

Franklin Township Land Use Board
Meeting Minutes
August 10, 2022

The Franklin Township (Warren County) Land Use Board met for their regular meeting on Wednesday, August 10, 2022. Chairman H. Meltzer called the meeting to order at 7:30 p.m. and declared all aspects of the Open Public Meeting Act had been met by posting a notice of this meeting on the Municipal Bulletin board and providing a copy to the municipal clerk. Advertisement of notice was posted in the Star Ledger of Newark, NJ and the Express Times of Easton, Pa. as well as the Franklin Township website.

The Flag Salute was led by Chairman Meltzer.

OATH OF OFFICE:

Ms. Sarah Payne was sworn in as a Class IV Land Use Board member by Attorney Schneider.

ROLL CALL:

Members Present: Ms. Payne, Mr. Herzer, Mr. Meltzer, Mr. Santini, Mr. Sigler, Mr. Onembo, Mr. Guth

Members Absent: Mr. Butler, Mr. Corde, Mr. Kubik, Mr. Balogh

Also Present: Attorney Richard Schneider, Engineer Michael Finelli

MINUTES: Motion by Mr. Guth, seconded by Mr. Herzer to approve the minutes dated July 7, 2022. Roll Call: Ayes: Mr. Butler, Mr. Herzer, Mr. Meltzer, Mr. Santini, Mr. Guth. Nays: None

Due to conflicts with the use variance applications and the executive session matter before the board this evening Mr. Guth and Mr. Herzer stepped down and recused themselves at this time.

NEW BUSINESS:

Giacono Variance: Engineer Finelli gave a synopsis of this application to the board. A brief discussion took place between board members regarding the allowances in this zone and what he is proposing. Mr. Finelli said he just did a completeness review and there are many things that are still required. Mr. Finelli recommended having Mr. Giacono contact him for direction on how to proceed. Motion by Mr. Sigler, Seconded by Mr. Santini to deem the Giacono Variance Application incomplete at this time. Ayes: Ms. Payne, Mr. Meltzer, Mr. Santini, Mr. Sigler, Mr. Onembo

OLD BUSINESS:

Mr. Jose Diaz as sworn in by Mr. Schneider as representative for Jesus Crist The Priest. Mr. Schneider explained because this application is called a conditional use variance it required affirmative votes. There are only 5 board members present and eligible to vote this evening. He stated every member will have to vote yes to gain approval. Mr. Schneider suggested he presents the application and after the presentation he can choose to defer the vote if you feel

necessary. He is just letting you know you need 5 out of the 5 present. Mr. Diaz chose to present this evening.

Mr. Diaz stated he is a registered architect in NJ and he is testifying in that capacity. The Board accepted Mr. Diaz as such. Mr. Finelli stated completeness should be considered first.

Jesus Christ The Priest Conditional Use Site Plan w/Variance application came before the board at this time and requires completeness determination also. Mr. Finelli reviewed his report for the Board and recommended the application be deemed complete. Motion by Mr. Meltzer, seconded by Ms. Payne to deem Jesus Christ The Priest application complete at this time. Ayes: Mr. Onembo, Mr. Sigler, Mr. Santini, Mr. Meltzer, Ms. Payne. Nays: None.

Mr. Diaz proceeded to present photos to the board of the barn and explained what the barn is being used for now. It was marked as exhibit as A-1. Mr. Diaz continued to review the handicap compliance ramp and the elevations. Mr. Diaz reviewed the photos with the board and public and described each one. They were marked exhibits A-2, A-3, A-4. Exhibit A-5 is the plot plan view of site.

Mr. Diaz described the use of the 2 story frame building which has 4 priests that live in it. There is a chapel, large office, library. They are requesting to convert the barn to have a chapel and 4 conference rooms.

They are proposing to have 4 priests and 6 lay members up to a maximum of 12 people. The 4 priests stay overnight. Lay people come and go. They are requesting 4 priests and 8 additional people. Mr. Schneider stated if the Board approved this would be a condition of approval. The applicant stated he is comfortable with that. Mr. Santini asked how this is enforced. The board discussed with Mr. Diaz that the applicant needs to be certain on the amount of people they are requesting. Mr. Schneider stated there are 4 priests in residence there, the application is to utilize the barn for up to a total number of 12 individuals. Mr. Schneider asked Mr. Diaz if there were specific days of the week, is the authorized number of 12 on a daily basis or just on Sunday. Mr. Diaz stated he understands its just on Sunday. The rest come and go during the week. The expectation is there would be 12 on Sunday and less other days. The chapel plans show only 12 seats. Mr. Schneider referred to the December 13th letter Mr. Diaz submitted to Mr. Onembo and he read that there would be proposed a chapel, 4 conference rooms, a library and storage. It reflects that 6 members of the order will come for religious services once a week so the number will go from 6 to 8. It indicates it is not open to the public and by invitation only be members of the order. Mr. Schneider asked if they are not members of the order are you allowed to just come in and pray. Mr. Diaz stated no. Mr. Onembo asked why 4 conference rooms. Mr. Diaz said it is a very large space and don't want to waste space and it allows more than one to come in at the same time. Mr. Onembo asked Mr. Schneider about the definition of A House Of Worship. Mr. Schneider read it for the board. Mr. Onembo asked about restrooms. Mr. Diaz said they propose another bathroom also. Mr. Schneider explained the previous application to the board which was never perfected and is irrelevant now. Mr. Onembo stated that there are satisfactory septic systems in place. Mr. Schneider asked if the 4

priest who currently live in the residence do they have their own vehicles on the property. Mr. Diaz believes there are 3 cars. Mr. Schneider asked what is the expectation about how the additional 8 members of the order come to pray on Sundays. Will they all come via car for services. Mr. Diaz said he assumes yes. He explained the parking area. He said there are now 5 spaces and he understands they need 6 but he doesn't think they can find that. Mr. Schnieder asked if aside from Sunday services are there any other contemplated times where members of the order will need to be on the property. Mr. Diaz could not answer, he did not have that data, but he prefers to assume that if 12 is the permitted, they can do it. There are other people that work there during the week. Mr. Schneider said his question is more directed would there be more than 12 on any other given day on a rare occasion. Mr. Diaz stated they travel and are established in New Brunswick and they travel back and forth. They have another residence in East Brunswick and when they get together for holidays, etc. they use that location more than anything because it's closer to any of the other priests. Mr. Diaz stated that he did not anticipate any conferences. A member of the public stated that there is usually a number of services on any given Sunday, she asked how he parking would be done if there are a number of services with cars coming and going or will there just be 1 service a day. Mr. Diaz said he presumes there is only one services. He does not anticipate having more than one service on a Sunday. Mr. Onembo thinks it should be specified that there is one service per day and if they want to do more they need to let the board know. Mr. Diaz said if they keep the number within the 12 there could be more than one service a day. Mr. Onembo stated he feels this application is low key impact on the community or what's currently taking place there now. He doesn't see this like by Habitat where there are 200 cars in a day. The neighbor in the public concurred it's been very quiet and he rarely sees cars there. Mr. Diaz stated it will be the same as it is now, it is just the buildings being retrofitted to provide better usage from a service perspective. Mr. Finelli discussed his report and asked Mr. Diaz if he took any exception to anything. Mr. Diaz said he had. Mr. Finelli stated the conditional use standards needed to be gone over and action will need to be taken on the condition so the level of relief can be decided. Mr. Finelli discussed the few site improvements, handi-cap space, signs and compliance with ADA standards, lighting. Mr. Diaz said he did not have any objection to the Engineer's report, except that the buffering is in place and it is staying the same. The neighbor stated the trees are big and a few dead ones with undergrowth. It was reported that the dead trees will be removed. Mr. Metzler asked about item 4. Mr. Finelli said it does state 16 which would create the 6th parking space but based on the testimony tonight they will only have 12 people on site so that will go back to 5 spaces for parking. Ms. Payne said she sees 12 people so that would make it only 4 necessary spaces technically. 2 are existing on a concrete pad and the ADA one is on a concrete pad. There is no need to concrete more as long as they have a hard surface. Item #6 was looked at. Will the pedestrian route be paved? Ms. Payne stated it is all concrete existing and Mr. Diaz explained how it will be paved and a walkway will be established. Mr. Schneider stated that the total required parking based on 12 not 16 is 4 spaces. Mr. Finelli will check and stated that they satisfy the parking requirements because it is either 4 or 5 and they have 5. Mr. Onembo if there were any concerns about what is proposed to the public. Gail Damanski 78 Edison road spoke. She has lived there for 30 years. She asked if there would be music or bells during the worships. Mr. Diaz did not think so. She asked about the lighting proposed, which will be on her side of the site, she asked if it will be motion

sensitive, it's height, on 24/7 because it will impact her bedroom side of her house. Mr. Diaz said the lighting on the plans should not affect her. She asked if there will be signage on Edison road or Rt. 57 that would block the view. Mr. Diaz said no signage. She clarified that there will only be 12 total at a time and she understood the parking. She asked who would be monitoring the number of people on site. Mr. Onembo stated if she got the impression that there is much more activity that was is being described here call him and there is a consistency of that they would be required to come back to this board. She asked about the egress and ingress where there are stone walls on either side of the driveway, if they would be widened. Mr. Diaz said they are just going to fix the wall but not widen it. She said she did some research and the next closes of this worship is in NYC and Philadelphia but is now hearing there is one in New Brunswick. Mr. Diaz said it's not a house of worship it is a residence that they have. She asked if there is a chance that this becomes a larger worship, this is a concern for her and she feels it is a step in the door. Mr. Diaz stated like he mentioned before because he knows this order for a good amount of time what is going on right now there should not change. They are trying to use the other space. She did state it is very quiet there and she would like it to stay that way. Mr. Metzler stated if anything was changed they would have to start the process and get the boards authorization. Mr. Schneider stated that it's important to note that a house of worship is what is called a conditional use and is conditionally permitted as long as you meet certain conditions, most of which are pre-existing conditions, that being said ultimately what the board may approve this evening is going to approve it with certain conditions, if there are any material deviations from those conditions the applicant is going to be required to file a new application before this board, if in 2 years they determine the barn wants to be further modified to fit 50 people they have to come before this board to modify those conditions and submit a new site plan. Mr. Sigler asked how long the services were. Mr. Diaz stated about 45 minutes at the most. Members of the public stated that they are not bad neighbors now. Mr. Onembo stated he are just renovating the building and he is happy they are here to put the facts on the record and does not feel anything will change. A member of the public asked if a traffic survey would need to be done. Mr. Finelli stated that the impact based upon these numbers are pretty negligible and a traffic report is not necessary. Mr. Diaz clarified for Mr. Finelli that there will be 6 priests and 6 lay members. Steve Chapman of 38 Edison Road asked if they could look at the drawing. It was provided by Mr. Diaz who explained it to the members of the public and answered any questions they had at this time. Mr. Metzler asked if there were any other public comments at this time and there were none. Mr. Finelli confirmed with the applicant that the trees will be removed and replaced. Mr. Schneider confirmed with Mr. Diaz that he had no issue with all of the recommendations of Mr. Finelli's report. Mr. Schneider stated that the matter that is before the board as a conditional use variance Houses of Worship are permitted in this zone district subject to compliance with the House of Worship standards. Mr. Finelli has identified 5 sections of the ordinance which are relevant here and if you don't meet any of those conditions technically you have to get a use variance. When you have a conditional use variance, the underlying use here is permitted and they are not asking for a use not permitted in the zone, so when you have what is called a conditional use variance the sole focus of the Board is does the site continue to be appropriate for this time of use, not withstanding the fact that they technically may not comply with certain conditions and is there any detriment to the neighborhood associated with the deviations with those conditions. It is a

lot different than a use that is not permitted in the zone. In this case the deviations are the building setback which exists already and he doesn't think there is any impact with the use based on where it is now, the building height is existing and not changing, the additional lot coverage is insignificant in his opinion it is not an issue, with respect to parking there are only 12 total individuals at services that would require a total of 4 spaces and 5 exist, the existing trees along the south are adequate and no need for supplemental landscaping. Mr. Finelli stated the board will need to determine if the existing trees along the residences to the South are adequate. He believes they are. Mr. Finelli agreed with Mr. Schneiders summary of the application. According to Mr. Schneider the totality of the motion should be as follows, a motion to grant the application for a conditional use variance pursuant to NJSA 40:55-D, as a D 3 with minor site plan approval subject to compliance with all the recommendations of Mr. Finelli's report. There will be a total number of individuals at services not more than 12.

Mr. Metzler advised that they take the items under zoning which are the conditional use standards for a house of worship. He stated clearly items 1 and 2 have been answered as existing conditions that cannot be modified, item 3 is similar. Mr. Finelli stated there may be a diminimis increase in the walkway. Mr. Metzler stated the parking has been straightened out and it will be the remaining 5 spaces which is 1 in excess for 12 people. Mr. Metzler included that the additional evergreen screening is not required. Mr. Finelli stated that their only a few items on the minor site plan that need revisions which Mr. Diaz has agreed to and understand what needs to be done. Mr. Metzler spoke about the lights and it was identified that they will not shine on the neighbors and will illuminate downwards.

Mr. Metzler made the motion to grant the application for a conditional use variance pursuant to NJSA 40:55-D, as a D 3 with minor site plan approval subject to compliance with all the recommendations of Mr. Finelli's report. There will be a total number of not more than 12 individuals at services. Motion was seconded by Mr. Onembo. Roll Call: Ayes: Ms. Payne, Mr. Santini, Mr. Sigler, Mr Onembo, Mr. Meltzer. Motion Passed.

Payment of Bills: Motion by Mr. Meltzer, seconded by Mr. Sigler to pay the bills before the board at this time. Roll Call: Ayes: Ms. Payne, Mr. Meltzer, Mr. Santini, Mr. Sigler, Mr. Onembo. Motion Passed.

Executive Session: Motion made by Mr. Sigler, seconded by Mr. Metzler to enter into closed session at the time for the purpose of Broadway Energy vs. Franklin Township Land Use Board pending litigation. Motion carried by all in favor.

Motion by Mr. Sigler, seconded by Mr. Meltzer and carried by all in favor to open the meeting to the public at this time.

Broadway Energy vs. Franklin Township Settlement

Motion by Mr. Onembo, seconded by Mr. Santini that based on the discussions contained within executive session the settlement agreement is approved with the proviso that the corrected plan will be attached to the settlement agreement and the Chairman of the Board is

to execute the settlement agreement. Roll Call: Ayes: Ms. Payne, Mr. Meltzer, Mr. Santini, Mr. Sigler, Mr. Onembo. Motion passed.

PUBLIC COMMENT:

None heard at this time.

Motion by Mr. Onembo, seconded by Mr. Sigler and carried by all in favor to adjourn the meeting.

Respectfully submitted,
Kelley Smith
Land Use Board Secretary