

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

**REGULAR MEETING
July 7, 2016**

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 Robert Thomas, Chairperson, at 7:30 p.m. The Sunshine Law was read and the roll was called as follows:

PRESENT: Raymond Betterbid, Alan Rich, Anthony Caldwell, Gary Rosenthal, Joel Reiss, Cheryl Bergailo and Chairman Thomas

ABSENT: Laura Graumann, Donald Johnson, Bruce McCracken and Robert Shepherd

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

MINUTES:

- **Regular Meeting – June 2, 2016**

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

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

AGAINST: None

DISCUSSION:

Vouchers:

- **Patrick Bradshaw – July Retainer - \$865.00
-DeSapio Resolution - \$157.50**

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

HEARINGS:

- **JACOB & MARYKUTTY KURIAKOSE / ZBA-15-00001**

Use Variance in which the Applicant was requesting to convert from home occupation to professional office at 1174 Easton Avenue, Somerset; Block 386.17, Lot 133.01, in an R-20 Zone - **CARRIED FROM June 2, 2016 – TO BE HEARD AT A SUBSEQUENT DATE - WITH NOTIFICATION REQUIRED.**

- **MATSON CONSTRUCTION, INC. / ZBA-16-00019**

Variance in which the Applicant was requesting permission to build a single family home at 10 Maxwell Lane, Somerset; Block 449.01, Lots 7-15, in an R-20 Zone - **CARRIED TO JULY 21, 2016 – with no further notification required.**

DL - 10/07/2016

- **REGENCY HERITAGE NURSING & REHABILITATION CENTER / ZBA-16-00014**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Regency Heritage Nursing & Rehabilitation Center. Mr. Lanfrit was there that evening to present an Amended Site Plan w/Appeal in which the Applicant was proposing to construct a paver patio and walkway at 380 DeMott Lane, Somerset; Block 386.07, Lot 53.01, in an R-20 Zone - **CARRIED FROM JUNE 16, 2016 – with no further notification required.**

Mr. Dominach's Zoning report indicated that the Applicant was proposing to construct a paver patio and walkway for use of the existing nursing and rehabilitation center.

The report noted that there was one variance required:

1. Impervious coverage: 25% maximum was allowed, 41.89% existing and 42.57% proposed.

Mr. Lanfrit stated that the reason they were there that evening was because the Applicant's project currently exceeded impervious coverage. He explained that the reason they were currently in the situation was because the nursing and rehabilitation center was located within a residential zone and the impervious coverage standards were based upon residential uses. He indicated that the nursing home was obviously not a residential use.

Mr. Albert Morris, Corporate Administration for Regency Heritage Nursing & Rehabilitation Center. Mr. Morris testified that the nursing/rehabilitation home had 265 beds in it. He also noted that Regency Heritage had operated a nursing home there since 2007, but that it had operated as a nursing home for over 25 years prior to that. Mr. Morris explained that there was one small space at the end of the building for outdoor seating for residents, but could only handle about 25 people. He added that the Application before the Board that evening was an Amended Site Plan to construct an additional outdoor patio for the residents' use. Mr. Morris explained that they started to construct the patio and found out when they came in for a permit

to add the lighting that they were over the limit for impervious coverage by approximately 0.7%.

Mr. Michael Ford, Engineer & Planner, employed with Van Cleef Engineering, came forward and was sworn in. The Board accepted his qualifications. Mr. Ford testified that the subject property met all the requirements of the zone other than the coverage variance noted. Mr. Ford then explained that the proposed patio was going to be located within a courtyard area that was created by the wings of the building and not visible by the adjoining properties and approximately 300 ft. from DeMott Lane. He then indicated that the overage in impervious coverage amounted to approximately 3,300 sq. ft. Mr. Ford then indicated that the patio would be comprised of brick pavers and surrounded by landscaping, to include ornamental pines. He added that there would also be some small, pole mounted lighting fixtures, residential in character and decorative in nature. Mr. Ford went on to discuss that they exceeded the impervious coverage because the coverage was based upon residential zone standards and not for the more commercial environment of the nursing/rehabilitation center. He went on to state that there was an existing storm water detention basin on the site, and that they provided a Storm Water Management Analysis as part of the Application that illustrates that the patio project would have a negligible impact. Mr. Ford then noted that the Township Engineering report seems to agree with that opinion. He stated that he sees no negative impact should the Board choose to approve the Application.

Mr. Ford testified that he had reviewed all of the staff reports in conjunction with the Application, indicating that he wanted to discuss Items #3 & #4 in the Engineer's report regarding light pole height and foot-candles. Mr. Ford stated that they had proposed 7 ft. high lights, acting more as a decorative feature and not as a function feature. He stated that the brick paver patio was outside of residents' bedrooms and was not intended for night time use. He then asked for a waiver for Item #4 for foot-candle provision as the lighting was not for any functional use. Additionally, Item #10 asked for outstanding deed information related to an approval in 2001, but Mr. Lanfrit noted that it did not include the property in question. Mr. Dominach stated that the deficiencies noted were related to other lots on the campus, and had nothing to do with the subject lot and project.

Chairman Thomas then opened the meeting to the public with any questions or comments. Seeing no one coming forward, the Chairman closed the meeting to the public.

Mr. Betterbid made a motion to approve the Application with Variance, including all items discussed. Mr. Reiss seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Mr. Rich, Mr. Caldwell, Mr. Rosenthal, Mr. Reiss, Ms. Bergailo and Chairman Thomas

AGAINST: None

- **EDWARD POTOSNAK & JEREMY PYKE / ZBA-16-00015**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Edward Potosnak & Jeremy Pyke. Use Variance in which Applicant was seeking approval to continue use of second structure on the premises as an apartment at 1008 Canal Road, Princeton; Block 19, Lots 22 & 23, in the CP Zone.

Mr. Lanfrit explained that the property was purchased by the Applicants earlier in 2016 and that they were before the Board that evening to seek approval to use the barn on the property as a residential dwelling, noting that they have a letter from the prior owner stating that they did convert a portion of the barn for residential purposes. In the letter, Mr. Lanfrit indicated that the seller of the property believed she had obtained all of the necessary permits in order to do that. He added that the prior owner's action did not predate zoning (1980's), so it was not an issue of being grandfathered. For the record, Mr. Lanfrit indicated that both he and Mr. Potosnak looked through the records to see if they could find any records of any permits issued regarding the barn in the municipality offices. Finding none, they were there before the Board that evening to seek a Use Variance for the use of the barn as a residence.

Mr. Edward Potosnak, Owner/Applicant, came forward and was sworn in. Mr. Potosnak stated that he purchased the property in April of 2016, stating that it was approximately 4 acres in size. He then noted that, currently, there were multiple structures on the property, including the single-family home, the barn and a few outbuilding structures. He stated that it was unclear what some of the outbuildings were used for other than a few chicken coops, with some having fallen into disrepair. He then also explained that the single family home on the property was the historic John Honeyman Home, a 270+ year old home, and was very excited about looking into restoring it. He indicated that the home had been neglected in some ways and there were some structural issues caused by a bad foundation. Mr. Potosnak indicated that the previous owner took care of the foundation issues, but did not take care of the issues caused by those issues. He also indicated that the main priority for the house was to rehab it and maintain it to continue as an historical structure. Mr. Potosnak then described the location of the barn structure on the property as being behind the home, halfway between the street and back area of the canal. He then described the interior of the barn for the Board's edification. He included a full bathroom/utility sink, stand up shower and washer and dryer on the first floor under the stairs going up to the second floor apartment. He added that the apartment included two bedrooms, with closets, and a main living space that was an open area with a living room and kitchen.

Mr. Lanfrit then entered into the record as Exhibit A-1, eight (8) photographs taken by Mr. Pyke, the Co-Applicant, in early May of 2016. Mr. Dominach noted that Mr. Potosnak appeared before the Historic Commission on Tuesday, July 5, 2016, who approved the renovation plan for the barn. He also added that Mr. Potosnak had an informal conversation with the Historic Commission regarding the house and will be coming back in the future for the formal application. Mr. Potosnak then explained that the first two (2) photographs in the exhibit were of the barn's exterior. He then described the general condition of the barn, stating that it needed a lot of work and had some water damage from water infiltration. He then noted that the roof needed to be replaced, along with some beams that were water damaged. Some of the photos show that a portion of the barn was being used for storage and residential purposes. Other photos showed the bathroom/shower and washer/dryer on the lower level as well as photos showing the upstairs apartment. Mr. Potosnak then discussed the specific

renovations that were planned for the barn, including roof options that included the use of a standing seam in a silver color, redo all of the siding (board and batten) with new insulation. He also explained that the interior stairway going up to the second floor apartment would be removed and placed outside leading to an outdoor deck to maximize the indoor space and utilizing French doors as the main entrance to the apartment. Mr. Potosnak then discussed his conversations with the realtor regarding how the barn apartment came to be. He noted that they were emphatic that the barn apartment had been done appropriately. He then added that one of the conditions of the original offer was that they would furnish any documentation available, but noted they might have trouble since it had been over 30 years since it had been constructed. In the end, Mr. Potosnak stated that the previous owner was not able to find any documentation, but did provide a signed letter describing how the barn apartment came to be. Mr. Lanfrit then entered into the record as Exhibit A-2, a letter dated April 29, 2016 addressed to Mr. Potosnak and Mr. Pyke from the previous owner.

Mr. Bradshaw inquired about whether the Applicants had an attorney at closing and whether there was an escrow held open. Mr. Lanfrit indicated that he did not represent the Applicants at closing and that they closed on the property without having all the relevant documents. He did note that he did a request and they did find certain permits that were issued to the former owner for some of the work done, including tank installation and tank removal all subsequent to 1984, that have no bearing on what was being discussed that evening.

Chairman Thomas then opened a discussion regarding the sewer system and discussions noted in the letter of Exhibit A-2 from the previous owner of excluding the property from the sanitary sewerage system. Mr. Lanfrit indicated that the main house was serviced by public sewer and the barn was serviced by a septic system, which had been recently inspected.

Mr. Potosnak indicated that his plan was to rehab the barn first and live in the barn while the main house was being rehabbed. He also stated that his plan was to move into the main home once it was completed and keep the apartment as a second residence on the property. Mr. Potosnak stated that he had already met with the Historic Commission and agreed to comply with all of their requests and requirements. He also agreed to go back before the Historic Commission with the renovation plans for the main house when they are ready. Mr. Potosnak was also aware that he may need additional approval from the Delaware & Raritan Canal Commission (DRCC). He noted, for the record, that the residential space in the barn was comprised of approximately 800 sq. ft.

Mr. Rosenthal noted that there was no correspondence from the Tax Collector's office and wondered if all the taxes were up to date. Mr. Lanfrit indicated that since the Applicants had just closed on the property, the taxes would all have had to be paid.

Ms. Bergailo inquired as to what the flood elevation was at the barn. Mr. Potosnak indicated that the barn was in the 500 year flood plain, but did not have the official flood elevation number. She then asked if the habitable floor level of the apartment was above that level, and Mr. Potosnak indicated that it was way above that because he had checked with the Township's FEMA expert. He went on to state that the Township's expert indicated that the highest flood level recorded was during Hurricane Floyd and was south of the barn's location. Ms. Bergailo then asked if she knew whether he would be required to move the bathroom up to the second floor. Mr. Potosnak indicated that the plans for the barn apartment include a bathroom on the second floor, but that the plumbing for the bathroom and utility area on the

first floor was into the foundation slab, so there would be holes in the floor if the plumbing was removed.

Mr. Betterbid inquired as to who John Honeyman was and Mr. Potosnak gave a brief history.

Mr. Healey then stated that the Technical Review Committee (TRC) had some comments, including lot consolidation as a condition of any approval. Mr. Lanfrit stated that they did not have any problem with complying. Mr. Healey then discussed the concern the Township had when they heard the property was up for sale, but Mr. Potosnak has come forward with a proposal to preserve the home and barn. Mr. Healey suggested to the Board that should they decide to grant the Use Variance, it should be subject to the Applicants complying with every condition of the Historic Commission, including whatever improvements were being made to the barn as well as the house. Mr. Lanfrit stated that they did not have a problem with that condition, and they were planning to go before the Historic Commission for them to review the house plans when they are completed anyway. Chairman Thomas then opened the meeting to the public for questions or comments. Seeing no one coming forward, the meeting was then closed to the public.

Mr. Reiss made a motion to approve the variances requested. Mr. Betterbid seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Mr. Rich, Mr. Caldwell, Mr. Rosenthal, Mr. Reiss, Ms. Bergailo and Chairman Thomas

AGAINST: None

- **DeSAPIO PROPERTIES #ELEVEN, LLC / ZBA-16-00016**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, DeSapio Properties #Eleven, LLC. Variance in which the Applicant was requesting permission to use the property as a school at 602 Franklin Blvd./515 Lewis St., Somerset; Blocks 233/234, Lots 2-6/14-15, in the HBD/OP Zone.

Mr. Lanfrit indicated that the building the Applicant wanted to use was the old Post Office building on Franklin Boulevard. He noted that DeSapio Properties owned the property and had entered into a lease with the Center School to use the property as part of the school. Mr. Lanfrit then reminded the Board that the Center School had been before the Board a few years ago and purchased a building on 2 Riverview Drive. He indicated that the subject property would be an additional building that they would use for students who have graduated from the Center School. Mr. Lanfrit stated that he had three witnesses, including the architect, if needed to testify. He also added that there were minimal architectural changes to the building

Ms. Marcy Fiorentino, Director of the Center School, came forward and was sworn in. Ms. Fiorentino explained that the Center School is a non-profit, special needs school and currently serve the needs of roughly 110 students from Somerset, Middlesex, Morris, Hunterdon and sometimes Monmouth and Union counties. She stated that their main campus was in Somerset at 2 Riverview Drive, and that they just finished their second year at that location. Ms. Fiorentino then testified that they had just signed a lease to rent the property in order to

provide continuing job/career training to students who have graduated from high school until the age of 21 where they can receive additional academic support and include community based career instruction where they would be in local businesses to receive job training. Ms. Fiorentino explained that the main location at 2 Riverview Drive was for the education of students from Kindergarten to age twenty-one (21). She explained that the school at the subject property would be for those who have gone through thirteen (13) years of schooling, but still need support in areas such as financial literacy and some of the other things that are learned much earlier, so that they need not be going to school with first and second graders. Ms. Fiorentino stated that the proposed school would start out with four (4) students, but could go up as high as fifteen (15) students at capacity. She then added that the local school districts would transport the students either by small bus, van or, if they allow it, a car service, but might have a few students who might drive themselves. Ms. Fiorentino testified that the school would start out with two (2) teachers and would go up to as many as five (5) with job coaches. She then described what a job coach would do, indicating that they would go to a local community business and assist with the job training of the student. She then testified that the hours of operation would be roughly between 8:15 a.m. and 3:00/3:15 p.m., Monday through Friday. She then testified that there would be no activities on the weekends and that there might be a social gathering two or three times a year on a weekday evening. Ms. Fiorentino then took the Board through a typical day in the life of a student at the Center School, including some type of speech and/or language instruction, reading and math instruction, financial literacy, and then to a local business that would collaborate with the school to provide the students with on-site job training for approximately an hour to two hours and then back to the school. She noted that the school has two (2) vehicles that would be able to transport the students to and from the local businesses. Ms. Fiorentino then indicated that all of the teachers and job coaches would be at the school location in the morning hours, with the job coaches travelling with the students to local businesses to assist with on-site job training.

Ms. Fiorentino then described the property as being located on the southeast corner of Franklin Boulevard/Lewis Street intersection. She added that the property included the former Post Office building and parking area to the rear that accommodated 17 parking spaces. She then stated that they had included the parking lot across the street, which was also owned by the Applicant, and had an additional 37 parking spaces. However, Ms. Fiorentino testified that she believed that they could function quite nicely utilizing only the parking area on the former Post Office property. She then indicated that they would like to replace the Post Office sign on the building that fronts Franklin Boulevard with one of the same size that says The Center School.

Mr. Reiss inquired as to who supported the school, and Ms. Fiorentino stated that the school was supported by the local school districts.

Mr. Craig Stires, Engineer and Principal of Stires Associates, PA, came forward and was sworn in. The Board accepted his qualifications. He then testified that he had prepared the Preliminary and Final Site Plan as well as the Use Variance Plan consisting of four (4) pages. Mr. Stires then stated that the former Post Office site met all of the zone requirements of the Hamilton Street Business District. He added that the parking lot across the street also met all of the bulk requirements of the zone, with the exception of lot coverage, which was over what was permitted (45% allowed, 63% existing/proposed). Mr. Stires then gave the Board a brief overview of the former Post Office site in how it was laid out and how it functioned. He noted

the loading dock at the back of the building and the parking area that used to store the Post Office mail trucks, but was not striped in any way. He then explained that they planned to convert the old loading dock into a somewhat raised patio with new steps and railing. Mr. Stires then drew the Board's attention to the paved area, noting that they planned to make it into a parking lot and more pedestrian friendly by striping the lot and adding a walkway in front of the building between the cars and the building itself. He also indicated that they were planning to add a new, handicapped accessible sidewalk along the side of the building on the opposite side that would face Lewis Street. He also testified that they were planning on adding a dumpster area and would restore two corners of the parking area back to pervious area. He added that there would be three (3) handicapped parking stalls that were van accessible, so that one could technically be used for drop-off/pick-up of students, if necessary. Mr. Stires testified that the impervious coverage on the former Post Office site was currently 75%, with 85% allowed in the HBD Zone. After completion of rehabilitation of the site, Mr. Stires indicated that the impervious coverage would then go down to 72%. He then drew the Board's attention to lighting on the site and stated that the rear of the building was currently lit as well as the other side of the building, but that he hadn't checked the lighting levels at that point. He also testified that they would bring the lighting standards up to the requirements of the zone. Mr. Stires told the Board that there would not be any changes made to the parking area across the street, with the exception of striping it to accommodate 37 vehicles. He stated that there were gates/barbed wire at the back of the former Post Office building as well as on the parking area across the street. Mr. Stires indicated that the Applicant intends to take down the gates on the former Post Office property, along Lewis Street, and remove the growth there. He told the Board that they intended to keep the gate on the property across the street at that time since it might not be utilized very much so to provide security so that it was not used as a parking area for others outside of the school community. He did state, however, that they would be removing the barbed wire that was currently on the gate.

Mr. Stires then addressed the comments by the Township Technical Review Committee (TRC), stating that they would comply with all of the comments in the report besides those items that they discussed in the hearing that evening. He noted that by complying with these comments, it would not significantly alter the Site Plan the Board was looking at that evening.

Mr. Healey asked for clarification regarding transportation to and from the site. He asked specifically regarding the onsite circulation for the busses and/or vans coming to and from the site. Mr. Stires indicated that his understanding was that all of the small busses or vans could park within the standard parking stalls that were being provided for drop off and pick up of students, so it was not anticipated that anyone would be picked up or dropped off on Lewis Street. Mr. Healey stated that he felt it should be a condition of approval, should the Board be inclined to approve the Application.

After asking whether the Board wanted to hear from the project's Architect and noting that it was not necessary, Chairman Thomas then opened the meeting to the public for questions or comments. Seeing no one coming forward, the meeting was then closed to the public.

Mr. Betterbid made a motion to approve the Application, with Use Variance, along with all the professional's recommendations and conditions discussed during the hearing. Mr. Rosenthal seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Mr. Rich, Mr. Caldwell, Mr. Rosenthal, Mr. Reiss, Ms. Bergailo and Chairman Thomas

AGAINST: None

- **IGLESIA CRISTIANA DEL DIOS VIVO, INC. / ZBA-16-00013**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Iglesia Cristiana Del Dios Vivo, Inc. Site Plan w/Use Variance in which the Applicant was proposing to convert an existing structure into a house of worship at 864 & 870 Hamilton St./177 & 181 Victor St., Somerset; Block 144, Lots 10-14 & 38-41, in the HBD Zone.

Mr. Dominach's Zoning report indicated that the Applicant proposed to convert an existing structure into a house of worship in the HBD Zone. Also noted was that a D-3 Variance was needed as the following Conditional Use Standards were not met:

1. Parking: 63 parking spaces minimum, 32 proposed
2. Parking location: more than 10% of the parking was located between the building and the street.
3. Front yard setback: 50 ft. minimum, 0.7 ft. proposed
4. Side yard setback: 25 ft. minimum, 5.8 ft. proposed
5. Buffer: 15 ft. minimum, 6 ft. proposed

Mr. Lanfrit stated that they were there before the Board for a Use Variance and Site Plan approval for the house of worship that was proposed on the subject property. He noted that the building they propose to convert to a house of worship was currently being utilized as a day care center on the lower level, and that the upper level had been utilized for various uses over the years, including offices, dance studios, etc. He then testified that the Applicant was the contract purchaser of the subject property.

Pastor Galivan, Church Representative, came forward and was sworn in. The Pastor testified that the church, a non-profit religious organization, had been in existence for twelve (12) years. He then gave the Board a brief history of where the church had been located over the past twelve (12) years, noting that they started out on Victor Street in Franklin Township but had to move after six (6) years because the building was not big enough to hold their congregation. He then indicated that they have been on College Avenue in the Rutgers campus for the past six (6) years and now have the opportunity to own the building at the subject property. Pastor Galivan then testified that they presently have 80 member families in their congregation that includes families with children. He then told the Board that the church catered to a Latino congregation and hold services on Tuesdays and Fridays from 7:30 p.m.-9:00/9:30 p.m. and Sundays at 6 p.m. – 8 p.m. Pastor Galivan indicated that if they got approval to purchase the building and hold services at the Hamilton Street/Victor Street location, the same time frames would be adhered to for church services. He stated that their average attendance was 90 people at the Tuesday service and an average attendance on Fridays of 70 people. He noted

that their main service as on Sunday evening, averaging about 100 people, that has gone as high as 110-120 people max. Pastor Galivan then discussed the current parking situation, stating that they rent the space from the Second Reformed Church, where they have between 20-25 parking spaces. He testified that most parishioners drive their own vehicles, carpool, ride their bikes there or they get a ride from a parishioner who owns a transportation company. He then indicated that they had not experienced any issues with parking at their current location. The Pastor told the Board that the Church owned one (1) 15 passenger van and a parishioner family owned a transportation company that had two (2) vans to help transport people. He also added that they used the church's van on a regular basis driven by a certified driver. Pastor Galivan stated that with the church's van and the use of two other vans, he felt that there was the right amount of parking being provided (32 spaces) on-site for the current congregation members as well as for potential growth into the future. He added that there were a segment of the congregation who do not have driver's licenses and don't own cars and rely upon the van service. He then testified that they also reached out to the property across the street, The Somerset Senior Housing & Urban Renewal, in order to utilize their parking facilities, especially on Sunday evenings, should they need it. The Pastor indicated that they entered into an agreement with The Somerset Senior Housing & Urban Renewal organization and entered it into the record as Exhibit A-1.

Chairman Thomas asked how much additional parking would be available at the alternate site, and Mr. Lanfrit stated that there were approximately 100 parking spaces there, with only 70 being utilized at any one time, leaving an excess of 30 parking spaces for the church's use.

Pastor Galivan indicated that the upstairs would be utilized for offices and conference rooms. He also stated that there were no other employees of the church besides him. He indicated that he would utilize the office every day for a couple of hours a day, either counseling parishioners, preparing sermons or conducting literacy workshops with members of the congregation. The upstairs would be used on Tuesdays for Bible classes for the different grades with parents waiting on the first floor till the classes were completed. Bible class students would be assigned to different rooms according to grade, while the first floor would include the sanctuary. The Pastor then testified to the fact that they were not planning on renting the office/conference room space to anyone.

Mr. Healey asked for clarification regarding their submission that referred to having a few holidays and events during the year that would include Christmas and Holy Week. Pastor Galivan expected approximately the same amount of people as a Sunday night service, but wanted to have the agreement in place across the street for extra parking just in case there ended up being more who attended those services.

A discussion ensued regarding any selling of food or weddings and funerals held at the church. The Pastor indicated that they do not sell food and they only have weddings at the church and no funerals. He stated that funerals were held at funeral homes and that he performed three (3) wedding ceremonies last year, with the receptions held elsewhere.

A discussion ensued about the type of agreement the church had with the organization across the street regarding parking. Mr. Lanfrit stated that it was just an agreement to use their parking lot for any overflow parking needs, with no compensation required. He then explained that if they utilize the Genesis parking lot on a regular basis, the agreement stated that they would be looking for compensation for maintenance of the lot. Mr. Bradshaw, Board Attorney,

and Mark Healey, Planning Director, thought the agreement was vague. Mr. Lanfrit indicated that if it ever got to the point that they needed the extra parking on an ongoing basis, they would make provisions to compensate for their use and enter into a formal agreement at that time. Pastor Galivan also stated that presently every parishioner has a sign they place in their car identifying their church at the present site and would continue that practice going forward at the new site. A discussion ensued among the Board regarding the availability of street parking as well since the subject property was located in the Hamilton Street Business District.

Chairman Thomas asked the Applicant at what point can the Township require that they put a more formal agreement in place with Genesis so that a parking problem isn't created in the future. Mr. Lanfrit stated that he was certain there would be complaints from other businesses in the area if the parking was a problem, at which time the Township would be notified and they could then enter into a more formal agreement to compensate for the additional parking on the site across the street.

Chairman Thomas also thought the van system was a good idea and should be expanded, if possible. A discussion ensued among the Board. Pastor Galivan also stated that the parishioner's two vans were also 15-passenger vans as well as the van that was owned by the church.

Mr. Taras Dobusz, Architect, came forward and was sworn in. The Board accepted his qualifications. Mr. Dobusz entered into the record as Exhibit A-2, which was an enlarged plan that was also included in the plan set submitted in conjunction with the Application. He then described to the Board the present condition of the building. He stated that it was built as a retail building on the first floor, with potential office space on the second floor and was in fairly good condition for a 50-60 year old building. He then explained that Exhibit A-2 showed the exterior elevations of the building. Mr. Dobusz then described what they were planning to do with the exterior of the building, including two (2) portico, one at the front entry and the other at the rear entry of the worship area, both with a shingled roof. He also noted that there would be an additional exterior stairway on the right side of the building for egress from the second floor for code purposes. Mr. Dobusz stated that they were not doing much to the building, other than taking out the storefront windows and in-filling that area with stucco-type finish. He also noted that there would be decorative paneled double doors. Mr. Dobusz then discussed the interior layout of the building, starting with the first floor. He included the sanctuary that had a nave area and an altar, a quiet area and removed some of the toilets to be able to provide handicapped toilets as well as a small office for counting money and a small lobby. Because of the way the original retail structure was built, they were able to create seating in the round for the worship area to be able to incorporate the present columns. He added that there would be fixed pew seating in the worship area to accommodate 178 people in the nave area and 11 in the quiet area, for a total of 189 seats. Mr. Dobusz then drew the Board's attention to the second level of the building, stating that there were conference/meeting rooms and a small office after removing a few walls within the interior. He then testified that the second floor would be code compliant to allow for children and adults to occupy that space.

Mr. Healey asked Mr. Dobusz whether there would be any signage included. Mr. Lanfrit indicated that the plans did not show any signage, but testified that they would place a compliant sign on the building and were not proposing any free-standing signs.

Mr. Reiss inquired about whether there would be an elevator to go up to the second floor for handicap access. Mr. Dobusz answered in the negative, noting that the New Jersey Rehab Code did not require one. He said the code for a new building only required one if any level had 3,000 sq. ft. or more of space, but they were under that amount anyway. He also reiterated that they were placing handicapped toilets on the first floor and that the entire first floor was handicap accessible.

Mr. Robert Gazzale, Engineer, employed with Fisk Associates, came forward and was sworn in. The Board accepted his qualifications. Mr. Gazzale stated that he prepared a board with an enlarged version of a select few sheets of the plan set and entered it into the record as Exhibit A-3. He then briefly described the subject property in its present state, specifically referring to parking and lighting. Mr. Gazzale stated that the existing conditions were shown on Sheet 3 of the plan set, adding that the property was a through lot, with 100 ft. of frontage on Victor Street and 125 ft. of frontage on Hamilton Street with a total area of 22,500 sq. ft. Mr. Gazzale indicated that the property was developed with a two-story building and a partially paved parking area. He explained that there were a few storage trailers on the property, but no striping on the parking area and no site lighting currently. He added that the parking lot also was not presently curbed. Mr. Gazzale also told the Board that the drainage from the property currently goes onto adjacent Lot 37 and Hamilton Street. He then stated that all public utilities were available to the site. He then testified that the site met all of the bulk requirements of the zone, but had some variances that were required as it related to conditional use. Mr. Gazzale then discussed present access to the site, which was from Hamilton Street, although he indicated that there were curb cuts on both Hamilton and Victor Streets.

Mr. Gazzale then took the Board through the site improvements that the Applicant was proposing, including the reconstruction of the existing paving and eliminating quite a bit of pavement around the edges, installing curbing around the parking area and properly grading the parking lot and add an inlet in the center of the parking lot to collect storm water runoff and send it through the existing system that went out to Hamilton Street. He then added that they were proposing to add lighting on the site to correspond with the Township standards as well as a fairly extensive landscaping plan to include a buffer along the easterly property line adjacent to the residential use that included a board on board fence and 6 ft. tall arborvitae and juniper plantings to provide a screen in that area. After completing the site improvements, Mr. Gazzale testified that they would be providing 32 parking spaces on-site, with access to the site from both Hamilton Street and Victor Street. He also added a proposed gate across the Victor Street access point to avoid anyone attempting to use the site as a cut through to Hamilton Street. Mr. Gazzale was asking to amend the plan to provide a gate on Victor Street to be opened only on the days there are services at the church. He then described the Lighting Plan, shown on Sheet 5 of the plan set and discussed the inclusion of a building mounted light located approximately in the center of the parking area with three (3) pole-mounted lights within the islands of the parking area. He then testified that the lighting would comply with Township standards on a commercial site, with shoebox type backlight shields. He discussed his knowledge of the different standards the Township imposed on houses of worship in the HBD Zone. Firstly, he noted that 63 parking spaces were required and they were only providing 32 on-site and next, the location of some of the parking spaces did not comply with the obligation that no more than 10% of the parking was allowed to be located between the building and the street. He did state, however, that since the site fronted on two streets, that it would be impossible to comply with that requirement. He then discussed the

setbacks required for the conditional use in the HBD Zone as well as the other variances they were requesting. He did note that they were providing substantial landscape buffering of Lot 37, which was a residential use, in order to offset the need for a variance for buffering. Mr. Gazzale indicated that the other adjacent properties were non-residential uses.

Mr. Gazzale then addressed the Township staff reports, first starting with Mr. Healey's Planning report and his Site Plan comment #6d. In this comment, Mr. Gazzale noted that Mr. Healey proposed adding an additional two parking spaces on each side could be added to the parking lot along Victor Street. He stated that he wouldn't recommend including those as he felt there would be insufficient space to back out of those spaces. He then opened a discussion on the location of the trash containers on the site and, based on the conversations with the pastor, he didn't feel there was a need for a dumpster on the site. Other than those two items, he testified that they could comply with all of the other site plan comments. Mr. Healey continued the discussion regarding the possible inclusion of the additional parking spaces and Mr. Gazzale agreed to look into the possibility of including them., if possible, on the site.

Mr. Healey then suggested that Mr. Gazzale clean up the site plan in the area around the curb cut on Hamilton Street for clearer understanding and he agreed to do so. He then opened a discussion with Mr. Gazzale regarding adequate sight distance along Hamilton Street with the inclusion of the portico. Mr. Gazzale testified that there was adequate sight distance in that area and, therefore, would be able to have a 0 ft. front setback off Hamilton Street in the HBD Zone. He agreed to put that information on the plan showing adequate sight distances. Finally, Mr. Healey brought up the subject of their ability to limit curb cuts on the property to possibly be able to add more on-street parking. He said he would amend the site plan to include those spaces.

Mr. Gazzale then addressed the Engineering report, item #16 under the Grading and Utility Comments. He told the Board that Mr. Vega, the Assistant Township Engineer's set of plans didn't include Sheet 4 that included all of the grading information. In speaking with Mr. Vega, they agreed they would come to an agreement with the items listed in the report. He did note, however, that there were no storm sewers nearby the site, so that the existing condition would cause ponding of water along the gutter of Hamilton Street.

Mr. Lanfrit asked for a waiver of the request in item #32 under the Traffic Impact/Parking Lot Comments to provide an existing vs. proposed trip generation. Since the activity of the church would not occur during peak hours, he didn't feel providing that kind of report would benefit anyone and would be an unnecessary expense for the Applicant. A discussion ensued among the Board and Applicant about the necessity.

Mr. Gazzale then opened a discussion with the Board regarding the Traffic Safety Bureau's request to provide bollards placed between parking stalls and the building to prevent vehicles from striking pedestrians using the walkway between the vehicles and the building as well as the building from being struck. He didn't feel the bollards were required as they had provided a 6-1/2 ft. wide sidewalk that ran alongside the building that separates the parking from the building and the parking lot was going to be curbed. Mr. Dominach suggested that they work those details out with Sgt. Hagman.

Mr. Gazzale indicated that they would be able to comply with everything else in the staff comments.

Mr. Healey brought up the subject of the streetscape improvements along Hamilton Street. Mr. Lanfrit indicated that all of the streetscape improvements that were required of the Hamilton Street Business District would be reflected on the plan

Mr. Kevin O'Brien, Planner, came forward and was sworn in. The Board accepted his qualifications. Mr. O'Brien discussed the deviations from the Hamilton Business District requirements they were seeking, including a D-3 Conditional Use Variance, buffering, parking, parking location and building setback. He noted that other acceptable uses in the zone would have a much greater impact than a religious institution that meets primarily in the evening. He brought up the unique aspects of the Application, including the provision of van transportation. He also added that the site will be enhanced with the addition of storm water drainage, parking, additional buffers and fences, and some pavement will be removed, thereby decreasing impervious coverage. Mr. O'Brien cited the use of family vehicles, vans and shared parking would be sufficient and a justification for the Conditional Use Variance. He then discussed the front setback as conforming to the Hamilton Business District Zone, but not to the Conditional Use, but was an existing condition and allowed for the adapted re-use of an existing structure. He then added that the additional buffer would more than suffice to separate the use from the residential property just adjacent to it. He then discussed the benefits of the use. Mr. O'Brien then discussed the negative criteria and positive criteria of the lower-intense use of the property.

Chairman Thomas asked whether the Applicant had any future plans for a daycare facility at the subject property or other uses that might be an accessory use to a church. Mr. Lanfrit testified that there were no plans for a daycare and there was no room in the building for a banquet room or social hall.

The Chairman then opened the meeting to the public for questions or comments regarding the testimony given during the hearing.

Ms. Maria Elizabeth Galivan, church member, came forward and was sworn in. She told the Board that she was there with a small group of congregants to strongly support the Application and feel the church's presence would be a positive influence in Franklin Township.

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

Mr. Betterbid made a motion to approve the Application for Site Plan w/Use Variance with the acceptance of all the terms and conditions discussed during the hearing and agreed upon that evening. Board Attorney, Patrick Bradshaw opened a discussion of some open items and the Board agreed to allow the Site Engineer and the Township Engineer come to an agreement regarding the grading discussed in item #17 in the Engineer's report. As it related to the Trip Generation Comparison Report, the Board agreed to waive that requirement and also agreed to have the Applicant discuss the need for the request for bollards by the Traffic Safety Bureau to their satisfaction. The Board agreed to leave it to the Zoning Officer as to the point whereby they need a formal agreement for shared parking. Mr. Caldwell seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Mr. Rich, Mr. Caldwell, Mr. Rosenthal, Mr. Reiss, Ms. Bergailo and
Chairman Thomas

AGAINST: None

(PLEASE BE ADVISED THAT **ZBA 16-00003 – ELITE PREP ACADEMY** WILL NOT BE
HEARD THIS EVENING AS PROPER NOTICE WAS NOT GIVEN AND THE MATTER MUST
BE RE-NOTICED)

WORKSESSION/NEW BUSINESS

There was no new business

MEETING ADJOURNED

Mr. Betterbid made a motion to adjourn the meeting at 9:43 p.m. and the motion was
seconded. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
August 22, 2016