

**TOWNSHIP OF FRANKLIN  
PLANNING BOARD  
COUNTY OF SOMERSET, NEW JERSEY**

**REGULAR MEETING  
September 7, 2016**

The regular meeting of the Township of Franklin Planning Board was held at 475 DeMott Lane, Somerset, New Jersey and was called to order by Chairman Orsini at 7:30 p.m. The Sunshine Law was read, the Pledge of Allegiance said and the roll was taken as follows:

---

**PRESENT:** Councilman Chase, Carl Hauck, Alex Kharazi, Cecile Maclvor, Robert Mettler, Robert Thomas, Jennifer Rangnow, Godwin Omolola and Chairman Orsini

**ABSENT:** Mustapha Mansaray

**ALSO PRESENT:** Mr. James Clarkin, sitting in for Board Attorney, Mr. Peter Vignuolo, Mr. Mark Healey, Director of Planning and Vincent Dominach, Senior Zoning Officer

---

**MINUTES:**

- **Regular Meeting –July 20, 2016**

Vice Chair Maclvor made a motion to approve the Minutes as submitted. Mr. Thomas seconded the motion and the roll was called as follows:

**FOR:** Councilman Chase, Mr. Hauck, Vice Chair Maclvor, Mr. Mettler, Ms. Rangnow, Mr. Omolola and Chairman Orsini

**AGAINST:** None

## RESOLUTIONS:

- **New Casino Car Wash / PLN-16-00002**

Vice Chair Maclvor made a motion to approve the Resolution as submitted. Mr. Omolola seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Vice Chair Maclvor, Mr. Mettler, Ms. Rangnow, Mr. Omolola and Chairman Orsini  
AGAINST: None

## DISCUSSION:

### *Vouchers:*

- **Clarkin & Vignuolo, P.C. – August Retainer - \$833.33**

Vice Chair Maclvor made a motion to approve the Vouchers as submitted. Mr. Mettler seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Mr. Kharazi, Vice Chair Maclvor, Mr. Mettler, Mr. Thomas, Ms. Rangnow, Mr. Omolola and Chairman Orsini  
AGAINST: None

### *Ordinance:*

- **Ordinance #4163-16 – Amending the Renaissance 2000 Redevelopment Plan**

Mr. Healey stated that he believed the Board saw a draft of the Ordinance at a recent work session. He indicated that there was a very simple ordinance change to the Churchill Millstone Mixed Use District to allow for modest increases in the floor area of the few single family homes still within the district, up to a maximum of 1,000 sq. ft. Mr. Healey added that the regulations would follow the R-7 Zoning District requirements that were in place before the homes were made a part of the Redevelopment area and so that it would blend in with the pattern of the area. Mr. Healey stated that the change was recommended by the Redevelopment Agency, sent to Council and then to the Planning Board for the formal recommendation.

Vice Chair Maclvor made a motion to approve the Ordinance and agree that it was consistent with the Master Plan. Mr. Mettler seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Mr. Kharazi, Vice Chair Maclvor, Mr. Mettler, Mr. Thomas, Ms. Rangnow, Mr. Omolola and Chairman Orsini

AGAINST: None

### **PUBLIC COMMENTS:**

Chairman Orsini made a motion to open the meeting to general public comments. Vice Chair Maclvor seconded the motion and all were in favor.

Ms. Donna Fazio, Franklin Township resident, came forward. She stated that she was there to express her opposition to the bow hunt that has been approved in the Township. Chairman Orsini indicated that the subject was not a Planning Board issue, but more likely a topic for the Township Council or the Open Space Committee.

Seeing no one further coming forward, Vice Chair Maclvor made a motion to close the public portion of the meeting. Mr. Omolola seconded the motion and all were in favor.

### **HEARINGS:**

- **Balaji Property Solutions, LLC / PLN-16-00004**

Mr. Francis P. Linnus, Esq., Attorney, appeared before the Board on behalf of the Applicant, Balaji Property Solutions, LLC. Mr. Linnus indicated that they were there before the Board that evening to request Minor Subdivision approval, w/Variances, in which the Applicant was proposing to subdivide the property into two (2) lots at 23 Wortman Street, Somerset; Block 73.01, Lot 36, in the R-10 Zone – **CARRIED FROM JULY 20, 2016 – with no further notification required.**

Mr. Dominach's Zoning report indicated that the Applicant was proposing to subdivide their property into two lots in the R-10 Zone. The report included the need for one variance on proposed Lot 36.01, where 100 ft. frontage was the minimum and 66.06 ft. was proposed. Also included in his report was the requirement that the Applicant must confirm that the proposed use of the properties will be residential only, otherwise a D variance would be required from the Zoning Board and that the Planning Board would not have jurisdiction to hear the subdivision.

Mr. Linnus went on to state that they were seeking two (2) variances, one for lot frontage and the other for a side yard variance for the existing structure. He then noted that the property was located on the easterly side of Wortman Street and within the R-

10 District with an historical overlay (R-10H District). He also stated that there was an existing building on the lot, the former E. Millstone Schoolhouse. Mr. Linnus added that it was his understanding that it had been a school property for almost a century, going back to approximately 1879-1977. He went on to state that at the time, one of the Township Boards approved a daycare center, and it operated as such until approximately June, 2015. Mr. Linnus wanted the Board to know that the project included no changes to the existing structure and understand that they would have to go before the Historic Commission if they plan to build a second home.

Mr. David Stires, Engineer, came forward and was sworn in. The Board accepted his qualifications. Mr. Stires entered into the record as Exhibit A-1, a colored rendering of the Site Plan that was submitted to the Board. He noted that the subject property was located on the east end of the Village of East Millstone. In discussing the property, Mr. Stires showed the Board the location of the old schoolhouse on the property that had been utilized as a day care facility. Also included was a paved area that was for the use of the day care center as well as a graveled area. Mr. Stires indicated that the plan for the site was to remove the paved area as well as the graveled area in order to comply with the coverage requirements and to give the property a more residential appearance. He then discussed the subdivision of the property in the R-10H Zone and the need to preserve the existing structure. His explanation included the reasoning for needing a variance for lot frontage for Lot 36.01. Mr. Stires noted that the two lots had 15,000 and 18,000 sq. ft., respectively and were both well in excess of the required 10,000 sq. ft. minimum in the zone.

Mr. Stires then discussed the Township Engineer's report of July 5, 2016, noting that they could comply with all items in the report, but wanted to discuss the topic of the steel door over basement steps on the northerly side of the existing building. He noted that the steel doors/basement steps were approximately 4-5 feet off the property line, with a requirement of an 8 ft. setback. Mr. Stires respectfully requested a variance so that they would not have to relocate those doors/stairs. Mr. Dominach asked Mr. Stires if he could put the exact dimensions on the plan, and he agreed to do so. He then drew the Board's attention to item #14 of the Engineer's report, stating that there were some mature trees along the frontage, including deciduous and pine trees, with no real room to add street trees with the exception of maybe one new tree on the newly created, vacant lot. Mr. Stires testified that they had not as yet put a house on the plans yet, so he was not sure if they would have to remove any trees from the property as a result of the construction. He agreed to comply with the requirements at the time of the building permit. Mr. Stires then stated that they had applied to the D&R Canal Commission and were found to be exempt from any jurisdiction. He added that they also applied to the Somerset County Planning Board and Somerset County Health Dept., who both approved the plan. Mr. Stires then stated that there were no objections to the proposed plans from the Franklin Township Sewerage Authority or the Franklin Township Police Department and that he didn't anticipate any issues from the Franklin Township Water Department or the Franklin Township Fire Department.

Mr. Hauck asked whether the new house would be connected to public sewer and water, and Mr. Stires answered in the affirmative. Mr. Hauck then asked if they were aware of the moratorium on the opening up of the streets after they were just freshly paved two weeks prior. Mr. Linnus indicated that they were aware.

Mr. Stires then discussed the old railroad right of way to the north of the property. He noted that the right of way was probably 15-20 feet below the grade of the subject property and has been vacated. He next drew the Board's attention to an old chain link fence that surrounded the daycare, for obvious safety and security purposes and with the property sloping down there, but indicated that it did encroach slightly onto the railroad property so they would either relocate it or remove it.

Mr. Kharazi opened a discussion regarding the fence. A discussion ensued among the Board regarding the fence's location and whether to keep the same fence or replace it with a new one.

Mr. Mettler then opened a discussion regarding the possibility of the railroad property being purchased separately, with someone trying to build upon it. The Board then entertained a discussion with Mr. Mettler and Mr. Linnus regarding the history of the railroad property and the subject property, noting that it had been owned by the same person at one time. Mr. Linnus stated that the subject property was not owned by the same person who owns the railroad property at this time and that there were a number of tax liens on the railroad property going back to 2006 as well as wetlands and zoning issues. He added that the two properties were never merged. Councilman Chase stated that he was going to ask if they had made any attempt to purchase adjoining property in order to lessen or remove the need for a variance for lot frontage and Mr. Linnus referred to the previous discussion regarding the issues on the railroad property. The Councilman suggested that they write a letter to the Township Manager with the suggestion that the Township retain the liens on the property and attempt to eventually acquire the railroad lot as protection for all the neighboring properties.

Chairman Orsini suggested that the Board recommend that they remove the old fencing and address the issue at the time the property was developed.

Mr. John Chadwick, Planner, came forward and was sworn in. The Board accepted his qualifications. Mr. Chadwick provided an overview and history of the subject property, noting that the Applicant intended to renovate the existing building and turn the former East Millstone School and former daycare center into a single family home. He then noted that schools were not a permitted use in the R-10 Zone, so that they were taking a non-conforming use and turning it into a conforming use, utilizing the footprint of the structure as it is. He added that they were also taking away the commercial aspect of the property by removing the parking lot and turning it into a driveway. Mr. Chadwick then noted that they were planning to keep the front setback line of the proposed newly constructed home in line with the existing structure, approximately 12-13 ft. back from the roadway and less than what was required. He then related these issues to the C-2 variance, comparing the positives to the negatives. He then discussed the Bilco doors

and basement steps, stating that the setback issues created were de minimus as they could not be seen from the roadway. Mr. Chadwick then talked about more closely conforming to the lot frontage requirements by moving the lot line, testifying that it would require the removal of the existing, historic structure to do so.

Mr. Healey asked that if the Board granted the variance approvals, would the Applicant agree to place the proposed new home at the same setback from the roadway as the existing structure. Mr. Chadwick answered in the affirmative.

After having discussions regarding the first few points on Mr. Healey's Planning report, Mr. Linnus indicated that they would comply with items #5, 6 and 7 in the Review Comments section of that report.

Vice Chair MacIvor made a motion to open the meeting to the public. Mr. Mettler seconded the motion and all were in favor.

Mr. John Herrling, 49 Welsh's Lane, Somerset, NJ, came forward and was sworn in. Mr. Herrling stated that the fence on the property was in disrepair and would have to be replaced anyway. He also wanted to know if there was a plan for the proposed home at this time. Mr. Linnus explained that they first had to get subdivision approval and then go before the Historic Commission for an approval on a house design. Mr. Chadwick then explained to Mr. Herrling that they had just paved the road, so they cannot open the roadway to connect to public sewer and water until after the moratorium period has expired (three (3) years). Mr. Herrling then asked about what the plans for the existing structure, and Mr. Linnus explained that any changes to the exterior of the structure would have to be approved by the Historic Advisory Commission. Mr. Healey clarified that they would be allowed to make interior changes without any approvals from the Historic Commission.

Mr. Zack Lichtmann, 37 Franklin Street, Somerset, NJ, came forward and was sworn in. Mr. Lichtmann asked for clarification regarding the setback to the Bilco doors. He also asked if they would be able to know what the square footage of the proposed home would be. Mr. Dominach stated that the Applicant, at the time they plan to build on the property, would need to conform to the bulk standards and receive approval from the Historic Advisory Committee prior to any home being built on the property. He also explained that those issues were not the subject of that evening's hearing, which was a subdivision hearing.

Mr. Clarkin, Board Attorney, asked Mr. Linnus if the Applicant would agree that the new residence would be built as a single family home. Mr. Linnus answered in the affirmative.

Seeing no one further coming forward, Vice Chair MacIvor made a motion to close the meeting to the public. Mr. Mettler seconded the motion and all were in favor.

Mr. Linnus then gave his closing remarks prior to the Board's vote on the matter.

A discussion ensued among the Board regarding whether the Applicant should be required to put up a new fence on the subject property or take down the old fence and let the new owner put up a fence upon construction.

Mr. Linnus indicated that the Applicant would be agreeable to putting up a new fence on the property as a condition of any subdivision approval.

Vice Chair MacIvor made a motion to approval the Application, with variances, and to include the requirement of a new fence along the property line as a condition of the subdivision approval for safety reasons. Mr. Omolola seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Mr. Kharazi, Vice Chair MacIvor, Mr. Mettler, Mr. Thomas, Ms. Rangnow, Mr. Omolola and Chairman Orsini

AGAINST: None

- **CANAL WALK / PLN-14-00013**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Canal Walk. He explained that they were there that evening to obtain Final Major Subdivision approval for Block 513.47, Lot 1.01, in the SCV Zone.

He told the Board and public that in 2014, on behalf of Canal Walk, he submitted an application for Preliminary and Final Subdivision approval for 63 single family lots within the Canal Walk project. Mr. Lanfrit indicated that he also submitted a Site Plan approval application for the Enclave, 62 condominium units. He went on to state that they had been involved in three (3) hearings on the matter and was granted, in December of 2015, the Preliminary Subdivision approval. He went on to explain that at that time, the Board chose not to grant the Final Subdivision approval because they were still discussing a potential access point to Canal Walk through the 63 single family lots. Mr. Lanfrit stated that now everything had been resolved and all the access points were fixed and seeking Final Subdivision approval for the 63 single family lots. He noted that the plans were consistent with the Preliminary Subdivision approval and they had addressed all the comments in the Engineering report in the past few months, but are just waiting to hear back from the Township Engineer's office. Mr. Lanfrit also stated that Mr. Hauck asked that they relocate a water line that was within an easement, and he testified that they were willing to do that. He stated that the water line was originally planned to be located between Lots 16 and 17 and is now planned to be located between Lots 24 and 25.

Councilman Chase inquired about item #33 in Mr. Vega's Township Engineer's report in which the Delaware & Raritan Canal Commission (DRCC) was asking that the Applicant revise the recorded easement to encompass the enlarged detention basin since the outfall structure encroaches into the stream corridor. Mr. Lanfrit indicated that they had

applied to the DRCC, but they had not adopted the approval yet. He stated that they would record the easement once they have formally approved the plan. Mr. Lanfrit noted that the detention basin was actually within the Enclave project and should be part of the review for that section.

Chairman Orsini made a motion to approve the Final Subdivision for the 63 single family homes in Canal Walk. Mr. Omolola seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Mr. Kharazi, Mr. Mettler, Mr. Thomas, Ms. Rangnow, Mr. Omolola and Chairman Orsini

AGAINST: Vice Chair Maclvor

- **745 HAMILTON STREET, LLC / PLN-15-00011**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, 745 Hamilton Street, LLC. The Application that evening was held for Reconsideration of Site Plan approval, with Variances, and Major Subdivision, on Hamilton Street, Dewald Avenue and Martin Street, Somerset; Blocks 223/224, Lots 22-31/1-12 & 28-33, in the HBD Zone.

Mr. Dominach explained that the Board received a letter to request reconsideration from Mr. Lanfrit for Site Plan approval, dated August 1, 2016, for the 745 Hamilton Street, LLC project that was denied at the last hearing on July 20, 2016.

Councilman Chase made a motion for the Planning Board to reconsider the Site Approval application. Chairman Orsini seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Mr. Kharazi, Vice Chair Maclvor, Mr. Mettler, Mr. Thomas, Ms. Rangnow, Mr. Omolola and Chairman Orsini

AGAINST: None

Mr. Lanfrit explained that the matter was originally heard on March 2, 2016, where they submitted a fully conforming Site Plan application for a mixed use building on Hamilton Street and a three (3) lot subdivision on Martin Street. At the end of the hearing, Mr. Lanfrit stated that there was a question concerning the storm water management plan. He added that there was a request in the reports that they look at relocating the underground basin. Mr. Lanfrit then indicated that the matter was then carried and the Applicant had the professionals do additional soil testing and submitted an additional storm water management report. He told the Board that the matter was relisted and heard on July 20, 2016 and there was a report where Mr. Vega, the Assistant Township Engineer said that soil testing report was received, but there was no comment

concerning the report that the Applicant submitted. He then stated that on the evening of July 20, 2016, the Board decided to deny the application even though the Minor Subdivision they were requesting had nothing to do with the detention basin since it was a separate application. Mr. Lanfrit then indicated that the day after the hearing, on July 21, 2016, Mr. Vega then issued a report saying that he had received everything requested from the Applicant and had reviewed it. Mr. Lanfrit stated that the report from Mr. Vega stated that besides some minor design changes to satisfy compliance, the report was satisfactory.

Mr. Lanfrit then asked if Mr. Vega's July 21, 2016 report, even though it was part of the Board's packet, marked into evidence as Exhibit A-1 and dated September 7, 2016. Based upon Mr. Vega's report, Mr. Lanfrit believed that they had complied with all of the requirements of the approval and would request that the Board grant the subdivision approval for the three lots as well as the Site Plan approval that was originally requested back in March of 2016. He testified that nothing had changed with the application in the intervening time nor has the relocation of the detention basin affected anything that the Board approved.

Mr. Mettler made a motion to open the meeting to the public. Vice Chair MacIvor seconded the motion and all were in favor. Seeing no one coming forward, Mr. Mettler made a motion to close the public portion of the hearing. Vice Chair MacIvor seconded the motion and all were in favor.

Vice Chair MacIvor made a motion to approve the application for Site Plan and Major Subdivision. Mr. Mettler seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Vice Chair MacIvor, Mr. Mettler, Mr. Thomas, Ms. Rangnow, Mr. Omolola and Chairman Orsini

AGAINST: None

## **COMMITTEE REPORTS**

No reports were discussed.

## **WORKSESSION/NEW BUSINESS:**

Chairman Orsini brought up the subject of a subdivision off of Bennett's Lane (Jeremy Court). He went on to state that Mayor Kramer made him aware that, for some reason, that subdivision did not have street lights, nor was it approved to have street lights. A discussion ensued among the Board regarding Residential Site Improvement Standards (RSIS). Mr. Healey indicated that there was nothing in the standards that would require lights. The Chairman asked that the Planning Board make sure that all approvals in the future include the provision for lights, so the Township would not be responsible for

putting them in after the fact when the developer was finished with the project. A discussion ensued among the Board.

Mr. Mettler opened a discussion regarding the railroad property in East Millstone that was discussed during a hearing that evening. He reminded everyone that Councilman Chase made a good suggestion, and Mr. Dominach indicated that the Board made it clear that they would like that property to stay in Township hands and not be sold privately. A discussion ensued regarding the status of all of the property along the old railroad, and Mr. Mettler indicated that he was fairly confident that all of the other property along the rest of the railroad was privately owned.

**EXECUTIVE SESSION:**

The Board did not enter into an Executive Session that evening.

**ADJOURNMENT:**

Chairman Orsini made a motion to adjourn the regular meeting at 8:45 p.m. Vice Chair MacIvor seconded the motion and all were in favor.

Respectfully submitted,

---

Kathleen Murphy, Recording Secretary  
September 25, 2016