

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

**REGULAR MEETING  
August 3, 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:

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**PRESENT:** Raymond Betterbid (arrived at 7:40 p.m.), Donald Johnson (arrived at 7:31 p.m.), Bruce McCracken, Robert Shepherd (arrived at 7:33 p.m.), Anthony Caldwell, Gary Rosenthal, Joel Reiss, Cheryl Bergailo and Chairman Thomas

**ABSENT:** Laura Graumann and Alan Rich

**ALSO PRESENT:** Mr. Patrick Bradshaw, Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning & Zoning Secretary

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**MINUTES:**

- **Regular Meeting – May 4, 2017**

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

**FOR:** Mr. Rosenthal, Mr. Reiss, Ms. Bergailo and Chairman Thomas

**AGAINST:** None

- **Regular Meeting – June 1, 2017**

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

**FOR:** Mr. Caldwell, Mr. Rosenthal, Mr. Reiss, Ms. Bergailo and Chairman Thomas

**AGAINST:** None

**RESOLUTIONS:**

- **101 Mettlers Road, LLC / ZBA-16-00036**

Mr. Reiss made a motion to approve the Resolution as submitted. Mr. Caldwell seconded the motion and the roll was called as follows:

FOR: Mr. Caldwell, Mr. Rosenthal, Mr. Reiss, Ms. Bergailo and Chairman Thomas

AGAINST: None

- **Peter Fiorentino / ZBA-06-00009 (Ext. of Time)**

Mr. Rosenthal made a motion to approve the Resolution as submitted. Mr. Caldwell seconded the motion and the roll was called as follows:

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

AGAINST: None

**DISCUSSION:**

***Vouchers:***

- **Patrick Bradshaw – Kelso & Bradshaw – June Monthly Retainer - \$865.00**
  - Doublestone Holdings, LLC- \$210.00
  - Raritan Valley Habitat For Humanity – \$175.00
  - Route 27 Car Wash, Inc. (Ext.) - \$245.00

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

**HEARINGS:**

- **RWJ BARNABAS HEALTH, INC. / ZBA-17-00015**

Mr. Arbin Ahtal, Esq., Attorney, appeared before the Board on behalf of the Applicant, RWJ Barnabas Health, Inc. He explained that they were before the Board to obtain a Use Variance & Waiver of Site Plan in which the Applicant proposed to locate six (6) medical emergency vehicles and personnel at 107 Cedar Grove Lane, Somerset; Block 468.07, Lot 44.03, in an M-2 Zone.

Mr. Ahtal then went on to explain that the services provided by RWJ Barnabas Health, Inc. would be emergency response services (ambulance services). He noted that, currently, ambulances were being dispatched for the Franklin Township area from North Brunswick and the response time to portions of Franklin Township were greatly diminished by having ambulances come in from North Brunswick. Mr. Ahtal indicated that having a location on-site

in Franklin Township would greatly reduce that response time. He added that their Planner would be providing testimony that would give justification as to why the M-2 Zone was the appropriate zone and why the services would be a beneficial use for the zone and the municipality. Mr. Ahtal indicated that in Franklin Township, this type of use was not permitted in any zone. He stated that he felt that they found a location that would have a minimal amount of disruption to the surrounding area, including the residential area that was located quite a distance from the proposed site.

Mr. Angelo J. Valetutto, Planner, came forward and was sworn in. The Board accepted his qualifications. Mr. Valetutto indicated that he had visited the site and had reviewed the zoning ordinances for Franklin Township as well as reviewed the July 25, 2017 report from the Township Planner. He then described the site, the parking accommodations, the proposed use and the planning justification to permit the Board to approve the Application. Mr. Valetutto indicated that the building was very well maintained and had a total of 69 parking spaces available, noting that they would have six (6) emergency ambulance vehicles parked on the property, including a supervisors vehicle. He added that only two (2) of those emergency ambulance vehicles would be parked overnight in order to provide the emergency services they anticipate to provide to that portion of the Township. Mr. Valetutto added that they would not be providing maintenance of the vehicles on-site and would not be providing refueling on-site. He indicated that no idling of vehicles would occur on site either, and that they would be providing outdoor outlets to insure that idling would not occur. He then told the Board that they would not be putting on sirens or testing the lights on-site and would not turn on either when they were dispatched until the vehicle turned onto Cedar Grove Lane. Mr. Valetutto then gave planning testimony whereby he stated that the proposed use would be considered an inherently beneficial use because of the service being provided even though the use was not currently permitted in any zone of the Township. He added that the use fundamentally serves the public good and promotes the general welfare. Mr. Valetutto stated that he felt it was a key location where the use could easily blend in with the existing developed site and was close to residential sections of the Township and near major transportation systems. He then stated that he didn't believe there were any negative criteria due to the way they intend to use the property and would not encroach or infringe on any neighboring property.

Mr. Shepherd opened a discussion regarding limiting when the lights/sirens should be utilized. Mr. Ahtal stated that limiting the use of lights/sirens by not allowing them on Cedar Grove Rd. poses a safety issue, not only to the ambulance drivers, but to the passenger in the vehicle as well as to other motorists utilizing the roadway at that time. He indicated that the ambulance drivers were very judicious in the use of lights and sirens and only utilized sirens at busy intersections that had cross traffic.

Chairman Thomas weighed in his opinion being a resident of Cedar Grove Lane, noting that there were already police vehicles and ambulances utilizing the roadway with lights and sirens. He added that the site they were proposing for the use was originally earmarked by the Township in 1976 for a firehouse.

Mr. Reiss added that with all the senior communities in the area, he felt it was a very important service to have in that portion of the Township. He didn't agree with restricting the service.

Mr. Shepherd asked what hospitals would be served by the proposed ambulance center. Mr. Valetutto stated that it could be at the request of the patient or dependent upon the patient's health care needs whether they would be brought to RWJ-Somerset or RWJ-New Brunswick.

Mr. Healey clarified that the report that Mr. Valetutto was referring to was a memo from the Technical Review Committee (TRC), dated July 25, 2017. He added that the TRC reviewed the Application and did not have any comments on it. He added that the site was located in the M-2 Light Industrial Zone, and even though there were some residential properties in the surrounding area, there were light industrial and office use. He specifically stated that the property behind the proposed site was the Proton treatment center and was part of an office/medical complex in that area of the Township.

Chairman Thomas then opened the meeting to the public for questions or statements. Seeing no one coming forward, the meeting was closed to the public.

Mr. Shepherd made a motion to approve the Use Variance for an ambulance center. Mr. Johnson seconded the motion and the roll was called as follows:

FOR: Raymond Betterbid, Mr. Johnson, Mr. McCracken, Mr. Shepherd, Mr. Caldwell, Mr. Rosenthal, Mr. Reiss and Chairman Thomas

AGAINST: None

- **ST. THOMAS SYRO-MALABAR CATHOLIC CHURCH, INC. / ZBA-17-00009**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, St. Thomas Syro-Malabar Catholic Church, Inc. He indicated that they were before the Board that evening to obtain a Sign Variance in which the Applicant was asking permission to construct a 32 sq. ft., 4ft. monument sign along its frontage at 508 Elizabeth Avenue, Somerset; Block 514, Lot 14.01, in an R-40 Zone.

Mr. Lanfrit explained that they obtained a Use Variance and Site Plan approval from the Zoning Board of Adjustment in 2012 to construct a church and community center. He noted that the parishioners took occupancy of the church in 2014. He indicated that they had not sought approval for a sign in the original Application. He added that there was a temporary sign on the site, which was a construction sign, on the site, and that they wanted to replace that with a permanent sign in front of the property.

Mr. Michael Ford, Engineer, came forward and was sworn in. The Board accepted his qualifications. He noted that the variance was for the setback of the proposed free-standing sign, where 10 ft. from the right-of-way was proposed and 25 ft. was required. He also added that there was a technical variance, as noted in the report from the Technical Review Committee (TRC) for the size of the sign, where 24 sq. ft. maximum was allowed and 32 sq. ft., including the base, was proposed. Mr. Ford stated that the property fronted Elizabeth Avenue, with a wooded area to the south of the access driveway on Elizabeth Avenue. He testified that if the sign were placed 25 ft. back from the right-of-way, would require substantially more tree removal in order to make the sign visible and useful. He indicated that after discussions with the Township staff, they were proposing the location shown in the Application. Mr. Ford told

the Board that they were trying to preserve as many trees as possible on the site and that the message portion of the sign was in compliance with the ordinance. He then stated that the sign would be externally illuminated, with a spotlight on each side.

Ms. Bergailo asked about the sign shown on the Site Plan, and Mr. Lanfrit indicated that the sign shown was the original construction sign that was already removed from the site.

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

Mr. Shepherd made a motion to approve the Application for a Sign Variance to construct a sign at the front of the property, the size and location as indicated in the testimony. Mr. McCracken seconded the motion and the roll was called as follows:

FOR: Raymond Betterbid, Mr. Johnson, Mr. McCracken, Mr. Shepherd, Mr. Caldwell, Mr. Rosenthal and Chairman Thomas

AGAINST: None

- **MUSLIM FOUNDATION, INC. / ZBA-17-00014**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Muslim Foundation, Inc. Mr. Lanfrit indicated that they were there that evening to obtain a Temporary Use Application in which the Applicant was asking permission to use the rear of the property for overflow parking during religious holidays at 47 & 49 Cedar Grove Lane, Somerset; Block 468.09, Lots 37 & 38, in an R-40 Zone.

Mr. Lanfrit also stated that the Muslim Foundation, Inc. has a pending Application for the construction of a school at the rear of the property, which was scheduled to be heard by the Zoning Board of Adjustment next month. He stated that they were there that evening to get approval to use the rear portion of the property, which was already graveled for certain religious days for the larger crowds than normal everyday services. He entered into the record as Exhibit A-1, a colorized exhibit, with copies that he handed out to the Board members.

Mr. Alex Kharazi, 14 Margaret Drive, Somerset NJ, Director and Vice President of the Muslim Foundation, Inc., came forward and was sworn in. Mr. Kharazi stated that the Muslim Foundation, Inc. was given approval for the construction of a house of worship, and since that time the Foundation had acquired the lot to the rear of the property, Lot 37, by donation. He noted that the newly acquired lot currently had a small house and a graveled area that they were seeking to use with a Temporary parking permit. He noted that every day of the year, but one, the parking in front of the mosque was perfectly adequate for their needs. Mr. Kharazi indicated that they celebrate one major holiday in early September when they would plan to use the extra parking area. He added that they would also need the Temporary Use permit at the end of September and early October to accommodate for the celebration of special holidays and were expecting a larger number of attendees. He added that they would only expect to use the back property for overflow parking for half of those days (approximately 6 days). Mr. Kharazi indicated that he understood that the Temporary Use Permit was only for a period of 6 months and that he would have to come back before the Board in order to extend it.

A discussion ensued among the Board, and Mr. Caldwell asked how many cars they would expect. Mr. Kharazi indicated that they would expect 50-60 cars.

Ms. Bergailo asked if they were going to have a parking attendant directing people where to park. Mr. Kharazi answered in the affirmative. Ms. Bergailo asked about what looked like a driveway that might allow people to enter/exit through the rear portion of the property. Mr. Kharazi indicated that the roadway on the plan belonged to a commercial building to the rear and there was a sign there stating that there was no access/private property. He added that they would be added directional signs on the property, as recommended by the Technical Review Committee (TRC).

Mr. Betterbid inquired as to what they did on the property in previous years for these holy day celebrations. Mr. Kharazi stated that the donor of the rear property let them use his property to park during that time, but that they found out from the Township that they were not allowed to do so because the zoning there did not permit it. He said that they then went to other houses of worship in the area to ask for permission to use their parking lots during those days, which was accommodated. He said it did pose some safety issues, but they were able to accommodate them. The approval for the Temporary Use Variance would greatly help this situation until a permanent solution can be attained. A discussion ensued among the Board.

Mr. Healey indicated that the TRC did issue a report that shows that the layout was done in close coordination with the TRC staff, including Fire, Police and Engineering, for the striping design, the traffic flow, placement of the traffic signage. He directed the Board's attention to the series of notes on the plan, 1-7, that talked about the placement of the signage prior to the proposed use. Mr. Healey stated that the notes on the plan should be used as condition of approval.

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

The Chairman stated that he had not observed any problems or any issues with the facility functioning and deserves to be complimented for the anticipation of any issues or concerns regarding its operation.

Mr. Shepherd made a motion to approve the Application for a Temporary Use to allow parking in the rear of their property for a 6-month period for the dates indicated by the Applicant. Mr. Betterbid seconded the motion and the roll was called as follows:

FOR: Raymond Betterbid, Mr. Johnson, Mr. McCracken, Mr. Shepherd, Mr. Caldwell,  
Mr. Rosenthal and Chairman Thomas

AGAINST: None

- **ENGEL BURMAN AT SOMERSET, LLC. / ZBA-16-00031**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Engel Burman at Somerset, LLC. Site Plan & Minor Subdivision w/Variations in which the Applicant was asking permission to demolish the existing building and replace it with a mixed use development at 1850 Easton Avenue, Somerset; Block 468.01, Lot 26 and Block 468.10, Lot 1.01, in the CB Zone.

Mr. Lanfrit gave the Board some background concerning the property. He noted that the original Travelodge was approved and constructed in the 1960's. From the early 1970's to early 2000's, the property remained a hotel, with a restaurant, banquet rooms and swimming pool. He noted the pool was used not only for guests of the hotel, but was utilized for swimming lessons and used by members of the community as well as retail establishments within the confines of the property. He then stated that in 2008, the owner of the property, Broadway Somerset, LLC, made an application before the Zoning Board of Adjustment for a Use Variance to construct a 33,000 sq. ft. health club, a 20,115 sq. ft. retail building and a 6,000 sq. ft. restaurant. At that time, Mr. Lanfrit indicated that there were variances associated with the Application, i.e., impervious coverage, side yard setback, front yard parking, sign variances and other variances, which was approved. He told the Board that the health club was going to be the catalyst for getting the project going, but the health club never signed the lease they envisioned and they were never able to get a nationally known restaurant chain for the site due the access difficulty. All that being said, Mr. Lanfrit testified, was the reason that the project never was constructed. He then told the Board that Broadway Somerset, LLC entered into an agreement to sell the property in 2014 to the current Applicant, Engel Burman at Somerset, LLC, and indicated that he started working with the Township at that time with concept plans for the project and had numerous meetings with staff. He noted that an application was finally made in June of 2016. He said there were still details to be ironed out, such as circulation, layout, landscaping, buffering, etc., which resulted in additional meetings with Township staff. Mr. Lanfrit stated that they have also had two meetings before the Historic Commission, who approved the project for both buildings. He indicated that they were there before the Board that evening to present a Site Plan for a new hotel, a permitted use in the zone, as well as an assisted living facility, which was not permitted in the zone. He then added that they were proposing a subdivision to create three (3) separate lots so that the two (2) proposed buildings would have their own site so that financing could be obtained for the respective buildings. Mr. Lanfrit stated that there was also a plan for a pad site on the third lot, but they didn't have a user for it yet. He testified that once they obtained a user for that third lot, they would come back before the Board with a Site Plan for that lot.

Mr. Lanfrit entered into the record as Exhibits A-1 and A-2, renderings of the proposed assisted living building and Exhibit A-3, which was a rendering of the hotel building. He added that he also had a brochure for the assisted living facility, which he marked as Exhibit A-4, and handed it out to the Board members.

Mr. David Mammina, Architect, employed with H2M architects + engineers, came forward and was sworn in. The Board accepted his qualifications. Mr. Mammina explained that he had provided the architectural plans for both the assisted living building as well as the hotel on the proposed site. He had been providing architectural services to Engel Burman for 25 years, since 1992. He testified that he had designed 15 assisted living buildings, 2 nursing homes, hundreds of units of apartments in various buildings and some shopping centers over the

years for Engel Burman. Mr. Mammina went on to describe what the assisted living building would look like, noting a more suburban Victorian look to it, trying to break up the mass of the building a great deal. He added that there were many amenities for the residents, including a cinema, a fitness center, swimming pool, bingo and arts/crafts area, various outdoor gathering spaces, libraries, performing arts center, etc.

Mr. Shepherd questioned what they were looking at in the exhibits. Mr. Mammina indicated that the front view of the building was shown in Exhibit A-2 and the side of the building was shown in Exhibit A-1. He noted that the facility would accommodate 149 people, with 136 units. He stated that 40 of the units were earmarked for a secured memory care unit and 96 units were for the other ambulatory senior residents. Mr. Mammina also added that they would have trips to local malls, theaters and various other events via small bus/van. Mr. Lanfrit marked into evidence as Exhibit A-5, the dimension plan that Mr. Ardman, the project engineer, prepared for assistance with Mr. Mammina's testimony. He then showed the Board the proposed materials that would be used on the assisted living building, including stone on the base, with a warm grey siding, with all white Azec trim and a grey roofing material that blends with the other materials being used on the building. Mr. Mammina stated that the mansards and hip portions of the roof will be high enough to shield all the equipment placed on top of the building.

Mr. Reiss asked whether they would be utilizing any solar paneling to make the buildings more efficient. Mr. Mammina indicated that they had looked at that and have seen that what they can power from the roof available was not going to provide more than enough power but for one a/c unit. He did add that they incorporated into the building what he considered to be a super insulated building with a 6" exterior wall for the building that was filled with insulation, along with an envelope of rigid insulation around the entire building. Mr. Mammina also noted that they also use a sealant around the entire building to keep out air and moisture, along with high efficiency windows.

Asked if there would be elevators in the building, and Mr. Mammina indicated that there would be three (3) in the building and locate them in third points in the building to minimize the distance a resident has to walk to get to one. A third elevator would be designated for laundry/linens, housekeeping, etc., so as not to mix service use with residential use.

Mr. Mammina then detailed the location of the memory care unit, with two cloistered courtyards, and other amenities for all residents. He spoke about a wellness center that would provide a place for residents to see a podiatrist who would come in on a part-time basis as well as a general medical doctor and dentist. He added that there was a fitness center there as well and services of an exercise instructor to come in for the memory care residents.

Mr. Lanfrit asked Mr. Mammina about the proposed signs on the building. He indicated that there were three (3) signs proposed on the building on two sides and the front canopy.

Mr. Mammina stated that they didn't have a user for the hotel building proposed for the site; however the architecture for the hotel was modeled after a flag hotel, which was a limited service hotel. He explained that there would be no banquet facilities in the hotel and no public meeting rooms, but there would be 119 rooms in the hotel. Mr. Mammina indicated that there would be a small indoor swimming pool for guests of the hotel, small fitness room and a very limited eating area with no kitchen. He then discussed the materials being utilized for the hotel



building, noting that they would be compatible with the colors and materials being used on the assisted living building. He noted that the stone and the trim materials would be the same, but that the hotel would include a stucco material in a complementary color with the assisted living building. He added that the parapets on the top of the building would screen all of the mechanical equipment on the roof. Mr. Mammina indicated that all deliveries would be made through the front entrance from box trucks and would not require a loading dock.

Chairman Thomas wanted to make sure that the Applicant understood that the third pad building, not being constructed or discussed that evening, would tie into the other two buildings in terms of materials and colors. Mr. Lanfrit stated that they would have to come back before the Board once a user was found for that portion of the site. A discussion ensued regarding the construction of a "generic" building for the hotel. Mr. Lanfrit stated that they may very well have a user prior to construction and might have to come back before the Board for any changes to the plan and for the signage for that building as well.

Mr. Reiss asked about the need for at least a small kitchen in the hotel to provide for a hot breakfast. Mr. Lanfrit indicated that they would include what was called a pantry where food was warmed.

Ms. Bergailo asked how any rooftop mechanicals would be screened, and Mr. Mammina stated that they would raise the parapets up about 30 inches in order that they would be properly screened from view.

Mr. Healey then inquired about the loading dock area for the Bristol assisted living building. Mr. Mammina indicated that there was a pair of double doors in the rear of the building to accept deliveries, with a small receiving area where the service elevator was located. He noted that the kitchen was centrally located and there was very limited movement into the residential area with food deliveries. Mr. Healey then inquired about whether the rooms were furnished or if the residents brought their own furniture. Mr. Mammina stated that residents had a choice for either a furnished apartment or they would sometimes bring pieces of their own furniture with them so there would not be a great need for large moving trucks coming on the site.

Mr. F. Mitchell Ardman, Engineer and Principal of the Reynolds Group, came forward and was sworn in. The Board accepted his qualifications. He entered into the record as Exhibit A-6, which was an aerial view of the site with the proposed site plan superimposed over the top. Mr. Lanfrit passed out smaller copies for the Board's edification. Mr. Ardman then described the existing conditions on the subject property and the surrounding area. He indicated that the property was almost completely developed, with no natural features left on the property. He then showed the board where they had superimposed the proposed changes to the property. Mr. Ardman then discussed the conversations they had with the Historic Commission and noted that the canal sat low in the area and the existing hotel could not be seen by anyone near the canal nor was it visible from the ramp coming off of Rte. 287 since the roadway was about 13 ft. lower than the proposed property. He also indicated that the top of the proposed 5-story hotel building might be visible from the northbound lanes of Rte. 287. He noted that there were presently no storm water management systems on the site, and the site was serviced by public sewer and water.

Mr. Reiss opened a discussion regarding the site access, which he felt was a safety hazard. Mr. Ardman indicated that the Traffic Engineer would get into more specifics regarding the site access.

Mr. Ardman then proceeded to explain what the Applicant was proposing, including a discussion regarding the on-site circulation for the two buildings. He noted the inclusions of handicapped parking spaces near the front portico of the hotel as well as a sidewalk that circles the entire building. Mr. Ardman reiterated the fact that the hotel would include 119 rooms and 122 parking spaces associated with those. By following the main entrance drive past the hotel you will come upon a nice view of the Bristol, the assisted living facility, and circulate along the circular entrance drive under and around the front portico. He also noted that there would be full circulation around the entire building, and testified that there was good, two-way circulation around the facility to enable all vehicles, including emergency vehicles, to navigate the site. Even though they were planning to subdivide the site as a financial arrangement, Mr. Ardman explained to the Board that the site was designed seamlessly so that the parking could be shared, as needed, and good walkability would be present between the two buildings should guests of the hotel be staying there to visit residents of the Bristol. Mr. Ardman, utilizing Exhibit A-5, then showed the Board the location of the pool, gazebo and a patio on the site for the Bristol. He also showed a sidewalk around the entire building here as well for residents to get out on nice weather days. Mr. Ardman stated that there were 74 parking spaces allotted for the assisted living building on the site.

Mr. Ardman then continued with his testimony, discussing lighting and landscaping for the project. He indicated that they would be providing LED lighting, which he stated provided good coverage for the site, was energy efficient and would be mounted approximately 22 ft. high. He then explained to the Board that there were no residential properties nearby that they would have to worry about regarding glare or light spillage. Mr. Ardman then drew the Board's attention to the landscape package, which basically included three (3) layers of landscaping around the building - the foundation plantings (a series of shrubs and hedges), a series of ornamental trees spaced in and around the landscape plantings and shade trees planted further away from the building and on the islands. He added that there was a similar scheme around the hotel building. Mr. Ardman indicated that they also included shade trees around the ring of the entire property to get more shade on the parking lot area as well as include plantings on the Easton Avenue frontage. He stated that the Applicant would agree to place additional plantings in that area to beef up the landscaping in that area, per the Planning Director's request. He also added that, although they would be asking for a variance for parking in the front yard setback area along the ramp from Rte. 287 onto Easton Avenue, they felt that with the plantings that were proposed and the limited visibility of the site from the roadway there due to the elevation differential in that one section, that the parking there was justified in that location.

Mr. Ardman then discussed how the trash from the site would be handled, stating that they had placed dumpsters in the back corners of the property and would be covered in the same materials as the buildings so that they match.

Mr. Ardman then explained that they would be adding a storm water management system to the property in the upper right front corner of the property in the easterly section there would be placed two (2) detention basins, which would satisfy the storm water management best management practices. The three part process of the system would include the need to hold

the water back long enough to reduce the peak flows, promote infiltration back into the ground so it doesn't all sheet flow as well as improve the water quality by suspending the salts and oils from the parking lot in the detention basin before they go downstream. Mr. Ardman testified that both of the detention basins accomplished all three of the requirements and got a satisfactory review and approval from both the Township Engineer's office as well as the Delaware & Raritan Canal Commission (DRCC), who have a more enhanced set of criteria for approval.

Mr. Ardman briefly discussed an additional method of ingress/egress from the site going out toward World's Fair Drive in front of the medical building site that was adjacent to the subject site.

In discussing the subdivision into three (3) lots, Mr. Ardman noted that the two detention basins would be located on the third lot on the property. He added that there would be cross-access easements for people to traverse the lots and easements for the detention basins to allow for an integrated concept plan for the entire site. He then discussed the three lots that would be created by the subdivision, indicating that one lot would encompass the Bristol (3.995 acres in size), the second from the middle of the parking lot and around the hotel (approximately 2.2 acres in size) and the pad site (just over 3.1 acres in size) that included the entrance and exit drives as well as the detention basins, for a total of 9.3 acres for the entire site. Any user wanted to put a business on the pad on the third lot would really only have approximately 1.75 acres to use.

Mr. Ardman then briefly reviewed the variances, some that would be there even if they did not want to subdivide the property and others that were being created as a result of the subdivision. He stated that they were detailed in Mark Healey's Planning Report, and they are:

- D(1) Use Variance – required for proposed assisted living facility
- D(4) Floor Area Ratio – 0.40 maximum permitted – 0.67 proposed (Lot 26.01 - Assisted Living)
- D(4) Floor Area Ratio – 0.40 maximum permitted – 0.81 proposed (Lot 26.02 - Hotel)
- Lot Size: 5 acres minimum required – 3.995 acres proposed (Lot 26.01 – Assisted Living)
- Lot Size: 5 acres minimum required – 2.187 acres proposed (Lot 26.02 – Hotel)
- Lot Size: 5 acres minimum required – 3.134 acres proposed (Lot 26.03) – Pad Site
- Impervious Coverage: 55% maximum permitted – 65% proposed (Lot 26.01 – Assisted Living)
- Impervious Coverage: 55% maximum permitted – 79.2% proposed (Lot 26.02 – Hotel)
- Parking: 74+ spaces required – 74 spaces proposed (Lot 26.01 – Assisted Living)
- Parking: 131 spaces required – 122 spaces proposed ((Lot 26.02 – Hotel)

Mr. Ardman reiterated that the entire site was 9.3 acres, so if the project was viewed as one site, the variances for Lot Size would go away. He then noted that 199 parking spaces were required and they provided 196 spaces. He noted that the Traffic Consultant would be giving testimony regarding that later in the hearing. In discussions with the Township staff, they had reduced 15 spaces from the site, so they would be able to add back three (3) more spaces if the Board so required to meet the ordinance requirements.

Mr. Healey brought up whether there was a standard for how many parking spaces were required for an assisted living center. Mr. Lanfrit noted that the Traffic Consultant would discuss that, but that he wanted on the record that there were three (3) shifts of employees, the first being 7:00 a.m. to 3:00 p.m., the second being 3:00 p.m. to 11:00 p.m. and the third was 11:00 p.m. to 7:00 a.m. He noted that the first shift would have 20-25 employees, the second shift would have 15 employees, and the third shift would have 8 or 9 employees. With their experience with assisted living facilities, Mr. Lanfrit stated that there would be anywhere between 10-15 visitors at any given time. He also indicated that even without the shared parking situation between the two buildings, there would be adequate parking for the assisted living facility.

Mr. Healey asked what statistics they might have to indicate how many residents, if any, would drive and have their own vehicles. Mr. Mammina testified that it would be approximately five (5) residents who would have their own vehicles at any given time, and that they generally don't end up keeping those cars once they get used to the facility and avail themselves of the transportation provided by the facility.

Mr. Ardman then continued on with the discussion regarding the variances. The additional ones noted in Mr. Healey's report are as follows:

- Side Yard Setback – 50 ft. minimum required – 47 ft. proposed to porte cochere (Lot 26.02 – Hotel).
- Total Side Yard Setback – 120 ft. required – 114 ft. proposed (Lot 26.01 – Assisted Living).
- Total Side Yard Setback – 120 ft. required – 99.7 ft. proposed (26.02 – Hotel)
- Lot Frontage: Section 112-17A required vehicular access to an existing street for each created lot – no direct vehicular access proposed – access proposed via easement over proposed Lots 26.02 and 26.03 (Lot 26.01 – Assisted Living)
- Lot Frontage: 300 ft. required – 0 ft. proposed (Lot 26.02 – Hotel), variance also required from Section 17A (see above) – access proposed via easement over proposed Lot 26.03.
- Parking Required in Front Yard: 75 ft. front yard parking setback required – 14 ft. proposed (Lot 26.01 – Assisted Living).
- Parking Required in Front Yard: 75 ft. front yard parking setback required – 12 ft. proposed (Lot 26.02 – Hotel).
- Parking Required in Side Yard: 5 ft. side yard parking setback required – 0 ft. proposed (Lot 26.01 – Assisted Living).
- Parking Required in Side Yard: 5 ft. side yard parking setback required – 0 ft. proposed (Lot 26.02 – Hotel).
- Number of Building-Mounted Signs: one (1) sign permitted – three (3) proposed (Lot 26.01 – Assisted Living).
- Area of Building-Mounted Signs: 50 sq. ft. permitted – 56 sq. ft. proposed “sign B” (Lot 26.01 – Assisted Living).

Mr. Ardman indicated that if the site was one lot, the Side Yard Setback would go away. He did add, however, that with the two Total Side Yard Setbacks, they would only have 117.5 ft. and not the 120 ft. required and would still require a variance if they did not subdivide the lots. He noted that the variances for Lot Frontage would go away if it were just one lot. The variances for Parking Required in Front Yard would go away with a combined lot, Parking Required in Side Yard variances would go away with a combined lot, but the sign variances would still remain regardless if it were a combined lot or subdivided.

Mr. Ardman then addressed the Township Engineering report, prepared by Mr. Zilinek and dated July 13, 2017. He testified that there was nothing in the report that they could not comply with, and would provide any of the information requests. He did note, however, that in item #25 in the report regarding the request for inclusion of Belgian block curbing as an alternate to the proposed concrete curbing, it was a nice addition and cost about the same but with all of the concrete sidewalks on the site, they would get a better bond and fit with concrete curbing and would rather use that material instead.

Mr. Lanfrit addressed comment # 28 in the Engineer's report regarding the responsibility of the maintenance of the detention basins should the lots be sold off individually. He testified that there would be cross-access easements and cross-maintenance agreements in place and it was their intention that the Applicant would retain ownership of the two buildings they would be constructing. He indicated he would provide all those documents to Mr. Bradshaw, Zoning Board Attorney or the Township Attorney for their review. Mr. Healey asked how maintenance of the entire site get taken care of if there were to be three (3) separate owners in the future. Mr. Lanfrit stated that the agreements would include one (1) snow removal company, one (1) landscaping company, one (1) maintenance company, etc. and that all three property owners would have to share in the cost.

Mr. Healey asked Mr. Ardman about the egress to World's Fair Drive, utilizing Exhibit A-6, in order to get onto Easton Avenue going East. Mr. Ardman corrected his testimony and stated that the plans should not have eliminated the left hand turn out of the complex in order to access eastbound Easton Avenue as that was the best way to leave the site to take Easton Avenue in that direction. He added that that would be a better alternative than to go through the cross-easement access past the Orthopaedic Associates medical building to clog up the traffic at the light there. He stated he would correct the plans. Mr. Healey then asked whether there would be any restrictions in relation to the already in place cross access easement through the Orthopaedic medical building property. Mr. Lanfrit indicated that the access easement was granted on December 31, 1969 through the other lot out to Easton Avenue because World's Fair Drive was not there yet. The only thing the easement agreement included was that the owner of the property where the medical building is now operated could relocate that driveway at any time if there was a better location, but it did not restrict the movements from the adjacent site (subject site). Mr. Lanfrit indicated that he would gladly provide the Board a copy of the easement agreement. Mr. Healey then told Mr. Ardman that the ordinance required that the front setback (75 ft.) not having any parking fields located there and that there were design standards that speak to that. Mr. Ardman then discussed the grading of the property there, noting that the ramp driveway to the site was 7 ft. below the parking area and there really was no negative visual impact. He also indicated that there was a chain link fence there as well as a wall and that they would be able to upgrade the fencing to a tubular steel style fence that would fit in better with the site.

Ms. Bergailo asked if there could be beefed up landscaping in front of the fence as well, and Mr. Ardman indicated that they were planning on putting a hedge in front of the fencing. She then asked whether there would be any freestanding sign for the site, and Mr. Lanfrit indicated that until they had a third user for the site, they would hold off designing a sign and would have to come back before the Board at that time. Ms. Bergailo then was interested in whether they had received a County review letter yet regarding the egress onto Easton Avenue. Mr. Ardman indicated that the NJDOT had jurisdiction in that area up until just before World's Fair Drive on Easton Avenue. Mr. Lanfrit stated that was a letter from the County, dated November 21, 2016, relating to a contribution for any traffic impacts to the Cedar Grove Lane intersection, but did not have any other comments related to the plan.

Mr. Shepherd asked the Board Attorney, Patrick Bradshaw, whether the shared maintenance agreement would be a condition of any approval. Mr. Bradshaw indicated that he would put that into any Resolution.

Mr. Gary Dean, Traffic Engineer and Principal of Dolan & Dean Consulting Engineers, came forward and was sworn in. The Board accepted his qualifications. Mr. Dean indicated that he testified for the hearing for the subject site back in 2008 and did the traffic analysis for that plan, based on the proposed uses on the property at that time as well as the uses proposed now. Mr. Dean compared the number of trips generated by the previously approved use to that of what was now being proposed for the site. He indicated that the application that was approved back in 2008, with all its aggregate uses, had 423 parking spaces required and the present application proposed 196 parking spaces. Because of the differences in the amount of parking spaces required, there was also a correlation related to traffic impacts as well. Mr. Dean stated that the retail and fitness center use that was approved would generate a lot of in and out traffic, whereas the use of the assisted living and hotel space were more static, passive uses and would generate much less traffic with different peak hours. He also mentioned that both of the uses have opposite busy patterns that were complementary to one another. Mr. Dean then indicated that they did prepare a Traffic Analysis for the site on June 7, 2017 that was submitted with the plans and identified some traffic counts and other detailed information.

Mr. Dean addressed some of the Board concerns regarding the site access, shown on Exhibit A-6, and discussed the ingress and egress access points that were separated by a green space. He noted that they met with the NJDOT as part of the Broadway Z application, and in 2010 the DOT granted a continuing highway access permit for that driveway since it was already there and ran with the land and not the use. He added that it would continue with the proposed use as well and confirmed with the NJDOT that their jurisdiction did cover that access. Mr. Dean then discussed the Residential Site Improvement Standards (RSIS) that governed and took the place of a municipal ordinance with residential improvements as it pertained to the design of streets, detention basins or parking for residential uses. He then added that an assisted living residence was considered a residential use so that the Bristol's parking requirements would follow RSIS standards, which were 0.5 parking spaces per unit, so with 136 units, it would yield a parking requirement of 68 parking spaces and 74 were proposed. He continued by saying that the ordinance required more than one parking space per room for a hotel, so 131 parking spaces were required for the hotel and 122 spaces within the subdivision were proposed. The variance required, as indicated by Mr. Dean, would be relief for three (3) parking spaces. He then spoke of the non-coincident peaks of parking between the two uses and the shared parking arrangement.

Mr. Shepherd asked whether the shared parking arrangement would stay with the land, and Mr. Lanfrit indicated that there were cross-access easements in place on the property.

Mr. Dean then testified that they did have more parking area on the plan, but was removed by comments from Township staff, noting the fact that there was no purpose in putting in impervious parking surface when there was a high degree of assurance that it was not ever going to be needed.

Mr. Betterbid asked whether the third lot that was not yet occupied would have its own parking lot, and Mr. Dean answered in the affirmative. Mr. Lanfrit indicated that they would have to provide parking for that use, but that there would also be cross-access easements with that lot also. Mr. Healey reminded the Board members that when there was a specific user for the third pad lot, they would have to come back before the Board.

Mr. Dean then spoke of the driveway that takes motorists out to World's Fair Drive. Utilizing Exhibit A-6, he described the driveway that goes through the property of the University Orthopaedic medical building as being 121 ft. long (approximately 6 car lengths). He stated that when the employees of the medical office building were coming into work in the morning, the hotel guests would be leaving the site. He compared the previously approved retail use on the subject property to what was being proposed that evening as being far less intense a use, traffic-wise. Mr. Dean indicated that the medical office building had the ability to go through the subject property to exit onto Easton Avenue as well as out onto World's Fair Drive to do so. He then discussed the assisted living use, with employees coming and going within three (3) shifts, noting that the 7 a.m. – 3 p.m. had the most employees traversing the site. Mr. Dean emphasized the fact that there was very little competition for traffic on and through the site at those times of day with employees of the medical building. He did then bring up the topic of the third pad site and the potential user and testified that he felt there might be a need for roadway improvements at that time.

Mr. Dean then discussed trip generations from his report during the peak hours of the hotel and the assisted living center. From his report, Mr. Dean indicated that there was projected to be 25 trips in the morning peak hours from the assisted living facility (17 entering vehicles and 8 exiting vehicles), which would calculate to one (1) vehicle every 6-7 minutes from World's Fair Drive, with zero factor on stacking or queuing. He noted that the evening peak hours, the volume might go to 20 vehicles. For the hotel, Mr. Dean stated were projected to have 57 morning/afternoon peak hour trips (essentially a vehicle per minute). He did note, however, that the hotel guests would leave at staggering hours and not all at the same time.

Mr. Dean explained that there was some carryover from the Broadway Z approval to prohibit left hand turns out of the site and doesn't need to be kept in place, so to allow motorists to go left or right out of the site to access Easton Avenue in the easterly direction to avoid a stack of cars all going out to Easton Avenue via World's Fair Drive. He felt that including some way-finding signs would be prudent to direct motorists to get onto Easton Avenue or to Rte. 287 via World's Fair Drive to Davidson Avenue or to Cedar Grove Lane. He indicated that they could work that out with Mr. Healey, the Township Planner, and the Township Engineering Dept.

Ms. Bergailo opened a discussion regarding whether they had received a permit from NJDOT for the curb cuts on Easton Avenue, and Mr. Dean answered in the affirmative. She then inquired as to whether they had recommended any signage on the two ramps to make sure

motorists got onto the correct ramp. Ms. Bergailo indicated that she felt there needed to be more than signage there and recommended something on the pavement as a warning such as a double yellow line and markings directing the way out of the development. Mr. Dean indicated that the ramp into the facility off of the Rte. 287 ramp at Exit 10 deliberately narrows to only 15 ft., which was a standard half width. A discussion ensued among the Board and Mr. Dean indicated that the permit they received from the NJDOT was from the Broadway Z application with all of their uses and came with a traffic limit. He stated that if this Applicant were to exceed that traffic limit, by virtue of whatever use came in for the third pad site lot, then they would need a new permit from the NJDOT and the Applicant would bear the burden of yet another review with NJDOT.

Mr. McCracken opened a discussion regarding the exit ramp going out onto Easton Avenue as being quite steep. Mr. Dean discussed the lack of use that ramp had seen over the years since many people could use the easement to World's Fair Drive to get to Easton Avenue going in the same direction. Mr. Dean suggested having some signage for the hotel guests directing them out to the left to use the existing ramp rather than put all the exiting traffic onto World's Fair Drive. Mr. Healey was in agreement with that statement.

Ms. Bergailo then opened a discussion regarding whether any restaurant that might come in to the third pad site would be able to obtain a liquor license. Mr. Lanfrit explained that it would have to have the same owner as the hotel in order for that to happen.

Mr. John McDonough, Planner, came forward and was sworn in. The Board accepted his qualifications. Mr. McDonough first entered into the record as Exhibit A-7, handout of photographs of the site showing what was currently on the property via an aerial photograph and some ground photos. He then reiterated Mr. Ardman's testimony regarding the bulk variances that were being created as a result of the technical subdivision for financing purposes and went on to describe the zone relief that the Applicant was seeking. He explained that they were really seeking to obtain a Use Variance (D-1) to allow for an assisted living development in the C-B Zone and D-4 Area relief for the size of the structures, which Mr. Dean's testimony proved could accommodate the intensity of the use on the site. Mr. McDonough spoke about the assisted living use as an inherently beneficial use in the community and then walked the Board and public through the positive and negative criteria test that must be proved. He then spoke about the limiting conditions that would be imposed upon the site by limiting the use to only assisted living, without congregate care or rehab facilities as well as a limited hotel use without a restaurant or other amenities typically provided with a larger hotel to reduce the negative impacts of the site. Mr. McDonough then discussed the D-4 relief requested, with respect to the hotel, and they were at 0.81 vs. 0.40 area ratio. With respect to the assisted living building, they were at 0.67 vs. .40 area ratio. He discussed the positives and negatives of the balancing test. Referring to all of the testimony heard that evening from the other witnesses, Mr. McDonough felt that the positives outweighed any negatives on the site. He drew the Board's attention to the need for a variance for impervious coverage, and taken as an aggregate for the whole project, with 51.5% coverage overall, whereas 61.1% was previously approved. The parking supply for the whole project was 122 parking spaces provided whereas 131 was required and would be satisfied with the shared parking arrangement as well as with the non-coincident peak traffic times for the various components. He then discussed the de minimus relief needed for Side Yard Setbacks in the aggregate complex and would completely disappear if the internal lot line was not present. Mr. McDonough then moved on to discuss the creation of two lots without fronting on a street and



would be accommodated by the use of an access easement. He then discussed the parking in the front yard for both the assisted living building and the hotel building, referring back to Mr. Ardman's testimony regarding the pitch or grading of the property. That would be mitigated with landscaping. Finally, he discussed the need for variance for the signs for the assisted living building, which would provide for clear and safe identification of the site, with one facing Rte. 287 and the other facing Easton Avenue and one on the entrance portico.

Chairman Thomas then opened the meeting to the public for questions or comments regarding the Application. Seeing no one further coming forward, the meeting was closed to the public.

Mr. Lanfrit brought Mr. Ardman back up to address the staff reports, indicating that they had already discussed the Township Engineer's report. He then referred to Mr. Hauss' Fire Prevention report, dated July 11, 2017, and indicated that they could comply. Next, he addressed Ms. Elliot's Health Dept. report, dated June 30, 2017, indicating that they could comply. Mr. Lanfrit then spoke of Mr. Raymond Cianfrani's report, dated July 13, 2017, indicating that they could comply with that report as well. Mr. Lanfrit stated that the Police Dept. did not have any comment and they were working with the Sewerage Authority to get everything signed off with them.

Mr. Ardman then addressed Mr. Healey's Planning report, dated July 28, 2017, regarding item # 1h regarding the crosswalks and didn't believe there was much cross traffic between the two buildings and didn't warrant brick or pavers. They had planned to just stripe the crosswalk area and felt that that would be sufficient. He indicated that they would be requesting a waiver from that condition. Mr. Ardman then addressed item #1j regarding Commercial Design Standards, and didn't feel it was appropriate to have a sidewalk going out to Easton Avenue. He suggested that they wait for the third pad site to be developed and then they could address a possible sidewalk out to World's Fair Drive. He didn't think they wanted to encourage people to be dropping anyone off or picking them up on Easton Avenue in that area so they would be asking for a waiver for that. Mr. Healey agreed that was a good suggestion. Mr. Ardman stated that they would agree to provide the additional street trees as noted in Mr. Healey's report; otherwise, everything else in the report they could comply with.

Mr. Lanfrit stated that the assisted living building may be exempt from the affordable housing fee, but he was waiting on a clarification on that. He testified that they would be willing to pay the affordable housing fee, if applicable.

Mr. Lanfrit then gave his summation to the Board for their consideration.

Mr. Shepherd made a motion to approve the Site Plan & Minor Subdivision w/Use Variance and other required variances delineated on Mr. Healey's Planning report and discussed during the hearing. Also included was that the landscaping around the front of the building would be done in hedge style and chain link fence taken down and replaced with a tubular aluminum fencing at the front of the property and around the detention basins. There would also be a common maintenance agreement between all three properties and the Applicant would have to comply with all comments in the Engineering and Planning reports, with waivers for Belgian block curbing and sidewalk requirement out to Easton Avenue. Brick or pavers must be used to delineate crosswalks on the site. Ms. Bergailo added that they would have to come back to the Board for free-standing sign approval and would include safety markings at the exit ramp onto Easton Avenue. Mr. Betterbid seconded the motion and the roll was called as follows:

FOR: Raymond Betterbid, Mr. Johnson, Mr. McCracken, Mr. Shepherd, Mr. Caldwell,  
Mr. Rosenthal and Chairman Thomas

AGAINST: None

**WORKSESSION/NEW BUSINESS**

There was no new business

**MEETING ADJOURNED**

Mr. Betterbid made a motion to adjourn the meeting at 10:24 p.m. The motion was seconded and all were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
September 20, 2017