

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

REGULAR MEETING
February 5, 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: Donald Johnson, Bruce McCracken, Robert Shepherd, Anthony Caldwell (arrived at 7:38 p.m.), Gary Rosenthal, Joel Reiss and Chairman Thomas

ABSENT: Raymond Betterbid, Laura Graumann, Alan Rich and Cheryl Bergailo

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

MINUTES:

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

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

FOR: Mr. Johnson, Mr. McCracken, Mr. Shepherd, Mr. Rosenthal and Chairman Thomas

AGAINST: None

RESOLUTIONS:

- **Walker / ZBA-14-00017**

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

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

AGAINST: None

- **Middlebush Reformed Church / ZBA-14-00015**

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

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

AGAINST: None

- **Thomas Onka – Certification of Pre-Existing Non-Conforming Use**

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

FOR: Mr. Johnson, Mr. McCracken, Mr. Shepherd, Mr. Rosenthal and Chairman Thomas

AGAINST: None

DISCUSSION:

Vouchers:

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

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

Discussion:

- **RFQ's / Appointment of Board Attorney**

Mr. Dominach stated that in their haste to reappoint Mr. Bradshaw, the Board of Adjustment Attorney, they had to send out RFQ's and go through the process now that they have gone through their Reorganization meeting. He added that the Board would have to now re-interview Mr. Bradshaw if they still wanted him to continue as the Zoning Board of Adjustment Attorney.

Chairman Thomas stated that since he was the only candidate involved and that they already conducted a public interview, he wanted to know if they still needed to re-interview him. Mr. Dominach indicated that they needed the Board to formalize the matter. They did so and a motion was made to appoint Mr. Bradshaw as Zoning Board of Adjustment Attorney for 2015. Mr. McCracken seconded the motion and all were in favor.

- **Extension of Time – ZBA -14-00001 – Minor Subdivision**

Mr. Shepherd asked to be recused from voting on the matter and stepped down from the dais since it was his firm that was involved.

Mr. Dominach explained that the Applicant, for various reasons, have not as yet been able to file the deed, but will be ready in a day or so.

Mr. Peter Gallagher, Esq., appeared before the Board on behalf of the Applicant. He indicated that they had received Minor Subdivision approval back in May of 2014, but that various easements needed to be tendered to the Township and the process took a bit longer than they had anticipated. He then testified that they were now prepared to file the deed, however, the approval was just beyond the 190 days given to do so and, therefore, need an extension of time. Mr. Gallagher requested an extension of time of 30 days.

During Board discussion, they agreed to extend the approval for 60 days. Mr. McCracken made a motion for the Extension of Time for 60 days and Mr. Reiss seconded the motion. The roll was called as follows:

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

AGAINST: None

HEARINGS:

- **CENTRAL JERSEY COLLEGE PREP / ZBA-14 00020**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Central Jersey College Prep Charter School. Mr. Lanfrit explained that they were before the Board that evening for approval for Site Plan w/Use Variance in which the Applicant was proposing to construct a gym and sign at School House Road/Belmont Drive, Somerset; Block 517.05, Lot 35.11, in an M-1 Zone.

Mr. Dominach's Zoning report indicated that the Applicant was proposing to construct a gym for use with an existing school as well as install a sign. The following variances were required:

1. D-1 – The school use (gymnasium is an accessory to the school use) is not permitted.
2. Sign variance – 25 sq. ft. maximum permitted, 50 sq. ft. proposed.

Mr. Lanfrit went on to state the Central Jersey College Prep Charter School was a tenant at the aforementioned address. He added that the Applicant wanted to construct a "bubble" for a gymnasium for the charter school. Mr. Lanfrit testified that Central Jersey College Prep Charter School had been in existence since 2006 and that they lease a portion of the building they were in and were granted a Use Variance by the

Zoning Board of Adjustment since 2008. He reminded the Board that there was a time when the charter school was looking to relocate their facility to Old New Brunswick Rd. that did not come to fruition. He stated that they were back in their original location with a long-term lease. Mr. Lanfrit then presented the Board with some background information that had also been provided at the previous hearings. He stated that the charter school serves students from grades 6-12 and their charter grants them the ability to house a total of 340 students, with 314 currently enrolled. He then stated that they shared the building with New Jersey Chinese Community Center, Inc., a small school and cultural center (Approx. 100 students) who has ownership of the building, but that there was no interaction between the two entities. Mr. Lanfrit also stated that the charter school has a small gymnasium as part of their building space and shares that space with the New Jersey Chinese Community Center, Inc. for their afterschool activities a few days a week. Mr. Lanfrit then testified that the Application would not allow for enlargement of the school as far as enrollment for students or any addition of staff. He indicated that they presently have 54 teachers. He then discussed the desire to locate the gymnasium upon impervious coverage and would also involve the relocating of parking spaces.

Chairman Thomas asked whether they plan to have any cross use of the proposed gymnasium with other entities on the site. Mr. Lanfrit indicated that the New Jersey Chinese Community Center, Inc. would continue to utilize the small gymnasium that was within the confines of Central Jersey College Prep Charter School from 5 – 7 p.m.

Mr. Jeffrey Kusmick, Architect, came forward and was sworn in. The Board accepted his qualifications. He marked several exhibits as follows: Exhibit A-1 and Exhibit A-2 were prepared by the Site Engineer, showing the Site Plan with existing building and proposed building as well as an aerial view, and Exhibit A-3, A-4 and A-5, which were architectural renderings. Mr. Kusmick described for the Board the various elements on the Site Plan, showing the portion of the building inhabited by the Applicant, the area used by the New Jersey Chinese Community Center, Inc. and the newly proposed air supported structure (bubble) that was approximately 110 ft. x 118 ft as well as an approximately 2,200 sq. ft. vestibule area to transition from the school into the bubble. Utilizing the partial architectural floor plans (Exhibit A-3), Mr. Kusmick described for the Board what the Applicant plans to include inside the bubble. He noted that it would house one (1) standard-sized basketball court, a small amount of bleacher area and permanently constructed boys and girl's locker rooms on the other side along with a small office area for the physical education teacher. He described the access points, one being from a rear loading dock area that wasn't being utilized by either school. He gave details of how the utilities would be brought into the bubble to service that new space. Mr. Kusmick then pointed out where the dividing wall was located, separating the two schools within the building. He showed the Board, utilizing Exhibit A-3 where the school had planned for a small cardio room and weight room that was presently being utilized as a small, under functioning gym. He added that there was some discussion by the Applicant to convert that space back to a cardio or weight room or possibly a library should the Board act favorably that evening. Mr. Kusmick then testified that the bubble was approximately 32 ft. high from grade level, utilizing Exhibit A-5 and noting that they were well below the required maximum height of 50 ft. in the zone. He then stated that the seating capacity of the bleachers was calculated at approximately 186 people, with space to accommodate 30 players and 13 security

personnel/chaperones, for a grand total of 229 people. He then described what the exterior of the bubble would look like, utilizing Exhibit A-5, noting that there were a set of stairs as well as being handicapped accessible from the interior of the school building. He added that the bubble itself would also be handicapped accessible.

Mr. Shepherd opened a discussion regarding the shape and look of the structure and Mr. Kusmick explained that the bubble was a manufactured structure that he was working with to adjoin the transition area and build out the locker and office areas. He stated that he had been working with Arizona Structures to plan out the interior. A discussion ensued among the Board.

Mr. Rosenthal asked for clarification regarding the cross use of this newly proposed gymnasium with the New Jersey Chinese Community Center, Inc. Mr. Lanfrit stated again that just as they were utilizing the small gym in the weekday evenings between 5-7 p.m., they would also have access to the proposed bubble structure gymnasium for the same time frames.

Chairman Thomas then opened a discussion regarding the material type that would be used for the flooring. Mr. Kusmick indicated that they would either use a wood-type floor or possibly a synthetic material on the floor. Mr. Lanfrit answered the Chairman's question of what activities would take place inside the bubble by stating they would use the facility during the school day for physical education classes and assemblies and possibly weekend or after school hours for science fairs, basketball games, etc. Mr. Lanfrit indicated that they would be agreeable to a condition that the facility would not be utilized for rentals to other organizations.

Mr. McCracken asked about a higher arch design to assist with snow loading on the structure during the winter months. Mr. Kusmick stated that that was something they could discuss as an option with the manufacturer, however the standard 32 ft. high design was built to accommodate that as well as utilizing the HVAC system to provide assistance in that area. A discussion ensued among the Board.

Mr. Craig Stires, Engineer and Principal of Stires Associates, came forward and was sworn in. The Board accepted his qualification. Mr. Stires described the parking areas and the ingress and egress points to the building for the Charter School. Since the addition of the bubble would take away some of the student drop-off area in the rear of the building, Mr. Stires explained that the two busses that would be displaced would queue up along the side of the bubble and continue out of the area in the same circulation pattern as what existed there today. Mr. Stires stated that there would be 100 parking spaces after the bubble was constructed, which he indicated would be more than adequate for teachers and events, combined. Mr. Lanfrit testified that there were presently 8 students who drive to school and park there, but they have to get permission to do so. He added that the Chinese Community school also had 100 parking spaces and none of their students drive and park at the facility. Mr. Stires indicated that there were presently 465 parking spaces on-site and would be reduced to 411 parking spaces after the bubble was constructed. He added that some parking spaces were removed on the Chinese Community school side and replaced with two basketball hoops, but that he did not include these spaces in his parking count. The

Chinese Community school was asked to either fence in the basketball area or remove it, and they opted for removal.

Mr. Stires then discussed the landscaping and lighting plan associated with this proposed addition to the school. He stated that they would be removing four (4) trees, but replacing them with 5 new trees on the Applicant's side of the bubble as well as adding landscaping between the other side of the bubble and the other tenant's portion of the building. He testified that they would have to remove one light pole from the parking area to accommodate the bubble and agreed to do a lighting study to ensure adequate light to the remainder of the parking area and include additional lighting, if necessary.

Mr. Stires indicated that they can comply with most of the comments in the staff reports. He then discussed the present condition of the parking lot, noting that they would like to repair the places that need it and then restripe the whole parking lot in the parking area that was designated only for the Central Jersey Charter School. Mr. Dominach suggested that they agree to speak with the Engineering Dept. as there may be areas that need more than just patching. Mr. Stires agreed to do so.

Mr. Stires then drew the Board's attention to the proposed sign for the site. He stated that they were looking to replace the temporary, canvas sign with a permanent sign located in the front yard of Schoolhouse Rd. He added that the proposed identification sign was 50 sq. ft (5 ft. x 10 ft.), which included the columns on either side of the sign. He testified that the sign itself would actually be somewhat less than the 50 sq. ft. Mr. Healey interjected that schools were only allowed a maximum sign square footage of 25 sq. ft., but in the M-1 Zone signs are allowed to go up to 100 sq. ft. He noted that many signs in the area were much larger than what was proposed by the Applicant.

Mr. Stires testified that they could comply with all the comments in the Township Planner's report.

Chairman Thomas asked if they would be able to accommodate additional busses should the school have a student body increase from the present 313 to the allowed 340 students. Mr. Lanfrit answered that they would not have to increase the number of busses and that they could accommodate any additional students.

Mr. Kevin O'Brien, Planner, came forward and was sworn in. The Board accepted his qualifications. Mr. O'Brien addressed the sign variance, noting the comments from the Mr. Healey, the Township Planner, in both his report and his previous testimony during the discussion regarding the sign size. Mr. O'Brien then drew the Board's attention to the Use Variance and Site Plan approval being requested for the addition of a bubble construction to house a gymnasium for the school. He gave testimony regarding the proofs necessary for the approval of a use variance for the addition of the gymnasium and its compliance with the Municipal Land Use Law (MLUL). He noted that he didn't believe there were any detrimental effects on the neighborhood and felt that the school and the gymnasium were a beneficial use.

Mr. Reiss opened a discussion regarding the effect of events occurring after school hours on the rush hour traffic in the evening hours. Mr. O'Brien indicated that the end of

such sporting events after school would most likely end at the tail end of rush hour and didn't feel it would detrimentally affect the traffic in the area.

Chairman Thomas then opened the meeting to the public for questions and comments of the witnesses presented by the Applicant. Seeing no one coming forward, the meeting was closed to the public.

Chairman Thomas wanted assurances that should the school leave for another site or cease to exist in the future, that something was put in place for the facility. A discussion ensued regarding the possibility of a change of tenant in the future and Mr. Dominach suggested that language be put into any Resolution stating that any new tenant who wants to use the bubble facility would have to come back to the Board for a Use Variance approval. A discussion ensued among the Board. Chairman Thomas felt that the charter school should have the responsibility to also enforce the use and agreements while the Chinese Community Center utilizes the facility. Mr. Lanfrit indicated that they would agree to that condition.

Mr. Tarkan Topcuoglu, Principal of Central Jersey College Prep Charter School, came forward and was sworn in. Mr. Topcuoglu agreed to all the discussions that evening regarding the use and responsibilities for the bubble facility. He also indicated that Mr. Jimmy Wang of the Chinese Community Center understood that he is able to utilize the facility for physical education only on weekdays from 5-7 p.m. when the Charter School was not utilizing the facility. He also agreed to be responsible for enforcing the use of the bubble by the Chinese Community Center.

Mr. Shepherd made a motion to grant the Applicant the variance for the erection and use of the bubble facility by the school as an accessory use, subject to the agreement to allow only the Chinese Community Center to use the facility, but only during the hours stated and for the sole purpose of physical education when the Central Jersey College Prep Charter School was not utilizing the facility. Additionally, the bubble can be no higher than 50 ft. tall in total construction height and that the property cannot be rented or otherwise used by third parties either during the weekdays or on the weekend. Also, in the event that the Central Jersey College Prep Charter School leaves that location, any subsequent user of the bubble must come before the Board to seek use of that facility for their proposed use of the facility. Mr. Shepherd added that they also be granted a sign variance for a sign that was 50 sq. ft. Mr. McCracken seconded the motion and the roll was called as follows:

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

AGAINST: None

- **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 continue the hearing for a 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 Zone - **CARRIED FROM JANUARY 8, 2015 – without further notification needed.**

Mr. Dominach added that every member of the Board sitting on the dais that evening who did not attend the previous hearing on January 8th had signed the affidavit that they had listened to the tape and were eligible to vote if it comes to that this evening. He also added that there was one additional report provided to the Board that night from the Historic Preservation Advisory Commission that was not in the original package from several months ago.

Mr. Dominach's Zoning report indicated that the Applicant was proposing to convert an existing residential structure into a yoga studio and to construct a single family home in an R-20 Zone. The following variances were required:

1. D-1 Variance is required as a yoga studio is not a permitted use in an R-20 Zone.
2. Sign setback: where 20 ft. is the minimum and 10 ft. is proposed.

Mr. Lanfrit stated that at the last hearing they presented the testimony of Mr. Wilkes, the architect, who described both the condition of the existing dwelling on the subject property, the completed restorations and what was proposed for that building should the variance be granted and also the plans for the single family dwelling. Mr. Lanfrit also indicated that the architect dealt with the outbuildings on the property, both those to remain and be restored and those that were planned to be removed. Mr. Lanfrit stated that Mr. Wilkes was questioned by the public at the last meeting.

Ms. Negisa Manabe, Co-Owner & Applicant, came forward and was sworn in. She indicated that she and her husband purchased the property on September 30, 2014. Ms. Manabe indicated that there were three co-owners of the yoga studio. She indicated that she currently owned and operated a yoga studio at the Kingston Shopping Center since 1998, but was the owner only for the last seven (7) years. She stated that the yoga facility they currently operate from was approximately 3,000 sq. ft. She then described for the Board members what yoga was and that her current studio operated 7 days a week. She detailed the class schedule, with 4 classes per day on weekdays, 3-4 classes on Saturdays and one class on Sunday evenings. She indicated what the average class attendance was for the past 2 years, utilizing a handout that enumerated that information. Mr. Lanfrit passed the hand-out to the Board members and entered it into the record as Exhibit A-8. A discussion ensued regarding the class size and how many cars came to the site per class. Ms. Manabe testified that there was no locker room or showers at the present facility she utilizes and that they provide the needed equipment such as mats, blocks and straps; however, some people choose to bring their own mats. She also indicated that there were 12 regular teachers, with a number who substitute teach from time to time who all have 200 hours of training and years of experience. Ms. Manabe stated that when they first came to the shopping

center, it was a quieter center, but that the operations in nearby storefronts has become noisier and they wanted to provide a more calming environment for their students. She added that they would like to keep the same class schedules that they have now as those are what work for the students and would not be looking to increase the number of classes. She agreed to that as a condition of any approval. She stated that although the proposed space could accommodate up to 34 students at any one time, she did not anticipate the classes being much larger than the 11-12 students they have in their larger classes during the weekdays and would most likely occur on a Saturday or Sunday. Ms. Manabe indicated that she took photos of one of the classes being given on a Saturday in January and was fairly typical of what the larger classes look like. Mr. Lanfrit marked the packet of 8 photos as Exhibit A-9 and passed out copies to the Board members for their edification.

Ms. Manabe stated that they were planning on building a single family residence to the rear of the property for her husband and herself to live. She then discussed the plans for the parking lot for the studio, noting that she felt that the planned 22 parking spaces was more than adequate to accommodate the instructors as well as students. She testified that the open space behind the proposed residence would be left in its natural state to enhance the quietness they were looking for. Mr. Shepherd asked if she would be comfortable agreeing to a restriction that they only build those two specific buildings shown on the plan and Ms. Manabe agreed.

Mr. Shepherd inquired as to whether they would agree to a class size limitation of 20. Ms. Manabe stated that they would prefer to have the ability to accommodate 30 students in some of the larger classes on the weekends, but they are in the practice of turning students away should they reach their capacity. Mr. Healey opened a discussion regarding a parking issue, particularly with larger classes that were scheduled back to back.

Chairman Thomas made a motion to open the meeting to the public for questions.

Ms. Meredith Rogers, 17 Laurel Avenue, Kingston, NJ, came forward. Ms. Rogers asked for the percentage of students who come from Kingston and Ms. Manabe indicated that she could go back and get that information through the zip codes, but didn't have that on hand that evening. She then asked Ms. Manabe her choice of locating the yoga studio in the middle of a residential area instead of another location on Rte. 27. Ms. Manabe indicated that they had a very modest operation and it was not financially feasible to purchase something like that. She also asked about whether there could be free classes made available to Kingston residents. Ms. Manabe indicated that she still needed to cover costs and compensate the instructors, but that a discount for Kingston residents was definitely a viable option.

Mr. Barry Pavilack, 35 Laurel Avenue, Kingston, NJ, came forward. Mr. Pavilack asked whether the intent was to maximize the utilization of the yoga studio and Ms. Manabe indicated that it was not their intent to do so.

Ms. Liz Chase, 49 Laurel Avenue, Kingston, NJ, came forward. Ms. Chase indicated that she had a joint property line with Ms. Manabe's property and wanted to know why she chose to put a commercial endeavor in a residential neighborhood. Mr. Healey

indicated that some of her questions were those that would be better asked of the Site Engineer and Traffic Consultant and Ms. Chase deferred her questions to ask of those witnesses.

Mr. Jim Diaforle, 24 Sycamore Place, Kingston, NJ, came forward. Mr. Diaforle asked questions related to the objective of having a yoga studio next to a residential property and how would they be able to afford to rehabilitate the property if their primary objective was not to generate a large profit.

Mr. Gerald Muller, Esq., Millaporto & Muller of Princeton, NJ and appearing before the Board that evening on behalf of Elizabeth Romano, who is a contract purchaser of 26 Sycamore Place, Kingston, NJ. Mr. Muller asked questions of Ms. Manabe's perception of the park across the street and asked how much lighting was on that site. He also questioned her about the number of spaces available at their present facility. He then asked what their workshops entailed and if they booked parties at their facility. Ms. Manabe indicated that the workshops were run by senior instructors and that might be when they would have up to 30 participants that included their own instructors. She also testified that they have never opened up their studio for the 7 years she had co-owned the operation, so she didn't know where someone might have seen advertising for such an event.

Ms. Carol Cook, 21 Rachel Court, Franklin Park, Franklin Township, NJ, came forward. She indicated that she was an instructor at the studio, but wanted to ask a question to clarify Ms. Manabe's testimony regarding their profit in the business. Ms. Manabe answered in the affirmative that they have never raised their rates for classes since 1998, yet the rates charged by the shopping center have gone up every year since its inception. She also stated that they don't charge students when they temporarily lose their job or have financial difficulty so that they can continue to take classes as part of the yoga community philosophy. She also answered the question posed about whether she took a salary for her administrative work or teaching at the studio in the negative.

Ms. Sue Rocko, 30 Sycamore Place, Kingston, NJ, came forward. She asked Ms. Manabe whether or not she would be contemplating a community garden where people would be coming onto the property. Ms. Manabe indicated that she did not have any anticipation of doing that or anything else on the open space property behind their proposed home.

Ms. Sue Stember, 72 East Countryside, came forward. She wanted to know if their experience was with students who have pain in their backs and stiffness in their joints. Ms. Manabe indicated that they do have many people who come to practice their type of yoga for that very benefit. Ms. Stember stated she was 92 years old and would have all her original knee caps and body parts without practicing yoga at their studio.

Ms. Christina Clam, 2 Union Street in Kingston, NJ, came forward. She was interested to know if there would be any music or drums played during workshops. Ms. Manabe stated that they were very strict and their classes were strictly about yoga practice.

Board Attorney, Mr. Bradshaw asked if they would be practicing yoga outside the building at all and Ms. Manabe answered in the negative.

Mr. Andrew O'Brien, 10 Shell Drive, Kingston, NJ, came forward. He wanted to know if the Friendly Rental business near their present location was new and Ms. Manabe answered that it was not, but there seemed to be more machine activity in the past few years.

Seeing no one further coming forward, the Chairman closed the meeting to the public for the testimony of Ms. Manabe.

Mr. Lanfrit asked for a 5-minute recess, which Chairman Thomas granted.

Mr. F. Mitchell Ardman, Engineer, employed with the Reynold's Group, came forward and was sworn in. The Board accepted his qualifications. Mr. Ardman then described the property. Mr. Ardman entered into the record as Exhibit A-10, which was an aerial map of the neighborhood and discussed the two different zones represented. He then entered into the record as Exhibit A-11, which was the enlarged, colorized dimension plan that was also included in the submission. He pointed out the other residential structures surrounding the proposed property. He then discussed the demolition and removal of some accessory structures on the property and how they were trying to keep the residential look to the driveway and parking area for the yoga studio as well as the screening to the other residential properties surrounding this one. He spoke of redirecting the present driveway so as not to have a straight look at the parking lot from the street and tuck it behind the yoga studio, but be able to see the barn on the property. He showed where the detention basin would go and that it would be planted with landscaping materials. He did indicate that they were planning 18, plus 2 handicapped parking spaces, for 20 spaces in total. He did indicate that there would also be an available area for two additional parking stalls to total 22 parking spaces on-site. He then spoke about preserving some mature trees that they were looking to keep on the property and working around those areas when locating the newly proposed home in the rear of the property. He said that they were looking to enhance the landscaping on the property as well as screen the neighboring properties. He spoke of adding a 6 ft. solid wood fence along Laurel Avenue residences along with evergreens to supplement them. He indicated that there would be street trees added along Sycamore and adding screening to the residence near the parking area. Additionally, the detention basin would be planted with wildflowers in the bottom of the basin to naturalize it. Included would be a 22 ft. wide two-way driveway, with 24 ft. drive aisles in the parking lot.

Mr. Ardman then referred to Exhibit A-1 to discuss the driveway width as it related to the street width and that there would be enough room in the driveway for two way traffic. He then spoke about the possibility of having restricted turning out of the driveway, if desired, toward Laurel Avenue. He stated that emergency vehicles still would have adequate access to the site. He then spoke about the availability of 25 % impervious coverage and only utilizing 9.8%. He then drew the Board's attention to the storm water management system (detention basin) to reduce storm water off-site and noted a drainage improvement for the residences as the water would be piped down Sycamore Place to the corner at Laurel.

Mr. Ardman then spoke about the small scale lighting (12 ft. high LED lights with good directional coverage) that was proposed for the property and would be utilizing the warmer type of lighting. Finally, he stated that they would add a back shield on the fixtures near the Laurel Avenue residential structure so there would be no light spillage. He indicated there would be two poles along the driveway and two on either side of the parking lot. Refuse would be handled inside the studio and no outside storage of trash. Lighting would be on only for Monday – Thursday later classes and Sunday evening classes with lights being on only during classes.

He entered into the record as Exhibit A-12, a residential subdivision comparison plan with a rendering showing what could be constructed on the property if the Application presented was not approved. He discussed what could be proposed and approved, with a 26 ft. road and a 50 ft. right-of-way and a cul-de-sac at the end of the roadway. He indicated that it could be built out to 27% impervious coverage and still meet all the bulk standards for the R-20 zone.

Mr. Ardman then testified that he reviewed all the staff reports generated as a result of the Application. He indicated that he did not have any problem working out all the details noted on the Township Engineer's report. He was asking for relief from the Board to provide curbs and wider roadways to Township standards in order to keep the area less developed in keeping with the character of the area. Utilizing Exhibit A-11, the Dimension Plan, he discussed the Township Engineer's request to put in a sidewalk along the southwest side of the parking lot for access and didn't think it was necessary or appropriate. He noted access points from the front porch and a rear porch with ramp for access. He also discussed the need for concrete curb within the parking area and along the parking lot area as requested by the Township Engineer. Mr. Ardman then drew the Board's attention to the type of driveways in the area. He testified that their survey did not come up with any easements, exceptions, deviations or liens on the property. He noted the Township engineer's request for No Parking signage, but felt it would not be appropriate for the project, but would include them if the Board felt they were necessary. Mr. Lanfrit stated that the Fire Official indicated that he would agree to waive the requirement for No Parking Signs, but reserved the right to require them if it became a problem. Mr. Ardman asked for a waiver to keep the drive aisles in the parking lot at 24 ft., but ceded that some of the driveways in the area were not as wide as even that and he agreed with Mr. Healey that they could safely go to 20 ft. wide. Mr. Ardman then discussed the lighting plan and asking that they not have to increase the lighting, as suggested in the Township Engineer's report, to minimize light spillage onto neighboring properties. He then testified that they would agree to comply with everything in the sections on landscaping and storm water management requirements as well as the comments under the construction detail section. He then discussed the 17 sq. ft. sign proposed at the entrance driveway, stating that it would not be lit in anyway. Mr. Healey referred to the Historic Commissions letter that took exception to the proposed freestanding sign as they felt it would have a negative visual impact on the historic site and the local historic district. Mr. Ardman indicated that, perhaps, a compromise would be just to have the logo, a ginkgo tree leaf, on the sign that would not be as large as proposed. Mr. Lanfrit indicated that they would have discussions regarding that issue between now and the next hearing. Mr. Ardman then discussed the rationale behind the provision for parking on-site. He said that the Applicant would agree to stagger classes with a 30 minute interval between the end of one class and the

beginning of the next to avoid any parking issues. He then testified that they would be able to comply with the request from the Historic Commission to provide more residential looking lights along the driveway. He also agreed to provide more buffering and extend the line of evergreens to better screen #26 Sycamore. The Applicant agreed to save as many trees on-site as possible, but would provide additional trees according to the calculations.

Chairman Thomas then opened the meeting to the public for questions of the site engineer.

Ms. Serine Hasham, 47 Laurel Avenue, Kingston, NJ, came forward. Ms. Hasham asked how having a yoga center with many strangers entering the property was a better alternative for the neighborhood than six residential properties. Mr. Ardman indicated that his statements regarding that were strictly based upon the impact and impervious coverage to the land itself. He also stated that they were providing a 6 ft. fence and landscape screening, which he felt would successfully screen her backyard from the parking area.

Ms. Meredith Rogers, 17 Laurel Avenue, Kingston, NJ came forward. She asked Mr. Ardman if they were planning to provide an asphalt driveway or gravel. Mr. Ardman stated that with the parking lot, they were asked to provide an asphalt driveway, which would also conform to some of the newer homes in the area. Ms. Rogers then asked about the proposed wildflower plantings in the detention pond, wondering how they would survive there in a wet environment. Mr. Ardman stated that they were proposing a wet basin bottom mix of wildflowers. Ms. Rogers asked about the post rail fence along the undeveloped portion of the property in the rear. Ms. Manabe indicated that the fence was currently in disrepair and the plans were to replace the fence with the same kind of fence. Finally, Ms. Rogers inquired about whether they were going to provide sidewalks, and Mr. Ardman answered in the negative.

Mr. Al Russo, 34 Sycamore Place, Kingston, NJ, came forward. Mr. Russo asked for clarification regarding the Historic Commission's position regarding the parking lot. Mr. Dominach indicated that the Commission took exception to the commercial design of the parking lot.

Mr. Doug McCloud, 25 Union Street, came forward and was sworn in. Mr. McCloud directed his questions to Mr. Ardman regarding the detention pond. He also asked if a barrier fence was planned for the detention basin and Mr. Ardman indicated that it was not planned, but it could be included.

Mr. Jim Diaforle, 24 Sycamore Place, Kingston, NJ, came forward. Mr. Diaforle asked for an explanation regarding the drainage for Sycamore Place. He also opened a discussion regarding the use of the property should the yoga studio cease to exist. Mr. Dominach indicated that any other use of the property would have to be brought before the Board for approval.

Ms. Susan Goldy, 281 Abbe Drive, came forward. Ms. Goldy was concerned about the noise that would be generated by people coming and going to the yoga studio and

wanted to know if they had planned any mitigation to reduce that impact on the neighborhood.

Mr. Chris Pollard 39 Laurel Avenue, Kingston, NJ, came forward. Mr. Pollard was interested in seeing a plan for a build-out of residential homes and Mr. Lanfrit stated that the proposal was for a yoga studio a single family home and open space in the rear

Mr. Gerald Muller, Esq., Millaporto & Muller of Princeton, NJ and appearing before the Board that evening on behalf of Elizabeth Romano, who is a contract purchaser of 26 Sycamore Place, Kingston, NJ. He asked questions regarding the lighting, parking lot and width of driveway.

Mr. Andrew O'Brien, 10 Shell Drive, Kingston, NJ, came forward. Mr. O'Brien inquired about who owned the parkland across the street and Mr. Dominach indicated that the Township owned the land.

Philomena Russo, 34 Sycamore Place, Kingston, NJ, came forward. Ms. Russo gave the name of the owner of the property and stated she would provide a letter representing her views as she was out of the country presently. A discussion ensued among the Board.

Ms. Christina Clam, 2 Union Street in Kingston, NJ, came forward. Ms. Clam asked if they could provide a row of landscaping, then fence and then another row of landscaping to help a little bit with the noise. She also asked about drainage issues from the newly built home.

Ms. Liz Chase, 49 Laurel Avenue, Kingston, NJ, came forward. Ms. Chase asked whether the fencing and landscaping would continue to the rear of the property and if there was any other plans to mitigate the noise generated from the parking area.

Mr. Frank Choffey, Princeton Junction resident, came forward. Mr. Choffey asked whether the property was ever utilized commercially. Mr. Ardman indicated that he did not research that and would be a question for the Planner.

Ms. Sue Rocco, 30 Sycamore Place, Kingston, NJ, came forward. Ms. Rocco asked for the type of evergreens they were proposing to plant for screening. Mr. Ardman stated that they were going to plant Leyland cypress, which he indicated grow tall and fairly quickly. She also opened a discussion regarding a possible no left hand turn sign at the end of the driveway.

Seeing no one further coming forward, the Chairman closed the public portion of the meeting. Because of the late hour, Chairman Thomas closed the proceedings for that evening and asked for another date for a continued hearing. Mr. Dominach stated that they would meet again to continue the hearing – **CONTINUED UNTIL MARCH 5, 2015, with no further notification required.**

DL - 04/01/2015

WORKSESSION/NEW BUSINESS

There was no new business

MEETING ADJOURNED

Mr. Shepherd made a motion to close the regular meeting at 11:00 p.m. Mr. McCracken seconded the motion and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
March 13, 2015