

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

**REGULAR MEETING
October 18 2018**

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 Chairman, Robert Thomas, at 7:30 p.m. The Sunshine Law was read and the roll was called as follows:

PRESENT: Laura Graumann, Donald Johnson, Bruce McCracken, Alan Rich, Robert Shepherd (arrived at 7:32 p.m.), Anthony Caldwell, Gary Rosenthal, Joel Reiss, Cheryl Bergailo and Chairman Thomas

ABSENT: None

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

MINUTES:

- **Regular Meeting – September 6, 2018**

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

FOR: Vice Chair Graumann, Mr. Johnson, Mr. McCracken, Mr. Rich, Mr. Shepherd, Ms. Bergailo and Chairman Thomas.

AGAINST: None

RESOLUTIONS:

- **Muslim Foundation, Inc. / ZBA-17-00012 (Amended Plans)**

Vice Chair Graumann made a motion to approve the Resolution as submitted. Mr. Rich seconded the motion and the roll was called as follows:

FOR: Vice Chair Graumann, Mr. McCracken, Mr. Rich, Mr. Caldwell, Mr. Rosenthal, Ms. Bergailo and Chairman Thomas.

AGAINST: None

- **Gennaro Costabile & JaxGennaro, LLC / ZBA-18-00004**

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

FOR: Mr. McCracken, Mr. Caldwell, Mr. Rosenthal, Mr. Reiss and Chairman Thomas.

AGAINST: None

DISCUSSION:

Vouchers:

- **Marriott Callahan & Blair – Tuan Vs. Franklin Township - \$2,670.34**

Vice Chair Graumann made a motion to approve the Vouchers as submitted and Mr. McCracken seconded the motion. All were in favor.

Extension of Time:

- **Franklin II Associates, Ltd. – Appealing Zoning Decision**

CARRIED TO JANUARY 17, 2019

HEARINGS:

- **HUGO GONZALEZ & INGRID HERRERA / ZBA-18-00013**

The Applicant was seeking Certification of Pre-Existing Non-Conforming Use. The Applicant contends that the house had a second floor apartment and a first floor single family home. House is serviced by two separate meters and contains two separate electric service panels at 13 Martine Street, Somerset; Block 480, Lot 21, in an R-10 Zone - **APPLICATION WITHDRAWN – as per attorney letter dated 10/16/2018.**

Mr. Healey explained briefly that earlier in the week, the Town ship received an e-mail from the Applicant’s attorney pointing them to a Resolution of the Zoning Board back in 2002 granting them the exact certification they were seeking and, therefore, withdrew the application.

- **PRAISE PRESBYTERIAN CHURCH, INC. / ZBA-17-00028**

D(3) Use Variance and Site Plan in which the Applicant was requesting to expand the parking lot with an additional 115 spaces, provide a new storm water basin, 75' x 62' asphalt, fenced basketball court and use the previous residence for "religious purposes" at 15 Cedar Grove Lane, Somerset; Block 436.09, Lots 31 & 31, in an R-40 Zone - **CARRIED TO DECEMBER 20, 2018 – with no notification required.**

DL - 12/31/2018

- **NEW CINGULAR WIRELESS PCS, LLC / ZBA-18-00011**

D(3) Conditional Use Variance and Site Plan in which the Applicant was seeking approval for the placement of an 150 ft. tall telecommunications tower in the rear of the property at 134 Coppermine Road, Princeton; Block 11.01, Lot 60.01, in the RR-5 Zone - **CARRIED TO NOVEMBER 1, 2018 – with no notification required.**

DL - 11/15/2018

- **TOLULOPE ADELEYE / ZBA-18-00012**

C Variance in which the Applicant was seeking approval for setback variances needed for the existing above-ground pool and shed that were done prior to their purchase without permits at 181 Hillcrest Avenue, Somerset; Block 303, Lot 8.01, in an R-10 Zone.

Mr. Healey gave a summary of the Application referring to the report from the Township Technical Review Committee (TRC), dated August 28, 2018. He explained that the Applicant was seeking setback variances related to the existing pool and shed that was located in the back, right-side corner of the property. Mr. Healey went on to state that the Applicant had recently purchased the home, indicating that the tax records show that the last sale of the home was in September of 2017. He went on to state that the Applicant became aware after the fact that the pool and the shed were placed on the property by the previous owner without permits. Utilizing aerial photographs, Mr. Healey stated that one could see that the pool and the shed existed at least back to 2007 on the property. The setbacks that were required for the property were listed in the TRC report, as stated by Mr. Healey, and they are:

- Placement of above-ground pool and pump in front yard – pool is in front yard along Belmar Street roughly 15 ft. from the front property and pool pump is roughly 5 ft. from the front property line.
- Shed is roughly 1 ft. from the side and rear property lines where side and rear setbacks of 3 ft. and 5 ft., respectively, were required.

Mr. Healey then drew the Board's attention to the photos included in the TRC report that showed the current situation that was also in place going back to 2007 as well as the existence of a 6 ft. high stockade fence that surrounded the property.

Ms. Tolulope Adeleye, Applicant, 181 Hillcrest Avenue, Somerset, NJ, came forward and was sworn in. Ms. Adeleye agreed with Mr. Healey's testimony regarding the current situation, and also wanted the Board to know that they recently upgraded the fence to enclose the entire backyard that had only once entrance on the opposite side of yard than where the pool was located.

Mr. Healey answered Vice Chair Graumann's questions regarding the Applicant obtaining the permits for the pool and shed, stating that he felt the Applicant was in the process of doing at this time. He also stated that a condition of any approval from the Board could insist that the fencing that Ms. Adeleye testified that was just installed around the entire backyard would need to be maintained since the pool was in the front yard.

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

Vice Chair Graumann made a motion to approve the Application and condition it upon the Applicant obtaining the necessary permits as well as maintaining the presence of the fencing around the entire backyard and kept in good condition. Mr. McCracken seconded the motion and the roll was called as follows:

FOR: Vice Chair Graumann, Mr. Johnson, Mr. McCracken, Mr. Rich, Mr. Shepherd,
Mr. Caldwell and Chairman Thomas

AGAINST: None

- **REV. URSULA CARGILL / ZBA-16-00025**

The Applicant was seeking Certification of Pre-Existing Non-Conforming Use. The Applicant contends that the one-bedroom apartment in the finished portion of her basement was constructed at the time the house was constructed (with the house being constructed prior to the enactment of the Township Zoning Ordinance) at 160 Bennington Parkway, Franklin Park; Block 38, Lots 6-7, in an R-20 Zone.

Rev. Ursula Cargill, Applicant, 160 Bennington Parkway, Franklin Park, NJ, came forward and was sworn in. Reverend Cargill stated that her main concern was to document that the work that was done in the basement was done before she purchased the house and, at the time the previous owner built the house the work in the basement was also done as well by the owner.

Mr. Healey then explained to the Board, and testified that it had previously been explained to Reverend. Cargill as well, that in order for them to grant the relief for certification for a person pre-existing non-conforming use to allow her home to be considered a legal two-family home, the Applicant needed to prove that it was a two-family home prior to zoning in 1958 and had continued to be used in that fashion, uninterrupted, until now. Reverend Cargill indicated that she was told by the wife of the person who built the home that the work in the basement apartment was done at the time that he constructed the home in 1950. She went on to state that when she purchased the home in 2005, the listing advertised the home as having an in-

law apartment. Reverend Cargill indicated that she took the wife's word for it and believed what the listing said.

Chairman Thomas then told Reverend Cargill that they needed substantial testimony that it was there before zoning. He noted that there were submissions given with the Application, and Reverend Cargill stated that she had someone help her put the packet together because it was confusing to do on her own, but apparently the due diligence that was necessary to provide all of the affidavits was not done. She testified that there were two (2) affidavits included that were questionable that she asked to have pulled from the Application, one which was an addendum from Denise Welch (Schlabacher) and also from Raleigh Williams. Reverend Cargill stated that there was also an addendum from a James Moise and one from Samantha Smith that she was able to confirm and validate their amendments for, but she did not think to ask him to appear that evening, but could do so at a later date if allowed.

Mr. Healey then testified that they were asked to remove from the record one (1) affidavit from Denise Schlabacher, but no other affidavits were asked to be removed. Mr. Healey told the Board that Reverend Cargill was told that they did not have the ability to take anything out of the record once the hearing was noticed. Mr. Healey then asked the Reverend why she wanted the two (2) affidavits taken out of the record. She stated that she wanted the two affidavits taken out of the record because she was not sure if the help she received in putting the supporting documentation together went through all of the steps necessary to secure the proper amendment to the affidavit. She indicated that she was told that the initial affidavit needed to be amended to specifically state that there was an apartment and not that it included an eat-in facility and living area, etc. She indicated that she was able to verify the amendments to the other affidavits.

Vice Chair Graumann summarized what she thought the Reverend was saying; that she didn't think the two (2) affidavits were inaccurate, but just that she could not verify them, and Reverend Cargill agreed with the statement of the Vice Chair.

Board Attorney, James Kinneally, stated that affidavits are, generally, not enough and if the person is available to come in to testify, they should be brought in so the Board can ask them questions to verify their testimony. Mr. Kinneally suggested to Reverend Cargill that should she be able to bring the witnesses in, it might be beneficial to the Board.

The Reverend asked if she would be able to add a person to bring in, someone whose parents lived about a block from the house and would know that the basement was there when the house was constructed.

Vice Chair Graumann stated that if they were adjourning the matter that evening, Reverend Cargill could bring in whatever testimony she would want to support her position.

Reverend Cargill then asked if she could also bring in the listing sheet from the realtor from when she bought the home. Board Attorney, James Kinneally, indicated that it would not help the Board at all and that she needed to have testimony as to what existed prior to the adoption of the zoning ordinances in 1958. Mr. Shepherd also made note to Reverend Cargill that some of the people who wrote affidavits in support of her position were born in 1959 and the information in them really was hearsay and something that they learned from someone else. He told Reverend Cargill that he felt the only people she would be able to rely upon

would be people who were competent adults that were old enough to know what was going on prior to 1958.

Chairman Thomas then opened the meeting to the public for anyone wishing to speak on the matter.

Mr. Raleigh Williams, 155 Bennington Parkway, Franklin Park, NJ, came forward and was sworn in. Mr. Williams stated that Reverend Cargill lived next door to him. He stated that the Reverend wanted him to sign a paper stating that Mrs. & Mrs. Welch finished off the basement when the house was built and he agreed that they did, so he signed the affidavit. He then told the Board that he found out later on that there was an amendment to the affidavit with his name on it that he said he did not sign. He told the Board that he never saw Mr. & Mrs. Welch have anyone live in the house with them except for their children and that he never knew them to have anyone living in the basement.

Mr. Shepherd asked Mr. Williams when the Welch's moved out, and Mr. Williams testified that it was just before the Reverend Cargill moved in.

Mr. Healey asked for clarification and noted that the original affidavit that Mr. Williams signed was dated June 14, 2016 and an amendment, dated June 21, 2016 that he did not sign. Mr. Williams agreed with Mr. Healey's statement. Mr. Healey then asked Mr. Williams some questions about the home and Mr. Williams indicated that the first time he was in the home was around 1970. He then testified that there were two (2) bedrooms in the basement and did not see a bathroom or kitchen down there. He continued by saying that there was a set of stairs that was open to the first floor that had no door separating the basement from the first floor and that there was a patio door in the basement that led outside. Mr. Williams stated that he put the air conditioner in for the Welch's every year, so he was in the home often. Mr. Healey indicated that they had some pictures of the basement that showed some eat in facilities and a bathroom with a tub. He asked Mr. Williams if the Welch's put those items in and, if so, when was that done. Mr. Williams stated that he didn't believe the Welch's put those items in the basement.

Reverend Cargill then asked for clarification regarding the type of door that had access to the outside from the basement. Mr. Williams again stated it was a sliding 6 ft. glass door, and Reverend Cargill stated that the door that was there leading to the outside was a 36" door. Mr. Healey reminded Reverend Cargill that he was asking what was present in the basement in 1970, the first time Mr. Williams was in the basement portion of the home. Reverend Cargill then continued questioning Mr. Williams about the inclusion of the eat-in kitchen facilities that was included on the original affidavit that he signed. Mr. Williams then stated that he didn't think his original affidavit stated that there was a kitchen in the basement. Mr. Healey clarified with Mr. Williams that the original affidavit that he did sign included the wording "eat-in facilities and full bathroom" were included in the basement. Mr. Williams then did agree that his signature was on the first affidavit, but not on the second amended one. Reverend Cargill then told the Board that she was told by the Planning Board that her original application in 2016 was not sufficient and that she went to get help with the amendments and could not confirm that the due diligence was carried out correctly with the amendments with Raleigh Williams and Denise Schlabacher. She then added that that was the reason she asked earlier that those amendments be taken out of the record.

Chairman Thomas then opened a discussion with Reverend Cargill regarding the notary for the original affidavits was located in Somerset and the notary for the amendments was in Ocean County. Reverend Cargill reiterated that she was able to confirm and validate the amendments for both James Moise and Samantha Smith, but that they were both under the acceptable age. She did add, however, that she had friends from her home church at Six Mile Run that were friends with the Welch's from before the house was built and was hoping that some of them were still alive and would be able to come in and testify.

Ms. Nancy Williams, 155 Bennington Parkway, Franklin Park, NJ, came forward and was sworn in. Ms. Williams stated that she was Raleigh Williams' wife of 38 years. Ms. Williams testified that she had lived next to Reverend Cargill and the Welch's before her since 1980 and was there the day Reverend Cargill came over with the affidavit for Raleigh to sign. Ms. Williams testified that the only thing that Reverend Cargill said she wanted Raleigh to do was to verify the fact that the basement was a finished basement when the Welch's built the house. Ms. Williams stated that there was no asking about an apartment in the basement or anything about a two-family house certification. Ms. Williams stated that she wrote her husband's name, birth date and the address and that they both went off to Wells Fargo Bank, she believed, to have it notarized. Ms. Williams then told the Board that the next week was when the amendment was supposedly signed, but they never saw or heard anything about the amendment that included the wording "constructed with a fully functioning apartment" that was later used was notarized, she believed, by the woman (Ren Stevens) who was living with Reverend Cargill when she bought the house in 2007. Ms. Williams then testified that she had been in the Welch's basement that was finished, but did not have a kitchen in the basement.

Seeing no one further coming forward, Chairman Thomas then closed the meeting to the public. The Chairman re-opened the meeting to the public to accommodate for someone who wanted to come forward.

Ms. Deborah Gaglione, 150 Bennington Parkway, Franklin Park, NJ, came forward and was sworn in. Ms. Gaglione indicated that she knew Denise Welch (Mr. & Mrs. Welch's daughter) and that she lived in Illinois. Ms. Gaglione had spoken to Ms. Welch and remembers signing an affidavit, while living in Illinois, to the effect that the basement was there, but did not remember signing an additional document. She said that the signature on the document she signed was coming from a notary in Illinois where she lived now. Ms. Gaglione then stated that Ms. Welch told her that the amendment to the affidavit that she was supposed to have signed and notarized was in Somerset, NJ and that she had not done such a thing. Ms. Gaglione then told the Board that Ms. Welch told her that she was in New Jersey in June of 2016 for the funeral of a friend that she knew growing up there on Bennington Parkway. Ms. Gaglione then testified that she had been in the basement in the 1980's and that there was a toilet and a partition for the bedroom and that Mrs. Welch's grandson stayed with her after her husband passed away. She then stated that they would eat their meals in the upstairs portion of the house because that was where the kitchen was. Ms. Gaglione then told the Board that she could not say for certain that there was not a kitchen in the basement, but that she had never seen one there.

Mr. Eric Hambrecht, 68 Meadow Avenue, Franklin Park, NJ, came forward and was sworn in. Mr. Hambrecht . Mr. Hambrecht testified that he lived next door to the Applicant and bought his house in 2004. He then stated that he knew Mrs. Welch briefly before she moved, but

couldn't say that he was ever in the basement. He told the Board that the only person going in and out of the basement was Mrs. Welch until she left. Mr. Hambrecht then testified that now there were different people going in and out of the basement all the time and for the past ten (10) years.

Mr. Peter Berger, 76 Meadow Avenue, Franklin Park, NJ, came forward and was sworn in. Mr. Berger indicated that he lived three (3) houses down from Reverend Cargill and never had any problems with her, but now she wanted to turn a ranch house into a two-family house and didn't believe it was ever constructed that way. Mr. Berger was concerned that if the Application gets approved, he would be looking at a dual lot across the street that could have a builder come in and construct two (2) two-family houses across the street from him.

Mr. Healey explained again that the Applicant had to prove that the two-family home existed before zoning came into effect in 1958 and would be grandfathered in only on that particular house on that particular lot. Mr. Healey reiterated that it was not going to change the zoning or the neighborhood in any way. A discussion ensued among the Board, Mr. Healey and Mr. Berger regarding his concerns.

Mr. Jack Green, 149 Bennington Parkway, Franklin Park, NJ, came forward and was sworn in. Mr. Green said that he moved into his home in 1988 and knew the Welch's. He indicated that the home was always a single family home. He wanted the Board to know that Reverend Cargill was online and was running an Airbnb in the home. Mr. Green noted that the traffic has increased and cars were parking all over the roadways there. He testified that he had never been in the home and didn't know what was in the basement, but that it was listed as a single family home (possible mother/daughter) in 2007 when Reverend Cargill purchased the home

Seeing no one further coming forward, Chairman Thomas indicated that the public portion of the meeting would be closed.

Chairman Thomas suggested that Reverend Cargill adjourn the hearing and see if she wanted to come back to provide the information that the Board needed, as suggested by the Board Attorney. He also suggested that Reverend Cargill have an attorney represent her.

Mr. Healey then stated that the Planning Dept. had been somewhat trying to advise Reverend Cargill as to what type of evidence she needed to present to the Board to help them make an informed decision, but not complete the Application for her. Mr. Healey again stated that it needed to be shown that there had been two separate dwelling units prior to zoning in 1958 and had been used consistently that way to the present.

The Board and Applicant agreed to adjourn the hearing - **CARRIED TO DECEMBER 6, 2018 – with no further notification required.**

DL - 12//28/2018

- **SURINDER & RANO SINGH / ZBA-17-00020**

Hardship Variance in which the Applicant was seeking a variance due to his going 1,070 sq. ft. over the previously approved impervious coverage at 3 Buell Street, Somerset; Block 83, Lot 1.04, in an R-20 Zone.

For the record, Attorney, Mr. Peter U. Lanfrit, Esq., stated that they had presented testimony for the Application in January of 2018. At that time, Mr. Lanfrit indicated that the matter was adjourned at that time because there were some engineering questions and that there had been numerous meetings between the Applicant and the Township. Mr. Lanfrit then told the Board that he recently received a letter from an adjoining property owner in the Township and that there were still some unresolved issues that he thought would be best attempted to be resolved by and between the two (2) parties rather than have them discuss at the Board level. Mr. Lanfrit then respectfully requested that the matter be carried to January 3, 2019 with an extension of time given. He added that they would be having some meetings with the Township staff and the two (2) parties to hopefully come to some sort of resolution. The Board and Applicant agreed to adjourn the hearing and it will be - **CARRIED TO JANUARY 3, 2019 – with no further notification required.**

DL - 01/31/2019

- **SOMERSET HOTEL, LLC / ZBA-18-00003**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Somerset Hotel, LLC. Site Plan w/Use Variance in which the Applicant wants to construct a 4-story, 128-room hotel in the northwest portion of the site with the existing hotel on the site remaining at 110 Davidson Avenue, Somerset; Block 467, Lot 1.01, in the C-B Zone.

Mr. Healey's Planning report detailed the items that needed to be addressed during the hearing as it related to the construction of the new, four (4)-story, 128-room hotel in the northwest portion of the site, with the existing hotel on the site to remain. Further detailing the project, the Planning report showed that the hotel was identified as a "Towneplace Suites" hotel which, upon review of the architectural plans (e.g., full kitchen in each room) and the townplacesuites.marriott.com website, would appear to constitute an "extended stay hotel". The report did note that extended stay hotels were a permitted principal use in the C-B Zone. The report went on to state that the additional approvals necessary included sub-division of the property into two lots, as follows:

- Proposed Lot 1.04: 3.248-acre lot – would contain the proposed new hotel.
- Proposed Lot 1.03: 10.729-acre lot – would contain the existing hotel.

Also discussed in the report was that the construction of the new hotel would entail associated modifications to the site, including modifications to parking lot layout, utilities, grading, lighting and landscaping. Listed below were the following variances that the proposal required:

- D(4) Floor Area Ratio (FAR): 0.4 permitted – 0.47 proposed (Lot 1.04)
- D(4) Floor Area Ratio (FAR): 0.4 permitted – 0.49 proposed (Lot 1.03)
- Parking: 879 spaces required – 659 spaces proposed

- Minimum Lot Area: 5 acres required – 3.248 acres proposed (Lot 1.04)
- Maximum Impervious Surface: 55% permitted – 70.9% proposed (Lot 1.03)
- Minimum Rear Yard Setback: 100 ft. required – 33.9 ft. proposed (Lot 1.04)

Mr. Lanfrit stated that the subject of the hearing that evening was the site that was known for many, many years as the Marriott, but had changed to many numerous flags over the years, with the latest being the Crowne Plaza Hotel. In 2013, Mr. Lanfrit indicated that the Applicant acquired the property and, in that year, the original plan was to renovate the existing hotel in phases and also come in for the Application for the new hotel. In starting to do the renovations and because it was a rather old hotel, they had to bring it up to code compliance and got to the point where they decided that they might as well just shut the whole hotel down and undertake the renovations. Mr. Lanfrit added that the original hotel had been closed since 2016, and by the time the renovations to the existing hotel would be finished, there would be \$25,000,000 invested into the property for renovations. He went on to explain that as part of the renovations to the existing hotel, there was in fact the removal of approximately 250 guest rooms. Mr. Lanfrit explained that there had been two (2) wings of the hotel closest to Davidson Avenue that had been removed. Additionally, he testified that all of the renovations that were taking place were being done with administrative approvals from the Township and with all permits obtained. Mr. Lanfrit stated that the original, renovated hotel would be opening, hopefully fairly soon, and that they were negotiating with one of the hotel chains to brand it, but don't have a signed agreement yet. Because of this, Mr. Lanfrit indicated that they would not be able to disclose the name of the hotel brand that evening, but could say that it would be a branded name hotel. Mr. Lanfrit went on to explain to the Board that when they took out the 150 hotel rooms from the existing hotel, the Applicant was proposing to replace those rooms with a new, four (4)-story, 128 room hotel, which was the subject of the Site Plan that evening. (Mr. Lanfrit corrected his earlier testimony when he told the Board that they had removed 250 hotel rooms and replaced it with the correct number of rooms removed of 150 rooms for the record). He told the Board that the new hotel would be an extended stay hotel, and would not be a full-service hotel like the existing, renovated hotel. He then drew the Board's attention to the fact that they were actually decreasing the number of hotel rooms on the overall site. With respect to the existing, renovated hotel, he told the Board that all of the common areas (the restaurants, the banquet rooms, the meeting rooms) would all be unchanged as it related to location and square footage and had already been redone and updated.

Mr. Kenneth Schoenfeld, Architect employed with PDS Architecture, 3608 SW First Avenue, Cape Coral, FL 33914, came forward and was sworn in. The Board accepted his qualifications. Mr. Schoenfeld indicated that they were on their third modification of a prototypical Marriott hotel, and the subject proposed hotel was a Marriott Towneplace Suites. Mr. Schoenfeld told the Board that they were proposing an "extended stay" facility with four (4) stories included. He then showed the Board an exhibit of an exterior view that was a prototypical Marriott product, which he indicated would be the design for the hotel they were proposing as well. Mr. Schoenfeld then explained to the Board what the term "extended stay" hotel meant, testifying that all the rooms would be equipped with a kitchenette area for a stay of at least a few days or however long the guest needed and wished to stay. He told the Board that he was not involved in the project for the existing hotel on the site, but could testify that the Towneplace Suites was a different project entirely with a completely different prototype. Mr. Schoenfeld then stated that any public spaces or amenities in the proposed

hotel would be solely for the use of the hotel guests. He testified that the first floor incorporated the common spaces of the hotel, as shown in the architectural renderings.

Mr. Reiss stated that he thought that the footprint of the proposed "extended stay" hotel was much larger than the two wings that were removed from the existing hotel on the site. Mr. Lanfrit stated that if they were to wait for the Site Engineer's testimony, he would see that they were reducing building coverage as well as impervious coverage on the site from when the original footprint of the existing hotel was there on the site.

Vice Chair Graumann asked for clarification as to what project plans they were looking at that evening. Mr. Lanfrit indicated that they were presenting the plans for the new "extended stay" hotel that was being proposed to add to the site. Mr. Lanfrit then confirmed that that was the Site Plan the Board was reviewing that evening and that the renovations were being appropriately handled administratively.

Mr. Schoenfeld then went through the first floor plans that included the common areas, including the front entrance, the lobby area, a buffet area and seating for continental breakfast, fitness room, laundry area, small meeting room as well as 23 rooms, with the balance of the hotel rooms on the second, third and fourth floors. He added that they also would have a fitness room and an outdoor swimming pool.

Mr. Reiss asked if there would be handicapped accessible rooms, and Mr. Schoenfeld answered in the affirmative.

Mr. Schoenfeld then briefly described the materials and colors that would be used utilizing a slide from the plan set showing the front and back of the building with signage. He told the Board that the building would be made of a block, pre-cast plain concrete floor with an exterior finish system that was a synthetic stucco product and cement panels for accent. He noted that the colors being used would be a light gray and tan tones. Mr. Schoenfeld then discussed the compatibility of colors between the existing hotel and the newly proposed hotel on site. He then told the Board that the mechanicals for the newly proposed hotel would be located on the roof and would be behind some of the higher elements on the roofline and would not be visible to pedestrians on the site or passing motorists. Mr. Schoenfeld testified that the signage would be on the front and the back of the new hotel. He did note, however, that their signage did exceed the 30 sq. ft. sign size allowed in the zone, but that it would make it much less visible. Mr. Schoenfeld stated that the taller letters in the sign were 2 ft. high and that distance from the lower "Marriott" to the upper is about 4.5 ft. and that the whole distance from Towneplace to the end of Suites is about 31 ft. He then testified that the entire sign would be approximately 146 sq. ft. He also told the Board that the proposed hotel did not front on Davidson Avenue, but sat back off the roadway.

Mr. Healey asked Mr. Schoenfeld to give his opinion of the proposed sign and its compatibility to the building design and scale of the building. Mr. Schoenfeld stated that it fit the upper plane of the building, which was put in place to not only screen the mechanicals but also to provide identification of the building and was proportionate to that element of the building.

Mr. Michael Ford, Engineer & Planner employed with Van Cleef Engineering, 32 Brower Lane, Hillsborough, NJ, came forward and was sworn in. The Board accepted his qualifications. He stated that the Applicant had first made their submission to the Board in 2014 even though he

was not personally involved in that at the time. He did testify that he came on board both to obtain some of the administrative approvals garnered for the existing hotel as well as preparing the Site Plan for the proposed hotel. Mr. Ford, utilizing Sheet 2 of the Site Plan that show the existing conditions on the site overlaid on an aerial photograph of the site. He then took the Board through what was on the site and what had already been removed from the subject property. Mr. Ford noted that the site was a triangular shaped property with frontage on three roads, including Rte. 287, Davidson Avenue and the on ramp to Rte. 287, and adjacent to an office building just to the north of the site. He detailed the location of the existing hotel on the site, which he explained was centered on the property, and showing the Board the pre-existing 3-story portion of the site that was removed and paralleling Davidson Avenue along with another “wing” portion just behind the 3-story portion and was also removed. He explained to the Board that the removal of a portion of the existing hotel manifesting into a net result in footprint of 25,000 sq. ft. less building coverage. Mr. Ford stated that the footprint of what was removed was smaller than what was being proposed for the new “extended stay” hotel.

Mr. Reiss then asked where the new hotel would be positioned on the site, indicating that the location would be in the area that backed up to the access ramp to Rte. 287 where there were two tennis courts located now.

Mr. Ford testified that what was behind the newly proposed hotel shown in green on the exhibit was an existing storm water management detention basin. He indicated that the new hotel would be placed over the area where the tennis courts were presently and taking some of the parking spaces located there. He said that they were not planning to add any additional parking spaces around the existing hotel. Mr. Ford then showed a patio area in the space where the portions of the existing hotel were removed and there was an outdoor hardscape area that had been approved through the administrative site plan process that was approved by the Technical Review Committee (TRC) that was about to go to construction. Mr. Ford then discussed the ongoing renovations of the existing hotel, noting that they were just about completed, with interior renovations done throughout and with the parking lot being enhanced, improved, repaired and restriped. He told the Board that those renovations and improvements were also vetted through the administrative site plan process. Mr. Ford then drew the Board’s attention to the new lighting that would be placed on-site with updated LED lights to provide proper lighting, but also to provide the lighting in a more efficient and economical way.

Mr. Ford then directed the Board’s attention to the newly proposed hotel that he said was basically aligned with the on ramp to Rte. 287 and showed the Board where the proposed sign would be placed at the top of the building over the main entrance. Vice Chair Graumann noticed that the signage would not really be noticed from Davidson Avenue from that distance, and Mr. Ford concurred and indicated that it would be about 500 ft. away from the roadway. He went on to state that there were two access drives from the site to Davidson Avenue and that they would be remaining and not moved. Mr. Ford then detailed some of the amenities that had been previously mentioned, noting their location on the site, including the outdoor pool at the rear of the new hotel, and showing the Board an access route that was being placed around the entire perimeter of the hotel for emergency vehicles.

Mr. Ford testified that refuse would be handled at the newly proposed hotel with a trash enclosure and would architecturally match the exterior of the hotel. He noted that the current

hotel on the site had an existing trash area that would remain unchanged. Mr. Ford then detailed the pedestrian access that they were providing between the two hotels, starting from the main entrance portico with a crosswalk to the new hotel. He then spoke to the actual net reduction in total impervious coverage between what previously existed on the site and what would now be on-site with the new hotel and the removal of a portion of the existing hotel (approximately 1/3 of an acre). Mr. Ford then stated that they had been through and were in the process of securing the Delaware & Raritan Canal Commission (DRCC) approval and had already agreed to the storm water management system design planned for the site. He did note, however, that there was a current storm water management system on-site at the present time that included an existing detention basin along the access to Rte. 287. Mr. Ford mentioned that the DRCC asked that the existing storm water management system be inspected, and when they did so, it was revealed that there were some needed maintenance and repairs that needed to be done. He testified that those would be undertaken should the Application be approved and that the upgraded system would serve the entire proposal that included both hotels on site. Mr. Ford also stated that there would be no adverse impact on the drainage since there was a net decrease in impervious coverage.

Mr. Ford then discussed the existing free-standing sign on the property at the main entrance, indicating that that sign would remain and no changes were proposed to the sign, including the size, which would remain the same. He added that it was the Applicant's intention to identify both hotels on the one free-standing sign.

Mr. Healey then brought up the fact that the plans that they had last reviewed, dated August 29, 2018, showed the free-standing sign in a non-conforming location. Mr. Ford stated that updated plans were sent in on October 5, 2018, but that they hadn't received a review on those yet. He indicated that the updated submission had already addressed many of the review comments that were received, including the correction in the location of that sign.

Mr. Lanfrit then clarified the situation, noting that they had been working on the plans for quite some time. He noted that there was a submission earlier in the summer that generated some staff reports. Based on the staff reports received, he indicated that they then made a re-submission on October 5, 2018 that addressed many, if not all of the comments in the staff reports, but realized that the Township Engineering Dept. and consultants hadn't had the time to review and report on the latest submission.

Mr. Ford then addressed Mr. Russo, the Township's engineering consultant's report, dated October 11, 2018, that was just received on October 17, 2018. He indicated that the October 5, 2018 re-submitted plans dealt with most of the comments contained in that report and that many of the comments in the October 11th CME report repeated many of the comments in their August 20, 2018 report. Mr. Ford indicated that any additional comments could be incorporated into a new set of revised plans and would not substantially change the plans that the Board was reviewing that evening.

Vice Chair Graumann then asked the Applicant to address comments #16 and #17 in CME's Engineering report, asking for a waiver from a checklist item requirement regarding the size of the sub-division map and site plan submission. Mr. Ford testified that he supplied those in a 30" x 42" size format to make the plans more readable since it was a very large site, and would be requesting a waiver from the checklist requirements.

Mr. Healey noticed that the consulting engineer's report contained an item, #15, related to parking being a minimum of five (5) ft. from a side or rear property line, but that the proposal did not include any new parking areas so he didn't feel a variance was needed there. Mr. Ford concurred with that testimony, noting that the parking there was remaining unchanged. Mr. Ford then suggested that the variance might have to do with the lot line being drawn between the two properties as a result of the requested subdivision and that go right through the middle of the parking area.

In addressing CME's Engineering report, Mr. Ford testified that they either had complied or will comply with all comments.

Mr. Ford then discussed the individual lots being requested, noting that the entire site was comprised of 13.98 acres. He did note that the size of conforming lots in the C-B Zone was 5 acres, however, he explained that the subdivision was being requested in the manner that it was presented was due to financing by separating the two hotels, which presently had the same owner. Mr. Lanfrit interjected by saying that the two hotels would be under two separate flags and managed separately, but there would be cross-access easements as well as cross-parking easements put in place that would be explained further by Mr. Ford. Mr. Ford then testified that there would be cross access easement that would allow for motorists and pedestrians to use the entire site unfettered as well as shared use of the parking areas on the entire site as well as shared utilities. He went on to state that one of the technical variances sought was a three (3)-acre lot for the new hotel, where five (5) acres was required. He also added that because the state highway ramp was considered road frontage, there was also required a rear lot setback variance for the existing hotel to their own parking lot. Mr. Ford also told the Board that there was a technical variance for impervious coverage, however, the actual net overall impact of the project would be to reduce impervious coverage on the overall site.

Vice Chair Graumann asked what the impervious coverage was presently on the site, and Mr. Ford indicated that they were just under 69% impervious coverage for the larger lot and that they would go down to about 66%. He then told the Board that because so much of the "green" space was going with the new lot with the new hotel, the smaller lot actually complied with the ordinance at 51% impervious coverage.

Mr. Healey then noted that they also required floor ratio variances and wanted to know if they could provide a similar comparison from what existed today or what previously existed as to what was being proposed. Mr. Ford reiterated that the building coverage square footage was being reduced by 25,000 sq. ft., but that the overall floor area on the site was being reduced by a little better than 67,000 sq. ft. He noted that today, the overall site had an overall floor ratio of .59 where .4 was allowed and the net result of that reduction would bring that down to about .49 and was fairly balanced between the two sites. Mr. Ford testified that the lot with the smaller hotel was .47 and the lot with the larger, existing hotel was .49.

For the Board's edification, Mr. Healey explained that floor area ratio was the amount of square footage for all of the building space on all of the floors in all of the buildings divided by the square footage of the lot. Mr. Ford then stated that the pre-existing floor ratio was .59.

Mr. Ford indicated that there were comments in Mr. Hauss' August 16, 2018 Fire Prevention report and that he would meet with him to satisfy all of his concerns as well as the comments from Mr. Cianfrani's Public Works report of 10/2/18.

Ms. Bergailo asked where the loading zone was located on the site for the new hotel. Mr. Schoenfeld, the Architect, indicated that loading zones would not be typical of a smaller hotel because the products coming in would not require larger vehicles that would require such a facility. In speaking of linen service, Mr. Schoenfeld stated that once the linens were delivered to the hotel, all of the activity surrounding that service would occur on site. He added that supplies for the hotel were dropped off by vans at the front of the hotel. Ms. Bergailo then asked how the trash was collected and brought to the trash enclosure. Mr. Ford showed the Board the way in which trash would be handled, utilizing the site plan shown on the screen in the meeting room. Mr. Ford stated that they could incorporate an extension to the fixed sidewalk back to the trash enclosure area for easier access and disposal as well as access to the rear parking area. Ms. Bergailo then stated that the on-site circulation seemed like it could be confusing for motorists to get around, and Mr. Lanfrit stated that they felt it would be appropriate to put a small directional sign in the island to direct people to the new hotel. Ms. Bergailo thought they should look for a more direct way for motorists to get to the new hotel. Mr. Lanfrit agreed that they would look to make things a little less confusing and put directional signs in the appropriate places.

Ms. Elizabeth Dolan, Traffic Engineer and Principal of Dolan and Dean, 181 West High Street, Somerville, NJ, came forward and was sworn in. The Board accepted her qualifications. Ms. Dolan indicated that she had prepared an initial report on January 15, 2018 as well as a subsequent report on September 4, 2018; and, after a meeting with Mr. Healey to discuss some traffic concerns, she then prepared yet another report, dated October 4, 2018. Ms. Dolan then testified that the two (2) hotels were two (2) different hotels and two (2) different products entirely. In calculating parking, Ms. Dolan stated that the two hotels were treated differently, specifically by the Institute of Transportation Engineers (ITE), because they were defined as either all suites or business hotel (new hotel) or a classic hotel for the existing hotel with the various amenities, meeting and banquet space.

To answer Mr. Shepherd's previous inquiry, Ms. Dolan testified that she had attended various social events at the existing hotel during her college years and had a wedding there and had attended another wedding there when it was a fully functioning Marriott Hotel. When preparing her analysis, Ms. Dolan testified what she considered when determining the parking requirements for the two (2) different hotels vs. the actual needs of those hotels, noting that the assumption was that both hotels would be 100% occupied. She also stated that the ordinance makes an Applicant look at the public space as well, including meeting/banquet rooms, restaurants, bar spaces, etc. and applies a ratio of 1.1 spaces applied to every hotel room as well as another added amount of parking based upon the capacity of the public spaces. Ms. Dolan stated that the calculations for the public spaces came out to be 1 parking space for every three (3) people, with full capacity in the public spaces totaling 1,150 people. She then noted that 1,150 people divided by three (3), the number of parking spaces needed for the public spaces came out to be 383 spaces. With a total of 426 hotel rooms between the two (2) hotels, the parking requirement was 469 spaces required. Realizing that she was reading off her September 4, 2018 report with the parking calculations and not from the most recent, October 4, 2018 report, Ms. Dolan then corrected her calculations. The calculation for

the 426 hotel rooms multiplied by 1.1 spaces was consistent with the 469 required parking spaces; however, they had re-evaluated the public spaces to 1,200 people, bringing the parking calculations for that component to 400 parking spaces required. Mr. Healey then stated that his parking calculation requirements in his report for the public spaces were based upon the Architect's calculation of 1,230 people (410 spaces). Ms. Dolan then drew the Board's attention to the fact that the calculations just discussed were proposed with the public spaces fully occupied at the same time all of the hotel rooms were 100% occupied as well. In reality, Ms. Dolan testified that, based on ITE data, 70% occupancy was typical in the hotels. She then also pointed out that the banquet room in the existing hotel could be broken down into five (5) rooms where a cocktail hour was held in one portion of the room and the dinner was then held in two other sections. She also stated that some of those attending the event could also be hotel guests and that people attending events or conferences there would be moving from room to room so that the public spaces would not necessarily be 100% occupied at all times. A discussion ensued regarding the calculations being done by assuming that all meeting rooms were fully occupied at the same time as well Ms. Dolan then testified that weddings or other social functions typically are held on Friday or Saturday nights, with the business meetings going on during the weekdays. Ms. Dolan told the Board that they were losing 50 parking spaces on the property as a whole, but that they were also reducing the number of hotel rooms on the site. Taking the total number of parking spaces that were there originally with the total number of rooms that were there originally, the calculations come out to 1.58 spaces per room. Ms. Dolan then told the Board that the ratio they were going to now was 1.55 spaces per room, a slightly lower amount of spaces available on the site. Based on ITE calculations and personal experience, Ms. Dolan indicated that the business hotel or "extended stay" suites-type hotel had a typical demand of .6 parking spaces per room, whereas a standard hotel had a demand of approximately 1.2 parking spaces per room. She added that one would typically expect a great demand at a full service hotel that has the amenities inclusive of the restaurant, meeting rooms and banquet rooms, etc. Ms. Dolan then explained some additional research done by the ITE that said that the average parking supply at full service hotels was at 1.3, with a typical demand of 1.2. She then pointed out to the Board that they had 1.5 parking spaces per room for all of the different kinds of rooms proposed on-site, and she felt that the ratio of parking was an excellent, comfortable and certainly consistent with the historic amount of parking that had been on the site.

Mr. Reiss opened a discussion regarding the deficit of parking spaces proposed for the site, and Ms. Dolan agreed that there was a deficit of 210 parking spaces according to the requirements of the ordinance. She went on to state that, based on the ordinance, there was a cumulative requirement, but that many ordinances recognize that a full service hotel had amenities and would have a parking ratio per room without an added requirement for the public space. Ms. Dolan then spoke about the evolution of transportation, whereby people travelling distances to a venue and travelling by train or airplane, often take Uber or Lyft instead of renting cars, and, in this case, the hotel was also providing shuttle service. She added that people were not as auto dependent as they were 10-20 years ago, and, therefore, help to reduce the parking demand.

Based on her review of the ITE numbers and her experience in analyzing other hotels, Ms. Dolan stated that she felt that there was more than enough parking on the subject site with the provision of 1.5 parking spaces per room overall and would expect the guests of the extended stay type hotel to also use the amenities at the full service hotel.

Chairman Thomas then opened a discussion regarding the possibility of people parking in other parking areas nearby. Mr. Lanfrit indicated that the hotel owner/manager would know in advance if both hotels were booked to their capacity and that there might be an issue with parking for a larger event in the ballroom. He added that they also had a shuttle service that could be utilized in order to transport people from other parking areas.

Mr. Reiss then asked if there was going to be valet service at larger events at the full service hotel, and Mr. Lanfrit answered in the negative at that time.

Mr. Caldwell then asked what the total reduction of parking spaces, and Ms. Dolan testified that there would be 50 less spaces on-site than what currently existed and a reduction of 22 rooms.

Mr. Healey then asked if the newly proposed "extended stay" type hotel might be utilized by guests attending a meeting, conference or event at the full service hotel. Ms. Dolan reiterated her earlier testimony by saying that typically an "extended stay" type hotel utilized a lower parking ratio, but that it might not happen that way in the setting with both types of hotels on the site. She added that that was why she was much more comfortable applying the 1.5 parking ratio for all rooms on the site.

Mr. Ford was then re-called briefly to give Planning testimony at the hearing. He indicated that he had previously reviewed the bulk variances that were being sought at the hearing that evening in his earlier testimony. He also reiterated that the bulk variances were created by the subdivision line that they were creating for the purpose of financing for the new hotel. He testified that there would not be any bulk variances being sought if not for the subdivision lot line being incorporated and that all variances were internal to the site and did not affect any other property. Mr. Ford also reiterated to the Board that there was a net reduction in the Floor Area Ratio (FAR) and impervious coverage from what was previously on the site to the proposed Application. Mr. Ford then testified that he didn't believe that any of the bulk variances would have a substantial detriment to the public good or to the surrounding properties. He then told the Board that he felt that they could grant the Floor Area Ratio (FAR) variance because it would not have any detrimental effect on the zone scheme or plan or affect any of the surrounding property values. Mr. Ford also stated that they were providing a more visually attractive layout by removing an older, outdated and non-functional portion of the existing hotel close to Davidson Avenue and replacing it with a more attractive, functional hotel further away from the roadway. Mr. Ford then testified that he felt that the Board could grant the parking variance that they were seeking because of the reports and testimony of Ms. Dolan that supported the facts within the report. He gave comparisons to religious institutions that had similar open spaces that needed to be considered for parking calculations. He also stated that there was a good distribution of parking around all sides of both hotels. Mr. Ford then asked the Board for a variance for the size of the sign to be mounted on the new hotel. He reiterated his earlier testimony, stating that the new hotel was so far away from the roadway that it would not have a negative visual impact to motorists travelling on Davidson Avenue, and stated that the size seemed appropriate for the size of the proposed building. Mr. Healey then gave his opinion of the size of the proposed sign, noting that the allowed size of the sign per the ordinance seemed to be more appropriate to signs in a shopping center with multiple tenants.

Mr. Healey then brought up two variances that were related to the creation of the subdivision. He told the Board that the lot proposed for the new hotel would not front on Davidson Avenue and would not have direct access, but that they were going to put in place cross access and parking easements to address that. Also, he stated that the proposed sign for the new hotel would be on the other lot and, therefore, created a new variance because you cannot have an off premises sign. Mr. Ford stated that all the variances Mr. Healey was referring to were created by virtue of the proposed lot line and would not be seen by the travelling public and would be addressed by the cross access easements. A discussion ensued among the Board.

Chairman Thomas then opened the meeting to the public for questions or comments.

Mr. Vincent Dominach, Township Economic Development Director, came forward and was sworn in. From a historical perspective, Mr. Dominach indicated that he had just been with the former Economic Development/Zoning Officer for 25 years and they specifically spoke about the Marriott Hotel site. He noted that every once in awhile, every site has some kind of incredible event that may affect parking, but there were never any complaints about the site before and always functioned well. Because there were a few less rooms and a few less parking spaces and the uses on the site, he felt that there might be less of a parking demand than before.

Mr. Healey then told Mr. Dominach that, technically, the Application required review from the Historic Commission. Mr. Lanfrit stated that they were before the Historic Commission and that they did not have any comments on the project.

Mr. Bill Connell, 25 Spring Street, Somerset, NJ, came forward and was sworn in. Mr. Connell. Mr. Connell asked whether the proposed building sign would be placed on the parking lot side or on the other side of the building as well. Mr. Lanfrit indicated that there would be a sign on each side of the building and that one would be viewable from the 287 overpass and the other would be seen from the interior parking area. Mr. Connell then wondered why they didn't subdivide the property in more equal parts so as to more closely comply with the zone requirements, especially since it would be operating as one site. Mr. Ford explained that subdividing the property where proposed actually coincides with the intensity of each of the uses.

Mr. Healey then reminded Mr. Ford that the property was supposed to be set back 5 ft. from the property line, and since the property line ran through the parking lot, there was no accommodation for the 5 ft. setback.

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

Mr. Lanfrit then gave his closing arguments, noting that a small upgrade turned into a modern, updated hotel.

Vice Chair Graumann made a motion to approve the Application with Variances as well as the two (2) waivers that were requested. Also required was to better align the driveway for

access to the new hotel and appropriately sign it for better way finding without affecting the parking count. Additionally, a sidewalk connection would need to be made to the trash enclosure. Mr. Shepherd seconded the motion and the roll was called as follows:

FOR: Vice Chair Graumann, Mr. Johnson, Mr. McCracken, Mr. Shepherd, Mr. Caldwell, Mr. Rosenthal and Chairman Thomas.

AGAINST: None

WORK SESSION/NEW BUSINESS

There was no work session or new business discussed.

MEETING ADJOURNED

Mr. Shepherd made a motion to adjourn the meeting at 9:55 p.m. Mr. McCracken seconded the motion and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
November 19, 2018