

**REGULAR MEETING MINUTES  
SOUTH BRUNSWICK TOWNSHIP  
ZONING BOARD OF ADJUSTMENTS  
October 11, 2018**

The Regular Meeting of the South Brunswick Township Zoning Board of Adjustments was called to order by Chairman Hammer at 7:40 pm followed by the Pledge of Allegiance. He read the following announcement in compliance with the Open Public Meetings Act: *“In compliance with Chapter 231 of the Public Laws of 1975, notice of this meeting was given by way of annual notice filed with the Township Clerk, the South Brunswick Post, the Home News Tribune and the Trenton Times and posted on the bulletin board in the South Brunswick Township Municipal Building on January 5, 2018. In compliance with the New Jersey Case Law, all Board professionals were sworn in at the Re-Organization meeting and their testimony is considered to be under oath.”* The Pledge of Allegiance was recited.

**Roll Call**

*Present:* Adinolfi, Bifulco, Conover, Jacobs, S. Patel, Troccoli (AL 7:43 pm), Vitone, Hammer

*Absent:* B. Patel, Lepore

*Also present:* Bryan Bidlack, Director, Planning Dept., Thomas Abode, Zoning Board Attorney and Frank Antisell, Zoning Board Engineer and Henry Bignell, Consultant Engineer

**Approval of Minutes – None**

**Adoption of Resolutions**

*File 18-019 – RPM Development Group, LLC*

The motion to adopt resolution File 18-019 – RPM Development Group, LLC was first moved by Mr. Conover seconded by Mr. Vitone.

*Approved with eligibility by:* Conover, Vitone, Jacobs and Hammer

*Opposed:* None

**Amended Applications**

File 15-031 – Shree Swaminarayan Agyna Upsana Satsang Mandal USA, Inc.  
329 Culver Road Block: 38 Lot: 2.01

Application for relief of a condition of approval to permit the applicant to be able to pay cash in lieu of the construction of road improvements to Culver Road. *(carried from 9/20, 10/4)*

Chairman Hammer briefly summed application; the applicant is seeking relief from condition of approval previously placed on a use variance for road improvements on Culver Road.

Peter Lanfrit, Esq. represented the applicant. Mr. Lanfrit stated that the initial application in 2014 for use variance was for house of worship. At the time of approval, it was stated that they were required to complete road improvement in front of their property by November 2017 and provide a certified list of congregation participants annually. The road improvements were not completed and list has not been provided.

The applicant has occupied the site since the approval. Since then, a subsequent application has been submitted for a use variance to provide adult day care services, Monday – Friday. With the new

application, questions were raised by the township professionals regarding the existing conditions from the first application. Testimony will be provided by applicant; congregation membership has not increased much; initial application was with 100 participants, currently there are approximately 127 participants. Mr. Lanfrit has the congregation member list; a number of the participants do not reside in NJ, therefore 127 people do not attend services weekly. Applicant does not feel the road improvements are needed at this time. Applicant is willing to do road improvements, or pay in lieu of work to the township for the cost of improvements, which would allow the township to do the improvements later or whatever necessary. With the second application for day care, traffic will increase. Mr. Lanfrit is not sure if this Board would want to make the decision at this time, or would prefer to defer decision until second application is heard.

Chairman Hammer requested clarification: original application was approved in 2014; occupancy took place in 2015; road improvement conditions were to be completed by November 2017 and membership list was also not submitted as required. Per Mr. Antisell, these are the only two conditions he is aware of. The conditions were required after certificate of occupancy. Mr. Troccoli asked who is to oversee the conditions; Mr. Antisell commented that when the Boards try to work with the applicants and place a condition to be completed in the future, it is burdensome to the township staff to monitor unless additional staff is added to monitor. This came up now because applicant wants add a second use to the site when they have not complied with original conditions.

Chairman Hammer is not willing to add more conditions to the previous application. Mr. Lanfrit explained that the applicant did not feel road improvements necessary at the time with the small congregation. They also had limited financial resources due to the amount of work needed to bring the foreclosed building to meet their needs; this is reason why this Board allowed the amount of time to improve. Per Chairman Hammer, the use variance runs with the land and applicant is asking for a second use and have not completed conditions for first use; sounds like a burden to the township. Mr. Lanfrit stated that the applicant can make payments to township to pay for road; they may have hardship to improve roads now. Mr. Lanfrit stated widening this part of the road when the other areas of Culver Road are not, will only have the road widen in front of their site. Mr. Bifulco commented that we cannot set a president to take the funds; there are currently other applications under review who will also be required to do road improvements. Mr. Antisell and Mr. Bidlack agreed; there are other projects that will begin/under construction on Culver Road who are also required to widen the road; their property will not be the only location with wider road.

Chairman Hammer brought up the question as to whether the Zoning Board has jurisdiction to approve or accept payment in lieu of the work. Per Mr. Abode, this Board can decision to agree to a modification subject to agreement by the Council. This Board does not have the latitude to make agreement for Council. It is this Board's decision to modify the condition.

Mr. Lanfrit took few minutes to discuss with clients.

Mr. Lanfrit introduced member to explain, then will withdraw request. With their withdrawal, per Mr. Antisell, the application is deemed incomplete.

Kaushal Rao, was introduced and sworn in. Mr. Rao is a Temple Trustee, however was not on the board at time of previous application. Per Mr. Rao, 2014 had approximately 100 participants. Currently there are 127 participants. List will be submitted to the Planning Department during business hours. Mr. Rao

was aware that the road was to be improved if membership reached 250 or by November 2017, whichever came first. However membership growth did not increase and donation goals were not met. Road improvements not completed due to poor financial situation. Mr. Rao was not aware that the congregation list was to be submitted annually. With the application for adult day care, it will assist with revenue and their financial situation, which will help with the improvements to site and road.

Mr. Lanfrit asked if they can amend their application to request a one year extension for the road improvement. Mr. Troccoli asked if new notice to the public is required since request is changing. According to our professionals, the road improvements is a check list item; Mr. Lanfrit disagrees. If the public appeals due to improper notice, it is the burden to the applicant, not this Board.

Mr. Lanfrit stated that their applicant fully understands requirements for the road. If the applicant can get an extension to complete road work by November 2019, they will find the funding source. If work is not completed, they will be fined by township Code Enforcement Officer. Mr. Rao understands that even if adult day care is not approved, road work remains a requirement.

Mr. Lanfrit amended request of relief for extension to perform road improvements by November 2019 and removing the request to make payments to township in lieu of road work.

Chairman Hammer asked Mr. Bidlack if there are other Culver Road projects improvements around this site. Mr. Bidlack stated the road work is required per Master Plan by ordinance and not based on number in congregation; it is a principal matter not a time situation. Mr. Bidlack does not feel traffic will increase exponentially over the next year. Mr. Bifulco commented that traffic will be different with the next application due to the bus traffic.

The motion to open to the public was first moved by Mr. Troccoli, seconded by Mr. Vitone, all in favor by voice vote. Seeing none, Chairman Hammer closed the floor to the public.

The motion to approve File 15-031 – Shree Swaminarayan Agyna Upsana Satsang Mandal USA, Inc.’s request for a 2 year extension to perform road improvements as previously conditioned was first moved by Mr. Troccoli seconded by Mr. Vitone. Comments with roll call.

*Approved:* Jacobs, Conover, S. Patel, Adinolfi, Bifulco, Vitone, Hammer

*Opposed:* Troccoli

Mr. Troccoli explained his reason for no vote.

*File 18 – 009 – Jia Adult Daycare, LLC*

329 Culver Road Block: 38 Lot: 2.01

Application for use variance approval to permit an adult daycare on a 9.275 acre site in the RR zone.

*(carried from 7/19, 8/16 9/20, 10/4)*

Peter Lanfrit, Esq. represented the applicant.

For clarification, Mr. Antisell stated that with the first application, prior to the road improvements to begin, all necessary documents must be filed to appropriate offices. Mr. Abode also stated that all prior required approvals are still in place.

Mr. Lanfrit summed applicant; Applicant is seeking approval to include an adult daycare to a portion of the site. Application has been submitted to the State for approval. The State responded Sept. 13, 2018 seeking additional information; applicant is in the process of responding. State decision is still pending.

Mr. Lanfrit introduced Amit Vedawala, day care operator. Mr. Vedawala was sworn in and provided his credentials. Mr. Vedawala also owns an adult day care in Iselin, NJ for approximately 4 ½ years. This application is similar to the Iselin center. That location has approximately 198 participants; fully occupied. This new location has been chosen due to need for services. He submitted an application to the state for 270 slots. Mr. Vedawala provided hours of operations; member services will begin around 9 am; staff arrive around 7 am. Mr. Vedawala explained how buses will operate; 13 Omni buses accommodates 15–18 passengers; participants do not drive. Bus drivers will leave site around 7 am, to pick up participants and return to site between 8:30 – 9 am to unload.

There are 13 bus drivers and approximately 7 – 8 staff participants to assist with unloading buses. Food will be brought to site; warm up kitchen only. Adult day care is Monday – Friday operations only; no weekend services; same as current locations. Buses will begin leaving site to return participants home around 1 pm. When drop off is completed, buses will return to site to park buses.

Mr. Vedawala addressed the floor plans, which is part of the Board's packet for review. The applicant is leasing the left side and part of the rear of the facility. Mr. Vedawala pointed out locations for the dining, crafts, recreational areas and the quiet room. He pointed out the administration and service areas and how they will be arranged on site. There is a dining area and warm up kitchen; food will not be prepared on site. The rest of the facility will remain for Temple use only. The lease agreement explains area they can use and portions of the offices will be shared use with Temple use. Food will be delivered by rear door by kitchen. Two full and one part time nurses will be required based on number of attendance; every 60 participants require one full time nurse. Services are five hours a day; will comply with state's regulations. Per Mr. Antisell, the maximum number of building occupants is needed to establish appropriate number of parking spaces. Current application has 17 employees, however based on state requirements, there will be more. The professional staff would like to see a list of all personnel and their function. Initial application provides for three nurses, one admin, one social worker and three servers; Chairman Hammer wants maximum number of staff. Per Mr. Lanfrit, there will be five nurses, two servers, one admin and two activity directors. Two servers will not be able to serve 200 participants. Mr. Vedawala commented that the bus drivers will stay to assist with food service; now there will be approximately 25 staff on site.

Mr. Lanfrit asked if at the Iselin site, if the staff drive there and where do they park on site; Mr. Vedawala's response is that staff lives in community, so they walk or park on street. Residents will make appointments to visit the site. Food and supplies would only be delivery in box trucks; no large trucks. Omni buses will be parked on site and overnight. If Temple needs parking for holidays, applicant will relocate the Omni buses. Temple does not have weekday services. Mr. Vedawala explained process; 15 passengers will be unloaded by bus drivers assisted by site staff. The professionals expressed their concerns on how 270 participants, who potentially may have health issues, will be unloaded and loaded from Omni in a safe and timely manner. Mr. Bignel would like to see operations process in plans. Mr. Antisell expressed his concerns for bus queuing.

Per Mr. Vedawala, his Iselin site has 194 participants with 26 people on staff; same operations. He explained how the buses stack to unload and they get off the bus; all staff will assist participants. Buses

do not all come at once; has not had a problem with participants waiting on bus. Per Mr. Vedawala, all staff assists with unloading. Participants know where to go and which bus to load.

Mr. Antisell is requesting written report and plans illustrating how this operation will work. This allows all the professionals to understand how it will operate and the Zoning Officer to understand what was approved and can enforced. His suggestion to the applicant is to submit a full report, operations report and plans for the professionals to review. Chairman Hammer would also like to know what challenges participants have; sounds like memory care will be needed which will require different care. Mr. Jacobs asked what is max allowed on bus; 18. Per Mr. Vedawala, some buses will make more than one trip. There will also be one janitor. Omni bus capacity is 18. Mr. Troccoli would, in operations report, like included details on staff arrival and end of shift times. Mr. Antisell would like to know where the buses are parked when day is not in session. Mr. Lanfrit replied that the Omni buses will be moved off site when Temple is in session. Per Mr. Vedawala, he has other sites that buses can be parked in. Mr. Troccoli stated that he does not want to see the buses parked on the streets of South Brunswick. Mr. Bignell would like address of parking lot in New Brunswick to be sure they can park Omni buses there legally. Mr. Jacobs asked if they ever had a participants wander from the Iselin site; Mr. Vedawala replied no. Mr. Bifulco asked where the participants are coming from; within a 25 mile radius. Mr. Bifulco asked how, without modifications to the site, how they will accommodate this service. Mr. Antisell agreed; this is the concern of the professionals. This site as is, will be challenging for this service; improvements to site is needed in order to provide adult care safely. Mr. Antisell would like to see site plans with changes and how it will work, prior to review to make comments. Mr. Bifulco also expressed his concerns with emergency vehicles accessing site. Mr. Antisell also mentioned that if all buses arrive at once, they will be stacked on Culver Road, causing additional issues.

Mr. Lanfrit stated that they understand the concerns and will make revisions. Mr. Vitone asked if the participants can enter in the rear; per Mr. Antisell, road cannot be widen in front due to septic fields. Mr. Antisell would like to seed included, a canopy and revised parking. Current parking spaces are 9' x 18'; buses will not fit in current spaces. Professionals and Board want more details. Professional willing to meet prior to submission for clarification.

Mr. Lanfrit would like to carry the application to make revisions; amount of time needed unknown. Mr. Lanfrit will provide an extension to at end of January 2019.

The motion to carry File 18-009 – Jia Adult Daycare, LLC to a future meeting without further notice was first moved by Mr. Adinolfi seconded by Mr. Troccoli, all in favor by voice vote.

### **Adjournment**

The motion to adjourn at 9:20 pm was first moved by Mr. Vitone, seconded by Mr. Jacobs, all in favor by voice vote.

Respectfully submitted by:

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*Julie M. Moy*  
Recording Secretary