

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

REGULAR MEETING
April 16, 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: Bruce McCracken, Alan Rich, Robert Shepherd, Anthony Caldwell, Gary Rosenthal, Joel Reiss, Cheryl Bergailo and Chairman Thomas

ABSENT: Raymond Betterbid, Laura Graumann and Donald Johnson

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

MINUTES:

- **Regular Meeting – February 5, 2015**

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

FOR: Mr. McCracken, Mr. Shepherd, Mr. Caldwell, Mr. Rosenthal, Mr. Reiss and Chairman Thomas

AGAINST: None

RESOLUTIONS:

- **Genesis FBCCDC Somerset Senior Housing / ZBA-14-00014**

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

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

AGAINST: None

- **Miller / ZBA-14-00011**

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

FOR: Mr. Rich, Mr. Shepherd, Ms. Bergailo and Chairman Thomas

AGAINST: None

- **Wilf / ZBA-14-00001 (Extension of Time)**

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

FOR: Mr. Caldwell, Mr. Rosenthal, Mr. Reiss and Chairman Thomas

AGAINST: None

DISCUSSION:

Vouchers:

- **Patrick Bradshaw – April Retainer - \$865.00**

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

HEARINGS:

- **MIKULAS CHOMA / ZBA-15-00004**

Hardship Variance in which Applicant was seeking approval of an addition at 217 Adams Street, Somerset; Block 550, Lots 40-45, in an R-10 Zone - CARRIED TO MAY 7, 2015 – with no further notification required.

DL- 07/06/2015

- **SIMPLY YOGA / ZBA-14-00018**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Simply Yoga. Mr. Lanfrit explained that they were there that evening to request Use Variance & Site Plan approval in which the Applicant was proposing a yoga studio and single family dwelling at 24 Sycamore Place, Kingston; Block 5.02, Lot 152.04, in an R-20 – **Carried from March 19, 2015.**

Mr. Lanfrit gave an overview of the application process so far, noting that they were before the Board on January 8, 2015 to give testimony at that time from the Architect, Mr. Wilkes, who described the existing building, the renovations that would take place as well as the new single-family dwelling that would be constructed in the rear of the property. He then detailed the process that occurred at the meeting on the first Thursday in February. He testified that they presented the testimony of the Applicant, who described the business – both at its present location and previous location – the reasons why she sought to relocate the business to the present site and how the business would operate on that site. Mr. Lanfrit then indicated that Mr. Ardman, the project's Engineer, also testified at that February hearing regarding the parking, lighting, storm water management and all of the relevant issues as well as dealt with the staff reports. At the February hearing, Mr. Lanfrit indicated that there were questions raised by some of the surrounding residents concerning the parking lot, so in the time between the February hearing and that night's hearing, he stated that they got together with the professional staff at the Township and the Applicant. In doing so, they put together an amendment to the proposed Site Plan, which he indicated might at least address some of the concerns raised by the neighbors, especially on Laurel Avenue, and those raised by the Board members. He added that the amended plan included the relocation of the parking area away from the single-family dwellings and removed the sign that was originally part of the Application. Mr. Lanfrit then indicated that Mr. Polyniak, Traffic Consultant employed with Dolan and Dean, spoke about traffic counts, trip generations, etc. He then noted that there were questions raised regarding the amount of time between classes and whether there was enough time between the classes for students to leave and others to come based upon the parking and traffic circulation. Mr. Lanfrit then testified that the Applicant agreed, at the last hearing, that all classes would be separated by at least 30 minutes to allow for students to come and go. He also stated that they had also agreed to cap the number of students per class during the weekdays at 16 and to 28 at weekend classes.

Ms. Elizabeth Dolan, Traffic Engineer & Principal of Dolan & Dean Consulting Engineers, came forward and was sworn in. Ms. Dolan testified that they had done an additional traffic study, dated March 31, 2015, and explained to the Board the methods undertaken to obtain a summary of arrival and departure patterns based upon the changes agreed to at the last hearing. She stated that they assumed the maximum of 16 students attending classes on a weekday evening and that each student would drive to the studio in their own vehicle. Ms. Dolan stated that they did the same calculations for the weekend classes, with a maximum of 28 students in each class, and 30 minutes between all classes and each student driving their own vehicle. Ms. Dolan then indicated that testimony was given at the previous hearing indicating that there often was ride-sharing with couples, friends and parents/children, with a factor of 1.5 people per vehicle, for a separate analysis. She indicated that there would be a significant reduction in driveway movements during the weekday evening from 32 to 22 movements with the inclusion of ride-sharing in the analysis. She added that the movements that included ride-sharing would go from 56 movements to 38 movements on the weekend and was not considered significant by the Institute of Traffic Engineers (ITE). Ms. Dolan then testified that the maximum numbers would not create a negative impact to the neighborhood and felt that there were enough parking accommodations for the site and its use. She added that she felt it was a very well designed site for the proposed use as well and would have adequate parking, even if students were early to their classes while students leaving were a little bit delayed. Ms. Dolan then discussed the traffic counts for weekday peak hour travel (between 5-6 p.m.) along Laurel Avenue

Mr. Shepherd opened a discussion regarding the queuing along Laurel Avenue during the weekday peak hour travel time. Ms. Dolan indicated that the traffic study showed that between 5:45 and 6 p.m. on the weekday there was some queuing along Laurel Avenue to just past the intersection with Sycamore. She also testified that there was some queuing between 7-8 p.m. on Laurel Avenue, but none that was impacting the intersection of Laurel and Sycamore. Mr. Shepherd then asked for traffic counts on Saturday morning, and Ms. Dolan testified that there were no traffic counts taken on the weekend.

Chairman Thomas asked whether the study that was conducted had traffic counts on Sycamore Place, without the proposed facility. A discussion ensued regarding the impact on Sycamore and the intersection of Sycamore Place and Laurel Avenue, particularly with regard to present cut through traffic through the neighborhood to avoid the queuing situation on Laurel Avenue at the intersection of Rte. 27.

Mr. Shepherd opened a discussion regarding the levels of service as opposed to the environmental impact to the neighborhood. Ms. Dolan indicated that traffic counts at the intersection of Sycamore Lane and Laurel Avenue would stay at the same level of service with or without the traffic from the yoga studio.

Mr. McCracken asked for the levels of service at the intersection of Laurel Avenue and Rte. 27, but Ms. Dolan stated that they didn't do traffic analysis of that intersection.

Mr. Healey opened a discussion regarding the type of roadway the ITE was referring to when they stated there was not a significant impact until there were 100 trip generations on a roadway. Ms. Dolan indicated that the ITE's interpretation that more than 100 trips on a roadway begins to have an impact on the roadway, regardless of the type of roadway it was. Mr. Healey then inquired as to the standard width for a residential access roadway, and Ms. Dolin indicated that the standard was a minimum of 20 ft. Mr. Healey stated that there were parts of Sycamore Place that had a 17 ft. width and asked what would need to be done, if anything, to the roadway to provide adequate access. Ms. Dolan stated that she didn't believe that there was a need to widen the roadway unless there was already a problem with it being adequate to handle the current traffic patterns. She stated that a lesser roadway width often helps to calm and slow traffic. She stated that the roadway has the capacity to handle the projected additional traffic. A discussion ensued among the Board regarding the ability for queuing on the access drive to the yoga studio as well, before the first parking space, as testified by Ms. Dolan.

Chairman Thomas then opened the meeting to the public for questions of Ms. Dolan.

Ms. Meredith Rogers, 17 Laurel Avenue, Kingston, NJ, came forward. Ms. Rogers asked when the traffic counts were done and if they were averaged over a few days. Ms. Dolan indicated that they were done on one day, September 4, 2014, but were compared to the NJDOT information that was done over the course of three days and were comparable. Ms. Rogers then discussed the traffic count days and the relatively low traffic at that time due to the Labor Day holiday. Ms. Dolan indicated that they did supplement their information with NJDOT's and utilized counts from January of 2013, which were comparable to theirs.

Mr. Barry Pavilack, 35 Laurel Avenue, Kingston, NJ, came forward. Mr. Pavilack. He indicated that he lived at the corner of Laurel and Sycamore. He discussed and questioned

the peak hour traffic counts with Ms. Dolan at the intersection of Laurel and Sycamore, with additional questions regarding any possible queuing.

Mr. Jim Diaforle, 32 Sycamore Street, Kingston, NJ came forward. Mr. Diaforle asked Ms. Dolan how traffic studies are completed, for his information and understanding.

Seeing no one further coming forward, Chairman Thomas closed the meeting to the public

Mr. F. Mitchell Ardman, Site Engineer, came forward and remained sworn in from the last hearing. He detailed the road widths in various locations along Sycamore Place for the Board and the public's edification, noting that the least narrow portion of 17 ft. was just east of the subject property. He indicated that the roadway ran about 50 or 60 ft. to the east where the width was less than 20 ft. wide. Mr. Ardman indicated that the Township Engineer had indicated in his report that they should taper the driveway out in order to widen the roadway just to the east of the subject property. He testified that they had agreed to widen 30-40 ft., but if they had to take it a little further they could.

Mr. Shepherd asked whether they could eliminate the light pole along the entrance drive. Mr. Ardman indicated that the Township Engineer requested to provide .5 foot candles of light in that area, but the Board could reduce or eliminate that altogether if they so desired.

Should the Application not be approved, Mr. Lanfrit opened a discussion with Mr. Dominach, Sr. Zoning Officer, the types of development that could be allowed on the property, including a municipal roadway to service a 5-home subdivision that had street lighting that would have to comply with the municipal code.

Chairman Thomas then opened the meeting to the public for questions for Mr. Dominach.

Ms. Kathy Pavilack, 35 Laurel Avenue, Kingston, NJ, came forward. Ms. Pavilack asked Mr. Dominach whether a business could be located on the property if a large home were built. He indicated that it would be for residential use.

Mr. Rod DiLeo, 28 Sycamore Place, Kingston, NJ, came forward. Mr. DiLeo asked Mr. Dominach regarding regulations for businesses as opposed to residents.

Ms. Serena Hashim, 47 Laurel Avenue, Kingston, NJ, came forward. She asked Mr. Dominach asked why she was turned away when she wanted to turn her home into a bed and breakfast, but a yoga studio was being considered. Mr. Healey indicated that the yoga studio would have been turned away at the counter in the municipal building as well because it was not a permitted use in the zone. He added that they decided to apply for a Use Variance to convince the Board that they should be able to open a yoga studio on their property.

Mr. Jim Diaforle, 32 Sycamore Place, Kingston, NJ came forward. Mr. Diaforle asked Mr. Dominach for clarification regarding what could be built upon the property should the Application not be approved. He discussed the possibility that there could be a small residential subdivision.

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

Mr. Kevin O'Brien, Planner, came forward and was sworn in. He gave the Board the benefit of his background and the Board accepted his qualifications. Mr. O'Brien gave a brief background regarding why they were before the Board that evening, indicating that they were seeking a D-1 Use Variance for a non-conforming use to convert an existing abandoned structure into a yoga studio. He added that the Application had changed in response to comments from the Board and the public in the past hearings, such as removal of the sign so a sign variance was no longer required. He added that the parking layout had been changed, which provided a single line of parked cars facing east away from the adjacent residences and allowing for a 27 ft. wide buffer on the west side of the parking lot. Mr. O'Brien indicated that it gave a much more residential look to the driveway and to the parking, as shown on the Site Engineer's exhibit. Mr. O'Brien then described the unique aspects of the proposed Application, indicating that yoga was an ancient practice that emphasized tranquility and serenity to quiet the mind and strengthen the body. The adaptive re-use of the existing cottage as a yoga studio on a 3.78 acre lot will ensure that tranquility and serenity for the yoga students. He indicated that the present studio, located on Rte. 27 in Kingston, no longer promoted that tranquility and serenity due to the surrounding businesses. He noted that the existing cottage would be saved from its current dilapidated state and will retain its residential look and have no commercial features visible from the outside. Mr. O'Brien then gave the proofs for the positive criteria and he testified that there would be no parties or rentals occurring in the studio, and that it would only be used for yoga classes at the times stated, with limitations of class size to 16 per class during the weekdays and 28 per class on the weekends. He then discussed the other possible uses for the property and the impact they would have on the neighborhood and roadways. Mr. O'Brien indicated that up to 6 single family residential homes on the same property would generate on average 10 trips per day, which he testified was a state-wide number that was included in the Residential Site Improvement Standards (RSIS).

Mr. Shepherd then clarified that with 4 classes per day at 16 students driving both in and out of the studio, that it would result in 128 trips during a weekday for the yoga studio. Mr. Healey compared the possible 60 trips per day from six (6) residential homes spread out over the entire day (24-hour period) and the more concentrated time frame with which the trips would occur from the yoga studio. Mr. Dominach added that the 128 number was the worst case scenario, with everyone driving themselves as opposed to ride-sharing. He reminded the Board that the Applicant had testified to half that number, resulting from the ride-sharing.

Mr. O'Brien then discussed the sizes and types of homes that could alternatively be built on the property. Then he discussed the minimal negative impact upon the area and highlighted the 2.2 acres of property that would be left preserved in its natural state on the property with the proposed Application. He also noted that the owner would be living on the property, which would add a level of self-policing regarding parking, etc.

Mr. Dominach asked Mr. Lanfrit if they would accept a conservation easement on the property in the 2.2 acre area that was planned to be preserved by the Applicant. Mr. Lanfrit, in consultation with the Applicant, agreed to a condition of approval to include the 2.2 acre conservation easement on the property, in perpetuity.

Mr. O'Brien then discussed the conditional uses that were permitted in the R-20 Zone, including schools, community residences and churches and other similar places of worship. He then spoke about a D-1 non-conforming conditional use having to pass the 3-step test in order for the Board to approve it. The first step he mentioned was that the Applicant would

have to prove special reasons rooted in the basis of zoning, and the second was that the Applicant would then have to prove the first part of the negative criteria, which was that the Application could be reconciled with the Master Plan and Zoning Ordinance to show that the proposed use was particularly suited to the location in question. Finally, the Applicant would have to show that the second prong of the negative criteria was true, that there was no negative impact to the neighborhood or surrounding properties. Mr. O'Brien indicated that he felt that all the proofs were met because the Application. He stated that special reasons had been demonstrated because the Application is for a use that conforms to the goals of the Municipal Land Use Law (MLUL), specifically goals A, G, and I, by promoting the public good, serving the public health and by providing a desirable visual environment. He also added that the Application could be reconciled with the Master Plan of the Township by proposing an adult educational facility that emphasizes tranquility and serenity that does not adversely affect nearby residences and has a positive effect upon the neighborhood with much less impact than a conforming subdivision of 5 or 6 single family homes. Additionally, Mr. O'Brien indicated that the Application would also preserve 58% of the property, or 2.2 acres of open space and enhancing neighborhood aesthetics and property values. He stated that the property was particularly suited to the use by providing a quiet place that allowed reflection in a semi-rural area with open quarry land to the rear and the public space for a school with a municipal space in the front. Mr. O'Brien felt it was a better Planning alternative than the allowed single family homes or one very large home. Lastly, he indicated that the Application had met the negative criteria and had shown no negative impacts and that the granting of the Application outweighed any detriments.

Mr. McCracken opened a discussion regarding Mr. O'Brien's opinion that the yoga studio provided a better zoning alternative than what was allowed in the zone. A discussion ensued among the Board.

Ms. Bergailo opened a discussion regarding how a yoga studio would be a better use of the property than say a small photography studio or small office.

Chairman Thomas opened the meeting to the public for questions of the Planner.

Ms. Liz Chase, 49 Laurel Avenue, Kingston, NJ, came forward. Ms. Chase questioned Mr. O'Brien regarding the commercial look of a parking lot when the testimony given was that the property would retain a residential look. Mr. O'Brien repeated his testimony that the revised plan was more residential looking than originally proposed and only included a single row of parking with a 27 ft. buffer between the parking area and the residences on Laurel Avenue. A discussion also ensued regarding how the open space benefits the residents in the neighborhood.

Mr. Barry Pavilack, 35 Laurel Avenue, Kingston, NJ, came forward. Mr. Pavilack asked how many sessions would occur at the yoga studio during the week. Mr. Lanfrit stated that there would be 19 sessions during the weekdays and 5 during the weekend, for a total of 24 sessions per week.

Mr. John Hickock, 75 Laurel Avenue, Kingston, NJ, came forward. Mr. Hickock asked again for a listing of when all of the sessions were occurring. Mr. Lanfrit detailed the sessions again for the public.

Mr. Cara Pathier, 8 Shaw Drive, Kingston, NJ, came forward. Ms. Pathier asked whose responsibility it was to make sure that the set schedule and number of people is kept to what was testified to. Mr. Dominach indicated stated that it was an enforcement issue by the Township. Mr. Lanfrit indicated that it would be the Applicant's responsibility to inform their patron's of the restrictions by use of their website as well as posting the information at the property. Additionally, Mr. Lanfrit stated that the Township could also review the daily attendance sheets which are kept by the business.

Ms. Meredith Rogers, 17 Laurel Avenue, Kingston, NJ, came forward. Ms. Rogers asked a few questions regarding the average trips per day for a residential household, the benefit of open space and the language Mr. O'Brien used for his proofs.

Mr. Robert Zumvumbush, Vice Chair of the Kingston Village Advisory Committee, came forward. Mr. Zumvumbush asked whether restrictions could be put upon a potential sub-division. Mr. Dominach indicated that restrictions could not be placed on a conforming sub-division. He then had a question as to whether it was in an historic district which would align it with a National Historic District inclusion. Mr. Dominach stated that the property was only subject to historic district review because the property was within 1,000 ft. of the Delaware & Raritan Canal.

Seeing no one further coming forward, Chairman Thomas closed the meeting to the public. He announced that the Board was going to take a 5-minute break and come back for the public to have an opportunity for comments.

After the Board returned from their break, Chairman Thomas then opened the meeting back up to the public for their comments regarding the Application.

Ms. Elizabeth Romano, contract purchaser of adjacent property (26 Sycamore Place), came forward and was sworn in. Ms. Romano stated her disagreement that the Application was well suited to the property and felt a property was a detriment to property values. Mr. Lanfrit referred to Exhibit A-12 that was presented at the last hearing, showing a conforming 5-lot subdivision plan. He noted that there would be a road next to her property and a road behind her property with no buffering or screening.

Mr. Keith Chase, 49 Laurel Avenue, Kingston, NJ, came forward and was sworn in. Mr. Chase presented two enlarged photographs of the open space, taken a few weeks ago. Mr. Bradshaw, Board Attorney, entered them into the record as Public 1 and Public 2. He also entered into the record as Public 3, a Google Map with a bird's eye view of the area, outlining his property with the Applicant's plan overlaid (prepared by Princeton Press on Nassau St. in Princeton). He stated that the parking lot was just 23 ft. from his rear property line and felt that a berm or trees would not reduce noise or light pollution. Mr. Lanfrit did not object to the Board looking at his photographs, but did state that Mr. Chase was not an engineer and that his measurements did not coincide with measurements done by his Site Engineer and felt that they were not accurate. Mr. Ardman stated that they were at approximately 24 ft. away from the rear property lines in the original plans, but were now 43 ft. away from those same property lines with the revised plans. He added that within the 43 ft, there would be a fence, an earthen berm with evergreen plantings. Mr. Chase indicated that a yoga studio would be less tranquil than the inclusion of 5 single family homes.

Ms. Ann Zeman, Chairperson of the Kingston Village Advisory Committee, 4490 Main Street, Kingston, NJ, came forward and was sworn in. Ms. Zeman explained the role that the Kingston Village Advisory Committee plays in the preservation and interests of the residents of the Village of Kingston. She indicated that the Committee had concluded that the Application by Simply Yoga does not meet the conditions for conditional use in a residential zone. She went on to discuss that the commercial zone was made stronger by businesses like Simply Yoga having its location within that area, which was where a commercial business belonged.

Ms. Cara Pathier, 8 Shaw Drive, Kingston, NJ, came forward and was sworn in. Ms. Pathier testified that she was opposed to the Application and was concerned about the traffic. She then made the point that they wanted to keep the residential area residential and didn't want to start a precedent by allowing a commercial establish in a residential neighborhood. She indicated that once it becomes a commercial entity, it would never go back to a residential property because no one would buy a home with a parking lot in it.

Dr. Beatrix Ralmfeld, 45 Duncan Lane, Skillman, NJ, came forward and was sworn in. Dr. Ralmfeld was speaking for the yoga studio, Simply Yoga, and testified that she had referred many patients to yoga studios and would now refer patients only to Simply Yoga because they are calm and quiet and helping to heal her patients.

Ms. Carol Cook, 21 Rachel Court, Franklin Park, NJ, came forward and was sworn in. Ms. Cook concurred with Dr. Ralmfeld in that they both believe that the current location of Simply Yoga has become increasingly inappropriate for what they do there. The surrounding uses, according to Ms. Cook, were not conducive to the relaxing and contemplative space that was required for restorative yoga.

Ms. Liz Chase, 49 Laurel Avenue, Kingston, NJ, came forward and was sworn in. Ms. Chase described the open space property that she and a few of her neighbors purchased as open space that they use during the nicer weather for picnics and other activities. She stated that their tranquility would be compromised with the inclusion of a yoga studio right next door and opposed the project.

Ms. Kathy Pavilack, 35 Laurel Avenue, Kingston, NJ, came forward and was sworn in. Ms. Pavilack expressed her opposition to the Application and brought up the safety of the children in the neighborhood as a main concern.

Mr. Jim Diaforle, 32 Sycamore Place, Kingston, NJ, came forward and was sworn in. Mr. Diaforle expressed his disappointment if the Board approved the Application and would welcome new residential homes on the property as opposed to a commercial development.

Mr. Greg Hamm, 45 Duncan Lane, Skillman, NJ, came forward and was sworn in. Mr. Hamm introduced himself as a newer instructor at Simply Yoga. He wanted to change the impression the residents had about it being a commercial business. Mr. Hamm indicated that technically it was a business, but it was a small, peaceful concern and very different from what most people think of a commercial activity.

Mr. David Thurn, 21 Rachel Court, Franklin Park, NJ, came forward and was sworn in. Mr. Thurn was an advocate of the Simply Yoga studio and testified to the unharmonious

atmosphere at the present yoga studio location with idling trucks, occasional fuel spillage at the rental store next door and was attracted to the proposed property due to its tranquil nature.

Ms. Kelly Probst, 2 Union Street, Kingston, NJ came forward and was sworn in. Ms. Probst expressed her concern that the yoga studio would become so popular in such a serene property that she felt it would grow too large and was fearful for the safety of her children with all the extra traffic.

Mr. John Hickock, 75 Laurel Avenue, Kingston, NJ, came forward and was sworn in. Mr. Hickock opposed the inclusion of a commercial business in a residential area.

Ms. Meredith Rogers, 17 Laurel Avenue, Kingston, NJ, came forward and was sworn in. She reiterated the residents' sentiments that they did not want a business in the neighborhood, but would embrace residential development.

Ms. Pam Diaforle, 32 Sycamore Place, Kingston, NJ, came forward and was sworn in. Ms. Diaforle agreed with the other residents that they would like to keep the neighborhood a residential neighborhood.

Mr. Barry Pavilack, 35 Laurel Avenue, Kingston, NJ, came forward and was sworn in. Mr. Pavilack also reiterated the other residents' sentiments regarding keeping the area residential in nature and not allowing a commercial endeavor.

Ms. Theresa Russo, 45 Laurel Avenue, Kingston, NJ, came forward and was sworn in. Ms. Russo was opposed to allowing the yoga studio into a quiet, residential neighborhood.

Ms. Laurel Kane, 52 Laurel Avenue, Kingston, NJ, came forward and was sworn in. Ms. Kane indicated that her dog would take away the tranquility of the area by barking at everyone who entered the parking lot of the studio and they don't want a parking lot behind their home. She was opposed to the Application.

Ms. Serena Hashim, 47 Laurel Avenue, Kingston, NJ, came forward and was sworn in. Ms. Hashim also opposed the yoga studio right behind her home.

Mr. Oscar Schofield, student of Simply Yoga, came forward and was sworn in. Mr. Schofield indicated that he has been helped with some serious injuries with the practice of yoga at Simply Yoga and benefitted from their small classes.

Ms. Libby Raney, 65 Laurel Avenue, Kingston, NJ, came forward and was sworn in. Ms. Raney also stated that she was opposed to the yoga studio in a residential neighborhood.

Ms. Amy Andrega, 39 Baldwin Street, Pennington, NJ, came forward and was sworn in. Ms. Andrega wanted to change the opinion people have of Simply Yoga and she wanted everyone to know that it was a small, tight-knit community of dedicated students of yoga.

Ms. Laurie Gelsamartin, teacher at Simply Yoga, came forward and was sworn in. She described the family of Simply Yoga as loving and supportive. She, herself, indicated that she was the mother of two children and would never jeopardize anyone by driving too fast or disrupting anyone's life.

Mr. Joe Kane, 51 Laurel Avenue, Kingston, NJ, came forward and was sworn in. Mr. Kane wanted to go on record as opposing the Use Variance.

Ms. Karen Linder, 30 year Kingston, NJ resident, came forward and was sworn in. Ms. Linder expressed her opposition to moving the yoga studio into a residential neighborhood and felt the changes made to the plan seem to be motivated by making their proposal more palatable. She also indicated that allowing a business into a residential neighborhood solely on the basis that it was health related and peaceful would establish a dangerous precedent.

Mr. James Wouk, 65 Woodside Lane, Kingston, NJ, came forward and was sworn in. Mr. Wouk stated that he was a student at Simply Yoga for 8 years and was advocating that they were a different type of facility that would not infringe on the neighborhood. He also indicated that the present location was no longer an ideal location.

Ms. Philomena Russo, 34 Sycamore Place, Kingston, NJ, came forward and was sworn in. Ms. Russo stated that the neighborhood would accept anything else that would be proposed except for a business.

Mr. Al Russo, 34 Sycamore Place, Kingston, NJ, came forward and was sworn in. Mr. Russo was opposed to the granting of the Use Variance as he felt that they have not offered any compelling reason to grant it.

Mr. Robert Zumvumbush, Vice Chair of the Kingston Village Advisory Committee, came forward and was sworn in. Mr. Zumvumbush stated that they urge the Board to deny the Use Variance for a business in a residential zone.

Mr. Rod DiLeo, 28 Sycamore Place, Kingston, NJ, came forward and was sworn in. Mr. DiLeo expressed his opposition for the proposal.

Ms. Kathy Kisch, 27 Union Street, Kingston, NJ, came forward and was sworn in. Ms. Kisch wanted to go on record as being opposed to the Use Variance.

Mr. Chris Pollard, 39 Laurel Avenue, Kingston, NJ, came forward and was sworn in. Mr. Pollard also expressed his opposition to the granting of the Use Variance.

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

Mr. Lanfrit gave his summation to the Board and went over the reasons he felt the Board could grant the Use Variance in the case of Simply Yoga.

Chairman Thomas then reviewed some of the conditions he would like to see imposed should the Use Variance be granted were the half hour between classes, the cap of 16 students/28 students per class during the week and weekend, respectively. He also included that there would be no other activities other than yoga and the inclusion of a sign in sheet for each class. Additionally, the remaining land should be dedicated to open space by way of a conservation easement, and that the owner maintains occupancy of the proposed new home to be built on the property.

Mr. Shepherd indicated that he would like to see the class times and size limitations of the classes be listed on their website and to exclude any tall lighting fixtures except around the parking lot and a fence around the detention basin.

Chairman Thomas made a motion to approve the Use Variance, with all conditions mentioned in the hearing and the motion was seconded.

FOR: Mr. Rich and Mr. Reiss

AGAINST: Mr. McCracken, Mr. Shepherd, Mr. Rosenthal, Mr. Caldwell and Chairman Thomas

WORKSESSION/NEW BUSINESS

There was no new business

MEETING ADJOURNED

Chairman Thomas made a motion to adjourn the meeting at 11:30 p.m. The motion was seconded and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
May 23, 2015