

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

**REGULAR MEETING
February 21, 2018**

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, Jennifer Rangnow, Godwin Omolola and Chairman Orsini

ABSENT: Charles Brown and Robert Thomas

ALSO PRESENT: Mr. Peter Vignuolo, Board Attorney, and Mark Healey, Planning Director

MINUTES:

- **Regular Meeting – January 17, 2018**

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

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

AGAINST: None

RESOLUTIONS:

- **Board Attorney**

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

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

AGAINST: None

- **Sycamore Developers, LLC / PLN-17-00008**

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, Ms. Rangnow, Mr. Omolola and Chairman Orsini

AGAINST: None

DISCUSSION:

Vouchers:

- **Clarkin & Vignuolo, P.C. – January & February Retainers - \$1,666.66**

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

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

AGAINST: None

PUBLIC COMMENTS:

Chairman Orsini then opened the meeting to the public for discussion of anything related to Planning that was not the subject of a hearing that evening. Mr. Mettler seconded the motion and all were in favor. Seeing no one coming forward, Vice Chair Maclvor made a motion to close the public portion of the meeting that evening and Chairman Orsini seconded the motion. All were in favor.

HEARINGS:

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

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Asha Abraham. Mr. Lanfrit indicated that they were there that evening for a Flag Lot Subdivision in which the Applicant wanted to subdivide the property into two lots at 199 Wilson Road, Somerset; Block 417.01, Lots 24 & 25, in an R-40 Zone - .
CARRIED FROM FEBRUARY 7, 2018 – with no further notification required.

Mr. Kharazi recused himself from voting on the hearing.

Mr. Lanfrit indicated that they were last before the Board on October 4, 2017, at which time testimony was presented in support of an application for a minor subdivision with certain bulk variances to allow the creation of two lots in an R-40 Zone. He then indicated that the lot in question was a 90,000 sq. ft. lot, which exceeded the required area of the zone. He reminded the Board that the issue they had was with lot frontage since the zone requirement was 200 ft. and they had 100 ft. Mr. Lanfrit then stated that they had presented the testimony of Ms. Abraham, Owner/Applicant, who indicated at that time that it was her intent to construct a new home on the subdivided lot should the Board grant the subdivision approval. He also noted that at the previous hearing was testimony given that they would be eliminating the garage from the existing home to eliminate an encroachment and a side yard situation. Mr. Lanfrit then indicated that there was also testimony given by Mr. Fletcher, an engineer, who reviewed the subdivision plan and staff reports. He noted that they also presented Planner testimony from Mr. O'Brien. At the conclusion of that meeting, Mr. Lanfrit stated that there was some concern from the Board regarding the proposed size of the new home and also some questions regarding the trees that would have to be removed from the property in conjunction with the Application and with the respect with the crossing of the stream that was along the front of the property. He then noted that as a result of those questions/concerns, the matter was carried. Mr. Lanfrit then stated that they submitted revised plans, and indicated that there had not been a tree count done in the vicinity of where the new house was going to be placed for the last hearing. He then stated that they had now included that tree count in the newly revised plans as well as plans for a smaller home. Mr. Lanfrit stated that the square footage of the footprint of the home that was proposed at the last hearing was 2,500 sq. ft. He then indicated that they had submitted revised plans for the proposed home, and that now the square footage of the footprint was 1,712 sq. ft., a reduction by approximately 800 sq. ft. Also, because of concerns raised in the staff reports regarding the stream corridor, Mr. Fletcher relocated the proposed home closer to the stream but out of the stream corridor and took a seepage pit from the original plan that was in the vicinity of the stream corridor and moved it to the rear of the property. Mr. Lanfrit stated that doing those things accomplished two things: first, it moved everything out of the stream corridor and gave the Applicant the ability to preserve some trees to the rear of the property and, secondly, gave them the ability to move the seepage pit further away from the stream. Mr. Lanfrit then indicated that they would have to remove about eight (8) trees in order

to build a driveway for the new home, but that the new plan preserves many trees at the rear of the property. He then explained that Mr. Fletcher, the Engineer, was unable to attend the meeting that evening, but that he wanted the Board to know that instead of placing a pipe at the stream crossing, he would create a bridge over the stream to eliminate any concern by the Board for any flooding.

Mr. Healey then stated that the revised plans and revised architectural were in response to comments coming from the Board and the public. He added that they weren't necessarily in response to technical comments from the Technical Review Committee (TRC).

The Chairman asked Mr. Lanfrit if they could address all of the previous comments on the TRC report. Mr. Lanfrit stated that Mr. Fletcher addressed the comments from the TRC at the last hearing and that they could also address the comments from the Board and public with the newly revised plans.

Mr. Hauck then asked what the total square footage of the newly proposed home would be. Mr. Lanfrit indicated that the square footage of the footprint of the new home was going to be 1,712 sq. ft., for a total of 3,171 sq. ft. when including the second floor. He noted that the previous home was going to have 2,562 sq. ft. as a footprint of the home, for a total of approximately 3,600 sq. ft. overall. Mr. Hauck questioned the information given by Mr. Lanfrit and what was listed on the newly revised plans. Mr. Lanfrit stated that the square footage of the garage might have been included on the plans, for another 400 sq. ft. Mr. Hauck asked that if the property could not support a dry well, would the Applicant then deal with the ordinance and provide a contribution or other mitigation on the property or near the property. Mr. Lanfrit indicated that they would comply with those requirements. Mr. Hauck then asked how the trees at the rear of the property that would be saved would be protected during construction. Mr. Lanfrit indicated that they would do everything they could to protect the trees, but that if they were unable to do so adequately, they would replace the tree or compensate the municipality. A discussion ensued and Mr. Hauck suggested that the trees to be removed be marked, put a fence up to protect the ones that were to be preserved and have the Engineering Dept. inspect before the developer started any tree removal. Mr. Lanfrit agreed to that as a condition of approval.

Mr. Omolola asked what the size of the bridge was that they wanted to construct over the stream. Mr. Lanfrit stated that the bridge would have to be approved by the Township as well as the NJDEP and was going to be able to handle one car going over it at a time (approximately 10 ft. wide). He then indicated that the bridge design would be submitted to both the Township and the NJDEP and would be a condition of any approval.

Mr. Healey then stated that the bridge would act as part of the driveway and would not be a roadway. He then asked for clarification regarding the driveway for Lot 24.01 that served the existing house. He wanted to know to what extent it was in the stream corridor area and if any of the changes to that driveway would be outside the stream

corridor area. Mr. Lanfrit stated that there would be no changes to the driveway within the stream corridor area, and that any changes made would be done outside of that area. Mr. Healey then inquired as to whether the driveway as well as the garage for the existing home on Lot 24.01 crossed over the proposed property line. Mr. Lanfrit stated that everything that was an encroachment would be removed prior to filing the subdivision deeds. Mr. Healey then brought up a discussion regarding the variances being created by the subdivision for the existing home on the property. He and Mr. Lanfrit discussed a situation where, in five (5) years, they might knock down the existing home to build a newer home. Mr. Lanfrit suggested that they could come back at that time to seek any additional variances or they could grant the total of two side yard variances, so that any new home would have to have at least a 25 ft. side yard on each side.

Chairman Orsini then opened a discussion regarding the two rows of arborvitae on the plans. Mr. Lanfrit indicated that they were put there for screening between the homes, and the Chairman suggested they change the species to a spruce. Mr. Lanfrit was in agreement.

Chairman Orsini then made a motion to open the meeting to the public on the matter. The motion was seconded and all were in favor.

Ms. Tara Young, 207 Wilson Rd., Somerset, NJ, came forward and was sworn in. Ms. Young stated that she was happy to see that the footprint of the proposed home was decreased, but still felt that the overall 3,500 sq. ft., including the garage, still seemed too big for the neighborhood. She then indicated her concern for a 4 ft. distance between Lot 24 and 25 and would set a serious precedence for building. Ms. Young then indicated that her third concern was the tree removal plan, which she said was very confusing. Mr. Lanfrit then had a discussion with Ms. Young regarding the number of trees to be removed and the concern that they be replaced on the property. Ms. Young then discussed her concern for flooding on Wilson Rd. and was happy to hear that they will be putting a bridge over the stream. She then showed photographs of flooding along the stream on Wilson Rd. in front of various residences after a steady rain two or three weeks prior. Mr. Vignuolo then marked the photographs into evidence as P-1 through P-5.

Mr. Brian Ulrich, 209 Wilson Rd., Somerset, NJ, came forward and was sworn in. Mr. Ulrich also expressed his concerns for the flooding in the area, the approximately 4 ft. side yard on the existing structure on the property as well as the trees that would be removed. He indicated that the trees that were marked to be preserved were large trees and very close to the home that was being proposed. He felt that they would have to be removed for safety purposes after construction was completed. Mr. Ulrich also presented photos of flooding after a heavy rain in front of some of the properties along Wilson Rd. in mid-2013 or mid-2014. The photos were entered into the record as P-6 through P-10. He then discussed the Township owned property behind the homes on Wilson Rd. that have wetlands on them and that the water overflows onto the residential properties.

Mr. Healey then discussed the 4 ft. side yard issue, noting that he did not think it would set precedence in the neighborhood because it reflected the position of the home on the property and that it was internal to the property in question.

Seeing no one further coming forward, the meeting was then closed to the public and all were in favor.

Chairman Orsini then opened a discussion regarding the two options discussed by Mr. Lanfrit regarding the variances revolving around the 4 ft. side yard setback currently on the plans relating to the existing home. He indicated that he felt that the Board shouldn't lock themselves into anything at this point and stated that he would rather deal with any issues related to the existing home being knocked down to build a newer home sometime in the future at that time. The Chairman added that the two homes would not be side by side, so that it wouldn't appear that there was a 4 ft. side yard between them. He then opened a discussion regarding Mr. Ulrich's comment related to the trees closest to the newly proposed home. He indicated that he didn't believe that some of those trees would survive during the construction and noted that he would prefer that the Applicant be honest up front and remove them and replace them on the property in a more appropriate location as part of any approval. Chairman Orsini then opened a discussion regarding the issue of flooding in the area that had been occurring for many years. He felt that the new home having dry wells in place to collect the runoff from the new home have a positive effect so that the runoff would not go directly to the stream and would mitigate any further flooding in the area. The Chairman brought up the idea that Vice Chair Maclvor mentioned by altering the species of trees that would be planted to willows or something similar.

Mr. Lanfrit stated that he felt it would be in everyone's best interest to try to save the trees behind the proposed home and that they would agree to a condition of any approval that a tree count could be done before the Certificate of Occupancy (CO) was granted. He testified that if more than the stated 17 trees had to be removed, they would replace any additional trees on the property as well. Mr. Healey also reminded the Applicant that that condition would also accompany Mr. Hauck's suggestion that the trees to be removed would be tagged and a limit of disturbance be placed in the field and inspected before they would be allowed to commence construction.

Vice Chair Maclvor suggested that they also replace trees on the property with more water loving species, and Mr. Lanfrit agreed that they could do so.

Councilman Chase also felt that they should take into consideration Ms. Young's request (207 Wilson Rd.) to plant trees along the border to buffer her property. The Councilman also stated that he would like to see the plot line in the rear revised to give a greater side yard for the existing home and possibly to allow for the retention of the garage on that property without going below the required 40,000 sq. ft. of lot size. He did tell the Applicant that he felt that the reduction in proposed home size and the placement of same was a good compromise.

Mr. Lanfrit then testified that they would agree to a condition of any approval that the home plans presented that evening would be the home that would be built on the property.

Mr. Mettler described the area having a flooding problem for many years, and felt that the Applicant was doing all they could to ensure that their development would not make the situation worse.

Mr. Lanfrit then gave his summation, and stated that they would have no problem in providing trees between their property and the neighbors to provide some buffering as had been requested during the hearing that evening.

Vice Chair Maclvor made a motion to approve the Sub-Division Application with the following conditions: Tree replacement shall occur on site and a tree count done prior to the issuance of the Certificate of Occupancy (CO) to determine if any additional trees would need to be replaced. Also required would be a tree procedure as outlined by Mr. Hauck prior to any trees being removed that would include the tagging, the protection and inspection by the Township of the trees that would remain. Trees would also have to be planted along the property line of the adjoining residence. Additionally, the setback variance approved was for the existing dwelling; and if it were ever to be removed and replaced, the Applicant would need to come back before the Zoning Board prior to constructing a new dwelling in its place. Also, there should be a bridge installed over the stream instead of a pipe into the stream, with a review by the Township and NJDEP. Chairman Orsini seconded the motion and the roll was called as follows:

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

AGAINST: None

COMMITTEE REPORTS

No reports were discussed.

WORKSESSION/NEW BUSINESS:

- **Hamilton Ordinance Changes**

Mr. Dominach stated that at a previous meeting they had discussed the Economic Development report that the consultant had prepared where they talked about recommendations to the CB/M-1 Zone. He added that they had spoken about doing a Master Plan Amendment, which the Planning Board unanimously agreed to. At a

separate committee meeting that included Chairman Orsini and Councilman Chase, Mr. Dominach indicated that they had talked about making some additional possible changes to Hamilton Street. He went on to state that the consultant suggested that they could separate Hamilton Street into three separate and distinct districts. Mr. Dominach indicated that he was there that evening to speak to the Board about the area from Key Avenue down to the end by Sts. Peter & Paul, approximately the last 25-30% of the street. He then told the Board that the consultant recommended that the Township allow developers to go up to an additional story (five (5) stories) and not mandate that they put commercial businesses in any of the buildings, allowing for the full five (5) stories as residential but conditioned upon the fact that they have one (1) bedrooms or studio apartments or that the apartments would be for Rutgers students. Mr. Dominach noted that most of the properties along that section of Hamilton Street were very small in both depth and width, which would mean that a developer would have to assemble a multitude of properties to get to the required 40,000 sq. ft. for buildings of that height. He went on to explain that the consultant stated that to encourage that kind of development, allowing the additional story would be necessary. Mr. Dominach added that type of development was suggested for that portion of Hamilton Street in order to encourage the commercial development on the other two thirds of the street and because there was some difficulty in renting the commercial spaces on that portion of Hamilton Street near New Brunswick right now due to an oversaturation of commercial development there. Mr. Dominach then stated that the Hamilton Street Advisory Board met a few weeks ago and unanimously agreed that they would also recommend what the consultant was suggesting and that an ordinance be prepared as well as a Master Plan amendment for the Board's consideration.

Vice Chair MacIvor asked where a provision for parking would be accommodated for the student housing. Mr. Dominach stated that they would require on-site parking for the residential units. He added that currently, when a developer included a commercial element in a building on the first floor, they could opt out. A discussion ensued among the Board.

Mr. Omolola opened a discussion regarding current single family homes on Hamilton Street in that area. Mr. Dominach indicated that those properties would be grandfathered in because they were pre-existing, non-conforming uses. That being said, he stated that one or two 20,000 sq. ft. lots located in an area that has larger residential buildings around them makes their properties more valuable and they were more likely to sell those properties as a result. A discussion ensued and Mr. Dominach discussed the fact that Franklin Township probably has more varied types of affordable housing opportunities in that community than any other municipality in the state. Mr. Dominach also indicated that there was no developer come to the Township proposing to build units for sale, but were interested in building rental units.

Mr. Healey stated that they were not talking about tearing down an older rental building with tenants paying lower/moderate rent prices and replacing that with a luxury apartment building. He added that there were mostly single family homes and one story

commercial buildings in that area now and the amount and variety of housing that would be provided with the proposal.

Mr. Kharazi opened a discussion about whether they would find enough students to rent the apartments they were speaking of. Mr. Dominach explained that there were also recommendations to include one bedroom and studio apartments in the mix as well. A discussion ensued among the Board.

Mr. Mansaray brought up a concern in that neighborhood that their homes would be taken through eminent domain. Mr. Dominach emphatically stated that there was no proposal to go through any type of eminent domain and there were no plans of doing that since it was not in a redevelopment area. Mr. Healey explained that to go through the process of eminent domain, you would have to go through multiple steps, including the determination that the area was in need of redevelopment, which was not the case. He added that the Township did not have any legal ability to take anyone's property. He went on to further explain that all that the proposal was doing was to allow the zoning to be changed and give the opportunity to the private marketplace to develop the area in a different way.

Mr. Mettler brought up the fact that some properties would not see an increase in value because there would not be an opportunity to combine them with other properties. He also wondered if they could see a diminishing of the commercial properties already there because the retail properties would have more value. Mr. Dominach stated that the proposal only would affect the last third of Hamilton Street and concentrate the housing along that portion of the roadway. He added that part of the plan was to have the commercial properties concentrated in the middle portion of Hamilton Street where they would be more valuable due to the additional foot traffic from the residential area.

Councilman Chase indicated that what he felt students wanted was a two-bedroom apartment with a rather large common area with bunk beds in the small bedrooms so that four (4) students could live there in a more affordable manner. He then gave a suggestion to restrict the proposed residential buildings to five (5) stories, but only if the first story included commercial. The Councilman added that one concern is security on the first floor of any residential building. A discussion ensued regarding these issues.

Mr. Healey stated that they could have requirements of the developers in that area to provide amenities that were geared to the population they were looking to attract, such as laundry areas, bicycle parking, etc.

The Board agreed to review a draft ordinance and draft Master Plan amendment regarding the last third of Hamilton Street.

EXECUTIVE SESSION:

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

ADJOURNMENT:

Vice Chair Maclvor made a motion to adjourn the regular meeting at 9:15p.m. The motion was seconded the motion and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
March 9, 2018