

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

REGULAR MEETING
October 15, 2015

This special 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, Laura Graumann, Donald Johnson, Bruce McCracken, Alan Rich, Joel Reiss, Cheryl Bergailo and Chairman Thomas

ABSENT: Robert Shepherd, Gary Rosenthal and Anthony Caldwell

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

HEARINGS:

- **1340 HAMILTON STREET, LLC / ZBA-15-00010**

Site Plan in which the Applicant was proposing a gas station and retail stores. This matter had previously received Use Variance approval for said uses at 1340 Hamilton Street, Somerset; Block 90, Lots 1 & 2, in the M-2 Zone - **CARRIED DECEMBER 17, 2015 – with no further notification required.**

- **150 PIERCE STREET, LLC / ZBA-15-00011**

Use Variance w/Site Plan in which the Applicant was proposing to convert a portion of a building into a charter school at 150 Pierce Street, Somerset; Block 468.08, Lot 2.02, in the M-2 Zone - **CARRIED TO NOVEMBER 12, 2015 – with no further notification required.**

- **AI HOLDINGS, INC / ZBA-15-00012**

Ms. Catherine Cobb, Esq., Attorney with the offices of Peter Lanfrit, appeared before the Board on behalf of the Applicant, AI Holdings. Ms. Cobb explained that the hearing that evening was for a Use Variance w/waiver of Site Plan in which the Applicant was asking permission to set up a vocational school in a building at 80 Cottontail Lane, Somerset; Block 530.04, Lot 2.03, in the CB Zone - **CARRIED FROM OCTOBER 01, 2015 – with no further notice required.**

Mr. Dominach's Zoning report indicated that the Applicant wanted to occupy a portion of a building for vocational school use in a CB Zone. Also noted was that a D-1 variance was required as the use was not permitted in the CB Zone.

Ms. Cobb explained that schools were an inherently beneficial use and that testimony that evening would show that the proposed site was particularly suited to the proposed use and that there would be no detriments to the public good with the approval of the use.

Mr. Christopher Coutts, President and COO of American Institute (AI), came forward and was sworn in. Mr. Coutts explained what the school does and some background history for the Board's edification. He noted that the school had its beginnings in 1924 in Connecticut and had expanded to other locations in Clifton, NJ (2006), Toms River, NJ (2013) and Margate, FL. Mr. Coutts explained that they teach courses for dental assistants, medical assistants, computer network & security and diagnostic medical sonography as well as medical coding and billing. He then spoke about their community involvement as well as community service in the towns where the schools were located, including blood drives, bone marrow drives, raising funds for breast cancer as well as domestic violence. He also noted that the American Institute was an accredited school where students could obtain federally funded financial aid. Mr. Coutts indicated that, should the Application be approved that evening, they were hoping to be able to offer their first classes at the Somerset location in May of 2016. He added that the days/hours of operation would be Monday through Friday for classes and Saturdays for tutoring. He explained the split schedule concept the school uses, allowing half the students to attend classes on Monday, Tuesday and Wednesday as well as on-line, and the other half to attend classes on Wednesday, Thursday and Friday as well as online to allow for a smaller classroom footprint. The hours of operation during the daytime would be 8:30 am to 2:30 pm., and they were open till 4:00 p.m. on Fridays. He indicated that they also offer evening classes from 6 pm to 10 pm, Monday through Thursday. He then described the typical background of their students, noting that all students have high school diplomas and diagnostic medical sonographers were required to have a four-year college degree. Mr. Coutts stated that the school would have approximately 250-260 students, with approximately 60 students on campus at any one time. He noted that students would drive themselves or carpool with others to get to classes and that there would be between 6 and 10 teachers and 7-10 administrative employees. Additionally, he indicated that these employees would be new hires for the facility. Mr. Coutts then testified that of the 88,312 sq. ft. building, only 67,500 sq. ft. was rentable space. He indicated that the remainder was made up of common spaces such as hallways, restrooms, atrium, and cafeteria and noted that about 71% of the building was occupied presently. Mr. Coutts stated that they were planning on renting 6,358 sq. ft. and believed that there was adequate parking available for staff and students, noting that the landlord stated that there had not been a history of any parking shortage. In the unlikely situation where there would not be enough parking, Mr. Coutts indicated that he had worked out an agreement with the hotel next door to use their parking lot for student parking. He then explained why they chose the proposed building to house the school, noting that they like the close proximity to Rte. 287, to provide a regional presence in Central Jersey, and because there was a very good population for employment opportunities. Mr. Coutts added that the school provided internships and job placement. He indicated that they were planning on re-striping the parking lot and creating classrooms and offices within the 6,358 sq. ft. of space they were renting.

Vice Chair Graumann asked what courses would be offered at the school, and Mr. Coutts indicated that they would offer a small diagnostic medical sonography program as well as programs for medical assistant, dental assistant and computer networking.

Mr. Dominach reminded the Applicant that they should ask for the square footage they need and the number of students they anticipate now, because if their needs change, even in a short period of time, they would have to come back before the Board to review the project again. Mr. Coutts indicated that he would want to ask to allow for up to 300 students. A discussion ensued among the Board. Mr. Coutts indicated that Rutgers had space in the building as well as a few computer firms.

Mr. Reiss opened a discussion regarding the traffic during the afternoon rush hour and asked about a traffic report. Mr. Dominach indicated that they felt comfortable enough to ask the Applicant to provide a traffic summary for staff to review, as a condition of any approval. He explained that an approved use would have approximately the same population for the 6,358 sq. ft. they would be renting; however, because the school would be using the space during off peak hours, there would actually be less of a traffic impact than if the space was occupied by an approved use.

Mr. Kevin O'Brien, Planner, came forward and was sworn in. The Board accepted his qualifications. Mr. O'Brien described the proofs necessary to be provided by the Applicant in order for a Use Variance to be granted. He indicated that the requested use was an adaptive re-use of vacant office space, which he stated was up to 30% in the State of New Jersey at that time. He described the idea of the school as a long-term tenant at a very appropriate location near Rte. 287 and near the roadway network and would provide a positive economic impact by adding jobs to the location and the neighborhood as well as a positive effect on services and shops in the area. He discussed the special reasons, noting that schools were considered inherently beneficial by the State of New Jersey, as well as the positive and negative criteria. Mr. O'Brien testified that there would be no negative impact to the site or community.

Board Attorney, Mr. Patrick Bradshaw, asked if there would be signage for the school, and Ms. Cobb indicated that there would a sign within the existing directory at the site.

Ms. Cobb indicated that they could comply with all comments in the staff reports, and would have to have the landlord discuss an item with the Assistant Township Engineer to gain understanding and agreement. Mr. Dominach stated that the Applicant agreed to provide a summary traffic report and Mr. O'Brien indicated that the County did a separate traffic study, noting that there would be an additional seven (7) trips generated by the subject use compared to what would be generated by the building if it were at capacity.

Seeing that there was no public in the chambers, Chairman Thomas noted the same for the record.

Vice Chair Graumann made a motion to approve the Use Variance, subject to the professional reports, with a limitation of 300 students and 6,358 sq. ft. of space. Mr. Johnson seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Vice Chair Graumann, Mr. Johnson, Mr. McCracken, Mr. Rich, Mr. Reiss and Chairman Thomas

WORKSESSION/NEW BUSINESS

There was no new business

MEETING ADJOURNED

Vice Chair Graumann made a motion to adjourn the meeting at 7:55 p.m. The motion was seconded and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
October 26, 2015