

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

**REGULAR MEETING
October 5, 2017**

This Regular Meeting of the Township of Franklin Zoning Board of Adjustment was held at 475 DeMott Lane, Somerset, New Jersey and was called to order by Robert Thomas, Chairperson, at 7:30 p.m. The Sunshine Law was read and the roll was called as follows:

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

ABSENT: None

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

MINUTES:

- **Regular Meeting – August 3, 2017**

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

FOR: Raymond Betterbid, Mr. Johnson, Mr. McCracken, Mr. Rosenthal, Mr. Reiss, Ms. Bergailo and Chairman Thomas

AGAINST: None

DISCUSSION:

Vouchers:

- **Patrick Bradshaw – Kelso & Bradshaw – October, 2017 Retainer - \$865.00
--Shen Deed Review --\$122.50**

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

- **Franklin II Associates, Ltd. – Appeal of Zoning Decision –CARRIED TO DECEMBER 7, 2017**

Mr. Peter U. Lanfrit, Esq., Attorney representing the Applicant, Franklin II Associates, Ltd., asked that the matter be carried to the December 7, 2017 meeting.

HEARINGS:

- **GILL PETROLEUM, INC. / ZBA-17-00008**

Site Plan w/Use and Sign Variances in which the Applicant was proposing to construct a two-story mixed use commercial building at 799 & 821 Hamilton Street, Somerset; Block 229, Lots 5- 9 & 10.01, in the HBD Zone - **CARRIED TO NOVEMBER 2, 2017 – with no further notification required.**

- **CC HAMILTON, LLC / ZBA-17-00013**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, CC Hamilton, LLC. Site Plan w/Use Variance in which the Applicant was proposing a 4-story mixed use building with retail and housing at 745 Hamilton Street, Somerset; Blocks 223/224, Lots 22-31/1-12, 28-33, in the HBD Zone - **CARRIED FROM JULY 6, 2017 – with no further notification needed.**

Mr. Lanfrit indicated that under docket # PLN-15-00001, the Planning Board heard an application on the subject property in 2016 for a mixed use building with related parking. He then went on to state that the Planning Board approved that application and then entered into the record as Exhibit A-1 the approved plan for 745 Hamilton Street. Mr. Lanfrit noted that that project had commercial development on the first floor fronting Hamilton Street and 30 apartments and related parking as well as three single-family residential dwellings fronting on Martin Street. He then testified that part of the application included the construction of Martin Street. After the project was approved, Mr. Lanfrit indicated that when the project was pending, the owner was approached by the Township Planner and Zoning Officer about expanding their vision with respect to the project, given that it was one of the largest sites on Hamilton Street (1.8 acres). He went on to explain that the developer who obtained the original approval sold the property to CC Hamilton, LLC, who was the Applicant that evening. Based on discussions with the Township, the current Applicant had amended the plan to include a mixed use building with the commercial component remaining the same, but including an expansion by increasing the number of apartments and have gone from three (3) stories to four (4) stories. Mr. Lanfrit told the Board that all of that was in accordance with the ordinance. By action of the governing body, he informed the Board that they vacated Martin Street in order to be able to connect both sides of the property. He then stated that the Application was for 60 apartments, no single-family dwellings and the same 6,000 sq. ft. of commercial space. Mr. Lanfrit then noted that the Application was fully reviewed by the Planning Board and signed off on it, with construction commencing on what was the original approval. He then explained that they were there that evening to obtain a new Site Plan approval and a Use Variance since a portion of the property was in the HBD Zone but the other side of Martin Street was in the R-7 Zone.

In the original Application, Mr. Lanfrit stated that they had assembled a team of professionals to testify, including Mr. Ludwig, Architect, Mr. Sadowski, Site Engineer, Mr. Troutman, Traffic Consultant, but no Planner. He stated that he planned to use the same team, plus a Planner, to go through the changes that were being made to the original plan

Mr. Kurt Ludwig, Architect, came forward and was sworn in. He stated that he was the original architect of record on the original project and testified before the Planning Board in 2016. The Board accepted his qualifications. Mr. Ludwig entered into the record as Exhibit A-2, which was the originally approved Site Plan that was approved by the Planning Board in 2016. He noted that it showed the original design of the first floor plan and that the building was an L-shaped structure. Mr. Ludwig then noted that the retail area as along Hamilton Street, with the leg along Dewald Avenue was residential. He then indicated that the building was designed to have a second and third floor, as shown in Exhibit A-3, and was comprised of residential apartments along Hamilton Street and Dewald Avenue. Mr. Ludwig testified that also on the exhibits were renderings of the project indicating the views from the parking lot and from Dewald Avenue and Hamilton Street. He then described the then approved three (3) story building as not requiring a height variance. Mr. Ludwig added that the ordinance allowed for a four(4) story building now. He entered into the record as Exhibit A-4 showed the floor plans of the proposed first floor and Exhibit A-5 showed the floor plans of the upper floors, with the building designed in an "L" shape. He then stated that the run along Hamilton Street still included retail and was within a couple of feet of what it was originally proposed in 2016. He added that the leg along Dewald Avenue still included residential apartments, however that leg had been extended another 100 ft. Mr. Ludwig testified that the second, third and fourth floors of the proposed building were all residential units. He noted that the current design had an interior corridor connecting the four (4) interior stair towers/elevator towers. Pursuant to the Township ordinance, in order to allow the fourth story, Mr. Ludwig indicated that they had to include a mix of one (1) and two (2) bedrooms. The entire project consisted of 61 units, 21 one (1) bedroom units and 40 two (2) bedroom units. Mr. Ludwig then drew the Board's attention to how the commercial space was accessed, noting the different units have exterior doors on the Hamilton Street side and also have access from the rear parking lot. He then noted that there was a door that was accessed from the front stairwell and the rear parking lot to access the residential apartments. Once inside, Mr. Ludwig stated that the apartments were all accessed by an interior corridor on each floor and described the location of the four (4) staircases. He testified that all of the parking was located behind the building.

Mr. Ludwig then discussed the Hamilton Street Design Standards and showed the exterior elevations, marked into evidence as Exhibit A-6 and Exhibit A-7, for the Board's edification. He noted that Exhibit A-6 showed the elevation facing Hamilton Street and Exhibit A-7 showed the elevation facing Dewald Avenue. He mentioned that that had recent discussions with Township staff regarding some of the details of the proposed building, including roof pitch and the materials to be used on the building. Mr. Ludwig wanted to mention that Exhibit A-6 was an updated rendering of the Hamilton Street elevation and not the rendering submitted with the plan. He then entered into the record as Exhibit A-7 and Exhibit A-8, colorized renderings of the proposed elevations, the first one facing Hamilton Street and the second one facing Dewald Avenue. He then described the materials proposed as a mix of brick facing and vinyl siding with a limestone type base along the street levels. Mr. Ludwig then showed the Board where the signage would go for the retail spaces, utilizing Exhibit A-7. He testified that at that point, they would make the assumption that all of the tenants would have conforming signs, but

would deal with that situation if they didn't at a later date. He then stated that the signage would be illuminated by surface-mounted light fixtures above the retail units. Mr. Ludwig testified that the minimum height was 50 ft., which was included in the original submission. As a result of discussions with staff and changing the peaks on the façade of the building, they would now be exceeding the 50 ft. height requirement, and would be at 54 ft. 10 inches, specifically, which was under a 10% deviation but still required a C variance. Mr. Ludwig stated that there would be no other building mounted lighting other than that which was required by code such as at doorways. He further testified that the only other lighting on the property would be provided by the site lighting. The materials being used to enhance the retail spaces included a limestone type facing, with trim around the windows and entry doors, according to Mr. Ludwig. He then wanted the Board to know that many of the characteristics of the original building approved by the Planning Board were carried over to the newly proposed building. He then compared/contrasted the proposal before the Board that evening as compared to the Recon building being constructed down the street. He noted that they both had the small gable roofs facing the streets and the heights of both buildings were very similar to each other.

Chairman Thomas just wanted to confirm that they were not voting on the matter that evening since some details of the façade were being resolved and the revised Exhibit A-6 was still being reviewed by the Township staff.

Mr. Lanfrit indicated that they did have samples of all the materials that were proposed for the exterior of the building at the meeting that evening if any of the Board members would like to see them.

Mr. Ronald Sadowski, Site Engineer, came forward and was sworn in. The Board accepted his qualifications. Mr. Sadowski testified that he had prepared the original Site Plan and had also prepared the revised Site Plan that was before the Board that evening. He entered into the record as Exhibit A-10, which was a colorized rendering of the site that included the parking lot and landscaping. Mr. Sadowski then described for the Board the circulation within the site as well as the places of access from Hamilton Street and Dewald Avenue. He noted that there was a two-way access point from Hamilton Street, which was a two-way street, and a two-way egress from the site with one way out to Dewald Avenue, which was a one-way street from Hamilton Street. He then detailed the parking area, stating that there were 120 parking spaces on-site, with an additional 14 street parking spaces, six (6) on Hamilton Street and eight (8) on Dewald Avenue. Currently, he testified there was no parking allowed on Dewald Avenue. Mr. Sadowski went on to explain that the Hamilton Business District had their own design standards for decorative lighting, benches, soldier course pavers, trash and recycling cans and that they had the same layout of those items as the previously approved application. He then added that they were proposing to expand the cart way and add curbing and sidewalk along Dewald Avenue down to the end of the property. He then went on to describe the Landscaping Plan in the interior of the property, which was required, and noted that the plan focused more on the adjacent residential properties because they were extending the parking lot to the residential areas surrounding the property, specifically along the northerly and westerly property lines. Mr. Sadowski then indicated that as a result, they added a solid fence, along with heavy landscaping along those property lines. He then noted that there was also landscaping within the islands in the parking lot. He then drew the Board's attention to how the site was going to be lit. Mr. Sadowski stated that there were some wall-mounted light fixtures along the interior wall of the building, but primarily there were pole-mounted lights in

the landscaped islands and along the perimeter of the parking lot. Since the Lighting Plan was submitted along with the Application, Mr. Sadowski testified that there was a staff comment to add some house shields to some areas to make sure that there was no spillover of lighting onto the adjacent residential properties. He agreed to modify the plan to make sure that they comply with the ordinance and contain all of the lighting on the site. Mr. Sadowski then addressed how they would be handling refuse on the site, stating that they had two (2) interior dumpsters that would be handled with private collection with the access off of Dewald Avenue and skewed to facilitate the vehicle's ease of accessing the site and then exiting onto Hamilton Street through the site. Mr. Sadowski also mentioned that trash would be collected within the building and then brought out to the dumpster by an employee of the owner of the property. He added that the commercial tenants would be responsible for taking care of their own refuse.

Mr. Sadowski then drew the Board's attention to how storm water management was going to be handled on the site, notably by an underground storage system with a series of pipes as shown in detail within the Site Plan package. He stated that the runoff would not only be collected from the parking lot, but also from the building as well. He also added that the storm water management design had been done in accordance with the State regulations, which require a reduction from current runoff and tie into the current system on Dewald Avenue. Mr. Sadowski testified that they were also making some improvements to the existing storm water piping that was on Dewald Avenue and bringing it up to the current code, as part of the Application.

Mr. Sadowski then addressed the Township staff reports, focusing first on the September 25, 2017 report from Mr. Zilinek, the Township Engineer. Other than the parking calculations in the report, he indicated that all of the other calculations in the Engineering report were correct. He stated that the revised plans satisfied the comments made in the previous Engineering report. He did discuss the item noted in the report regarding the shared parking between the commercial and residential uses on the property. Mr. Sadowski stated that they were planning to add signage at several locations within the interior of the property that would restrict parking to tenants only and were trying to target one dedicated space per apartment unit, with the balance of the spaces being left open to either the commercial uses or the tenants.

Mr. Shepherd opened a discussion as to whether they would provide a sticker or medallion to indicate a tenant vehicle. Mr. Lanfrit stated that they were planning to start with the designation of tenant parking, but if it became a problem, he said that they would go to the use of stickers or have designated spaces for the tenants. He stated that they felt that they had more than enough parking for the site and thought the site would work as planned without having to put any additional restrictions on everyone. A discussion ensued among the Board regarding a management system to handle that. Mr. Lanfrit indicated that all the parking spaces along the perimeter of the building (30 spaces) would be open for guests of the residents or guests of the commercial units. Mr. Sadowski added that they were also adding eight (8) parking spaces along Dewald Avenue and six (6) spaces along Hamilton Street as public spaces. A discussion ensued regarding the provision for handicapped spaces, and Mr. Sadowski stated that there would be six (6) handicapped spaces located at the main entrances for convenience.

Mr. Sadowski then spoke about a report from the Fire Prevention Director, Mr. Hauss, dated August 9, 2017, indicating that they had made a subsequent submission that addressed Mr. Hauss' comments on the plans.

The comment from Ms. Elliot of the Health Department regarding the provision of convenient access to trash enclosures for the corner retail unit was then addressed by Mr. Sadowski, with him giving testimony that access for the corner unit would be provided.

Mr. Sadowski testified that they would be able to comply with all Engineering comments in the staff reports.

Ms. Bergailo asked whether customers could enter the retail stores from the rear of those units, and Mr. Sadowski answered in the affirmative. She then opened a discussion regarding where the recycling would be located and the size of the receptacle. Mr. Lanfrit indicated that a private hauler (Grand Sanitation Services) would be handling both recycling and refuse pickup at the site. He added that they had a letter from Grand Sanitation Services indicating that the size and location of the dumpsters was appropriate. Ms. Bergailo then opened a discussion regarding the proposed fence, and Mr. Sadowski showed the Board on the exhibit where the fence would start and where it would end, basically blocking the view of the entire parking lot.

A Board member inquired about whether any of the handicapped spaces would be for the commercial retail spaces, and Mr. Sadowski indicated that two (2) would be for the commercial spaces and the other four (4) would be for the residential portion of the project. A discussion ensued, and Mr. Healey indicated that the number of handicapped parking spaces was based upon the number of parking spots on the property.

Mr. Jay Troutman, Traffic Consultant and Principal of McDonough & Rea Associates, Inc., came forward and was sworn in. The Board accepted his qualifications. Mr. Troutman told the Board that he testified at the previously approved hearing and indicated that he had completed and submitted a full Traffic Impact Study related to the proposed project and was reviewed by the Township professionals. Mr. Troutman then gave the Board a summary of how the site circulation plan worked. He spoke of the differences between what was previously approved and the plan that was before the Board that evening, with the biggest change being the vacation of Martin Street and the elimination of three (3) single family homes as well as the addition of 31 residential units. He noted that they conducted calculations to show that it was not a significant change in traffic and results in 13 additional a.m. peak hour trips and 16 additional p.m. peak hour trips. He also noted that they re-analyzed Hamilton Street at the driveway where most of the traffic activity would occur and found that it still operated at an acceptable level of service "D" for all movements. He reminded the Board that there was also the ability to enter the site from Dewald Avenue. Mr. Troutman then indicated that they had eliminated a dumpster that had been on a prior plan so there would not be a problem with a dumpster blocking visibility. He discussed the mechanisms by which they were able to move the stop bar past the dumpster in the southerly portion of the parking lot to achieve adequate site lines. Mr. Troutman then addressed the sight distances both on the Hamilton Street entrance as well as the Dewald Avenue entrance. He noted that the comments were all addressed with this issue in the revised plans and approved on Hamilton Street by Somerset County. The Dewald Avenue entrance was also approved by making an architectural change and eliminating a portion of the building instead of having it come out to the corner at the intersection, but having an indentation. Mr. Troutman then discussed the maneuverability of garbage trucks, delivery vehicles and other emergency vehicles within the site, stating that they utilized vehicle turning templates to simulate the various movements and making the turns throughout the parking lot. He indicated that the calculations were put on the revised plans

that were submitted and approved by the Township Engineer. Mr. Troutman then discussed the access to the site being primarily through Hamilton Street, which limited the interaction with the R-7 residential zone. He then informed the Board of where the nearest traffic signals were in relation to the proposed property in regards to adequate traffic breaks for vehicles entering and exiting the site. He noted that the signal at Matilda Street was providing artificial gaps and everything tested out at a level "C" service or better at the Hamilton Street egress point.

A Board member asked how tall the fences were around the dumpsters, and Mr. Sadowski indicated that the walls around the dumpsters were six (6) ft. tall. He reiterated his previous testimony regarding the placement of the stop bar beyond the dumpster/fencing to accommodate proper sight distances.

Mr. Shepherd questioned the Traffic Consultant's testimony regarding the additional trips generated by 31 additional apartments as opposed to the previously approved three (3) single family homes. Mr. Troutman stated that it was anticipated that the additional trips generated would be over a 3-4 hour period of time, with the number of trips generated calculated at the busiest hour during that peak period of time. A discussion ensued among the Board.

Mr. Ludwig, the Architect, then showed the Board samples of the building materials that were proposed to be used on the exterior of the building.

Mr. Gary DiGiovanni, Construction Manager, came forward and was sworn in. Mr. DiGiovanni gave an explanation to Mr. Shepherd's question of how the brick face would be applied to the building. Mr. DiGiovanni then described the rigid vinyl product that would also be applied to the exterior of the building as well as the limestone product and PVC trim. A discussion ensued among the Board regarding the longevity of the products discussed.

Mr. Pessolano, Planner and Principal of MG Land Use Planning, LLC, came forward and was sworn in. The Board accepted his qualifications. He entered into the record as Exhibit A-11, a three(3)-page exhibit showing an aerial photograph of the subject property and surrounding land uses, a photograph of the site itself, and photographs of the surrounding land uses around the subject property. Mr. Lanfrit passed out copies to the Board, for their edification.

Mr. Lanfrit reiterated the variances they were seeking, including a "D" Use Variance for the use of the property that was on the other side of the vacated Martin Street (in the R-7 Zone) for the HBD purpose as well as a "C" Variance for the height of the building. Mr. Pessolano then gave the Board an overview of the surrounding area, including mixed use buildings, commercial buildings and residential properties. He then detailed the photographs that were taken from the ground of the surrounding properties and other retail, commercial and mixed use buildings. Mr. Pessolano testified that he believed the project promoted several purposes of the Municipal Land Use Law (MLUL), constituting special reasons for the granting of the D-1 Variance requested, promoting the public good by providing housing near Rutgers University for students, teachers, graduates and young professionals. He also felt that the project promoted a variety of uses in appropriate locations, promoting a desirable visual environment and the efficient use of land by redeveloping a previously disturbed site and thus limiting tree clearing. Mr. Pessolano also felt that the site was particularly suited to the proposed use, with the mixed use site blending in nicely with other mixed uses in the vicinity. He also felt that the relief could be granted without substantial detriment to the public good and that the testimony given that evening supported the fact that the site could accommodate all of the functions with

all that was proposed. Mr. Pessolano also stated that the slight encroachment into the R-7 zone was sufficiently buffered by fencing and substantial landscaping to protect the privacy of other residential properties. He then drew the Board's attention to the height deviation, noting that he believed the benefit outweighed the detriment and that the added height was primarily for cosmetics and aesthetics.

Mr. Shepherd then asked if there were going to be any affordable housing units included within the project. Mr. Lanfrit indicated that the apartments were market rate units, however, there was a rather substantial affordable housing fee that was associated with the project. Mr. Shepherd then asked if they would be able to include a limitation on the times for the collection of garbage and recycling. Mr. Pessolano stated that, based on the previous testimony, he felt that careful thought had already been given to any potential conflicts between different mixed use developments. Mr. Troutman discussed that trash pickup and the commercial uses would not interfere with each other since they were carried out at different times of day. Mr. Lanfrit indicated that they would agree to a condition of approval that trash removal be limited to after 7:00 a.m. or before 6:00 p.m.

Mr. Shepherd asked what the Township's recourse was if the trash enclosures were not large enough or if the parking was not adequate enough for the use.. Mr. Healey indicated that his department would coordinate with the Health Dept. to get the apartment management involved to correct the issue and come up with a solution by either adding another dumpster or adding additional pickups. In addressing the parking issue, Mr. Healey felt it would be a self-policing matter should people who should not be parking on the property continued to do so. Mr. Lanfrit added that there would be a full time employee, with an office on-site, to handle any issues that arise.

Chairman Thomas suggested that they could add to the Resolution that the Applicant provide an afterhours phone number the residents may contact for issues with the building or parking. Mr. Lanfrit agreed that they could do that.

Mr. McCracken opened a discussion regarding parking across the street and crossing the roadway to get to the retail stores or residential apartments.

Chairman Thomas made a motion to open the meeting to the public for anyone who wanted to ask a question of any witness who presented testimony on the Application that evening.

Mr. Lance Bunker, 19 Dewald Avenue, Somerset, NJ, came forward. Mr. Bunker wanted to know if Dewald Avenue was going to be widened to accommodate the proposed street parking. Mr. Sadowski indicated that Dewald Avenue was deficient in width on their side of the roadway and the idea was to have a constant paved width, so they would be widening it by 6-8 ft. and tapering it to the existing roadway after the site. He stated that they would be adding curbing and sidewalk as well along their property line on Dewald Avenue. Mr. Bunker then asked about the runoff from the site, and Mr. Sadowski explained that they have an underground detention basin which was sized to control the anticipated runoff from the site. A discussion ensued and Mr. Sadowski explained how the entire storm water management system would work.

Seeing no one further coming forward, the Chairman then closed the meeting to the public.

The Board and Applicant agreed to meet in two weeks on Thursday, October 19th, to complete the testimony on the Application.

- **CORPORATE COMMUNITY CONNECTION CORP. / ZBA-17-00001**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Corporate Community Connection Corp. Use Variance & Site Plan w/Variations in which the Applicant was seeking to construct a 4-story mixed use development – commercial and residential - at 610 Franklin Boulevard, Somerset; Block 233, Lots 1,7-14, 31-36, in the HBD Zone - **CARRIED FROM SEPTEMBER 21, 2017 – with no further notification required.**

Mr. Lanfrit indicated that the proposed project was on the corner of Franklin Boulevard and Martin Street. He noted that there were Use Variations associated with the Application and why they were before the Board that evening.

Reverend Soaries, Applicant, came forward and was sworn in. Reverend Soaries stated that he was the owner of the property, but that it was held under the name of Corporate Community Connection Corp. He told the Board that he had since demolished the old building that was on the property and they wanted to build a brand new 4-story building on the site. He wanted to use the building's first two stories as offices by First Baptist Church and related non-profit organizations that they currently lease space at 727 Franklin Boulevard. The Reverend added that the top two floors of the building would be for 22 units of affordable senior housing, with 20 one (1)-bedroom units and two (2) two-bedroom units.. He noted that the building at 630 Franklin Boulevard currently had a waiting list of 100 seniors who were qualified, but there was inadequate space for them at that location. Mr. Lanfrit stated that the Hamilton Street Business District (HBD) permitted commercial and/or office uses on Hamilton Street, but not on Franklin Boulevard. The HBD also did not allow office uses on side streets or on Franklin Boulevard. Mr. Lanfrit asked if the Reverend would agree to a condition that there would only be office use on the first two floors and no commercial use of that space. Reverend Soaries stated that they would prefer that restriction. Reverend Soaries envisioned employing approximately 40 employees for the non-profit organizations in the building during the hours of 8:30 a.m. to 5:30 p.m., with no use in the evenings or on weekends. He added that the evening or weekend activities that they generate occur at the church.

Mr. Zawada, Architect, came forward and was sworn in. The Board accepted his qualifications. Mr. Zawada testified that the building was four (4) stories and 50 ft. high. He noted that the dimensions of the building were 70 ft. x 170 ft. Mr. Zawada then went through the floor plans of the office space using a slide show presentation, noting a lobby area with elevators, a stairway to the east end of the building and another stair to the west end of the building. He stated that the elevators as well as the stairwells go to all floors of the building. He then described and showed the floor plan on the residential floors. Mr. Zawada then testified that the two (2) two-bedroom apartments were comprised of 11, 00 sq. ft., and the one (1) bedroom apartments were comprised of just over 700 sq. ft. He then discussed the exterior of the building, showing first the Martin Street side of the building and then the other elevations. He noted that they were attempting to address some of the comments in the staff report regarding the elevations, but they were still working out some of the issues brought up by the Township professionals. Mr. Zawada then discussed the materials that were being proposed for the exterior of the building. He told the Board that what they didn't see on the

rendering was a small portico added to the entry, some signage and some landscaping. He added that the materials being proposed here closely mimic the materials used on the building across the street, including a partial brick façade. He stated that the building was set back a bit from the street edge to give some room for landscaping in that area to soften the building edges. Mr. Zawada indicated that all utilities would run from Martin Street to the small basement area where all the mechanicals would be housed. He then added that shallow air conditioning condensers would be placed on the rooftop and would not be visible by passing motorist or pedestrian walking down the street. Mr. Zawada stated that the heating and air conditioning would be handled in the same way for the office portion of the building.

A Board member asked how the residential units would be kept private from the office portion of the building. Mr. Lanfrit stated that he was sure the residential units would be key carded so that the residential units would not be available to access by just anyone walking off the street. Chairman Thomas then opened a discussion about keeping the office portion separate from the residential portion. Mr. Lanfrit stated that they did not get that far in those discussions and might have more information regarding that at the next hearing in two weeks.

For the record, Mr. Zawada entered his plans and colored renderings slide show into the record as Exhibit A-1.

Mr. Michael Ford, Engineer employed with Van Cleef Engineering, came forward and was sworn in. The Board accepted his qualifications. Mr. Ford entered into the record a digital presentation of site plans, colored renderings as well as a dumpster plan as Exhibit A-2. He testified that he was the Site Engineer for the project across the street and was familiar with the subject property and the surrounding neighborhood. Mr. Ford went on to briefly describe the existing conditions on the property, stating that there were frontages on Franklin Boulevard, Martin Street and Lewis Street. He showed the previous bank building that was on the site and the two driveways on the property going out onto Franklin Boulevard, one driveway out to Martin Street and two or three driveways out to Lewis Street. He reiterated Reverend Soaries testimony by saying that the site was now leveled and the building demolished. The colorized version of Sheet 2 of the plan was then shown by Mr. Ford, with the newly proposed four (4) story building placed at the corner of Franklin Boulevard and Martin Street and the reconfiguration of the parking lot. He discussed the new driveway off of Martin Street, the new driveway to Lewis Street and the elimination of the other multiple driveways going to Lewis Street as well as the elimination of the two driveways out to Franklin Boulevard. Mr. Ford also stated that the parking lot on all sides was placed further away from the tract boundary so that they would be able to provide some screening and landscaping along residential properties, both off of Lewis Street and Martin Street. He then told the Board that they were proposing 52 parking spaces on-site, which more than met the standards for the residential portion under the Residential Site Improvement Standards (RSIS), with enough excess spaces to be used by the office employees. Mr. Ford went on to discuss the Lighting Plan for the property, proposing new LED shielded on the house side lighting fixtures for the parking lot that would be placed along the perimeter of the parking area and facing inward. He added that there were also some low level bollard lights proposed along the walkway and some building mounted lighting at the entrances to the building. Mr. Ford then discussed the pedestrian walkways and handicap ramps that lead up to the main entrance and other entrances to the building, with handicap parking adjacent to the building for ease of access. Mr. Ford then discussed the impervious coverage and storm water management system for the proposed building. He noted that they would be going from 86% impervious coverage

down to 77% coverage and no mitigation for reduction in runoff since the additional green area would naturally be reduced. He discussed the existing sheet flow over the existing parking lot and into the drainage system on Lewis Street. Part of the site improvements that they were proposing was to add curbing along Lewis Street and extending the drainage from Lewis Street into the site with catch basins that would intercept the runoff from the parking lot and then pipe it into the system at Lewis Street. Mr. Ford then discussed in detail the proposed Landscaping Plan that would be used to shield the proposal from the adjacent residential properties. He included the proposal for new street trees along all of the roadway frontages as well as the inclusion of deciduous trees all along the pathway adjacent to the building and in areas within the parking lot that could support deciduous trees. He showed the Board the areas along the borders of the property that they would include shrubs or columnar (taller and narrower) evergreen trees. Mr. Ford stated that they did receive comments from Township staff to supplement the landscaping even further, and he testified that they would agree to do that as a condition of approval. He noted that there was an existing chain link fence where they were proposing landscaping, a wood stockade fence in another area abutting residential properties and an additional fence near another residential property. He testified that the fencing was not on the subject property and belonged to the residential neighbors and would be left in place. Mr. Ford then discussed how refuse was going to be handled on the site. He showed the Board an optional plan where they would be able to enhance the location of the trash enclosure by moving it further away from the building, but also further away from their closest neighbors. In moving the trash enclosure to the optional location, Mr. Ford indicated that it would give them the opportunity to enlarge it. He added that they could make it larger still, if they were granted a minor deviation or relief from the ordinance for the 5 yard setback. He noted that they could angle the masonry trash enclosure that would match the building in order to facilitate the ease with which the trash was removed from the site. Additionally, Mr. Ford indicated that they could provide additional landscaping around the enclosure. Taking the conversation back to the parking lot, Mr. Lanfrit asked Mr. Ford to describe the drive aisle width in the parking area. Mr. Ford stated that they would provide a one way circulation through the site, with a two-way access aisle that would be 24 ft. in width and a one-way access aisle with angled parking to have a 15 ft. width. Even though the Township ordinance required an 18 ft. wide drive aisle for angled parking areas, the requirement for RSIS was only 13 ft. wide for those same angled parking areas. As such, Mr. Ford stated that they would be asking for a Technical Variance for the three (3) ft. deviation from the Township standard. In discussions with the Township Engineer regarding the issue, Mr. Ford stated that he did not raise any concerns, but did indicate that we would have to ask for a variance from the Board. Mr. Ford felt it was a balancing act since they were providing green space in an area that previously had parking area right up to the property line. Additionally, if the extra three (3) feet was provided, they would have less space to pull the street trees away from the roadway, which was a comment noted in the staff reports. Mr. Healey suggested getting some testimony on the record from the Traffic Engineer.

Mr. Shepherd opened a discussion regarding what looked like a wall preventing vehicles from pulling through from the parking space into the drive aisle. Mr. Ford stated that there wasn't a wall proposed, but that they could provide curb stops at the end of the parking spots to provide the same protection from vehicles pulling through the drive aisle, but would not be a continuous curb line that might create a tripping hazard. Mr. Shepherd then asked how the footprint of the old building compare to the footprint of the new building. Mr. Ford stated that he didn't have an exact figure, but stated it was larger than the original footprint. He suggested that the architect might have a more exact figure.

Mr. Ford testified that they would be able to comply with all the comments in the Township Engineer's report, unless discussed or modified that evening. He then stated that they would address or have already addressed the comments from Mr. Hauss, the Fire Prevention Director. In addressing the Health Dept.'s concerns over the trash enclosure, Mr. Ford stated that they agreed to relocate it and make it larger. He then stated that they would be able to address or have already addressed the concerns brought up in Mr. Healey's Planning report.

Ms. Elizabeth Dolan, Traffic Engineer and Principal of Dolan and Dean Engineering, came forward and was sworn in. The Board accepted her qualifications. Ms. Dolan stated that she had prepared a Traffic Report, dated January 4, 2017, which was submitted as part of the Application package. Ms. Dolan then took the Board through the traffic that would be generated from the site as a result of the Application. She stated that the report was prepared based on the original plan for 14 apartments on-site where 22 were now proposed. She stated that the results did not change because she had used generic apartment rates for those 14 units in her study and the testimony given that evening was a proposal for 22 senior apartments. Ms. Dolan noted that when using the senior rates, the numbers come down a bit and the results were evened out. She then stated that they were looking at the office space being the primary traffic generator with 43 trips during the busiest peak hours which were the 7:15 a.m. to 8:15 a.m. time period in the morning and then 4:30 p.m. to 5:30 p.m. in the evening. She stated that in doing their analysis, they found that the 43 extra trips at the adjacent intersections with Franklin Boulevard would not change the levels of service at those intersections. Ms. Dolan pointed to Mr. Ford's testimony of removing driveways along Franklin Boulevard and putting the driving movements in and out of the site onto the lower traffic volume side streets. She then discussed the low turnover parking scenario that would occur on the site which would support the smaller width drive aisle proposed by Mr. Ford at 15 ft., where the Institute of Traffic Engineers would support a 13 ft. wide drive aisle for low turnover parking areas. She then drew the Board's attention to the 52 on-site proposed parking spaces where 109 were required for both the commercial and residential use. Ms. Dolan mentioned that there should be a consideration for shared parking since the office demand was non-existent overnight when the residential parking demand was at its maximum. She added that her ITE calculations were that 82 parking spaces would be required at the busiest point of the day under a shared parking scenario. She also testified that they were required to provide enough parking for the residential portion of the building under the guidelines of the Hamilton Business District and Mr. Lanfrit added that they were then required to pay for the provision of the Township providing for additional commercial parking areas when it became necessary. A discussion ensued among the Board regarding the traffic around the site and how the removal of the driveways along Franklin Boulevard would be a better planning alternative. Ms. Dolan testified that there was a level "C" service at the intersections of Martin Street and Lewis Street with Franklin Boulevard that would not be exacerbated by the proposal.

Mr. Healey asked whether the large parking area behind the building on the corner of Franklin Boulevard and Hamilton Street be available for use by the employees of the subject site since they were both owned by the same organization. Ms. Dolan agreed that that could be a possibility since many of the residents living in that building did not own a car and there was plenty of space available. She also testified that there were an abundance of parking spaces in the subject property's parking lot as well as street parking available around the site to accommodate the employees as well, taking into account a 10-15% absentee rate. Ms. Dolan also testified that the parking demands for senior housing comes out at 1 parking space per unit. Mr. Lanfrit stated that they could make the lot of the building across the street available

for use for the subject property if it became necessary and would agree to having that agreement in place as part of any Resolution should the Board request it for employee parking.

Mr. Kevin O'Brien, Planner, came forward and was sworn in. The Board accepted his qualifications. Mr. O'Brien then addressed the variances that were required as detailed on page two (2) of Mr. Healey's Planning report, including a D(1) Use Variance because mixed use buildings were only permitted in the HBD Zone on Hamilton Street and the subject property did not front on Hamilton Street. He then discussed the D(6) Height Variance required because three (3) stories/40 ft. were permitted and four (4) stories/50 ft. was proposed where the HBD Zone only allowed the four (4) stories/50 ft. on Hamilton Street. Mr. O'Brien also stated that a Lot Frontage Variance was required where 200 ft. was required and 100.92 ft. along Franklin Boulevard was existing/proposed. Next, he spoke about the Parking Lot Setback needed because parking was prohibited in required setback areas and parking was existing/proposed in those setback areas. Next, he discussed the need for a variance for Screening of the Parking Lot, where a 5 ft. wide buffer was required when adjoining residential properties (consisting of fencing and evergreen trees) and the buffer was not able to be provided throughout. Finally and as a result of the testimony of Mr. Ford that evening, there would be a requirement for a variance for the width of the drive aisle as 18 ft. was required by Township ordinance and 15 ft. was being proposed. Also, he indicated that if the Board felt that the location of the trash enclosure was more appropriate in the area discussed during Mr. Ford's testimony than what was originally proposed, then they would need a variance for the accessory structure within 5 ft. of the side yard as well as front yard setback. Mr. O'Brien then went right into discussing the proofs necessary to permit the Board to grant the variances necessary. He spoke about the development being proposed as evoking the spirit that was called for in the Master Plan for the HBD Zone and Hamilton Street by providing a mixed use building. He then spoke about the type of housing to be provided in the zone as being compatible with what was being proposed. He then discussed the affordable housing element being provided that was supported by the Municipal Land Use Law (MLUL). He also discussed the affordable housing element as an inherently beneficial use and felt that the benefits outweigh any detriments, which have not been identified.

Mr. Lanfrit indicated that there was a significant height differential topography-wise between the existing building on the corner of Hamilton Street and Franklin Boulevard and the building that was being proposed. Because of that difference, Mr. Lanfrit posed the question as to whether that would help in trying to define the four (4) stories vs. the three (3) stories. Mr. O'Brien stated that the extra height of the stair towers would not be seen from Franklin Boulevard. Mr. Zawada discussed the stair towers and the difference between the two rooflines was four (4) ft. Mr. Zawada then showed a moving exhibit on the screen indicating the view you would have of the proposed building as you approached it travelling down Franklin Boulevard.

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

The Board and the Applicant agreed to continue the hearing on October 19, 2017, with no further notification required.

WORKSESSION/NEW BUSINESS

There was no new business

MEETING ADJOURNED

Mr. Shepherd made a motion to adjourn the meeting at 10:16 p.m. The motion was seconded and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
October 26, 2017