

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

**REGULAR MEETING
August 7, 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 Maclvor, 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, Meher Rafiq, Cecile Maclvor, Robert Mettler, Mustapha Mansaray, Charles Brown, and Godwin Omolola (arrived at 7:42 p.m.)

ABSENT: Carl Hauck, Jennifer Rangnow, Robert Thomas and Chairman Orsini

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

MINUTES:

- **Regular Meeting –June 19, 2019**

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

FOR: Councilman Chase, Ms. Refiq, Vice Chair Maclvor and Mr. Mansaray

AGAINST: None

DISCUSSION:

Extension of Time:

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

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, 413 Somerset Street Associates, LLC.

Mr. Lanfrit then informed the Board that the Applicant was withdrawing their request for an Extension of Time. He told the Board that he was just recently retained by the Applicant and just found out that the Applicant has had previous extensions and, therefore, was not entitled to an additional extension, so that was why they were withdrawing their request.

PUBLIC COMMENTS:

Vice Chair MacIvor made a motion to open the meeting to the public for all comments and questions related to planning items not being discussed that evening. Seeing no one coming forward, Mr. Mettler made a motion to close the meeting to the public and was seconded by Mr. Mansaray. All were in favor.

HEARINGS:

- **HESP SOLAR, LLC / PLN-19-00009**

Applicant was seeking to install ground-mounted solar carport arrays within the existing parking area at 100 Franklin Square Drive, Somerset; Block 502.02, Lot 39.02, in the CB Zone.

Mr. Rob Simon, Esq., Attorney, appeared before the Board on behalf of the Applicant, HESP Solar, LLC. Mr. Simon noted that the Application involved a 4-story office building that was situated on the property and that they were requesting approval to install and maintain solar canopy arrays and panels, which was considered an inherently beneficial use, over the existing parking lot. He then testified that no parking spaces were proposed to be eliminated and that they were seeking Preliminary and Final Site Plan approval as well as a de minimus variance regarding impervious coverage. Mr. Simon then told the Board that the maximum impervious coverage allowed in the zone was 55%, with 66% existing and 66.21% proposed. He then went on to describe the surrounding uses, noting that it was comprised mainly of light industrial, hotels and office uses.

Mr. Robert Moschello, Engineer, 265 Main Street, Gladstone, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Moschello then entered into

the record as Exhibit A-1, which was called “neighborhood” exhibit showing the 2015 NJ State aerial that showed the surrounding neighborhood. Delineated on the exhibit was the line around the Corporate Business (CB) Zone and the M-2 Manufacturing Zone. He showed the Board, on the exhibit, that the surrounding land uses were primarily office and hotel uses with no residential uses anywhere near the subject property. Mr. Moschello next introduced into the record as Exhibit A-2, which was the site aerial exhibit, showing an enlarged version of the 2015 NJ State aerial to emphasize the existing conditions on the subject property. He then told the Board that the property was comprised of 5.82 acres, with two (2) frontages on the property to include one (1) side facing Davidson Avenue and the other facing Franklin Square Drive. He noted that there was only one (1) main point of access off of Franklin Square Drive with a 100,00 sq. ft., 4-story office building surrounded by 392 parking spaces. He then pointed out the landscaping along the perimeter of the property as well as within the parking lot islands. He then testified that the property was completely built out and there were no wetlands or State open waters located there. He then discussed the storm water management system that was already installed on the property, noting that it was serviced by public utilities. Mr. Moschello then entered into the record as Exhibit A-3, the site plan rendering showing the aerial photograph with landscaping overlay. He then discussed the 700 kw solar array canopies that was proposed to be installed over the existing parking stalls to provide electrical power behind the meter for the office building use on the property. He then explained that they were proposing five (5) arrays on the north side of the property and one (1) array in front of the building. He then addressed the concerns of the Township Fire Prevention Director, Mr. Hauss, and the Applicant agreed to remove the array in the front of the building (southwest side of the building that faced Franklin Square Drive) because he felt it would be an impediment to access the building with a ladder truck. He noted that the array proposed to be removed from the plan accounted for 280 panels of the 2,034 panels that they were originally proposing.

Mr. Moschello then discussed what the arrays would look like and detailed the components of the same, noting there would be a combination of a straight array and a “Y” shaped array used based on the orientation of the sun on the property. Mr. Moschello stated that the 61 three (3) ft. concrete foundations were what generated the increase in impervious coverage on the site. He showed Exhibit A-4, a colorized version of Sheet 9 of 9 in the plan set (construction detail) dated April 5, 2019 in his discussion of the solar arrays. He then discussed a comment in the fire official’s memo as it related to the height of the canopies. Mr. Moschello stated that Mr. Hauss requested that they provide 14 ft. vertical clearance under the canopies on the pavement areas. He indicated that the Applicant would agree to that request and make the adjustment. Mr. Moschello did add that the “Y” shaped canopy height would vary from the lowest point at 14 ft. to the highest point at 20 ft. He then showed how the canopy foundations would be lined up along the striping in the center of the stalls that had no divider. The entire project would include approximately 1,754 panels with the removal of the solar array in the front of the building.

Mr. Moschello indicated that there would be no changes to the parking lot layout in terms of the number of parking spaces, but that there would be a need to do some trenching in the parking area to take the conduit from the canopies to the front of the building. He then noted that there would be a reduction in the proposed impervious coverage by removing the one canopy of solar arrays in the front of the building, which was just under .2% (475 sq. ft.) of impervious coverage over the maximum. Mr. Moschello then discussed mitigation for storm water management for the de minimum overage in impervious coverage. Even though it was not shown on the plan now, he agreed to work with the Township Engineer to come up with either a dry well or small infiltration trench should the Board decide to act favorably upon the Application. He then drew the Board's attention to replacing the 8-10 curb-type inlets in the parking lot of the site with eco-style grates per the Township Engineer's request as a condition of approval.

Mr. Moschello then discussed the landscaping on the property, noting that they would now be removing only 28 trees and would retain the 7 trees on the southwest portion of the property since they were no longer placing a solar array canopy in the front of the building. Mr. Moschello indicated that they were now only required to replace about 20 trees on the property, but would be providing about 28 trees in the parking area to fill in some gaps in the landscaping. He testified that they would work with Mr. Healey, Township Planner, to come up with an acceptable landscape plan. Mr. Moschello then spoke about the Lighting Plan that was included in the submission package. He then told the Board that they were going to have to remove the pole mounted lights in the rear portion of the parking lot to install the canopies, but would also be installing direct down-lighting underneath the canopies that met the standards for light levels in a parking lot.

Mr. Moschello then discussed the variance for impervious coverage and the proofs for a C-1 Hardship variance. He noted that there were constraints due to the location of structures and improvements on the property, and it would not be possible to meet the ordinance requirements regarding the impervious coverage as well as the fact that existing conditions place the impervious coverage over the maximum. He discussed the mitigation alternatives that would handle the additional impervious coverage on the site. He then addressed the C-2 analysis, where the benefits outweigh any detriments, Mr. Moschello stated that the addition of solar arrays being an inherently beneficial use promoted the general welfare in an appropriate location and the conservation of resources. He then discussed the positive and negative criteria for both the C-1 and the C-2 arguments.

Mr. Moschello then addressed the review letters from the Township professionals. He noted that they would be able to comply with all of the comments in the CME engineering report. He then discussed the outside agency approvals that were necessary, stating that they had the Somerset Planning Board approval already, had submitted to the Somerset Union Soil Conservation District and had submitted to the Delaware & Raritan Canal (DRCC). He then told the Board that they would work to comply with Mr. Healey's Planning comments and Mr. Hauss' Fire Prevention requests.

Mr. Brown then opened a discussion regarding a perceived visual vertical clutter issue related to solar arrays even if they were inherently beneficial. A discussion ensued.

Councilman Chase then opened a discussion regarding the impervious surface calculations not having to take into account the already paved areas where some of the support columns would be placed. Mr. Simon then stated that the solar panels themselves were not to be counted as impervious coverage, per the statute, but that they were taking a conservative approach by still asking for the de minimum variance. A discussion ensued among the Board.

Mr. Mettler made a motion to open the meeting to the public for questions or comments. Vice Chair Maclvor seconded the motion. All were in favor. Seeing no one coming forward, Councilman Chase then made a motion to close the meeting to the public. Mr. Mettler seconded the motion, and all were in favor.

Mr. Mettler made a motion to approve the Application with the changes that have been agreed to during the hearing. Mr. Omolola seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Ms. Refiq, Vice Chair Maclvor, Mr. Mettler, Mr. Mansaray, Mr. Brown and Mr. Omolola

AGAINST: None

- **BAR B.Q. TONIGHT – PLN-19-00005**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, BAR B.Q. Tonight. Applicant was seeking to construct a one-story, 2,501 sq. ft. restaurant with 66 seats and 22-space parking lot with signs at 3025 Route 27, Franklin Park; Block 48, Lot 1, in the N-B Zone.

Mr. Healey's Planning report indicated that the Application required the following approvals:

- Site Plan approval.

The Site Plan required the following "c" variances:

- Lot Area: 20,000 sq. ft. minimum required – 15,674 sq. ft. existing/proposed.
- Lot Frontage: 100 ft. minimum required – 91.67 ft. existing/proposed (Route 27)
- Front Yard Setback (Principal Building): 20 ft. minimum required – 17.52 feet proposed (Clover Place)
- Side Yard Setback (Principal Building): 10 ft. minimum required – 4 ft. proposed
- Front Yard Setback (Freestanding Sign): 20 ft. minimum required – 5.38 ft. proposed (Clover Place).

Mr. Lanfrit explained that they were before the Board that evening for Site Plan approval. He indicated that there is an existing building on the site that was a flower shop that ceased operating a few years ago. Mr. Lanfrit noted that the Applicant then purchased the property in 2017. He stated that there were three (3) variances they were seeking.

Mr. Shawn Dua, Applicant, 487 East Freehold Rd., Freehold, NJ, came forward and was sworn in. Mr. Dua testified that BAR B.Q. Tonight, LLC and its affiliated companies owned four (4) restaurants in New Jersey presently, mainly in the Woodbridge area. He indicated that this was their first restaurant in Franklin Township, and it was going to serve Indian and Pakistani cuisine, with a total of 66 seats. Mr. Dua then testified that the restaurant would be open 7 days per week and would be serving lunch and dinner, with estimated hours of operation from 11 a.m. to 10 p.m. Mr. Dua then discussed the average time a patron would spend at the restaurant for lunch (30 minutes) and dinner (1 hour) as well as the maximum number of employees, which he said would be 5 during the dinner hour. He then told the Board that they would also have pick-up service, but no delivery service. Mr. Dua then stated that they would be facilitating all deliveries to the restaurant for supplies during off-peak hours so that prep work could happen to service the restaurant properly and produce and meat deliveries would all be done primarily before operations commence. He noted that they had their own butcher shop to provide halal meats and delivered by their own fleet of refrigerated vehicles. Mr. Dua testified that nothing would be coming to the restaurant by tractor trailer.

Mr. Brown then asked if they would be offering pickup services by Uber Eats or Door Dash. Mr. Dua indicated that they do not offer those services and just have pickup service directly by their customers.

Vice Chair MacIvor asked how early deliveries would be made, and Mr. Dua indicated that produce could be delivered as early as 8 a.m., and all of their meats, etc. would be delivered during the day to ensure the freshest quality. He reiterated that all of their ingredients come by their own fleet of small, box trucks.

Mr. Omolola inquired as to what they felt were their peak hours on the weekend. Mr. Dua stated that lunch would be from approximately 11:30 a.m. to 2:30 p.m. and dinner could start as early as 5:30 p.m. and go to 9:30/10:00 p.m.

Ms. Refiq inquired as to whether they would close in the few hours between lunch and dinner, and Mr. Dua indicated that they would stay open in deference to customers who might want to come to pick up their meals at that time.

Mr. Michael Testa, Principal Architect of the firm Michael V. Testa Architects, Manalapan, NJ. The Board accepted his qualifications. He then entered into the record as Exhibit A-1, which was a colored rendering of the building. Mr. Testa also brought a small paper version of the exhibit for their edification. Mr. Testa then indicated that they had presented the project before the Historical Commission and had made some

adjustments to the building as a result of those discussions. Mr. Testa then told the Board some of the recommendations made by the Historical Commission and compared those to the exhibit they were now looking at. He stated that they lowered the height of the building down to 30 ft. at the top of the tower element at the two (2) front corners of the building, with the lower mansard roof at 22.6 ft. , which the Historical Commission felt was an acceptable building proportion to the overall appearance of the building. He then discussed the flat roof that sloped down to the rear of the property with parapets that would conceal all of the rooftop equipment. Some of the materials that were going to be used were a hard, stucco material, with plaster trim elements. They were going to be using cultural stone veneer on all four (4) sides of the building and a horizontal clapboard siding (hardy pine) on the sides of the building. He then described the black metal store front window frame with muttons and the copper clad aluminum gutter along the top of the tower elements. Mr. Testa did explain that they first had proposed a two(2)-story building, but had reduced it down to a one (1)-story building with the higher tower elements.

Mr. Testa then went on to discuss and describe the floor plans for the interior of the building. He discussed the proposed basement (Sheet PB-1) for the building, provided that they were able to get a proper water table. Included on this level was for staff use only, with a storage area, a prep area, a dishwashing area, a staff bathroom, a freezer/cooler and possibly some storage racks. He then told the Board that they reduced the building size down to 2,419 sq. ft., thereby reducing the width by 2 ft. from 61 ft. to 59 ft. Mr. Testa indicated that doing so would allow them to move away from the neighboring retail property. He then showed the Board the floorplans for the first floor utilizing Sheet PB-2 from the plan set. He noted the location of the dining area on the Rte. 27 and side street side of the building, with the entrance to the restaurant in the back of the building facing the parking lot. Mr. Testa then told the Board that there was planned a small reception area and the kitchen to the left rear of the building that had a rear door access for rear deliveries, garbage disposal, etc. and was in line with a set of stairs going down to the basement.

Mr. Testa then stated that they did not as yet have a sign designed for the building, but that it would be in accordance with the ordinance, approximately 30 sq. ft. and mounted between the two towers on the mansard roof. He then told the Board that the proposed sign in the location noted was discussed with the Historic Commission and he told the Board that they did not have any objection.

Mr. Healey then reacted to the fact that mounting a building sign to the roof would require another variance, and a discussion ensued regarding whether the mounting location could be considered part of the roof since Mr. Testa stated it was technically a wall surface and not a horizontal plane and just a. Since Mr. Testa testified that the mounting area would be covered with an asphalt roofing material that looked like slate. He added that it was a vertical plane of the building that was accentuated to look like a roof. A discussion ensued among the Board, and Mr. Healey indicated that he would research the ordinance to find out how they would handle the situation.

Councilman Chase then inquired as to what was inside the two towers if the restaurant was only a one (1) story structure. Mr. Testa showed Exhibit A-1 and PB-3 from the set plan to show that the visual view was from such an angle that made the towers appear to be much taller than they actually were going to be. Mr. Testa testified that there was nothing going to be put into those tower elements and that they were purely decorative to help accentuate the corners of the building.

Mr. Brown then inquired as to whether there would be pedestrian access along Rte. 27. Mr. Testa stated that he would let the Site Engineer discuss the pedestrian access to the site.

Mr. Healey indicated that he was having difficulty at that moment finding the exact section in the ordinance, however, he also brought up that his report pointed to the need to comply with commercial design standards. He noted that one of the standards spoke to sign design and addressing the incorporation of signage into the architectural design of the building and not tacking up signs into a place that one would not ordinarily see them.

Mr. Lanfrit asked that they not consider the location of the sign during the hearing and that the Applicant would have a further conversation with Mr. Healey as to his opinion as to whether the sign would be permitted where proposed. Mr. Lanfrit indicated that if it were not permitted where proposed, they would provide an alternate location or come back before the Board to request a variance at a later date.

Mr. Mark Rasimowicz, Engineer, employed at Center State Engineering, 481 Spotswood-Englishtown Rd., Monroe Township, NJ. The Board accepted his qualifications. Mr. Rasimowicz then described the existing conditions on the property, referring to enlarged versions of Sheets 1,2 and 3 of the plan set submitted with the application. He also gave the Board members a handout which he stated was a color rendering of the plan that was submitted to the Board and also highlighted the landscaping and the parking areas. Mr. Rasimowicz then entered the color rendering of the plan into the record as Exhibit A-2. Mr. Rasimowicz then told the Board that they were proposing to demolish all the existing buildings on the property and clearing the site, leaving some of the trees in the back corner. He added that they were proposing to construct 22 parking stalls located to the rear of the building, with access to Clover Place. He then told the Board that they were proposing a 1-1/2 to 2 ft. high landscaped wall along the property line with the adjacent property along Rte. 27, primarily due to the elevation changes and the grade in that area. Additionally, Mr. Rasimowicz indicated that they were proposing an underground storm water basin (detention basin) which was shown on Sheet 3 of the Plan and consisted of a number of storm water inlets, underground storage along the Clover Place side as well as along the frontage of the Rte. 27 side in the grassed area alongside the building in the parking lot.

He then discussed the proposed landscaping being provided on the site, both along the frontage, the sides and adjacent to the residential property to the rear of the property. Mr. Rasimowicz also indicated that they would be providing five (5) ornamental street

trees, 17 evergreen trees, 41 evergreen shrubs and a number of ornamental grasses. He then testified that they would also be providing a 6 ft high solid vinyl stockade fence along the northwest property line bordering the residential property to the rear of the building. Mr. Rasimowicz then told the Board that they had had a conversation that evening with the westerly property owner, with that owner asking that the old fence that was presently along his property line with the proposed property be removed and a new 6 ft. high solid vinyl stockade fence be installed by the Applicant. He then indicated that they would be willing to do so and would be an addition to the plan as a result of the request from that shopping center property owner.

Mr. Rasimowicz then discussed and detailed the lighting that was proposed for the site, including two (2) LED fixtures for the parking lot – one (1) along the rear property line to illuminating the parking area and was proposed along the Clover Place side of the parking lot to illuminate the parking lot in that area. He testified that there would be no light spillage onto the rear residential property and stated that they would also provide a shield on the back of the light fixture to help reinforce that there would be no light spillage. Mr. Rasimowicz then discussed the proposed 10 ft. x 10 ft. walled trash enclosure that would be placed in the westerly corner of the property and would match similarly to the architectural elements of the building. He then told the Board that they also planned to place a number of plants around the walled trash enclosure as well as trying to preserve the few existing trees behind the enclosure.

Mr. Rasimowicz then discussed the possibility of placing a sidewalk along Rte. 27, but that it was not included in the original plans. He stated that there was some right-of-way along Rte. 27 and something that could be reviewed with the State DOT to see if including a sidewalk could be accommodated there. If it were approved by the State, they would also include a handicap accessible ramp at the corner, which was required. As far as providing sidewalks along Clover Place, they did not include them there, particularly, because there were no sidewalks in that neighborhood, according to Mr. Rasimowicz. He indicated that they would be asking for a waiver from the Board for providing sidewalks along Clover Place.

Mr. Healey then stated that they had gotten a lot of complaints from residents in that neighborhood about the lack of sidewalks. Mr. Rasimowicz then told the Board that they were planning on putting curbing in place on Clover Place to tie into the corner at Rte. 27. He added that they were providing a number of evergreens and a few ornamental-type trees along Clover Place. He then noted that some were in the right-of-way and some were on the Applicant's property. Mr. Rasimowicz testified that there would not be enough room for the street trees if sidewalks were provided there because there was the underground storm water basin in the grassy area where the trees would have to be shifted to. He did state, however, that they could provide some landscaping along the edge of the parking stalls on that side, noting that they were providing 22 (9 ft. x 18 ft). parking stalls, pursuant to the ordinance and based upon the seating within the building, that included one (1) ADA compliant parking stall.

Mr. Healey then asked Mr. Rasimowicz to explain why the storm water facilities were proposed in the grassy area as opposed to under the parking lot. Mr. Rasimowicz indicated that the storm water facilities could be placed under the parking lot, but maintenance would be much easier to accomplish within the grassy area and would provide infiltration. He also told the Board that he was working with the Township Engineer.

Mr. Brown asked how handicapped individuals or those without access to a vehicle would gain access to the site without arriving by car. Mr. Rasimowicz stated that if they provided a sidewalk along Rte. 27, they could possibly provide a connection from that sidewalk to the building. Mr. Brown opened a discussion regarding a sidewalk along Clover Place, and Mr. Rasimowicz stated that they would have to lose the street trees. Vice Chair MacIvor suggested moving the trees closer to the parking lot, thereby also providing shade to those parking stalls. A discussion ensued among the Board.

Ms. Refiq then asked whether they would be having any outdoor seating, and Mr. Rasimowicz answered in the negative. She then opened a discussion regarding the site lighting, with Mr. Rasimowicz indicating that the proposed lighting was in accordance with the Township ordinance while also ensuring no light spillage on adjacent properties. He also added that there would be some additional lighting on the building near the entranceways as well. A discussion ensued regarding the issue of sidewalks and how that could be accomplished.

Mr. Rasimowicz then told the Board that a sidewalk along Clover Place would not all fit within the right-of-way and some portion of it at the corner of Clover Place and Rte. 27 would be on the Applicant's property. Board Attorney, Mr. Peter Vignuolo, then discussed having a sidewalk easement for that corner section. Mr. Lanfrit stated that they could work with the Township Engineer regarding that issue should the Board require a sidewalk along Clover Place.

Mr. Rasimowicz then discussed the variances that they were seeking, as detailed in Mr. Healey's Planning report. He spoke about the Side Yard Setback (Principal Building): 10 ft. minimum required – 4 ft. proposed is now being adjusted to 6ft. being proposed because the Site Architect's testimony indicated that they were reducing the size of the building by 2 ft. He also stated that the requested variance for front yard setback for the one (1) free-standing sign was because it was a directional sign and needed to be placed there to be effective. Mr. Rasimowicz then indicated that the freestanding directional sign was 4 ft. in height with the pedestal, with the sign itself being 2 ft. x 2 ft., shown on Sheet 6 of the plan set. He then testified that the sign in the front of the restaurant was conforming and was considered the site identification sign.

Mr. Rasimowicz then reviewed the staff reports, noting that CME's 7/22/19 Engineering report could be satisfied. He added that complying to the comments in the report would not significantly alter the plan the Board was reviewing that evening. He then discussed Mr. Healey's 7/10/19 Planning report, focusing on the section regarding the Commercial Design Standards. Mr. Rasimowicz reiterated that there would not be any loading area

for deliveries since there was testimony related to the vans delivering fresh meats and produce outside of restaurant hours. He next indicated that they were not proposing bicycle parking. He told the Board that they were not able to entirely eliminate dead-end aisles within the parking lot since the site was so small. Mr. Rasimowicz testified that they were not planning to provide outdoor seating or outdoor plazas. He then indicated that they would be able to work with staff to “beef up” the area next to the parking lot with some additional low plantings and accomplish a continuous screening along the Clover Place side of the parking lot. Mr. Rasimowicz then addressed the proposed lighting on the building, describing them as LED shoebox-type fixtures in the parking lot.

Mr. Brown then asked about whether the lighting would be adequate near the trash enclosure. A discussion ensued among the Board, and Mr. Lanfrit stated that they would look at the issue of trying to eliminate a dark shadow near the parking area near the trash enclosure.

Vice Chair MacIvor then asked that trash pickup be limited to occur after 8 a.m. in the morning. Mr. Lanfrit stated that they could comply.

They then discussed the signage, and Mr. Lanfrit agreed to add a base to the main sign in the front to make it consistent with the building architecture. Mr. Rasimowicz then stated that the directional sign on Clover Place would incorporate a masonry base instead of a pole to more closely match the architecture of the building.

In addressing the tree situation along Clover Place, Mr. Rasimowicz stated that he felt they would be able to incorporate two (2) deciduous street trees there with a minimum of a 2-inch caliper. He then discussed the lighting for the site, referring to their earlier discussion, and asking for a waiver to provide a comparison of maximum and minimum levels. Mr. Rasimowicz then addressed how access to the dumpster for pick-ups would be achieved.

Councilman Chase then opened another discussion in an attempt to get another street tree on the property along Rte. 27 near Clover Place as well as a discussion regarding where to place a sidewalk along the Rte. 27 frontage. Mr. Rasimowicz showed the Board where there was already a street tree on the plans along Rte. 27 and agreed they could swap out an ornamental tree for a deciduous tree in that area. He stated he would modify their request for a waiver to provide four (4) street trees and agree to place three (3) on the property. He did, however, express concern for placing a tree in the area suggested by Councilman Chase due to sight triangle issues near the corner. Mr. Rasimowicz indicated that they would work with Township staff to see if a fourth tree could be accommodated.

Ms. Elizabeth Dolan, Traffic Engineer and Principal of Dolan & Dean, 181 West High Street, Somerville, NJ, came forward and was sworn in. The Board accepted her qualifications. Ms. Dolan then referred to the report that was prepared by her office on May 17, 2019 and described what was done in order to prepare the report for

presentation to the Board. She included taking traffic counts during day and evening peak periods when the street volumes would be highest during peak dining hours as well as perform an intersection analysis to test the levels of service with or without the site traffic from the restaurant. Ms. Dolan explained to the Board that the main access for the restaurant was from Clover Place since they did not have sufficient frontage to the NJDOT to allow a driveway from Rte. 27. She added that the site was designed with the driveway as far as possible on Clover Place as far as possible from Rte. 27 and to provide the appropriate parking lot and circulation. Ms. Dolan then told the Board that the weekday volumes in the peak evening hours coming off of Clove Place were very low (9 right turns during the busiest peak hour), which meant that there was capacity for the traffic generated by the restaurant. With 66 seats and a building that was less than 2,500 sq. ft., Ms. Dolan felt it was a small restaurant use with 16 vehicles coming into the site during the busiest peak hour and 12-15 vehicles exiting during the peak hour, which was well below what traffic engineers call significant. Ms. Dolan indicated that the intersection had a level "D" service, however, she stated that that was an acceptable level of service for an unsignalized intersection, especially when they only had 21 vehicles total coming on Clover to intersect with Rte. 27. She then described the site as an improvement to the property, whereby they would be cleaning up and widening the roadway there. Ms. Dolan then indicated that they didn't feel they would need all of the parking spaces, but that what was being provided met the ordinance requirements. Ms. Dolan then addressed the issue of "dead end aisles" within the parking lot, indicating that it was a want rather than a need to have a second egress point, but told the Board that they would lose parking stalls and would have another driveway that would be considered another conflict point on the street and closer to the intersection. .

Mr. Brown then asked for a comparison between the proposed restaurant and the ones in the Woodbridge, NJ area that the Applicant already owned and operated related to traffic counts. Ms. Dolan stated that they didn't do a comparison with the Applicant's other restaurants because the proposed use was not compatible with those other restaurants since it was in a different land use category because it was busier and there would be no liquor license with an expectation of high turnover of 30-60 minutes.

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 went through the proofs for each respective variance that they were seeking that evening. He noted that the lot had an irregular shape and slanting frontage along Clover Place and caused the back corner of the property to violate the 20 ft. setback requirement, but felt it was a tremendous improvement from what was presently on the site. He then spoke to the side yard setback to the adjoining commercial property, noting that the building size was reduced in order to create a 6 ft. setback from the property line as opposed to the originally proposed 4 ft. He noted that the adjoining property had a driveway and a parking spot that would not be impacted by the proposed use. Mr. O'Brien then discussed the sign setback from Clover Place, noting that the 2 ft. x 2 ft. sign was to direct people into the site from the driveway into the parking lot and was necessary. He added that the directional signage needed to be somewhat close to

the street so that it could be seen and have also heard about the number of constraints along Clover Place and that the proposed location was the appropriate place for the sign. He then spoke about reconciling the “c” or bulk variances with the negative criteria, indicating that they could meet several of the goals of the Master Plan, which he enumerated. Mr. O’Brien then stated that the second prong of the negative criteria was that there be no negative impacts upon the neighborhood. Even though it was not required because the proposed was not a major development, storm water management was being provided on the site and was a tremendous benefit to the neighborhood, according to Mr. O’Brien. He also noted that the Historic Commission had approved the project and that the two strip malls, one adjacent and one across the street, would be positively impacted and that a sidewalk was being proposed along Rte. 27 with another under discussion for Clover Place. He noted that the proposed landscaping would buffer surrounding properties, with appropriate screening of the trash enclosure and the property immediately to the side of the subject property and didn’t see any negatives to surrounding properties or the neighborhood. Finally, Mr. O’Brien indicated that he felt the Application could be granted approval without substantial detriment to the public good and without substantial impairment of the zone plan and zoning ordinance. He concluded by saying he did not see any negative impacts, especially with the improvements that had been made to the site after discussions with Board members that evening.

Mr. Healey indicated that he had had the opportunity to review the ordinance previously discussed. He noted that there was a section that did not allow for signage on the roof.(Section 112:111d). Mr. Lanfrit indicated that his position that evening was not to ask for an approval for any attached sign at the present time. He stated that they would work with Mr. Healey to determine an appropriate place for a sign and apply for a sign permit as well as come back before the Board if a sign variance were required.

Mr. Healey then asked if the building that was presented that evening was the same that was reviewed and approved by the Historic Commission. Mr. Lanfrit testified that the exact building was presented to the Historic Commission and they were shown the building materials and colors proposed.

Mr. Mettler made a motion to open the meeting to the public for questions or comments. Vice Chair Maclvor seconded the motion and all were in favor.

Mr. Howard L. Rubenstein, 99 Hidden Lake Drive, North Brunswick, NJ, came forward and was sworn in. Mr. Rubenstein stated that he was the owner of Dabs Plaza, 3029 Rte. 27, Franklin Park, NJ. Mr. Rubenstein asked whether the 6 ft. side yard setback would be from the building or the retaining wall, and Mr. Lanfrit stated that it would be from the building. Mr. Rubenstein then asked what the required parking ratio was, and Mr. Lanfrit stated that it was one (1) parking space for every three (3) seats and that they were in compliance by providing 22 parking spaces.

Mr. Amish Patel, 7 Clover Place, Franklin Park, NJ, came forward and was sworn in. Mr. Patel inquired about the sidewalk along Clover Place. Mr. Healey explained that the

sidewalk that was discussed would only be built, if the Board required it, along the Applicant's frontage and not along the entirety of Clover Place.

Seeing no one else coming forward, Mr. Mettler made a motion to close the meeting to the public. Vice Chair Maclvor seconded the motion and all were in favor.

Mr. Mettler made a motion to approve the Application with the following conditions: the extension of sidewalks along Rte. 27, the creation of a sidewalk along Clover Place, the agreement of a waiver to provide four (4) street trees and instead would be required to provide three (3) street trees with an agreement to explore incorporating a fourth tree along Rte. 27, no trash pickup prior to 8:00 a.m., modify plans to make sure that street trees to be added would be at a 2 inch minimum caliper, provide a 6 ft. solid fence along the adjacent commercial property, that the connection to the internal sidewalk would be along Clover Place instead of Rte. 27, work with staff to achieve a continuous landscape hedge along the seven (7) parking spaces discussed, provide a parapet wall on top of the roof, incorporating some changes to the design of the signage including a masonry base, and that both signs would be consistent with the architecture of the building, reducing the size of the building by 2 ft. to increase the setback to 6 ft. and to work with Township staff regarding the parking lot lighting to make sure all spaces were safe. Vice Chair Maclvor seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Ms. Refiq, Vice Chair Maclvor, Mr. Mettler, Mr. Mansaray, Mr. Brown and Mr. Omolola

AGAINST: None

COMMITTEE REPORTS

No reports were discussed.

WORKSESSION/NEW BUSINESS:

- **MASTER PLAN**

Mr. Healey told the Board that they would be holding a public hearing that evening on three (3) elements of the Master Plan that were listed below. He then reminded the Board that he had presented all three (3) plans during a work session in June and had lengthy discussions regarding the elements of the plan. Since there was no public in the chambers that evening, considering the hour and the fact that the Board had already were presented with the plan, he was going to give a very abridged version of the presentation. He noted that all the listed plans were on the Township website under both the Planning Board and the Planning Department.

- **Environmental Resource Inventory**

Mr. Healey stated that the last Environmental Resource Inventory was done in 2008 and that he worked with the Township's Environmental Commission to prepare the document. He added that he would also say that all three plans were prepared in close consultation in a series of meetings and series of drafts with the respective committees. Mr. Healey then told the Board that it was basically an inventory of all of the different environmental things a person could think of, including wetlands, forests, contaminated sites, etc. and was approximately 150 pages long in terms of maps and texts explaining the various different maps. Mr. Healey then suggested that Board members might want to peruse it as it could be used as a basis for different decisions, including land use decisions and using it as a resource for our larger Master Plan and Land Use Plan decisions. He added that it also followed Sustainable Jersey guidelines that were very specific for what an environmental resource inventory had to include in order to qualify for a certain amount of points in the Sustainable Jersey program, and they accomplished that.

- **Historic Preservation Plan**

Mr. Healey indicated that the Historic Preservation Plan was last done in 2006, noting that the proposed plan that was before the Board that evening followed both the requirements of the Municipal Land Use Law (MLUL) as well as the Sustainable Jersey requirements. Some of the main things it required the Township to do was to first maintain and inventory the 300+ historic sites and buildings within the Township. He indicated that that information was all documented in a series of tables and maps in the plan. He went on to explain that it required a threats and assets inventory and included a public policy evaluation where they were required to evaluate the other elements of the Master Plan as well as the elements of the Township's land development relations to see what things were supportive of historic preservation and what things may not be. Lastly, Mr. Healey stated that there was an action plan that included 10-12 recommendations that the Township should be doing to further our efforts for historic preservation.

- **Farmland Preservation Plan**

Mr. Healey mentioned that the plan was put together working over a series of years with a series of drafts sent to the State and think that they were in very good shape and received comments back from them regarding some of the last few things that need addressing. He noted that it was very important to have the plan approved and need it to be adopted following their guidelines in order to receive funds from the State Agricultural Development Committee. Similar to the other plans discussed, Mr. Healey indicated that there were lots of inventories involved and a series of maps and tables. He then told the Board that roughly 30% of the Township's land area was dedicated to farming in some way, whether it was through preserved farms, farms that were farm assessed, or Township, County or State lands that were leased to farmers. Mr. Healey then told the Board that 93% of the Township had farmland capable soils. Land use

planning context is similar to the Historic Preservation Plan in that they were required to evaluate themselves in relation to zoning, land development regulations and see things that were supportive of farmland preservation and things that weren't. He spoke of things like cluster zoning, the extensive portion of the Township that had rural density zoning, Agricultural (A) Zone, the RR-5 (5-acre zoning), RR-3 (3-acre zoning), Canal Preservation (CP) Zone (6-acre zoning) that would be supportive of farmland preservation. Lastly, and just like the Historic Preservation Plan, Mr. Healey indicated that there was included an action plan that included identifying the targeted farms for preservation and a rough spending plan of what it might cost as it related to the funds, both existing and future, in the Open Space Fund.

Councilman Chase stated that he had been reviewing the Sustainable Jersey plan and indicated that he felt the comments there were unreasonable as they related to the Historic Preservation Plan by asking for a survey of the architectural history of the Township. A discussion ensued regarding the fact that all of the required information was included in the Township plan. Mr. Healey then asked Councilman Chase as to whether the Council wanted to adopt it or would they rather wait for the Township to "digest" Sustainable Jersey's comments. The Councilman felt that it would be better to just move forward now and work on providing what they are asking for later. The discussion between Councilman Chase and Mr. Mettler concluded by thinking that Mr. Andrew Burian, Chairman of the Historic Preservation Commission, could put something together for that.

Mr. Healey indicated, on the record, that the discussions they just had were part of a public hearing, but that there were no public in the chambers.

Vice Chair Maclvor made a motion to adopt all three (3) elements to the Master Plan. Councilman Chase seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Ms. Refiq, Vice Chair Maclvor, Mr. Mettler, Mr. Mansaray, Mr. Brown and Mr. Omolola

AGAINST: None

Councilman Chase then asked for the floor, asking that the Board suggest an addition to the zoning ordinance somewhere to the effect that for any new multi-family housing, with ten (10 or more units, that they require a Level 2 (220 volt) charging station for electric vehicles in the parking area, with the charging area parking space counted in the total parking spaces provided. A discussion ensued among the Board. The Councilman then brought up the idea of requiring it in larger, commercial buildings.

With the positive conversation among Board members, Mr. Healey, Township Planning Director, stated that he would put something together in terms of multi-family uses and see if there were some potential in shopping centers and plan to have a discussion at a

work session at the end of a future meeting. Councilman Chase then added that they could look into providing electric charging stations at hotels as well.

EXECUTIVE SESSION:

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

ADJOURNMENT:

Mr. Mettler made a motion to adjourn the regular meeting 10:15 p.m., and the motion was seconded. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
September 22, 2019