

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

**REGULAR MEETING
April 17, 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 Chairman Orsini, at 7:30 p.m. The Sunshine Law was read, the Pledge of Allegiance said and the roll was taken as follows:

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

ABSENT: Meher Rafiq, Cecile Maclvor, Charles Brown, Robert Thomas and Godwin Omolola

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

PUBLIC COMMENTS:

Mr. Mettler made a motion to open the meeting to the public for all comments and questions related to planning items not being discussed that evening. Councilman Chase 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 and was seconded by Councilman Chase. All were in favor.

HEARINGS:

- **3 RONSON, LLC / PLN-19-00004**

Ms. Donna Jennings, Esq., Attorney, with the law offices of Wilentz, Goldman & Spitzer, appeared before the Board on behalf of the Applicant, 3 Ronson, LLC. She explained that they were seeking approval for a Site Plan with "C" Variance in which the Applicant was proposing to construct a 3,000 sq. ft. fast food restaurant with drive-thru and a drive-up ATM facility at 1165 Route 27, Somerset; Block 88.01, Lot 43, in the G-B Zone.

Ms. Jennings explained that the proposal for the fast food restaurant was in an existing retail shopping center and involved associated modifications to the parking lot layout,

grading, utilities, landscaping and lighting. She indicated that the Applicant was seeking Preliminary Major Site Plan approval with respect to the fast food restaurant with drive-thru and Preliminary and Final Major Site Plan approval with respect to the drive-up ATM. Additionally, Ms. Jennings testified that the Applicant was seeking a minor variance to deviate for the maximum impervious coverage requirement, where 70% was permitted and 70.82% was proposed. She then indicated that the record shows that the Applicant has satisfied both the positive and the negative criteria for the granting of the variance request.

Ms. Jennings then detailed the following reports that were received in relation to the Application, i.e., Planning/Zoning report, dated March 8, 2019, CME Associates Engineering report, dated March 18, 2019, the Police/Traffic Safety Bureau report, dated March 13, 2019, the Public Works report, dated March 18, 2019, Fire Prevention report, dated March 19, 2019 and the Sewerage Authority report, dated March 19, 2019.

Mr. Anthony Gallerano, Site Engineer/Planner, employed with Harbor Consultants, Inc., 320 North Avenue East, Cranford, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Gallerano then described the site and the area surrounding the site. Mr. Gallerano then referred to the screen that showed an aerial photograph where he had outlined the proposed property. He entered the exhibit into the record as Exhibit A-1. He then discussed the adjoining lots, noting that the subject property was located at the intersection of Veronica Avenue and Route 27. Mr. Gallerano showed the Board that New Brunswick Township and North Brunswick Township were across the street on the other side of Route 27 from the subject property. He explained that the subject property was situated in the General Business zone (G-B), with the bulk of the properties being office or commercial properties and noted that the four (4) corners of the intersection each contained a gas station. Mr. Gallerano testified that the site was a 5 acre lot, which was oversized property in the zone, with a requirement of 80,000 sq. ft. He stated that the subject property actually had 217, 811 sq. ft. Mr. Gallerano then drew the Board's attention to an additional exhibit showing a colorized version of the Site Plan, and entered into the record as Exhibit A-2. He described the property as currently containing two (2) buildings with two (2) access points – one to Route 27 and the other to Veronica Avenue. He then explained that the exit to Route 27 was a right turn only and that the driveway to Veronica Avenue was a full two-way driveway. Mr. Gallerano then described what he stated would exist in any shopping center, including an improved parking area with curbing, lighting, landscaping and refuse areas as well as some green areas. He then drew the Board's attention to the location of the storm water basin at the northwest corner of the property that picked up all of the drainage from the site and was installed with the original shopping center in the id- to late-1980's.

Mr. Gallerano then discussed the Applicant's proposal, which was to include two improvements to the site that included a fast food restaurant with drive-thru lane pad site containing 3,000 sq. ft. as well as a stand along ATM kiosk, both of which would be located along the frontage of Veronica Avenue. He then stated that they were only asking for preliminary approval at that point because there was no specific tenant

selected for the pad site at the present time. He noted that the fast food restaurant would have both a drive-thru and a bypass lane that would be accessed through the parking area. Mr. Gallerano noted that there would be an obvious modification to the existing parking area in that location to accommodate both the ATM kiosk as well as the drive-thru. He noted that they were seeking both Preliminary and Final Site Plan approval for the drive-thru. Mr. Gallerano then went on to detail the inclusion of a masonry dumpster, and he testified that they would construct that to match the exterior of the building. He explained to the Board that there was also going to be a paver sidewalk that extended from the corner of Veronica Avenue and Route 27 in order to provide ADA access from the intersection to the 3,000 sq. ft. building. With respect to the drive up ATM machine, Mr. Gallerano indicated that they were requesting both preliminary and final site plan approval. He told the Board that there would be a drive up lane that would be accessed from the parking area that would have a small canopy over the top for the dispensing area. Mr. Gallerano noted that they would provide striping and a 10 ft. wide drive up lane for access to the ATM machine.

Mr. Gallerano then drew the Board's attention to the access parking, loading and site circulation plan, noting that there were two (2) points of ingress/egress to the shopping center with a restricted left turn only drive out to Route 27. Mr. Gallerano stated that they were not proposing any new access points and had requested and a letter of no interest from the NJDOT, but had not yet had any response as yet. He added that the project would not require a major access permit from the NJDOT. He then discussed the provision of a truck turning template which was part of the application set and had demonstrated that a full tractor trailer could access and maneuver through the site as required. Mr. Gallerano then told the Board that there were 157 parking spaces provided, where 151 were required. He added that there would be 13 new parking spaces, including one (1) ADA space near the fast food restaurant pad. He then stated that there was no new parking proposed for the ATM because it was for strictly drive-up only.

Mr. Gallerano then drew the Board's attention to the storm water management system on-site, noting that there was only going to be an increase of impervious coverage of 0.11 acres or 4,791 sq. ft. He then told the Board that they were providing a storm water collection system, consisting of inlets and pipe, to direct all of the runoff from the modified area to the existing detention basin. Mr. Gallerano then testified that the storm water management system was actually designed to have 53,000 cubic feet of storage, an additional 6,000 ft. of storage built into the detention basin when it was constructed. In looking into the subject and as included in the storm water management report that was prepared for the Application, Mr. Gallerano indicated that the additional impervious coverage proposed would only require 2,984 cubic feet of extra storage. He then testified that the existing basin did have enough storage to handle the increase in impervious coverage as a result of the proposed development.

Mr. Gallerano then discussed the substantial landscaping that would be provided with the project along Veronica Avenue and wrapping around the corner onto Route 27 to provide screening and aesthetic value to the new development in that location. He did

add that they were also providing some additional landscaping in the center of the parking lot by removing some of the pavement there and adding some shade trees and shrubbery. Along the northerly property line, Mr. Gallerano stated that they had removed some parking spaces from that rear area in order to balance the new impervious coverage that was being added with the addition of the ATM kiosk and new 3,000 sq. ft. pad. To replace what they had removed in impervious coverage in the rear area, they placed some shade trees (57) and various shrubs (49) as well as perennials (594) to the existing site.

Mr. Gallerano then discussed the proposal for some additional lighting in the area of the new structure and specific lighting for the ATM machine. He then spoke about the Township as well as State requirements for lighting for ATM machines for safety and security purposes.

Chairman Orsini asked whether the lighting would be comprised of LED lighting, and Mr. Gallerano answered in the positive.

Mr. Gallerano then testified that there was no proposal yet for the fast food restaurant since there was no specific tenant as yet. He stated that they would be coming back for final approval when a specific tenant was named for the site and signage would be presented at that time. Mr. Gallerano indicated that there would be signage on each side of the ATM machine that said Bank of America and was 4 ft. 7 inches in size. He showed an exhibit that showed the elevation and side view of what the ATM machine would look like and was an enlarged version of Sheet 10 from the plan set. As he stated earlier, Mr. Gallerano indicated that it showed a small canopy over the transaction area of the ATM machine.

Mr. Gallerano then stated that they were requesting one (C-2) variance for impervious coverage in the GB Zone – 70% permitted, where 70.82% was proposed. He felt that the variance was de minimus and that they were complying with all other requirements in the zone. He then discussed the negative criteria of the additional impervious coverage, but stated that it would be mitigated by use of the detention basin and that they were providing additional landscaping to the site and made an effort to remove impervious coverage to balance for the increase. Mr. Gallerano testified that he didn't think it would have a negative impact on runoff or any negative aesthetic impact for the small increase in impervious coverage. He then discussed the positive criteria, noting that he felt the proposal would fit under paragraph "M" that discussed the efficient use of land.

Mr. Healey then stated that they did speak to the Applicant regarding the removal of some additional parking to balance for the extra impervious coverage in order to comply, but that they felt the needs of the shopping center would require all of the parking that was still shown on the plan.

Chairman Orsini then asked whether they would be able to comply with all of the comments in the staff reports that were written regarding the proposal. Mr. Gallerano indicated that they were prepared to comply with all comments in the staff reports.

Ms. Elizabeth Dolan, Traffic Engineer and Principal of Dolan & Dean Consulting, 181 West High Street, Somerville, NJ, came forward and was sworn in. The Board accepted her qualifications.

Chairman Orsini asked Ms. Dolan if she was aware that the intersection of Howe Lane and Veronica Avenue was being examined and reevaluated to include a traffic circle as a result of another application. Ms. Dolan indicated that she was not aware of that and told the Board that they submitted, probably about two (2) months ago, a request for a letter of no interest on the application from NJDOT because it did not trigger the need for a new permit, the trip generations would not change, when you take credit for the side street access, and since they were not touching the driveways. She indicated that her partner, Mr. Dean, was involved in discussions with NJDOT for another meeting and spoke about the sidewalk connection that was just presented by Mr. Gallerano that evening, noting that NJDOT said that they might require a permit for that. She explained that there was just discussion that the NJDOT might want them to submit a sidewalk application for the small stretch of sidewalk that would be in the right-of-way. Chairman Orsini then asked if levels of service would change at the intersection based upon the addition of the fast food restaurant and ATM kiosk on the site. Ms. Dolan testified that she would expect the levels of service to stay the same, but indicated that they did not do a formal analysis because NJDOT wanted them to look at the proposal as if it was an independent, free-standing fast food restaurant which would generate maybe 77-83 vehicles in an hour, but wouldn't reflect that it was in a shopping center where motorists would be coming for one (2) or more uses. Ms. Dolan then stated that when it was looked at within the shopping center, there was really no significant increase in trips, so therefore there wouldn't be any real change to the operational characteristics of the roadway or the site driveways. She did state that she did submit a Traffic Impact Statement, dated January 17, 2019, which reflected what was just testified to.

Mr. Healey then asked for a description for the amount of queuing that was proposed for the fast food restaurant. Ms. Dolan indicated that they looked at a traditional type of fast food restaurant (Wendy's, Taco Bell, McDonalds) because the trip generation numbers had changed for the new uses (Dunkin Donuts, Tim Wharton's and Starbucks). She noted that the 3,000 sq. ft. building was larger than what the new uses such as the coffee donut shops were typically designed for. That said, Ms. Dolan indicated that they had queuing for nine (9) cars in the drive thru, stating that industry standards were set at eight (8), and that there was plenty of parking in the area. She then told the Board that the location of the restaurant was being placed in the shopping center where the parking demand was not as great. Ms. Dolan then stated that they had planned for stacking/queuing for the ATM for 3-4 vehicles, but would never expect that to be full. Mr. Healey then asked whether the site plan would have to be amended if there was a Dunkin Donuts, Tim Wharton's or Starbucks built in that location, and Ms. Dolan

indicated that the size of the building would probably be reduced to 2,000 sq. ft. and the queuing demands were higher in those types of uses.

Mr. Hauck then asked the Engineer how he proposed to comply with CME's report, Section G, comment #5 and speaks to the "Minor" development ordinance for storm water. Mr. Gallerano indicated that they addressed the storm water with the existing basin and did submit a storm water management report that addressed the 2, 10 and 100 year storms. Mr. Hauck then asked how they would be addressing the Township's infiltration requirement, and Mr. Gallerano testified that they would have to look to see if the infiltration could be handled within the basin, depending upon the soil types in the area, and that they would do a soil log and permeability test. Mr. Hauck then stated that, typically, the Township required that water lines be within pavement areas and saw the note on the plans that the water line would be coordinated with the water company. Mr. Gallerano indicated that they would work with the water company to make the adjustment to whatever they recommended.

Councilman Chase pointed out that there was a comment that testimony should be provided indicating whether the reduction in dumpsters would negatively affect the trash storage and removal at the existing facility. Mr. Gallerano addressed the comment by stating that they discussed the issue with the Applicant and that they were going to modify that rear area, but were going to provide a trash area on a concrete pad with two (2) smaller areas to remain. In discussions with the owner, Mr. Gallerano indicated that he believed that the area the applicant was providing would be adequate for continuation of refuse and the grease traps. Ms. Jennings agreed with Councilman Chase that they would pick up trash more often if needed.

Mr. Mettler made a motion to open the meeting to the public and Chairman Orsini seconded the motion. All were in favor. Seeing no one coming forward, Mr. Mettler made a motion to close the meeting to the public and Mr. Mansaray seconded the motion. All were in favor.

Ms. Jennings then gave her summary comments.

Mr. Healey then gave some suggestions and felt that the Resolution should indicate that at the time of final approval, the Board might have to re-evaluate the queuing based on the user at the site because they had provided a generic drive thru and demonstrated that the site plan works for that type of use. He then addressed the commercial design standards that were in the ordinance, Article XVI a, having the Applicant seek to incorporate compliance with those design standards. As far as placing conditions on any approval, Mr. Healey stated that he didn't believe that the lighting for the ATM was on the plans, so consistent with the testimony, he would recommend that the Applicant be required to demonstrate on the plans how they minimally comply with the State requirements for ATMs as well as provide that information to staff. He then recommended that they did not go above what the State required.

Chairman Orsini made a motion for Preliminary approval of the restaurant, Preliminary and Final approval for the ATM and for the single variance in impervious coverage of 70.82% where the permitted coverage of 70%. He added that at the time of Final approval for the restaurant, Applicant should provide additional review of queuing, the compliance to commercial design standards in the ordinance as well as compliance with the State standards for the lighting of the ATM and all staff reports. Mr. Mettler seconded the motion and the roll was called as follows:

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

AGAINST: None

COMMITTEE REPORTS

No reports were discussed.

WORKSESSION/NEW BUSINESS:

There was no work session or new business that evening.

EXECUTIVE SESSION:

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

ADJOURNMENT:

Vice Chair MacIvor made to adjourn the regular meeting at 8:10 p.m. The motion was seconded and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
May 30, 2019