

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

**REGULAR MEETING
January 16, 2019**

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 Board Attorney, James Clarkin, at 7:30 p.m. The Sunshine Law was read, the Pledge of Allegiance said and the roll was taken as follows:

PRESENT: Councilman Chase, Carl Hauck, Robert Mettler, Mustapha Mansaray, Robert Thomas, Jennifer Rangnow, Godwin Omolola and Chairman Orsini

ABSENT: Alex Kharazi, Cecile MacIvor and Charles Brown

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

OATH OF OFFICE:

The Oath of Office was given by Board Attorney, Mr. James Clarkin, prior to the start of the meeting to those members listed below:

- **Charles Brown**
- **Theodore Chase**
- **Carl Hauck**
- **Godwin Omolola**

REORGANIZATION:

- **Nomination/Selection of Chairperson**

Mr. Omolola made a motion to nominate Dr. Michael Orsini for Chairperson. Mr. Mettler seconded the motion. Board Attorney, Mr. Clarkin, asked for any additional nominations, and hearing none, the roll was called as follows:

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

AGAINST: None

- **Nomination/Selection of Vice Chairperson**

Chairman Orsini made a motion to nominate Ms. Cecile MacIvor for Vice Chairperson. Councilman Chase seconded the motion. Chairman Orsini asked for any additional nominations, and hearing none, the roll was called as follows:

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

AGAINST: None

- **Appointment of Board Attorney**

Chairman Orsini indicated that they had one RFP from the firm of Clarkin and Vignuolo and, according to the by-laws, they were required to interview the candidates. Chairman Orsini then asked Mr. Clarkin if he was able to act as the Planning Board Attorney, and Mr. Clarkin answered in the affirmative for both himself and his partner, Mr. Peter Vignuolo. Chairman Orsini then opened the meeting for questions from the Board and, seeing none, made a motion to nominate the firm of Clarkin & Vignuolo as Planning Board Attorney for the Township of Franklin. Mr. Mettler seconded the motion and the roll was called as follows:

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

AGAINST: None

- **Witness Oath – Director of Planning, Mark Healey**

Planning Board Attorney, Mr. James Clarkin, administered the Witness Oath to Mr. Healey.

MINUTES:

- **Regular Meeting – December 12, 2018**

Chairman Orsini made a motion to approve the Minutes as submitted. Councilman Chase asked for a correction to be made to the Minutes noting that he was not listed as present or absent for those proceedings, noting that he was absent from that meeting. Chairman Orsini then made a motion to approve the Minutes as amended. Mr. Omolola seconded the motion and the roll was called as follows:

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

AGAINST: None

RESOLUTIONS:

- **2019 Calendar**

Chairman Orsini made a motion to approve the 2019 Calendar as written. Ms. Rangnow seconded the motion and all were in favor.

- **500 Pierce Street, LLC / PLN-18-00012**

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

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

AGAINST: None

- **Somerset Properties / PLN-08-00015**

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

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

AGAINST: None

- **Shehata & Chen / PLN-18-00002**

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

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

AGAINST: None

DISCUSSION:

- **Bi-Laws**

Mr. Healey explained that the bi-laws were relatively straightforward and provided in the Board's packet that evening. He noted that the first change under the category of Order of Business just re-orders the outline of the agenda for the Board to coincide with the order of the actual agendas in 2019. He then drew the Board's attention to the section, entitled Minor Subdivision Committee. Mr. Healey stated that, in reviewing the bi-laws, he noticed that that section described the Minor Subdivision Committee and their role. He then noted that under the ordinance, the Minor Subdivision Committee can actually approve a minor subdivision that did not have any variances. Additionally, he stated that in the bi-laws, it said that the Minor Subdivision Committee reviews it and then recommends to the Board, but that it was not the way the Board had done that for the last ten (10) years or more because they were following what was in the ordinance. Lastly, under the section entitled Listing of Vouchers Paid, Mr. Healey indicated that it reflected a discussion the Board had the previous month regarding the change in the law (Prompt Payment Law) that required the Township to pay vouchers within 45 days rather than having items put on the Planning Board's agenda for approval before payment was made. He noted that that would allow staff to pay the vouchers after notifying the Chairperson to that effect. Mr. Healey stated that afterwards, they would put notification of those payments on future agendas so the Board was aware of the bills being paid on their behalf. Mr. Healey explained that the rest of the bi-laws would remain unchanged.

Councilman Chase opened a discussion regarding the fact that the Public Comments portion of the agenda seemed to have now been placed after the hearings section. He expressed his opinion that he felt that the public portion should be placed before the hearings section so that the public did not have to wait through all of the hearings to make a public comment on something not related to any of the hearings. A discussion ensued and Mr. Healey indicated that he would put the Public Comments section of the meeting as item “e”, after the resolutions and before discussion items.

Mr. Clarkin then discussed whether the Township had a checklist, and Mr. Healey indicated that it was part of the development ordinance. Mr. Clarkin then discussed changes that seemed to have been suggested, but Mr. Healey explained that those were from an earlier draft and that the only changes being made to the bi-laws were what was shown on the sheet provided to the Board members and him that evening and were just discussed. Mr. Clarkin then explained that in section 2.1.2, he felt the sentence, “the Board reserves the power to request additional information not shown on the application plans at time of hearing” should be kept in, but also felt that they should include the words, “consistent with the checklist requirements” due to a recent case on the checklist. A discussion ensued.

Councilman Chase then again spoke of the order of business section, noting that there was the listing of vouchers paid at the very end and, specifically, after Executive Session. The Councilman stated that he felt that at the very least, Executive Session should be the last item in the order of business since the tape was shut off at that point in the meeting. He then suggested that vouchers paid should be right up with the discussion items. A discussion ensued, and Chairman Orsini stated that it was consistent with the decision not to individually approve vouchers such as Planning Board Attorney fees every month due to the 45-day payment requirement. It was agreed to move the section regarding Listing of Vouchers Paid and move it to the Discussion Items section.

Chairman Orsini then made a motion to accept the changes discussed to the bi-laws and the motion was seconded. The roll was called as follows:

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

AGAINST: None

PUBLIC COMMENTS:

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

COMMITTEE REPORTS

No reports were discussed.

WORKSESSION/NEW BUSINESS:

- **Various Zoning Map Amendments**

Mr. Healey explained that the proposed ordinance would change the zoning in three (3) different areas based upon the recommendations made with the 2016 Master Plan Re-examination. He noted that the three (3) proposed changes were included in the ordinance because the recommendations didn't necessarily require additional analysis and study. Mr. Healey indicated that the first area was within the Canal Walk development and explained that when the Senior Citizen Village district (SCV) was created in the 1990's, it rezoned the entire area bounded by Schoolhouse Rd., Weston Canal Rd., Mettlers Rd. and Weston Rd. as such. He went on to state that the entire block of properties were not all developed as Canal Walk, and that there were 13 properties, most of which had homes built on them, that were included in the SCV Zone but did not have any effective zoning associated with them. Mr. Healey went on to explain that most of those 13 properties were originally in the A-Agricultural Zone, a low-density zone, before they were included in the SCV zone. He stated that the recommendation from the Master Plan Re-examination was to place those properties back into the A-Agricultural Zone, which would be consistent with the surrounding properties.

Mr. Mettler expressed his concern that most of the lots in question would not be conforming to the A-Agricultural Zone and that the property owners would have to get a variance to do almost anything on their property. A discussion ensued, and Mr. Healey stated that there was just not any good solution to that issue and that that was the situation they were in prior to the rezoning. He added that it did help the situation for those properties because right now they were considered non-conforming uses in the SCV Zone and the change would put them in a zone where single family dwellings were permitted and didn't create any new non-conformities than before the rezoning. A discussion ensued among the Board.

Councilman Chase then introduced the idea that the properties be converted to the R-40 standards since most of them were not able to conduct any farming due to their size and would make some of the properties conforming to the requirements of the zone. A discussion ensued, and Mr. Healey suggested that some of the larger lots would conform to the A-Agricultural Zone, but rather than put the smaller properties in lot specific zones, they could amend the SCV Zone to state that isolated lots not part of the development would be subject to the R-40 requirements. A discussion ensued and the Board was in agreement to have staff make the suggested changes to the zoning map and introduce it to Council. Mr. Healey indicated that he would look into Lots 8 & 9 and

report back to the Board at the next meeting as to their lot sizes and what zoning was recommended.

The next area of proposed change was for the areas designated as Open Space or Farm Preservation could be put in the appropriate low-density zoning districts. Mr. Healey indicated that Lot 1.03 (southeast corner of Mettlers/Weston) was acquired by the County for Open Space, so the recommendation was to take that parcel out of the ROL Zone and put it in the A-Agricultural zoning district to reflect the fact that it was now preserved. The Board all agreed that it was pretty straight forward and were agreeable to the suggestion of re-zoning.

Mr. Healey then introduced the last proposed change, which was in the neighborhood at the end of Gates and Ellison Roads. He told the Board that the majority of that neighborhood was in the R-40 Zone and that most of the properties at the end of both roads were undeveloped, but zoned R-20. Mr. Healey stated that he felt that it was an error on the zoning maps that needed to be corrected, especially since those lots were the most environmental constrained portion of the neighborhood because of the stream and had slopes on them. He then told the Board that the Master Plan Re-examination recommended that those lots be put in the R-40 Zone like the rest of the neighborhood.

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 8:11 p.m. Mr. Mettler seconded the motion and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
January 31, 2019