

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

**REGULAR MEETING  
June 21, 2017**

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:** Carl Hauck, Alex Kharazi, Cecile MacIvor, Robert Mettler, Mustapha Mansaray, (arrived at 7:35 p.m.), Charles Brown, Robert Thomas, Jennifer Rangnow, Godwin Omolola and Chairman Orsini

**ABSENT:** Councilman Chase

**ALSO PRESENT:** Mr. Peter Vignuolo, Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning and Zoning Secretary

**MINUTES:**

- **Regular Meeting –May 17, 2017**

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

FOR: Mr. Mettler, Ms. Rangnow and Mr. Omolola

AGAINST: None

**RESOLUTIONS:**

- **RPM Development / PLN-17-00009**

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

FOR: Mr. Hauck, Mr. Mettler, Ms. Rangnow and Mr. Omolola

AGAINST: None

- **Brian Kaye / PLN-14-00016**

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

FOR: Vice Chair Maclvor, Mr. Mettler, Mr. Thomas, Ms. Rangnow and Chairman Orsini

AGAINST: None

- **Rupen Patel / PLN-17-00004**

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

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

AGAINST: None

- **413 Somerset St. / PLN-10-00011 (Ext. of Time)**

Mr. Mettler made a motion to approve the Resolution for Extension of Time as submitted. Ms. Rangnow seconded the motion and the roll was called as follows:

FOR: Mr. Hauck, Mr. Kharazi, Mr. Mettler, Ms. Rangnow and Mr. Omolola

AGAINST: None

## **DISCUSSION:**

### ***Vouchers:***

- **Clarkin & Vignuolo, P.C. (Peter Vignuolo) – June Retainer - \$833.33**  
**Kaye Resolution- \$918.75**  
**Patel Resolution - \$1,048.75**  
**Balaji Review - \$175.00**

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

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

AGAINST: None

### ***Extension of Time:***

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

Mr. Ruben Perez, Esq., employed with the law firm of Francis P. Linnus, Esq., appeared before the Board on behalf of the Applicant, Balaji Property Solutions, LLC. He asked for an Extension of Time of an additional six (6) months (to 11/8/17) in order to record the minor subdivision to complete the requested conditions of the approval.

Vice Chair Maclvor made a motion to approve the Extension of Time. The motion was seconded and the roll was called as follows:

FOR: Mr. Hauck, Mr. Kharazi, Vice Chair Maclvor, Mr. Mettler, Mr. Mansaray, Mr. Brown, Mr. Thomas, Ms. Rangnow and Chairman Orsini

AGAINST: None

### ***Sketch Plat Review:***

- **Sycamore Developers – Cluster Subdivision**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Sycamore Developers. He explained that the Application was for a Sketch Plat Review, which was a requirement under the Natural Resource Preservation Cluster Option. He noted that they would have to come back before the Board for a full subdivision application and provide storm water management and traffic reports, etc. Mr. Lanfrit indicated that they were there to show what they were proposing and that the

cluster format would conform to the zoning. He stated that after they provide their testimony, then the Board could decide whether the project would move forward or choose to defer recommendation while other agencies within the municipality review the plans. Some of the agencies listed by Mr. Lanfrit were Open Space Committee, Shade Tree Commission, Agricultural Advisory Committee and the Environmental Commission.

Mr. F. Mitchell Ardman, Engineer, came forward and was sworn in, and the Board accepted his qualifications. He indicated that he had prepared an NPRC assessment, a requirement of the ordinance that had also been submitted to the Township. Mr. Ardman first described the existing conditions on the property, marking into evidence as Exhibit A-1, a colorized rendering of the cluster. He discussed the surrounding uses, including residential on two sides (R-40) and an existing cemetery on another, with the gas station on the corner of Cedar Grove and Amwell Rd. He noted that the property was presently farmland. He then introduced Exhibit A-2, called the Conventional Layout Plan. He described an intersection off of Amwell Rd., which was a cul-de-sac road going off in a northerly direction, and two other offshoot cul-de-sacs coming off of the main drive. Mr. Ardman indicated that all of the lots shown were 40,000 sq. ft., with a total of 32 lots shown on the plan. He then testified that each lot had the required frontage, with fully buildable lots with the proper setbacks. Mr. Ardman then explained that the extra two lots noted on the plan were for the storm water management systems for the development, one in the northeast corner and the other in the southeast corner. He also stated that they had complied with the setbacks in the wetlands areas on the property. He added that the 32 lots and wetlands area took up the entire property. Mr. Ardman then discussed certain criteria that must be met for a cluster development. He went on to state that they needed to show that they were proposing all single family lots under the control of one developer. Mr. Ardman did add that they would need relief from one criterion, the 40-acre minimum; where they have 39.91 acres, which he felt was a very de minimus difference. He then drew the Board's attention to the setback areas for the open space (11.875 acres), noting that there was the criteria to have one contiguous area for the open space in a cluster development. Even though there was the requirement for the open space to be 40% of the total area, they were proposing that area to be 28.7%. Mr. Ardman then explained that the reason that they were at the 28.7% was to get to the 20,000 sq. ft. lots. He did add that the NRPC standards did allow to go down to 15,000 sq. ft. lots, however, the surrounding single family lots were  $\frac{3}{4}$  acre or 1 acre and greater across the street on both Cedar Grove Lane and Amwell Rd. he stated that they believed that the 15,000 sq. ft. lots would allow for more open space, but would not really staying in conformance with the existing neighborhood. Mr. Ardman stated the added benefits of providing the house size that would match the neighborhood as well as having larger setbacks so the homes wouldn't be as close to the road and will have a smaller impervious lot coverage requirement. He added that another requirement was to have a minimum of 500 ft. of open space from the roadway, which they have achieved from Amwell Rd. with 550 ft. to the cul-de-sac along with 400 ft. of frontage along Cedar Grove Lane and 480 ft. along Amwell Rd. He then explained that there were three lots that only had 220 ft. behind three lots to the easterly boundary, but that bordered along the cemetery, a quasi-open space area. Mr. Ardman then discussed the standard that they didn't meet, which were the easements across

the open space. He noted that there was a 40 ft. easement along the boundary of the open space going out to Cedar Grove Lane, which would serve as an emergency access roadway. He added that they also put all of the water and sewer access easements in the same area. Mr. Ardman then testified that in order to meet the goals of the open space criteria, they were able to preserve farmland in a nice contiguous manner as well as preserving the pond and the wetlands in that area with no encroaching development upon it. He then indicated that even though they were not there that evening for a full subdivision plan, they had already done significant wetlands review, storm water management work, and a traffic study was conducted, so they were confident that the project could be built in the manner that they have presented that evening. He reiterated that they would be coming back before the Board, should the Sketch Plat Review be recommended that evening, with conforming lots that did not require any variances. He also indicated that the 34<sup>th</sup> lot would be utilized as a sanitary sewer pumping station, which they believe they might need.

Mr. Ardman then addressed the report put forward by the Technical Review Committee (TRC) dated June 13, 2017 regarding whether the detention basin was a wet pond or not, either handled by a homeowner's association or the Township. He indicated that it was the Applicant's intent to offer the open space to the Township. Additionally, if the open space was offered to the Township, the Applicant would remove the structures on that Open Space land at the appropriate time.

Mr. Thomas opened a discussion regarding the uses in the area and the conflicts with the operation of the houses of worship in the area and the entrance driveway to the development. Mr. Ardman stated that they would have their Traffic Consultant take a look at the area and make an assessment. A discussion ensued among the Board regarding the use of the emergency access drive and the Open Space area. Chairman Orsini did state that the Master Plan recommended that there be a "green belt" around Middlebush Village, and due to the already wooded and preserved open space property next to the proposed open space area, it would fulfill the vision of the Master Plan.

A discussion then ensued among the Board regarding the attempts of the Township to purchase all the land outright, and Vice Chair MacIvor indicated that Mr. Vornlocker was told by the Restas that they didn't want to sell it to the Township. Chairman Orsini indicated that the Township purchasing the entire property would make the most sense, from a planning perspective, especially since it adjoined already preserved open space land.

Vice Chair MacIvor suggested that the road be utilized as a horseshoe to give the residents in the development an option to enter/exit their property through the most convenient end of the roadway. Mr. Healey indicated that the other end of the roadway was being planned for emergency access only. Mr. Lanfrit then stated that they would have their Traffic Consultant review all of the suggestions. Mr. Thomas stated that the houses of worship seem to always start out smaller than they end up becoming over time. Chairman Orsini suggested that the Applicant could get more open space available if they were to make the lot sizes 15,000 sq. ft. instead of the conforming

20,000 sq. ft. Mr. Thomas indicated that if it makes a better overall application to have 15,000 sq. ft. lots, then he would be agreeable to that plan. Mr. Healey also reiterated what Mr. Thomas was saying and he felt that the ordinance was set up so that there would be a review from the various committees, i.e., Open Space Committee, Shade Tree Commission, Agricultural Advisory Committee and the Environmental Commission, to determine the best use of the open space. A discussion ensued about keeping the open space a farm field, a gateway into the more rural area of the Township in that area. Mr. Lanfrit then addressed the issue the Chairman brought up regarding the number of cul-de-sacs proposed, noting that they were bringing a proposal before the Board with conforming lots.

Mr. Ardman testified that making the lots smaller at the 15,000 sq. ft. size would not create any more frontage on Amwell Rd. or on Cedar Grove Lane and didn't think the view would be changed much from the roadway. He did state, however, that the 20,000 sq. ft. lot size seemed to be the breaking point as to the style of home they would be able to place on the property. He stated that 15,000 sq. ft. lots would only allow for edge to edge setbacks with straight in driveways. Mr. Ardman indicated that the 20,000 sq. ft. homes would allow for many of the homes to have side entry garages.

Mr. Healey asked Mr. Ardman how deep the open space area was from Amwell Rd. with the 20,000 sq. ft. proposal. He stated that there was 550 ft. to the nearest cul-de-sac. He then stated that there would be approximately another 100 ft. from Amwell Rd. using the 15,000 sq. ft. lots on the property. A discussion ensued among the Board.

Mr. Mettler brought up a discussion that contradicted Mr. Thomas's concern to keep the entrance/exit roadway off of Cedar Grove Lane and put it out onto Amwell Rd.

Mr. Mansaray felt that the Applicant would need to do a comprehensive and comparative traffic analysis to determine the better placement of the entrance/exit drive for the development.

Mr. Lanfrit indicated that all the concerns of the Board were valid, but felt that the basic concern was to first determine whether to cluster the development or not. He stated that after that, they would be happy to come back to the Township and have discussions about the details that were of concern before they submitted a formal plan.

Chairman Orsini indicated that the Board had a few options. He stated that option #1 would be to give the Applicant guidance that the Board did not want the cluster, option #2 would be that the Board liked the plan presented that evening and would recommend it, and option #3 would be somewhat of a hybrid in that the Board was not opposed to a cluster, but that there were some very valid questions that were raised and that they would like the input given that night by the Board to take them before the other committees, i.e., Open Space Committee, Shade Tree Commission, Agricultural Advisory Committee and the Environmental Commission. The Chairman recommended option #3, where the Board was amenable to a cluster development, but would like the Applicant to get input from the other committees and then come back before the

Planning Board. Mr. Lanfrit indicated that they would be agreeable and could provide the Planning Board with a traffic analysis and show some other options or layouts.

Mr. Healey questioned the Chairman whether they wanted to see a 15,000 sq. ft. lot development first before going before the other committees. Chairman Orsini suggested that they could overlay upon the 20,000 sq. ft. lot proposal what the open space area would look like with a 15,000 sq. ft. proposal and show that to the other committees for their review.

Mr. Lanfrit stated that they would be able to put together an exhibit showing the pros and cons of the different driveway locations.

Mr. Brown suggested that he would rather see the driveway coming out onto Amwell Rd. and/or an easement to break up the open space area.

Mr. Lanfrit stated that he would have the Traffic Consultant provide a report and be present at the next meeting to provide testimony regarding the pros and cons of the roadway and easement location.

Mr. Mettler indicated that it was hard to make a decision about the location of the various components before knowing how the open space would be used. Mr. Lanfrit noted that a need or a desire for the potential use might come out of the meetings with the various committees.

Chairman Orsini stated that they had given their input and that the Applicant would meet with the other committees prior to coming back before the Planning Board. All were in agreement.

#### **PUBLIC COMMENTS:**

Mr. Mettler made a motion to open the meeting to the public for any planning comment other than what was being discussed in the hearing that evening. Mr. Omolola 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 meeting. Ms. Rangnow seconded the motion and all were in favor.

#### **HEARINGS:**

- **SOMERSET ATRIUM / PLN-17-00007**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Somerset Atrium. He explained that they were there that evening for Site Plan w/Minor Subdivision approval in which the Applicant was proposing to subdivide the property into two lots as well as proposing a hotel at 600 Atrium Drive, Somerset; Block 468.01, Lot 21.10, in the CB Zone - **CARRIED FROM JUNE 7, 2017 – with no further notification required.**

Mr. Craig Stires, Engineer and Principal of Stires Associates, came forward and was sworn in. The Board accepted his qualifications. Mr. Stires then entered into the record as Exhibit A-1, an aerial photograph of the overall vicinity surrounding the subject property. He then entered into the record as Exhibit A-2, a colored rendering of Sheet 7 of 11 of the plan set showing the Tree Removal and Landscape Plan. Mr. Stires then went on to describe the subject property and surrounding area, noting that the office buildings in the surrounding area were all part of a commercial subdivision back in the 1980's. He discussed how the detention basins were built to serve the entire complex. Mr. Stires indicated that excess excavation material and/or topsoil was present on the subject property, some with trees/vegetation growing through them, as a result of the construction of the other properties surrounding it in the 1980's. Mr. Stires also testified that Atrium Drive was a private roadway, maintained by the owner's of the buildings within that corporate park. He added that the detention basins were also private and maintained by the association that manages the office park complex. He then described the subdivision as the break-off of 3.93 acres to carve out the property for the hotel. He added that the remaining acreage of the property, 11.86 acres, would remain undeveloped, with a 50 ft. access easement to be provided for any future development. Mr. Stires then drew the Board's attention to the fact that there was a 5 acre requirement in the CB Zone, and that they were requesting a variance for lot size. He then discussed the proposed 3.93 acre site for a hotel in relation to how they would gain access to the site, where the hotel would be located on the site, site circulation, etc. He spoke of the proposed 101 room hotel, with a drive under a canopy in the front and a looped two-way driveway around the hotel to connect to Atrium Drive. Mr. Stires reiterated earlier testimony regarding the detention basins, noting that the site had already been accounted for when building out the office park. He state that there was an existing 27 inch pipe that crosses Atrium Drive, so that they would connect to that and have all the drainage go into the already constructed detention basin on the larger site. He then discussed the landscaping proposed for the site as well as showed the Board the area for the 50 ft. easement that would serve the remaining lands. Mr. Stires then described the site lighting that was being proposed, showing how the lighting would be placed around the perimeter of the parking lot, meeting the requirements of the ordinance, and contained on the property with no light spillage onto other properties. He showed the Board the location of the refuse dumpster in the northern corner of the property that would house the trash and/or recyclables. Mr. Stires then testified that the Application met all of the requirements, with the exception of lot area and a technical



variance for the frontage since all properties needed to have frontages on a public road. He stated that the frontage along Atrium Drive was 389 ft. He then noted that the front yard setback was 77 ft., where the requirement was 75 ft. Mr. Stires then drew the Board's attention to the fact that the side yard setbacks met the requirements, with one side required at 50 ft. with the proposed at 81 ft. and the combined side yard setback was 120 ft. required, and proposed at 166 ft. He included the rear yard setback at 100.9 ft., with a requirement of 100 ft. Mr. Stires then reviewed the lot coverage requirements, stating that the requirement was a maximum of 30% and they were proposing just under 11% coverage. He then testified that the impervious coverage maximum was at 55%, and they were proposing 54.76%. He then indicated that the proposed impervious coverage percentage included the 26 ft. driveway aisle for the access to the rear of the property. He added that even though the lot size was undersized for the zone, it did not create any bulk variance requirements on the property. Mr. Stires then described where on the site the proposed signs would be placed, noting there would be a pylon sign and a 3-sided building sign to be placed on the roof. A discussion ensued regarding the Applicant's entitlement for a total of two signs, but that they were proposing three. Mr. Healey clarified the need for a frontage variance by saying that it was necessary for the other proposed, undeveloped lot and not the hotel lot.

Mr. Stires then opened a discussion regard Mr. Vega's Engineering report. He indicated that the only item that needed to be worked out with Mr. Vega was the one regarding drainage. Otherwise, the items left were either going to be taken care of or clarifications needed to be made. Mr. Stires then noted that they had no problems complying with the Fire Safety Director's comments. He also stated that they have satisfied the comments on the Police Dept. report, with no issues from the Board of Health. Mr. Healey then discussed item #5 in his Planning report, noting that they had a new Lighting Ordinance that sets average illumination levels of 1 foot candle in regular parking lots and 2.5 foot candles for higher volume lots. Mr. Healey indicated that it appears that the Applicant was providing 3.6 foot candles and asked for an explanation as to why it was higher than what was required. Mr. Stires testified that they would revise the level of illumination, but still felt that it should be at the 2.5 foot candle level for security reasons. Mr. Healey the asked where the loading area for the hotel might be. Mr. Stires indicated that they didn't have a designated loading zone, per se, but that they were only dealing with laundry and the drop off of food for a time period not to exceed 15 minutes or so. He showed the Board on Exhibit 2, where these deliveries would be made at the side door. Mr. Healey then inquired about the wetlands on the property, and Mr. Stires indicated that they had applied to the NJDEP twice and finally were able to obtain an LOI (Letter of Interpretation).

Vice Chair MacIvor then opened a discussion regarding the choices of tree species in the Landscaping Plan. Mr. Stires then testified that they were proposing a sidewalk along Atrium Drive.

Mr. Hauck inquired about the previously constructed detention basins and a discussion ensued.

Mr. Charles Brown opened a discussion regarding the pedestrian walkways. He then inquired about the possibility of bicycle storage on-site. Mr. Lanfrit agreed that they could find room on the property for bicycle “parking”.

Mr. Steven Finch, employed with the RBA Group, came forward and was sworn in. The Board accepted his qualifications. Mr. Finch indicated that he worked with the Applicant to develop the Master Plan, Site Plan and elevation plans for the project. He described the hotel as a limited service or focused service hotel that did not provide higher level amenities. Amenities would be provided only to the guests of the hotel and would include a small meeting room, indoor pool, fitness center and continental breakfast. Mr. Finch then stated that the hotel would not have a public dining room, public banquet facilities or hold any other public events. He then described the proposed Hampton Inn as a prototypical, limited service hotel that did not typically have loading docks. He described the deliveries that might be made by box trucks or UPS-style trucks as being limited to about two deliveries per week, either food or chemicals for cleaning the hotel and pool. He did note, however, that there was food preparation on-site, but no cooking of food but only pre-packaged food with disposable utensils. Mr. Finch indicated that there was a small patio space outdoors for those who wished to smoke, etc. He testified that he felt it would be a 12-month construction period to build the hotel.

Mr. Jimmy Dumas, Architect, came forward and was sworn in. The Board accepted his qualifications. Mr. Dumas testified that he was not the architect of record, but was familiar with the package that was submitted consisting of 8 sheets of plans prepared by RBA Group. He then went on to describe the building that was being proposed on the subject property. Mr. Dumas was a 4-story building, but was considered 5 stories in height and roughly 63 ft. to the upper parapet. He reiterated the previous testimony that the hotel would have 101 rooms. He then drew the Board’s attention to the materials that were being proposed to construct the building, including block construction at the lower level and no basement was proposed. He added that there would be a stone veneer on the lowest level and stucco for the three remaining levels. Mr. Dumas stated that the parapets that were proposed, of varying heights, would be able to screen the mechanical equipment on the roof from pedestrians as well as motorists. He then told the Board that there were four (4) entrances to the hotel and were proposing three (3) signs, each to be approximately 70 sq. ft. Since the ordinance required a maximum of 30 sq. ft., they would be requesting a variance not only for the size of the signs, but also for the number of signs since only two (2) were allowed. He told the Board that the signs were proposed in the front of the building as well as one on each of the towers, each denoting Hampton Inn & Suites. Mr. Dumas then discussed the reasoning for including three 70 sq. ft. signs, including the fact that he believed they were in scale with the size of the building (63,000 sq. ft. building and 63 ft. high). He noted that one was in the front of the building (south side of the building) and one on each side of the building, not only to identify the building, but also for branding purposes. He noted the two side signs were going to be placed on the towers, which were the highest points of the building.

Chairman Orsini asked whether there was any part of the buildings signs that were more decorative in nature. Mr. Dumas indicated that the sign was composed of internally lit lettering that comprised the sign, with no additional decorative components. Mr. Lanfrit noted that the signs on the elevations clearly show the size and the relationship to the towers. He also testified that the signs were 5 ft. x 14 ft., which would require another variance because the ordinance only allows for a 3 ft. sign height in the zone. The Chairman felt that only two building mounted signs seemed to be appropriate, considering that the other property was vacant and the Applicant agreed to reduce the building mounted signs from three (3) to two (2). A discussion ensued among the Board, and Mr. Lanfrit indicated that they were now only requesting variances for the size of signs and the vertical dimensions.

Mr. Dean, Traffic Consultant, came forward and was sworn in. The Board accepted his qualifications. Mr. Dean then discussed the traffic study that was performed by collecting traffic counts and focused on the intersection of Davidson Avenue and Atrium Drive. He noted that these traffic counts were conducted in the early part of December, 2016 to provide the framework of current traffic conditions in and around Atrium Drive and then added the projected volumes of traffic associated with the Hampton Inn. To provide the Board with a conservative analysis, Mr. Dean indicated that they sent all of the traffic out to Davidson Avenue. For a more realistic approach, he stated that Atrium Drive did continue out and meander through the remaining office park and ultimately connected to Pierce Street so that guests might find their way out of the hotel in that manner. In following the conservative approach, Mr. Dean stated that guests would find that they would have to wait longer to make left turns onto Davidson Avenue than they do to turn right to make their way to Rte. 287. He indicated that turning right would provide a favorable level of service "C" at all times. Mr. Dean then discussed the interior circulation, noting that there had been a change and realignment of the interior circulation and noted that there was perimeter parking and access around all sides of the building for ease of entrance by guests as well as emergency access and response to all sides of the building. He discussed some of the changes that were made in the on-site access, specifically a perfectly linear southerly access in order to bring the parking there more in line with a straight roadway, particularly for emergency access. Mr. Dean indicated that hotels of this nature mostly operate at a 60-80% occupancy rate during most of the year and are fairly passive uses. He stated that they had provided 111 parking spaces for the 101 rooms, which complied with the Township ordinance, and allowed for some additional spaces to allow for turnover of guests and employee parking and was above the typical standard.

Mr. Kevin O'Brien, Planner, came forward and was sworn in. The Board accepted his qualifications. Mr. O'Brien gave his planning testimony regarding the proposal for Site Plan and Minor Subdivision approval with variances. He indicated that sufficient parking had been provided and variances had been requested for minimum lot area, lot frontage and signage. He also indicated that the Applicant had agreed to reduce the number of building mounted signs, which had reduced the number of variances being requested. He then discussed the limited service hotel service, with limited amenities, and a

smaller footprint. Mr. O'Brien then discussed the other hotels in the immediate area that were also limited service hotels on smaller lot sizes. He then discussed elements of the Master Plan that would encourage this type of use in the zone. Additionally, he discussed the purposes of the Municipal Land Use Law (MLUL) that would be satisfied, Mr. O'Brien then stated that they were seeking the variances under the C-2 standard, and went on to explain that the C-2 standard asked whether the benefits outweigh the detriments and that the proposal was a better planning alternative than a more conforming design. He reiterated that less land was needed for this particular type of use. He discussed the 50 ft. easement and being treated as a right-of-way that would be provided for the property to the rear. Mr. O'Brien stated that he believed the Application promoted the general welfare because it met the goals of the MLUL and then went on to discuss the negative criteria being able to be reconciled with the Master Plan. Furthermore, Mr. O'Brien spoke about the number of jobs that would be generated by the construction of the proposed hotel as well as the permanent full time and part time jobs that would be created in the running of the hotel. He testified that he did not see any negative impact to the surrounding area as a result of approval of the Application.

Mr. Healey went over the requirements of the zone, and Mr. O'Brien indicated that the hotel met all the applicable setbacks, meets all the building coverage as well as the impervious coverage, the parking requirement had been met per the ordinance and the building complies with the height requirements. Mr. O'Brien testified that he felt that the smaller proposed hotel meets the size of the lot. Mr. Healey then asked how not adding the additional acreage to provide a conforming lot size make the proposal a better planning alternative. Mr. O'Brien discussed the fact that the property was part of an overall plan that was mostly developed in the 1980's as a planned area. He added that having the additional 11 acres available would give the maximum flexibility to the developer of the property for an appropriate use for the larger location.

Mr. Lanfrit then asked for a 5-minute recess, and the Chairman obliged.

Upon return from the recess, Chairman Orsini then asked for a motion to open the meeting to the public for questions and comments.

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

Mr. Carl Peters, licensed engineer, planner and land surveyor, Fords, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Robert Levinson, attorney, Edison, NJ, came forward representing 200 Atrium Drive, the owner of the Doubletree Hotel. He indicated that they had retained the services of Mr. Peters. Mr. Peters testified that he reviewed all the plans, the Master Plan, the engineering plans submitted by Mr. Stires, the Township Engineering report and Township Planning report. He stated that the issue they had was the request for a variance for the size of the lot. Even though Mr. O'Brien noted a number of other smaller hotels that were on smaller lots, Mr. Peters stated that it was not mentioned that those other smaller hotels were located in other zones. He then spoke of the 50 ft. access easement being part of

the 3.9 acres the Applicant was presenting to the Board, and thus reduced the size of the actual lot to 3.3 acres in size. Mr. Peters mentioned that there was proposed a 26 ft. wide access drive within the 50 ft. easement, but did not mention any sort of sidewalk in that area to access the rear lot. He said he was concerned that the impervious coverage would have to increase, thereby putting it over the maximum, in order to make improvements with sidewalks and roadway in order to provide vehicular and pedestrian access from the rear property to Atrium Drive.

Mr. Lanfrit gave his rebuttal to Mr. Peters' testimony and also asked whether the fact that Mr. O'Brien's testimony about the functionality of smaller sized hotels on similar or smaller lots have anything to do with what zone they were located in.

Mr. Levinson then questioned Mr. Peters about the task he was asked to perform, i.e., an objective opinion, and Mr. Peters testified that he was not told what his client wanted him to find.

Mr. Vincent Dominach, Economic Development Director and Business Advocate for the Township, came forward and was sworn in. Mr. Dominach testified to the fact that the other four smaller hotels in the area have functioned wonderfully in the years, regardless of what zone they were located. He also discussed that having an extra acre of space that the Applicant did not need for the remaining property would give the Township much more flexibility in what might be able to be constructed in the future.

Mr. Dwight Tabales, V.P. of Operations for Marshall Hotels, the company that managed the Doubletree Hotel, came forward and was sworn in. Mr. Lanfrit indicated that the Doubletree Hotel already had legal counsel, but did not have a problem if Mr. Levinson, their attorney, asked Mr. Tabales questions. Mr. Tabales indicated that Mr. Levinson represented the owner of the Doubletree Hotel. A discussion ensued among the Board and Mr. Peter Vignuolo, Planning Board Attorney. Mr. Vignuolo explained to Mr. Tabales that he was not able to represent a corporation because he was not licensed to practice law in the State of New Jersey. He further explained to Mr. Tabales that he had the ability to make a comment as a private citizen, but not comments on behalf of the corporation.

Mr. Tabales explained that since the exhibit center closed their doors, businesses in the area would be affected by the loss of \$2-3 million per year for groups that cancelled their business in the properties in Somerset. Since business had been affected so greatly by this, he didn't think that the addition of another hotel in the area was a wise decision.

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

Mr. Lanfrit gave his summation to the Board prior to going to a vote.

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

FOR: Mr. Hauck, Vice Chair Maclvor, Mr. Mettler, Mr. Mansaray, Mr. Brown, Mr. Thomas, Ms. Rangnow, Mr. Omolola and Chairman Orsini

AGAINST: None

Vice Chair Maclvor then made a motion to approve the Site Plan w/ Variances. The motion was seconded and the roll was called as follows:

FOR: Mr. Hauck, Vice Chair Maclvor, Mr. Mettler, Mr. Mansaray, Mr. Brown, Mr. Thomas, Ms. Rangnow, Mr. Omolola and Chairman Orsini

AGAINST: None

**COMMITTEE REPORTS:**

There were no Committee Reports presented.

**WORKSESSION/NEW BUSINESS:**

There was no work session or new business items to discuss.

**EXECUTIVE SESSION:**

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

**ADJOURNMENT:**

Vice Chair Maclvor made a motion to adjourn the regular meeting at 10:00 p.m. Mr. Omolola seconded the motion and all were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
July 25, 2017