

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

REGULAR MEETING  
February 7, 2008

The regular meeting of the Township of Franklin Zoning Board of Adjustment was held at 475 DeMott Lane, Somerset, New Jersey and was called to order by Chairman Thomas at 7:35 p.m. The Sunshine Law was read and the roll was called as follows:

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PRESENT: Raymond Betterbid, Grace Evans, Laura Graumann, Donald Johnson, Bruce McCracken, Robert Shepherd, Phillip Kramer, Alan Rich and Robert Thomas

ABSENT: Carl R.A. Wright and Anthony Caldwell

ALSO PRESENT: Patrick Bradshaw, Board Attorney, Mark Healey, Professional Planner, Vincent Dominach, Zoning Officer and Olga M. Burke, Administrative Officer/Secretary

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## RESOLUTIONS

- **Televising Board of Adjustment Meetings**

Mr. Shepherd made a motion to adopt the Resolution for Televising Board of Adjustment Meetings. Vice Chair Evans seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Vice Chair Evans, Ms. Graumann, Mr. Johnson, Mr. McCracken, Mr. Shepherd, Mr. Kramer, Mr. Rich and Chairman Thomas.

AGAINST: None

- **Grayrock/Whiterock Partners, LLC / Docket #ZBA-07-00014**

Mr. McCracken made a motion to approve the Resolution as submitted. Ms. Graumann seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Vice Chair Evans, Ms. Graumann, Mr. Johnson, Mr. McCracken and Chairman Thomas.

AGAINST: None

## MINUTES

- **Regular Meeting – January 10, 2008**

Mr. McCracken made a motion to approve the Minutes as submitted. Ms. Graumann seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Vice Chair Evans, Ms. Graumann, Mr. Johnson, Mr. McCracken, Mr. Shepherd, Mr. Kramer, Mr. Rich and Chairman Thomas.

AGAINST: None

## HEARINGS

- **Hugo & Grace Florez / Docket # ZBA-07-00051**

Mr. Lanfrit, Esq., Attorney and Principal of Lanfrit & Tullio, LLC, appeared before the Board on behalf of the Applicants, Hugo & Grace Florez. Mr. Lanfrit explained to the Board that this was an Application for a Site Plan with variances to construct five new two-story townhouse buildings to accommodate 28 residential units with associated parking located at 453 – 455 Franklin Boulevard, Block 235, Lot 9 & 10, in the (R-7) Residential Zone. He added that this Application came before the Board originally for a Use Variance on January 18, 2007 and March 15, 2007.

Mr. Dominach's Zoning report indicated that the Applicant previously received the following variances and is returning for Site Plan approval and additional bulk variance approval to erect 28 town homes in an (R-7) Residential Zone:

- 1) D(1) Use Variance
- 2) D(5) Density Variance
- 3) The following requirements of Section 112-49 (townhouse development standards)
  - a) Minimum Tract Size
  - b) Height Variance – 3 stories were proposed with 2-1/2 permitted, but revised plans to show 2-1/2 stores – this variance is no longer needed.
  - c) Living space not allowed above second floor – living space proposed above second floor.

The following additional variances are needed:

- 1) Minimum Recreation Area – 400 sq. ft. per unit – the Applicant has proposed “open space” areas in excess of the requirement, but these areas do not technically qualify as “recreation area”.
- 2) Minimum Width of Private Streets – 30 ft. minimum – 26 ft. proposed.
- 3) Minimum Setback from curb line – 25 ft. minimum – 18 ft. proposed.

- 4) Minimum Side Yard at end of each row of housing units – 20 ft. minimum – 15.6 ft., 14.1 ft., 13 ft. and 12 ft. proposed.

This Application is subject to the Section 112-264 regarding parkland dedication, but is not subject to Affordable Housing fees.

Mr. Lanfrit reviewed for the Board the Application since it's beginnings last year. He reviewed items that were presented in previous meetings and referred to them in his discussion. He pointed out on Exhibit A-1, which were the existing conditions on the property, and noted the site's location on Franklin Boulevard. Mr. Lanfrit then referred to Exhibit A-6, which noted the existing buildings on the property. He told the Board that some of those buildings were still there and some had already been removed from the property. He then directed the Board's attention to Exhibit A-2, which was the original plan that called for 40 units, with a total of 8 buildings, and situated on either side of the existing stream on the property. He described that the original hearing was for a Use Variance Application and did not give a lot of hard engineering information, but noted the location of the wetlands and other environmental constraints on the property. He then brought the Board's attention to Exhibit A-5, which showed the proposed buildings with 3 stories in height, with parking in front of the building, a one-car garage for each unit plus 16 visitor spaces. He reviewed the history of reducing the number of units to decrease the scope of the plan and the Board finally approved, in March of 2007, the Application with 28 units, 5 of them affordable housing units. Mr. Lanfrit explained that as a result of the Board's requirements, they changed the plans by reducing the building size and height of the buildings. The Zoning Officer and Planning Director had some additional Site Plan concerns and instead of presenting their plan on December 6, 2007, they sat down to discuss with the various Township professionals ways to revise the plans to their satisfaction. Mr. Lanfrit stated that the plans were additionally revised, based on their comments, and were to be presented that evening for the Board's approval.

Mr. James Ramentol, Architect and Principal of GRA Architects, Clark, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Ramentol testified that the architectural plans from the previous hearings and entered into the record at that time as Exhibit A-3, were of buildings that he designed. He also stated that he also prepared the revised architectural plans, which included the appearance of the buildings, the layout and the height of the buildings. Mr. Ramentol entered into the record Exhibit A-1, which are the revised renderings of the new layout of the buildings on the site. The floor plans for the revised buildings were also entered into the record that evening as Exhibit A-2. Additionally, Exhibit A-3 was entered into the record and was a new scheme for the size of the individual proposed buildings. He then described for the Board the changes that were made to the original plan and made comparisons between the two plans. He stated that there was to be three 6-plex structures on one side of the site, to include 18 units. The other side of the site includes a 4-plex and a 6-plex, to include the remaining 10 units for the project.

Mr. Lanfrit then entered into the record the revised Site Plan, prepared by the Reynolds Group and marked as Exhibit A-4, in order for the Board to see an overall comparison of the original and current plans for the project.

Mr. Ramentol stated that the current plans have many of the original characteristics within a less dense development. He also added that the buildings were reduced in number on the site, however, the bottom floor units were increased in square footage from 753 sq. ft. to 1,005 sq. ft., making them a little bit longer and a little bit wider than in the original plans. He explained that the buildings create an inward courtyard among themselves and the rear yards turn to face either the neighborhood, the stream or the adjoining garden apartments.

Mr. Ramentol entered into the record Exhibit A-5, which is an additional rendering of what the original scheme looked like, including the three-floor building design. He then described the layout of the buildings in the original scheme as compared to the layout of the buildings in the current scheme, as well as the size and height of the buildings from the original to the current plans. The Board then discussed the inclusion of three-bedroom units that were not included in the original plan and what impact that might have on the number of children that could be accommodated in the unit and, therefore, add to the school rolls. Mr. Lanfrit stated that they could have their Planner provide additional testimony regarding the topic of the school impacts. He added that RSIS standards require 2.3 parking spaces for a two-bedroom unit and 2.4 parking spaces for a three-bedroom unit. Mr. Healey agreed with Mr. Lanfrit's explanation of RSIS standards, but also brought up the practical parking needs and didn't feel the use of the garage as one parking space was realistic. He described the actuality of the matter, based on what already exists within the Township, as the garage being more likely to be used for storage than parking. Mr. Lanfrit stated that there was the possibility of making it a condition of approval that the garage would have to be utilized for parking and not storage space. He added that it was enforceable, both by the Township and the Homeowner's Association. Mr. Thomas asked about the actual enforceability of the issue. Mr. Dominach added that the Township would essentially be relying on the Homeowner's Association to police that situation. Mr. Betterbid suggested that the Township could be involved in relation to parking violations. Mr. Lanfrit stated that the Police Dept. requested that Title 39, a motor vehicle statute, be allowed to be enforced. He added that they would need to request permission for enforcement from the Council.

Mr. Ramentol explained to the Board that the only significant difference between the COAH units and the Market units was the inclusion of two full-size baths on the second floor in the Market units and one full-size bath and a sitting area in the COAH unit. He also added that the attic space in the COAH units would be completely unfinished and the Market units would have insulation and would be considered "habitable" for recreation in the 7 ft. center area with storage areas in the shorter side areas. Both units would have a small window for light and air requirements, but would not be considered egress exits and, therefore, would it be illegal to utilize the space as a bedroom. Mr. Ramentol compared the square footage between the original units and the current units, subtracting the area of non-habitable space to achieve virtually the same sized habitable unit space for both. He added that the current units, however, provide for more storage space than the original units did not. Mr. Thomas opened a discussion about the method of informing potential homeowners about not using the storage space for bedroom/living spaces. Mr. Lanfrit explained that they could put the information in the homeowner's documents, provide for language in the contract of sale clearly indicating that the third floor cannot be used for living space.

Mr. Ramentol briefly described the exteriors of the proposed buildings, which he stated are very similar to the original plans. Mr. Ramentol then entered into the record, Exhibit A-6, which is a flat elevation rendering of one of the proposed 6-plexes. Mr. Shepherd asked about the rear of the buildings and their architectural design and Mr. Ramentol described the design for those areas.

The Board discussed the options for the third bedroom. Mr. Ramentol suggested that it could be made into a den/office area, with the removal of the closet, to ensure that it would not be made into a bedroom. He suggested the use of the smallest room for that option. Ms. Graumann suggested making the smallest room even smaller to further deter its use as a bedroom. He also added that the Board could restrict the development to two bedrooms only to completely eliminate the issue of the third bedroom. Another suggestion made would be to make one of the second story bathrooms only accessible within the larger bedroom.

Mr. Healey asked if the Applicant was now agreeing to build the units as two-bedrooms. Mr. Lanfrit stated they weren't agreeing as yet to anything, but as stated earlier, would have the Planner come back with additional information on the impact on the schools with the construction of three-bedroom units. Mr. Healey indicated that the Use Variance has been approved and was predicated upon the fact that there would be 28 two-bedroom units within the development. A discussion ensued between the Mr. Bradshaw, the Board Attorney and Mr. Ramentol, the Applicant's Architect. Ms. Graumann opened a discussion regarding the change in configuration from a three-bedroom to a two-bedroom unit and the way in which the usage could be enforced. A discussion ensued among the Board members. Mr. Lanfrit agreed that the Applicant would market the unit as a two bedroom with a den that does not include a closet.

The Board took a break at 8:45 p.m. and resumed the meeting at 8:55 p.m.

Chairman Thomas opened the meeting to the public. Seeing no one come forward, the meeting was closed to the public.

Mr. Adonis Crispo, Engineer, employed with the Reynolds Group, came forward and was sworn in. The Board accepted his qualifications. Mr. Crispo indicated that he worked with Mr. Beitel from the Reynolds Group on the Site Plan that was before the Board that evening. He testified that buildings and impervious coverage had been removed from the wetlands and they have received wetlands delineation and buffering regulations from the NJDEP, which were also noted on the plans. He added that the NJDEP also stated that they would be required to fence, using a split rail design, around the wetlands buffer area prior to construction in order to preserve the stream that runs through the property. He then gave a brief review of the proposed Site Plan, which includes detention basins, visitors parking and 13,096 sq. ft. of passive recreational area. Mr. Lanfrit suggested that the Applicant come up with an active recreation plan after twenty units are sold and would work with Mr. Healey for agreement at that time. Mr. Healey indicated that he felt that would be a reasonable solution. Mr. Lanfrit indicated that the Board would probably want to condition the approval that any recreational equipment or areas be considered daytime activities and not lighted so as not to disturb residents.

Mr. Crispo addressed the parking concerns by stating that in addition to the two parking spaces provided per unit, there would also be 15 visitor parking spaces on one side and 8 visitor parking spaces on the other. He stated that there would be approximately 2.6 spaces per unit, which is over the required amount of parking required for the site.

Mr. McCracken noted the Township Engineer's comment #2 under the Traffic Impact Assessment/Parking Areas section, which states that the Site Plan needs to be revised to increase the street width to 30 ft. to accommodate street parking. Mr. Crispo stated that Mr. Hauss, the Fire Prevention Director, wanted to have the roadways constructed 26 ft. wide without any street parking allowed. Mr. Healey stated that although there seems to be a conflict between Township professionals, the Engineer would like to see additional parking for the site. Mr. Healey added that there seems to be space at the end of the visitor parking areas for some additional parking spaces. Mr. Crispo discussed the additional parking possibilities and some of the constraints involved. Mr. Dominach indicated that if they increase the number of parking spaces, they would then require a variance for additional impervious coverage. Mr. McCracken then opened a discussion regarding curbing along only one side of the street. Mr. Crispo explained for the Board the methodology of their design relating to storm water management and the new best management practices (BMP) of the NJDEP regulations. An explanation for not extending the sidewalks was then given to the Board for their information and a discussion ensued. Mr. Crispo indicated that they were requesting a design waiver for the sidewalks.

The Board then reopened the discussion of possible active recreation after learning that the impervious coverage was at its maximum. Mr. Kramer asked for clarification regarding the storm water management system and how it would be affected by adding additional impervious coverage. Mr. Crispo detailed the system for Mr. Kramer and the rest of the Board members.

Mr. Lanfrit then addressed the comments from the Township Professional's reports. Mr. Healey's Planner's report was discussed, and Mr. Crispo testified that they moved the buildings in approximately 11 ft. from the property line. He added that it is the Applicant's intention to preserve any trees and vegetation along the property lines. Mr. Crispo indicated that they would be providing additional evergreens in the gaps around the project's perimeter. He also added that if the Board felt that there needed to be additional buffering, they could provide board on board fencing in those areas that require it, with the exception of the wetlands area. Mr. Lanfrit offered to supplement any landscaping and fencing to Mr. Healey's satisfaction.

Mr. Crispo addressed the issue of contiguous sidewalks along Franklin Boulevard. He explained the reasoning for stopping the sidewalk prior to reaching Lot 8, stating that for safety reasons, where there is a retaining wall, they did not want to extend the sidewalk. Mr. McCracken suggested the Applicant speak to the County regarding the retaining wall that is within the Right-Of-Way to see if they might remediate the situation.

Mr. Lanfrit then went through the Engineer's report regarding those items that are still open. He stated that they would comply with all items marked as "Not Satisfied".

Mr. Lanfrit then brought the Board's attention to the Traffic Safety Report. He stated that they could comply with the re-striping request and provision of a left turn lane on Franklin Boulevard, after the development is occupied, if it becomes an issue. Mr. Crispo also indicated that they would discuss with the Engineering Dept. and Traffic Safety Bureau to properly calculate the number of required handicapped spaces to comply with the requirements of the Americans With Disabilities Act (ADA).

Mr. Lanfrit indicated that they would be able to comply with all of the other staff reports.

Mr. Kramer opened a discussion regarding the ratio of affordable housing unit to market rate units and the newly proposed COAH requirements.

Chairman Thomas opened the meeting to the public. Seeing no one come forward, the meeting was closed to the public.

Ms. Graumann asked for any other methods the Applicant could provide to discourage the use of the third room on the sleeping floor being used as a bedroom. Mr. Lanfrit indicated that in addition to removing the closet, they could also remove the door from the doorway.

The Chairman revisited the topic of active recreation on the site. He stated that if they included a tennis court, he was concerned about the increase in impervious coverage. The Board discussed various conditions and decided upon allowing the minimum coverage necessary to provide the facility with a maximum of 1% additional impervious coverage over the present 30.4%.

Mr. Shepherd made a motion to approve the Site Plan, with the variances required, including minimum recreation area, minimum width of private streets, minimum setback for curb line, minimum side yard for each row of housing units and a waiver of the sidewalk requirement subject to the following conditions:

- The deeds for each unit shall include a condition that the garage space allow for the storage of a vehicle at all times, the space on the third floor not be used as sleeping space and the den on the second floor not be used as a bedroom.
- When the units are built, that each of the town house sections be painted with a different color to differentiate them from one another.
- In the recreation areas, there be no lighting permitted once the types of recreation to be provided is determined.
- Once twenty of the units are sold, there should be a determination at that point as to what type of recreational amenities should be placed in the recreation areas.
- If necessary, to accommodate the recreational facilities, the impervious coverage be allowed to increase up to 32% of the total area of the property.
- That there be landscaping and fencing satisfactory to the Director of Planning.
- In negotiations with the Engineering Dept. regarding the provision of handicapped parking, that if handicapped spaces are allowed to be reduced that that area be used for additional visitor parking.
- The Applicant would agree to re-stripe Franklin Boulevard after the completion of the project if necessary and required.

Mr. Johnson seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Vice Chair Evans, Ms. Graumann, Mr. Johnson, Mr. McCracken, Mr. Shepherd and Chairman Thomas

AGAINST: None

- **St. Stephens Mar Thoma Church / Docket #ZBA-07-00052**

Application for a Use Variance and Site Plan to construct a house of worship, with associated parking, located at 121 Grouser Road, Block 59.01, Lot 10.02, in the (A) Agricultural Zone.

Seeing that the time was late, the Board agreed to **carry the Application to April 3, 2008 – no further notification required.**

**DL 4/30/2008**

#### **WORK SESSION / NEW BUSINESS**

There was no new business.

#### **MEETING ADJOURNED**

Mr. Shepherd made a motion to adjourn the meeting at 10:15 p.m. and the motion was seconded. All were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
February 19, 2008