

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

**REGULAR MEETING
December 16, 2015**

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, Cecile MacIvor, Robert Mettler, Charles Onyejiaka, Robert Thomas, and Chairman Orsini

ABSENT: Raleigh Steinhauer, James Pettit and Edward Potosnak

ALSO PRESENT: Board Attorney, Mr. Peter Vignuolo, Mr. Mark Healey, Director of Planning and Vincent Dominach, Senior Zoning Officer

MINUTES:

- **Regular Meeting –October 21, 2015**

Vice Chair MacIvor made a motion to approve the Minutes as Amended by Councilman Chase. The motion was seconded and the roll was called as follows:

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

AGAINST: None

- **Regular Meeting – November 4, 2015**

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

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

AGAINST: None

RESOLUTIONS:

- **2016 Planning Board Calendar**

CARRIED TO JANUARY 6, 2016

- **M-Affiliates, LLC & Elkins Enterprises, LLC / PLN-15-00012**

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

FOR: Councilman Chase, Mr. Hauck, Vice Chair Maclvor, Mr. Mettler, Mr. Onyejiaka, Mr. Thomas and Chairman Orsini

AGAINST: None

- **Skaar / PLN-15-00007**

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

FOR: Councilman Chase, Mr. Hauck, Vice Chair Maclvor, Mr. Mettler, Mr. Onyejiaka, Mr. Thomas and Chairman Orsini

AGAINST: None

- **RishRah Corporation / PLN-15-00009**

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

FOR: Councilman Chase, Mr. Hauck, Vice Chair Maclvor, Mr. Mettler, Mr. Onyejiaka, Mr. Thomas and Chairman Orsini

AGAINST: None

DISCUSSION:

Vouchers:

- **Mr. Peter Vignuolo – December 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, Vice Chair Maclvor, Mr. Mettler, Mr. Onyejiaka, Mr. Thomas and Chairman Orsini

AGAINST: None

HEARINGS:

- **CANAL WALK ASSOCIATES, LLC – PLN-14-00013**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Canal Walk Associates, LLC. Mr. Lanfrit indicated that they were there that evening for a Major Subdivision in which the Applicant was proposing a 63-lot subdivision to construct age-restricted single family detached homes at School House Road, Somerset; Block 513.01, Lot 15.01, in the SCV Zone - **PRELIMINARY SUBDIVISION APPROVAL ONLY – returning on FEBRUARY 3, 2016 for FINAL APPROVAL, with no further notification required.**

Mr. Dominach's Zoning report indicated that the Applicant was proposing a 64-lot Major Subdivision in the SCV Zone and that there were no variances required.

Mr. Lanfrit stated that he wanted to review what transpired during the meeting of October 7, 2015 and then discuss what the Applicant wanted to accomplish at that evening's hearing. He indicated that they presented to the Board on the evening of October 7th, 2015, the amended GDP and asked for the approval, which the Board had not as yet acted upon. He noted that the amended GDP was in compliance with the general terms of the original GDP, with the elimination of the commercial, assisted living and congregate care aspects where the new units would be constructed. He added that the amended GDP met all requirements as to the breakdown of units, number of units, open space and recreation. At the October meeting, the testimony of Mr. Heibel, who reviewed the three parts to the project was discussed. The first part included the single family houses located on the left side of the entrance of Canal Walk Blvd. and was a subdivision Application and the second part that included an additional 62 Enclave units located on the right side as you enter the subject property, and was reviewed in general terms as well as discussed the relocation of the guard house at the entrance. Mr. Lanfrit testified that after the October meeting, they took all of the staff comments and have revised the subdivision plan for the 63 single family units, which they will discuss

that evening. He added that, at the last meeting, they did not have the Traffic testimony regarding the relocation of the guardhouse and would be presenting that testimony that evening. Mr. Lanfrit also stated that they would not be presenting any testimony regarding the Enclave because they were still working out some redesigns based upon staff comments and the comments from the DRCC and also because the entrance to the Enclave section was right beyond the present location of the guardhouse, which was still being decided upon. Mr. Lanfrit added that there were comments from both Mr. Healey, the Planning Director, and Mr. Vega, the Assistant Township Engineer, about what Canal Walk Boulevard would look like with the reconfigured guard house, the landscaping and detailed boulevard design.

Mr. Heibel, Engineer, came forward and remained under oath from the last hearing. Mr. Heibel testified that his credentials had not changed and reviewed the revisions to the plans that were made as a result of the public input and staff reports generated in September of 2015. He stated that he submitted revised plans to the staff and received new staff reports as a result, which would be discussed that evening. Mr. Lanfrit entered into the record as Exhibit B-1, showing a site exhibit of Canal Walk III and a composite of the plans that were part of the 14 sheets that were submitted in the revised plans and included the layout of the 63 single family units as well as the proposed landscaping and street layout, etc. Mr. Heibel then discussed with the Board the changes that were made to the single family unit plan since the last hearing. He indicated that there were some internal storm drainage revisions, per Mr. Vega, a 4-6 ft. high berm, both along Mettlers Lane and Schoolhouse Rd., and a revised landscaping plan for along the remainder of Mettlers Lane that was approved in the other sections and would be in keeping with the design that was already incorporated. He added that there were some small internal revisions, including some minor sanitary sewer revisions. Mr. Heibel indicated that those plans were re-submitted to the Sewerage Authority and the Township and that they received new reports from Township Engineer, Township Planner and Sewerage Authority as a result. Mr. Heibel then discussed the treatment at the intersection of Canal Walk Boulevard and the newly proposed road to that section. He indicated that they pulled out part of the landscaped island and added some striping and removed a left-turn lane in that section. He went on to state that there would now be two 14 ft. wide travel lanes of either side of the landscaped island, which would meet the RSIS standards. Mr. Heibel added that there was adequate space for entry and exit of emergency vehicles to that section of the development.

Mr. Lanfrit drew the Board's attention to Mr. Vega's December 8, 2015 Township Engineering staff report. Mr. Heibel testified that he had a meeting with Mr. Vega and indicated that they would be able to comply with all of the comments in his report. He then added that the changes made as a result of the conversation with Mr. Vega were technical changes and did not change substantially what the Board was reviewing that evening. Mr. Heibel then addressed Mr. Healey's December 10, 2015 Planning report, noting that it dealt with the 63 single-family homes as well as Canal Walk Boulevard. Firstly, he indicated that they would be able to comply with the comments regarding the 63 single-family homes. He did offer a qualification regarding Mr. Healey's request to

extend the sidewalk along the easterly side of Canal Walk Boulevard in a southerly direction. He mentioned that there was already existing and constructed a sidewalk on the westerly side of Canal Walk Boulevard and that it was their intention to place a crosswalk in the roadway at the entrance drive to connect to that existing sidewalk. He also explained that there were existing townhouses on the easterly side of Canal Walk Boulevard that were fairly close to the road, so extending the sidewalk would be close to the back of the townhouses. He added that it would also include having to remove and relocate additional trees, and it was his understanding that there were underground utilities in that area that would have to be disturbed, although he did not engineer that particular section of Canal Walk.

Mr. Heibel then drew the Board's attention to Exhibit B-2, stating that it showed an enlarged version of the proposed relocated guardhouse coming in and out of Schoolhouse Rd. He also indicated that the exhibit showed two lanes into the single-family home section there as well as a one-land exit out of the section.

Mr. Ari Dean, Traffic Consultant /Engineer and Principal of Dolan & Dean Consulting Engineers, came forward and was sworn in. The Board accepted Mr. Dean's qualifications. Mr. Dean indicated that he had been involved in the planning of the first sections of Canal Walk that incorporated the traffic signals along Mettlers Lane, Schoolhouse Rd. and Weston Canal Rd. Mr. Dean then drew the Board's attention to concerns from the last hearing regarding whether there was adequate stacking of vehicles at the guardhouse in its original position on the plans. Mr. Dean stated that he was asked by the Applicant to revisit the entire guardhouse issue, recognizing that as Canal Walk has matured, there were concerns raised about the design of the guardhouse, how it functions in relation to visitor traffic and residential traffic. He indicated that there had been at least six (6) or seven (7) iterations of the guardhouse plan for the single-family residential section over the past year and that they had evaluated it from many perspectives, including the proximity to Schoolhouse Rd. and the distance from the proposed guardhouse to the proposed entrance drive to the Enclave driveway. Mr. Dean indicated that the Enclave driveway had been moved further away from Schoolhouse Rd. to provide more space for stacking of vehicles from the guardhouse to Schoolhouse Rd. as well as room for u-turns should a vehicle not be permitted or has entered by mistake. He also described a separate lane for residential access to the site. He then discussed having a restroom inside the guardhouse to avoid unattended guardhouse issues that have occurred in Canal Walk. He then entered into the record as Exhibit C-(1-10), which were dated screen-captured photos from a webcam installed in a guardhouse to view stacking of vehicles. Mr. Dean indicated that what was shown in the first photo with four (4) stacked vehicles at a guardhouse was, in his opinion, the peak flow that would typically be seen. He showed the other photos taken during peak times, discussing the situation at the time and indicating that the stacking of vehicles generally lasted under one-minute. Mr. Dean explained that their most recent design of the guardhouse would allow for seven (7) or (8) vehicles, doubling the capacity of what was the known peak hour stacking volumes. He then drew the Board's attention to Exhibit B-2, showing the location of the gates and indicating that only one gate can open at a time, avoiding any collision from visitors and

residents at the merge point of the entrance drive. Also part of the decision of where to place the guardhouse, according to Mr. Dean, was the future Enclave driveway and the sight lines for left hand turns out of the development from that section. Mr. Dean noted that the Police Dept. have weighed in with their concerns and that they have planned for signage to denote visitor and residential lanes. Mr. Dean then discussed what effect, if any, the 62-unit Enclave section would have on the operation of the proposed guardhouse, noting that they had applied data relating to number of units to be able to forecast additional trip generations to ensure the adequacy of the plan. He then discussed the grading issue just before the proposed guardhouse, noting that the extremely modest grade would not pose a hazard, even in inclement weather. Mr. Dean then explained that they had aligned the residential driveway to eliminate the current bump- that existed and create a straight drive right into the community.

Mr. Dean then discussed the benefits of including additional residential units in areas to the left and right of the entrance drive where commercial, assisted living and aggregate care was previously planned. He noted that there was to be 1,260 units, 40-45,000 sq. ft. of commercial space and 220 units of assisted living or congregate care units. Conversely, he stated, single-family and enclave units comprise 1,252 units in total and that the elimination of the commercial component contributes substantially less traffic than age-restricted dwelling units to upwards of 100+ vehicles an hour. He added that including assisted living units would also have to accommodate for employees, which would now be eliminated.

Referring to Exhibit B-1, Mr. Dean testified that the newly designed entrance driveway as well as the entire single-family section complied with RSIS standards and that they had addressed the safety concerns for emergency vehicles being able to access the looped roadway.

Mr. Hauck indicated that there was a water main underneath the proposed guardhouse and felt that it would have to be relocated to the roadway area. Mr. Heibel agreed to do so. Mr. Hauck also noted other water mains located underneath sidewalk areas in front of residential units and stated that those should also be relocated as was agreed to by Mr. Heibel by shifting the sanitary sewer. Additional water mains were discussed and agreed to be moved to a better location for maintenance by the water company and creating an easement to do so. Mr. Heibel agreed to make those changes as well.

Councilman Chase opened a discussion regarding a comment by the Fire Prevention Director regarding turning radius and adequate aerial fire truck access. Mr. Heibel indicated that they had done some corrections based on Mr. Hauss' earlier recommendations and also agreed to comply with his additional comments.

Mr. Mettler opened a discussion with Mr. Dean regarding the traffic impacts that would be eliminated by removing the commercial aspect of the original plan.

Vice Chair Maclvor opened a discussion regarding the requirement to add additional fire hydrants to the plan per Mr. John Hauss, Fire Prevention Director. Mr. Heibel indicated

that Mr. Hauss had already directed him as to where the additional fire hydrants needed to be placed and that was already accomplished.

Mr. Healey questioned Mr. Heibel regarding the height of the berming on Mettlers Lane. Mr. Heibel indicated that it would be 4-6 ft. in height. Mr. Healey then drew Mr. Heibel's attention to how the construction vehicles would enter the site. He indicated that he believed there was a construction entrance and that they would come in off of Canal Walk Boulevard before the guard house. Mr. Healey then drew the Board's attention to Exhibit B-2 and asked what the width of the entrance lanes were to be. Mr. Dean stated that the visitor's lane was proposed at 11 ft. wide, with the resident's lane proposed at 12 ft. wide. He also indicated that there were pavement markings proposed to denote the visitor/residents lanes, but felt it would be up to the Board to determine the aesthetics of the entryway and whether they would like to see center line striping. Mr. Healey then opened a discussion regarding accommodations for car lengths (20 ft.) and how many vehicles would be able to queue at the guard house (8). Mr. Dean testified that he did observe that the 20 ft. length of roadway per car was a fairly accurate estimate of the space utilization per car in real life. A discussion ensued regarding the ease with which residents were presently able to bypass visitors queuing at the guard house, with Mr. Dean noting that that was where striping at the centerline would provide guidance for motorists.

Councilman Chase opened a discussion regarding the possibility of moving the visitor gate forward beyond the guardhouse and the turnaround lane to prohibit unwanted visitors access to the community. Mr. Dean then reminded the Councilman that they had already testified as to why the two gates located in the same position near the guardhouse was a better option as it related to staff comments and other vehicular movement concerns.

Mr. Mettler then opened a discussion regarding the possibility that a visitor might cut in front of a resident to enter the driveway to the Enclave section of the community. Mr. Dean reminded the Board that the two gates would not be able to open simultaneously, thus allowing the separate movements from each lane.

Councilman Chase suggested that they utilize a mix of tree species along the landscaped island along the entrance drive as opposed to planting a number of same species in a row in the event of a species-specific disease. Mr. Heibel indicated that the Applicant would agree to plant no more than three (3) of the same species in a row to avoid that problem, as suggested by Councilman Chase.

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

Mr. Leon Karls, 14 Patriots Way, Canal Walk, Somerset, NJ 08873, came forward and was sworn in. Mr. Karls indicated that he was speaking that evening for the Canal Walk Homeowner's Association. Mr. Karls was concerned that the agenda for the night's meeting did not include discussion and presentation of a newly relocated guard house,

only that of the 63 single-family homes. He stated that those who had concerns regarding the guard house may not have come out to the meeting and wanted to know if they should even be discussing the guardhouse since it was not advertised as part of the agenda that evening. Mr. Lanfrit stated that the agenda for October's meeting included the single family homes, the Enclave and the relocation of the guardhouse; and since there was no need for any additional notice for that night's hearing, they were there under the original notice. Mr. Lanfrit added that they would be back before the Board again to discuss the Enclave as well as the gatehouse and the public would have the opportunity at that time to discuss any concerns. Mr. Karls then opened a discussion regarding how queuing in the visitor's lane would block the residents' lane with just three vehicles. Mr. Karls entered into the record as Exhibit D-1, a photograph taken by himself on July 31st 2015, at 8:32 a.m., showing the queuing at the gatehouse. He indicated that the queuing of five (5) vehicles clearly would block the residential lane and felt that it would do the same with the relocated gate house. Mr. Karls then entered into the record as Exhibit D-2, a sketch he drew to show how two vehicles and a truck would, in fact, block access to the residential entranceway, even with the new design. Mr. Dean responded by stating that the new design was clearly a better alternative for the residents, which was why they submitted a new design for the gate house that would eliminate the problems that had been occurring there. Mr. Karls then opened a discussion regarding the comparisons of traffic counts between the original GDP and the amended GDP. Mr. Karls then drew the Board's attention to the sequencing of the gates for the residential and visitor lanes.

Mr. Thomas asked whether the alternating gate function would still work if the visitor's gate were moved beyond the turnaround drive. Mr. Dean answered in the affirmative. He also spoke about having the turnaround lane placed before the gate for security purposes and setting the gates so that a resident has preference to have his gate open first before a visitor.

Mr. Dean then described how the alternating gate system operated and that there had never been a collision related to a gate not opening with the card system due to the alternating system.

Mr. Dan Glicklich, 27 Jays Corner, Canal Walk, Somerset, NJ, came forward and was sworn in. Mr. Glicklich asked questions regarding the benefits of the new gatehouse plan compared to the present plan and asked about any increase or decrease of vehicular movement with the proposed turnaround lane. Mr. Glicklich then opened a discussion regarding traffic and queuing between the early morning hours of 6 a.m. and 9: a.m. since he believed that was the heaviest residential traffic period on-site. Mr. Dean indicated he did not observe any stacking or queuing of vehicles in that time frame.

Ms. Dina Luchs, 51 Patriots Way, Canal Walk, Somerset, NJ, came forward and was sworn in. Ms. Luchs expressed her concern for the merging area just beyond the gate house. Mr. Dean reiterated that he felt that they had designed a safe method of avoiding vehicular conflict in that area with the alternating gate system.

Mr. Rob Rossomando, 42 Patriots Way, Canal Walk, Somerset, NJ, came forward and was sworn in. Mr. Rossomando indicated some of the issues the community struggles with currently and felt that the new design was far superior to anything in place today on-site.

Mr. Wrights Paul, 7 Patriots Way, Canal Walk, Somerset, NJ, came forward and was sworn in. Mr. Paul asked whether there would be a restroom in the new guardhouse, and Mr. Lanfrit answered in the affirmative. Mr. Paul felt that addition would help out considerably. He then asked why the Enclave driveway was a part of the plans shown in Exhibit B-2. Mr. Dean stated that they needed to plan the circulation with the Enclave entrance at the same time as designing the new gate house and entrance drive area.

Mr. Merrill Taub, 4 Benjamin Street, Canal Walk, Somerset, NJ, came forward and was sworn in. Mr. Taub wanted to know what the appropriate number of entrance driveways was appropriate for 1,200+ housing units, according to RSIS. Mr. Dean stated that there were probably no RSIS standards when Canal Walk was first built, but they did have to comply with the standards with the single-family section and the Enclave section. He also added that there was no just one entrance to the community, but there were secondary access points and emergency entrances into the development.

Chairman Orsini asked about the secondary roads available, and Mr. Lanfrit indicated that there was a full access for residents only on Weston Rd., which was also a gated entrance/exit.

Vice Chair MacIvor asked whether her suggestion from the last meeting to put an entrance on Mettlers Lane was discussed. Mr. Lanfrit stated that they had looked at that possibility, but felt it was not necessary due to the numbers of vehicles coming in and out of the community.

Mr. Lawrence Wissman, 6 Mayflower Court, Canal Walk, Somerset, NJ, came forward and was sworn in. Mr. Wissman strongly encouraged the moving of the visitor's gate to a location beyond the turnaround for safety concerns so that unauthorized vehicles were not able to enter the community.

Ms. Dina Luchs, 51 Patriots Way, Canal Walk, Somerset, NJ, came forward again. Ms. Luchs asked that they developers and engineers go back and have a look at the possibility of having another exit and entrance for the community.

Mr. Jim Little, 36 Patriots Way, Canal Walk, Somerset, NJ, and President of the Canal Walk Homeowner's Association, came forward and was sworn in. Mr. Little read a description of the Homeowner Association's review of what the Applicant plans to construct on-site and agreed that it was a much better alternative than the commercial element they originally envisioned, along with an assisted living and congregate care facility. He added that they felt that many of the residents' concerns were addressed, with input from the staff of the Township of Franklin and leave it to the Planning Board and staff to work out an agreeable plan to all.

Ms. Lucille Taub, 4 Benjamin Street, Canal Walk, Somerset, NJ, came forward and was sworn in. Ms. Taub discussed the safety concerns at the gate house with residents expecting the gate to open as they approach it. She wondered if there could be some warning signal that would show that the residents' gate was closed and that the other visitor's gate was open for a visitor's use upon their approach. A discussion also ensued regarding moving the visitor's gate further away to allow for the use of the turnaround without entering the community.

Ms. Jean Marra, 77 Bayard Street, Somerset, NJ came forward and was sworn in. Ms. Marra thought that adding a third entrance/exit off Mettlers Lane to the community would serve to alleviate any stacking or queuing problems for the residents. Mr. Dean indicated that it might be a want, but that he didn't see a necessity for it. Mr. Lanfrit stated, for the record, that there were presently two exits and two entrances to Canal Walk presently.

In the discussions, Mr. Lanfrit indicated that, although they would not be completing the hearing that evening, he would like to at least get a subdivision vote on the 63 single-family units as well as a vote on the location of the gate house. Mr. Dominach indicated that the Board would also have the right, if anything poses a problem, to open additional discussion regarding the gate house at the time of the discussion regarding the Enclave.

Chairman Orsini asked that the Applicant come back with an answer as to whether a third entrance was feasible, from an engineering point of view, so that they could determine whether there was actually a need. A discussion ensued among the Board.

Mr. Leon Karls, 14 Patriots Way, Canal Walk, came forward again and remained sworn in. Mr. Karls was concerned that they would be voting upon the subdivision for the 63 single-family homes because they would also have to enlarge the storm water detention system across the street. He also suggested that the construction driveway off of Shenandoah would be an excellent location for an eventual third road in and out of the development onto Schoolhouse Rd. for residents who have to go around the whole loop to enter or exit the community.

Chairman Orsini then asked the Applicant to investigate the possibility of a third entrance/exit drive off of Shenandoah.

Vice Chair MacIvor made a motion to close the public portion of the meeting. Chairman Orsini seconded the motion and all were in favor.

Councilman Chase suggested that they move the visitors' gate to a location after the turnaround drive and also to place a red light that would light when the visitor's gate was in use to alert residents to a closed gate situation.

A discussion ensued among the Board and Mr. Lanfrit agreed to ask for Preliminary Subdivision approval for the 63-unit single-family home section so that they would be able to look at the possibility of including a third entrance/exit.

Vice Chair Maclvor made a motion to grant a Preliminary Subdivision approval for the 63-unit single family section. Mr. Mettler seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Vice Chair Maclvor, Mr. Mettler, Mr. Onyejiaka, Mr. Thomas and Chairman Orsini

AGAINST: None

Chairman Orsini then polled the Board for their guidance to impart upon the Applicant regarding the proposed new location for the gate house.

- **FRANKLIN JULIETTE, LLC – PLN-15-00013**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the applicant, Franklin Juliette, LLC. Mr. Lanfrit explained that they were before the Board that evening for Site Plan approval in which the Applicant was proposing to construct a convenience store (WAWA) and have fuel pumps at 607 Somerset Street, Somerset; Block 164, Lots 1-26, in an R-40 Zone. The subject property was located at the southwesterly corner of Somerset Street's intersection of Juliet Avenue, with the rear of the site fronting on Myrtle Street. He indicated that they were presenting a fully conforming Application, with the exception of two variances for signage. He also added that there were a couple of design waivers that they were seeking since the property was located in the Renaissance Redevelopment area and there were certain design standards that were required.

Mr. Dominach's Zoning report indicated that the Applicant was proposing to construct a convenience store (WAWA) and associate fuel pumps. In the report, it noted that the following sign variances were required:

1. Sign area: 30 sq. ft. maximum, 67 sq. ft. proposed (building mounted), 39.3 sq. ft. (two signs on the canopy).
2. Attached (building mounted) signage: 1 maximum, 3 proposed (the two signs on the canopy are also considered attached (building mounted signage).
3. Sign Height: 10 ft. maximum, 20 ft. proposed.

Mr. Mark Whitaker, Engineer employed with Dynamic Engineering, came forward and was sworn in. The Board accepted his qualifications. Mr. Whitaker stated that Guaranteed Motors was previously located at the subject site and he detailed what the Applicant was proposing. Mr. Whitaker entered into the record an Exhibit marked as A-1 and dated December 16, 2015, which was a colored version of the site plan. He

stated that the site was currently vacant with a two-story masonry building and large parking lot on 1.72 acres with access from three (3) points on Somerset Street (Rte. 27) and fourth access off of Juliet Avenue. Mr. Whitaker stated that there were many existing non-conformities on the property, including setbacks and impervious coverage. Since the property was located in the Renaissance commercial zone of the Renaissance Redevelopment area, a convenience store with a filling station was a permitted use. He indicated that what they were proposing was a 5,051 sq. ft. Wawa food market that was 22.5 ft. high. Mr. Whitaker noted that Exhibit A-2, also dated December 16, 2015, showed a colorized version of an architectural floor plan and architectural elevation of the proposed food market. He added that the building contained a 33.5 ft. tower element that was centered on the entrance of the food market. Mr. Whitaker went on to describe the building materials that the applicant was proposing as well as the location of the exterior trash enclosure in the rear of the facility (16 ft. x 35 ft. in size), with an 8 ft. high masonry trash enclosure with self-closing gates on both sides. In addition, Mr. Whitaker testified that the enclosure would house a trash compactor, recyclables dumpster and storage shed that would house maintenance items such as lawn trimmers and salt. He then detailed the loading zone to the rear of the proposed building (17.5 ft. wide x 60 ft. long). He requested a design waiver from having to locate the loading zone outside of the area between the building and the right of way as he believed it was impractical on the subject site due to the fact that there were three (3) frontages and the front of the building would face the State highway. He indicated that to offset the fact that they has a loading zone to the rear of the building, they would provide two rows of staggered evergreen trees and the addition of a 6 ft. high solid white vinyl fence that would run from the most southerly portion of the site to the most northerly portion of the site to screen the residential neighbor on Myrtle Street. He then described the canopy that covered the six stacked fuel dispensers, allowing for twelve (12) filling positions. He noted that each fuel dispenser would have a 3+1 option of three grades of fuel plus diesel fuel for passenger vehicles and small trucks and not designed for tractor trailer fill-ups. Mr. Whitaker then discussed changing the three access driveways on Somerset St. (Rte. 27) to a single access point in the form of a full turning movement driveway. He noted that they had applied to NJDOT, with no indication that they would not permit a full access driveway. He also stated that they would have another full access driveway on Juliet Avenue and felt that both driveways were safe and efficient with adequate width, site visibility, stop controlled in the form of stop signs and painted markings, illuminated properly and fully accessible for the vehicles designed for the site. Since the ordinance provides for 41 parking spaces for the site and the Applicant was providing 50 parking spaces (10 ft. x 20 ft.), the parking situation was more than adequate. He did add, however, that they would be seeking a design waiver in order to provide parking in the area between the front of the building and the right of way line because there were three frontages. Mr. Whitaker testified that all drive aisles were 26 ft. in width and two-way. He added that all bulk standards were being met and that they were reducing impervious coverage from 93% to 73% on the property. He then drew the Board's attention to the lighting for the project, noting that all lighting would be of the LED variety, which was more energy efficient than metal halide and that they would be utilizing 20 ft. pole fixtures, which were low profile, full cut-off and state of the art fixtures as well as lighting fixtures for under the canopy and at

the corners of the building. Mr. Whitaker then went on to detail the landscaping plans, reiterating the buffering being provided along Myrtle Street and noting that there would be shade trees along Juliet Avenue spaced at 40 ft. on center as well as 40 ft. on center on Somerset Street (Rte. 27) where it was not conflicting with existing or proposed utilities. Also included in the plan were shrubbery around the perimeter to screen headlights along with shrubs and perennials at the driveways to provide interest. The remainder of the property would be sodded and irrigated. Mr. Whitaker did note that they were requesting a design waiver pertaining to landscaping to provide 10% landscaping and explained that it was impractical on a site such as the subject property which was much smaller than a typical shopping center that had multiple rows of parking. Mr. Whitaker then drew the Board's attention to storm water management on the site and testified that they met the State's storm water regulations, the DRCC regulations as well as the township's ordinance. He said that they would be providing a surface basin at the corner of Juliet Avenue and Somerset Street (Rte. 27) and an underground system located on the west side of the property. Mr. Whitaker then detailed the proposed signs, noting that they were planning one identification sign, a pylon sign, on the Somerset St. (Rte. 27) side of the property as shown in Exhibit A-3, the Wawa sign package, and sized at 20 ft. in height and 50 sq. ft. in area. He also described a building sign proposed at 67 sq. ft. and situated within the tower element of the proposed building as well as "spanner" signs (39.2 sq. ft. each) at each end of the fuel dispensing canopy. Mr. Whitaker indicated that he believed that all of the variances were C-2 planning variances, where the benefits of granting the variance outweigh the detriments. He then discussed the two proposed directional signs, located at Juliet Avenue.

Mr. Whitaker then addressed the staff reports, noting that they could comply with the comments in the Township Engineer's report, but wanted to discuss item #11 that requested the elimination of left turns out of the driveway onto Somerset St. (Rte. 27). He indicated that they would prefer not to eliminate those turnouts and was under NJDOT restrictions, noting that all indications point to their approval. He also noted that there was the possibility of utilizing Juliet, which had a signal at Somerset St. (Rte. 27). Mr. Whitaker added that item #12 in the report asked for the restriction of food and fuel deliveries using Somerset St. (Rte. 27) as the access driveway, but that he sees no reason to limit that, noting that the preference would be to have trucks utilize the State highway for those deliveries as opposed to using a residential street.

Mr. Whitaker then addressed Mr. Healey's Planning report, noting that he had discussed most of the comments during his testimony. However, he wanted to address his comment (item #6) regarding the screening of exterior mechanical equipment. He noted that the mechanical equipment would be placed on the flat roof and screened by the upper parapet element, as shown in Exhibit A-2.

Mr. Healey asked that the Applicant address the building design comment, item #2. Mr. Lanfrit stated that they would have a Wawa representative that would speak to those decisions. To address the location of the loading dock, Mr. Healey then asked that the screening along Myrtle Street be wrapped around Juliet Avenue to the back of the

building, eliminating four (4) parking spaces in the rear, in order to screen a residential neighbor. He then opened a discussion regarding the language in the ordinance regarding freestanding signs. Mr. Whitaker explained that it was a visibility issue to have the pylon sign at the proposed height. Mr. Lanfrit stated that the Applicant would be agreeable to reduce the pylon sign height to 18 ft., but that she would be giving testimony regarding the sign decisions made for the proposed development.

Mr. Thomas suggested using small fuel hose sizes for the diesel pump to additionally discourage tractor trailers from pulling in to fill up with diesel fuel. Mr. Whitaker indicated that that was already included in the plan. He then brought up sidewalk improvements and Mr. Whitaker indicated that sidewalk improvements were already planned for along Juliet Avenue and Somerset Street (Rte. 27). Mr. Thomas then asked if they could impose a condition that the fuel station be required to be able to pump gas in an emergency situation where there was no electrical power. Mr. Whitaker testified that Wawa would provide emergency generators to allow the filling stations to continue to operate in an emergency situation where there was no electrical power. Mr. Lanfrit said that they would look into the possibility of being able to provide an instant generator hookup, but without an ordinance requirement, he could not commit to providing that service.

Mr. Hauck strongly recommended to Mr. Whitaker that they relocate the incoming water line from beneath the storm water detention basin and Mr. Whitaker agreed that it was an oversight when drawing up the plans that he would correct.

Ms. Lori Kiedaisch, Real Estate Project Engineer employed with Wawa, Inc., came forward and was sworn in. Ms. Kiedaisch corroborated Mr. Whitaker's testimony as it related to building materials and floor plan layout. She testified that there would be no seating area within the building, only service areas and cash register kiosk. She then discussed the new Wawa store design, introduced two years ago, as well as the upcoming remodeling of older Wawa stores to the new design. Reasons given for the new design were a larger front access point to provide a better customer experience. She indicated that the proposed store would operate 24 hours a day, and even though they offer food services, she stated that there would be no frying or grilling on the premises. She also indicated that there would be no sales of products at the pumps and that there would be no vehicle repairs or oil changes, etc. Ms. Kiedaisch then described how the fuel and store products would be delivered, noting food deliveries would occur three to four times per week in the rear loading area and fuel would be delivered once a day for a 30-minute period of time. She added that box truck deliveries of vendor goods, such as Entenmann's, newspapers, etc., would occur in the front of the store by taking up one parking space for approximately 15-20 minutes. Ms. Kiedaisch indicated that the employee count at the proposed location would range between 40-50 over three (3) shifts, with the night shift most likely employing 4-5 employees inside and 2 employees at the fuel stations. She also added that there would be security cameras posted inside the building and also mounted to the exterior of the building and along the light poles and canopy in the parking lot

Mr. Justin Taylor, Traffic Engineer, came forward and was sworn in. The Board accepted his qualifications. Mr. Taylor referred to his June 18, 2015 Traffic Study, discussing construction of the facility and levels of service on Somerset St. (Rte. 27) and Juliet Avenue. He noted that Wawa was a very pass-by driven business, capturing motorists' attention on their ride home for such things as coffee and/or fuel. He indicated that there were levels of service of "D" on the side streets now and levels of service of "A" on Somerset Street (Rte. 27) presently and expected a continuance at the same levels for those approaches with the increase of traffic to the site. After reviewing the site circulation, Mr. Taylor felt that all vehicles entering and exiting the site would have clear circulation in and out. He then drew the Board's attention to the proposed sign visibility and appropriate location on the site, noting that Wawa was a price driven operation that also relied on the pass-by commuter by having the ability to post signs visible to moving traffic on Somerset Street (Rte. 27) for purchases such as fuel, etc. Of equal importance, according to Mr. Taylor, was the safe maneuverability to anticipate a visit to the site with enough time to access the site safely. A discussion ensued among the Board, but Mr. Dominach suggested that Mr. Taylor do the sight triangle calculations to determine what the minimum height the sign needed to be in order to provide clear sight distance at a reasonable safety level for motorists. Mr. Taylor stated that there were tests that could be run to determine that.

Mr. Hauck asked why the Juliet Avenue driveway did not align with Marshall Street. Mr. Taylor indicated that they wanted to provide access to the site without motorists having to interact with the Marshall Street vehicular movements.

Chairman Orsini asked what the contingency plan would be in case the NJDOT did not approve a full movement driveway onto Somerset Street (Rte. 27) and restricted it to a right hand out only. Mr. Lanfrit indicated that they would probably have to sign it and change the geometry of it. Mr. Taylor indicated that they had a pre-Application meeting with the NJDOT on June 4th to discuss the layout of the driveway out to Somerset Street (Rte. 27) and they felt that, given the proximity of a traffic light on Juliet Avenue, a full movement driveway onto Somerset Street (Rte. 27) would be appropriate at that location. A discussion ensued among the Board.

Mr. Healey asked whether moving the sign closer to the roadway improve visibility and Mr. Taylor agreed that it would improve the sight lines substantially. A discussion ensued among the Board regarding balancing the height and the distance from the roadway.

Mr. Lanfrit would like the approval of a conforming sign and they would then evaluate everything and come back before the Board. A discussion ensued among the Board. They then also further discussed the height of the building.

Chairman Orsini made a motion to open the meeting to the public. Councilman Chase seconded the motion and all were in favor. Seeing no one coming forward, Vice Chair Maclvor made a motion to close the meeting to the public. Mr. Mettler seconded the motion and all were in favor.

Chairman Orsini made a motion to approve Application with the stipulations discussed during the hearing, with a conforming free-standing sign and pending future potential investigation and other sign variances. Also included would be the screening of the trash enclosure with fencing and landscaping, sidewalk design waiver, the refuse design waiver. Vice Chair Maclvor seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Vice Chair Maclvor, Mr. Mettler, Mr. Onyejiaka, Mr. Thomas and Chairman Orsini

AGAINST: None

COMMITTEE REPORTS

No reports discussed.

WORKSESSION/NEW BUSINESS:

No worksession/new business

EXECUTIVE SESSION:

- **Resolution - Authorizing an Executive Session**

Chairman Orsini made a motion to go into Executive Session as well as to approve the Resolution approving taking that action. Vice Chair Maclvor seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Vice Chair Maclvor, Mr. Mettler, Mr. Onyejiaka, Mr. Thomas and Chairman Orsini

AGAINST: None

- **Executive Session – for the purpose of discussing litigation involving affordable housing.**

ADJOURNMENT:

Vice Chair MacIvor made a motion to adjourn the regular meeting at 10:45 p.m. The motion was seconded and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
January 13, 2015