

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

**REGULAR MEETING
July 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 Vice Chair MacIvor, 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, Meher Rafiq, Cecile MacIvor, Robert Mettler, Jennifer Rangnow, Godwin Omolola and Chairman Orsini

ABSENT: Mustapha Mansaray, Charles Brown and Robert Thomas

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

MINUTES:

- **Regular Meeting –June 5, 2019**

Vice Chair MacIvor made a motion to approve the Minutes as submitted. Councilman Chase seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Refiq, Vice Chair MacIvor, Mr. Mettler and Chairman Orsini

AGAINST: None

DISCUSSION:

Extension of Time:

- **413 Somerset Street Associates, LLC / PLN-10-00011**

Mr. Lanfrit asked the Board if the hearing could be carried to the next meeting. The Board agreed to carry the hearing.

- **Samir Shehata & Coco Chen / PLN – 18-00002**

Mr. George W. Pressler, Esq., Attorney, appeared before the Board on behalf of the Applicant, Samir Shehata & Coco Chen. Mr. Pressler indicated that he had written a letter to Mr. Healey, Township Planner, in order to request an extension of time to file the subdivision deeds. Mr. Pressler then asked the Board for an extension of 90 days but would also be amenable to an extension of 120 days if the Board were so inclined to grant that. Chairman Orsini stated that they could approve an extension for 120 days, until November 16, 2019, and the Board was in agreement.

Vice Chair MacIvor made a motion to grant an extension of approval until November 16, 2019. Mr. Mettler seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Refiq, Vice Chair MacIvor, Mr. Mettler, Ms. Rangnow 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 MacIvor 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 MacIvor. All were in favor.

HEARINGS:

- **JOHN SUDIA / PLN-19-00007**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, John Sudia. He told the Board that the Applicant was seeking relief to amend the configuration of the access easement that extends over his lots at 2024 Amwell Road, Somerset; Block 73.01, Lots 53.01 & 53.02, in an R-40 Zone - **CARRIED FROM JUNE 19, 2019 – with no further notification required.**

Mr. Lanfrit explained to the Board that the Applicant was before them that evening asking for relief of a condition that was imposed as part of a subdivision approval that was granted in 1995 by the Planning Board. He went on to further state that when the Planning Board granted the minor subdivision approval to create two (2) lots in the R-40 Zone, the Applicants in 1995 were Michael and Olga Sudia. Mr. Lanfrit then noted that they had since passed on and granted ownership of the property in question to their son, John Sudia, the Applicant, who resided on the property. He then noted that the Application granted in 1995 created two (2) lots, one (1) for an existing single-family

dwelling where Mr. John Sudia currently resides, and the other for a building lot which Mr. Sudia owns but had never been built upon. Mr. Lanfrit told the Board that the relief that they were seeking was that the approval provided for a 50 ft. access easement from Amwell Road through lots 50, 51 and then continuing on approximately 320 feet into lots 53.02 and 53.01. He then explained that the reason it continued 320 feet was beyond his or his client's understanding of why that condition was imposed. He added that, currently, there was an access easement that gets to the property and would have to extend the access easement onto the property so it could service both of the two (2) lots. At that time, Mr. Lanfrit indicated that they were requesting the Board to agree to vacate approximately 284.98 feet of the easement as being unnecessary. He then explained that the reason they stumbled upon the issue was because Mr. Sudia wanted to put a porch in the front of his home and found out that he could not put a porch in that location because it would be within the easement. Mr. Lanfrit stated that they still would have a 35 ft. easement to provide access to Lot 53.02 should that lot ever be developed. He then told the Board that the Site Engineer, Mr. Sadowski, met with the Technical Review Committee (TRC) and discussed the issue with them and reviewed. Mr. Lanfrit told the Board that the only person who didn't have the ability to comment on the situation was Mr. John Hauss, Fire Prevention Director, because he was on vacation. He stated that he would have no problem with the Board granting the vacation of the 284.98 ft. of unnecessary easement, with the condition that it was dependent upon Mr. Hauss' approval. Mr. Lanfrit entered into the record as Exhibit A-1, a rendering of the easement area, which was also provided in the Board's packet that evening.

Mr. Healey then summarized the TRC's review and suggested that if the Board was inclined to grant the relief being sought by the Applicant, that it be subject to review by Fire Prevention.

Mr. Mettler then asked if providing the relief would allow Mr. Sudia to construct the porch on the front of his home. Mr. Lanfrit indicated that there would be a potential set back violation that they would have to go before the Zoning Board for, but it would allow the porch to go outside of the easement.

Mr. Healey then asked how they would mitigate the fact that there were two (2) areas where the driveway for 53.01 encroach on 53.0 in an area that would no longer be covered by the easement. Mr. Lanfrit stated that they would remove the stone in that area.

Mr. Ronald J. Sadowski, Engineer, 10 Edward Avenue, Edison, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Sadowski indicated that the driveway of 53.01, after reducing the width so as not to encroach on Lot 53.02, was approximately 17 ft. wide, with the main portion of the driveway at approximately 20-22 ft. wide. .

Mr. Mettler then opened the meeting to the public for questions or comments. The motion was seconded and all were in favor. Seeing no one coming forward, Mr. Mettler

then made a motion to close the meeting to the public. Vice Chair Maclvor seconded the motion and all were in favor.

Mr. Vignuolo, Board Attorney, asked for clarification on whether they wanted the easement at 35 ft. or 35.02 that was listed on the plans. Mr. Sadowski indicated that they would change the plans to reflect 35 ft.

Vice Chair Maclvor made a motion to allow the easement to change from the original 320 ft. to 35 ft. as well as the driveway width adjustment, subject to review by Mr. John Hauss, Fire Prevention Director. Chairman Orsini seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Refiq, Vice Chair Maclvor, Mr. Mettler, Ms. Rangnow and Chairman Orsini

AGAINST: None

COMMITTEE REPORTS

No reports were discussed.

WORKSESSION/NEW BUSINESS:

- **Draft Ordinances**

Mr. Healey then discussed the two (2) draft ordinances that were provided to the Board. He spoke about the first ordinance related to the Frank's Hardware site and reminded the Board that they had reviewed the draft rehab study a month prior. Mr. Healey then told the Board that they had representatives of the intended re-developer of the Frank's Hardware site and the property just next to that. He noted that the intention was to develop the front portion of the site with a restaurant with drive-thru and a self-storage facility in the rear. Mr. Healey then described that what was before the Board was the proposed change to the re-development plan to accommodate the development. He added that what was provided to the Board that evening was the draft ordinance as well as a site concept plan as well as some two (2) and three (3) dimensional renderings of the proposal that the Applicant would eventually bring before the Board for site plan approval.

Mr. Healey then went on to discuss the draft ordinance for the Frank's Hardware site and noted that the front portion of the site was located in the Renaissance Commercial Zone, with a few portions of the site in the rear that were in the R-7 Zone. He then told the Board that the proposal was to add the eight (8) small lots to the Renaissance Commercial Zone to allow the development to occur. He noted that Section II was simply a definition of a self-storage facility with Section III being the "meat" of the

ordinance with a discussion of the bulk standards that would be required for the development. Some of the items discussed by Mr. Healey that were included in Section III of the draft ordinance were minimum lot size, direct access to Route 27 required with parking determined at site plan. He then noted that parking for self-storage units was typically very low, and the proposal was for a minimum of ten (10) parking spaces with such additional spaces as deemed necessary by the Board at the time of site plan. Additionally, minimum front yards at 35 ft., side yards at 5 ft. and 55 ft. along the property line that adjoined the residential lot, utilizing the site concept plan. The rear setbacks would be set at 40 ft. and 55 ft. along the rear property line abutting the residential lot. He then went on to state that building coverage was set at a maximum of 50%, and impervious coverage was set at a maximum of 90%. A discussion ensued regarding impervious coverage in the zone, with Chairman Orsini indicating that he felt that impervious cover of 90% was a little high.

Chairman Orsini opened a discussion regarding designing standards for a specific property and development and not for a planning purpose. Mr. Healey reminded the Board that it was a re-development plan and that the Board had the ability to be more use specific and site specific because it was a re-development plan. Mr. Healey also added that they had added in larger buffer requirements in areas that abut residential properties. A discussion ensued. Mr. Healey then drew the Board's attention to the area highlighted in yellow that indicated a narrative about architecture would be inserted. He then told the Board that he had also included the renderings of the self-storage facility that showed the nature of what was proposed and recommended that there be a very detailed narrative explaining that it was a very high-quality facility including all the finishes.

Mr. Bob Smith, Esq., Attorney, appeared before the Board on behalf of the Applicant,

Mr. Paul Brown, Owner, Secure Space Self-Storage Contractor, came forward. He discussed his business and handed out copies of the digital slides he would be discussing for the Board's edification. He spoke about why he chose the site and its proximity to Rutgers University and explained that he liked to build his units so they blend into the community in which they are located. Mr. Brown then spoke about who their customers were at that time, with a large portion coming from people who were working from home as well as the trend of downsizing living quarters.

Mr. Smith then discussed the fact that they had been meeting with the Technical Review Committee (TRC) to discuss issues and solve problems in developing a site plan and architectural plans for the proposed building.

Mr. Grant Lewis, Engineer employed with Dresdner Robin, Fairfield, NJ, came forward. He then told the Board that the impervious coverage that was designed for the site was just under 90% at "86% and change". Mr. Lewis then explained that some of the additional impervious coverage came from the access lane that went around the rear of the self-storage facility to provide a 20 ft. fire access lane which also served to provide access areas for the storage units.

Chairman Orsini then asked how they planned to handle the storm water management on the site. Mr. Lewis stated that it was anticipated that they were likely to have two (2) independent systems there because the project was proposing to have two (2) separate lots. He noted that, to his knowledge, there would not be common ownership between the quick service restaurant and the self-storage facility. Mr. Lewis then stated that there would likely be an underground detention basin for each facility. Mr. Lewis indicated that they did try to minimize the impervious coverage and try to keep to the maximum 85% impervious coverage on the site.

Vice Chair Graumann opened a discussion regarding the type of lighting being used, and Mr. Lewis stated that they would provide LED lighting throughout the site. She then inquired about utilizing pervious pavement around the fast food facility to reduce the impervious coverage. Mr. Lewis then discussed the various pervious pavement options, noting that there were challenges with maintenance and wear as well as the meeting the state mandated water quality standards on site.

Mr. Healey then drew the Board's attention to Section III of the draft ordinance, asking whether or not any of the Board members had any questions. Councilman Chase then inquired about whether the Applicant could comply with the 55 ft buffer along a side yard abutting a residential property. Mr. Lewis indicated that they had designed the plan to comply with the requirements of the draft ordinance.

Mr. Mettler stated his approval for carrying a bit of green on the property to mirror that of the Wawa site. Mr. Healey indicated that there were general design standards in the re-development plan that need to be abided by.

Mr. Healey then moved the discussion along to include topics in Section IV, noting that it included the requirements for the general standards for other commercial uses in the Renaissance Commercial Zone, with the quick serve restaurant already a permitted use. He did note, however, that there were standards for lots less than 20,000 sq. ft. and standards for lots larger than 20,000 sq. ft., and standards for blocks along Franklin Boulevard. Mr. Healey indicated that Franklin Boulevard was not even included in the re-development zone and the draft ordinance was written to streamline the current ordinance to have one set of standards. He added that the draft ordinance also corrected a statement regarding impervious coverage where it was listed as lot coverage of no more than 85% and then recommending a maximum for lot coverage which was building coverage of 50%. Also discussed was the minimum front yard setback of 15 ft. and maximum front yard setback of 25 ft., with an emphasis of either having the parking to the side or to the rear. Mr. Healey then drew the Board's attention to the potential applicant of what was a fast food establishment that the plans now would exceed the 25 ft. on the Kevin Apuzzio St. side. He then indicated that he wouldn't be opposed to have the ordinance read that there should be a maximum of 25 ft. on the Route 27 side and 40 ft. on side streets.

Mr. Healey then discussed the proposal by the Applicant for 24 ft. wide drive aisles, but that he wasn't comfortable just changing that from the originally required 26 ft because

they were general design standards that would comply to all commercial uses in the Renaissance Commercial Zone. Instead, Mr. Healey stated that the language he would recommend would be “26 ft. drive aisle required but may be reduced by the Planning Board during site plan approval”. A discussion ensued among the Board. Mr. Smith also indicated that they would be testifying to the relatively infrequent use of the storage units which was another justification for the smaller drive aisle.

Mr. Smith also offered that they could put architectural language together for the draft ordinance as well. Mr. Healey indicated that they would appreciate that and would tweak it if necessary and incorporate it into the ordinance. A discussion ensued about the Planning Board’s ability to see that architectural language before they referred it back to the Council for adoption.

Councilman Chase then opened a discussion regarding whether the parking spaces should be angled or perpendicular and whether that would affect the drive aisle width. Mr. Lewis reiterated Mr. Healey’s testimony that the drive aisles could be reduced if angled parking were incorporated into the design. Chairman Orsini then stated that he felt it would be advantageous if they angled the parking based on the plans submitted for both the quick service restaurant and the self-storage unit. A discussion ensued about the feasibility of that design based upon the ingress and egress design and based upon comments from other Township agencies. Mr. Lewis also stated that the site was also designed with the knowledge that Myrtle Avenue was going to be extended to the property.

Mr. Healey then introduced the next draft ordinance on the agenda related to the Residential Infill Zone (RF), which he indicated was the only residential zone in the Township where places of worship were not a permitted use. He then noted that the problem that that presented was that in a re-development zone you could not apply for a D-Use Variance. He then added that there was a house of worship already existing in the RF Zone and would have to apply to the Zoning Board to expand. Mr. Healey then told the Board that the ordinance currently would now allow for places of worship in the RF Zone; so he said that he took the standards that would apply in the R-7 Zone which was the most similar to the Residential Infill Zone and basically incorporated that into the draft ordinance before the Board that evening to allow for places of worship.

Mr. Healey told the Board that he has gotten direction from them to incorporate their comments into the draft ordinance that would be sent to Council.

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 8:49 p.m. and the motion was seconded. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
August 29, 2019