

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

**REGULAR MEETING
October 4, 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: Councilman Chase, Carl Hauck, Alex Kharazi, Cecile Maclvor, Robert Mettler, Mustapha Mansaray, Charles Brown, Robert Thomas, Godwin Omolola and Chairman Orsini

ABSENT: Jennifer Rangnow

ALSO PRESENT: Mr. James Clarkin, Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning and Zoning Secretary

MINUTES:

- **Regular Meeting – July 19, 2017**

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

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

AGAINST: None

- **Regular Meeting – August 2, 2017**

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

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

AGAINST: None

RESOLUTIONS:

- **72-76 Madison Ave, LLC / PLN-17-00006**

Vice Chair Maclvor made a motion to approve the Resolution as submitted. The motion was seconded. Councilman Chase asked that a correction be made to Page 5, item F, of the Resolution, changing the statement, "They also opened a discussion regarding adding a third street light in the middle of the roadway" to read "They also opened a discussion regarding adding a third street light in the middle of the block." Chairman Orsini agreed that they could make that correction.

Vice Chair Maclvor again made a motion to approve the Resolution, with the correction noted. Chairman Orsini seconded the motion and the roll was called as follows:

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

ABSTAIN: Mr. Brown

AGAINST: None

- **Davanne Realty, Co. / PLN-17-00010**

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

FOR: Councilman Chase, Mr. Hauck, Vice Chair Maclvor, Mr. Mettler, Mr. Mansaray, Mr. Brown and Chairman Orsini

AGAINST: None

- **Nissan North America, Inc. / PLN-17-00011**

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

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

AGAINST: None

DISCUSSION:

- **SYCAMORE DEVELOPERS, LLC / PLN-17-00008**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Sycamore Developers, LLC. Mr. Lanfrit explained that they were there that evening for a discussion of the sketch subdivision plan and review of committee comments for a proposed 32 lot major subdivision located at 1865 Amwell Road (Block 423.01, Lot 1.04) in anR-40 Zone.

Mr. Lanfrit explained that they had to come before the Board for them to make a determination as to whether the project should or should not be clustered. He added that they had appeared before the Planning Board on June 21, 2017 and presented the testimony of Mr. Ardman, Site Engineer, showing the cluster plans, presently being shown on the board to his left in the meeting chambers, and based on the cluster plan that was submitted as part of the Application and reviewed in June. Pursuant to the Township's Ordinance and before the Planning Board could make a determination as to whether the project should or should not be clustered, there were various committees that needed to review the proposal. Mr. Lanfrit noted that they went to the various committees, and Mr. Healey prepared an extensive report detailing the discussions at those committee meetings. Mr. Lanfrit stated that there were representatives (Mr. Healey or Mr. Dominach) of the Township at all the committee meetings as well as representatives of the Applicant.

Mr. Lanfrit then indicated that they were there before the Board that evening to request for them to approve the cluster option so that they could then schedule a hearing for the cluster development. He reminded the Board that their request was to allow a cluster development to the R-20 standards.

Mr. Healey stated that the proposal went to the Environmental Commission, Open Space Advisory Committee, Agricultural Advisory Committee and Shade Tree Commission. He testified that the Environmental Commission encouraged the use of cluster development as the more appropriate approach rather than spread out the subdivision over the entire property was developed. He explained the extensive discussion about the relative pros and cons of following the guidelines of the R-20 and R-15 Zones, indicating that there would be more clustering with following the R-15 guidelines and a larger area of open space. Mr. Healey then stated that the Commission saw some of the benefits of the R-20 Zone, but ultimately did not reach a consensus of which zones' guidelines would be best. He then went on to speak about the discussions the Open Space Committee had, noting that they recommended following the guidelines of the R-20 Zone, inferring that they did agree with the use of cluster residential development on the property in the manner that was being presented by the Applicant. Mr. Healey also testified that a recommendation of a trail be proposed from the detention basin to the existing Township Open Space land to the north of the site. He further went on to discuss the findings of the Agricultural Advisory Committee, stating that they recommended somewhat of the opposite and wanted the open space

of the proposed property be placed on the north side of the property and the better farmland to be preserved as opposed to the southerly part of the property proposed by the Applicant. Mr. Healey then indicated that the Shade Tree Commission felt the issue was somewhat out of their purview to comment and deferred to the Planning Board to make the decisions. He did add, however, that the Planning Board look for connections to actual existing open space, including cemeteries, and the open character of the Amwell Rd. corridor. Now that the committees have given their input, Mr. Healey indicated that it was back to the Planning Board to decide whether to have the Applicant pursue clustering or not and to give the Applicant direction as to which zoning guidelines they should follow, R-15 or R-20.

Chairman Orsini asked Mr. Healey if the Agricultural Advisory Committee gave any indication as to the likelihood of whether the 11-14 acres of open space would ever be farmed. Mr. Healey stated that he could not make that meeting and that Mr. Dominach attended, but his understanding was that a piece of land of that size was suitable for farming.

Mr. Lanfrit then stated that they spent a significant amount of time discussing the R-15 vs. the R-20 zoning at a previous hearing, but that it was their preference to develop with the R-20 zoning guidelines. He did add that there would be some variances associated with developing the property at R-20 standards and would have to satisfy the burdens of proof under the Municipal Land Use Law (MLUL). He went on to state that they were offering the open space to the municipality to do with the land as they wish.

Mr. Mettler stated that he viewed the proposed open space of limited value to the Township and, therefore, suggested that it would be better to have the open space remain with the development and be managed by a home owner's association as they see fit.

Mr. Lanfrit stated that another option would be to have the open space remain with the current owner, with a deed restriction for farming the property. He felt it might be the Township Council's position rather than the Planning Board to discuss the best way to deal with the open space.

Mr. Thomas then opened a discussion regarding the difference between developing with R-15 standards or R-20 standards, noting that it was a 3-acre difference. He indicated that he would rather see the homes built on bigger lots to gain more space between the homes and agreed with Mr. Mettler than he didn't see the open space area as a particular benefit to the general public. He added that he wouldn't have a problem with the proposed open space property staying with the present owner and farmed.

Chairman Orsini indicated that he generally agreed with both Mr. Thomas and Mr. Mettler, but felt that the open space should stay where it was currently proposed, not necessarily adjacent to the woods. He described the desire for a greenbelt around Middlebush, as stated in the Master Plan.

Councilman Chase stated that he mostly agreed with everything that had been discussed and that the open space should be at the south end of the property as a green belt around Middlebush, with the R-20 option being preferable. He then discussed the existing home on the property on the Amwell Rd. frontage that was projected to be removed. The Councilman did indicate that the open space could be made into native grasslands and/or be part of Township land and leased out as farmland for as long a period of time as preferred.

Chairman Orsini then summarized all of the Board comments, noting that they were in favor of an R-20 development, leaving the open space on the south side of the property where it is proposed now as well as being in favor of some mechanism by which the Township would not have to control the property.

Chairman Orsini then suggested that they open the meeting to the public for comments on the project only. Mr. Thomas made a motion to open the meeting to the public and Mr. Mettler seconded the motion. All were in favor. Seeing no one coming forward, Mr. Mettler made a motion to close the meeting to the public. The motion was seconded and all were in favor.

Mr. Healey then stated that, just for the record, the surrounding property owners were not noticed for the hearing that evening, but will be noticed when the actual application came before the Board in the next few months. Mr. Lanfrit indicated that he believed they would be before the Board at a hearing in the following month, but would make sure he gave notice in all manner required for that public hearing.

With no further discussion from the Board, Chairman Orsini made a motion to endorse the plan presented by the Applicant as an R-20 sub-division, with the open space area to remain on the south side of the property and with the proviso that a favorable mechanism be worked out so that the Township was not responsible for the property and some other arrangement be made for that. Councilman Chase reminded the Board that they had not had any discussion regarding the Open Space Committee's suggestion of having a trail which would go in where access had been provided at the detention basin and then circle around it to go towards the Township Open Space which was next to the subject property. He added that he would be in favor of that idea and didn't feel it was a great burden on the Applicant. Mr. Lanfrit stated that that inclusion was not part of their initial submission, but that the Site Engineer, Mr. Ardman, could look at that and either amend the submission that was already made or be prepared to discuss it at the public hearing when it comes up the following month. Chairman Orsini reminded the Applicant that the recommendation was for no pavement and no gravel, with the obligation beginning and ending at the property line. He added that they would just bring the trail to the woods. Chairman Orsini then amended his original motion to include the trail on the property and going to the woods of the adjacent Township Open Space.

Mr. Clarkin, Board Attorney, made a suggestion that the form of the motion indicate that the Planning Board recommends to the governing body that it not accept title to the

property. Chairman Orsini agreed to make the suggested wording an amendment to his motion. Vice Chair Maclvor seconded the motion and the roll was called as follows:

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

AGAINST: None

PUBLIC COMMENTS:

Chairman Orsini made a motion to open the meeting to the public for any general planning comment other than what was being discussed in the hearings that evening. Vice Chair Maclvor 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. Vice Chair Maclvor seconded the motion and all were in favor.

HEARINGS:

- **3G DEVELOPERS, LLC / PLN-17-00012**

Minor Subdivision in which the Applicant was proposing to subdivide parcel into two lots and build a single family home on each at 20 Annapolis Street; Block 100, Lots 25-27, in an R-10 Zone – **CARRIED TO NOVEMBER 1, 2017 – NOTIFICATION TO NEWSPAPER REQUIRED.**

- **ASHA ABRAHAM / PLN-17-00001**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Asha Abraham. He indicated that the night's hearing was an Application for a Flag Lot Subdivision (minor subdivision) in which the Applicant wants to subdivide the property into two lots at 199 Wilson Road, Somerset; Block 417.1, Lots 24 & 25, in an R-40 Zone - **CARRIED FROM SEPTEMBER 6, 2017 – WITH NO FURTHER NOTIFICATION REQUIRED.**

Mr. Lanfrit stated that the property currently had upon it one existing single-family residential dwelling, and the plan was to subdivide the property into two lots and construct a new dwelling on the subdivided lot.

Ms. Asha Abraham, Applicant, 10 Helen Court, Piscataway, NJ, came forward and was sworn in. Ms. Abraham then indicated that she was the owner of the subject property, purchasing it in 2012. She then testified that the existing home on the property was being rented and that she was currently living in Piscataway, NJ, with her parents. She added that when she purchased the property in 2012, it was her intent to build a home

on the vacant portion of the property for herself and her parents. She testified that she knew she needed to do something with the property in order to build a house. Ms. Abraham then discussed the home she wanted to build on the property, a two-story dwelling, the plans of which were submitted with the Application. She stated that she wanted to build the home with a bedroom on the first floor for her parents since her mother has cancer and her father has heart issues, with her own family having bedrooms on the second floor. Because of the design on the first floor, they needed a variance for side yard setback. She also testified that after she purchased the property that there were potential issues with building on the property due to the stream across the front of the property and that the Township has a stream corridor preservation ordinance. Ms. Abraham then told the Board that they would be able to locate the new home on the property so as not to affect the wetlands and beyond the stream corridor preservation area. She then told the Board that the existing home on the property has one driveway access, which actually traverses onto the proposed lot because of the way it curves up to the existing home. She added that part of the proposal was to relocate the existing driveway to run on the property and eliminate the garage to that dwelling so that the existing single-family home would be fully contained within the one lot. Ms. Abraham understood that certain permits would have to be obtained in conjunction with the change of driveway location. She added that they would be bringing utilities (water and sewer) to both homes, as the existing dwelling was currently on a septic system. Ms. Abraham stated that she understood there might be permits that would be required to do so.

Mr. Thomas wanted to make sure that there would only be one kitchen for the proposed home and that the new dwelling should be referred to a single family home if it was being built as such.

Councilman Chase wanted to know why there were so many trees proposed to be removed on Lot 24.01. Mr. Lanfrit stated that there was a clearing on Lot 24.01, and the proposed home was going to be built within the clearing. Mr. Lanfrit indicated that he didn't believe Ms. Abraham wanted to remove any more trees on the property than necessary. He added that they could have that statement put on the plans to remove as few trees as necessary on the site. Chairman Orsini stated that Lot 24.01 was where the existing dwelling was and wanted to know why any trees had to be removed there. Mr. Lanfrit stated that they had to relocate the driveway on that property to keep it within the boundaries of the lot lines and that some trees would have to be removed for that purpose. He did state that they would remove any trees that could remain on the lot from the Tree Removal Plan.

Mr. Healey stated that because they needed to move the proposed home back from the stream corridor and minimize utility crossings, etc., he wanted to know if the Applicant would be providing the Board with a plan that would show the limits of disturbance. Mr. Lanfrit indicated that the Stream Corridor Ordinance stated that nothing could be disturbed within 100 ft. of the stream and that they would not be doing anything, other than to deal with the driveway crossing for the new dwelling, with the new utilities running adjacent to the new driveway crossing. He also indicated that they would move

the utilities for the existing home next to the driveway so that all the trees along the front, other than those that need to be removed for the driveway, could remain.

Mr. Paul J. Fletcher, Engineer, 54 West Pond Road, Hopewell, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Fletcher indicated that he prepared the subdivision plan that was the subject of the Application that evening. He noted that the plans had been amended a few times over the past few months and then proceeded to describe the subject property. Mr. Fletcher described the property, reiterating Mr. Lanfrit's description, and also stated that there was a stream that traverses the property very close to the front property line with NJDEP mapped wetlands towards the rear of the property and along the right side as well. Mr. Fletcher testified that it was their intention to have an environmentalist actually delineate those areas and would be obtaining a Letter of Interpretation (LOI) from the NJDEP that would be provided to the Board should the Application be approved. He added that should the Board approve the subdivision and allow the proposed home to be built, they would have to do a stream crossing and need permitting from the NJDEP for that. Mr. Fletcher then testified that the trees could remain on the property, with the exception of those that had to be removed for the driveway relocation. He felt that possibly there was an error during the revision process, but that they would be saving as many trees on the property as possible and would be very careful about only removing trees that were necessary to be removed.

Mr. Fletcher then drew the Board's attention to the variances that would be required. He noted that both lot areas of each property exceed the requirements of the zone, where 40,000 sq. ft. was required and 45,000 sq. ft. was proposed for each lot. He then added that they would need a variance for lot frontage, where 200 ft. was required and 100 ft. was proposed for each lot. Mr. Fletcher testified, however, that the proposal of the lots was consistent with the other homes along Wilson Road. He then added that they would also be asking for a side yard variance for the construction of the new home, affecting the interior lot line common to the two properties. He stated that if the Board were to grant that variance, it would have no affect on any adjacent properties. Based upon where they were planning to locate the newly proposed home on the property, Mr. Fletcher did not believe it would be problematic to have the 15 ft. side yard between the two properties. Mr. Fletcher then discussed the Township's Stream Corridor Ordinance and agreed that they would comply. He indicated that they would only have one crossing of the stream corridor for the new dwelling and would locate the driveway and utilities within one crossing. He also added that they would be locating the utilities next to the existing driveway so that there would be no further removal of any trees within the stream corridor.

Mr. Thomas mentioned that it had been his experience that the Sewerage Authority would come by and make a 25-30 ft. path for the sewer line and he wanted to know if that could be avoided. Mr. Lanfrit indicated that it would be a private contractor who would be installing the sewer line as well as a private contractor installing the water line.

Mr. Healey then brought up the report from the Technical Review Committee (TRC), which he said was basically the entirety of the staff comments. Mr. Fletcher testified that they could comply with all of the comments and requests within the report. He added that by complying with all of the requests, it would not substantially alter the plan that was presented to the Board that evening.

Councilman Chase then asked whether any consideration had been given to have a shared driveway for the first part of the driveway so that there would be no new stream crossing. Mr. Lanfrit testified that they originally looked at building the project as a flag lot and putting one shared driveway in, but didn't know if it would really work well since the property did have some environmental constraints and it was fairly typical that all homes on the street have their own driveway. He stated that if the Board insisted upon it, they could come in off the street with one driveway and run the remainder over to the new lot. Mr. Lanfrit stated that he felt it would be better for each property to have their own driveway so that utilities could be run parallel and only have a 20 ft. wide driveway to keep the crossing smaller.

Mr. Kevin O'Brien, Planner, came forward and was sworn in. The Board accepted his qualifications. Mr. O'Brien then introduced a two-sided exhibit, with the first side marked as Exhibit A-1, showing the Neighborhood Setback Analysis performed by Mr. Fletcher's company and the other side marked as Exhibit A-2, which was a blow up of the Tax Map for the subject area. Mr. Lanfrit passed out the exhibits to the Board for their edification. Mr. O'Brien then detailed the variances being requested for the subdivision, including the Side Yard Setback and the Lot Frontage of 100 ft., where 200 ft. was required. Mr. O'Brien then described the Neighborhood Setback Analysis, as prepared by Mr. Fletcher's company, showing the house widths of the various homes in the neighborhood on both sides of the streets on 100 ft. lots with an average of 51 ft. wide. Mr. O'Brien indicated that the house that was being requested to be built on the new lot was 60 ft. wide, within the range of the homes that were already in the area. He also mentioned that the home was being built for people with accessibility issues by providing a bedroom on the first floor and would continue to be available in the future to provide another homeowner who has accessibility issues. He then drew the Board's attention to the second page, Exhibit A-2, the Tax Map, showed the neighborhood that the proposed home was located in. He noted that from Martino Drive south from both sides of Wilson Road, there were a number of 100 ft. wide lots. Mr. O'Brien then testified that proposing a 100 ft. wide lot in that location was in conformance with the rest of the neighborhood. In fact, in 2009, Mr. O'Brien reported, that the Planning Board had a Resolution granting the property to the south a subdivision with 100 ft. frontages since it was consistent with the other properties in the neighborhood. He then discussed how the proposal worked with the Master Plan of the Township as well as the Municipal Land Use Law (MLUL). Mr. O'Brien felt that the Application could be granted a variance under the C(2) conditions because the benefits outweigh the detriments. Also he stated that the Board possibly might want to consider a C(1) Hardship variance based upon the row of 100 ft. wide lots on both sides of the street on Wilson Rd. He concluded that the Application could be granted without substantial detriment to the public good or without substantial impairment to the zone plan or zoning ordinance.

Mr. Lanfrit then entered into the record as Exhibit A-3, an aerial map of the subject property, which Mr. O'Brien testified accurately reflected the subject property and the surrounding areas.

Chairman Orsini asked Mr. O'Brien for some assistance reading the Tax Map exhibit, and Mr. Healey stated that there was an aerial photograph on page 7 of the Technical Review Committee report that might show the street and surrounding area better. A discussion ensued about the history of the property, with Mr. Lanfrit stating that the property always had separate lot numbers. He added that the lots were merged at some point in the past and now they were trying to go back to two lots by subdividing the property.

Councilman Chase asked for some evidence that the property was subdivided at one time, and Mr. Healey indicated that he believed that was reflected on page 7 of the Technical Review Committee report.

Councilman Chase suggested that they might consider having an interior lot line that was not simply a straight line back, but that moved slightly further to the north towards the rear of the property and, thereby, diminishing the side yard variance for the existing home.

Mr. Lanfrit stated that if they put in the Resolution that the new house would not be adjacent to or next to the existing home so the 4 ft. side yard setback would become irrelevant. He added that it was their intention to build the new house forward of the existing home which would help the situation. Mr. Lanfrit indicated that they would be agreeable to that if the Board wanted to make it a condition of approval.

Mr. Clarkin, Board Attorney, stated that he had a few questions for Mr. O'Brien. Mr. Clarkin remarked about Mr. O'Brien's comment regarding the request for a C(2) variance, indicating that he felt the benefits outweighed any detriments. He told Mr. O'Brien that to consider that variance, the benefits would have to substantially outweigh any detriments. Mr. O'Brien testified that he would agree that the benefits did substantially outweigh the detriments, based upon the exhibit handed out that the proposal conformed to the character of the neighborhood. Mr. Clarkin then discussed the C(1) Hardship criteria, which Mr. O'Brien stated was based upon the 2009 approval from the Planning Board for a home in the neighborhood that was based upon the hardship. Mr. Clarkin stated that it was his understanding of the C(1) Hardship criteria that it needed to be a characteristic of the subject property that created the hardship and not the condition of other lots in the area. There was a discussion and Mr. O'Brien indicated that there was a possibility that the Board might want to consider the C(1) Hardship Variance since it was included in a 2009 Resolution for a home in the area, and because the subject lot had a different condition that it was twice as wide as other lots would allow the condition to rise to the argument. All that being said, Mr. O'Brien testified that he was basing his analysis on the C(2) criteria. A discussion ensued among the Board regarding the upgrade of adding public water and sewer to the existing home was a benefit. Mr. Healey then discussed the lot width as being

compliant with the character of the surrounding neighborhood. He also noted that what gave the need for the side yard setback variances was different in that they were internal to the properties that were part of the subdivision and did not affect the homes adjacent to either property, as they were conforming.

Mr. Thomas then opened a discussion regarding the proposed new home being in proportion to what was already built on the neighboring lots. Mr. Lanfrit then stated that the proposed home would be consistent with the character of the neighborhood. He added that they submitted floor plans for the proposed home with the original Application and that he did have a set of the floor plans available as well as an exterior view of the proposed home for the Board's edification.

Chairman Orsini asked why the Applicant needed to subdivide the property and build a new home on the property if there was already an existing home on the property. He added that the fact of adding the second home to the property was the reason to cause the need for all the variances.

Ms. Abraham came back up to testify that it was she and her parents' intent to live in the newly proposed home and it was her intent to keep the existing home as a rental property for now. She did add, however, that there was a distinct possibility of having her sister move into the existing home. A discussion ensued among the Board and, to answer to Chairman Orsini's concern that it was more of a benefit to the Applicant to allow what she was proposing than it was to the municipality, Mr. Lanfrit stated that it was a municipal benefit to keep the character of a neighborhood. Mr. Lanfrit indicated that the proposal would succeed in doing just that.

Mr. Healey suggested to the Board that they might want to think separately about the lot width variances and the setback variances because they could put together a compliant flag lot subdivision, but were proposing a side by side subdivision which was more consistent with the neighborhood.

Mr. Mettler inquired as to whether the existing stream crossing for the existing home was adequate to handle the water in the area. Mr. Lanfrit indicated that he was sure that from time to time in a heavy rainfall, the whole street had water going on to Wilson Road. Mr. Lanfrit testified that they were putting in a dry well for the new home to contain the water from the house so that they would not exacerbate that condition.

Mr. Lanfrit then entered into the record as Exhibit A-4, a rendering of the outside of the proposed home as well as the floor plans for the proposed home. He added that these plans were provided to him by the Applicant and drawn up by Monster House Plans.

Mr. Mettler made a motion to open the meeting to the public for questions. Mr. Omolola seconded the motion and all were in favor.

Mr. Tom Young, 207 Wilson Road, Somerset, NJ, came forward and was sworn in. Mr. Young indicated that he lived next door to where the new home would be built and

wanted to know the square footage of the proposed new home. Mr. Lanfrit indicated that from both levels, the home's square footage was 3,500 sq. ft. Mr. Young indicated that his home was 1,600 sq. ft. and another home adjacent to his was 2,200 sq. ft. He also had concerns for the removal of very large trees on the property and only replacing them with a few young trees, including arborvitae that get eaten by the deer each year. His concerns were for the privacy of his yard as well as for the lack of large vegetation that would help draw up the excess water in the area during heavy rains.

Mr. Brian Ulrich, 209 Wilson Rd., Somerset, NJ, came forward and was sworn in. Mr. Ulrich stated that the whole neighborhood was wooded and the front of the subject property was all wooded with mature trees. He spoke about Lot 23 having mostly wetlands in the front of the property. Mr. Ulrich stated that some of the newer homes on Wilson Rd. were near Martino Drive, and even they were in the 2,800 sq. ft. range in size.

Ms. Gina Ulrich, 209 Wilson Rd., Somerset, NJ, came forward and was sworn in. Ms. Ulrich reiterated Mr. Young's testimony that the plans show all the trees on the proposed new lot being taken down even though the testimony given said that changes had been made to the plans subsequent to the original proposal. She wanted to know who would be responsible to make sure that that did not happen. Ms. Ulrich testified that every time it rained a little harder than usual, the whole street flooded. She then posed the question to the Board as to how much worse the flooding would be if all the mature trees on the site were removed. Ms. Ulrich posed the question to the Applicant as to why she needed to build a large new home to accommodate her parents and her family when the existing home on the property was already set up as a mother/daughter house.

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

Chairman Orsini discussed the concerns of the public as well as his concerns for the side yard variances that were being requested that would go with the property whether the lots had one owner or two into the future. He also expressed concern for what was shown in Exhibit A-4, the rendering of the outside of the proposed home as well as the floor plans for the proposed home, because of the fact that it was double the size of the other homes on the block near it. He specifically stated that he didn't think that the oversized home advanced any criteria of the Municipal Land Use Law (MLUL).

Mr. Lanfrit addressed the comments from the public as well as those from the Chairman. He stated that if they eliminated the need for the side yard variance, it would also reduce the size of the home by taking away 10 ft. from the one side and bring the home size under 3,000 sq. ft.. He noted, however, that the building coverage in the R-40 Zone was 10%, and they were at 7.7% coverage for the new home and 4% for the existing home on the proposed lots. He also indicated that they could develop a flag lot and build two large homes on the property that would be in conformance with the zone requirements. Mr. Lanfrit then addressed the issue with the plans that were before the

Board as not being the most up to date and that they were actually the original flag lot plans. He did testify that many of the trees marked on the plans shown that night were not going to be removed. He then offered to come back before the Board with the revised plans so that it was perfectly clear where the footprint of the house was and the location of the trees that were staying and those that were being removed.

Chairman Orsini stated that they would not complete the Application that evening, but wanted the Applicant to come back before the Board with revised plans showing where all the trees were going to be located as well as the smaller home. Mr. Thomas also asked the Applicant to consider a shared driveway, with one stream crossing. Mr. Mettler agreed with the testimony of the residents that arborvitae was not a recommended evergreen species as it would not last around the deer population. He suggested that they use other types of plantings in lieu of the arborvitae. Vice Chair MacIvor suggested that the Applicant come up with a landscaping plan that would replace some of the plantings near the stream crossings that were designed to help with the water runoff issues. A discussion ensued among the Board members.

Mr. Clarkin, Board Attorney, stated that if the newly revised plans results in any new variance relief, then there will be an obligation to re-notice and republish. Mr. Lanfrit agreed and indicated that his suggestion would be to carry the hearing to December 6, 2017 to give the Site Engineer ample time to revise the plans and the Township staff ample time to review the revised plans and issue new reports.

Councilman Chase agreed with all of the suggestions made by other Board members and also added that he would like to have them consider moving the rear interior lot line to diminish the side yard variance for the existing home. Councilman Chase also stated that he did not hear any positive Planning testimony from Mr. O'Brien that would benefit the community in the proposed plan.

DL JANUARY 31, 2017

COMMITTEE REPORTS:

There were no Committee Reports discussed.

WORKSESSION/NEW BUSINESS:

There was no work session or new business to discuss.

EXECUTIVE SESSION:

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

ADJOURNMENT:

Vice Chair MacIvor made a motion to adjourn the regular meeting at 9:20 p.m. The motion was seconded and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
October 24, 2017