

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

REGULAR MEETING
May 1, 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 Chairman Thomas, at 7:30 p.m. The Sunshine Law was read and the roll was called as follows:

PRESENT: Raymond Betterbid, Laura Graumann, Donald Johnson, Alan Rich, Gary Rosenthal, Cheryl Bergailo and Robert Thomas

ABSENT: Bruce McCracken, Robert Shepherd, Anthony Caldwell and Joel Reiss

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

MINUTES:

- **Regular Meeting – March 20, 2014**

Mr. Rich made a motion to approve the Minutes as submitted. Mr. Johnson seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Mr. Rich, Mr. Rosenthal, Ms. Bergailo and Chairman Thomas

AGAINST: None

RESOLUTIONS:

- **NJ Tabernacle / ZBA-13-00015**

Vice Chair Graumann made a motion to approve the Resolution as submitted. The motion was seconded and the roll was called as follows:

FOR: Mr. Betterbid, Vice Chair Graumann, Mr. Johnson, Mr. Rich, Mr. Rosenthal and Chairman Thomas

AGAINST: None

- **Diamond Builders & Investors / ZBA-13-00023**

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

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

AGAINST: None

- **Franklin Nursing, LLC / ZBA-12-00001**

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

FOR: Mr. Betterbid, Mr. Johnson, Mr. Rich, Mr. Rosenthal and Chairman Thomas

AGAINST: None

- **David Nosworthy / ZBA-13-00007**

Mr. Rich 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. Johnson, Mr. Rich, Mr. Rosenthal and Chairman Thomas

AGAINST: None

- **The Jewish Home & Health Care Center (Wilf) / ZBA-14-00001**

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

FOR: Mr. Betterbid, Mr. Johnson, Mr. Rich, Mr. Rosenthal and Chairman Thomas

AGAINST: None

- **The Center for Great Expectations / ZBA-14-00004**

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

FOR: Mr. Betterbid, Mr. Johnson, Mr. Rich, Mr. Rosenthal and Chairman Thomas

AGAINST: None

DISCUSSION:

Vouchers:

- **Patrick Bradshaw – April Retainer - \$865.00**
 - Snyder – Resolution Prep - \$180.00
 - Wild Heart Landscaping – Resolution Prep - \$105.00
 - Family Dollar Store – Resolution Prep - \$150.00

Vice Chair Graumann made a motion to approve the Vouchers as submitted. Mr. Betterbid seconded the motion and all were in favor.

Relief of Conditions:

- **Chen & Wu / ZBA-13-00001**

Mr. Dominach explained that the Applicant was seeking relief of several conditions of the Resolution. He added that staff would have approved the relief for any individual condition, but because there were several, they wanted them to be heard by the Board. Additionally, Mr. Dominach stated that there were no staff reports associated with the relief sought because there were no objections to any of the requests.

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Chan & Wu. He explained that in 2013, they applied for a use variance to change a previously granted use variance for a facility on Route 27 that was used as a residence and a fence business to a residence and storage of audio equipment for sale. He then discussed the things a previous owner had done that were not allowed and staff reports were generated noting them. Mr. Lanfrit indicated that they ended up agreeing to comply with most of the comments. He added that the Applicant started to comply with the conditions of approval, but found that there were some that they would not be able to comply with. Mr. Lanfrit stated that Mr. Dominach came out to the site to review the issues and conditions. Subsequently, he told the Board that it was his understanding that there was some discussion with staff (Township Engineer, Fire Official, etc.), and that they concurred that the relief could be granted.

Mr. Michael K. Ford, Engineer, employed with Van Cleef Engineering, came forward and was sworn in. The Board accepted his qualifications. Mr. Ford then discussed the

conditions that they were seeking relief from. The first item he spoke about was the location of components of the on-site septic system. He added that they did have an inspection, showing that it was functioning properly, and have shown on the plans all the components that they knew of that was part of the system. Mr. Ford indicated that they were seeking relief of having to dig and/or do test drills or any other further testing. He then discussed the location of the present septic system.

The second item discussed by Mr. Ford was with regard to dry wells. He indicated that the change of use did not carry with it any proposed improvements. What he did state came with the change in use was a substantial reduction of impervious coverage (60% to 30% coverage on the entire site). For that reason, Mr. Ford indicated he saw no need for any storm water mitigation, however, they did agree to install a dry well to capture the rainwater from the roof. He went on to explain how during construction, they found that the soil was very poor and the water table very high there so that the dry well would not function very well in those conditions. He told the Board that for those reasons, they were seeking relief for providing the dry well.

Mr. Ford indicated that the third condition they were seeking relief from was for the relocation of some of the impervious coverage on the site so that they could extend the driveway around the building, but reducing the driveway width on the other side of the building. He noted that the net effect was no additional impervious coverage.

Mr. Ford indicated that they were going to relocate the entrance to the barn/storage building closer to the main drive aisle and eliminate the entrance that was already there at the rear portion of the barn. In living and working on the property, the Applicant has requested to keep the rear entrance and not construct the new entrance. He added that the impervious coverage in that area would remain the same, but would just be shifted around to access the rear door.

Mr. Dominach testified that he showed the plan to the Township Engineer as well as the Fire Safety Director, both of whom had no issues with reallocating the impervious coverage. Mr. Ford discussed the differences between the septic system and a dry well operation and location within the ground.

Mr. Rich opened a discussion regarding the functioning of the septic system in an area with a high water table.

Vice Chair Graumann made a motion to approve the Relief of Conditions discussed. Mr. Betterbid seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Vice Chair Graumann, Mr. Johnson, Mr. Rich, Mr. Rosenthal, Ms. Bergailo and Chairman Thomas

AGAINST: None

HEARINGS:

- **KEN HAGUE / ZBA-14-00006**

Hardship Variance in which Applicant is proposing to remove two existing buildings and construct a 1,440 sq. ft. pole barn at 599 Elizabeth Avenue, Somerset; Block 508.02, Lot 57.01, in R-40 Zone.

Mr. Dominach's Zoning report indicated that the Applicant was proposing to construct a garage in an R-40 Zone, with the following variances required:

- Frontage: 200 ft. minimum, 170.36 existing/proposed
- Side yard setback: 25 ft. minimum, 6.5 ft. existing/proposed
- Total side yard setback: 75 ft. minimum, 64.3 ft. proposed
- Side yard setback (new garage): 25 ft. minimum, 6.5 ft. proposed
- Impervious coverage: 20% maximum, 22.2% proposed

Mr. Dominach discussed the existing variances required as well as side yard setback and impervious coverage variances needed.

Mr. Ken Hague, Owner/Applicant, came forward and was sworn in. Mr. Dorn, Engineer/Surveyor/Planner, came forward and was sworn in.

Mr. Hague then discussed what he planned to do on his property; remove two existing structures and replace them with one new structure (pole barn).

Mr. Dorn discussed the existing conditions on the property and what Mr. Hague would like to accomplish. He explained that there was a single-family home and septic and well that service the dwelling. He added that there were three existing auxiliary structures and were located close to the northerly property line and rear property line. He reiterated what Mr. Hague stated, noting that the plan was to remove two older auxiliary structures to be replaced by one new structure. He then discussed the location of the proposed pole barn. He noted that there would be no utilities or driveway servicing the garage and that it would be constructed such that there would not be any change to the existing drainage pattern for the site.

Vice Chair Graumann inquired about the use of the garage. Mr. Dorn explained that it would be used for storage of a boat and lawn equipment that will be stored in the proposed garage. He indicated that the third structure would be located behind the proposed garage and within the building setback lines. He then spoke about the side yard setback variances (C-1 variance) that he felt could be granted because of the unique physical features. He stated that all three existing structures were within the side yard setback and close to the northerly property line. He also added that the existing structure that would remain would also block the view of the proposed structure from anyone travelling on Elizabeth Avenue. Since the septic system was located on the southerly portion of the property, keeping the auxiliary structures to the northerly side of the property would allow the Applicant and his family to enjoy the rest of the property for their relaxation and enjoyment. Mr. Dorn testified that additional positives

for the project are that the Applicant was replacing two older structures with a new structure and relocating the remaining existing auxiliary structure to within the setback lines. Mr. Dorn indicated that he saw no negative criteria and felt the project would only bring positives to the area. A discussion ensued among the Board regarding the distance the home on the property sits off Elizabeth Avenue. Mr. Dorn agreed with Mr. Healey, that he believed it was approximately 100 ft. from the roadway.

Ms. Bergailo opened a discussion regarding the present landscaping and vegetation that would shield the northerly property owner from the structures. Mr. Dorn described a hedgerow along the easterly property line (rear of the property) and some larger trees along the common property line to the north of the site.

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

Vice Chair Graumann made a motion to approve the Application for both existing and proposed conditions, along with the associated variances. Mr. Betterbid seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Vice Chair Graumann, Mr. Johnson, Mr. Rich, Mr. Rosenthal, Ms. Bergailo and Chairman Thomas

AGAINST: None

- **Phuoc Duyen Buddhist of NJ Inc. / ZBA-1400003**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant. Mr. Lanfrit indicated that they were there that evening for a Use Variance & Site Plan approval w/variances in which the Applicant was proposing an addition to the building and adding 13 parking spaces at 970 Hamilton Street, Somerset; Block 104, Lot 9, in an M-2 Zone - **CARRIED TO JULY 17, 2014 – no further notification required.**

Mr. Lanfrit noted that the Application was carried to tonight from April 17th, 2014. Mr. Dominach indicated that the April 17th meeting had been cancelled, but a note was posted on the front doors of the municipal building stating that the meeting was cancelled and that the hearing was carried to tonight's date.

Mr. Dominach's Zoning report indicated that the Applicant was proposing to construct a house of worship in an M-2 Zone, with the following variances were needed:

1. D-1 Use Variance: Places of worship are not a permitted use in the M-2 zone.
2. Parking: 72 spaces minimum – 15 spaces proposed.
3. Lot Area: 2 acres minimum – 0.4539 acres existing/proposed
4. Front yard setback: 50 ft. minimum – 5.5 ft. proposed (entry gate).
5. Parking Lot Setback: No parking area allowed in front yard area (50 feet) – 4 feet proposed along Baker Street

6. Buffer to residential zone: Evergreen plantings not less than 50 feet in width is required along residential zone boundaries (i.e., along the Baker Street frontage) – 4.5 feet proposed and no evergreen trees are proposed.
7. Total side yard setback: 50 ft. minimum – 45 proposed for the main building.
8. Lot frontage: 150 ft. minimum – 100 ft. existing/proposed (Hamilton Street, 100.01 ft. (Baker Street).
9. Through lots prohibited: Through lot is existing/proposed.

Mr. Lanfrit then gave a history of the project, stating that they had been working with their professionals and the Township staff for the past two years. He added that the house of worship was intended to be small because of its intended users. He testified that the Applicant purchased the property in 2010 and had resided there since that time. Mr. Lanfrit then told the Board that the house of worship was a Buddhist temple, and therefore, did not have a set schedule of religious services, but rather individuals go there to meditate. He explained to the Board that the project has taken so long to get to the hearing stage because of a communication issue between the Applicant, a Buddhist monk who speaks Vietnamese, and the professionals. Mr. Lanfrit indicated that they did have a translator to help the Applicant

Mr. Truong Son Thuynh, Applicant, and Mr. Dung Dao, Interpreter, came forward. Mr. Dao was sworn in.

Mr. Lanfrit explained that Mr. Son Thuynh, the Buddhist monk, has had people come to the temple to meditate and conducts his teachings solely in Vietnamese. Mr. Lanfrit testified that the worship period was conducted on Sundays from 4:30 to 6:30 p.m. He added that people coming there to worship bring food for Mr. Son Thuynh, who eats breakfast and lunch only. Mr. Lanfrit indicated that there had consistently been 15-20 worshipers on Sunday's during the worship period, but not all come at the same time. He then discussed the number of vehicles that come to the site, noting that there were about 7-8 vehicles coming during the worship period on Sunday. Should the Application be approved, nothing would change except that earlier on Sunday afternoon the children would be able to come to learn about Buddhism (approx. 5-7 children). Mr. Lanfrit then detailed the three (3) holidays or special events that they celebrate (Vietnamese New Year, Buddha's birthday and the Mother of Buddha's birthday). Mr. Lanfrit stated that these celebrations take place on Sunday within the normal worship time period and would normally have about 20-30 people present, but not all at the same time. He added that the Vietnamese New Year was on different days of the week each year and the temple was open for people to meditate throughout the day. According to the Applicant, Mr. Lanfrit indicated that there would be approximately 15-30 people coming over the course of that day. Mr. Lanfrit also indicated that there was going to be placed a statue of Buddha and people can come to visit the statue or go inside the temple for meditation. He stated that the meditation area was on the first floor and the rest of the space was for the living quarters for the Buddhist monk. Mr. Lanfrit then drew the Board's attention to the possibility for the need of additional parking, considering that the property was a small space. He then indicated that he was comfortable saying that he didn't believe there would ever be a need for additional parking because of the people they cater to. That being said, Mr. Lanfrit indicated that he contacted the people who own the property on the corner of Hamilton Street and Franklin Boulevard, which he stated was about a block away. He indicated that

although that facility has 64 age-restricted housing units, the approximately 11,000 sq. ft. of office space was occupied by Somerset County Social Services who don't occupy the space on Sundays. Mr. Lanfrit indicated that he could provide a letter from Mr. Hudson, President of Genesis Housing Renewal, LLC and marked into evidence as Exhibit A-7, stating that he would allow the proposed facility to utilize their parking lot for overflow parking when and if it became necessary on Sundays.

Vice Chair Graumann opened a discussion regarding the possible use of the Genesis parking for the Vietnamese New Year, even if it fell on a day other than a Sunday. Mr. Lanfrit indicated he would speak to Mr. Hudson regarding the Vietnamese New Year celebration.

Mr. Lanfrit then drew the Board's attention to the Lighting and Landscaping Plan, noting that they were not planning on putting in any lighting, but decided to put in parking lights for the times of year when it would get dark early and would have the need for the parking area to be lit. He added that they would be sensitive to what was around them and that they would gain approval from the Township Engineer's office.

Mr. Lanfrit then questioned Mr. Dao, the translator, if the description of the operations and plans for the Buddhist temple were accurate. Mr. Dao answered in the affirmative.

Vice Chair Graumann inquired as to whether the residential neighbors across the street were approached regarding the proposal. Mr. Lanfrit indicated that Mr. Thuynh had spoken to the neighbors, but not specifically to what was being proposed that evening.

Mr. Healey brought up concerns of the staff regarding the size of the worship area in relation to the number of worshipers that Mr. Thuynh indicated came to the facility on any given Sunday and the slightly larger crowd that came to the facility on a holiday. Mr. Lanfrit stated that the worship area was appropriately sized for the lot and aesthetically pleasing. He also added that part of the area in question would be a teaching room. He added that they could limit the occupancy as a condition of any approval even though they would be entitled, by code, to have more people in the building based on the square footage. A discussion ensued among the Board.

Mr. Dominach questioned how they would address the issue of what would happen if the property was sold to another congregation. Mr. Lanfrit indicated that they could make it a condition that if such a thing should occur, that the new owner would have to show that their use of the facility would comply. A discussion ensued. Mr. Lanfrit noted that a much more intense use could be placed on the property, considering that it was within the M-2 (industrial) zone.

Chairman Thomas opened a discussion regarding applying the same conditions that they would with other applicants regarding their good faith effort to either buy the adjacent property or to sell the property to make a conforming lot. Mr. Lanfrit indicated that he felt that houses of worship were all different and that the Board was faced with deciding whether the property works for the particular house of worship and their needs. A discussion ensued among the Board and Applicant.

Mr. Healey inquired about why the Applicant did not look into utilizing the parking facilities of two closer facilities, an office building next door or the shopping center. Mr. Lanfrit indicated that he did contact the adjoining property owner, who indicated that he was not agreeable. He stated that the apartment/office building was only about 400 ft. away and didn't think that it was too far to walk.

Mr. Jim Kissane, Architect, came forward and was sworn in. The Board accepted his qualifications. Mr. Kissane entered into the record as Exhibit A-1, a colored rendering of the building. He added that the remaining exhibits (Exhibits A-2, A-3, A-4, A-5 and A-6) were the plan sets that were submitted in conjunction with the Application. Mr. Kissane then discussed the interior of the building, noting that the existing building was one-story, 1,029 sq. ft. wood-frame building. He added that the proposal was to enlarge the first floor to 2,677 sq. ft. and to add a second floor of 423 sq. ft. that would be a small apartment used by the monk. Additionally, he testified that there would also be a small front porch of 371 sq. ft. that would face Hamilton Street. He drew the Board's attention to Exhibits A-1 through A-4. He stated that Exhibit A-1 showed the first floor plan and went on to detail the aspects of the plan that would be added. He then noted that the front doors faced Hamilton St. and the parking was to the rear of the building, with a new handicapped ramp that would come from the back and up the side of the building and into a side entrance into the building. Mr. Kissane stated that they were adding 20 ft. to the front of the building for temple area and 12 feet to the right side of the building, containing two (2) handicapped bathrooms, a small kitchen and dining room for temple meals and a teaching room (16' x 13') for the children. He then described the proposed masonry front porch and the enlarging and enclosing of a side porch already present with the home. He testified that the temple area was approximately 42 ft. x 25 ft (1,000 sq. ft.) which incorporates the entirety of the existing home. Mr. Kissane then drew the Board's attention to Exhibit A-2, which showed the interior layout of the proposed second floor (approximately 14' x 27' or 423 sq. ft.) for the monk's apartment. Mr. Kissane went on to detail what was included in the apartment; a bedroom, a combination living room/kitchen and a bathroom. He also showed the Board, on Exhibit A-2, a colored rendering of the building, that showed a Spanish tile look to the roof with a sign on the front façade of the temple (28 sq. ft. in total). Mr. Healey then indicated that they would require a variance as it was larger than the maximum of 25 sq. ft. He noted new masonry steps with brick surrounding on the right and left on the base course. He also noted that they would be using an asphalt product on the rear roofline in the same color as the Spanish tile look shown on the front of the building. He also indicated that the siding on the building would be 4' vinyl siding with a handicap ramp along the rear and side of the building. Mr. Kissane then spoke about the simple columns in the front of the building that would delineate the front porch area. Also shown on Exhibit A-2, as described by Mr. Kissane, was a welcoming gate. He describing the lighting for the building as down lighting on the porch area and the handicap ramp area, with no other lighting proposed. Mr. Kissane then addressed the Board's concern regarding the size of the structure, noting that all the rooms on the first floor would have to be made smaller and could create issues in the operations of the temple. He did testify that they could look to making the building a smaller footprint should the Board desire it.

Vice Chair Graumann asked about why there was a full kitchen on the first floor. Mr. Lanfrit stated that when the members come on Sundays to bring the food for the monk

for the week and to share some of the food with the monk when they come to visit or meditate. A discussion ensued among the Board. Mr. Dominach did remind the Board that reducing square footage on the first floor other areas besides the worship area would not reduce the parking needs as they only use the worship space to calculate the requirements.

Mr. Healey opened a discussion regarding the need for such a large worship area for what has been testified to for a maximum of 30 people in the worship area at any time. Mr. Dominach entered the discussion regarding the fire code regulations and Mr. Kissane explained that the code calculations do not necessarily work within the confines of a Buddhist temple since they worship differently than Western cultures do. He described the altar spilling out into the worship space with people coming and reclining on rugs on the floor for meditation. He then testified that the worship area was designed the size it was to accommodate a maximum of 30 people at any one time for the way Buddhists worship. Mr. Kissane indicated that the amount of bathrooms provided would only accommodate 30 people and stated that they would have to provide more bathrooms if they expected 90 people at the site at one time.

Mr. Healey then asked about what the Welcoming Gate would look like since the Applicant was asking for a variance for a front yard setback to accommodate it. Mr. Kissane stated that he did not know what the religious function of the gate was, but indicated that it certainly delineates when you were entering the temple property. Mr. Kissane then drew the Board's attention to Exhibit A-2, noting that the gate was a 14 ft. high structure with an 8 ft. clearance to walk under and through to get to the temple. When asking the Applicant, through his interpreter, Mr. Son Thuyhnh stated that it was to identify the structure as a temple. A discussion ensued among the Board.

Mr. Robert Gazzale, Engineer, employed with Fisk Associates, came forward and was sworn in. The Board accepted his qualifications. Mr. Gazzale described for the Board the property in its current condition, noting the size of the building and property and the fact that it was a through lot with frontage on both Hamilton Street and Baker. St. He added that there was also a garage on the property that had driveway access to both streets. He noted that there was no parking along the frontage of Hamilton Street as well as no sidewalks in the area.

Mr. Gazzale then detailed the plans for the property that were before the Board that evening. Using his Exhibit A-2, he described the additions to the building on the first floor as well as the construction of a second floor for the monk's apartment. He then discussed the proposal of the rear parking lot for 13 cars, stating that it would be curbed, paved, landscaped and illuminated sufficient for the use. Included in the parking lot, according to Mr. Gazzale, would be one handicapped parking space and an enclosed trash receptacle area. He also stated that they would widen Baker Street and include curb and sidewalk, relocate the existing fence along Baker Street so that it would continue to provide a screen to the residences across Baker Street and supplement the existing solid 6 ft. fence along the westerly property line with a row of evergreens as an added screen. Additionally, there were plans to include an underground detention basin, decreasing runoff from the property. Should the Board approve the Application, Mr. Gazzale stated that the driveway access to Hamilton Street

would be eliminated (per Somerset County) and the property frontage would be curbed there.

Mr. Dominach questioned whether the two parking spaces for the residential use would be eliminated. Mr. Gazzale answered in the affirmative, leaving 13 spaces in total for the monk as well as the members.

Mr. Gazzale then described the pedestrian circulation around the property. He indicated that there would be sidewalks constructed on both frontages, with pedestrian access through the entry gate and into the front of the temple. He added that there would be a sidewalk around the temple for access from the parking lot. Additionally, handicapped access was located to the rear near the Baker Street entrance. Mr. Gazzale then gave the Board the details for the planned statue of Buddha on the property, stating that it would sit on a 15 ft. square base, with an overall height of 19 ft. and located adjacent to the concrete walk. He testified that it would be approximately 42 ft. from Hamilton Street property line and would be ground illuminated.

Vice Chair Graumann opened a discussion regarding who would be utilizing the entry gate if people parking in the rear parking lot would be following the concrete sidewalk to the front of the building to enter the temple. Mr. Lanfrit indicated that there would probably be very few people actually walking from the Hamilton Street side and through the gate.

Chairman Thomas asked Mr. Gazzale to describe how cars would enter and then exit the site from Baker Street. Mr. Gazzale indicated that the parking area met all the Township standards, with a drive aisle of 26 ft. wide with parking spaces 18 ft. deep on both sides. He added that there was 10 ft. deep area for backing out of the parking spaces to exit the site. He stated that the trash enclosure was 10 ft. wide enclosure situated in a corner of the parking area.

Ms. Bergailo then opened a discussion regarding the parking standard per the Township ordinance. Mr. Gazzale indicated that the standard was 1 congregation space for every 15 sq. ft. of open worship area, which would translate in the case of the temple, to 70 parking spaces. A discussion ensued regarding open worship space and fixed seating in a house of worship and how that would translate into a specific number of parking spaces. She then drew the Board's attention to the question of whether there was any on-street parking. Mr. Gazzale indicated that there was no on-street parking available on Hamilton Street, but there was a possibility on Baker Street. A discussion then ensued regarding whether they could place a street tree where the drive to Hamilton Street would be removed. Mr. Gazzale indicated that they would include a street tree there.

Mr. Dominach asked Mr. Lanfrit to address John Hauss, the Fire Prevention Director's comments regarding inadequate parking. Mr. Lanfrit stated that their proposal was not based upon the availability of parking on either Hamilton St. or Baker Street. He stated that if the Township were to restrict parking on Baker Street, they may be hurting the residents in that area more than the Applicant.

Mr. Gazzale stated that he reviewed Mr. Hauck's Engineering report and had subsequent conversations with Mr. Zelnick regarding drainage issues. As a result, Mr. Gazzale indicated that there would be some modifications to the storm water management system shown on the plans submitted with the Application and the information given would be supplemented. He also testified that they would provide a lighting plan and agreed to comply with all other comments on the Engineer's report.

They then addressed Mr. Healey's Planning report. Mr. Healey indicated that evening that he had a few questions. He then opened a discussion regarding the buffering requirements and parking setback requirements in the M-2 Zone. He spoke of the Applicant having two front yards, one on Hamilton Street and the other on Baker Street. He added that there was no allowance for parking in the front yard of a building in the M-2 Zone. He also then discussed a requirement where an M-2 Zone adjoins a residential zone, there needs to be a certain amount of buffering, with evergreen plantings of a certain size, etc. Mr. Healey then noted that the R-7 Residential Zone was across the street on Baker Street. With those things said, he asked Mr. Gazzale what could be done on the site to more closely comply with the aforementioned requirements. Mr. Gazzale indicated that there wasn't any options to come closer to complying with the requirements since they only had a 4 ft. setback to the parking lot, that was designed to comply with the parking requirements of the Township. He added that the building was already in place and they were expanding upon that existing building. Mr. Gazzale then discussed the existing 6 ft. fence along Baker Street and there was an opportunity to plant additional evergreens or shrubs along the fence line between that and the sidewalk or to eliminate the sidewalk and beef up the landscaping in that area. Mr. Lanfrit stated that he would disagree that the M-2 standards would apply to their Application since it was a house of worship. Mr. Dominach indicated that they were not utilizing the standard conditional use requirements because it was not in a residential zone, but in the M-2 Zone, which had different standards. Mr. Lanfrit testified that after discussions with Mr. Zelnick, he felt that the inclusion of a sidewalk was more important than the landscaping, but that they could put some additional landscaping in the vicinity of the fence. Mr. Gazzale indicated that they would comply with all other comments on Mr. Healey's Planning report.

Chairman Thomas then opened a discussion regarding keeping the three street trees shown in the photos along Hamilton Street. Mr. Gazzale discussed the storm water management system planned in that area as it related to the existing street trees. Mr. Healey stated that some of those trees were not in a healthy state, but that some of the trees on the site were worth looking at for preservation. Mr. Lanfrit stated that they would look to preserve as many healthy existing trees on the site as possible and have an opportunity to provide additional trees now that the driveway fronting Hamilton Street was being removed.

Chairman Thomas then announced that the Board would be taking a 5-minute break. Afterwards, the Chairman called the meeting back to order.

Mr. Lanfrit stated that during the break, he discussed some of the issues discussed earlier in the meeting. He noted that contrary to earlier testimony, it had come to his attention that the proposed gate in the front of the temple did have some significant

religious meaning. He did understand and hear the Board's comments during the meeting for their desire to make the building smaller. He suggested that they hear the comments from the residents that evening and carry the matter so that they could look to perhaps do something different with the building, get answers to the questions raised regarding the first floor kitchen and other concerns.

Chairman Thomas agreed with Mr. Lanfrit's suggestion and opened the meeting to the public regarding questions and comments in relation to the testimony presented.

Ms. Martha Arpad, 990 Hamilton Street, Somerset, NJ, came forward and was sworn in. Ms. Arpad indicated that she felt the structure was too big for the area of the property and the parking provided was insufficient. She noted the large condo complex just down the road as creating additional parking issues for the area and had noted some automobile accidents with the increase in traffic.

Mr. Derek Hamilton, 84 Baker Street, Somerset, NJ, came forward and was sworn in. Mr. Hamilton testified that his home is just about directly across the street from the proposed project. He told the Board that the cars parking along Baker Street have outnumbered the amount they say will be coming to the temple. He added that in the winter, people were parking on part of his yard, and he had to repair his lawn in the spring. Vice Chair Graumann and Mr. Dominach questioned the resident as to whether all of the parking was on the street presently or if they were using yard behind the current home. Mr. Hamilton testified that most of the parking was currently on Baker Street and not on-site at the temple, with approximately 11 to 13 cars on the street for congregants of the temple. He added that at some point, they added gravel to the yard, which eased the parking on the street a bit. He also stated that the temple was bringing more traffic down Baker Street and he also didn't want to look at his front window to look at a Buddha statue. Chairman Thomas indicated that he wouldn't see the statue as it was being proposed to be placed on the Hamilton Street side of the existing home.

Ms Emma Hamilton, 86 Baker Street, Somerset, NJ, came forward and was sworn in. Ms. Hamilton indicated that her home was directly across from the proposed site. She stated that the property on the street side of the fence was not kept up and she had to call the Township to have it taken care of. She also said that she didn't approve of the proposed large building that she would have to look at every time she went out her front door or looked out her front window. Additionally, she was concerned about trying to back out of her driveway with so many cars coming in and out of the property.

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

Mr. Dominach indicated that it was agreed to carry the matter to July 17, 2014 and that the residents would not get any other additional notification.

WORKSESSION/NEW BUSINESS

There was no new business

MEETING ADJOURNED

Vice Chair Graumann made a motion to close the regular meeting at 9:50 p.m. The motion was seconded and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
June 13, 2014