

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

**REGULAR MEETING
September 4, 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, Meher Rafiq, Robert Mettler, Mustapha Mansaray, Charles Brown, Godwin Omolola and Chairman Orsini

ABSENT: Cecile Maclvor, Jennifer Rangnow and Robert Thomas

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

MINUTES:

- **Regular Meeting –July 17, 2019**

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

FOR: Councilman Chase, Mr. Hauck, Ms. Refiq, Mr. Mettler, Mr. Omolola and Chairman Orsini

AGAINST: None

RESOLUTIONS:

- **SAMIR SHEHATA & COCO CHEN / PLN-18-00002**

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

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

AGAINST: None

- **SHREE SWAMINARAYAN SATASANG MANDAL, INC. / PLN-19-00008**

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

FOR: Councilman Chase, Mr. Hauck, Ms. Refiq and Mr. Omolola

AGAINST: None

- **LLURA LIGGETT & GORDON GUND / PLN-1900006**

Mr. Hauck made a motion to approve the Resolution as submitted. Mr. Omolola seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Refiq and Mr. Omolola

AGAINST: None

- **RUTGERS PREPARATORY SCHOOL / PLN-19-00002**

Mr. Hauck made a motion to approve the Resolution as submitted. Mr. Omolola seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Refiq and Mr. Omolola

AGAINST: None

DISCUSSION:

- **Amendment to Planning Board By-Laws to Add New Sections Regarding Public Discussion and Public Hearing Guidelines.**

Chairman Orsini indicated that the proposed amendment came from Councilman Chase and did not change the way the Planning Board operated.

Councilman Chase then gave a brief overview regarding what his ideas were to add to the Planning Board By-Laws. The Councilman indicated that it had to do with Sustainable Jersey certification. He stated that they had an action on improvement of municipal participation of the public in planning and zoning. The Councilman added that one of the things that they asked for was that the Planning Board have written as well as on the website, rules for public participation. He indicated that it really came in two (2) parts whereby for the public session, the Councilman stated that he just took the Council rules and substituted "Chairman" for "Mayor" and "Application" for "Ordinance", with some additional suggestions from Chairman Orsini. Councilman Chase then told the Board that Mr. Healey, Township Planning Director, wrote up one (1) for the public participation when they had a hearing on something. He then indicated that one of the more interesting additions was Chairman Orsini's suggestion that language should be included that indicated that the public could speak on any topic during the public comments portion of the meeting that related to planning rather than keeping it too broad and adding that it should also be something that did not also have a hearing of its own during the meeting.

Mr. Healey then stated that he took the outline for the public discussion and public hearing and put it in the form of a resolution and was ready if the Board wished to act upon it.

Chairman Orsini then made a motion to adopt the additions to the by-laws. Councilman Chase seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Refiq, Mr. Mettler, Mr. Mansaray, Mr. Brown, Mr. Omolola and Chairman Orsini.

AGAINST: None

Ordinance:

- **Ordinance #4299-19 – Permitted Uses Within the Renaissance Commercial Zoning District (R-C).**

Mr. Healey explained that the subject ordinance was the formal referral from Council at a work session about a month or two ago. He added that the Planning Board discussed the draft ordinance before it went up to Council and that the Applicant was before the

Board that evening explaining their proposal and that the Planning Board had some comments on the draft, specifically on language for the buffering, and all of the comments that the Board had were incorporated into the draft which was introduced by the Council. Mr. Healey then explained that, under the Municipal Land Use Law (MLUL), the ordinance had to come back before the Planning Board before the public hearing for any comments that they might have on the ordinance. Chairman Orsini then recalled that Mr. Healey was referring to a hearing regarding a self-storage facility with the stand alone use to be determined in the front. Mr. Healey then stated that the ordinance would permit the storage use in that zone, subject to specific standards. A discussion ensued regarding the design concept section of the ordinance.

Chairman Orsini made a motion to approve the Ordinance for permitted uses within the Renaissance Commercial zoning district (R-C). Mr. Omolola seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Refiq, Mr. Mettler, Mr. Mansaray, Mr. Brown, Mr. Omolola 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. Mr. Omolola 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 Mr. Omolola. All were in favor.

HEARINGS:

- **JENNIFER NORRIS & STEPHEN STANKOVICH / PLN-19-00012**

Mr. Healey stated that he thought it would be helpful if he gave a brief summary of the Application because the Application was very straight-forward. He then drew the Board's attention to page 4 of the Technical Review Committee report (TRC) because it basically provided a before and after. Mr. Healey then noted that the top rendering showed Figure 3: Existing Lot Configuration with the existing property lines outlined in red, showing that 39 Market Street was comprised of Lots 1,2 & 10 and was basically an L-shaped property. He noted that the property had frontage on Market Street and Elm Street and some frontage on William Street as well. He then told the Board that the second property was 44 William Street (Lot 9) that was approximately a 2,500 sq. ft. piece of property. Mr. Healey then explained that they were being presented a subdivision, whereby a portion of 39 Market Street would be conveyed to 44 William Street and Figure 4 was the Proposed Lot Configuration. He then stated that the

proposed Lot 1.01 would have frontage on Market Street and Elm Street, with proposed lot 9.01 (future 44 William Street) would be made larger and would go from being approximately 2,500 sq. ft. to approximately 6,900 sq. ft. in size and would be more conforming. Mr. Healey reiterated to the Board that the Application was for a Minor Subdivision to allow the land transfer to occur. He did add, however, that there were some technical variances in that 39 Market was being made smaller in the transfer of property, with a few variances required. He then enumerated those variances, which included one for impervious coverage, but was not due to any development being proposed, but just the moving of the lot lines. Mr. Healey told the Board that the resulting variances were listed on page one (1) of the TRC report that would exist for 39 Market Street, including impervious coverage as well as those that would relate to 44 William Street, which would still be a severely undersized lot even with the additional property included. Also, he stated that both properties would require variances for existing, non-conformities for front yard setbacks and rear yard setbacks for 39 Market Street and front yard setback, side yard setback and rear garden shed setback for 44 William Street. Mr. Healey then suggested that those be included in any Resolution.

Ms. Jennifer Norris, 51 Livingston Avenue, East Millstone, NJ, came forward and was sworn in.

Mr. Stephen Stankovich, 51 Livingston Avenue, East Millstone, NJ, came forward and was sworn in.

Mr. Clarkin, Board Attorney, then asked both witnesses whether they agreed with Mr. Healey's description of what they were seeking from the Board that evening. Both witnesses answered in the affirmative and asked that the Board act on the proposed subdivision.

Mr. Healey then discussed with the Board the fact that they were requesting C(2) variances because the property was being made more conforming and goals of zoning were achieved. Mr. Clarkin then stated that he felt that the Board could approve the existing, non-conforming variances based upon a C(1) Hardship basis since they were in existence for probably decades and that the conditions did not have any negative effect on surrounding properties. A discussion ensued among the Board.

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

then made a motion to close the meeting to the public. Chairman Orsini seconded the motion, and all were in favor.

Mr. Mettler made a motion to approve the Application and Councilman Chase seconded the motion. The roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Refiq, Mr. Mettler, Mr. Mansaray, Mr. Brown, Mr. Omolola and Chairman Orsini

AGAINST: None

Mr. Mettler then asked to open a discussion regarding the lot on the other side of the house that was part of the subject Application. He noted that construction had begun on that adjacent lot and that they were supposed to notify the Township so that someone would be there when the ground was broken to see if there was anything of historical value since it was part of the East Millstone Historic District. Mr. Mettler indicated that he did not think that that was done. He also stated that what the Board had approved showing the garage on the one side of the home was actually going to have the garage on the other side of the home. He then asked if the Township staff could look into those two issues. Mr. Healey agreed to look into those issues and Chairman Orsini asked that he also inform Mr. Mettler as well as the rest of the Board members of his findings in the matter.

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:

Mr. Mettler made a motion to adjourn the regular meeting 8:00 p.m., and the motion was seconded. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
September 29, 2019