

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

**REGULAR MEETING
March 2, 2017**

This 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 Robert Thomas, Chairperson, at 7:30 p.m. The Sunshine Law was read and the roll was called as follows:

PRESENT: Laura Graumann (arrived at 7:37 p.m.), Donald Johnson, Bruce McCracken, (arrived at 7:34 p.m.), Alan Rich, Anthony Caldwell (arrived at 7:39 p.m.), Gary Rosenthal, Joel Reiss and Chairman Thomas

ABSENT: Raymond Betterbid, Robert Shepherd and Cheryl Bergailo

ALSO PRESENT: Mr. Patrick Bradshaw, Board Attorney, and Vincent Dominach, Senior Zoning Officer

OATH OF OFFICE:

- **Joel Reiss**

Mr. Reiss was sworn in by the Board's Attorney, Patrick Bradshaw prior to the meeting beginning.

MINUTES:

- **Regular Meeting – December 01, 2016**

A motion was made to approve the Minutes as submitted. The motion was seconded and the roll was called as follows:

FOR: Mr. Johnson, Mr. Rich, Mr. Reiss and Chairman Thomas

AGAINST: None

- **Regular Meeting – December 15, 2016**

A motion was made to approve the Minutes as submitted. The motion was seconded and the roll was called as follows:

FOR: Mr. Rosenthal, Mr. Reiss and Chairman Thomas

AGAINST: None

- **Regular Meeting – January 05, 2017**

A motion was made to approve the Minutes as submitted. The motion was seconded and the roll was called as follows:

FOR: Mr. Johnson, Mr. Rosenthal and Chairman Thomas

AGAINST: None

- **Regular Meeting – January 19, 2017**

A motion was made to approve the Minutes as submitted. The motion was seconded and the roll was called as follows:

FOR: Mr. Johnson, Mr. Rosenthal and Chairman Thomas

AGAINST: None

RESOLUTIONS:

- **RUKH Cedar Grove Lane Properties, LLC / ZBA-16-00040**

A motion was made to approve the Resolutions as submitted. The motion was seconded and the roll was called as follows:

FOR: Mr. Rich, Mr. Rosenthal, Mr. Reiss and Chairman Thomas

AGAINST: None

- **Carlos DeGoias / ZBA-16-00042**

A motion was made to approve the Resolutions as submitted. The motion was seconded and the roll was called as follows:

FOR: Mr. Rosenthal, Mr. Reiss and Chairman Thomas

AGAINST: None

- **Rutgers Community Christian Church / ZBA-16-00024**

A motion was made to approve the Resolutions as submitted. The motion was seconded and the roll was called as follows:

FOR: Mr. Johnson, Mr. Rich, Mr. Reiss and Chairman Thomas

AGAINST: None

- **Doublestone Holdings, LLC / ZBA-16-00039**

A motion was made to approve the Resolutions as submitted. The motion was seconded and the roll was called as follows:

FOR: Mr. Rosenthal, Mr. Reiss and Chairman Thomas

AGAINST: None

- **Keith Wilson / ZBA-15-00041**

A motion was made to approve the Resolutions as submitted. The motion was seconded and the roll was called as follows:

FOR: Mr. Johnson, Mr. Rich and Chairman Thomas

AGAINST: None

DISCUSSION:

Vouchers:

- **Patrick Bradshaw – February, 2017 Retainer - \$865.00
-March, 2017 Retainer - \$865.00**

Mr. Reiss made a motion to approve the Vouchers as submitted. The motion was seconded and all were in favor.

HEARINGS:

- **RUKH CEDAR GROVE LANE PROPERTIES, LLC / ZBA-17-00003**

Mr. Peter Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, RUKH Cedar Grove Lane Properties, LLC. Mr. Lanfrit stated that they were before the Board that

evening to discuss the Use Variance w/ Amended Site Plan in which the Applicant wished to change the previous approval to construct a restaurant at 16 & 18 Cedar Grove Lane, Somerset; Block 424.02, Lot 21.01, in the R-40 Zone.

Mr. Lanfrit indicated that they received an approval in 2009 for Use Variance and Site Variance to construct a hotel and restaurant. He added that in 2009, they had a generic restaurant building presented because they did not have a user. That evening, Mr. Lanfrit explained, that they were there that evening for the Site Plan approval for the restaurant and all related bulk variances.

Mr. Scott Yaeger, Radius Hospitality Representative, the management company assigned to the project, came forward and was sworn in. He told the Board that he testified at the January, 2010 hearing, stating at that time that Radius Hospitality was trying to get a national brand restaurant on the site. Mr. Yaeger indicated that they had been looking for a national brand for the past six (6) years to come to the site, but were not able to find any brands wanting to locate there as they were looking at being in a strip mall or larger density area. He stated that they were now looking to a restaurant on the site called Twenty/20 Tap House that was entirely a restaurant and very similar to the many chain restaurants that were in the market that were bistro style American fare, with wide menu choices and a small bar featuring craft beers. He then testified that the company that operates and manages the hotel would also operate and manage the restaurant. Mr. Yaeger then discussed the hours of operation that were agreed to in the original approval as well as other agreements included, and stated that they would agree to be bound by those should the Board approve the request for an Amended Site Plan.

Mr. Bradshaw, Board Attorney, asked for reiteration of agreed to hours of operation. Mr. Lanfrit stated that the Resolution indicated that they agreed to close (Sunday-Wednesday) no later than 12:00 Midnight and (Thursday-Saturday) no later than 2:00 a.m.

Chairman Thomas made a motion to open the meeting to the public. Seeing no one in the public, the Chairman closed the meeting to the public at that time.

Mr. Sapphire, Architect and Principal of Sapphire + Albarran Architecture, came forward and was sworn in. The Board accepted his qualifications. Mr. Sapphire testified that he drew up the plans for the proposed restaurant, but was not the architect on record for the plans for the hotel. He did state, however, that he was familiar with the materials and colors used on the hotel and understood that they expected and agreed to provide some synergy between the proposed restaurant and hotel. He entered into the record as Exhibit A-2, an exhibit showing the exterior of the proposed building. Mr. Sapphire then gave copies of a 2-page handout to the Board members that he prepared for their edification. He noted that the back page was marked into evidence as Exhibit A-3 and showed the interior view of the restaurant. Mr. Sapphire then drew the Board's attention to Exhibit A-2, discussing what the exterior of the restaurant building would look like and the materials that would be used in construction, relating back to the hotel. He then told the Board that the first page of the handout showed some additional changes that were made to the exterior of the restaurant after discussions over the past week with Township staff. He noted that they added a window frame and window set that faced out onto Cedar Grove Lane as well as adjusted colors of the building slightly to match what was done on the hotel. Mr. Sapphire then stated that they also added a center piece architectural feature that was matched up on both elevations of the restaurant (the one facing Cedar Grove Lane and the one facing the interior portion of the site). He then

told the Board that they were planning to use a stucco system and showed the Board actual samples of the product in the two color choices they planned to use. He then testified that they would be matching the colors used on the hotel. Mr. Sapphire then spoke about raising the wainscot base of cultured stone to 5 ft. high and showed the actual sample of the cultured stone they planned to use to the Board. He added that the cultured stone shown on the sample board was the same as what was used on the hotel. Mr. Sapphire then discussed the additional treatment that would be made to the elevation that faces into the interior of the site, the entrance to the restaurant, noting that they would be using a recycled material made up of fiberglass and concrete. He added that these materials in the color choices that were going to be used on the restaurant were also shown on the sample board.

Mr. Sapphire then discussed the building height as discussed with the Township staff, and the top of the building height was noted on the plans and was part of the bulk variance. He discussed the reasoning for the proposed height of the building (21 ft. high), stating that there was no place to put the building mechanicals (HVAC and exhaust hood) on the ground near the building, so they were going to be placed on the roof behind a parapet wall (5 ft. high) around the building to shield them from view around all sides of the building. He indicated that the highest points on the roof would be at the towers (29 ft. high)

Mr. Sapphire then discussed the interior portion of the building, noting the different components of the building. He indicated that the restaurant was only on one floor, with the lower basement floor to be utilized for staff, refrigerators, freezers, storage, etc. Mr. Sapphire noted that there would be a "dumb waiter" within the confines of the building to be able to bring items up from the basement to the restaurant floor.

Mr. Sapphire then testified that they were proposing two signs for the restaurant that would be internally lit with channel lettering. Mr. Lanfrit stated that they were allowed one (1) sign, but when they went before the Historic Commission, they recommended that they replicate the look of the two frontages so that they both were the same. He indicated that they would require a variance for the second sign and would request the grant of the variance that evening. Mr. Dominach stated that Township staff also recommended signage on both sides so that the side facing Cedar Grove Lane would not look like the back of the building.

Chairman Thomas then made a motion to open the meeting to any public present. Seeing no one coming forward, he closed the meeting to the public.

Mr. F. Mitchell Ardman, Site Engineer & Planner, came forward and was sworn in. The Board accepted his qualifications. Mr. Ardman stated that he was the original Site Engineer on the project and testified at the hearings in 2009 and 2010. Mr. Ardman stated that at those hearings, they were showing a generic restaurant footprint that also included some variances with respect to the setback. He entered into the record as Exhibit A-1, which was a colorized rendering of one of the sheets (SP-3) in the plan set. Mr. Ardman discussed the elements shown on the exhibit, noting the red dashed line showing the restaurant pad that was approved in the original plan. He stated that they received an original approval for a front yard setback of 40.5 ft. and were now asking for a front yard setback of 41.5 ft. He went on to explain that the original square footage of the restaurant was 6,288 sq. ft. and were now looking to building a 6,137 sq. ft... Mr. Ardman then stated that even though the building was now slightly longer, as noted in Mr. Healey's report, the square footage of the building that was in variance, i.e., that's in front of the setback line, was actually reduced by 207 sq. ft. He testified that the

change in layout or difference in the bulk variances did not have any significant impact on the overall design of the project. He also noted that all of the coverage variances that were originally granted did not change as a result of the current Application.

Mr. Ardman then discussed the Landscaping Plan proposed for the site. He included shade trees and ornamental trees along with shrubs and, more importantly, street trees along Cedar Grove Lane proposed as well as ornamental flowering shrubs and trees. Mr. Ardman then testified that all the lighting and parking plans were the same from the original approvals and they have their accessible access in the front of the building.

Chairman Thomas noted that there was no public to open the meeting for questions of the Engineer/Planner, Mr. Ardman.

Ms. Graumann then opened a discussion regarding the type of restaurant they were planning and the foods that would be served. Mr. Lanfrit indicated that the liquor license for the restaurant was part of the approvals with the hotel, but that they received an exemption from the State seven (7) years ago to be able to have the liquor license also apply in the separate restaurant building. A discussion ensued about the possibility of outdoor facilities, and Mr. Lanfrit indicated that they were not permitted to have them in the original approval, but that they reserve the right to come back before the Board to ask for them in the future. Mr. Lanfrit testified that they would comply with all of the conditions of the original approval for the restaurant as they did with the hotel.

Again, the Chairman noted that there was no public to open the meeting for comments.

Vice Chair Graumann made a motion to grant approval of the Use Variance with Amended Site Plan and Variances. Mr. McCracken seconded the motion and the roll was called as follows:

FOR: Vice Chair Graumann, Mr. Johnson, Mr. McCracken, Mr. Rich, Mr. Caldwell, Mr. Rosenthal and Chairman Thomas

AGAINST: None

WORKSESSION/NEW BUSINESS

There was no new business

MEETING ADJOURNED

Vice Chair Graumann made a motion to adjourn the meeting at 8:00 p.m. The motion was seconded and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
March 10, 2017