

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

**REGULAR MEETING
November 1, 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 (asked to be recused), Jennifer Rangnow, Godwin Omolola and Chairman Orsini

ABSENT: Cecile Maclvor, Robert Mettler, Mustapha Mansaray, Charles Brown and Robert Thomas

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

MINUTES:

- **Regular Meeting – October 4, 2017**

Chairman Orsini made a motion to approve the Minutes as submitted. Mr. Hauck seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Mr. Omolola and Chairman Orsini

AGAINST: None

RESOLUTIONS:

- **2018 Board Calendar**

Chairman Orsini noted that the meetings of September 19, 2018 and December 5, 2018 were Jewish holidays. He stated that they could have a regular meeting and work session combined on September, 26, 2018. He indicated that they could just have the one meeting on December 19, 2018 and add in December 12, 2018 if needed. A discussion ensued, and it was decided to include December 12, 2018 on the calendar and cancel the meeting if it was not necessary.

Chairman Orsini then made a motion to approve the 2018 calendar, with the changes discussed. The motion was seconded and all were in favor.

DISCUSSION:

Vouchers:

- **Peter Vignuolo – Clarkin & Vignuolo – October & November Retainers - \$1,666.66**

Chairman Orsini made a motion to approve the Vouchers as submitted. Mr. Omolola seconded the motion and all were in favor.

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. Councilman Chase seconded the motion and all were in favor. Seeing no one coming forward, Chairman Orsini made a motion to close the public portion of the meeting. Councilman Chase seconded the motion and all were in favor.

HEARINGS:

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

Preliminary and Final Major Subdivision requested for proposed 32 lot located at 1865 Amwell Road, Somerset; Block 423.01, Lot 1.04, in an R-40 Zone - **CARRIED TO DECEMBER 06, 2017 – no further notification needed.**

DL - 12/15/2017.

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

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, 3G Developers, LLC. He explained that they were there for a 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, Somerset; Block 100, Lots 25-27, in an R-10 Zone – **CARRIED FROM OCTOBER 4, 2017 – NOTIFICATION TO NEWSPAPER REQUIRED.**

Mr. Lanfrit stated that 3G Developers was the contract purchaser of the property, which was owned by Mr. Sanders. He then added that they were seeking a two-lot

subdivision that had one variance, for lot frontage. He told the Board that in all other respects, the Application conformed to the zoning ordinances, with the lot requirements exceeding the requirements of the R-10 Zone.

Mr. Dennis Gabinelli, Principal of 3G Developers, LLC, came forward and was sworn in. He testified that 3G Developers, LLC was under contract to purchase the subject property. He indicated that there was presently an old house (pre-WWII) with a garage in the rear on the property. Mr. Lanfrit showed Mr. Gabinelli a photograph of the current home on the property and asked if it was, in fact, the home that present sits on the property. Mr. Gabinelli answered in the affirmative, stating that he took the photograph of the home earlier in 2017. The photograph was then marked into evidence as Exhibit A-1. Mr. Gabinelli went on to explain that it was his intention to demolish the home shown in Exhibit A-1 and, should the two-lot subdivision be approved, build two homes similar to the one built recently at 119 Delmonico Avenue. Mr. Lanfrit then showed Mr. Gabinelli a photograph of the original run down home that was on the Delmonico property prior to building the new home. Mr. Gabinelli testified that he took the photograph being shown, which was of the home that was demolished on the Delmonico Avenue property. Mr. Lanfrit then marked that photograph into evidence as Exhibit A-2. He then handed out copies to the Board members of the photographs for the Board's edification.

Mr. Lanfrit then stated that he was going to mark into evidence as Exhibit A-3, a photograph taken by Mr. Gabinelli of the dwelling that was built on Delmonico after construction was completed earlier in 2017. Mr. Gabinelli concurred with Mr. Lanfrit's description of what was shown in the photograph. Mr. Lanfrit then distributed copies of that photograph to the Board members for their review. Mr. Gabinelli then testified that it was his intention to build two similar style homes on the subject property, should the subdivision be granted. He also noted that they were planning to orient the homes similar to the one built on Delmonico Avenue.

Mr. Clarkin, Board Attorney, inquired as to whether the garage would be demolished as well as the home, and Mr. Lanfrit answered in the affirmative.

Mr. William Scott, Engineer, came forward and was sworn in. The Board accepted his qualifications. Mr. Scott indicated that he brought an exhibit with him that was an identical copy of the plan that was submitted with the Application. Mr. Scott then described the subject property, noting that it was located at the corner of Annapolis Street and Delmonico Avenue and was a square shaped lot with 28,275 sq. ft. of area. He reiterated Mr. Gabinelli's testimony that the home and garage on the property was very old and in unkempt condition. He noted that it was very small, which was atypical of the surrounding neighborhood, and placed in the northeast corner of the lot, which might be burdensome to the adjoining Lot 1.01. Mr. Scott added that the existing garage currently violated the side yard setback. He noted that there were several large trees on the property along Annapolis Street and at the corner of Annapolis Street and Delmonico Avenue and, to the extent possible, they would like to preserve those trees. Mr. Scott then stated that the property drained from the rear of the property to the street.

He then explained that the proposal was to create two building lots, stating that the corner lot (Lot 25.01) complies with the ordinance in all respects and meets all bulk area requirements. He added that Lot 25.02, the interior lot, met all of the zone requirements except for lot frontage, where 100 ft. was required and 90 ft. was proposed. Mr. Scott did note, however, that they did meet all of the setback requirements of the zone and were under the building coverage and impervious coverage of the zone. He added that they were only utilizing 75% of the building coverage that was allowed, were providing 200% of what was required for the rear yard setback, 162% of what was required for side yard setback and 150% of what was required for combined side yard setback. He testified that since the adjacent property had just been developed, there was no land that they would be able to acquire to make the frontage in compliance with the ordinance. Mr. Scott indicated that he provided the engineering for the adjacent lot and a lot around the corner on Churchill Avenue. He testified that the lots in the general area of the subject property were generally in conformity and consistent with the subject lot and, in some instances, were somewhat smaller than the subject property. Mr. Scott then stated that the subject property was generally in conformity with the character of the neighborhood.

Mr. Scott then testified that he had reviewed the report, dated August 22, 2017, generated by the Technical Review Committee (TRC) of the Township of Franklin. Mr. Healey then asked if the Applicant could address comments #1, #2 and #10 for the Board's edification. Mr. Scott noted that comment #1 dealt with the curbs and sidewalks and discussed the fact that there were no curbs or sidewalks along the side of Annapolis Street and Delmonico Avenue where they would be building and would be requesting a waiver from the Board for curbs and sidewalks. He noted that when the Applicant completed construction of the new home on 119 Delmonico Avenue earlier in the year, there were no curbs or sidewalks included, as shown in the photograph in Exhibit A-3. Mr. Scott then indicated that there also were no curbs or sidewalks in the general area. He clarified that statement by saying that there was curbing on the opposite side of the site on Delmonico Avenue and on the opposite side of Annapolis Street. He added that there was sidewalk on the opposite side of Annapolis Street, but not on Delmonico Avenue. A discussion ensued among the Board and Mr. Healey regarding curbing and sidewalks in the area. Mr. Lanfrit then entered into the record as Exhibit A-4, an aerial map of the neighborhood take from NJGeoWeb. Mr. Healey also noted that on page 4 of the TRC report, it showed the sidewalks on the opposite side of Annapolis Street. A suggestion was made to include a sidewalk on Delmonico Avenue so that pedestrians might walk across Annapolis Street to connect to the sidewalk that was already constructed on the opposite side of the street from the subject property. Councilman Chase agreed with that statement and also wanted to include curbing along both Delmonico Avenue and Annapolis Street along the subject property line. Mr. Scott did indicate, however, that the more excavation that was done around the existing trees on the property, the more likely it would be to damage the root systems. Mr. Healey indicated that it would affect, at most, two trees on the property. Councilman Chase asked if the home could be flipped and put the garage on the other side so as not to disturb the 28" tree on the property, even though it would require removing two (2) 18" trees. Mr. Lanfrit indicated that they could do that if the Board were inclined to agree

with that proposal. Chairman Orsini asked that they make it a condition of any approval at the time of subdivision or the acquisition of the building permit that they might some type of assessment of the condition of the trees in question and reviewed by Township staff. Chairman Orsini agreed that sidewalks should be constructed on Delmonico Avenue. Mr. Lanfrit then addressed item #2 in the TRC report and testified that they would agree to put in the additional street trees, as required by ordinance. Mr. Healey indicated that if there were healthy street trees, there would be no need to provide street trees in those areas. Mr. Lanfrit stated that they would make an evaluation of the existing street trees and get back to Township staff with the plan so that they might include that in the Resolution. Lastly, he addressed item #10 that dealt with the demolition of the home that was currently on the property. Mr. Lanfrit asked if they could file the subdivision deeds first, but that they are allowed to demolish the existing home and garage before they receive their first building permit. Mr. Healey didn't see any problem with granting that request.

Chairman Orsini then discussed the lot frontages, one being 105 ft. and the other 90 ft., and suggested that the Applicant could lessen the variance by making one 100 ft. and the other 95 ft. A discussion ensued because Mr. Lanfrit indicated that they would then require two (2) variances since corner lots require 105 ft. frontages in the zone. The Board decided that it would be better to only have to grant the one variance, especially since it was such a de minimus deficiency.

Mr. Scott indicated that they would be able to address all other comments in the TRC report and would not substantially change or alter the plan that was before the Board that evening.

Mr. Lanfrit indicated that the variances requested would be qualified as C-2 relief and they would be eliminating an existing non-conformity that was not in character with the neighborhood.

Chairman Orsini then made a motion to open the meeting to the public. Councilman Chase seconded the motion and all were in favor. Seeing no one coming forward, Chairman Orsini made a motion to close the meeting to the public. Councilman Chase seconded the motion and all were in favor.

Chairman Orsini made a motion to approve the Application, with the conditions discussed, namely that there should be curbing as well as the inclusion of a sidewalk on Delmonico Avenue, but grant the waiver for sidewalks on Annapolis Street. Also included by the Chairman would be the provision of the appropriate street trees at the time of the first building permit, when the condition of the existing trees would be evaluated to make a decision upon which to preserve and investigate flipping the driveway to accommodate the sidewalks and preserve the trees. The motion was seconded and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Rangnow, Mr. Omolola and Chairman Orsini

AGAINST: None

COMMITTEE REPORTS:

There were no Committee Reports discussed.

WORKSESSION/NEW BUSINESS:

There was no work session or new business to discuss.

EXECUTIVE SESSION:

- COAH Litigation

ADJOURNMENT:

Chairman Orsini made a motion to adjourn the regular meeting at 8:05 p.m. in order to enter into Executive Session. The motion was seconded and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
November 29, 2017