

**ZONING BOARD OF ADJUSTMENT
MINUTES
AUGUST 2, 2012**

CALL TO ORDER: This is a regularly scheduled meeting of the Board of Adjustment of the Borough of Franklin Lakes. In compliance with the Open Public Meetings Law, Notification of this Meeting has been sent to our Official Newspapers and Notice has been posted on the bulletin board at the Borough Hall. I direct that this announcement be entered into the Minutes of the meeting.

ROLL CALL:

Present: Mr. DiFlora, Mrs. Gerber, Mr. Messaros, Mr. Badenhausen, Mr. Frankel,
Board Attorney Davies, Board Engineer Tiberi

Absent: Mr. Houry, Mr. Bavignoli, Mr. Toronto, Ms. Schoenberg

ORAL COMMUNICATIONS

There was no one wishing to address the Board this evening.

OLD BUSINESS

Cal.#2011-10 Continued Application For Presbyterian Church, 730 Franklin Lake Road, Block 2206 Lot 2.01, which is in violation of the following Sections of the Ordinance:

TYPE	REQUIRED	PROPOSED	EXISTING	VARIANCE	CODE
Building Setback (Old Franklin Lake Rd.)	150'	126.0'	126.0'	24'	300-122.A.(3)
(Franklin Lake Rd.)	150'	148.1	148.1'	1.9'	300-122.A.(3)
(Barnstable Lane)	150'	130.5'	130.5'	19.5'	300-122.A.(3)
Parking in Front Yard (Lot Area <i>Resolved 8-9-11, Memorialized 9-1-11</i>)	Prohibited <i>10 acres</i>	Yes <i>8.04 acres</i>	Yes <i>10 acres</i>	Required <i>1.96 acres</i>	300-122.A.(8) <i>300-122.A.((1)</i>
Building Height *Columbarium in northern 50' buffer	40' 50'	44.54' 45.5'**	44.54' 45.5'	4.54' 4.5'	300-122.A.(4) 300-122.A.(6)
Size of Parking Stalls	10' by 20'	9' by 18'	9' by 18'	1' by 2'	300-71.D.(2)

Dimensional variances.

*Columbarium is a structure of vaults lined with recesses for cinerary urns.

**This is a scaled dimension. The applicant shall be prepared to testify to the surveyed setback.

We need to know if the subdivision has been perfected.

THIS APPLICATION WAS READY FOR PRESENTATION TO THE BOARD FOR THE 7-11-12 MEETING BUT MR. CASCIO COULD NOT ATTEND THAT MEETING. HE ASKED THAT THIS APPLICATION BE SCHEDULED FOR THIS MEETING.

DEEMED COMPLETE: June 20, 2012

DETERMINATION DATE: October 18, 2012

Attorney for the applicant, Ben Cascio, recalled that the Board had granted a use variance to permit the subdivision of the properties in question one year ago. This subdivision would allow the amount of church property required to be reduced from ten acres to create two conforming lots. The applicant is here to perfect this approval through the submission of a detailed site plan for the subdivision along with site improvements. There are a number of variances which need to be addressed and Mr. Cascio called on George James, engineer, of Keller and Kirkpatrick Engineers to testify.

George James, Director of Engineering at Keller and Kirkpatrick, Inc., 301 Gibraltar Drive, Morris Plains, N.J., was sworn by Mr. Davies. Mr. James reviewed the subdivision plan and said that the prior proposal called for the church lot to be 8.16 acres rather than the required 10 acres. Two fully conforming A-40 residential lots with frontage on Barnstable Lane were created as a result of the subdivision application. The plan in question focuses on the northerly portion of the location of the existing church.

Mr. James referred to the following:

Exhibit A-1: Minor Subdivision Plan, Lot 2.01, Block 2206, prepared by Gary Howenstein, Special Land Surveyor, dated September 1, 2010, revised through August 15, 2011.

Exhibit A-2: Landscape Plan prepared by Keller and Kirkpatrick.

Mr. James stated that the improvements to the church property include a new parking lot to the rear, detention basin, stormwater management system, and a lighting system. Mr. James noted the columbarium but clarified stating that there are no remains here and the area will be referred to as a memory garden. The one-way loop road in the front of the building as well as the road around the easterly side of the building will remain. The grade will change slightly and there will be a sidewalk on the church side. Parking on the north will be eliminated with parking to remain on the easterly side along with the addition of nine handicapped spaces. A variance is necessary to allow parking in the front yard. There are a total of 75 parking spaces including nine handicapped spaces. There is now a stormwater collection system on the site and the applicant has a Wetlands Letter of Interpretation and a Flood Hazard Verification. The site has been designed for no disturbance and Mr. James would only expect the detention basin to be full from time to time. He noted that they have accounted for stormwater for maximum roof area on the two residential lots as well as on the site. Mr. James stated that the shed will be relocated.

Mr. James referred to the setback of the church building which is required to be 150 feet from the right-of-way of the street and he noted that the church is not presently located the required distance from any of the three streets. The minimum setbacks exist and are proposed to remain as follows: 126 feet from Old Franklin Lakes Road; 130.5 feet from Barnstable Court; and 148.1 feet from Franklin Lakes Road. Variances are being requested to allow parking in the front yard for all three streets. There is a variance request of 4.5 feet for building height which is an existing condition. Mr. James said that there is a required 50 foot northern buffer for the memory garden which is 45.5 feet and is proposed to remain without any changes. Parking stalls of 9 feet by 18 feet are proposed where 10 feet by 20 feet are required. Mr. James noted that all the variances are C-2 variances which promote the purposes of the Municipal Land Use Law and safety at the site.

Mr. James concluded stating that the Board had expected a substantial landscaping plan when the variance was granted for the homes and he feels that this has now been provided to the Board.

Mr. DiFlora commented that there is too much black top and too many parking spaces and he felt the development should be cut back substantially. He added that the design needs to change and recommended that the applicant concentrate on the distance from the back of the building to the southernmost part of the parking area similar to what was depicted on the October 2011 drawing. It was suggested that lighting and dumpsters be reconsidered. The Board reviewed the Boswell Engineering letter dated June 20, 2012.

A motion to open the meeting to the public for questions of Mr. James was made, all ayes. No one from the public came forward at this time and a motion was made to close the public portion of the meeting, all ayes..

Reverend Lou Kilgore, 740 Old Franklin Lakes Road, was sworn by Mr. Davies. Rev. Kilgore was asked to describe the columbarium which he explained as a memorial/landscaping feature. It is comprised of a raised wall which blends in with the elevation of the property and a stone. It is referred to as a memory garden and Rev. Kilgore speculated that it was mismarked on the plan by the surveyor. Rev. Kilgore referred to the parking and said that they are trying to provide as much on-site parking as possible in order to avoid parking on Barnstable Lane. At this time, the parking is adequate but, on the other hand, they don't want to be short sited and not provide adequate parking to meet future needs.

A motion to open the meeting to the public for questions of Rev. Kilgore was made, all ayes. No one from the public came forward at this time and a motion was made to close the public portion of the meeting, all ayes..

Paul Szmaida, professional landscape architect, employed by Keller and Kirkpatrick, 301 Gibraltar Dive, Morris Plains, N.J. was sworn by Mr. Davies. Mr. Szmaida testified regarding the lighting plan and commented that the lighting patterns were chosen in order to get as much light on the ground as possible. All the poles are at a height of 15 feet in the parking lot and 12 feet at the sidewalks. A programmable lighting control system which automatically controls the lights was recommended by the Board. Ms. Tiberi noted that the ordinance states that there can't be illumination beyond the property line; however, the plan

ZONING BOARD OF ADJUSTMENT MEETING

8-2-12

PAGE 3

shows illumination through Barnstable Lane. She asked for a revised plan addressing this issue which clearly shows the areas of illumination.

A motion to open the meeting to the public for questions of Mr. Szmada was made, all ayes. Rev. Kilgore, 740 Franklin Lakes Road, asked Mr. Szmada if he was aware of the existing lights at the site. Mr. Szmada said that these lights produce a lot of glare and face into the property. Michael Messling, 750 Old Franklin Lakes Road asked if the original lights will remain and Mr. Szmada said that they would be removed. George Fernstrom, Kinnelon, questioned the number of parking spaces the Board would be comfortable with. Mr. DiFlora said he couldn't be specific but reiterated that he is looking for something reasonable which would be similar to what was depicted on the October 2011 plan. No one else from the public came forward at this time and a motion was made to close the public portion of the meeting, all ayes.

Mr. Szmada spoke about the landscaping plan and noted that there are as many shade trees around the parking lot as possible along with a tree lined drive. The applicant agreed to make the changes recommended by the Shade Tree Commission. Upon suggestions from Ms. Tiberi, Mr. Szmada stated that he will consider additional screening in the area of the residential properties.

A motion was made to open the meeting to the public for questions of Mr. Szmada regarding the landscaping plan, all ayes. Mike Messling asked to see a copy of the earlier parking lot plan. Mr. DiFlora advised that Mr. Messling to go to the Zoning Board office to view the plan. No one else from the public came forward at this time and a motion was made to close the public portion of the meeting, all ayes

Mr. Davies reviewed the following conditions of approval:

1. Roof drains should be connected to the manhole on the church lot which is located in the south center of the church lot which should lead into the infiltration basin.
2. The existing shed will be removed rather than relocated.
3. The parking to be as shown on a previously submitted plan dated December 1, 2010 with revisions through August 2011.
4. Revise plans to take out the word columbarium and replace it with a memory garden.
5. Buffering required around two new residential lots and following the contour around the rear of the lots. Screening will be extended along the back area of the Rev. Kilgore's lot and a barricade will be installed along the detention basin.

Ms. Tiberi recommended that the plan come back to the Board due to the changes requested for the detention basin, landscaping, drainage and lighting. Mr. Cascio did not object to this recommendation.

Mr. Messaros made a motion to table the application to the September 6, 2012 meeting seconded by Mr. Badenhausen. .

RESOLUTION

Samuel, 249 Hidden Pond Path, BLOCK 1206, Lot 14

Mrs. Gerber made a motion to memorialize the resolution, as amended, seconded by Mr. Frankel.

Roll Call Vote

Ayes: Mr. DiFlora, Mrs. Gerber, Mr. Messaros, Mr. Badenhausen, Mr. Frankel

Nays: None

MINUTES

The minutes of July 11, 2012 were presented for approval.

Mr. Badenhausen made a motion to approve the Minutes, as presented, seconded by Mr. Messaros.

ZONING BOARD OF ADJUSTMENT MEETING

8-2-12

PAGE 4

Roll Call Vote

Ayes: Mr. DiFlora, Mrs. Gerber, Mr. Messaros, Mr. Frankel, Mr. Badenhausen

Nays: None

VOUCHER

There were no vouchers submitted by Mr. Davies.