

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

**REGULAR MEETING
December 12, 2018**

The regular meeting of the Township of Franklin Planning Board was held at 475 DeMott Lane, Somerset, New Jersey and was called to order by Chairman Orsini at 7:30 p.m. The Sunshine Law was read, the Pledge of Allegiance said and the roll was taken as follows:

PRESENT: Carl Hauck, Alex Kharazi, Robert Mettler, Mustapha Mansaray, Jennifer Rangnow, Godwin Omolola and Chairman Orsini

ABSENT: Cecile Maclvor, Charles Brown and Robert Thomas

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

MINUTES:

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

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

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

AGAINST: None

- **Regular Meeting – November 7, 2018**

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

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

AGAINST: None

RESOLUTIONS:

- **PSE&G / PLN-18-00011**

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

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

AGAINST: None

DISCUSSION:

Vouchers:

- **Clarkin & Vignuolo – December Retainer – \$833.33**

Mr. Mettler made a motion to approve the Voucher as submitted. Mr. Omolola seconded the motion and the roll was called as follows:

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

AGAINST: None

Minor Subdivision Committee:

- **Segeme Franklin, LLC – PLN-18-00014 – Minor Subdivision Committee Decision**

Mr. Healey explained that they had a Minor Subdivision of the Tara Greens Property, a roughly 130-acre property that was subdivided into two large lots. He then told the Board that both lots were fully conforming to the ordinance and, therefore, went before the Minor Subdivision Committee. Mr. Healey also stated that the Technical Review Committee (TRC) had reviewed the plan prior to that and had a number of technical comments that the Applicant needed to address and which were incorporated into the Committee's Resolution, which was adopted by the Committee earlier that evening. Mr. Healey then told the Board that they did expect a subsequent Site Plan Application on one of the lots, but that it was not the subject of the subdivision that was before the Committee.

PUBLIC COMMENTS:

Chairman Orsini then opened the meeting for any public comments that were related to Planning that was not already the subject of a separate hearing or discussion that evening. Seeing no one coming forward, Mr. Mettler made a motion to close the public hearing.

HEARINGS:

- **ADRIANO COLLEONI / PLN-18-00013**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Adriano Colleoni. Mr. Lanfrit explained that they were before the Board that evening for a Minor Subdivision w/Variations in which the Applicant seeks to subdivide the site into two lots – remaining lot 6,250 sq. ft. and proposed lot 6,250 sq. ft. Original lot will contain the existing home, and new lot proposes a new single family home at 113 Martin Street, Somerset; Block 228, Lot 1.01, in an R-7 Zone.

Mr. Healey's Planning report indicated that the following conditions would occur with an approval of the subdivision, as follows:

- "Remaining Lot 1.01" – 6,250 sq. ft. in size with 62.50 ft. of frontage (corner lot)
- Proposed Lot 1.02 – 6,250 sq. ft. in size with 62.50 ft. of frontage (interior lot).

Per the plans, the existing home on "remaining Lot 1.01" would be retained while the new, single-family home would be constructed on proposed Lot 1.02, which would be served by public sewer and public water.

The report then detailed the variances that would be required.

- Lot Area: 9,000 sq. ft. minimum required (corner lot) – 6,250 sq. ft. proposed ("remaining Lot 1.01")
- Lot Area: 7,500 sq. ft. minimum required (interior lot) – 62.50 ft. proposed (proposed Lot 1.02)
- Lot Frontage: 90 ft. required (corner lot) – 62.50 ft. proposed ("remaining Lot 1.01")
- Lot Frontage: 75 ft. required (interior lot) – 62.50 ft. proposed (proposed Lot 1.02)
- Front Setback: 25 ft. required – 9.6" and 11.3" existing house on "remaining Lot 1.01"

Mr. Lanfrit described the existing dwelling on the property, noting that it dated back to roughly 1920. He added that the Applicant purchased the property approximately a year and a half ago and obtained building permits to rehab the property, which was an "eyesore". Upon acquiring the property, Mr. Lanfrit stated that the Applicant had set

about renovating the existing single-family home. He told the Board that the Application before them that evening was to create a Minor Subdivision to keep that lot and to build a new single-family dwelling adjacent to it.

Mr. Kurt Ludwig, Architect, 77 North Main Street, Milltown, NJ, came forward and was sworn in. Mr. Ludwig discussed the existing conditions of the property when the Applicant acquired the property. He noted that the property had been neglected and overgrown with high grass, weeds and trees as well as a broken down car in the rear of the property. Mr. Ludwig also testified that the interior of the home was very dirty and that there was a crushed sewer pipe that was leaking gas. Mr. Ludwig then marked into evidence as Exhibit A-1, a series of photographs (4 exterior and 2 interior) of the property that represented the condition of the property when the Applicant first acquired it. Mr. Ludwig went on to describe the current home as a "raised ranch" style home with two levels, but with the first level somewhat sunk into the ground with living space on two stories. He noted that the existing home had three (3) bedrooms with a footprint of 676 sq. ft. and that the Applicant was in the process of rehabbing the home on the same 676 sq. ft. footprint with improvements in order to inhabit it himself. Mr. Ludwig then entered into the record as Exhibits A-2, A-3 and A-4. He described Exhibit A-2 as showing three (3) floor plans for a single family two-story home on basement construction that included a basement floor plan as well as a first floor and a second floor plan. He then detailed the different rooms and amenities to be included on each floor, noting that the upper floor would contain the three bedrooms, two bathrooms and a laundry room. Mr. Ludwig testified that the approximate size of the footprint of the proposed home was going to be 1, 145 sq. ft. He also told the Board that he felt that the proposed home was compatible in size to the other newer homes in the neighborhood. He then went on to discuss Exhibit A-3, which showed the four (4) exterior views of the proposed home that would include a gable roof running front to back, with vinyl siding, vinyl clad wood windows and a dimensional roof shingle in a traditional style. He noted that they were going to make the home 35 ft. tall, which would be zone compliant as per a comment in the Planner's report. Mr. Ludwig then showed the Board Exhibit A-4, which showed a 3-dimensional rendering of the proposed home showing the front porch and garage. He then testified that the home would be constructed with vinyl siding in the gray family. Mr. Ludwig indicated that they would have no problem making it a condition of any approval that the applicant building the new home exactly as shown in the exhibits.

Mr. Ronald J. Sadowski, Engineer, 10 Edward Avenue, Edison, NJ, came forward and was sworn in. The Board has accepted his qualifications. Mr. Sadowski then entered into the record as Exhibit A-5, a colorized site rendering of the overall Site Plan. Mr. Sadowski then described the site that was the subject of the Application before the Board that evening. He noted that the lot in question was a single-family 12, 500 sq. ft. corner lot at the corner of Martin Street and Pershing Avenue in the R-7 Zone. He then explained that the existing home encroached into the front yard setbacks on both frontages, but otherwise the lot was compliant for the zone and noted that the ordinance required 9,000 sq. ft. for a corner lot. Mr. Sadowski then told the Board that they were proposing to subdivide the property, creating two lots of 6,250 sq. ft., which would be

undersized for the zone. He then told the Board that there were the existing non-conformities with the existing home, including front yard setbacks. Should the subdivision be granted, Mr. Sadowski indicated that there would also be the need for a lot frontage variance for both lots, but that they were conforming to the side lot requirements of the zone. He then told the Board that the newly created lot of 6,250 sq. ft. would also require variances for lot area and lot width, but met the criteria for all other bulk variances. Mr. Sadowski then drew the Board's attention to the fact that there were 33 ft. between the two homes, but that the new home would be set back further from roadway to be compliant, with slightly more than 31 ft. from the home to the rear yard setback, with a 20 ft. requirement in the zone. He then told the Board that there was approximately 63 ft. to the rear of the existing home.

Mr. Healey then inquired if there were any staff comments that the Applicant would not be able to comply with. Mr. Lanfrit indicated that they would be able to comply with all staff comments with the exception to the one regarding sidewalks, curbing and street trees since there were no sidewalks or curbing in the area and would be requesting a waiver. He did state, however, that they would be able to place street trees along the frontage of Martin Street. Chairman Orsini asked if they would also be replacing any trees that were being removed, and Mr. Lanfrit indicated that they would replace the one (1) tree they were removing as well as the three (3) street trees.

Mr. Mettler noticed that there was no garage associated with the existing home, and asked if there was a plan to add one to the property. Mr. Lanfrit stated that there was no plan to add a garage at that time.

Mr. Kevin O'Brien, Planner, Madison House, Suite B, Madison Avenue, Rahway, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. O'Brien then went on to explain why they were before the Board that evening and the variances they were seeking, including minimum lot size and lot width. He then entered into the record as Exhibit A-6, which was a colorized area map and Exhibit A-7, which was an aerial view of the property. Copies were passed out to all Board members of the two exhibits for their edification. Mr. O'Brien then discussed the uniqueness of the existing home being a 100 year old dwelling that fit the character of the neighborhood as it was back in the 1920's. He then detailed the conforming and non-conforming lots in the area that dated back to possibly the 1920's-1940's and included some newer homes. Specifically, he pointed out that there were 16 of 30 properties shown on the area map that were not conforming to lot width or lot area. He pointed out lots on Lewis Street that were very deep, but noted that there were several 0 ft. lot line subdivisions in that area along with some that only include 50 ft. wide lot patterns with homes of similar size to what currently existed on the corner lot in question. Mr. O'Brien indicated that by filling in the gap that existed between the corner lot home and the other homes on Martin Street, it created a situation that met the existing character of the neighborhood. He then noted that the other option would be to put a very large home with a 2,000 sq. ft. or more footprint on the existing 12,500 sq. ft. corner lot. Mr. O'Brien then told the Board that he felt that the two smaller homes on 6,250 sq. ft. lots were much more in keeping with the character of the neighborhood. He then testified that the newly proposed home

would comply with the front yard setback, unlike most of the homes in the neighborhood. Mr. O'Brien then listed the benefits of the subdivision, including street trees and the close proximity to Hamilton Street and walkable to provide two (2) additional families to join in with supporting the local businesses in the area. He also noted that the renovation of the existing home would also have a positive effect on the neighborhood by removing the eyesore that currently existed on the property. He then discussed the guidance given by the Township's Master Plan in relation to the proposal, including the maintenance of diversity of housing while also encouraging in-fill and stabilization of current residential areas rather than continuing sprawl patterns of development. Additionally, there was a section that encouraged new construction and renovation as well as the subdivision of larger lots that he feels the proposal supports. Mr. O'Brien then discussed how the proposal supported several passages of the Municipal Land Use Laws of the Township and the enhancement to the existing neighborhood by rehabbing an existing dwelling and adding an additional single family home. Mr. O'Brien then drew the Board's attention to looking at the proposal with a C-2 standard, that the benefits outweigh the detriments, that they would see that what was before them was a better zoning alternative than a more conforming design. He testified that he did not see any negative impacts to the neighborhood or surrounding properties and that the Application could be granted without substantial detriment to the public good or without substantial impairment of the zone plan.

Mr. Healey asked Mr. O'Brien to speak to the degree to which the size and the design of the proposed home supported his opinion. Mr. O'Brien noted that the footprint of the newly proposed home was going to be 1,100 sq. ft. and pointed out on the aerial photograph in Exhibit 7 several other newer homes of the same size in the neighborhood. He also noted that the lot for the new home was going to be a long lot and that the home would not going to be visible from the sides. Mr. O'Brien then pointed out that the new home's width was going to be 29 ft. wide, which was comparable to those in the area. Mr. Healey then pointed out that there were also existing, non-conformities to the existing home and that the testimony given that evening included the fact that the Applicant was not planning on expanding the footprint of that home. He wanted to note that should an owner ever want to expand the home any further into the front yard setback, then they would have to go before the Zoning Board for another variance.

Mr. Lanfrit then gave his summation to the Board.

Mr. Mettler then made a motion to open the meeting to the public for questions and comments. Chairman Orsini 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. Chairman Orsini seconded the motion and all were in favor.

Mr. Mansaray stated that he lived two houses down the street from the lot in question and noted that he did not get notice of the hearing. Mr. Lanfrit indicated that they did notice correctly for the hearing. A discussion ensued among the Board and the Board Attorney, Mr. Vignuolo. Mr. Mansaray then recused himself from voting on the matter.

Mr. Mettler made a motion to approve the Application, with the stipulation that what the Planner had suggested about the variances for the existing home be included. The motion was seconded and the roll was called as follows:

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

AGAINST: None

COMMITTEE REPORTS

No reports were discussed.

WORKSESSION/NEW BUSINESS:

- **Payment of Invoices (Discussion)**

Mr. Healey discussed the current way that invoices were handled, stating that the bills that come in to be paid out of their budget was that they weren't paid until the Planning Board voted on it. He then told the Board that there was a new law that if towns don't pay vendors within 60 days, they were automatically subject to pay interest on the invoices. Mr. Healey indicated that they wanted to do everything possible to avoid that situation because it is extra money coming out of the budget, but because it was also an administrative headache that they wanted to avoid. Mr. Healey then detailed the proposal that he offered to Chairman Orsini regarding the monthly escrow invoices that were the main type of invoice approved at the meetings. He went on to state that the monthly escrow invoices were part of the contract that the Planning Board approved at the beginning of the year anyway for the Board Attorney monthly fees and also gets put on the Council bill list. He suggested that rather than waiting for the Board to approve the invoices, essentially for a second time, he would inform the Chairman and then the Chairman could authorize it for the Board and then staff could process those bills. He went on further to say that at the next Board meeting, they would include those invoices in the agenda packet so that all Board members know what bills were paid in the month or two months prior. A discussion ensued among the Board members. Mr. Healey then determined that it did not require a vote as he was seeing head nods from Board members, but told the Board that they were going to change the by-laws of the Planning Board which would be presented to them at the January reorganization meeting. Mr. Healey then added that they would vote on the issue at that time.

Mr. Kharazi opened a discussion about the possibility of having two authorization signatures instead of one. Chairman Orsini stated that most of the invoices come from the Board Attorney and/or developers, which come out of the developers' escrow anyway. Board Attorney, Peter Vignuolo, indicated that there was an additional "check"

for anything coming out of a developer's escrow. He told the Board that the Applicant, themselves, could challenge any bill that he submitted that would go to a hearing.

- **New Forms**

Mr. Healey stated that these would be incorporated into the Land Development Ordinance, indicating that they were updating and significantly streamlining the forms that were used, i.e., variance application forms, site plan application forms, subdivision application forms, etc., some of which were 25 years old. He then told the Board that they had received a copy of the different forms in their packet and were prepared by his office, Mr. Dominach reviewed them based upon his extensive experience with zoning and had comments and were currently being reviewed by the Technical Review Committee (TRC) to see if there were any additional comments or suggestions from them. Mr. Healey stated that the plan was to introduce the ordinance for adoption in January, which will then be formally referred to the Planning Board and hopefully adopted in January or February.

Ms. Rangnow opened a discussion as to whether the forms would be put into a pdf format or put onto Google docs so that there would not be so much paper to be printed. Mr. Healey then stated that they would be put onto the Township website, but would not be electronically submitted.

Mr. Healey then explained the checklist, indicating that for the various different types of applications, the information, analyses and reports that needed to be provided, there wasn't going to be any new information that needed to be provided. He added that they were also trying to make things consistent between the different forms and how many copies needed to be provided of those checklist items.

- **Digital Sign Ordinance**

Mr. Dominach then introduced the draft Digital Sign Ordinance that they wanted to forward on to the Township Council. He indicated that it would be referred back to the Planning Board for final review. Mr. Dominach then explained that the ordinance allows for digital signage for schools, firehouses, first aid squads, public libraries and federal, state and local governments. He added that those digital signs he just mentioned would have to be in conformance with the existing digital sign ordinance, including the signs, locations, etc. Mr. Dominach stated that they still would not be allowed to smoke, rotate or move. He told the Board that the ordinance before them was to allow public entities to have these types of signs to educate the public in a greater and much quicker manner

Mr. Kharazi then opened a discussion regarding the inclusion of houses of worship to be included with the ordinance, and Mr. Dominach indicated that they would not be included at this time.

Mr. Mettler then asked if political advertising would be something that would be allowed. Mr. Dominach indicated that the municipal buildings nor schools could not allow that since it was against the law and didn't feel that any other uses would do that because of the funding that they require. Mr. Vignuolo, Board Attorney, then gave his legal opinion, stating that it would be contrary to what the digital signage was for, i.e., the ability to advertise the business that existed on the site or pass along information that was relevant to the purpose of the entity.

Mr. Dominach then stated that unless any Board members had issue with the draft ordinance, they would be introducing it to Council in January and would be referred back to the Planning Board in the normal course of business. All Board members were in agreement.

EXECUTIVE SESSION:

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

ADJOURNMENT:

Vice Chair MacIvor made a motion to adjourn the regular meeting at 8:28 p.m. Mr. Mettler seconded the motion and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
January 9, 2019