

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

REGULAR MEETING  
November 6, 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:

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PRESENT: Laura Graumann, Bruce McCracken, Alan Rich, Gary Rosenthal, Joel Reiss, Cheryl Bergailo and Chairman Thomas

ABSENT: Raymond Betterbid, Donald Johnson, Robert Shepherd and Anthony Caldwell

ALSO PRESENT: Patrick Bradshaw, Board Attorney, and Vincent Dominach, Senior Zoning Officer

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**MINUTES:**

- **Regular Meeting – September 18, 2014**

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

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

AGAINST: None

**RESOLUTIONS:**

- **CAAM Development / ZBA-14-00005**

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. Rich and Ms. Bergailo

AGAINST: None

- **Chinese Christian Church / ZBA-14-00008**

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. Rich and Mr. Reiss

AGAINST: None

- **Ramirez / ZBA-14-00012**

Mr. Reiss 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. McCracken, Mr. Rich, Mr. Rosenthal, Ms. Bergailo and Chairman Thomas

AGAINST: None

- **D'Orsogna / ZBA-14-00013**

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. McCracken, Mr. Rich, Mr. Rosenthal, Ms. Bergailo and Chairman Thomas

AGAINST: None

**DISCUSSION:**

***Vouchers:***

- **Patrick Bradshaw – October & November Retainers - \$1,730.00**
  - Hague - \$195.00
  - Various Matters - \$540.00

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

- **Certificate of Non-Conforming, Pre-Existing Condition:**
  - **Thomas J. Onka**

**CARRIED TO DECEMBER 18, 2014 – NO FURTHER NOTIFICATION REQUIRED**

## HEARINGS:

- **JUDIT SOOS / ZBA-14-00017**

Hardship Variance in which Applicant was proposing an addition to the home and adding a bay to the garage at 7 Sunset Avenue, Princeton; Block 21, Lots 5&6 and 17&18, in an R-40 Zone.

Mr. Dominach discussed the proposal during the hearing and also documented in his Zoning report the following variances that were required for the Applicant to add an addition to their home and expand their existing garage. He noted that there was only one new variance needed in relation to the proposal as all others were existing conditions. The variances required are listed as follows:

1. Lot area: 40,000 sq. ft. minimum, 39,128 sq. ft. existing
2. Lot frontage: 200 ft. minimum, 147 ft. existing
3. Side yard setback (shed): 25 ft. minimum, 7 ft. existing
4. Side yard setback (garage): 25 ft. minimum, 12.4 ft. proposed

Ms. Judit Soos, Applicant, came forward and was sworn in. Ms. Soos indicated that part of the reason for the variance for side yard setback for the garage was because of the narrowness of the lot as well as its irregular shape. Vice Chair Graumann inquired about the effect on the neighboring property and Ms. Soos indicated that she spoke to them and they have no issues with the garage expansion. She even added that they have a variance for side yard setback for their own garage along their shared property line.

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

Vice Chair Graumann stated that the Engineer's report asked for a lot of Site Plan information and felt that the Board could waive those requirements. Mr. Dominach stated that most of the requirements were typically waived for smaller applications such as the one before the Board. Chairman Thomas indicated that the Board would assume that the Township staff would review with the Applicant those requirements that were necessary and Mr. Dominach concurred.

Vice Chair Graumann made a motion to approve the Application, with a waiver for Site Plan requirements that were not necessary, but subject to review by the Zoning Officer for those requirements that were needed. Mr. McCracken seconded the motion and the roll was called as follows:

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

AGAINST: None

• **ANNETTE BAHMER / ZBA-14 00016**

Hardship Variance in which the Applicant was proposing an addition to the home at 86 Rodney Avenue, Somerset; Block 248, Lots 39-40, in an R-7 Zone.

Mr. Dominach discussed the proposal during the hearing and also documented in his Zoning report the following variances that were required for the Applicant to add a 57 sq. ft. addition to their home. The variances required are listed as follows:

1. Lot area: 7,500 sq. ft. minimum, 5,000 sq. ft. existing.
2. Lot frontage: 75 ft. minimum, 5,000 sq. ft. existing
3. Front yard setback: 25 ft. minimum, 19.48 ft. existing
4. Side yard setback: 8 ft. minimum, 5.68 ft. existing/proposed
5. Total side yard setback: 20 ft. minimum, 17.79 ft. existing/proposed

Mr. Dominach explained that the side yard and total side yard setbacks were existing, but that the addition would be an extension of the already existing non-conformity.

Ms. Annette Bahmer, Applicant, and Mr. Mike McQuay, McQuay Construction, LLC, came forward and were sworn in. Mr. McQuay indicated that they would be constructing a downstairs shower and bathroom for an 89-year old handicapped woman. A discussion ensued among the Board.

Chairman Thomas made note of seeing no one in the public to open the meeting to, dispensing with the formality as such.

Vice Chair Graumann made a motion to approve the Application, with a waiver for Site Plan requirements that were not necessary, but subject to review by the Zoning Officer for those requirements that were needed. Mr. McCracken seconded the motion and the roll was called as follows:

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

AGAINST: None

**WORKSESSION/NEW BUSINESS**

There was no new business

**MEETING ADJOURNED**

Vice Chair Graumann made a motion to close the regular meeting at 7:47 p.m. Mr. McCracken seconded the motion and all were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
November 20, 2014