

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

**REGULAR MEETING
May 15, 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 (arrived at 7:35 p.m.), Carl Hauck, Cecile Maclvor, Robert Mettler, Charles Brown, Robert Thomas, Jennifer Rangnow, Godwin Omolola (arrived at 7:34 p.m.) and Chairman Orsini

ABSENT: Meher Rafiq and Mustapha Mansaray

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

RESOLUTIONS:

- **Bridge Point Somerset, LLC – PLN-19-00001**

Chairman Orsini made a motion to approve the Resolution for the subdivision and existing warehouse lots, as submitted. Ms. Rangnow seconded the motion and the roll was called as follows:

FOR: Mr. Hauck, Mr. Brown, Mr. Thomas, Ms. Rangnow and Chairman Orsini

- **CRP/CHI Veronica Avenue Owner, LLC / PLN-19-00003**

Mr. Healey discussed the main conditions that were brought forth during the hearing, and they are as follows;

- The secondary emergency access needed to be provided, with the location and design per staff.

- The screening and 10 ft. high fence along the entirety along the high point of the topography
- Include a double staggered row of 6 ft. high evergreen trees along the extent
- Retain existing trees along the property line to the maximum extent practicable.
- Providing additional trees around the detention basins.
- Moving the monument sign so that it wouldn't impede sight distances.
- Trash compacter operation hours to be adhered to.
- Investigating land banking of additional vehicle and truck spaces.

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

FOR: Mr. Hauck, Vice Chair Maclvor, Mr. Mettler, Mr. Brown, Mr. Thomas and Chairman Orsini

AGAINST: None

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. Vice Chair Maclvor 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 Vice Chair Maclvor. All were in favor.

COMMITTEE REPORTS

No reports were discussed.

WORKSESSION/NEW BUSINESS:

- **Draft Master Plan Update and Zoning Ordinance: C-B, M-1 and M-2 Zones**

Mr. Healey, Township Planning Director, drew the Board's attention to the two studies that were conducted and were shown on the screen in the chambers that evening. He indicated that one was done by 4Ward Planning, the strategic zoning and economic development recommendations study that addressed Hamilton Street as well as the

Township's corporate and industrial area and the second was the Planning Board's re-examination of the Master Plan and development regulations adopted in 2016 which made a number of recommendations regarding the Township's corporate and industrial areas as well. Based on those studies, Mr. Healey indicated that he and Mr. Vincent Dominach, Economic Development Director, did a review of both documents last year and drafted a memo to the Planning Board and went over the recommendations. He then discussed the recommendations that both he and Mr. Dominach made based upon the studies, which included the consolidation of the Township's M-1, M-2 (the two different light manufacturing zones), and the Corporate Business (C-B) Zone into one (1) zone to allow data centers as well as assisted living and similar facilities since the Township's senior population was acknowledged in the 4Ward Planning study as well as in the Planning Board's Master Plan re-examination. Mr. Healey then spoke of the allowance of other different uses within those zones and having one set of bulk standards (lot area, frontage, set-back requirements, lot impervious coverage, etc. He then indicated that they would use the C-B Zone standards for building height (65 ft. maximum). He then drew the Board's attention to the elimination of the footnote that allowed hotels to go up to 12 stories and requiring larger yards where such yards adjoin residential zones. Mr. Healey then reminded the Board that when presented with these changes, he noted that he felt that it was accurate to say that the Board was generally favorable to the recommendations, but that a number of specific recommendations were made that the Board wanted them to look into. He noted that one of the recommendations was for the ordinance to maintain the restriction of having parking in the front yard to maintain more of the suburban character of the Township's corporate and industrial areas. Another recommendation that Mr. Healey indicated the Board wanted the ordinance to be particularly protective of where the industrial and corporate areas adjoin residential zones, i.e., having larger setbacks where they adjoin residential zones and also looking at buffering requirements to make sure that they were as protected as they could be. Mr. Healey then stated that the Board then asked staff to draft a zoning ordinance and do a Master Plan amendment to incorporate the recommendations, which he indicated was before the Board that evening.

Mr. Healey then stated that the Board had copies of the draft Master Plan amendment and draft ordinance in their packet that evening and was going to just briefly run through what was in the two (2) documents. He then indicated that the Master Plan document sited the two documents that preceded this and examined the key points in the documents.

Mr. Healey then told the Board that the re-examination document talked about the issue of office vacancies due to the Great Recession and changes in technology, etc. that affected the need for office space permanently. He went on to detail the need to make sure that area stayed viable, both in terms of job creation and to have a balanced tax base. Mr. Healey went on to state that the re-examination went on to state that they recommend for the C-B zone the increasing of the variety of permitted uses and maintaining areas of light industrial zoning to ensure a varied tax base, encourage commercial and industrial development areas with access to major regional highways in established areas and maintain size of industrial districts to ensure adequate space for

light industry and warehousing. Some additional recommendations was to expand the list of permitted uses in industrial zones, recognizing new and emerging uses which would be directed to such districts, encourage industrial development in commercial areas. Mr. Healey then included in the discussion the need to accommodate for senior housing as an objective of the Master Plan due to the increase in the over 55 population and the need for assisted living and other uses to accommodate the needs of that population. He then told the Board that the 2016 Master Plan re-examination spoke to the need for the study of the Township's economic development base, and 4Ward's zoning study was part of that and concentrated on Hamilton Street as well as the corporate and industrial areas. Mr. Healey then told the Board that some of the same recommendations in the study were also included in the 2016 Master Plan re-examination, which was to consolidate the M-1 and M-2 districts, anticipating future subdivision of C-B zone properties which currently required 5-acre lots. Also recommended in the re-examination was to broaden permitted uses to include indoor recreation and allowing a certain amount of showroom retail in light industrial uses and update setback and parking requirements, etc. Mr. Healey then told the Board that those things led to the study that was done.

Mr. Healey then discussed the zoning that was existing near Route 287 and the area that was zoned M-1 and then the areas that were in the M-2, which he stated had basically the same permitted uses, yet one zone required 5 acres and the other required 2 acres of property. He then spoke of the C-B (Corporate Business) zone that was further to the east along Davidson Avenue and the surrounding roadways; he stated that there were more 3-5 story office buildings with a mixture of light industrial uses as well. He then discussed World's Fair Drive, which was in the M-2 Zone, as was the area along Veronica Avenue and a small area off of Hamilton Street to the east. Mr. Healey then showed two (2) zoning maps in the "before" and "after" stages. He described the changes as those areas of the M-1, M-2 and C-B zones that would now fall under a newly created category called the Business and Industry Zone and noted that there was no proposed increase or decrease in the actual areas that were currently zoned in the industrial zones in the Township. He enumerated those places in the Rte. 27 area, along Veronica Avenue and Roosevelt Avenue and the small area along Hamilton Street to be included in the Business and Industry Zone.

Mr. Healey stated that there were a number of proposed definitions within the draft ordinance, which was an effort to "clean up" the ordinance by defining the terms that were used within it. He then explained that he worked very closely with Vincent Dominach, wanting the definitions to be broad enough so that they were not overly restrictive, and be inclusive enough that uses that would be appropriate could fit within the definitions. Mr. Healey stated that, in certain situations, they excluded certain uses to make it clear. He then stated that he and Mr. Dominach discussed how he and other Zoning Officers in the past had considered certain types of uses and incorporated that into the ordinance.

Vice Chair MacIvor opened a discussion regarding some residents' concerns that they would be increasing the allowable height of buildings along Hamilton Street from 4

stories to 5 stories. Mr. Healey indicated that that did not have anything to do with what they were discussing that evening and that there were no changes being made to the Master Plan to allow or incorporate that.

Chairman Thomas then opened a discussion regarding indoor recreation and asked if there was a possibility that some type of use that was not listed in the ordinance could come before the Board in the future asking for a variance. Mr. Healey discussed the issue, stating that they added certain activities that would be permitted and included the language “and other such activities” to allow the Zoning Officer to make that call. He added that anyone not agreeing with the determination of the Zoning Officer could either appeal the decision to the Zoning Board or get a use variance. A discussion ensued.

Mr. Healey then stated that the next few sections were technical in nature and identified the lots that were proposed to go from either the C-B, the M-1 or the M-2 to the new Business and Industry Zone.

Mr. Healey then pointed out the two zone changes he wanted to discuss because they fall outside of the intent of the ordinance. He then spoke about three (3) small properties on Weston Canal Road where two (2) of them were one (1) acre in size and within the M-1 Zone, but were left out of the area that was re-zoned for planned adult communities. He noted that there was a recommendation about putting them into the Agricultural (A) Zone because that was the zoning of the surrounding area. Mr. Healey then spoke of the additional residential parcel in that area and was three (3) acres in size (a sod farm), but was included in the planned adult community zone, but was not incorporated into Summerfields, so the recommendation was to put that property into the Agricultural (A) Zone that was similar to what was across the street and in the surrounding area. He then reiterated to the Board that the reason for addressing the aforementioned properties was because they were doing away with the M-1 Zone and two of them were 1-acre properties in a residential zone.

Mr. Mettler then inquired as to whether Summerfields was truly an adult community anymore and if it were zoned appropriately at that point. Mr. Healey explained that during the depths of the Great Recession the State, who gave the ability to towns to zone, can override zoning ordinances. What happened, according to Mr. Healey, was that the State came in and stated that those age-restricted developments that had been approved but not developed yet did not have to stay age-restricted. He indicated that a portion of Summerfields did stay age-restricted, but not the entirety of the development. He then stated that he and Mr. Dominach felt that the zoning should be changed in that area to reflect what was there now.

Mr. Healey went on to discuss the “melding” of the three (3) different zones together, including offices, laboratories, banquet facilities, hotels, data centers, light manufacturing, indoor recreation, self-storage, nursing home and assisted living facilities, child care center, etc. He went on to say that under accessory uses, retail sales (capped at 10%.)

A Board member then asked about pet day care centers. Mr. Dominach stated that it would be considered a personal service and, in the past, they would have allowed that in their G-B, N-B or Hamilton Street Business District. Mr. Thomas then asked about animal grooming as well, and Mr. Healey stated that they would also include that as well as adult day care centers. A discussion ensued among the Board. Mr. Thomas then pointed the Board's attention to a use such as the Green Tree Care Center, a dementia care home, and asked if that would now become a permitted use. Mr. Healey stated that he didn't feel it would be a permitted use in one of the three zones they were discussing because it's neither an assisted living facility nor a licensed nursing home. He indicated that a use such as a dementia care home was a residential use and that certain residential homes would be permitted in a residential zone. Mr. Healey noted that assisted living and nursing homes were more intensive uses and would be more appropriate in the more industrial zones.

Chairman Orsini asked about where they noted adult day care in the draft ordinance, and Mr. Healey stated that they address it by the definition of professional/general office and added language saying that the term "professional/general office" was inclusive of professional, managerial and industrial instruction and training. Councilman Chase then discussed the "hotel" definition and suggested adding the wording "may provide" when it was describing whether there was a restaurant or bar attached to that use.

Mr. Thomas then opened a discussion regarding the allowance of tattoo parlors or adult book stores. Mr. Dominach indicated that they changed the ordinance to allow tattoo parlors in the N-B and G-B zones and Hamilton Street Business District. He then discussed the fact that they couldn't differentiate a regular book store from an adult book store. A discussion ensued among the Board. Mr. Dominach stated that a use such as an adult book store was done mainly online now and didn't expect to see any inquiries regarding that.

Ms. Rangnow opened a discussion regarding food services in office buildings. Mr. Healey indicated that if it was an accessory use to the main office use, they might permit it, but did depend on the scope and scale of the use. They then discussed that type of use in an indoor recreation type use in an industrial zone.

Mr. Healey then told the Board that they were going to be preparing another re-examination of the Master Plan as well as a full land use plan in answer to a Board question of whether restaurants or retail would be allowed in the newly created Business and Industrial Zone.

Mr. Brown then opened a discussion regarding how they were going to handle the future legalization of marijuana coming to the state. Mr. Dominach stated that they had been in discussion with Council and would get into further discussions with the Board about it when they deal with the re-examination of the Master Plan and land use plan.

Mr. Healey then revisited the topic of adult day care centers, noting that later on in the draft ordinance there was language that indicated they would be allowed in all non-

residential zones. Mr. Brown then asked what the legal age was for adult day care and if it was included in the definition of the use. Mr. Healey stated that there was no specific age listed.

Mr. Healey then described the next few sections of the draft ordinance, the bulk requirements, i.e., setbacks, lot coverage, etc., showing the table that was included in the ordinance. He stated that since the Business and Industrial Zone would require 2 acre properties, they included all of the bulk requirements of the existing M-2 Zone that also required 2-acre properties. In addition, he stated that once the height of the proposed use went over 50 ft., the setback and buffer requirements were much larger. Mr. Healey also told the Board that they did include footnotes that require substantially larger setbacks when these zones abut residential properties. A discussion ensued among the Board.

Councilman Chase then brought up the topic of the retail overlay. Mr. Healey indicated that that did not have any proposed changes in the new ordinance. The Councilman then discussed the different types of schools that were in the area. Mr. Healey stated that trade schools and professional/industrial instruction was very different than a K-12 or a college, which had to obtain use variances in order to be located in industrial zones. He added that they were not proposing that that line of thinking change. A discussion ensued. The Councilman then inquired about a dance academy, and Mr. Healey stated that that was included in indoor recreation.

Mr. Healey then told the Board that they also added a number of parking requirements and discussed signage and where the new uses would fall on the chart. He did indicate that they were going to do away with the requirement that attached signs be 5% of the first floor building face area and stick with the 100 sq. ft. Mr. Healey then summarized that they were improving the buffering requirements, requiring 50 ft. for the standard width and a 6 ft. high fence and increasing to 75 ft. if the building was 50 ft. or more as well as increasing the evergreen height from 3 ft. to 6 ft. at planting. He also explained that there would now be a numerical standard for buffering based on the amount of paved surface.

Mr. Healey then addressed the billboard ordinance that was included in the M-2 Zone and stated that they were just changing that to reflect that billboards would be allowed in the B-I Zone, making it clear that it was in the area along Rte. 287. He told the Board that, practically, there would be no changes made to where they were permitted and what the standards were, except to make it clear that it applied to the new zone.

Lastly, Mr. Healey told the Board that there were presently conditional use standards for warehouses, but that there was nowhere in the Township where warehouses were a conditional use, so he wanted them to know that they were taking that out of the ordinance.

Mr. Dominach stated that that whole goal of doing all of the work that had been done re-working the ordinance and melding the three (3) zones was taking into account the

recommendations from the Economic Development recommendations and how properties would be marketed and the 2016 re-examination of the Master Plan report. He then told the Board that the work that had been done by Mr. Healey regarding this ordinance and zone name change that took hundreds of hours over a lengthy period of time, but saved the Township money by not sending it out to a consultant and utilized Mr. Healey's knowledge of the Township and the work of the Zoning Board, Planning Board and Council.

Chairman Orsini then asked Mr. Healey what was required of the Board that evening, and Mr. Healey stated that there was nothing to be done that evening other than listening to the proposal and giving comments, which the Board gave and would be incorporated into the draft ordinance. He did note, however, that they did need to have a public hearing for the Master Plan amendment and said that they would try to schedule that within the next few months. He added that they would like to incorporate the re-examination report and do both of those together, but would probably hold a work session on the re-examination report first before any hearing for both. Mr. Healey told the Board that at the Planning Board's next meeting, they would have the Environmental Resource Inventory, the Historic element and the Farmland Preservation plan to discuss and were in the final stages of updating them and re-doing all the maps to make sure they were all consistent. Since the plans were so big, Mr. Healey suggested that they put them on a website and send the Board a link to go to review the plans. He then gave the Board a timeline of what the next steps would be and that they would have a hearing incorporating the Master Plan amendment, the re-examination of the Master Plan report and those three (3) additional portions. He then indicated that they had to comprehensively update the Land Use plan and also had to discuss the Circulation element, which he indicated should be done together.

Chairman Orsini suggested that the Board members look over what they were given that evening and the plans on the website and ask any questions they might have or bring any comments, via e-mail, to Mr. Healey.

Mr. Healey reminded the Board that they did have a consultant working on the Circulation element and that there would be a work session over the summer months to discuss that. He noted that there would be two (2) opportunities for the public to comment, one was for the Master Plan at a Planning Board meeting and again when the plan goes before Council. A discussion ensued.

Ms. MacIvor then asked whether they felt the need to get police input regarding the referendum making marijuana legal and possibly limiting the related businesses to a certain area of the Township for ease of security. Mr. Dominach stated that he didn't think they needed the police input as it was really more of a land use matter and that the security that the marijuana businesses have were monumental. A discussion ensued regarding the security issue revolving around these businesses. Mr. Dominach added that the manufacturing facilities for this type of business that they were discussing were not a security concern, but the retail facilities were something else that was not related to what they were discussing that evening.

Mr. Thomas then opened a discussion regarding the Board of Education input, and Mr. Dominach stated that they would contact them to see if they had anything to share after being given the plans. Mr. Healey added that they could ask the Board of Education if there were any future plans they had that the Township would benefit from by knowing about them ahead of time. A discussion ensued among the Board and Mr. Dominach stated that they would find out if there were any plans the Board of Education had for building new facilities in the Township and re-institute the policy of letting them know when other projects were coming through for uses on property they were considering.

Mr. Healey told the Board that he prepared a plan every few years, coordinated with the Board of Education's demographer, regarding the different residential developments that had come to the Township to use as part of the school district planning purposes.

Mr. Healey stated that they would go over the environmental resource Inventory, farmland plan and historic element at the next hearing on June 5, 2019

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 8:45 p.m. Mr. Mettler seconded the motion and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
June 10, 2019