

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

**REGULAR MEETING
February 19, 2020**

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, Cecile Maclvor, Robert Mettler, Charles Brown, Jennifer Rangnow, Carol Schmidt and Chairman Orsini

ABSENT: Mustapha Mansaray and Robert Thomas,

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

MINUTES:

- **Regular Meeting – January 15, 2020**

Vice Chair Maclvor made a motion to approve the Minutes as amended. Mr. Mettler seconded the motion and the roll was called as follows:

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

AGAINST: None

DISCUSSION:

Extension of Time:

- **Sycamore Developers, LLC / PLN-17-00008**

Ms. Sherry Orenberg-Ruggieri, Esq., with the law offices of Francis P. Linnus, Esq., appeared before the Board on behalf of the owners of the property, the Resta Family.

Ms. Orenberg-Ruggieri indicated that they were before the Board that evening to request an extension of time, for one (1) year, for the approvals and sub-division for the property described on the tax map, Block 423.01, Lot 1.04, commonly known as 1865 Amwell Road. Ms. Orenberg-Ruggieri stated that it was anticipated that compliance would be achieved by February 21, 2021 for Preliminary & Final Major Sub-Division approval with variance relief.

Chairman Orsini indicated that, per the Municipal Land Use Law (MLUL), an applicant was allowed up to three (3) one(1)-year extensions.

Vice Chair MacIvor made a motion to grant the one(1)-year Extension of Time, and the motion was seconded by Mr. Mettler. The roll was called as follows:

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

AGAINST: None

PUBLIC COMMENTS:

Mr. Mettler made a motion to open the meeting to the public for any Planning item, excluding those items that have their own public hearings later in the meeting. Councilman Chase 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. Vice Chair MacIvor seconded the motion, and all were in favor.

HEARINGS:

- **ESSEX INVESTMENT PROPERTY, LLC / PLN-19-00014**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of Essex Investment Property, LLC. He explained that they were there that evening for a Minor Subdivision w/Variances in which the Applicant wanted to subdivide the property and construct a single-family home on the new lot while keeping the existing house at 383 Girard Avenue, Somerset; Block 296, Lots 34-37, in an R-15 Zone.

Mr. Lanfrit indicated that the property consisted of a 32,000 sq. ft. site in the R-15 Zone. He noted that there was currently on the property, a single-family dwelling. Mr. Lanfrit told the Board and public that the purpose of the Application was to create a second building lot in order to build a new single-family home. He then detailed the bulk variances that were being sought in conjunction with the Application, as follows:

1. Minimum Lot Area (proposed Lot 34.01): 20,000 sq. ft. required – 16,000 sq. ft. proposed for a home with a well.
2. Minimum Lot Frontage (both proposed lots): 100 ft. required – 80 ft. proposed.
3. Minimum Front Yard Setback (proposed Lot 34.01): 18.08 ft. existing/proposed.

Mr. Lanfrit went on to explain that the existing home (proposed Lot 34.01) had existing sewer connections, but did not have public water. He told the Board that they would be keeping the well on the existing property and not connecting to public water. He also testified that the newly proposed home would be connected to both public water and sewer.

Mr. Jarrett Sutton, Principal, 10 Evergreen Road, Somerset, NJ, came forward and was sworn in. He explained that Essex Investment Property, LLC purchases properties to rehab and sell and that they purchased the subject property in June of 2018.. Mr. Sutton indicated that when they purchased the property, there was just the existing home and a vacant lot. He told the Board that the existing home was in poor condition at the time of purchase.

Mr. Lanfrit then entered into the record as Exhibit A-1, which was a series of five (5) photographs taken by Mr. Sutton just prior to the purchase of the property and showing the condition of the property at the time of purchase. Mr. Sutton reiterated Mr. Lanfrit's statement that the existing home on the property was serviced by public sewer and well water when it was purchased. He went on to state that he rehabbed the interior of the existing home and decided to maintain the well on the property. He added that the well needed minor work done to get it working properly, paying \$4,285 in order to do so. Mr. Sutton testified that he did not know that if he had connected to public water that he would not need a lot area variance.

Mr. Lanfrit then entered into the record as Exhibit A-2, which was a series of photographs taken by Mr. Sutton, after the renovations were completed, in May of 2019.

Mr. Sutton then indicated that should the subdivision be granted, he had a prospective buyer and the existing home was currently under contract. He went on to state that the prospective buyer was currently renting the property. Mr. Sutton added that they planned to build a new, single-family home on the adjoining property, which would be connected to public water and sewer.

Chairman Orsini then inquired as to why they did not choose to connect the existing home to public water. Mr. Lanfrit stated that they had already expended a significant amount of money upgrading the well and would have to then spend additional monies to bring the public water to the property as well as retrofit the existing home for a public water hookup. A discussion ensued.

Mr. Hauck suggested that the well associated with the existing home could be left for irrigation purposes even if the Applicant connects the home to public water.

Mr. Mettler brought up the discussion of having a mandatory tie-in for water, noting that the chambers would be packed with people who would resist that idea. There was a discussion regarding the work that was done to the existing well to upgrade it and get it running.

Mr. Brown then asked about the cost of connecting to public water. Mr. Sutton indicated that it would cost \$6,000-\$8,000 to connect to the public water system and then a plumber would have to be hired to run the lines from the curb into the house, which he believed would be another \$6,000-\$7,000. At that point, Mr. Sutton testified that he would have to deconstruct in the basement in order to allow for that upgrade and then reconstruct everything again. Mr. Brown asked if it would increase the value of the home if it were connected to public water as well as public sewer. Mr. Sutton indicated that he didn't feel it made any difference.

Mr. Ashraf Ragab, Principal & Architect, of AMRARCH Design Studio, 2 Division Street, Suite 1, Somerville, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Ragab then discussed the design of the new home proposed for the second lot on the property. He utilized the plan set that was originally submitted in conjunction with the Application. He then described a four (4)-bedroom, single-family colonial-style home, a little over 3,000 sq. ft., height of a little short of 34 ft. with a stone base and small entry area in the front and a front loading, two-car garage and finished basement with a bathroom. He explained that there was also a finished attic with an additional bathroom. Mr. Ragab indicated that the proposed home was consistent and compatible to what was existing in the neighborhood.

Chairman Orsini questioned item #5 in the Technical Review Committee's (TRC) report regarding whether the finished space in the attic would qualify as a half story, and Mr. Lanfrit stated that 2-1/2 stories were permitted in the zone and that they were planning to build a 2-1/2 story home. A discussion ensued among the Board.

Mr. Stephen Fisk, Land Surveyor/Planner, 631 Union Avenue, Middlesex, NJ, came forward and was sworn in. The Board accepted his qualifications. He utilized a colorized Sheet 1 of the Subdivision Plan and marked it into the record as Exhibit A-3. Mr. Fisk then described the property as it currently existed today. Mr. Fisk reiterated Mr. Lanfrit's description of the property. Mr. Fisk then spoke about the need for a variance for lot frontage for both properties, noting the various other properties that were also deficient (12 of 17 other lots in the neighborhood were deficient in lot frontage). Because of the various other deficient lot frontages, Mr. Fisk felt it would not be detrimental to the neighborhood to grant the C-2 Variance here. He then spoke about the lot area variance requirement due to keeping the well to service the existing home, indicating that there would be one well for 32,000 sq. ft. of property, also arguing for a C-2 variance. Mr. Fisk stated that it indicated low density and a reason for the Board to grant the variance. As far as the variance being requested for the existing front yard setback for the existing home, Mr. Fisk indicated that it would fall under the Hardship variance. He added that the front porch (6.8 ft. in depth) was the reason why a variance for front yard setback was needed as the house was almost 25 ft. back from the property line. Mr. Fisk then noted that there were other homes in the neighborhood that were as close or closer to the front property line.

Mr. Healey stated that the lot frontage variance was being argued with the C-2 variance, for a better zoning alternative. He stated that he would use the C-1 variance argument because the existing lot width was 160 ft. and there was no opportunity to gain lot width because the lots to either side were already developed and those homes were pretty close to both property lines. He then discussed the lot area variance, asking Mr. Fisk to also address the benefit of the granting of the variance. Mr. Fisk reiterated his previous testimony in regards to the well.

Mr. Fisk then addressed the TRC report from January 21, 2020, indicating that they could comply with all of the items on the report, with the exception of the one item regarding the well. Mr. Fisk then stated that complying with the comments in the TRC report would not substantially alter the plan that the Board was being presented that evening.

Mr. Fisk then addressed the memorandum from the Environmental Commission, dated January 14, 2020, where they were asking for changes to be made to the proposed type of trees being placed on the lot because the neighbor to the northeast had a solar array on the rear of their roof. He indicated that they would agree to that request.

Chairman Orsini asked about a comment made about the lighting on the property, and Mr. Lanfrit indicated that the existing home had a standard fixture and the newly proposed home would have a standard fixture. He added that they were not proposing any other lighting for the property.

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

Mr. Lanfrit then gave his closing summation.

A discussion ensued by the Board.

Mr. Vignuolo, Board Attorney, asked Mr. Lanfrit if the Applicant would agree to have the lot with the new home be deed restricted to not include a well on that property. Mr. Lanfrit stated that they would agree to that restriction.

Vice Chair Maclvor made a motion to approve the Application w/Variances and that the Applicant agree to a deed restriction that would not allow a well on the property with the new home. Mr. Mettler seconded the motion and the roll was called as follows:

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

AGAINST: Mr. Hauck

- **WHITEROCK PARTNERS, LLC & GRAYROCK PARTNERS, LLC / PLN-19-00017**

Mr. Donald Whitelaw, Esq., Attorney, 239 US 22E, Suite 303, Green Brook, NJ, appeared before the Board on behalf of the Applicant, Whiterock Partners, LLC & Grayrock Partners, LLC. Mr. Whitelaw indicated that they were there that evening to obtain a Minor Subdivision w/C Variance in which the Applicant was proposing to subdivide the site into two (2) building lots at Elizabeth Avenue, Hall Street, Madison Avenue and Halsey Street, Somerset; Block 544, Lots 1-6, 23-26, 29-40, in an R-10 Zone.

Mr. Whitelaw indicated that the property was 90,000 sq. ft. in size, with a proposal for a lot of 50,000 sq. ft. and 40,000 sq. ft. and would both be served by well water, which were both well above the required 20,000 sq. ft. minimum for lots to be served by well water. He noted that the property was unusual because it was a through-lot from Elizabeth Avenue to Madison Avenue and to the paper street, Halsey Street. He also stated that the frontage along Elizabeth Avenue (proposed Lot 1.01) was 100 ft. where 105 ft. minimum was required for a corner lot and was an existing condition. Additionally, they would need a variance for lot frontage on Madison Avenue (proposed Lot 5.01) because they only had 100 ft. where 105 ft. minimum was required for a corner lot. Mr. Whitelaw indicated that they did contact the adjoining owners to see whether they would either consider purchasing either property. He then added that the property to the south was a 50 ft. x 100 ft. parcel with a home built on it and had no land to sell to the Applicant. He then told the Board that the lot to the north of the Applicant's property was a vacant piece of land, also 50 ft. x 100 ft., and the owners were not

interested in purchasing the Applicant's property, nor did they have enough land to make the Applicant's conforming.

Chairman Orsini inquired, because of the wetlands averaging and the amount that they would need to leave as open space, if they were going to distribute those over both lots or would they be using one lot as a building lot and the other lot used as an open space lot. Mr. Whitelaw indicated that both lots would be impacted by wetlands and conservation dedications

Mr. Stephen Fisk, Land Surveyor/Planner, 631 Union Avenue, Middlesex, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Fisk then described the subject property and the proposal before the Board. He indicated that a delineation of the wetlands on the property had been approved by the NJDEP and a permit had been approved for wetlands averaging and had shown a conservation easement on the plans that covered all the new buffer area to the wetland averaging point or beyond it to be dedicated to the Township. He then told the Board that there was still significant land to build a single-family dwelling on each of the two (2) lots. Mr. Fisk indicated that the property was oddly shaped and that one of the lots would be a through-lot, with both the properties being corner lots. He then discussed what he believed to be a hardship for the variances because of the shape of the property and that they only had 200 ft. along Madison Avenue on the west side of the property, only allowing for 100 ft. frontage for each lot where 105 ft. frontage was required because they were both corner lots. He then discussed the need for a through-lot variance, noting that Lot 1.01 ran from Elizabeth Avenue through to Halsey Street and Madison Avenue. Mr. Fisk stated that he didn't see the through lot being a detriment because only one (1) access was being proposed at that time because Halsey Street was unimproved. He added that they would be obtaining Somerset County approval to have a driveway come out to Elizabeth Avenue for Lot 1.01.

Mr. Fisk then testified that they would be seeking waivers for providing sidewalks and curbing along the Township streets (Halsey, Madison, Hall) since there were none existing in that area presently. He then indicated that they would comply with any Somerset County requirement to provide sidewalks/curbing along Elizabeth Avenue.

Mr. Fisk then addressed the Technical Review Committee (TRC) memorandum issued for the subdivision and testified that they didn't have any problems with any of the comments and would comply with all of them. He then noted that none of the comments/requests in the TRC report would affect what the Board was being presented with that evening.

Mr. Fisk then indicated that he considered the proposal to require a C-1 Hardship variance based upon the configuration of the lot and the pre-existing conditions of the variances that already exist on the property. He then told the Board and public that he didn't believe that there was any negative impact to the public or surrounding neighborhood.

Mr. Whitelaw also added that the plans show that they would be building slab on grade houses on the property, with no basements since soil testing revealed that the land could not support basements.

Vice Chair Maclvor asked whether the Applicant would agree to contribute to the Township's sidewalk fund in lieu of providing sidewalks/curbing at this time. Mr. Whitelaw indicated that they would agree to that condition.

Mr. Healey stated that the sewer to Lot 5.01 was going to be via an easement over Lot 1.01 to obtain access to the sewer line in Elizabeth Avenue. He wanted to know if the Applicant had had a conversation with the Sewerage Authority to provide that connection through an easement. Mr. Fisk stated that they had not had a direct communication with the Sewerage Authority yet but didn't see any reason why they wouldn't allow it. Mr. Fisk indicated that they would be asking for an approval from the Board subject to the review and approval from the Sewerage Authority.

Mr. Healey then asked why they were showing the proposed single-family home on Lot 1.01 so far back onto the property, creating the need for a longer driveway. Mr. Fisk explained that it was planned that way to create an area for a turnaround to avoid residents from having to back out onto Elizabeth Avenue. He added that Lot 1.01 did still have a sizeable backyard area as it was not as restricted as Lot 5.01.

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

Mr. Charles Huettenmoser, 328 Elizabeth Avenue, Somerset, NJ, came forward and was sworn in. Mr. Huettenmoser then read his statement to the Board and public, referring to the wetlands and conservation easements that were in place on the property.

Mr. Healey stated that the Applicant had put together property that created two oversized lots in order to be able to build two separate single-family homes on the lots they were creating and putting protections in place over the wetlands utilizing conservation easements.

Mr. Whitelaw indicated that they were providing exactly what was required for the conservation easement that Mr. Huettenmoser described.

Seeing no one else coming forward, Mr. Mettler made a motion to close the meeting to the public. All were in favor.

Ms. Refiq asked whether the Applicant had built other homes in the area. Mr. Whitelaw indicated that they had built other homes in the general area and could see the types of homes built along Elizabeth Avenue on in-fill properties.

Vice Chair Maclvor made a motion to approve the Application, with Variances. Mr. Mettler seconded the motion and the roll was called as follows:

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

AGAINST: None

- **INSITE PROPERTY GROUP / PLN-19-00019**

Mr. Bob Smith, Esq., Attorney, appeared before the Board on behalf of the Applicant, Insite Property Group. He indicated that they were there to obtain Preliminary & Final Major Subdivision & Site Plan approval in which the Applicant was subdividing the property into three(3) lots and constructing a self-storage facility of 39,040 sq. ft. and constructing a quick service restaurant with drive-thru of 2,680 sq. ft. at 619 Somerset Street, Somerset; Blocks 162/163, Lots 4, 19-38/1-20, in the Renaissance Commercial (R-C) Zone.

Chairman Orsini told the Board and public that the Applicant had previously come before the Board with a concept plan, reflecting what they were presenting before the Board that evening.

Mr. Smith indicated that they were only seeking Preliminary Site Plan approval for the quick service restaurant because they did not have a user yet and wanted to come back before the Board when they do know the user for final approval. He also added that there were no variances or deviations being sought. Mr. Smith also stated that they had about four (4) Technical Review Committee (TRC) meetings from the Township staff throughout the past year to make sure that they had received the guidance necessary to present a cohesive plan. He noted that there was originally one sign variance for having more than one (1) sign per building but wanted the Board to know that they were no longer seeking that variance and planning to have only one sign per building.

Mr. Paul Brown, Applicant/General Partner, 446 West Plant Street, Winter Garden, FL, came forward and was sworn in. He then gave the Board and public the history of his involvement in the self-storage industry and the company he was currently with. Mr. Brown then showed the Board a slide presentation of various locations that also included several street views of the property from various sides as well as elevations of the proposed building. Mr. Vignuolo, Board Attorney, then asked for the labeling of the presentation, with the agreement to enter into the record as Exhibit A-1 the entire slide show with different paginations for each slide.

Mr. Brown then described the typical operation of the self-storage facility, noting that their hours were typically from 8-9 a.m. to 5-6 p.m. Monday through Saturday, with limited hours on Sunday. He then added that the facilities had a few employees and generated about 12-20 visits per day or roughly 3 cars/hour during peak hours. Mr. Brown mentioned that it was one of the lowest traffic generators of various types of businesses.

Councilman Chase asked how many units the building would be broken down into, and Mr. Brown indicated that the typical self-storage facility across his portfolio was broken down into an average of 105 units, with the Somerset Street facility having 800-1,000 units.

Mr. Charles Brown then inquired about how much criminal activity they had to combat throughout all their facilities. Mr. Paul Brown indicated that they limited access during the hours of operation, only granting exceptions on a very limited basis. He added that they place a lot of cameras within the facility at the entrances and exits as well as in the hallways and noticed the crime rate drop significantly. He also indicated that there were less than 10 incidents where the police needed to be called in over 100 of his locations over the past 10 years.

Mr. Grant Lewis, Engineer, employed with Dresdner Robin, 55 Lane Road, Suite 220, Fairfield, NJ. The Board accepted his qualifications. Mr. Lewis then discussed the subdivision and Site Plan that was being presented to include the existing plumbing supply warehouse and quick service restaurant that lie within the R-C (Residential - Commercial) Zone. Mr. Lewis then described the current condition, including building, asphalt and/or broken gravel asphalt with some scrub shrub lining the rear of the property. He then discussed what they were proposing; a four-story, 39,000 sq. ft. self-storage facility and a one-story, 2,700 sq. ft. quick service restaurant. He then noted that access to the project would be via four (4) driveway locations, two of which were egress only points on Kevin Apuzzio Avenue. He then noted that a third driveway would be a full movement driveway and essentially an extension of Myrtle Avenue that would be improved to Township standards (28 ft. width, two-way and full curb with street tree plantings). Mr. Lewis then told the Board that the final driveway, their access to Rte. 27, with a two-way driveway would service both the quick service restaurant and the self-storage facility. He then had a discussion to clarify some of the on-site circulation, noting the two (2) covered loading zones (12 ft. x 30 ft. with a 14.5 ft. height clearance) for access to the internal storage units and the areas of access to the external storage units. Mr. Lewis indicated that there would be 10 parking spaces provided for the self-storage units and 16 spaces would be provided for the quick service restaurant. He explained that there would be a drive-thru lane in the area of the egress only driveway on Kevin Apuzzio Avenue and was designed for maximum queuing (approx. 11 vehicles)

Mr. Healey then indicated that what the Board and public were seeing was probably the third or fourth iteration of the layout for the driveway and were seeking Preliminary Site Plan approval. He told the Board that the layout was allowing for most queuing on-site

possible with some of the details to be determined when the Applicant came back before the Board for Final Site Plan approval after obtaining a specific tenant.

Mr. Lewis then discussed the various designs of the access to the self-storage facility, noting that changes were made due to TRC discussions and that they were now keeping the private drive on-site around the self-storage building and including a compliant landscape screening buffer of 20 ft. that included a mixture of evergreens and shrub plantings among the mature, deciduous trees that already exist and will remain as well as a retaining wall. He then drew the Board's attention to the security gate with a 20 ft. wide one-way drive (minimum width to provide for a fire access lane) that opened up to an additional 8 ft. wide area for unit renters to pull up to the exterior units and park their cars. Also shown on the plan were some turning movements discussed with the Fire Prevention Director at the TRC meetings to allow for those movements of the emergency vehicles.

Mr. Lewis then showed the Board the locations of the refuse containers for both the self-storage facility as well as the fast service restaurant. He continued by stating that there would be a 4 ft. high modular block retaining wall to screen the residential properties. He noted that the block wall started in the northeast corner of the property and wrapped around to the northwesternmost corner of the property. From there, Mr. Lewis indicated that there would be an 8 ft. high ornamental decorative security fence (aluminum black coated) which was in keeping with the security gates that return it back to the building.

Mr. Lewis then discussed lighting for the self-storage facility, noting that the lighting was provided primarily by 13 building-mounted LED fixtures at about 12 ft. in height above the finished grade level. He told the Board that the surrounding residential properties were about 5-6 ft. higher than the grade of the proposed self-storage facility, so that the building fixtures were only about 6 ft. higher than their properties and were fully screened fixtures. He then noted that the nine (9) 15 ft. high pole mounted LED fixtures on the site up in the front of the property near the fast service restaurant as well as along the main entrance driveway were also fully screened fixtures as well with de minimus light spillage at the property line.

Mr. Lewis then discussed the connections and their locations for the utilities provided for the property.

Mr. Lewis then discussed the staff reports, starting with the Public Works report, where he indicated that they would comply. He then indicated that they could comply with the Traffic Safety Bureau report. Mr. Lewis then discussed a concern the Health Dept. had regarding the accessibility for the dumpster for the fast service restaurant. He stated that in order to comply with adequate and maximum amount of parking for the fast service restaurant, they did not have the ability to move the dumpster to face the Wawa and would have to be adjusted by the tenant and hauler and picked up during non-operating hours. Mr. Lewis indicated that they could discuss this issue when they came back for Final Site Plan approval for the fast service restaurant.

Mr. Lewis then addressed CME's Engineering report, noting that they had no objection to comments until they got to item #14 regarding the screen wall that the CME Engineer indicated was within the 15 ft. front yard setback. In discussions with CME and Mr. Healey, Township Director of Planning, they didn't feel it required a variance for the screen wall even with its encroachment into the front yard setback since it was not a structure or connected with the building.

Mr. Healey then interjected that there was an item in his Planning report that asked for a variance from the 25 ft. front yard setback for the drive-thru canopy. He told the Board that Mr. Lewis reminded him that the minimum was actually 15 ft. from Somerset Street and a maximum of 25 ft. and that he read the ordinance as a 25 ft. minimum. Mr. Healey told the Board that they do not require a variance for the canopy and was fully compliant with zoning.

Mr. Lewis indicated that they did not have any issues with anything else on the CME Engineering report and that Mr. Brown knew that he had to comply with the requirement for a conservation preservation easement deed if it were required. Mr. Lewis also indicated that they would comply with all comments from CME regarding storm water management. He indicated that they would provide some additional calculations to CME and agree to provide whatever they require.

Mr. Lewis testified that they would also provide whatever was required for any of the outside agencies.

Mr. Lewis then discussed item #9 on Mr. Healey's Planning report, noting that they were to provide testimony supporting a 24 ft. drive aisle width for all two-way traffic. He noted that that was consistent with what they brought to the conceptual meeting and all the TRC meetings, where 26 ft. was the traditional Township standard. He indicated that 24 ft. was an industry standard for the drive aisle, and Mr. Lewis stated that to allow for as much parking as possible and to reduce the impervious coverage on the site they felt that 24 ft. was safe and efficient. A discussion ensued among the Board regarding the Fire Prevention Director's approval. Mr. Lewis indicated that his report did not note that it was a concern and that he had the circulation plan showing the turning movements for a fire truck were adequate. Mr. Healey stated that Mr. Hauss, Fire Prevention Director, was involved in the TRC meetings and was provided the plans.

Mr. Healey then indicated that there were a few comments in his Planning report that asked the Applicant to provide testimony regarding the residential buffering requirement of 20 ft. and 6 ft. in height, which had been provided. He then stated that they had to prove that between the walls, fencing and evergreen plantings, that it would create a solid visual buffer as determined by the approving board. Mr. Lewis then described the sufficiency and described the nature of the buffer as well as the retaining wall to the relative height of the building to the homes in the rear of the property. Chairman Orsini indicated that he felt that they had provided that testimony but was concerned that the landscaping buffers would be replaced and maintained after initial planting.

Mr. Brown stated that he could give his word that they operate many buildings and maintain them and felt that if they were in violation, it was his understanding that the Township would enforce those violations to maintain the screening buffer. They discussed a performance bond, and Mr. Healey stated that they also had a continuing obligation to maintain the site consistent with the approved Site Plan.

Mr. Healey asked the Applicant regarding the treatment of Eugene Avenue as a result of questions from residents. He asked whether Eugene Avenue would be extended or stay in its current state. Mr. Lewis testified that Eugene Avenue would stay as is and was reflected on the Site Plan. Councilman Chase then indicated that the Council just redid the vacation of the further extension of Eugene Avenue out to Rte. 27 due to a minor technical flaw when it was vacated in 1975. A discussion ensued.

Mr. Charles Brown explained his concern for the closeness between the northernmost driveway and Wawa. Mr. Lewis indicated that they had submitted to the NJDOT for a Major Access Permit Without Traffic Review and was currently under review. He then stated that prior to that they had a pre-application meeting with the NJDOT where they expressed no concern or issue with the proximity of the driveways and knowing that the Wawa had been developed. He also noted that they also did not restrict any of the driving movements for the Applicant's driveway egressing onto Rte. 27 and was within the State standards. Mr. Lewis then stated that that was why they had the Myrtle Street extension as an alternative means of ingress and egress. Mr. Charles Brown indicated that he also had a concern for putting traffic into an area that did not experience that kind of volume before and had no sidewalks to protect pedestrians. He also stated that he was concerned that there was no accommodation to allow someone to get out of line on the drive-thru lane at the fast service restaurant. A discussion ensued among the Board. He stated that even though they did not have the additional space to provide an additional lane to exit the drive-thru, Mr. Lewis indicated that he didn't feel it was an unsafe condition to exclude an additional lane there. He also told the Board that other drive-thru operations did have a double lane, it also usually went down to one lane to go to the pick-up window.

Ms. Brooke Chea, Architect, employed with Eleven 18 Architecture, 156 Dempsey Way, Orlando, FL, came forward and was sworn in. Ms. Chea indicated that she had been working with a registered architect in New Jersey who was part of their firm but stated that she was not available to testify that evening. Since Ms. Chea was not a registered architect in New Jersey, the Board did not hear any testimony from her that evening.

Chairman Orsini explained to the Applicant and public that they were a quasi-legal board and can speak against things that they might not like, i.e., tree loss, and zoning ordinances to guide them and follow, but that they could not control all aspects.

Mr. Mettler asked if a certain area shown on the plans would be left as green space since he indicated that that was what it looked like. Mr. Lewis stated that Block 162, Lots 35, 36, 37, and 38 would be left as green space and were being utilized to allow for a 200 ft. frontage to create a compliant lot. A discussion ensued among the Board.

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

Ms. Alimatu Cole, 56 Eugene Avenue, Somerset, NJ, came forward and was sworn in. Ms. Cole stated her concern for the noise level and crime from the project and concern for the safety of the residents. She suggested that they put the main entrance on the Kevin Apuzzio Street side of the facility. A discussion ensued among the Board. Mr. Smith reiterated Mr. Paul Brown's testimony that the storage facility would only be operating during the daytime hours and was the building closest to the neighbors. Mr. Lewis then described the buffers in place and the fact that the self-storage facility would act as a buffer as well to the more intense use in the front of the property with the fast service restaurant.

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. Smith then gave his closing summation.

Vice Chair Maclvor made a motion to approve the Application with Preliminary & Final Site Plan and approval for the self-storage facility as well as Subdivision approval and Preliminary Site Plan approval for the fast service restaurant, noting that they would come back before the Board at a future date when they have a tenant for the fast service restaurant. Ms. Rafiq seconded the motion and the roll was called as follows:

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

AGAINST: None

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:

Vice Chair MacIvor made a motion to adjourn the regular meeting at 10 p.m., and the motion was seconded by Mr. Mettler. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
March 23, 2020