

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

**REGULAR MEETING  
July 11, 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:

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**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. James Clarkin, Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning & Zoning Secretary

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**MINUTES:**

- **Regular Meeting – June 6, 2018**

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, Mr. Mettler, Mr. Omolola and Chairman Orsini

**AGAINST:** None

- **Regular Meeting – June 20, 2018**

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

**FOR:** Councilman Chase, Mr. Hauck, Mr. Kharazi, Mr. Mettler and Chairman Orsini

**AGAINST:** None

## **PUBLIC COMMENTS:**

Mr. Mettler then opened the meeting to the public for discussion of anything related to Planning that was not the subject of a hearing that evening. Vice Chair MacIvor 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 that evening and Vice Chair MacIvor seconded the motion. All were in favor.

## **HEARINGS:**

Chairman Orsini noted that the **SAMIR SHEHATA & COCO CHEN** Application was not going to be heard that evening and was going to be carried, with full notification required. Mr. Clarkin, Board Attorney, indicated that he examined the notice and stated that it did not identify the types of variances that were being requested. He went on to explain that a reasonable person reading the notice would not be able to fully comprehend the nature of the Application. In addition, Mr. Clarkin stated that while every Applicant had the ability to represent themselves, without the assistance of any professionals, in some instances he felt that it was very unwise to do so. He explained to the Applicants, who were present at the meeting, that without the benefit of a professional Planner, it would be very difficult for the Planning Board to grant the relief they were requesting without proofs to support the variances. Mr. Clarkin then went on to tell the Applicants that it was not enough to have Engineers preparing a report that the Applicant would provide the Board, unless the firm they retained to prepare the report also had professional Planners on their staff.

Mr. Healey then stepped in to make a suggestion. He noted that in comment #2 of his report, that there were a number of plan inconsistencies between the Site Plan and the architectural plans. He then added that some of them speak to whether or not a variance was required for impervious coverage. Mr. Healey suggested to the Applicants that they go back to their engineer and architect and make sure the plans are consistent with one another and update them so that the Board can have clean reports and knows what variances were being requested.

- **SAMIR SHEHATA & COCO CHEN / PLN-18-00002**

Minor Subdivision in which the Applicant will remove the existing home and accessory structures; subdivide property into two lots and create two lots with two single family homes at 48 Kossuth Street; Block 176 Lot 15.01 in an R-7 Zone – **CARRIED TO SEPTEMBER 5, 2018 – all notification required.**

**DL 09/29/2018**

Mr. Mettler then asked Township Planner, Mr. Healey, whether the changes proposed to the architecture of the buildings should have gone to the Redevelopment Agency. Mr. Healey indicated that whenever a redeveloper had site plan changes, architectural changes in particular, and goes before the Redevelopment Agency, it was really more of an "FYI" basis. He noted that the real approval of the site plan, including the architecture, was with the Planning Board. Mr. Healey told the Board that the plans were very similar to what was previously approved, but different enough that it would be appropriate to come back before the Planning Board.

- **RPM DEVELOPMENT, LLC / PLN-17-00009**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, RPM Development. The Applicant recently received Preliminary & Final Site Plan Approval and seeks to amend by revising the architecture of the proposed buildings, Lots 1-8, 9.01, 16.01, 25.01, 42-49/20-47, in the CMR Zone.

Mr. Lanfrit explained that they had appeared before the Board in 2017, receiving Preliminary and Final Site Plan approval for a project in the CMR Redevelopment District. He noted that the application that was approved consisted of five (5) buildings, with 151 units, 55 of which were affordable units. He stated that the breakdown of the units approved were 48 one-bedroom units, 79 two-bedroom units and 24 three-bedroom units, none of which was changing. He added that the Application was exactly the same and the footprints of the buildings were exactly the same. After they received the approval, Mr. Lanfrit indicated that RPM decided to change architects and the new architect decided to change the façade. At that time, he noted that they were there before the Board that evening to show the renderings of the new façade and request approval.

Mr. Alex Merlucci, Architect and Associate Partner with Inglese Architecture & Engineering, came forward and was sworn in. The Board accepted his qualifications. Mr. Merlucci passed out copies of handouts to the Board showing the new façade as well as the previously approved façade for comparison. These handouts, along with display boards, were entered into the record as Exhibit A-1, and Mr. Merlucci indicated that they were prepared under his direction by his firm. Mr. Merlucci stated that the first sheet depicted the original elevation vs. the newly proposed elevation. He then went on to explain that the second sheet was a material board showing the proposed materials to be used on the building, and the third sheet was an overall elevation of what was proposed, including a rear elevation of the building.

Mr. Merlucci then told the Board that his firm took over as architects for the project and went through what was originally approved and then what they were now proposing. He stated that they wanted to improve the look of the façade as well as to simplify some of the construction detailing. Mr. Merlucci then explained to the Board that the two plans were very similar as they tried to stay very close to the original massing as well as the original colors and materials. He told the Board that what was originally proposed was

a large-scale stone with fiber cement siding in white/blue color and a dark gray canopy above the entries, with an accent feature of a wood look to the siding. He then indicated that what they tried to do was to reduce the scale of the materials as well as the scale of the buildings, utilizing a smaller format modular brick veneer in two different colors rather than one gray color for the entire height of the building to create a more defined base by having the darker color at the base with a cast stone band dividing the darker gray from the lighter gray. Mr. Merlucci noted that they kept the blue and white fiber cement paneling on the articulated bays with the individual entries and also retained the wood look fiber cement on the corners, which served as an accent on the building as well as carried that through to the front entry doors. Mr. Merlucci then showed the second board showing a close-up of the proposed materials proposed. He then drew the Board's attention to the last page of the exhibit, showing the same front elevations of the building that was previously discussed and the rear elevations, with the materials remaining much the same. Mr. Merlucci indicated that there were only going to be changes to the façade of the building and that the number of units, the footprint of the building and the number of bedrooms in the units all would remain the same as previously approved. He added that there would also continue to be 55 affordable units available in the project.

Chairman Orsini then discussed the reasoning for bringing the amended architectural plans before the Board, noting transparency of the changes.

Vice Chair MacIvor asked if the window glass would remain the same, and Mr. Merlucci indicated that it would be low E glass and that the building would be Energy Star certified. She then asked about where the air conditioning units would be, and Mr. Merlucci stated that the units would still be on the roof, but hidden behind the parapets.

Mr. Healey noted that Mr. Merlucci was showing one building, but wanted to know whether the facades of all five (5) buildings would look the same. Mr. Merlucci stated that all the buildings would have similar facades to what was shown that evening.

Chairman Orsini asked why the trees on the original plan were in a different place on the newly revised plan. Mr. Merlucci said that it was just the rendering and not indicative of what the landscaping plan was going to look like. He added that the landscaping plan that was approved was not going to be changed. Mr. Merlucci then went over how the landscaping would look in and around the building, utilizing Exhibit A-1.

For the record, Mr. Lanfrit then testified that he had hand delivered the revised compliance plans to the Township that day, which incorporated all of the changes that were recommended by the Board at the original hearing. He added that all of the landscaping comments from the Board and from the staff were incorporated into the revised plans.

Chairman Orsini asked about the stairs in front of each unit, noticing that each one looked different from the next one. Mr. Merlucci indicated that they might not have been

colored in the original version of the plans, but there was a subtle change in coloration from one door to the next, and the look of the front doors with a side panel was accurate and reflective of what the front doorway would look like. A discussion ensued among the Board.

Mr. Clarkin, Board Attorney, asked whether there would be any new variances required as a result of the changes presented that evening. Mr. Lanfrit stated that there were no changes to the Site Plan at all.

Mr. Mettler made a motion to open the meeting to the public for questions or comments. Vice Chair Maclvor seconded the motion and all were in favor. Seeing no one coming forward, Councilman Chase made a motion to close the meeting to the public. Mr. Omolola seconded the motion and all were in favor.

Vice Chair Maclvor made a motion to approve the Amended Site Plan, subject to all of the conditions in the original Resolution. Mr. Omolola seconded the motion and the roll was called as follows:

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

AGAINST: None

- **JOHN SUDIA / PLN-18-00004**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, John Sudia. Minor Subdivision in which the Applicant wants to subdivide the property into two lots. There will be a single home constructed on each lot at 147 Fourth Street, Somerset; Block 458, Lots 7 & 8, in an R-20 Zone - **CARRIED FROM JUNE 6, 2018 – with no further notification required.**

The Township Technical Review Committee report indicated that the following variances were required:

- Lot frontage – 100 ft. required – 94.72 ft. proposed (proposed Lot 8.01).
- Setback from Gas Transmission Line – Setback from any gas or fuel transmission line: 100 ft. required (- 47 ft. existing (to existing home) – 51 ft. proposed (to proposed home on Lot 7.01).

Mr. Clarkin, Board Attorney, asked Mr. Lanfrit if the hearing was properly noticed. Mr. Lanfrit indicated that the hearing was noticed for the lot frontage variance and that there was language in the notification that there any other variances that would be determined would be included. Mr. Clarkin agreed with Mr. Lanfrit that his notification was sufficient

Mr. Ronald J. Sadowski, Engineer, 10 Edward Avenue, Edison, NJ, came forward and was sworn in. The Board accepted his qualifications. He explained that he prepared the 8-sheet set of "variance and subdivision" plans, noting that page two (2) of the plan set showed an existing conditions plan. Mr. Sadowski then explained that there was an existing single story brick residential dwelling along the north side of the property and a barn, garage, an asphalt driveway along the southerly property line. He then told the Board that the proposal was to demolish all of the structures on the property and construct two (2) new single-family residential dwellings. Mr. Sadowski then told the Board that there was a gas pipeline to the north of the subject property line. He then noted that the setback of the existing dwelling from the pipeline was 47 ft. The plan, according to Mrs. Sadowski was to build a new home on the property, with a setback of 51 ft. Mr. Sadowski then spoke about the current frontage of the property, which he said was 194.72 ft. He then told the Board that the lot closest to the pipeline would be the one with 100 ft. of frontage and the other lot would have 94.72 ft. of frontage. Mr. Sadowski then told the Board that both proposed lots exceeded the requirements of the R-20 Zone for lot area and both of the proposed homes would meet the bulk requirements of the zone. Mr. Sadowski drew the Board's attention to the issue of the deficient lot frontage, noting that the two adjacent lots (Lot 5 and Lot 6) had 20,000 sq. ft. and 16,000 sq. ft.(corner lot) in lot area, respectively. He went on to tell the Board that they couldn't acquire land from Lot 6 because it was already an undersized lot and purchasing a portion of that lot would make that further undersized in order to eliminate the frontage variance. Mr. Sadowski then drew the Board's attention to the two home plans that were included on the plans and explained that they wanted to make every effort to increase the offset from the existing pipeline by reducing the footprint of the proposed home. He noted that the proposed home nearest to the gas pipeline was 1,500 sq. ft. and the adjacent home to the south was 2,100 sq. ft.

Mr. Sadowski then addressed the comments listed in the Township Technical Review Committee report (TRC) and testified that they would be able to comply with all of the comments and requests contained within the report. He added that they were not proposing any curbing or sidewalks with the plan because there were no curbs or sidewalks in the general vicinity of the property at that time. Mr. Sadowski also reminded the Board that the subject property was at a dead end of Fourth Street and there was only one home on the way to Culver Street, which also had no curbing or sidewalks. He testified that they would be adding street trees to the plan set. Mr. Sadowski then stated that they would be removing four (4) trees from the property out of the 21 trees currently on the site for the construction and pointed out the table in the drawings. Mr. Sadowski also indicated that they were going to add the street trees to offset that. Chairman Orsini made mention of paying the Township in lieu of replacing the trees on-site and also asked that the Applicant delineate those trees that were not being removed to protect them during construction.

As it related to storm water management, Mr. Sadowski indicated that there was a request for a design for a storm water system, but explained that they were reducing the lot coverage (and, therefore, impervious coverage) by a little more than 400 sq. ft. with the demolition of the current home, barn, garage and large driveway and replacing

those with the construction of the two new houses and associated driveways. Mr. Sadowski explained that since there would be a decrease in impervious coverage, they would be maintaining the current drainage patterns. He added that since there was a nice ridge where the homes would be built on the property, they planned to have all the roof leaders and the driveways drain to Fourth Street and down to Culver Street. Mr. Lanfrit stated that they would work with the Engineering Dept. to determine that there would be a decrease in impervious coverage; otherwise, they would provide a storm water management system. Discussion ensued among the Board

Vice Chair MacIvor asked if notice needed to be given to the owner of the gas transmission line, and Mr. Lanfrit indicated that they gave the company notice of that night's hearing, but did not have to contact them when they were under construction because they were outside of their easement area. The Vice Chair then asked how wide the easement for the pipeline was, and Mr. Sadowski indicated that there was no easement within the existing lot from the gas pipeline. Mr. Healey stated that he believed the easement was 50 ft. wide, but said that the answer Mr. Sadowski gave was the more important one as it related to the subject property.

Mr. Sadowski entered into the record as Exhibit A-1, which was a color rendering of the Site Plan drawing that was also included in the plans. He utilized the exhibit to show the Board and public that the pipeline, and/or its easement, was not located on the subject property. He added that on the other side of the easement were single-family homes that had large rear yard that would make him inclined to believe that they did, in fact, have at least 100 ft. from the pipeline.

Vice Chair MacIvor said that she was concerned because she was a survivor of a gas pipeline explosion and that she was 300 ft. away. She stated that there were homes that were 100 ft. away and, thankfully, no one was hurt, but anyone closer than that to the pipeline would have been killed. She was worried that joints in the pipeline could be loosened during construction if not being careful when digging and wanted to know how the Applicant could guarantee that something similar wouldn't happen. Mr. Lanfrit stated that they were not going to be digging basements as the homes would be built on slabs and would be notifying the pipeline company prior to the commencement of construction. Mr. Sadowski indicated that it was a State law mandating that mark-outs would be required by the pipeline company. A discussion ensued between the Board and Applicant's representation.

Mr. Hauck also stated that the pipeline company would typically contact the Applicant or construction company to find out what was being done on the property near the gas pipeline. Mr. Lanfrit stated that they would have to mark out the pipeline and notify the pipeline company, so they would be aware of what was going on. Chairman Orsini suggested that they could make it a condition of any approval that the gas pipeline company come out and inspect the pipeline to ensure the integrity of it after demolition and construction. Mr. Lanfrit indicated that they would agree to that.

Mr. Healey suggested a modification to that condition by stating that the pipeline company needed to give direction to the Applicant as to what had to be done, give notification of the same to the Township, and the Applicant would have to be held accountable for doing what was recommended. A discussion ensued among the Board. Mr. Lanfrit agreed to put the gas pipeline company on notice, specifying the exact distance construction would commence from the pipeline, and also notify them of the pre-construction meeting as well.

Mr. Lanfrit then discussed comment #19 in the staff report regarding affordable housing fees. He stated that since one of the homes was a replacement of an existing home, he felt that they would only have to pay an affordable housing fee for the second home only. Mr. Healey concurred with his assumption.

Mr. Clarkin had two questions regarding the subdivision plans prepared by Brunswick Surveying, Inc. (BSI). He noted that the testimony that evening was that the lot closest to the pipeline would be given 100 ft. frontage, yet the plans show 94.72 ft. for that lot. Mr. Lanfrit indicated that they would make the correction to the plans. Secondly, Mr. Clarkin asked whether the Applicant inquired about acquiring property from Lots 29.4 and 29.05 in order to make the second lot a conforming lot. He suggested that the owners of those lots could sell the Applicant a portion of their rear yard if they had sufficient lot area. Mr. Lanfrit stated that there was no frontage there since it was at the end of the dead end road.

Mr. Lanfrit reiterated testimony that would support the variances sought, including that they were not able to acquire any additional property to make the lot conforming. He added that they meet all of the other bulk requirements, with the lots exceeding the lot area in the zone. Finally, Mr. Lanfrit indicated that even though they were deficient by 6 ft. of frontage, they did have all of the appropriate separation and setbacks from all the adjoining properties. He then indicated that they would be seeking a C-2 variance, a de minimus deviation and a better planning alternative. Mr. Lanfrit also stated that the proposed lots were identical to two that were across the street as well as Lot 6 that also did not have the requisite frontage. Mr. Healey then looked at the radius map in the plans of the surrounding area, noting that the frontages proposed were basically the same as the lots behind it that front on Second Street and on the opposite side on Fourth Street.

Vice Chair MacIvor asked if there were sidewalks in the area, and Mr. Lanfrit indicated that there were not. The Vice Chair then stated that they should be asking the Applicant to contribute to the sidewalk fund.

Mr. Mettler then made a motion to open the meeting to the public for questions/comments. Vice Chair MacIvor seconded the motion and all were in favor. Seeing no one coming forward, Mr. Mettler made a motion to close the meeting to the public. Vice Chair MacIvor seconded the motion and all were in favor.



Seeing someone in the public wishing to speak, Mr. Mettler made a motion to re-open the meeting to the public for questions/comments. Vice Chair Maclvor seconded the motion and all were in favor.

Mr. Divyesh Shah, 160 Second Street, Somerset, NJ, came forward and was sworn in. Mr. Shah then asked if there would be any change in the elevation of the property as a result of the construction. Mr. Sadowski, the Site Engineer, testified that they were trying to maintain the characteristics of the current grading. He added that there might be a slight build-up around the homes just to get the water away from the footprint of the home, but the whole direction of the run-off and the appearance of the grade will be as it appears now.

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

Mr. Lanfrit then gave his closing remarks.

Vice Chair Maclvor made a motion to approve the Minor Subdivision with Variances, with the suggestion that the Applicant contact the gas pipeline company to ensure the construction would not affect the pipeline. Additionally, that they make a payment in lieu to the sidewalk fund as well as make correction to the survey and the Minor Subdivision Plan. Mr. Kharazi seconded the motion and the roll was called as follows:

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

AGAINST: None

- **VICTORY SUBARU (Baker/Automotive Real Estate LLC) / PLN-18-00006**

Chairman Orsini asked to recuse himself from hearing the matter as he has a relationship with the dealership, out of an abundance of caution. Vice Chair Maclvor will be moderating the hearing.

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Victory Subaru. Mr. Lanfrit explained that the Applicant was seeking to reconfigure an expand the parking, remove & replace sign, place a building-mounted sign and modify the interior to add 1,206 sq. ft. of storage at 1233 Route #27, Somerset; Block 88.02, Lot 12.01, in the GB Zone - **CARRIED FROM JUNE 6, 2018 – with no further notification required.**

The Township's Technical Review Committee (TRC) report noted that the following approvals were required:

- Site Plan Approval
- Variances required as follows:
  - Impervious Coverage: 70% maximum permitted – 65.1% existing – 77.68% proposed
  - Setback of Freestanding Signs: 20 ft. minimum required – 5 ft. proposed.
  - Number of Building-Mounted Signs: 1 maximum permitted – 4 proposed

Mr. Lanfrit told the Board that quite a few years ago, the prior owner had come before the Board when they acquired the adjoining property, south of the original building, for the purposes of a car storage area. He did add also that since the new owner had taken over the property, the business had grown and there was now a need for some additional parking and some renovations done to the building to modernize it at the request of Subaru. He added that the renovations were done with building permits and were before the Board that evening for approvals for expansion of the parking area, related storm water management as well as some signage.

Mr. Clarkin, Board Attorney, stated that there were a few housekeeping items to take care of. He indicated that one additional item of relief was to eliminate a previous condition to retain a particular tree. Mr. Lanfrit testified that the particular tree in question met its demise many years ago. He added that they did try to save it and had someone come out to look at it, who certified that it was, in fact, dead. He also told the Board that they had submitted a report to the Township saying that the tree was dead. Mr. Clarkin then stated that the Application for Site Plan approval made reference to the fact that the Applicant was going to remove the pylon sign and replace it with a monument sign and noticed that it did not appear to be the case any longer. Mr. Lanfrit concurred and said they would provide testimony of what they propose to do.

Mr. David Schmidt, Engineer, 77 Carnes Place, Belle Meade, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Schmidt went on to describe what was currently on the property and what they plan to do there. He referenced a board that included a larger version of the Site Plan that was submitted to the Township in conjunction with the Application, dated March 12, 2018 and revised March 29, 2018. Mr. Schmidt then indicated that they have a waiver request to provide a Traffic Impact Statement as they were not generating any new traffic as a result of the Application, but were just planning to store more automobiles on-site. He also stated that they were also asking for a submission waiver to provide an Environmental Impact Statement (EIS) because they were proposing 48 additional parking stalls in the rear of the property that was already graveled and would be enlarged and paved and had an existing detention basin that would be modified. Mr. Schmidt then discussed the

variances being sought, as noted in the TRC report generated as a result of the Application. He discussed the variance requested for the pylon sign, stating that it met the size requirements, but did not meet the 20 ft. from the setback requirement. He noted that they were planning to place the pylon sign 11 ft. from the setback and were asking for relief for 9 ft. Mr. Schmidt then detailed all of the elements of the car dealership and the location of the various areas on the property, including the existing building, existing parking area, two entrances to the dealership with adequate sight distances, customer parking in the front of the store and a service access way that goes to the back where maintenance took place with a maintenance parking area. He showed the board the area in which they wanted to add 48 additional parking spaces for car storage. Mr. Schmidt then showed the Board the area where the tree used to be, asking that they be able to add four (4) more parking spots to the top and five (5) more parking spots to the bottom of that area in order to use the site more efficiently and store as many cars on the site as possible to be able to provide more variety to purchasers. He then told the Board that the total new parking spaces that they wanted to add to the site was 55 parking spaces, after having to eliminate two spots to provide an aisle way.

Mr. Schmidt then discussed how they were handling the increased impervious coverage with the storm water management system. He showed the Board what was previously in place, noting that they were going to increase the size of the detention basin and make it a bio-retention facility. He then told the Board that it would not keep water in the basin, but that it had infiltration structures within it that would bring the pollutants from the parking area down to a mulched area before the storm water went into the sewer system.

Mr. Schmidt then reviewed with the Board the signs that they were proposing, which was a pylon sign recommended by Subaru so that it would be seen better at their location. He noted that the sign was 20 ft. high and 70 sq. ft., which met the Township requirement, but they were planning to set the sign back only 11 ft. from the right of way and, therefore, required a variance. He noted that the proposed sign was pretty much in line with the Bank of America sign, which was the adjacent site to the north. He added that the proposed sign was approximately 55 ft. from the centerline of the roadway. Mr. Healey indicated that the sign would be 11 ft. from the right of way with 38 ft. from the road. Mr. Schmidt then showed the Board the four (4) proposed building-mounted signs utilizing an exhibit showing a larger version of the signs submitted as part of the Site Plan package, referred to as New Addition Renovations and Façade Upgrade – Victory Subaru prepared by Mark Garrington, Architect, dated March 8, 2016 and revised May 18, 2018. He then described the various locations along the same side of the building they planned to place the building-mounted signs, including a Victory Subaru sign that was 5 ft., 2-1/2 inches long by 3 ft. in height. There was a Subaru sign spelled out that was 17 ft., 1-1/4 inches long by 2 ft. in height, a Victory sign spelled out that was 10 ft. by 7 inches long and 1ft., 6 inches in height as well as a Service sign spelled out that was 10 ft., 4 inches long by 1 ft., 6 inches in height. Mr. Schmidt stated that all of the signs noted, including the pylon sign were internally illuminated. He added that the Victory sign and the Service sign would probably only be

visible once someone entered the site and not from Rte. 27. He testified that the signs would be turned off at the end of the business day. Also noted by Mr. Schmidt was that all of the other conditions of the building met the zone requirements and all entrances were compliant. Mr. Schmidt stated that they would be locating four (4) new LED lights in the new rear parking area and landscaping along the perimeter of the detention basin to screen it from adjacent properties. Mr. Schmidt stated that there was a comment in the TRC report regarding a fence and would be up to the Board's discretion as to whether that would be required. He suggested that they could place a 6 x 6 wood guide rail fence to prevent cars going into the detention basin. Mr. Schmidt then discussed the comments in the TRC report and indicated that they would address them. He noted that he would work with Mr. Healey regarding the landscaping plan. He then told the Board that the Delaware & Raritan Canal Commission (DRCC) reviewed the plans for the detention basin and had accepted their designs.

Mr. Healey then asked about comment #12 regarding an enclosure for the dumpster. Mr. Schmidt stated that he needed to address the location with the owner, but agreed to any type of screening that would be required.

Mr. Hauck asked about the type of fencing around the detention basin and asked for details of where it would be run. He asked that it be placed behind the hedgerow.

Mr. Kharazi opened a discussion regarding maintenance of the detention basin. Mr. Hauck explained the maintenance agreement that would be in place.

Mr. John Leoncavallo, Planner, 388 Washington Rd., Suite E, Sayreville, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Leoncavallo reviewed the variances that were being sought and gave justification for those variances. Mr. Leoncavallo stated that he would justify the variances being sought under the C-2 (advancement of the Municipal Land Use Law (MLUL)). He then explained the test under the C-2 variance and gave benefits such as the viability of the long-standing business in the community, promoting the aesthetics of the dealership, and the efficient use of the land. He noted detriments as being nominal and the increase in impervious coverage was being mitigated by the engineering controls. Mr. Leoncavallo indicated that the sign package as seen on the plans and in the field were tastefully done and not overbearing and felt that the pylon sign did not impede any sight visibility. He added that the sign package was typical of an automobile dealership and the variances sought would not substantially impair the zone plan.

Vice Chair MacIvor asked whether there would be any way to replace the impervious asphalt with porous surface. Mr. Schmidt stated that he has found the porous surfaces don't hold up well. He said he would only recommend it for where the cars would be stored, but recommended to keep it out of the cartway. A discussion ensued among the Board. Mr. Kharazi stated that he was concerned for oils and other debris going through the pervious pavement. Mr. Hauck spoke to the issue and recommended what the Applicant proposed with the use of the bio-retention basin to counteract the

impervious surfaces. The Vice Chair then asked about the lighting on the entire site, and Mr. Schmidt noted that it was all LED lighting.

Mr. Healey brought up what he deemed a “technical” variance noted in the TRC report regarding aisle width. He noted that the requirement was 26 ft. and that there were a number of locations, particularly in the car storage areas, that were less than 26 ft. He also noted a deviation in the aisle width in an area of the customer parking area, but was an existing condition that may have been approved previously and was not being proposed to change.

Mr. Clarkin, Board Attorney, asked the Planner if he felt the sign package would promote safety on the site. Mr. Leoncavallo absolutely agreed with that statement. Mr. Clarkin then asked if the benefits substantially outweigh the detriments with the Application, and Mr. Leoncavallo indicated that in accordance with case law they do. Mr. Clarkin then asked if the Planner felt there would be detrimental to the public good in any way. Mr. Leoncavallo testified that he didn’t feel there would be a detriment to the public good and felt it would be an improvement to the site and to the business, therefore, to the public as well. Mr. Clarkin then brought up the Planner’s reasoning that approving the Application would enhance the viability of the business. He indicated that he felt that reasoning did not show benefits to the Township.

Councilman Chase opened a discussion regarding the location of the building-mounted signs.

Mr. Mettler made a motion to open the meeting to the public for questions/comments. Ms. Rangnow seconded the motion and all were in favor. Seeing no one coming forward, Mr. Mettler made a motion to close the meeting to the public. Ms. Rangnow seconded the motion and all were in favor.

Mr. Lanfrit gave his final summation to the Board.

Mr. Kharazi made a motion to approve the Amended Site Plan with Variances, including the removal of the tree that died on the site which would be a change from the prior condition and that the lights on the site would be turned off no later than 11 p.m. . Mr. Mettler seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Mr. Kharazi, Mr. Mettler, Mr. Mansaray, Ms. Rangnow and Mr. Omolola

AGAINST: None

## **COMMITTEE REPORTS**

No reports were discussed.

**WORKSESSION/NEW BUSINESS:**

There was no work session or new business discussed.

**EXECUTIVE SESSION:**

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

**ADJOURNMENT:**

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

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
August 7, 2018