

Final Major Site Plan Application

FOR OFFICIAL USE ONLY

Planning Board Zoning Board of Adjustment

Name of Applicant: _____ Docket Number: _____

PART A

Explain, in detail sufficient for the Board to understand the nature of the proposal, the exact nature of the proposed application and proposed physical modifications to be made to the site and/or building(s) including the proposed use of the premises.

Applicant is seeking final site plan approval with a sign variance. See Rider for further detail.

Applicant requests the Site Plan Approval(s) indicated below (check all that apply):

Preliminary Major Site Plan *and/or*

Final Major Site Plan

or

Check below if Waiver of Site Plan is requested

Waiver of Site Plan Provide explanation why Waiver of Site Plan is sought: N/A

PART B

APPLICANT: Individual Partnership Corporation Limited Liability Company

APPLICANT: Owner Applicant Other _____

Name 3 Ronson, LLC

Street Address 115 East 11th Avenue Apt./Ste/Unit # _____

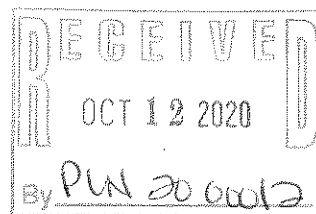
City Roselle State NJ Zip Code 07203

Phone 908-259-9800 Fax --

Email pmercatili@aol.com

December 2018

FILE



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P-10 20-00774

OWNER (if different from Applicant):

Name N/A- Same as owner.
Street Address _____ Apt./Ste/Unit # _____
City _____ State _____ Zip Code _____
Phone _____ Fax _____
Email _____

PART C

SUBJECT PROPERTY:

Block/s 88.01 Lot/s 43 Zone GB-General Business

Street Address 1165 State Highway Route 27 (A/K/A Lincoln Highway)

City Franklin State NJ Zip Code 08873

Approximate Site Size: 5.00 Acres/ 217,811 Sq. ft.

Present use of the property, specify: Veronica Plaza (Retail Center)

Proposed use of the property, specify: No change. Seeking final site plan approval for Dunkin' Donuts and retail unit.

Area of new disturbance: N/A* % of the gross lot area: N/A* Sq. ft.

* Same as preliminary approval

Gross square footage of the building: Existing: 0 Sq. ft. Approved: 3,000 Sq. ft.
Proposed: 2,907 Sq. ft.

Public water available: Yes No If not, proposed? Yes No

Public sanitary sewer available: Yes No If not, proposed? Yes No

Is the site located within a Township-designated Historic District and/or located within 1000 feet of the Delaware & Raritan Canal?: Yes No

Describe any off tract improvement required or proposed N/A

Deed restrictions, covenants, easements, association by-laws:

Yes (Provide a copy) No Proposed (Must be submitted for review)

Does the applicant own any contiguous property? Yes No

If yes, state the address, block and lot of such property: _____

PART D

Has there been any previous appeal, request, or application to this or any other Township Boards or the Technical Review Committee involving this property? Yes No

If yes, in the space below state the type of approval (e.g., site plan and/or variances), docket number, the nature of the application and approval date. In particular, describe whether this submission is intended to supersede or further effectuate such previous approval(s) – e.g., site plan approval for a previously granted use variance.

Preliminary approval memorialized by resolution on June 5, 2019 (application # PLN-19-00004)

Identify the associated development approvals sought at this time (check all that apply):

Note: Applicant must consult the respective Instruction Sheet(s) and Submission Checklist(s) for the associated development approvals (e.g., subdivision, variances) being sought at this time. The submission will not be deemed an Application for Development unless all required submissions are provided for all requested development approvals.

"C" Variance(s):

- The strict application of the provisions of the Development Ordinance would result in peculiar and exceptional practical difficulties or exceptional and undue hardship - N.J.S.A. 40:55D-70.C(1)
- The purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment - N.J.S.A. 40:55D-70.C(2)

"D" Variance(s): N/A

- Use or principal structure in a district restricted against such use or principal structure – N.J.S.A. 40:55D-70.D(1)
- Expansion of a nonconforming use - N.J.S.A. 40:55D-70.D(2)
- Deviation from a specification or standard pertaining solely to a conditional use - N.J.S.A. 40:55D-70.D(3)
- Increase in the permitted floor area ratio - N.J.S.A. 40:55D-70.D(4)
- Increase in the permitted density - N.J.S.A. 40:55D-70.D(5)
- Height of a principal structure exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure - N.J.S.A. 40:55D-70.D(6)

PART F

CONTACT PERSON INFORMATION/ CERTIFICATION

The person indicated below shall serve as the point-of-contact with the Township Department of Planning and Zoning and shall be the sole recipient of official correspondence from the Department. By signing this form, in Part G below, the Applicant and Owner certify that that the party listed below is authorized to act on their behalf as the designated contact person with the Department.

Owner Applicant Attorney Engineer Architect Other

Name Donna M. Jennings, Esq., Wilentz, Goldman & Spitzer, P.A.

Street Address 90 Woodbridge Center Drive Apt./Ste/Unit # Suite 900 Box 10

City Woodbridge State NJ Zip Code 07095

Phone 732-855-6039 Fax 732-726-6560

Email djennings@wilentz.com

PART G

APPLICANT'S CERTIFICATION

Donna M. Jennings, Esq.
I, Attorney for Applicant _____, of full age, being duly sworn according to law and upon my oath, depose that: I ~~reside~~ have an office at 90 Woodbridge Center Drive, Suite 900, Woodbridge in the County of Middlesex and State of New Jersey, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the individual applicant, or a general partner of the partnership applicant, or an officer of the corporate applicant and I am authorized to sign the application for the partnership or corporation.

Sworn to and subscribed before me this 8th day of October, 20 20

Maureen Blair
NOTARY PUBLIC
MAUREEN BLAIR
Commission #2332431
A Notary Public of New Jersey
My Commission Expires August 5, 2025

Wilentz, Goldman & Spitzer, P.A.
on behalf of Applicant:
[Signature]
APPLICANT'S SIGNATURE
By: Donna M. Jennings, Esq.

OWNER'S CERTIFICATION

(If the owner is a corporation, this section must be signed by an authorized corporate officer. If the owner is a partnership, this section must be signed by a general partner.)

Donna M. Jennings, Esq.
I, Attorney for Applicant _____, of full age, being duly sworn according to law and upon my oath depose that: I ~~reside~~ have an office at 90 Woodbridge Center Drive, Suite 900, Woodbridge in the County of Middlesex and State of New Jersey, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the owner of the property which is the subject of this application, and I am the applicant or I have authorized the applicant to make this application, and I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

Sworn to and subscribed before me this 8th day of October, 20 20

Maureen Blair
NOTARY PUBLIC
MAUREEN BLAIR
Commission #2332431
A Notary Public of New Jersey
My Commission Expires August 5, 2025

Wilentz, Goldman & Spitzer, P.A.
on behalf of Applicant:
[Signature]
OWNER'S SIGNATURE
By: Donna M. Jennings, Esq.

RIDER

3 RONSON, LLC/ FRANKLIN TOWNSHIP FINAL MAJOR SITE PLAN APPROVAL

A. Final Major Site Plan

Applicant is seeking final major site plan approval for a 1-story, approximately 3,000 square foot building with a drive-thru on the property located at 1165 New Jersey State Highway Route 27, and identified as Lot 43 in Block 88.01 on the Franklin Township Tax Maps (“Property”). The Property is improved with a retail development known as Veronica Plaza and is located at the intersection of Route 27 (A/K/A Lincoln Highway) and Veronica Avenue. The Property is located in the GB-General Business Zone (“GB Zone”).

B. Preliminary Approval

On June 5, 2019, the Planning Board memorialized a resolution granting the applicant preliminary major site plan and bulk variance approval for the approximately 3,000 square foot building with a drive-thru that is the subject of this application (the “Resolution”), attached hereto as Exhibit A. The bulk variance granted permitted the Applicant to exceed the maximum permitted impervious coverage by .85% (70.85% coverage was approved, where the maximum in the GB Zone is 70%). As a condition of approval, the Applicant was required to secure final major site plan approval once a fast-food/restaurant tenant was secured. The Resolution also granted the applicant preliminary and final major site plan approval to construct a drive-up ATM on the Property, which has since been constructed.

C. Proposed Tenant

The Applicant has now secured Dunkin’ Donuts as a tenant and is seeking final major site plan approval to divide the approved building into two units, with Dunkin’ occupying slightly more than half of the building. Approximately 1,748 square feet and the proposed drive-

thru will be dedicated to Dunkin's use and 1,150 square feet will be dedicated to a future retail use. A wall will separate the two units. The final site plan slightly reduces the approved building square footage by approximately 93 square feet.

D. Variance

In addition to final major site plan approval, the applicant is also seeking bulk variance relief for the proposed sign package for Dunkin' Donuts. Schedule 5, Sign Regulations (Ordinance Section 112-111(I)) permits retail establishments in multi-tenant buildings 1 sign per tenant. Two (2) additional banner signs are permitted at the rear and side entrances. This permits for a maximum of three (3) signs. Dunkin' is proposing five (5) wall signs, triggering variance relief for the maximum number of wall signs. There are no other new variances triggered by this application. The proposed signage allows for customers in the retail center, located to the rear of the proposed Dunkin', and travelers on Route 27 and Veronica Avenue to readily identify the site for safe access.

E. Address Preliminary Resolution Conditions

A letter prepared by the Applicant's engineer, dated September 11, 2020, has been submitted with this application and outlines how the Applicant has complied with the conditions set forth in the Resolution granting preliminary major site plan approval. As requested, the final site plan has been updated to include the proposed design of the Dunkin' Donuts, details as to the drive-thru lane and proposed signage. Additionally, included in the final submission package are the required floor plans, environmental assessment, a traffic impact study and stormwater management report.

EXHIBIT A

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF
FRANKLIN, SOMERSET COUNTY, NEW JERSEY, GRANTING PRELIMINARY AND
FINAL SITE PLAN APPROVAL FOR A DRIVE-UP ATM, PRELIMINARY AND FINAL
SITE PLAN APPROVAL FOR A FAST FOOD RESTAURANT WITH DRIVE-THRU
AND ASSOCIATED VARIANCE RELIEF TO 3 RONSON, LLC, CONCERNING
PROPERTY LOCATED AT 1165 ROUTE 27, SOMERSET, NEW JERSEY AND
DESIGNATED AS BLOCK 88.01, LOT 43.**

Docket No. PLN-19-00004

WHEREAS, 3 RONSON, LLC (hereinafter referred to as "Applicant"), has applied to the Franklin Township Planning Board (hereinafter referred to as "Board") for preliminary and final site plan approval and associated variance relief, for the premises currently designated on the Tax Map of the Township of Franklin as Block 88.01, Lot 43, and located on what is commonly known as 1165 Route 27, Somerset, New Jersey (hereinafter referred to as the "Subject Property"), and is located within a G-B zone district; and

WHEREAS, this application falls under the jurisdiction of the Board for approval pursuant to N.J.S.A. 40:55D-1 et seq.; and

WHEREAS, the Applicant was represented by Donna M. Jennings, Esq.; and

WHEREAS, a public hearing was held on the application on April 17, 2019, during which time the Applicant presented testimony, witnesses, reviewed the site plan and the case was opened for public comment; and

WHEREAS, the Applicant provided proof of service and publication of all proper notices and advertisements as required pursuant to the Municipal Land Use Law; and

WHEREAS, the Applicant is seeking preliminary site plan approval and associated variance relief to construct a 3,000 square foot fast food restaurant with drive-thru and preliminary and final site plan approval to construct a drive-up ATM kiosk on the Subject Property requiring a variance for impervious coverage in order to permit 70.82% where 70% is otherwise required; and

WHEREAS, the Board heard testimony, reviewed exhibits and reports, and established a record that may be characterized as follows:

1. The following reports and/or correspondence were received and reviewed by the Board:
 - A. Application for site plan approval and associated variance relief;

- B. Site Plan entitled "Preliminary and Final Site Plan for 1165 New Jersey State Highway Route 27," prepared by Harbor Consultants Engineers & Surveyors, under the signature of Victor E. Vinegra, P.E., consisting of eleven (11) sheets, dated November 21, 2018; and last revised February 13, 2019;
- C. Memorandum of Patricia Elliot of the Somerset County Health Department dated March 7, 2019;
- D. Memorandum of Mark Healey, P.P., A.I.C.P., Franklin Township Planner dated March 8, 2019;
- E. Memorandum of Ofc. Jose N. Jaime of the Franklin Township Police Department dated March 13, 2019;
- F. Approval of Somerset Union Soil Conservation District dated March 14, 2019;
- G. Approval of the Somerset County Planning Board dated March 14, 2019;
- H. Memorandum of the Franklin Township Department of Public Works dated March 18, 2019;
- I. Memorandum of Robert J. Russo, P.E., P.P., C.M.E., Franklin Township Engineer's Office dated March 18, 2019;
- J. Memorandum of the Franklin Township Sewerage Authority dated March 19, 2019; and
- K. Memorandum of John Hauss, Director of the Franklin Township Office of Fire Prevention dated March 19, 2019.

The following exhibits were marked into evidence:

- Exhibit A-1 Aerial Photograph with Subject Property Outlined
- Exhibit A-2 Colorized Site Plan

2. The following testimony was introduced at the hearing:

- A. Donna M. Jennings, Esq., appeared on behalf of the Applicant and reviewed the proposed site plan and variance relief requested by the Applicant in order to construct a 3,000 square foot fast food restaurant with drive-thru, as well as a drive-up ATM kiosk on the Subject Property located in the G-B Zone.

Ms. Jennings advised that the fast food restaurant was proposed within an existing retail shopping center. She indicated that it involved associated modifications to the parking lot layout, grading, utilities, landscaping and lighting. Ms. Jennings represented that the Applicant was seeking Preliminary Major Site Plan approval with respect to the fast food restaurant with drive-thru; and Preliminary and Final Major Site Plan approval with respect to the drive-up ATM. She noted that the Applicant required a minor bulk variance related to the maximum impervious

coverage requirement; where 70% was permitted and 70.82% was proposed.

Ms. Jennings acknowledged receipt of the following reports regarding the Application: Planning/Zoning report dated March 8, 2019; CME Associates Engineering report dated March 18, 2019; Police/Traffic Safety Bureau report dated March 13, 2019; Public Works report dated March 18, 2019; Fire Prevention report dated March 19, 2019; and Sewerage Authority report dated March 19, 2019.

- B. Mr. Anthony Gallerano, P.E., P.P., the Applicant's Site Engineer and Professional Planner, came forward and was sworn in. The Board accepted his qualifications. Initially, Mr. Gallerano described the Subject Property and the surrounding area. He then proffered Exhibit A-1, an aerial photograph upon which the Subject Property was outlined; which was accepted in to the record by the Board. Referring to Exhibit A-1, Mr. Gallerano reviewed the adjoining lots, noting that the Subject Property was located at the intersection of Veronica Avenue and Route 27. He indicated Route 27 was the municipal boundary line; with the City of New Brunswick and North Brunswick Township located across the street from the Subject Property.

Mr. Gallerano explained that the Subject Property was situated in the General Business (G-B) zone district; with the bulk of the properties within the zone being office or commercial properties. He testified that the site is oversized within in the zone; containing 5 acres (217,811 square feet) where a minimum of 80,000 square feet is required.

Mr. Gallerano next proffered Exhibit A-2, consisting of a colorized version of the Site Plan; which was entered into the record by the Board. Referring to Exhibit A-2, he indicated that the Subject Property was improved with two (2) buildings, as well as two (2) access points – one to Route 27 and the other to Veronica Avenue. Mr. Gallerano explained that the exit to Route 27 was a right turn only and that the driveway to Veronica Avenue was a full two-way driveway.

Mr. Gallerano then described the existing site improvements; noting that they included a parking area with curbing, lighting, landscaping and refuse areas as well as some green areas. He next identified the location of the existing storm water basin at the northwest corner of the Subject Property; noting that it was installed with the original shopping center in the mid to late 1980's and handles all site drainage.

Mr. Gallerano advised that the Applicant proposed a fast food restaurant with drive-thru lane pad site containing 3,000 square feet, as well as a stand-alone ATM kiosk. He indicated that both improvements would be located along the frontage of Veronica Avenue. Mr. Gallerano stated that the Applicant was seeking only Preliminary Major Site Plan approval for the restaurant improvements; as the Applicant had not yet identified a prospective tenant. He noted that the Applicant proposed both a drive-thru lane and a bypass lane for the restaurant; each of which would be accessed through the parking area. Mr. Gallerano noted that the existing parking area would need to be modified to accommodate both the ATM kiosk as well as the drive-thru.

Mr. Gallerano reviewed the proposed masonry dumpster; advising that it would be constructed to match the exterior of the building. He explained that the Applicant also proposed a paver sidewalk extending from the corner of Veronica Avenue and Route 27 to provide ADA access from the intersection to the proposed restaurant.

With respect to the ATM kiosk, Mr. Gallerano advised that the Applicant was seeking both Preliminary and Final Major Site Plan approval. He informed the Board that a drive-up lane was proposed for the ATM kiosk which would be accessed from the parking area. Mr. Gallerano testified that the area would be improved with a small canopy over the top of the ATM kiosk for the dispensing area; and that striping and a 10-foot wide drive-up lane would be supplied for access to the ATM machine.

Mr. Gallerano then reviewed the access, parking, loading and site circulation plan, noting that there were two (2) points of ingress/egress to the shopping center with a restricted right turn only drive out to Route 27. Mr. Gallerano stated that they were not proposing any new access points and had requested and a Letter of No Interest from the NJDOT. He indicated that the NJDOT had not yet responded to the Applicant's request. Mr. Gallerano added that the project would not require a major access permit from the NJDOT. He then confirmed that a truck turning template was included in the submitted plans which demonstrated that a full tractor trailer could access and maneuver through the site. Mr. Gallerano then confirmed that sufficient parking was proposed by the Applicant; noting that there were 157 parking spaces provided on the Subject Property where 151 were required. He added that there would be 13 new parking spaces, including one (1) ADA space near the fast food restaurant pad. Mr. Gallerano advised that no new parking was proposed for the ATM kiosk because it was only for drive-up use.

Mr. Gallerano then reviewed the on-site storm water management system; noting that the proposed improvement only results in increase in the impervious coverage of 0.11 acres or 4,791 square feet. He advised that the Applicant was providing a storm water collection system, consisting of inlets and pipe, to direct all of the runoff from the modified area to the existing detention basin. Mr. Gallerano then testified that the storm water management system was actually designed to have 53,000 cubic feet of storage; which included an additional 6,000 cubic feet of storage built into the detention basin when it was constructed. Mr. Gallerano indicated that the additional impervious coverage proposed only required 2,984 cubic feet of extra storage. He confirmed that the existing basin had sufficient capacity to handle the increase in impervious coverage as a result of the proposed development.

Mr. Gallerano next reviewed the proposed landscaping; noting its location was designed to provide screening and aesthetic value to the new development. He identified some additional new landscaping in the center of the parking lot created by removing some of the pavement and adding some shade trees and shrubbery. Along the northerly property line, Mr. Gallerano stated that the Applicant had removed some parking spaces in order to balance the new impervious coverage resulting from the proposed improvements. In the area of the removed parking spaces, the Applicant proposed shade trees (57) and various shrubs (49), as well as perennials (594).

Mr. Gallerano then reviewed the lighting proposed in the area of the new structure, as well as the specific lighting required for the ATM machine. He advised that the State mandated the lighting requirements for ATM machines for safety and security purposes. Upon inquiry from the Board, Mr. Gallerano confirmed that the lighting proposed was LED lighting.

Mr. Gallerano then testified that there was no signage proposal yet for the fast food restaurant since the Applicant had not yet secured a tenant. He stated that the Applicant would return to the Board for final approval when a specific tenant was identified; and signage would be presented at that time. Mr. Gallerano indicated that there would be signage on each side of the ATM kiosk; 4 foot, 7 inches stating "Bank of America." He then referenced an elevation and side view of the ATM kiosk; identifying a small canopy over the transaction area of the ATM kiosk.

Mr. Gallerano confirmed that the Applicant was requesting one variance for impervious coverage in the G-B Zone; where a maximum 70% permitted, 70.82% was proposed. He opined that the variance was de minimis and could be granted under a (c)(2) analysis. Mr. Gallerano

advised that the Applicant could comply with all other bulk requirements in the zone. He then testified that the Applicant could meet the negative criteria for the variance relief requested. Mr. Gallerano acknowledged the additional impervious coverage but stated that it would be mitigated by use of the detention basin. He noted that the Applicant was removing impervious coverage and providing additional landscaping to mitigate the increase in coverage. Mr. Gallerano opined that the small increase in impervious coverage would not have a negative impact on runoff or a negative aesthetic impact. He indicated that the proposed development would advance purpose (m) contained in N.J.S.A. 40:55D-2 through the efficient use of land.

- C. Mr. Healey informed the Board that the Township Staff did examine the potential for removing impervious surface to eliminate the necessity for the impervious coverage variance; however, the Applicant felt the needs of the shopping center required all of the parking that shown on the plan.
- D. Upon inquiry from the Board, Mr. Gallerano confirmed that the Applicant would comply with all comments in the staff reports.
- E. Ms. Elizabeth Dolan, P.E., the Applicant's Traffic Engineer came forward and was sworn in. The Board accepted her qualifications.

Initially, Chairman Orsini indicated in a prior application the Board was informed that the intersection of Howe Lane and Veronica Avenue was being examined and reevaluated to include a traffic circle. He inquired whether Ms. Dolan was aware of the potential change to the intersection. Ms. Dolan indicated that she was not aware of the potential modification; and advised that approximately two (2) months ago the Applicant submitted a request for a Letter of No Interest on the application from NJDOT. She noted that the request was made because the proposal did not trigger the need for a new permit, the trip generations would not change (taking credit for the side street access) and the driveways were not being modified. Ms. Dolan indicated that her partner, Mr. Dean, was involved in discussions with NJDOT for another meeting to review the application. She stated that the NJDOT advised that a permit might be required for the sidewalk connection to the intersection presented by Mr. Gallerano that evening. Ms. Dolan explained that the NJDOT might want them to submit a sidewalk application for the small stretch of sidewalk that would be located in the right-of-way.

- F. Chairman Orsini inquired whether the levels of service would change at the intersection based upon the addition of the restaurant and ATM kiosk on the Subject Property. Ms. Dolan testified that she would expect the

levels of service to stay the same. However, she indicated that the Applicant did not undertake a formal analysis because NJDOT wanted the proposal reviewed as if it was an independent, free-standing fast food restaurant. Ms. Dolan advised that an independent, free-standing restaurant would generate between 77-83 vehicles in an hour; but such an analysis wouldn't reflect that the restaurant was located in a shopping center where motorists would be coming for one (2) or more uses. Ms. Dolan opined that when viewed within the shopping center, there was really no significant increase in trips from the restaurant; so, no change to the operational characteristics of the roadway or the site driveways would be anticipated. She testified that a Traffic Impact Statement, dated January 17, 2019, was submitted by the Applicant which confirmed her testimony.

- G. Upon inquiry from Mr. Healey concerning the amount of queuing anticipated for the restaurant, Ms. Dolan indicated that they looked at a traditional type of fast food restaurant (such as Wendy's, Taco Bell, McDonalds) to calculate queuing because the trip generation numbers had changed for the newer fast food uses (such as Dunkin Donuts, Tim Wharton's and Starbucks). She noted that the 3,000 square foot building proposed was larger than the design requirements for new uses such as the coffee donut shops. That said, Ms. Dolan indicated that the Applicant's proposed design provides queuing for nine (9) cars in the drive thru. She indicated that industry standards required room for eight (8) vehicles and noted that there was plenty of parking in the area. Ms. Dolan advised that the Applicant sited the restaurant in the parking area with the least demand.

Ms. Dolan advised that the Applicant's plan provided for stacking/queuing of 3-4 vehicles at the ATM kiosk; but that she did not anticipate that the queue would ever be fully occupied.

Upon inquiry from Mr. Healey concerning the necessity to amend the site plan if the proposed tenant were a newer fast food use (such as Dunkin Donuts, Tim Wharton's or Starbucks), Ms. Dolan indicated that the size of the building would probably be reduced to 2,000 square feet and the queuing demands would be greater.

- H. Mr. Hauck then inquired how the Applicant proposed to comply with Section G, Comment 5 in the Report of the Township Engineer regarding the "Minor" development ordinance for storm water. Mr. Gallerano indicated that the Applicant addressed storm water requirement with the existing basin and submitted a storm water management report that addressed the 2, 10 and 100-year storms.

Mr. Hauck then inquired how the Applicant would address the Township's infiltration requirement. In response, Mr. Gallerano advised that the Applicant would examine the soil types and conduct a soil log and permeability test to determine if infiltration could be handled within the basin.

Mr. Hauck then acknowledged a note on the plans advising that the water line would be coordinated with the water company; noting that, typically, the Township required that water lines be within paved areas. Mr. Gallerano indicated that they would work with the water company to make the adjustment to the recommendations of the Board's Professionals.

- I. Upon inquiry from the Board concerning the impact of the reduction in the number of dumpsters on trash storage, Mr. Gallerano indicated that the Applicant proposed to modify the existing storage but a new trash area on a concrete pad was proposed with two (2) smaller areas to remain. Mr. Gallerano opined that, based upon his discussions with the Applicant, the propose trash areas would be adequate for continuation of refuse and the grease traps. The Applicant voluntarily agreed that trash removal would occur more frequently, if necessary due to the reduction in the size of the trash storage area.
 - J. Mr. Healey provided the Board with proposed conditions to include as part of any approval of the applicant. He noted that at the time of final approval, the Board might have to re-evaluate the drive-thru queuing based on the actual user at the site and confirm its sufficiency; as the Applicant was proposing a generic drive-thru. Mr. Healey also noted that the Applicant should address the commercial design standards in Article XVI of the ordinance within any application for final approval. Finally, he indicated that the Applicant should revise the plans to show that the lighting levels for the ATM kiosk meet the State requirements (as previously testified by the Applicant's professionals).
3. The application was opened by the Board for public comment and no public comment was received.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Franklin, that it does hereby make the following findings of fact and conclusions of law based upon the testimony given in the matter, and reports, documents and materials provided to the Board:

1. Applicant, 3 RONSON, LLC, is the owner of real property located at 1165 Route 27, Somerset, New Jersey, and currently designated on the Tax Map of the #10657735.1(164313.025)

Township of Franklin as Block 88.01, Lot 43, same being located within the G-B Zone District. The Subject Property is 5 acres in size and is currently improved with 30, 865 square foot shopping center with associated parking and loading.

2. The Applicant is proposing to construct a 3,000 square foot fast food restaurant with drive-thru, as well as an ATM kiosk. The Board notes that the lot is compliant as to the bulk requirements of the G-B zone; and the proposed construction on the Subject Property will be fully compliant with the bulk requirements of the G-B zone with the exception of impervious coverage.
3. The Applicant requires certain variance relief for this particular project. In this regard, the Applicant requires an impervious coverage of 70.82%, where an impervious coverage of 70% is otherwise required.
4. The Board is satisfied that the Applicant has provided sufficient evidence and testimony and has met the requirements for Preliminary and Final Major Site Plan approval with respect to the ATM kiosk, as well as Preliminary Major Site Plan approval with respect to the 3,000 square foot fast food restaurant with drive-thru. In this regard, the Board is satisfied that the Applicant has made adequate provision for ingress and egress from the site, has properly accounted for environmental constraints affecting the Subject Property, has accounted for appropriate landscaping and tree replacement on the Subject Property as testified and presented to the Board, as well as providing for appropriate site lighting and other site concerns.
5. The Board believes that the Applicant has met its burden pursuant to N.J.S.A. 40:55D-70(c)(2) so as to permit the proposed impervious coverage. In this regard, the Board finds that the proposed impervious coverage variance is de minimis; and that it also promotes public safety through the provision of sufficient parking and site circulation. The Board perceives no detriment to the public from the granting of the variance; permitting the Board to conclude that the benefits substantially outweigh any detriment from the granting of the impervious coverage variance.
6. The Board finds that this is an appropriate use of the Subject Property and notes that the proposed structures are consistent with the neighborhood and G-B design standards and zone district. Provided all of the conditions of approval are met, the variance can be granted without substantial detriment to the intent and purpose of the Land Development Ordinance of the Township of Franklin. The granting of this variance will not change the character of the neighborhood in which the Subject Property is located. The variance can also be granted without substantial detriment to the public good. The traditional Municipal Land Use Law

goals of light, air and open space will not be substantially compromised by the granting of this variance.

BE IT FURTHER RESOLVED, by the Planning Board of the Township of Franklin as follows:

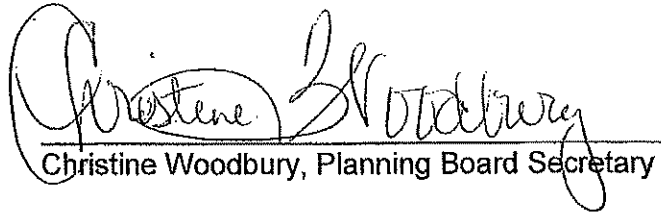
1. Preliminary and Final Major Site Plan approval is hereby granted to the Applicant for the construction of the proposed ATM kiosk, as presented to the Board and detailed on the preliminary and final site plan drawings which the Applicant will revise in accordance with the requirements of this resolution.
2. Preliminary Major Site Plan approval for the 3,000 square foot fast food restaurant with drive-thru, as presented to the Board and detailed on the preliminary and final site plan drawings which the Applicant will revise in accordance with the requirements of this resolution.
3. Variance relief pursuant to N.J.S.A. 40:55D-70(c)(2) is hereby granted to Applicant so as to permit the following:
 - A. Impervious coverage of 70.82%; where an impervious coverage no greater than 70% is otherwise required.
4. The within preliminary and final major site plan approval, preliminary major site plan approval and associated variance relief and waivers granted herein are expressly based upon the plans, reports and testimony submitted to the Planning Board. These approvals are subject to and upon the following conditions:
 - A. The Applicant shall comply with any and all conditions, requirements, and agreements as set forth within this Resolution, as well as any and all representations made to the Board, both orally and in writing, whether contained in this Resolution or not including but not necessarily limited to:
 - (1) Applicant shall file an application for Final Major Site Plan approval once a tenant has been identified for the proposed restaurant; at that time the Applicant shall present revised plans demonstrating the proposed design of the restaurant facility, including any revisions to the site to accommodate same; including, but not limited to: review of vehicle queuing in the drive-thru lane, proposed signage and compliance with the commercial design standards in Article XVI of the ordinance;
 - (2) Applicant shall revise the plans to comply with the Township lighting ordinance with exception granted with respect to State lighting levels for the ATM. With respect to this, the applicant shall revise the plan to

demonstrate that the ATM kiosk lighting is the minimum level necessary to comply with the New Jersey State requirements for ATM lighting;

- (3) Revision of the plans to depict the relocation of the water line to the satisfaction of the Board's Professionals.
 - (4) Applicant shall examine the soil types and conduct a soil log and permeability test to determine if infiltration could be handled within the basin.
- B. The Applicant shall comply with all comments and conditions as set forth within the reports of the Board professionals and Township staff as provided to the Applicant except as may have been specifically modified by the Board during the hearing and within this Resolution.
- C. The Applicant shall satisfy and post any and all escrows and pay any taxes as required by law or by ordinance.
- D. The Applicant shall obtain any and all approvals required by any other governmental agency having jurisdiction over the development.
- E. The development shall be subject to the payment of applicable affordable housing development fees.

BE IT FURTHER RESOLVED, by the Township of Franklin Planning Board, that:

1. All conditions contained in this Resolution and in the record of the proceedings in this matter, including any agreements made by the Applicant, were essential to the Board's decision to grant the approvals set forth herein. A breach of any such condition or a failure by the Applicant to adhere to the terms of any agreement within the time required shall result in the automatic revocation of the within approval and shall terminate the right of the Applicant to obtain or continue work or occupancy under any construction permits, Certificates of Occupancy or any other governmental authorizations necessary in order to continue development and use of the project.
2. The development of this property shall be implemented in accordance with the plans submitted and as approved. In the event that the Applicant shall make or propose any changes to the project or structures on the property from those shown on the revised and approved plans and exhibits approved for this Application, whether such changes in voluntarily undertaken or required by any other regulatory agency, Applicant shall resubmit any such changes to this Board for review and determination.



Christine Woodbury, Planning Board Secretary

VOTE ON MOTION: 4/17/2019

FOR:

Chairman Orsini
Councilman Chase
Carl Hauck
Mustapha Mansaray
Robert Mettler
Jennifer Rangnow

AGAINST:

NONE

ABSTAINS:

NONE

VOTE OF RESOLUTION: 06/05/2019

FOR:

Councilman Chase
Carl Hauck
Mustapha Mansaray
Robert Mettler
Chairman Orsini

AGAINST:

NONE

ABSTAINS:

NONE

Variance Application

FOR OFFICIAL USE ONLY

Planning Board

Zoning Board of Adjustment

Name of Application: _____

Docket Number: _____

PART A

APPLICANT REQUESTS THE FOLLOWING:

Explain, in detail sufficient for the Board to understand the nature of the proposal, the exact nature of the proposed application and proposed physical modifications to be made to the site, building(s) and/or signage including the proposed use of the premises.

Applicant is seeking final site plan approval with a sign variance. See Rider for further detail.

Identify the type of variance(s) requested. Check all that apply.

"C" Variance(s)

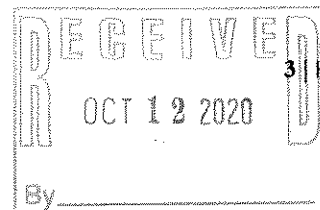
- The strict application of the provisions of the Development Ordinance would result in peculiar and exceptional practical difficulties or exceptional and undue hardship - N.J.S.A.. 40:55D-70.C(1)
- The purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment - N.J.S.A.. 40:55D-70.C(2)

"D" Variance(s):

- Use or principal structure in a district restricted against such use or principal structure - N.J.S.A.. 40:55D-70.D(1)
- Expansion of a nonconforming use - N.J.S.A.. 40:55D-70.D(2)
- Deviation from a specification or standard pertaining solely to a conditional use - N.J.S.A.. 40:55D-70. D(3)
- Increase in the permitted floor area ratio - N.J.S.A.. 40:55D-70.D(4)
- Increase in the permitted density - N.J.S.A.. 40:55D-70.D(5)
- Height of a principal structure exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure - N.J.S.A.. 40:55D-70.D(6)

December 2018

FILE



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Identify requested variances from the requirements of the Franklin Township Land Development Ordinance:

<u>Ordinance Section</u>	<u>Requirement</u>	<u>Proposed Deviation</u>
§112- 111(l), Schedule 5	Maximum 3 wall signs	5 wall signs proposed.
§112-		
§112-		
§112-		
§112		
§112		
§112-		

PART B

APPLICANT: Individual Partnership Corporation Limited Liability Company

APPLICANT: Owner Applicant Other _____

Name 3 Ronson, LLC

Street Address 115 East 11th Avenue Apt./Ste/Unit # _____

City Roselle State NJ Zip Code 07203

Phone 908-259-9800 Fax --

Email pmercatili@aol.com

OWNER (if different from Applicant):

Name N/A- Same as owner.

Street Address _____ Apt./Ste/Unit # _____

City _____ State _____ Zip Code _____

Phone _____ Fax _____

Email _____

PART C

Note: "*" indicates not required in association with signage variances

SUBJECT PROPERTY:

Block/s 88.01 Lot/s 43 Zone GB- General Business

Street Address 1165 State Highway Route 27 (A/K/A Lincoln Highway)

City Franklin State NJ Zip Code 08873

Approximate Site Size * _____ Acres/ _____ Sq. ft.

Present use of the property, specify: Veronica Plaza (Retail Center)

Proposed use of the property, specify: No Change.

Public water available: * Yes No If not, proposed? Yes No

Public sanitary sewer available: * Yes No If not, proposed? Yes No

Describe any off tract improvement required or proposed* _____

Deed restrictions, covenants, easements, association by-laws:

Yes (Provide a copy) No Proposed (Must be submitted for review)

Does the applicant own any contiguous property?* Yes No

If yes, state the address, block and lot of such property: * _____

Has there been any previous appeal, request, or application to this or any other Township Boards involving this property? Yes No

If, yes, state type, docket number, the nature and date of such appeal: Application is for final site plan.

Preliminary approval memorialized by resolution on June 5, 2019 (application #PLN-19-00004)

How long has the present owner had title to this property? * _____

Is the property under contract to be sold? Yes No

If yes, state the date of contract and name of the contract purchaser: _____

PART D

Identify if the application is proposed to be bifurcated (i.e., variances identified herein sought at this time with approval for other development approvals, such as subdivision and/or site plan approval, to be sought at a later date): Yes No

If not bifurcated, identify the associated development approvals sought at this time (check all that apply):

- Waiver of Site Plan Minor Site Plan Preliminary Site Plan Final Site Plan Minor Subdivision Preliminary Major Subdivision Final Major Subdivision Conditional Use Approval Other(s) (Specify: _____)

Note: Applicant must consult the respective Instruction Sheet(s) and Submission Checklist(s) for the associated development approvals being sought at this time. The submission will not be deemed an Application for Development unless all required submissions are provided for all requested development approvals.

If bifurcated, identify the nature of subsequent development approvals to be sought: N/A

For signage variances indicate the following:

- Single Tenant Building Multiple Tenant Building

PART E

C Variance(s):

- The strict application of the provisions of the Development Ordinance would result in peculiar and exceptional practical difficulties or exceptional and undue hardship under N.J.S.A. 40:55D-70.C(1)

List in detail wherein this case conforms to this requirement, including, if applicable, reference to exceptional narrowness, shallowness or shape of the property, or exceptional topographic conditions or physical features uniquely affecting the property, or extraordinary and exceptional situation uniquely affecting the property or the structures lawfully existing thereon.

_____ and/or

The purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment under N.J.S.A.. 40:55D-70.C(2).

List in detail wherein this case conforms to this requirement:

See Rider for further detail.

D Variance(s):

State why the property is particularly suitable for the proposed use, including any inherently beneficial conditions and/or any undue hardship, if any, showing that the property cannot reasonably be adapted to a conforming use:

N/A

C and D Variance(s):

Supply a statement of facts why relief can be granted without substantial detriment to the public good.

See Rider for further detail.

Supply a statement of facts why relief can be granted without substantial detriment to the intent and purpose of the zone plan and zoning ordinance.

See Rider for further detail.

PART H

APPLICANT'S CERTIFICATION

Donna M. Jennings, Esq.
Attorney for Applicant
I, _____, of full age, being duly sworn according to law and upon my oath,
depose that: I ~~reside~~ ^{have an office} at 90 Woodbridge Center Drive, Suite 900, Woodbridge in the County of
Middlesex _____ and State of New Jersey _____, and that the above
statements contained in this application and in the papers appended thereto are true. I further certify that I
am the individual applicant, or a general partner of the partnership applicant, or an officer of the corporate
applicant and I am authorized to sign the application for the partnership or corporation.

Sworn to and subscribed before
me this 8th day of
October, 2020

Maureen Blair
NOTARY PUBLIC
MAUREEN BLAIR
Commission #2332431
A Notary Public of New Jersey
My Commission Expires August 5, 2025

Wilentz, Goldman & Spitzer, P.A.
on behalf of Applicant:


APPLICANT'S SIGNATURE
By: Donna M. Jennings, Esq.

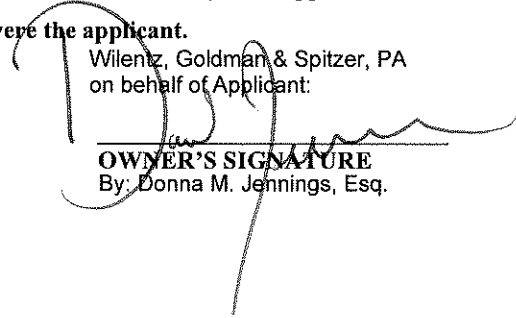
OWNER'S CERTIFICATION

(If the owner is a corporation, this section must be signed by an authorized corporate officer. If the owner is a
partnership, this section must be signed by a general partner.)

Donna M. Jennings
Attorney for Applicant
I, _____, of full age, being duly sworn according to law and upon my oath
depose that: I ~~reside~~ ^{have an office} at 90 Woodbridge Center Drive, Suite 900, Woodbridge in the County of
Middlesex _____ and State of New Jersey _____, and that the above
statements contained in this application and in the papers appended thereto are true. I further certify that I
am the owner of the property which is the subject of this application, and I am the applicant or I have
authorized the applicant to make this application, and I agree to be bound by the application, the
representations made and the decision in the same manner as if I were the applicant.

Sworn to and subscribed before
me this 8th day of
October, 2020

Maureen Blair
NOTARY PUBLIC
MAUREEN BLAIR
Commission #2332431
A Notary Public of New Jersey
My Commission Expires August 5, 2025

Wilentz, Goldman & Spitzer, PA
on behalf of Applicant:


OWNER'S SIGNATURE
By: Donna M. Jennings, Esq.