, the Vice Chair closed the meeting to the public.

Pastor Oti, Pastor of the NJ Tabernacle, a licensed non-profit corporation, came forward and was sworn in. Pastor Oti stated that the church was founded in 2001, when she was also the pastor. She indicated that today the church owned Lot 42.01, which was the lot on Como Drive, which was purchased in 2005 with a single-family home. She indicated that the home was not usable at the moment because there was a fire. She indicated that they rented space from 2001-2005 at the American Legion Hall in North Brunswick, then rented space in North Brunswick High School for three-four years and

were presently renting space at the Crown Plaza Hotel in Edison. She testified that they have 20-25 families in their congregation at present, which has been fairly consistent since 2001. She then stated that they presently conduct their services on Sunday between 10:00 a.m. and 1:00 p.m. Pastor Oti indicated that should the Board approve the Application, they would also meet on Thursday evenings from 7:00 p.m. to 8:00 p.m. for Bible study in addition to 10:00 a.m. to 1:00 p.m. on Sundays. She testified that there were, on average, 30 people at Sunday services and anticipated that there would be less than 30 people at the Bible study on Thursdays. She then testified that they would use the building at other times only for a wedding or a funeral and don't intend to rent out the building or conduct any other activities. She also added that they had no plans to use the parking area or grounds for carnivals, picnics or other activities.

Mr. Shepherd asked whether the pastor thought they would have weddings or funerals that would exceed the number of parking spaces being provided. Pastor Oti indicated that she did not anticipate anything like that happening at that location. Mr. Lanfrit noted that should there be a larger crowd, they would provide for off-site parking with shuttle bus service to the site. Pastor Oti testified that there have been weddings that have had between 50 and 80 people, but she had only conducted a few weddings over the past 14 years. She indicated that she has only officiated at one funeral in all those years as well.

Mr. McCracken asked if there was going to be a kitchen and Pastor Oti indicated they were not including a kitchen.

Mr. Healey then asked if there were any plans for any day care or summer day camps proposed. Pastor Oti indicated that there were no plans for anything like that.

Pastor Oti stated that they would not light the interior of the church building on night's they were not using the facility and only light the facility when there was activity going on inside the building. She agreed that the façade lighting could be shut off at a certain time in the evening deemed appropriate by the Board. Mr. Lanfrit added that the same could be agreed to with the parking lot lights as well.

Vice Chair Graumann then opened the meeting to the public for questions for Pastor Oti only.

Ms. Jean Garlick, 42 Como Drive, Somerset, NJ, came forward. Ms. Garlick asked Pastor Oti what was the plan to get to know the neighbors and the neighborhood that many have lived in for many years. The Pastor indicated that some congregants live nearby and have gone to the site to clean up and get to know the residents while they were there. Ms. Garlick asked if they would object to a condition of no left turns out of the church, since it was a dead end street, as well as no parking on Como Drive. Mr. Lanfrit indicated that they would have a Traffic Engineer testify to that subject. Ms. Garlick then asked the pastor what their growth expectations were for the congregation. Pastor Oti indicated that they hoped to grow, and that is why they were building to accommodate 108 people. Ms. Garlick then opened a discussion regarding where the congregants were coming from, considering that they have been based out of North Brunswick and now, Edison. Pastor Oti stated that they were from Middlesex County.

Seeing no one further coming forward, the Vice Chair closed the meeting to the public.

Mr. Robert Gazzale, Site Engineer, came forward and was sworn in from the previous hearing that evening. The Board continued to accept his qualifications. Mr. Gazzale described the present conditions on the property, noting that the lot on the corner of Cedar Grove Lane and Como Drive had access from Cedar Grove Lane and the other lot had access onto Como Drive. Mr. Gazzale indicated that where there presently was pavement from the driveway on the corner lot to access Como Drive will be eliminated. He added that Cedar Grove Lane was a County road and fully improved with curbs and sidewalks and Como Drive was paved to about 23 ft. wide, with no curbs or sidewalks on either side. He stated that the lot on Como Drive was quite wooded and that they were proposing to replace or pay in lieu approximately 250 trees. Mr. Gazzale then entered into the record as Exhibit A-3, which was the Site Plan. He then discussed the general plans for the site, stating that a 3,935 sq. ft. church would be constructed, essentially facing the corner of Cedar Grove Lane and Como Drive, with 59 parking spaces to the rear of the church that would have access from Como Drive. He testified that there would be four (4) handicapped parking spaces located closest to the church at the east side of the parking lot. He then described a one-way looped driveway that goes around the back of the church to the parking area which would be utilized for special events (weddings/funerals) outside of regular Sunday church services and Thursday night Bible study. He noted that there were also walkways adjacent to the one-way drive and at the head of the parking lot nearest to the church as well as walkways that lead from the parsonage to the church and from the church to the parking lot. Mr. Gazzale then discussed the setbacks of the proposed church building, both from Cedar Grove Lane and Como Drive. He stated that the church was set back from Cedar Grove Lane approximately 67 feet and approximately 85 feet back from Como Drive, both within the requirements of the Township ordinance. He then discussed the required side yard setbacks of 25 ft., noting that the proposed setbacks were 124 ft. and 250 ft. He then detailed the building coverage requirements (10% maximum) and what they were proposing (3.9%) as well as the impervious coverage requirements (40% maximum) and what they were proposing (30.8%). Mr. Healey clarified that although a single family home in the R-40 zone had the same 10% maximum building lot coverage requirement as houses of worship, single family residences in the R-40 zone were only allowed impervious coverage up to a maximum of 20%, where houses of worship were allowed to go up to a maximum of 40% to allow for parking needs.

Vice Chair Graumann asked whether the calculations for lot coverage and impervious coverage were calculated by combining both lots and Mr. Lanfrit indicated in the affirmative. He stated that should the Board act favorably upon the Application, the two lots would be merged as one.

Mr. Gazzale then entered into the record as Exhibit A-4, the grading and construction plan. He stated that their original submission was about 8 months ago, with several revisions made as a result of meetings with Township staff dealing with the issues of grading and storm water management. He indicated that they had to comply with both State and Township regulations for storm water management. Mr. Gazzale then discussed where water enters the property and where it leaves the property, specifying a series of inlets and pipes within the proposed parking lot and a bio-retention basin to

be constructed on the westerly portion of the parking lot to provide for filtering parking lot runoff and swales to direct water.

Mr. Gazzale then described the lighting proposed for the property, noting that they were proposing shoe box type lighting on 15 ft. poles in the parking lot that would not spill onto adjoining properties. He indicated that the Lighting Plan submitted to the Township showed that the light from the poles would not spill onto nearby residential properties. He utilized Exhibit A-3 to show the Board and the public where the light poles would be located within the parking area. Mr. Gazzale's understanding from the Applicant was that the lights would not be lit other than on Thursday evenings when they would be utilizing the building.

Mr. Gazzale then entered into the record as Exhibit A-5, the Landscaping Plan for the site. He discussed where the trees on the site were presently located, noting that a large number would have to be removed to construct the building, parking lot and storm water management system. He then detailed the proposal for replacement of trees, indicating that they planned to provide a triple staggered row of 6 – 7 ft. tall evergreens of varying types along their property line to screen the neighbors from the site. The plan, as detailed by Mr. Gazzale, would include a total of 249 trees to be planted on the site. He noted that there were trees proposed to be planted around the building, within the parking islands and surrounding the one-way drive and along the extent of Como Drive. He added that there were proposed trees between the buffer and the parking lot as well as some vegetation planted within the bio-retention basin. He testified that they were planning on saving as many trees currently on the property as possible.

Mr. Gazzale then addressed the staff reports. He indicated that they could comply with all of the requests and comments on Mr. Hauss' Fire Prevention report. He also testified that they would be able to comply with all comments in Mr. Chi's DPW report. He then stated that they could comply with all comments on the Assistant Township Engineer's report, but wanted to discuss the requirement to remove or reduce the length of the 105 ft. depressed curbing within the one-way drive aisle. Mr. Gazzale indicated that they felt it was an advantage for people to access the church from the one-way drive aisle and that the depressed curbing would be placed up against a sidewalk for stability. He also indicated that they were asking for a waiver to provide sidewalks along Como Drive because there were no sidewalks presently along either side of the roadway presently. He did indicate that there were sidewalks along Cedar Grove Lane.

Mr. Healey opened a discussion regarding the Lighting Plan. He described the 50 ft. height maximum and 150 watt maximum were ordinance requirements that were specific to houses of worship. He then opened a discussion about the proposed triple staggered row of evergreens and how they would be worked into the plan along the westerly property line in and among the current deciduous trees. Mr. Healey suggested that they might put up a fence in that area to be able to save some existing trees and work with the Township to work together to create the desired buffer. Mr. Gazzale agreed that they would comply and work with Township staff on the issue. Mr. Gazzale indicated that they would comply with all other comments in the Planner's report.

Mr. Shepherd asked what contingency plan the Applicant would have to provide for parking should they grow to the extent that they do not have enough parking. He asked

whether there was any more space on the property to construct additional parking spaces, if necessary. Mr. Gazzale indicated that there was space to the south of the church property and there was space on the lot where the parsonage was to remain. He added that they allowed for an 1,800 sq. ft. fellowship hall when designing their storm water management system.

Ms. Bergailo opened a discussion regarding how the two proposed driveways on Como Drive would operate in conjunction with the residents' driveways across the street. She then asked about a proposed sign for the church and Mr. Gazzale stated that it would conform to the ordinance, but that they didn't have details for it at that time. Ms. Bergailo then asked about the ability of the proposed landscaping along the parking area along Como Drive to shield the residents from headlights. Mr. Gazzale stated that if the Board felt they needed to provide some evergreens along that side of the parking lot, they could do so. Ms. Bergailo then suggested that they minimize some of the interior landscaping to reduce costs of maintenance. Mr. Gazzale stated that they still had to comply with the Tree Replacement ordinance, but that they could look into the reduction of interior landscaping elements.

Vice Chair Graumann made a motion to open the meeting to the public and all were in favor.

Mr. Ernie Lovis, 21 Como Drive, Somerset, NJ, came forward. Mr. Lovis asked whether there were any plans presently to place no parking signs on Como Drive. Mr. Gazzale answered in the negative, but stated that they were planning on widening Como Drive to better facilitate movements on the roadway. Mr. Dominach stated that Mr. Lovis could go to the Township Council to request that and the Police Dept. would come out and look at the situation, based upon the residents' comments, to see if it would be appropriate. Mr. Lovis then asked if the proposed parsonage would revert back to a single-family home as he indicated that there was a rental unit attached to the back of the home. Mr. Lanfrit stated that it would be a single-family home.

Ms. Jean Garlick, 42 Como Drive, Somerset, NJ came forward. Ms. Garlick expressed her concern for water quality from the runoff from the building and parking lot affecting the wells on Como Drive. Mr. Gazzale explained to Mrs. Garlick how the bio-retention basin operated to filter the water being recharged into the ground from runoff. He indicated that it was the Applicant's responsibility to maintain the basin and Mr. Dominach added that there was a yearly maintenance fee and inspection done by the Engineering Dept. in the Township. Ms. Garlick then drew the Board's attention to the fact that the residents of Como Drive do not want to see the parking lot at all and want it to be screened from view completely and not just from headlights. Mr. Gazzale indicated that they would screen the property to the residents' satisfaction. She then asked about where the proposed sign might be placed on the property and Mr. Gazzale showed an illustration of the sign at approximately 60 ft. from the pavement of Como Drive, facing Cedar Grove Lane. Ms. Garlick noticed that the Applicant was only widening Como Drive to the limits of their property and felt it would be a problem if congregants tried to park along the remaining portion of Como Drive. Mr. Gazzale stated that residents could contact the Township to report such incidences.

Mr. Frank Resta, 323 Cedar Grove Lane, Somerset, NJ 08873, came forward. Mr. Resta asked about the height of the proposed church as well as the height of the parking lot light poles and asked if a triple row of 15 ft. evergreen trees could be planted along the southerly property line to shield him from the lighting since he lives on the second floor of the home next to the parsonage. Mr. Lanfrit indicated that they were charged with containing the lighting on the site, so the lighting should not be spilling over onto the adjoining properties. He expressed a concern for security, especially with the building not being lit when there was no activity. He asked if a security fence could be placed around the building and if low lighting could be placed and kept on for security purposes.

Seeing no one further coming forward, Vice Chair Graumann made a motion to close the public portion of the hearing at that time. She suggested that they take a 5-minute break before resuming the hearing.

After taking a break, Mr. Lanfrit called his next witness.

Ms. Elizabeth Dolan, Traffic Engineer and Principal of Dolan & Dean Consulting, came forward and was sworn in. The Board accepted her qualifications. Ms. Dolan then discussed the Traffic Impact Analysis that was completed as well as her findings and conclusions. She indicated that the stated hours of operation were off-peak hours and that the traffic study was done in July of 2013. She testified that she didn't believe that seasonal variations came into play, especially since school is typically not in session on Sundays. She stated that traffic counts along Cedar Grove Lane were lower on Sunday mornings than the traditional weekday peak hours. She then stated that the traffic study was done based upon the seating capacity of 108 that was testified to by the pastor. She estimated, based upon the testimony, that there would be 30 to 35 vehicles coming inbound approximately 15-30 minutes prior to the 10:00 a.m. service with the same amount of vehicles leaving the property at the end of the service. She stated that based upon 35 cars in a one hour period, the level of trip generations was not a significant volume. Ms. Dolan then indicated that when added to the existing traffic, they found that the operational conditions at the intersection of Como Drive and Cedar Grove Lane would not change and would be in the level "C" range, which was acceptable. She said that the roadway was a dead end and since Cedar Grove Lane was a County road where they don't want the access, it made it appropriate to have the primary access to the site from Como Drive.

The Vice Chair asked for clarification regarding the level "C" service for the Como Drive/Cedar Grove Lane intersection. Ms. Dolan indicated that the level of service was "C" now and would remain at that same level after including the traffic from the proposed church. Ms. Dolan also stated that there was only one driveway on Como Drive that might be impacted by the queuing of cars exiting the property after services, but that it would only be for a minute or two, at most.

Ms. Dolan then drew the Board's attention to parking and on-site circulation. She testified that she felt it was an appropriately designed site circulation and parking plan. She stated that she felt that the drop-off feature was a nice feature to have for a use such as what was proposed. She added that they looked at the parking plan, based upon the 108 seats proposed, indicated that even looking at ITE's (Institute of Traffic

Engineers) indices, the maximum parking spaces needed for the church was 57 parking spaces. She stated that she did realize that Mr. Dominach's calculations for 77 parking spaces required was based upon the possibility that temporary seating could be added for larger events. She did feel, however, that the proposed 57 parking spaces would seem to exceed what was expected on the site and didn't see a need or have an expectation of overflow parking on the street. Ms. Dolan did testify that there was the possibility of being able to park 10 vehicles on the street between the western driveway and the western property line. She then testified that if there was a request for "no parking" on Como Drive, she didn't think that would be a problem. She also testified that should the church congregation numbers grow, she felt that the additional people could be accommodated by adding another service on Sundays to distribute the cars between the two services.

Mr. Rosenthal expressed his concern regarding the traffic counts already on Cedar Grove Lane and what the additional traffic would have on the levels of service. Ms. Dolan reiterated her testimony, stating that she didn't feel it would have a negative impact on the roadway based upon the off-peak hour usage.

Vice Chair Graumann made a motion to open the meeting to the public for questions of Ms. Dolan.

Ms. Jean Garlick, 42 Como Drive, Somerset, NJ, came forward. Ms. Garlick asked Ms. Dolan if the impact from the traffic coming from the site were going to be so low, why was the County so opposed to having the primary access to the site coming from Cedar Grove Lane. Ms. Dolan stated that if there was the ability to remove or reduce driveways along a busier corridor and if there was the available capacity on a side street, the County as well as the State mandated that the access be where it can have an overall acceptable impact, thereby reducing conflict points or driveways along the main corridor. A discussion ensued between Ms. Garlick, Ms. Dolan and Mr. Healey. Ms. Garlick asked if there needed to be two driveways coming out of the church property. Ms. Dolan indicated that the second egress point would most likely only be utilized for funerals and weddings when there would be a need to drop off adjacent to the building without first parking. A discussion ensued about the ingress and egress of each of the driveways, noting that the looped drive in front of the church would be for egress only.

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

Mr. Edward Kolling, Planner, came forward and was sworn in. The Board accepted his qualifications. Mr. Kolling discussed the differences between a Conditional Use Variance, which they were seeking, and a regular Use Variance. He stated that the level of proofs were different because there was a presumption with a Conditional Use Variance that the area was suitable for the type of use proposed and that the deviation from the criteria required would not be so significant as to alter the suitability of the site for the proposed use. He noted that the deviation that they were seeking that evening was the number of parking spaces required. Mr. Kolling then discussed the standards by which the Board could grant the Conditional Use Variance, indicating that houses of worship were inherently beneficial uses in residential zones. He also spoke of the level of impacts to the surrounding area and anything that can be done to mitigate those

impacts. Mr. Kolling testified that the impacts would be insignificant to none. He did add that they had the 36 parking spaces that could accommodate for the 108 seats presently proposed. He added that since they were providing 59 parking spaces, they were already providing 23 more parking spaces over and above what was required for 108 seats and, as testified to by the Site Engineer, have space on the property to add 18 more spaces should that be required to get to the number of parking spaces (77) that the Zoning Officer asked for based upon the extra floor space in the sanctuary. He noted that available space would be either along the southern line or into the landscaped area, which mitigated the impacts for providing the lesser amount of parking spaces. Mr. Kolling indicated that he felt it would be more detrimental to add all the parking spaces required by the Zoning Officer that would increase impervious surface, less landscaped area and more of a visual impact in the neighborhood. Mr. Kolling then discussed the proofs.

Mr. Shepherd asked Mr. Dominach about where the concept of one (1) parking space for every three (3) people came from. Mr. Dominach indicated that it was written in the Township's ordinance.

Vice Chair Graumann made a motion to open the meeting to the public. Seeing no one coming forward, she closed the meeting to the public for questions of the Planner. She then asked if there was anyone from the public who wanted to make a comment regarding the hearing.

Mr. Frank Resta, 323 Cedar Grove Lane, Somerset, NJ came forward and was sworn in. Mr. Resta stated that his request to provide taller trees on the southerly property line to shield his view from the parking lot lighting was an insignificant cost over and above what they were going to pay for shorter evergreen trees in that area.

Ms. Jean Garlick, 42 Como Drive, Somerset, NJ, came forward and was sworn in. Ms. Garlick just asked that the Applicant and the congregants become part of the close knit neighborhood and interact with the residents and become good neighbors by maintaining the property and respect the neighbors on the street.

Seeing no one else coming forward for comments, Vice Chair Graumann closed the meeting to the public.

Mr. Lanfrit then gave his summation for the proposal. He indicated that they would work with Mr. Healey to make any amendments to the Landscaping Plan that were required.

Mr. Shepherd opened a discussion regarding security issues for the property, asking the attorneys whether it would be feasible to put security gates on the driveways into the property and provide access to the Fire Dept. Mr. Lanfrit indicated that they would agree to put up gates if it were deemed necessary, but that he didn't want to do so as he didn't feel they were attractive in the proposed setting. Mr. Shepherd asked if the Board could make it a condition of approval to put up gates and work with the Township to develop an effective security plan should a security condition come up some time in the future. A discussion ensued among the Board. Mr. Healey suggested the addition of security lighting should security of the site become an issue. Mr. Bradshaw indicated that he could include Title 39 authority in the Resolution so that the Police Dept. can

police the lot. Mr. Lanfrit indicated that they would be agreeable to that condition. Mr. Caldwell opened up a discussion with the Board members regarding the topic.

Mr. Shepherd made a motion to grant the Conditional Use Variance and Site Plan approval, subject to the following conditions: Applicant should work with the Township Planner regarding interior tree plantings and perimeter buffer, maintaining the buffer into the future. Additionally, the Board would grant a waiver for the sidewalk requirement on Como Drive subject to a payment in lieu into the Sidewalk Fund, façade lighting will go off at 9:00 p.m., interior building lights and parking lot lights will be turned off when the building was not in use, Applicant will work with the Township Engineer on the length of the depressed sidewalk and the use of the premises would be limited to Sunday and Thursday night Bible study (7 – 8 p.m.). Additional conditions would be that the parking lot would not be used for any fairs or events and that the church be limited to services, Bible study, weddings and funerals and no renting of the site. Ms. Bergailo added that the Applicant was asking for a waiver from providing off-site replacement trees numbering 171 and she would like to increase that number to 196 deciduous trees. She also suggested that the Township Planner look to substitute faster growing species in the triple row of evergreens along the southerly property line abutting Mr. Resta's property in lieu of providing 15 ft. trees in that area, but possibly providing for 8 ft. tall trees. Additionally, the Applicant should look into providing more effective landscape screening along Como Drive. Mr. Betterbid seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Vice Chair Graumann, Mr. McCracken, Mr. Shepherd, Mr. Caldwell, Mr. Rosenthal and Ms. Bergailo

AGAINST: None

WORKSESSION/NEW BUSINESS

MEETING ADJOURNED

Mr. Shepherd made a motion to close the regular meeting at 10:30 p.m. The motion was seconded and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
February 16, 2014