

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

REGULAR MEETING
September 18, 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: Laura Graumann, Donald Johnson, Bruce McCracken, Alan Rich, Gary Rosenthal, Cheryl Bergailo and Chairman Thomas

ABSENT: Raymond Betterbid, Robert Shepherd, Anthony Caldwell and Joel Reiss

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

MINUTES:

- **Regular Meeting – July 17, 2014**

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

FOR: Vice Chair Graumann, Mr. Johnson, Mr. Rich and Ms. Bergailo

AGAINST: None

RESOLUTIONS:

- **Soccer Center / ZBA-14-00010**

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

FOR: Vice Chair Graumann, Mr. Johnson and Mr. Rich

AGAINST: None

- **St .Thomas Syro Malabar Catholic Church / ZBA-10-00028**

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

FOR: Vice Chair Graumann, Mr. Johnson and Mr. Rich

AGAINST: None

- **Cook / ZBA-14-00009**

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

FOR: Vice Chair Graumann, Mr. Johnson and Mr. Rich

AGAINST: None

DISCUSSION:

Vouchers:

- **Patrick Bradshaw – August & September Retainers - \$1,730.00**
 - **Diamond Investors & Builders - \$510.00**
 - **Ronald Snyder - \$90.00**
 - **David Nosworthy - \$225.00**

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

HEARINGS:

- **PHUOC DUYEN BUDDHIST of NJ, INC. / ZBA-14-00003**

Use Variance & Site Plan w/variances in which Applicant is 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 JANUARY 8, 2015 – with no further notification required.**

- **ELIZABETH RAMIREZ / ZBA-14-00012**

Hardship Variance in which a\Applicant was proposing to construct a 24 ft. x 32 ft. one-story garage at 312 Samuel Place, Somerset, in an R-10 Zone.

Mr. Dominach's Zoning report indicated that the Applicant was proposing to build a two-car garage. The following variances were needed:

1. Front yard setback (proposed garage): 25 ft. minimum, 4 ft. proposed
2. Frontage: 105 ft. minimum, 100 ft. existing/proposed
3. The pool may need a variance for front yard setback, but as it was covered during the survey, it was difficult to determine where the pool begins and the deck ends.

During the hearing, Mr. Dominach indicated that they were able to get a photo of the pool without the cover and it was determined that they do not need a variance for the pool. Also, Mr. Dominach stated that in Mr. Healey's Planning report there was a comment to check the lot coverage and impervious coverage. He added that they were at the property today and determined that the Applicant was in compliance for both lot coverage and impervious coverage. In discussing the front yard setback that was required, Mr. Dominach explained that there was a paper street involved (Jerome Avenue) that would be extremely unlikely to be put in place, but would still require the variance for front yard setback.

Ms. Elizabeth Ramirez and Mr. Jerry Ramirez came forward and were sworn in. The Chairman asked whether there was any way the garage could be brought in line with the required 25 ft. setback. Mr. Ramirez indicated that it could not be brought into compliance. Mr. Dominach spoke of the situation with the paper street involved and testified that there would be minimal impact to neighboring properties as the property sits next to Rte. 287.

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

Vice Chair Graumann made a motion to approve the two variances. Mr. Johnson seconded the motion and the roll was called as follows:

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

AGAINST: None

- **ROSA D'ORSOGNA / ZBA-14-00013**

Hardship Variance in which Applicant was proposing to install an above ground pool at 22 Fourteenth Street, Somerset; Block 430, Lots 15-18, in the R-20 Zone.

Mr. Dominach's Zoning report indicated that the Applicant was proposing to install an above-ground swimming pool in an R-20 Zone.

Two new variances were required for the pool:

1. Side yard setback: 15 ft. minimum, 4 ft. proposed
2. Rear yard setback: 25 ft. minimum, 4 ft. proposed

Also, the following existing variances were required as well:

1. Side yard setback (shed): 15 ft. minimum, 0 ft. proposed
2. Rear yard setback (shed): 25 ft. minimum, 1 ft. proposed
3. Front yard setback (house): 35 ft. minimum, 29.56 ft. existing/proposed
4. Side yard setback (house): 15 ft. minimum, 14 ft. and 14.81 ft. existing/proposed
5. Total side yard setback (house): 30 ft. minimum, 28.81 ft. existing/proposed
6. Rear yard setback (house): 50 ft. minimum, 38 ft. existing/proposed
7. Lot coverage: 15% maximum, 18.35% existing/proposed

During the hearing, Mr. Dominach detailed the required variances for the Board's edification.

Mr. Anthony D'Orsogna came forward and was sworn in. He gave the Board an explanation regarding the desired location for the pool, noting that if they located the pool closer to the house, there would be no sunlight due to the two-story home blocking it from shining on and warming the pool.

After questioning from Vice Chair Graumann regarding the impact of the pool on adjoining neighbors, he indicated that there was an empty lot behind their yard and that there was a white, 6 ft. high fence along the side yard already existing. He indicated that after speaking to his neighbors, they did not have any issues with locating the pool in the desired position.

Mr. Rich opened a discussion regarding the use of an 11 yr. old survey and Mr. Dominach indicated that the Township allows the use of any survey that accurately reflects what was presently on the property.

Ms. Bergailo inquired as to where they were planning on placing the pool equipment. Mr. D'Orsogna indicated that they were planning to place the equipment right behind the pool. Mr. Dominach then stated that they would require a variance for the pool equipment as well because it would place it closer than 4 ft. to the property line. A discussion ensued and Vice Chair Graumann suggested placing it on the side of the pool. Mr. D'Orsogna indicated that they could place the equipment between the pool and the house.

Seeing no public, Chairman Thomas waived the public portion of the meeting.

Mr. Bradshaw inquired as to whether there would be a path to the pool, and Mr. D'Orsogna indicated that there would not be any kind of path.

Vice Chair Graumann made a motion to grant the approval of the Application, with all variances required. Mr. Rosenthal seconded the motion and the roll was called as follows:

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

AGAINST: None

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WORKSESSION/NEW BUSINESS

There was no new business

MEETING ADJOURNED

Vice Chair Graumann made a motion to close the regular meeting at 7:45 p.m. The motion was seconded and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
October 8, 2014