

TOWNSHIP OF FRANKLIN
ZONING BOARD OF ADJUSTMENT
COUNTY OF SOMERSET, NEW JERSEY

REGULAR MEETING

June 6, 2019

This Regular Meeting of the Township of Franklin Zoning Board of Adjustment was held at 475 DeMott Lane, Somerset, New Jersey and was called to order by Chairman, Robert Thomas, at 7:30 p.m. The Sunshine Law was read and the roll was called as follows:

PRESENT: Anthony Caldwell, Laura Graumann, Donald Johnson, Bruce McCracken, Alan Rich, Robert Shepherd, Gary Rosenthal, Joel Reiss, Cheryl Bethea, and Chairman Thomas

ABSENT: Cheryl Bergailo

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

MINUTES:

Regular Meeting – April 18, 2019

Vice Chair Graumann made a motion to approve the Minutes as submitted. The motion was seconded and the roll was called as follows:

FOR: Vice Chair Graumann, Mr. Rich, Mr. Rosenthal, Mr. Reiss and Chairman Thomas

AGAINST: None

Regular Meeting – May 02, 2019

Vice Chair Graumann made a motion to approve the Minutes as submitted. Mr. McCracken seconded the motion and the roll was called as follows:

FOR: Mr. Caldwell, Vice Chair Graumann, Mr. Johnson, Mr. McCracken, Mr. Rich, Mr. Rosenthal, Mr. Reiss, Ms. Bethea and Chairman Thomas

AGAINST: None

RESOLUTIONS:

1

James Wilson / ZBA-19-00001

Mr. Rich made a motion to approve the Resolution as submitted and Mr. Caldwell seconded the motion. The roll was called as follows:

FOR: Mr. Caldwell, Mr. Johnson, Mr. McCracken, Mr. Rich, Mr. Rosenthal, Ms. Bethea and Chairman Thomas

AGAINST: None

Pomegranate Investments, LLC / ZBA-18-00017

Mr. McCracken made a motion to approve the Resolution as submitted and Mr. Johnson seconded the motion. The roll was called as follows:

FOR: Mr. Caldwell, Mr. Johnson, Mr. McCracken, Mr. Rich, Mr. Rosenthal, Ms. Bethea and Chairman Thomas

AGAINST: None

Adichunchangari Cultural & Spiritual Foundation / ZBA-18-00014

Vice Chair Graumann made a motion to approve the Resolution as submitted and Mr. McCracken seconded the motion. The roll was called as follows:

FOR: Mr. Caldwell, Vice Chair Graumann, Mr. McCracken, Mr. Rich, Mr. Shepherd, Mr. Rosenthal and Chairman Thomas

AGAINST: None

DISCUSSION:

Franklin II Associates, Ltd – Appeal of Zoning Decision – Carried to September 5, 2019

HEARINGS:

DOMINICK TIERNO / ZBA-19-00009

C Variance in which the Applicant wanted to build a one(1)-story addition at 41 Thirteenth Street, Somerset; Block 432, Lots 9-15, in an R-20 Zone.

The Technical Review Committee (TRC) report showed that the applicant required the following variances:

Rear yard Setback: 50 feet required – 17 feet existing – 35 feet proposed.
Building (Lot) Coverage: 15% maximum permitted – 19.1% proposed.

Mr. Dominick J. Tierno, Applicant, 41 Thirteenth Street, Somerset, NJ, came forward and was sworn in. Mr. Tierno then gave the Board a brief overview of what he wanted to do at his home. He explained that they wanted to create space on the first floor for a pantry, a laundry area and a master bedroom with a bathroom with wheelchair access so they could live on the first floor and easily age in place. He added that they would also like to put in a two (2)-car garage so that they could store their cars in the garage during snowstorms in order to avoid having to slip or fall trying to clean their cars off. He indicated that they had lived in Staten Island for over 35 years and just moved to Somerset in 2017 after which his wife broke her leg and what has prompted them to want to proceed with the aforementioned project because they like where they are living.

Mr. Healey then directed the Board to look at Sheet 8-1 of the plan that was submitted which showed the existing dwelling in a white box, with the proposed addition shown in a grey box. He then told the Board that there was a “hatched” design area that showed the buildable area on the property. Mr. Healey then discussed the existing conditions on the site, including the fact that the property was non-conforming property because the lot was very shallow and long, which addressed the hardship issue with the property. He did mention, however, that the proposed addition was further away from the rear property line than the existing line of the home. Mr. Healey then noted an error in the TRC report that stated a rear yard setback of 35 ft. proposed for the addition but the plan indicated that it was proposed for 28 ft. 9 inches. In any event, Mr. Healey stated that it was still consistent with the fact that the proposed addition was further away from the rear property line than the existing home.

Chairman Thomas then opened a discussion with Mr. Healey regarding the variance requested for building (lot) coverage, where 15% was the maximum allowed and the proposed was 19%.

Mr. Dan Fortunato, Architect, 13 Tamarack Circle, Skillman, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Fortunato stated that the addition would be built with a slab on grade scenario and on one floor because the existing bedrooms are all upstairs about 3-4 steps even though the house was a ranch style home.

Chairman Thomas then opened the meeting to the public. Seeing no one coming forward, the meeting was then closed to the public.

Mr. Healey wanted to clarify, for the record, that the proposed rear yard setback for the addition was always on the plan at 28 ft. 9 inches.

Vice Chair Graumann made a motion to approve the Application, with variances. Mr. McCracken seconded the motion and the roll was called as follows:

FOR: Mr. Caldwell, Vice Chair Graumann, Mr. Johnson, Mr. McCracken, Mr. Rich, Mr. Shepherd and Chairman Thomas

AGAINST: None

DAWN WILLIAMS / ZBA-19-00017

C Variance in which the Applicant was looking for approval for an in-ground pool, pool equipment and shed at 4 Marion Avenue, Franklin Park; Block 34.03, Lot 39, in the A-Agricultural Zone.

The Technical Review Committee (TRC) report, dated May 4, 2019, indicated that the Application involved a 12 ft. x 14 ft. (168 sq. ft.) addition to the right rear corner of the house and that the Application required the following variances:

The in-ground pool and pool equipment required the following "C" variances:
Front Yard Setback: 100 ft. min. required – 74 ft. proposed (pool) and 92 ft. (equipment).
Side Yard Setback: 50 ft. required – 44.4 ft. proposed (pool) and 25 ft. (equipment).

The existing shed required the following "C: variance:
Front yard Setback: 100 ft. min. required – 29 ft. proposed.

Mr. Healey indicated that the entire neighborhood were 1-acre lots and felt that at some point, the entire area was re-zoned to the A-Agricultural Zone, which required 6-acre lots. He added that that would explain why the setback requirements were much larger than if they were still in the R-40 Zone. Mr. Healey then stated that the variances that were required were for an in-ground pool and shed and were triggered because the property was a corner lot, with frontages on both Marion Avenue and Claremont Road, and accessory structures were not allowed in a front yard. He told the Board that the plans showed the existence of a 6 ft. high fence with landscaping behind it which would serve to screen the proposed pool and shed from the road.

Ms. Dawn Williams, Applicant, 4 Marion Avenue, Franklin Park, NJ, came forward and was sworn in. Ms. Williams explained that the requested location for the pool sat just off the area of an existing patio was located and was built with the home. She also explained that the pool location was right near the entry and exit points to the rear of the home and would result in the least amount of impervious surface being added and was away from both her neighbor's rear yards where they spend their time. She also reiterated Mr. Healey's testimony that there was already privacy screening in that area, including green arborvitae that completely screen the area from Claremont Road.

Chairman Thomas then opened the meeting to the public. Seeing no one coming forward, the meeting was closed to the public.

Vice Chair Graumann made a motion to approve the Application with Variances and Mr. McCracken seconded the motion. The roll was called as follows:

FOR: Mr. Caldwell, Vice Chair Graumann, Mr. Johnson, Mr. McCracken, Mr. Rich, Mr. Shepherd and Chairman Thomas

AGAINST: None

BRIAN MICHALSKI / ZBA-19-00018

C Variance in which the Applicant was looking for approval to build a 48' x 40' pole barn at the rear of 51 Cedar Grove Lane, Somerset; Block 468.09, Lot 39, in an R-40 Zone.

The Technical Review Committee (TRC) report stated that the Application required the following variances:

Height of Accessory Structure: Accessory structures (i.e., the pole barn at 23.3 ft.) were not permitted to be taller than the principal structure (i.e., the Application form indicated that the house was 21 ft. in height).

Mr. Brian Michalski, Applicant, 51 Cedar Grove Lane, Somerset, NJ, came forward and was sworn in.

Mr. Healey indicated that the Application was for a one (1)-story single family property, with the home in the front of the site. He added that the Applicant was seeking to construct a 48' x 40' pole barn to the rear of the property and required a variance for such because of the requirement that the accessory structure could not be taller than the home. Mr. Healey went on to explain that the plans show the location of the pole barn in the mid-rear of the property and did comply with applicable setbacks, with the exhibits in the TRC report showing the surrounding land uses around this very large and deep property. He added that the proposed pole barn would be almost 400 ft. from Cedar Grove Lane, with a large place of worship to the right and left of the property. Mr. Healey then told the Board that there were light industrial uses to the rear of the property that fronted Worlds Fair Drive.

Vice Chair Graumann then asked the Applicant why he wanted a pole barn, and Mr. Michalski stated that since a pole barn did not require a foundation, it was more affordable.

Chairman Thomas then asked what the intended use would be for the pole barn. Mr. Michalski explained that he was an off-road racer and wanted to store sports cars in the pole barn and have a place to maintain them. He also indicated that he wanted to store a motor home in the pole barn as well, which was why he stated he needed the extra height.

Mr. Rich inquired about the flooring in the pole barn, and Mr. Michalski indicated that it would be made from concrete. He then asked the Applicant if there would be any plumbing included, to which Mr. Michalski answered in the negative. Mr. Rich then inquired as to whether there would be any welding and cutting done in the pole barn, and Mr. Michalski answered in the affirmative, for his sports cars.

Chairman Thomas then opened the meeting to the public. Seeing no one coming forward, the meeting was closed to the public.

Vice Chair Graumann made a motion to approve the Application and Mr. McCracken seconded the motion. The roll was called as follows:

FOR: Mr. Caldwell, Vice Chair Graumann, Mr. Johnson, Mr. McCracken, Mr. Rich, Mr. Shepherd and Chairman Thomas

AGAINST: None

101 METTLERS ROAD, LLC / ZBA-19-00010

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, 101 Mettlers Road. He stated that the Applicant was seeking D (1) Use Variance “to use the rest of the building as a school” at 101 Mettlers Road, Somerset; Block 511, Lot 1.02, in the R-O-L Zone.

Mr. Lanfrit explained to the Board that they were before them in 2016 and 2017 with two (2) separate applications for the facility. He noted that the first application was to use a portion of the building for a charter school, which was not permitted in the zone, and was granted that variance. Mr. Lanfrit added that they also obtained site plan approval and reminded the Board that the application was based upon the allowance of 1,248 students. He went on to explain that they came back before the Board later in 2017 for the use of another portion of the building for a gymnasium, which was approved and constructed. Mr. Lanfrit indicated that they had now received approval from the State to allow for the full capacity of the 1,248 students and will now be leasing the remainder of the building for the charter school. Since charter schools were not permitted in the zone, Mr. Lanfrit stated that they needed the Board’s approval to use the remainder of the building for the school.

Dr. Namik Sircan, Principal, One Burnham Street, Somerset, NJ, came forward and was sworn in. Dr. Sircan stated that he was also the Principal of the school back in 2016 and 2017 and testified in the original application. He then told the Board that in the 2016-2017 school year they had about 630 students enrolled, and since that time they had been filling in some of the remaining grades that were not represented. He stated that at the present time, they had about 820 students and at the last hearing they had he had told the Board that they had an application pending with the State to expand the charter school to be able to include 1,248 students, which was approved in February, 2017. Dr. Sircan then indicated that to adequately serve those 1,248 students, the existing school space was insufficient to do so and would now be leasing the entire building from the landlord and using all of the spaces in the building for the school. When they were there before the Board in 2016 and 2017, Dr. Sircan indicated that they presented testimony about the building that included full build-out. He testified that site circulation for busses and parking works perfectly now, with no problems, and did not foresee any issues with full build-out of the facility. He noted that operations would remain the same as previously approved.

Chairman Thomas then stated his concern that there would be sufficient parking upon full build-out of the facility. He stated that whenever he had gone by the facility, the parking area seemed to be packed. Mr. Lanfrit stated that they were re-evaluating the parking situation and had the space available to come back before the Board to amend their site plan to add more parking facilities should it become necessary.

Mr. David Feldman, 1670 Rte. 34, Wall Township, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Feldman testified that he was the architect of record and prepared the plans for the original application, testifying at the first hearings. Mr. Feldman entered into the record as Exhibit A-1, the original site plan that was approved. He told the Board that what was being shown detailed the finished product application that indicated what was originally approved and then entered into the record as Exhibit A-1 which showed what they were coming before the Board that evening to request. He told the Board that the building was broken up into two (2) sections, with one (1) section encompassing just under 94,000 sq. ft. that was previously approved and located towards the front of the site. He went on to discuss that that section consisted of two (2) floors and a small third floor loft area. Mr. Feldman then indicated that the new Application before the Board that evening was the section of the building that was previously undeveloped and was just over 70,000 sq. ft. He noted that their intention was to take that second area and make it self-sufficient for grades K-5, with the other area that was previously approved would be for grades 6-12. Mr. Feldman explained that what was submitted with the plans were the enlarged floor plans for the proposed 70,000 sq. ft. and would include classrooms for grades K-5, its own cafeteria, its own gymnasium as well as an auditorium on the first floor (approximately 54,000 sq. ft.). Additionally, Mr. Feldman stated that there would be an additional second floor level in this section (approximately 16,000 sq. ft.). To make the record clear, Mr. Feldman indicated that there would be two cafeterias and two gymnasiums on the site, one for the lower elementary school and one for the high school level grades. Mr. Feldman stated that they had 56 classrooms in the building, with additional amenities to support the classrooms, that were previously approved in 2016/2017. He testified that they were now proposing to add 33 classrooms, for a total of 89 classrooms, plus other miscellaneous rooms for support. Mr. Feldman indicated that all of the additional spaces were being proposed for the confines of the building, with no additions to the building being proposed. He then told the Board that the method of ingress and egress to the building remained the same

Mr. Kevin O'Brien, Planner, Shamrock Enterprises, Madison House, Madison Avenue, Rahway, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. O'Brien stated that he testified in the original hearing regarding the Use Variance for the charter school. He then stated that a charter school was an inherently beneficial use and then explained the proofs that were required to meet the special reasons test and the positive criteria involved to do so. He explained that the project also met a number of the goals of the Municipal Land Use Law (MLUL) as well as the Township's Master Plan, which he enumerated. He then spoke about whether the project met the negative criteria, stating that because it is an inherently beneficial use, they needed to go through the 'seek a balance' test to determine if there were any detrimental impacts. Mr. O'Brien indicated that he felt there were no negative impacts because the charter school was located on a somewhat isolated campus that was separated by roadways from surrounding offices and research laboratories and has had no negative impacts on any of the neighbors so far. By bringing bus traffic into the location based upon the Board's recommendations at the last meeting has improved traffic circulation. Mr. O'Brien then stated that he believed the Application could be granted without substantial detriment to the public good and without substantial impairment of the zone plan and zoning ordinances.

Mr. Healey indicated that the TRC (Technical Review Committee) report asked for some confirmation on the parking situation. He confirmed with Mr. Lanfrit that the employee count

of 158 maximum was not changing, but did ask if there would be any increase in the number of driving students to the site. Mr. Lanfrit indicated that everything that was agreed to in the original approval of the site plan would remain in full force. Mr. Healey then asked about the requirement of one (1) for every four (4) seats in the gymnasium, and Mr. Lanfrit stated that the additional gymnasium was planned only for the students and no outside activities. Mr. Healey reminded the Applicant that the original gymnasium did include seating, and Mr. Lanfrit stated that was true, but that the new gymnasium would just be for physical education for the students. Mr. Healey then spoke about the original approval that included 1,248 maximum students and 158 staff, with the traffic study, the site plan and the parking calculations based upon those numbers, but for only half of the building and now would just encompass the entire building. He noted that the original approval was predicated upon the traffic circulation, the bus queuing, and where the students would be picked up and dropped off and was carefully reviewed.

Chairman Thomas then opened the meeting to the public. Seeing no one coming forward, the meeting was then closed to the public.

Vice Chair Graumann made a motion to approve the Application, assuming that all of the conditions agreed to in the prior site plan approval were met. Mr. Caldwell seconded the motion and the roll was called as follows:

FOR: Mr. Caldwell, Vice Chair Graumann, Mr. Johnson, Mr. McCracken, Mr. Rich, Mr. Shepherd and Chairman Thomas

AGAINST: None

7507 PROPERTIES, LLC / ZBA-19-00006

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, 7507 Properties, LLC. Mr. Lanfrit stated that the Applicant was proposing two 4-story buildings consisting of 77 units (50 one-bedroom; 27 two-bedrooms) at 818, 826, 840 Hamilton Street; 155 Mark Street and 54 Pershing Avenue, Somerset; Blocks 143/144/145, Lots 18-28/21-30/1-10.

Mr. Healey's Planning report indicated that the following variances were required:

D(1) Use Variances:

The proposed parking lot on Block 143 is located in the R-7 Zone, thus a D(1) Use Variance is required.

The HBD permits mixed use buildings (commercial use on first floor with residential above) – Building 2 is residential only.

D(6) Building Height: 40 ft/3 stories permitted – 49.9 feet/4 stories proposed (Building 1) and 49.5 ft./4 stories proposed (Building 2).

Parking – 156 spaces required – 149 spaces proposed.

Lot Coverage: 50% max. permitted – 52.6% proposed (Building 1) and 51.6% proposed (Building 2).

Impervious Coverage (HBD Zone): 85% max. permitted – 90.0% proposed (Building 1) and 90.5% proposed (Building 2).

Impervious Coverage: (R-7 Zone): 30% max. permitted – 82.3% proposed (parking lot).
Building Setback (Front Yard – Victor Street) – 10 ft. required – 5 ft. proposed.
Parking Lot Setback: Parking proposed between front building line and front lot line.
Screening of parking lot where adjoining residential zone: continuous planting screen at least 5 ft. in width with fencing – not all requirements met on Blocks 143 (i.e., the parking lot only site) and parking lot for Building 2.

Mr. Lanfrit told the Board that the Application was for a Use Variance and Site Plan approval to construct two (2) buildings along Hamilton Street in the HBD District. He indicated that they were there that evening before the Board because they were using a portion of property located in the R-7 Zone for the project, which was a residential zone. He added that they were also there for a variance for the height of the building because the zoning allows for up to 50 ft. and four (4) stories if the Applicant had a 40,000 sq. ft. lot. Mr. Lanfrit explained stated that they had three (3) lots that exceeded 40,000 sq. ft., but that it wasn't just one (1) lot. He then told the Board that he would be having four (4) witnesses that evening, the developer of the project, the architect, the site engineer and the planner. Mr. Lanfrit then stated that they had provided, as part of their submission, a traffic study prepared by Ms. Elizabeth Dolan of Dolan & Dean. He noted, however, that Ms. Dolan was out of the country at that time and could not be there that evening. He stated that if the Board felt that they needed to hear testimony from Ms. Dolan, he would be able to have her appear before the Board in two (2) weeks. Mr. Lanfrit did testify that they did comply with the ordinance and provided all of the parking that was required for residential parking, with some excess for the commercial parking as well as being able to purchase parking spaces.

Mr. Stephen Ramido, Developer/Principal of 7507 Properties, LLC, 9 Veronica Avenue, Somerset, NJ, came forward and was sworn in. Mr. Lanfrit indicated that the exhibits being shown that evening digitally were also part of the Applicant's submission. Referring to the existing conditions map, Mr. Ramido showed the Board the properties that he owned and when he acquired them, noting that they were currently under contract to purchase two (2) additional properties for their surface parking lot and have been trying to purchase two (2) other properties that the currently owners do not want to sell at that time. Mr. Ramido then gave the Board his vision of how the properties would be used and their thoughts in the process of acquiring the lots over the past eight (8) years. He then showed the Board on the plan the building that he was requesting a variance for to allow just residential units. Mr. Ramido told the Board that commercial properties were not currently filling up along Hamilton Street, and therefore, wanted to keep the one(1) building as residential only with the hope that once the people come and start living there, the commercial needs would expand. He did state, however, that the look of that residential building would have the same look of the other buildings along Hamilton Street that have 1st floor commercial uses. A discussion ensued among the Board.

Mr. Michael K. Ford, Engineer, employed with Van Cleef Engineering, 32 Brower Lane, Hillsborough, NJ, came forward and was sworn in. Mr. Ford then described the properties that were proposed to being developed by the Applicant. Mr. Lanfrit stated that they had provided a handout to the Board of everything that was being shown that evening. He first spoke about the property that had a barber and vacant deli space in the northern portion of the subject property. Secondly, he referred to a photograph of the extent of the southern portion of the property on Hamilton Street, showing the existing occupied residence and a single story brick building at the corner of Hamilton Street and Pershing Avenue. Lastly, Mr.

Ford showed a photo of an existing occupied dwelling at the intersection of Victor Street and Pershing Avenue with a view from the intersection toward where the offsite parking area was proposed to be located in the R-7 Zone.

Mr. Ford then moved on to discuss the site plan that they were proposing the Board approve. He stated that during the original Application, the Applicant did not have one (1) of the lots that was being proposed for off-site parking, but had subsequently acquired that lot in order to meet the requirements for residential parking. Mr. Ford marked into evidence as Exhibit A-1 a slightly different plan than what was originally submitted due to meetings with Township staff and other agencies. Mr. Ford described the two (2) 4-story proposed buildings, with the southerly building noted as Building 1 (including the commercial component on first floor) and the northerly building noted as Building 2, with the third component being the proposed parking area for both. Mr. Ford indicated that they had 147 parking spaces in total, where 144 were required for residential. He added that the commercial component only required 12 parking spaces, where they have a small shortfall, but that they were able to take advantage of a buyout of those commercial spaces. Mr. Ford then introduced a discussion regarding the ingress and egress from the parking area, noting the changes that had been made in the process of acquiring the additional lot and in discussions with Township staff. He stated that they ultimately decided to keep the two driveways onto Victor Street and provide circulation through the entire parking lot with an addition and proposal for a low metal fence along the Pershing Rd. frontage to continue along the Pershing Rd. frontage to the off-site parking, but distinguished in that parking area by short stone masonry columns to tie it into the entire project. He added that the metal fence would continue along Mark Street in order to pull the whole off-site parking area together with the two buildings, with a 6 ft. high stockade fence along the boundary with their nearest neighbors. Mr. Ford told the Board that they had originally planned for low plantings along the Hamilton Street portion of the project, but reverted to the Township vision of continuing the same Hamilton Streetscape that had already been started, to include street trees. He then noted that they were also proposing sidewalks along the southerly portion of Pershing Avenue as well as a sidewalk link in one area on the opposite side of Pershing to complete the pedestrian link.

Mr. Ford then discussed how storm water management was being handled for the project, noting that there would be underground detention basins that would connect to the existing storm drainage systems on Hamilton Street, with each lot having their own basin. He then drew the Board's attention to the new screening and fencing that was being proposed along the residential properties to screen the parking area as well as screening behind Building #2 that would include a similar solid 6 ft. high stockade fence along the entire length of that property line. He also stated that there would be landscaping provided around both buildings where there was opportunity to do so. Mr. Ford addressed how they would be handling trash on the site, noting that there would be one (1) trash enclosure on each of the two building sites that would be enhanced with masonry surrounds and landscaped, as per Township staff recommendations.

Mr. Ford then discussed the lighting for the site, both for the buildings and in the parking area, with standard LED downward shielded light poles in the parking areas that would not allow for any light spillage on other properties. He then addressed the staff reports, noting that they could comply with all of the comments in both Mr. Healey's Planning report, dated May 29, 2019, as well as the comments in the CME Engineering report, dated 5/21/2019. Mr. Ford

then told the Board that the new plans they were looking at that evening were dated May 30, 2019.

Mr. Ford then indicated that they could comply with all of the comments in the Police report, dated May 23, 2019, and were either shown or will be shown on the plans. He then added that they would just need to confirm the line size for the satisfaction of the Fire Safety Dept. Mr. Ford then detailed the relief they are requesting from the Hamilton Street Advisory Committee's request for the treatment of the sidewalks, whereby they were asking that the Applicant carry the Hamilton Street frontage improvement down the length of the site's Pershing Avenue frontages. He indicated that they were requesting a waiver from having to continue the frontage improvement past their driveways. Mr. Ford added that they preferred to match the sidewalk that already existed there.

Mr. Ford then discussed the bulk variances that they were seeking, as detailed in Mr. Healey's Planning report. He told the Board that the slight overage in impervious coverage was being handled by the storm water management systems that were being put in place and would not have any negative effects on the bordering neighbors. He also added that the variance for a deficiency in commercial parking spaces would no longer be a variance because they were going to "pay in lieu" for the deficient number of commercial spaces.

Mr. Burt Ludwig, Architect, 77 North Main Street, Milltown, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Ludwig stated that he was the architect of record for 510 Hamilton Street and designed the buildings that were the subject of the Application that evening, consisting of one (1)- and two (2)-bedroom apartments, which was the intent of the Hamilton Street Business District's ordinance. He then showed the exterior exhibits of the buildings to show the materials that would be used in construction of the same. He spoke of highlighting the building at the corner of Pershing Avenue to enhance the corner lot and showed a darker masonry base along Hamilton Street. He noted that the first floor of Building 2 would have a residential first floor, but would have a commercial feel to have the same look at Building 1, utilizing tans and browns and white coloring. Mr. Ludwig stated that the height of the buildings were approximately 45 feet. He then told the Board that if the lots had been combined, they would be able to go to four (4) stories and 50 ft. high. He then discussed how the access was being provided to the building that did not have the commercial component to it, noting the entrance was defined by a tower area that connected through the building to the back parking area. He noted that the doors on Building 1 to Hamilton Street were for the retail portion, so that the main entrance for residents of that building was through the parking lot that was also defined by a tower entryway. Mr. Ludwig explained that there was a sidewalk system to get them around the building and out to Pershing Avenue and Hamilton Street from Building 1. He then detailed the materials being used at the rear of the building, noting the continued use of a low masonry base with masonry board siding that would be the same as what was used on the front of the buildings. Mr. Ludwig testified that the buildings would be sprinklered and that they would each have three (3) stair towers and one (1) elevator. He testified that some of the parking for Building 2 would be covered under the cantilever from piers supporting the upper floors. Mr. Ludwig then noted that one of the piers would be relocated to remove it from the proximity of a handicapped space.

Mr. McCracken then asked how bicycles would be accommodated on site. Mr. Ludwig indicated that they did design the units to have more storage than typical apartments, so they

were planning that people would be able to store a bike(s) inside their units and would be able to do so inside the proposed elevator.

Mr. Healey asked about the siding on the rear elevations, and Mr. Ludwig stated that they had various patterns for the siding in order to change up the appearance along the back of the building and carried around the front and sides of the buildings. Mr. Healey then asked how the Applicant was going to place and illuminate signage on the building. Mr. Ludwig testified that they were going to put gooseneck lighting on the Hamilton Street side of the building to illuminate signage. He then answered Mr. Healey's inquiry regarding whether they were going to provide recessed entrance areas to the retail component on Building 1 in the affirmative. Mr. Lanfrit then stated that they were proposing conforming signs and were not asking for sign variances, depending upon a specific tenant requested something non-conforming.

Mr. Shepherd asked whether the parking and retail lighting would remain on all night, and Mr. Lanfrit stated that the parking lot lights would have to remain on all night for security reasons.

Vice Chair Graumann then inquired about the square footage of the two(2)-bedroom units. Mr. Ludwig indicated that the two(2)-bedrooms were going from 1,025 sq. ft. to 1,300 sq. ft. and the one (1)-bedroom apartments would be 875 sq. ft.

Mr. Johnson then opened a discussion regarding how handicapped residents would access Hamilton Street from Building 1 since the residential access was only from the rear of the building. Mr. Ludwig then discussed handicapped residents utilizing the elevator to access the rear sidewalk that connected to Hamilton Street or they could possibly utilize an interior door through a retail space that perhaps could be connected for the accessibility of the tenants. Mr. Lanfrit indicated that one of the retail spaces might be a gym for the tenants or a leasing office so there would be access through that space anyway.

Mr. Vincent Dominach, Township Economic Development Director and Executive Director of the Hamilton Street Advisory Committee, came forward and was sworn in. Mr. Dominach then spoke about the utilization of the commercial space along Hamilton Street, noting that the Applicant had been in constant contact with the staff and working closely to share the vision of the Hamilton Street Business District. He then stated that the issue created by the fact that there were two lots, but that the proposal was in keeping with the intent of the required 40,000 sq. ft. lots in the Hamilton Street Business District. Mr. Dominach then stated that he encouraged the Applicant to include less commercial space because there was already a lot of commercial space along Hamilton Street that was not rented yet. He did state, however, that he suggested that the building should be built in the same manner and style as the other buildings in order to accommodate commercial space on the first floor of Building 2 in the future, if need. Mr. Dominach then told the Board that the Hamilton Street Board did approve the project and felt that it was in conformance with the regulations and the concepts.

Chairman Thomas then opened a discussion regarding the possibility of being able to convert a residential tenant space to a retail commercial space, and Mr. Ludwig confirmed that that was true.

Mr. Healey stated that there were maximums and minimums in the Lighting Ordinance, and wanted to know if they would be able to comply with those. Mr. Ford answered in the affirmative.

Mr. Kevin O'Brien, Planner, Madison House, Madison Avenue, Rahway, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. O'Brien then discussed the several D variances that the Applicant was seeking, including a parking lot in a residential zone, a residential use on Hamilton Street that did not include a commercial use and a use variance for the height of the building since they exceeded the 40 ft. that was allowed.. He reiterated that if the project was looked upon as one (1) unit and not three (3) separate parcels, they would meet the requirements of the Hamilton Street Business District because they had over 40,000 sq. ft. amongst the three (3) properties. Mr. O'Brien then had a discussion to justify the D variance for not having the commercial on the first floor of Building 2, noting the other testimony given that evening regarding the fact that additional commercial was not needed at that point unless it was something specialized that you could not get somewhere else or it was a convenience. He then discussed how the Master Plan of the Township gave guidance in relation to the Application, i.e., maintaining the diversity of housing while encouraging in-fill and stabilization, and how the Hamilton Street Business District encouraged redevelopment based on the corridor's guidelines. Mr. O'Brien then discussed how the Municipal Land Use Law (MLUL) supported the Application. He then spoke to any negative impacts, stating that the parking lot was buffered and fenced to screen it from the adjacent residences. Finally, Mr. O'Brien stated that he felt the Application met the burden of proof by offering special reasons based on the MLUL as well as positive criteria and that they met the goals of the Township's Master Plan and zoning ordinances. He stated that he didn't see any negative effects and that the bulk variance could be granted under the C-2 argument and that the benefits outweigh any detriments. Finally, Mr. O'Brien indicated that the approval could be granted without any substantial impairment of the zone plan and without substantial detriment to the public good.

Mr. McCracken asked where deliveries would be made and Mr. Ford stated that they had a parking lot that could be circulated through to other access ways, Victor St. and Pershing Avenue, and that deliveries could come via UPS or box trucks where there was parking along the frontages of the properties as well.

Mr. Healey then asked Mr. Ramido if there would be phasing for the development or would it all be built all at one time. Mr. Ramido stated that it would be built all at the same time, but would depend upon finances. He said if it were done in phases, they would come in to build one building first and the parking lot at the same time.

Mr. Healey then went about explaining the requirement of having 40,000 sq. ft. of property and 250 ft. of frontage in order to go up to a fourth floor. He stated that one of the reasons for the extra density came with the need for additional parking and wanted to require a certain amount of land area to accommodate the associated parking needs for an extra floor of residential units. Mr. Healey then pointed out how the subject Application accommodates for that land area (two 25,000 sq. ft. lots for buildings and one lot for associated parking needs).

Chairman Thomas then opened the meeting to the public for questions and comments.

Mrs. Katharine Townes, 151 Victor Street, Somerset, NJ, came forward and was sworn in. Mrs. Townes indicated that there was an ordinance that stated that there was no entrance or exit from Victor Street to Hamilton Street and she wanted to know what happened to that ordinance. She also was concerned what affect having a parking lot right next to residential homes would do to the air quality. Mrs. Townes also stated that she didn't want a sidewalk for fear of people congregating there. A discussion ensued about the neighbor at 59 Pershing St. who has had conversations with the Applicant to say he had no objections, according to Mr. Ramido. Mr. Ford explained how the storm water system with the three underground detention basins would capture all of the runoff and be directed to Hamilton Street. He added that there was improper drainage currently at the corner of Victor St. & Pershing Avenue near the frontage of the off-street parking area, and the Applicant had agreed to rectify that situation. A discussion ensued regarding the provision of a taller than 6 ft. fence should the adjoining neighbor want us to provide it. Mrs. Townes then wanted to know who would be responsible for taking care of a sidewalk in front of her property, should it be included. Mr. Ramido stated that, although he was not obligated to do so, that he would take care of the sidewalk in front of her home when he was maintaining the property of the rental building as long as she lived in her home.

Mr. Healey then addressed Mrs. Townes concerns regarding a possible ordinance that might have changed restricting any movement from Victor Street to Hamilton Street. Mr. Healey indicated that there was never, in the past 12 years he's been the Township Planner and in the 14 years that Mr. Dominach had been the Zoning Officer, an ordinance to restrict movements from Victor Street. A discussion ensued.

Mrs. Townes asked whether there would be parking allowed on Pershing Avenue. A discussion ensued regarding the fact that parking was allowed now on the street and that issue was not something under the Board's purview.

Mrs. Townes then opened a discussion regarding putting up a fence when doing demolition of the existing home on the lot proposed for the parking lot. Mr. Healey stated that that was required as part of the demolition permit that they needed.

Ms. Erin Townes-Wursley, 307 Jarvis Place, Somerset, NJ, came forward and was sworn in. Ms. Townes-Wursley was concerned that the trash collection site was near her mother's home, and Mr. Lanfrit explained that the trash would be contained in an enclosure matching the building and that it would be facing into the site so that the collection truck would come into the site to remove the trash. He also told Ms. Townes-Wursley that there were significant plantings around the enclosure shown on the plans. Mr. Lanfrit stated that it would be collected by a private collector and would come as often as was necessary.

Ms. Townes-Wursley then opened a discussion regarding security for the buildings, and Mr. Lanfrit indicated that there would be security cameras around the building for the protection of the residents and the neighbors with signed parking spaces for the use of the tenants and visitors of the commercial sites.

Seeing no one further coming forward from the public, Chairman Thomas then closed the meeting to the public.

Mr. Caldwell then asked Mr. Ramido what neighbors, if any, on Victor Street were contacted about this project. Mr. Ramido indicated that he contacted the adjoining property owners and that a letter went out to anyway living within 200 ft. from the project went out to inform them of the hearing that night. Mr. Ramido indicated that he got only positive feedback from the neighbors he spoke with. The discussion was then directed to the subject of the proposed 6 ft. solid fence and Mr. Ramido indicated that he spoke with the adjoining neighbor to say that they would be matching the size and height of his existing fence to provide additional screening from the parking lot.

Mr. Lanfrit then gave his closing remarks, stating that the Board just needed to decide whether the sidewalk should be extended along the one side of Pershing Avenue and if it should be extended, should it match the Hamilton Street sidewalk or just be a regular residential sidewalk. Another suggestion from Mr. Lanfrit was stopping the sidewalk at their driveway and putting a crosswalk there so people could cross the street to utilize the sidewalk that already existed on the other side of the street, thus eliminating the sidewalk in front of Mrs. Townes' property.

A discussion ensued among the Board, and Mr. Healey stated that the idea of a sidewalk extended down the street from Hamilton Street came from the Township Engineer and the Hamilton Street Business District. Mr. Healey said that Mr. Lanfrit's suggestion of a cross walk would have to be reviewed by staff and by the Traffic Safety Bureau because it would be a mid-street crosswalk, which he said were typically discouraged.

Mr. Dominach indicated that they could talk to the Mrs. Townes and other neighbors, but that the Township had always had the idea of including sidewalks to provide connections for pedestrians that were safe. A discussion ensued.

Vice Chair Graumann made a motion to approve the Application, with a condition that the developer agrees to maintain the length of the sidewalk from his property and that if the project was phased, the first phase would need to include construction of the parking lot. Additionally, testimony was given that the Applicant would "pay in lieu" for the additional commercial parking spaces they were short on. Also included was the provision of a crosswalk and handicapped ramp down from the sidewalk on both sides at the intersection of Pershing Avenue and Victor Street. Mr. McCracken seconded the motion and the roll was called as follows:

FOR: Mr. Caldwell, Vice Chair Graumann, Mr. Johnson, Mr. McCracken, Mr. Rich, Mr. Shepherd and Chairman Thomas

AGAINST: None

WORK SESSION/NEW BUSINESS:

There was no work session or new business discussed.

MEETING ADJOURNED

Mr. Shepherd made a motion to adjourn the meeting at 9:33 p.m. and was seconded. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
July 19, 2019