

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

**REGULAR MEETING
March 19, 2015**

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, Robert Shepherd, Donald Johnson, Bruce McCracken, Alan Rich, Anthony Caldwell, Gary Rosenthal, Joel Reiss, Cheryl Bergailo and Chairman Thomas

ABSENT: Laura Graumann

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

DISCUSSION:

Vouchers:

- 1. Patrick Bradshaw – March Retainer- \$865.00
Patrick Bradshaw – Various Matters - \$555.00**

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

HEARINGS:

- 2. GOVINDASAMI & AMIRTHA NAADIMUTHU / ZBA-15-00003**

Mr. Benjamin Bucca, Esq., appeared before the Board on behalf of the Applicant for Certification of Pre-existing, Nonconforming Use in which applicant is stating there are two dwellings on one property. The property is located at 121-123 Kossuth Street in the HBD Zone and known as Block 178, Lot 51 on the Franklin Township tax map.

Mr. Bucca explained to the Board that there is a two-family home and a single family home on the property. Both uses are permitted in the zone, but two (2) principle structures on one (1) lot are not permitted..

Ms. Dottie Lewis, tenant in the single-family home at 123 Kossuth Street, came forward and was sworn in Ms. Lewis testified that she has lived in the home since 1985. Ms. Lewis indicated that the home had been lived in and was not new when she moved in.

Mr. Govindasami Naadimuthu, Co-Owner and Applicant, was sworn and provided relevant testimony concerning the application. Mr. Naadimuthu just retired and wants to sell the homes. Mr. Naadimuthu indicated the zoning issues came to light as he prepared to sell. The property was re-evaluated in 1993, by Franklin Township, showing the multi-family dwelling was built in the year 1930 and the single-family structure as built in 1940. Entered into the record, as Exhibit A-1 and A-2 were photographs of the buildings.

Mr. Keith Thadinga, licensed Fire and Home Inspector, came forward and was sworn in. The Board accepted his qualifications. Mr. Thadinga inspected both properties and advised the Board that the materials used to construct these homes, dates back to 1930 – 1940's. He testified that weighted windows, lumber size and electrical armored cable found at the two (2) homes helped determine the construction time period. Mr. Thadinga also found newspaper artifacts within the wall structures of the homes that pre-date back to 1958. Entered into the record as Exhibit A-3 and Exhibit A-4 are historical aerial photos dated 1953 and 1956. The photo's show two structures located on the property. Mr. Thadinga concludes from his investigation that these two (2) homes / structures date back to 1930-1945.

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

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

FOR: Mr. Betterbid, Mr. Johnson, Mr. McCracken, Mr. Rich, Mr. Shephard, Mr. Caldwell and Chairman Thomas

3. PROMOTION IN MOTION, INC / ZBA-15-00005

The Applicant has applied for a Sign Variance at 1 Heller Lane Park, Somerset, Block 514, lot 8.03 pursuant to the provisions of N.J.S.A. 40:55D-70(c). The property is located at 1 Heller Lane Park, Somerset tax map Block 514, Lot 8.03 in the M-1 Zone.

The Applicant was represented by Peter U. Lanfrit, Esq.. Mr. Lanfrit indicated that the applicant seeks the following variances: Sign area - 30 square feet maximum where 720 square feet is proposed; and vertical sign dimension - 4 feet maximum where 30 feet is proposed.

Mr. McSorely, Director-Plant & Facilities, came forward and was sworn. Mr. McSorely explained that this building will have a dual function by as both a distribution/warehouse and also the starting point for public tours. The tours will allow for the public to see the process of making Welch's fruit snacks and other items. The sign is needed in order to give the public destination notification. The building is extremely large (325,000 sf). There is no sign presently on the building. The proposed sign is appropriate for the size of the building. The applicant will return to the Board for further approval if the sign has illuminated lights.

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

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

FOR: Mr. Betterbid, Mr. Johnson, Mr. McCracken, Mr. Rich, Mr. Shephard, Mr. Caldwell and Chairman Thomas

4. ALTERNATIVES, INC / ZBA-14-00021

Theresa Garcia, Esq. appeared on behalf of the Applicant. The applicant seeks use variance and site plan approval in which applicant is proposing one 2-story, 2-unit (two bedrooms each) residential (community residence) building at 558-560 Madison Avenue, Somerset; Block 542 Lots 22-29 in a R-10 Zone, pursuant to N.J.S.A. 40:55D-70d(1). The following variances are required:

- D-1 Use Variance: The applicant is proposing to erect a community residence which is a permitted use, but the property has an existing use variance approval for a homeless shelter so a D-1 Use Variance is needed.
- Parking Variance: 17 parking spaces required - 8 are proposed.
- Impervious Coverage: required 30%, proposed 40.9%

Mr. Tom Scherr, Representative of Alternatives, Inc., came forward and was sworn in. Mr. Scherr indicated that Alternatives, Inc. is a non-profit, social service agency which has been in existence for 35 years. The agency services the majority of Central New Jersey, for those with special needs and formerly homeless. Mr. Scherr explained that in 1991 the site received a D-1 Variance (Z90042UP) for homeless families. The new facility will house four (4) individuals. Mr. Scherr advised that transportation will be provided for the residents living there. The facility anticipates having four (4) agency-

owned vehicles to be on-site and only 3-4 staff members at any one time. Mr. Scherr feels that the parking provided is adequate and will accommodate any occasional visitors. In response to Board question, Mr. Sheer indicated that the addition of the new residence will not negatively affect the use of the site for the homeless shelter granted under Z90042UP.

Mr. Craig Stires, Engineer & Principal of Stires Associates, came forward and was sworn in. The Board accepted his qualifications as an engineer. Mr. Stires described the existing conditions on the site. Entered into the record as Exhibit A-1, was an aerial view of the two (2) buildings currently on the property. Mr. Stires indicated that the building coverage proposed is 40.9%, which includes the stone parking area and all completed construction this will require an additional variance. Mr. Stires testified that the Applicant will comply with all other provisions and requirements of the staff reports.

Ms. Claudia Bitran, Planner, came forward and was sworn in. The Board accepted her qualifications. Ms. Bitran indicated that the Applicant wants to add an additional building that will include two (2) additional units requiring a D-1 Variance. Ms. Bitran advised the Board that the benefits of constructing the additional building will outweigh any negative impacts. The facility will accommodate low and moderate income special needs residents (affordable housing), which is an inherently beneficial use and meets the criteria under the Municipal Land Use Law (MLUL). Ms. Bitran added that it is consistent with the housing element of the Township's Master Plan and the Township's Fair Share Plan in terms of affordable housing. Ms. Bitran believes there are no negative impacts and is an inherently beneficial use.

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

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

FOR: Mr. Betterbid, Mr. Johnson, Mr. McCracken, Mr. Rich, Mr. Shephard, Mr. Caldwell and Chairman Thomas

AGAINST: None

5. SIMPLY YOGA / ZBA-14-00018

The Applicant was represented by Peter U. Lanfrit, Esq..

F. Mitchel Ardman came forward and presented testimony as a professional engineer. Mr. Ardman was previously sworn and previously accepted as a professional engineer. Mr. Ardman presented an amendment to the site plan in response to concerns raised by

the public and the Board. First Mr. Ardman presented previous Exhibit A-11 to show the originally proposed parking layout. Mr. Ardman then presented new Exhibit A-13 which showed a revised parking layout which Mr. Ardman indicated would minimize impact on the neighbors by moving the parking and lighting further away from the neighbors. He indicated that the new parking layout would: be comprised of a single row of parking, would be 45 feet from the neighboring property line; would move the parking lot lighting further away as well; would involve 24 spaces; moved the proposed dwelling further from the neighbors; will continue to have a board-on-board fence and will have an earthen berm planted with evergreens; parking cars and their lights will face away from the neighboring homes; the site plan will still be under permitted impervious coverage and stormwater management will continue to work as designed. He also indicated that the sign at the street, which was previously proposed, will no longer be proposed and that a fence will be proposed around the detention basin.

Douglas J. Polyniak, came forward, was sworn in and was presented as an expert in traffic engineering. The Board accepted his qualifications as a traffic engineer. Mr. Polyniak summarized the traffic report conducted by his firm which evaluated potential impacts on the adjacent intersection. Traffic counts were conducted on September 4, 2014 between 5pm and 9pm. No morning rush hours counts were taken since yoga classes won't start until 9:30am. And rush hours ends at 9am. He indicated that 630pm-730pm was the focus period. He indicated that the report projected traffic future conditions including that projected for the yoga studio (i.e., 20 vehicles in; 20 vehicles out). His analysis indicated that there would be sufficient capacity to handle the traffic expected from the yoga studio. He indicated that the site would generate more traffic if developed with 6 single-family homes.

The Board raised questions about the nature of the traffic study and whether it adequately evaluated the impacts of the proposal including the potential for a very short peak of entering and existing traffic from the site when classes are back-to-back and the impact on the existing traffic back-ups on Laurel Avenue. The applicant agreed to evaluate the concerns raised by the Board and return at a subsequent meeting.

Mr. Lanfrit recalled Ms. Negisa Manabe, Co-Owner & Applicant, who continued to be sworn in. She indicated that classes have remained constant over the years and she doesn't expect class size to increase much at the proposed site (e.g., too much competition as yoga classes are provided everywhere). She referred to Exhibit A-8 which indicated an average class size of 8-12 students which, she indicated, does not result in many cars and that many couple drive together. She agreed to a cap of 16 students for classes held during the week and 28 students for weekend classes. She also agreed to a condition that back-to-back classes must be separated by a period of no less than one-half hour to reduce potential for parking overlap

CARRIED TO APRIL 16, 2015 – without further notification needed

WORKSESSION/NEW BUSINESS

There was no new business

MEETING ADJOURNED

Mr. Reiss made a motion to adjourn the meeting. Mr. Betterbid seconded the motion and all were in favor.