

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

**VIRTUAL MEETING
September 3, 2020**

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

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

ABSENT: Kunal Lakhia

ALSO PRESENT: Daniel Lagana, Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning & Zoning Secretary

MINUTES:

- **Regular Meeting – June 4, 2020**

Mr. Reiss made a motion to approve the Minutes, as submitted. Mr. Rosenthal seconded the motion, and the roll was called as follows:

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

AGAINST: None

- **Regular Meeting – June 18, 2020**

Mr. Reiss made a motion to approve the Minutes, as submitted. Mr. Caldwell seconded the motion, and the roll was called as follows:

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

AGAINST: None

HEARINGS:

- **SOMERSET GROUP HOSPITALITY, LLC / ZBA-20-00011**

Mr. Brian Schwartz, Esq., Attorney, appeared before the Board on behalf of the Applicant, Somerset Group Hospitality, LLC. Mr. Schwartz stated that the subject property was an already existing Clarion Hotel and that they were before the Zoning Board that evening to request a parking variance due to interior renovations, eliminating pool and conference rooms, and adding a banquet center at 60 Cottontail Lane, Somerset; Block 530.04, Lot 1.01, in the C-B Zone - **CARRIED FROM AUGUST 6, 2020 – with no further notification required.**

Mr. Schwartz indicated that there would not be any exterior changes to the hotel and would look the same outside as it did now after the renovations.

Mr. A. Azir, Principal, Somerset Group Hospitality, LLC, came forward and was sworn in. Mr. Azir indicated that his company had owned the Clarion Hotel since 2008. He then testified that the Clarion used to be a Ramada Inn before it was a Clarion Hotel and that he was involved in the operations of that hotel. He also testified that he also owned another hotel. Mr. Azir indicated that the typical occupancy rate of the Clarion, pre-pandemic, was about 49-50% occupied, and stated that it was exceedingly rare that the hotel would ever exceed 70% occupied. Mr. Azir testified that most of the hotel guests were transient, to include sports teams and tourists, with weekdays at much lower occupancy rates than weekends. Mr. Azir stated that they were planning on removing the swimming pool and conference rooms to change over that use to a banquet facility that would adjoin a meeting room to attract larger groups to include weddings, engagement parties, bar mitzvah, etc. Mr. Azir then detailed the previous use of the hotel, to include large busses for sports teams, vans for construction crews staying in the area, birthday parties, church meetings, small business meeting (10-12 people).

Mr. Azir stated that they were trying to attract larger events at the hotel, including weddings, bar mitzvahs, engagement parties, fundraisers for churches. He indicated that they wanted to remove the pool and two meeting rooms (the Raritan and the Brunswick) to accommodate a larger banquet hall. Mr. Azir testified that the hotel was not attracting families or people who wanted to use and enjoy the pool, as the use was mostly for business meetings and the like. Mr. Azir then explained how the four (4) smaller meeting rooms would be used once the banquet hall was installed, noting that the same people would use the smaller rooms for cocktail hours prior to a reception or for a place for the bride/groom and/or wedding party to get ready. Mr. Azir testified that there would not be a separate event going on in any of the four (4) nearby meeting rooms while an event was occurring in the banquet hall. He also testified that the other meeting rooms in the front of the hotel would be used during the day for business meetings and would not be used at the same time as the banquet hall. He then told the Board that they were moving the hotel check-in area to the side of the front lobby to have a clear, wider passageway to the banquet hall. Mr. Azir then indicated that they were adding restrooms just next to the banquet hall for their use that was separate from the restrooms already located to the right of the front lobby for hotel guests. He also testified that they were not making any exterior changes or adding any new doors to the exterior of the hotel. Mr. Azir indicated that the kitchen in the hotel can handle up to 500 people, and there was no plan to

bring in catered food. He stated that there was an existing restaurant within the building, with those patrons parking on the Cottontail Lane side of the building. He then told the Board that the restaurant did not have dancing or live music to conflict with a wedding being held there at the same time. Based on the experience on the site, Mr. Azir told the Board that there was adequate parking on the site and that after the pandemic restrictions were completely lifted, the renovations would be the only way he could compete and stay in business.

Mr. George Toma, Architect and Principal of Toma Architects, came forward and was sworn in. The Board accepted his qualifications. Mr. Toma then discussed the three (3)-page architectural plans that include the existing floor plan with current occupancy levels of the banquet rooms and restaurant (totaling 570 persons). He then drew the Board's attention to the proposed floor plan, with the conversion of the pool area and two meetings rooms into a "grand hall" with proposed occupancy levels of the banquet rooms and restaurant totaling 779 persons. He then told the Board that the proposed "grand hall" would be able to accommodate 350 people, but that they would have a moveable wall to make the room smaller to accommodate a smaller group. Mr. Toma then discussed the glass doors that would separate the wider hallway that would serve as the way to get to the "grand hall" and to separate the parties going on in that area from the lobby and restaurant. He did note that the exterior would not change, except that the glass roof over the existing pool would be changed to a regular roof. Mr. Toma indicated that there would also be an emergency exit door from the proposed "grand hall" added, but that people would access the hall from the front entrance. He then discussed the site circulation, indicating that the drive aisle was a circle that went around the building to keep the traffic flow on-site moving to the rear parking area and then to exit out of the property. Mr. Toma then stated that they were going to add new landscaping at the front lobby area to make that look attractive and inviting.

Mr. Toma then discussed the parking calculations based upon the table he provided for occupancy levels for existing and proposed. His calculations showed that the existing occupancy for all areas of the building was 570 people and that the calculations for the proposed occupancy was for 779 people. Mr. Toma noted, however that the calculations was for 100% occupancy in all spaces at the same time. Based upon 100% occupancy for all spaces at the same time, Mr. Toma calculated that they would need to provide 70 more parking spaces that the current number available of 217 spaces. He then reiterated the testimony of Mr. Azir, stating that the four (4) nearby meeting rooms would be used for cocktail rooms and rooms for the use of the bride/groom and wedding party at weddings with the same people that were attending an event in the "grand hall" banquet room. Mr. Toma stated that because of that, the requirement for parking would be reduced by 45 parking spaces. Mr. Toma then told the Board that when they estimate the capacity of the restaurant at 70% and the hotel at 50% and assuming that the four (4) nearby meeting rooms would not be used at the same time, his parking calculations would be for 224 parking spaces required. He also testified that he believed the kitchen would be adequate to prepare meals for large events in the "grand hall".

Mr. Gary Dean, Traffic Engineer/Planner and Principal of Dolan and Dean Consulting, 181 West High Street, Somerville, NJ, came forward and was sworn in. The Board accepted his qualifications to give testimony as both a Traffic Engineer and Planner that evening. Mr. Dean stated that he had visited the site and was familiar with the area and neighboring properties. He then entered into the record a site aerial exhibit, dated August 6, 2020, and indicated that he prepared it himself. He showed the Board, utilizing the exhibit, that the

surrounding uses are mostly multi-story office buildings in the current C-B Zone and the adjacent M-1 Zone that included warehousing facilities. He then told the Board that the site could be accessed from Rte. 287 with the off ramp leading right in front of the building with direct access to Cottontail Lane, which was the main access site for this property. He then detailed the two-way driveway that wrapped around the building, providing the on-site circulation, as well as the various parking areas on site. Mr. Dean then discussed the parking ratio standard of 1.1 per room for hotels, with the assumption of the need for one (1) parking space per employee and one (1) parking space for each hotel room. In reality, Mr. Dean stated that had never proven to be the case, reiterating Mr. Azir's testimony. He then discussed his rationale for not requiring as much parking as was required in the ordinance. Mr. Dean then reviewed studies that had been done by the Institute of Transportation Engineers (ITE) for two (2) different types of hotels, comparing full service hotels to business hotels with limited amenities that caters principally to business travelers, but had limited meeting rooms, with no conference or catering spaces and doesn't typically have a restaurant. In discussing the ITE statistics for 126 rooms and assuming 100% occupancy, he indicated that hotels like the subject hotel that had 124 hotel rooms would only require 149 parking spaces. He added that that would include event space. He then looked at a business hotel with 126 rooms and assuming 100% occupancy and came up with a requirement of only 92 parking spaces. Mr. Dean then contrasted those numbers with the Township ordinance that required approximately 138-140 spaces, indicating that there seemed to be a built-in surplus in the ordinance for hotel parking. Adding to the 92 required parking spaces for the hotel usage, they then utilized the 1:3 ratio for seating (one (1) parking space per every three (3) people) to calculate 62 parking spaces for the restaurant (186 seats) and the ballroom requiring 117 parking spaces. Mr. Dean then came up with a total parking requirement for the ballroom and restaurant at 179 spaces, plus 92 spaces for the hotel, assuming 100% occupancy, for a total of 271 (266?) spaces required. He then testified that they were only providing 217 parking spaces for the site, with a shortfall of 49 parking spaces. Despite the numbers, Mr. Dean indicated that he concurred with the Applicant that the parking provided was sufficient for the proposed use. He used his description of the proposed facility as more of a full-service hotel where guests would come and check into the hotel, attend an event there, and stay overnight. He then testified that because of that usage, he felt confident that the supply of parking would not be overwhelmed. He added that the restaurant usage tended to wind down at the same time as the hotel occupancy would be rising so that the two uses would offset each other and that there would be sufficient parking supply. Mr. Dean then discussed how the parking would affect the surrounding area, noting that there was no on-street parking on either Cottontail Lane or Weston Canal Road and the testimony given that evening supported the fact that no off-site supplemental parking would be required. He felt that the testimony met the sufficient proofs for what was considered a flexible "C-2" variance, in which the purposes of the Municipal Land Use Law (MLUL) would be advanced by the minimal deviation for parking from the zoning ordinance. He added that the benefits outweighed the detriments and that the proposal encouraged an appropriate use of the property and promoted the general welfare by encouraging people to remain on-site. It also supported one of the goals of the 2016 Redevelopment Plan that was to encourage commercial development in areas with access to major regional highways, specifically Rte. 287, according to Mr. Dean. In summary, he stated that he felt that the variance could be granted without substantial detriment to the public good and without impairing the intent and purpose of the zone plan and zoning ordinance.

Mr. Schwartz then asked Mr. Dean what level of occupancy did the ITE contemplate. Mr. Dean indicated that the ITE looked at the total number of rooms and also total occupied rooms. He added that he looked at the number for total occupied rooms, assuming 100% occupancy, and where he got to the 92 parking spaces required for the 126 rooms. He also told the Board that that was the worst-case scenario regarding parking for the subject property. They then discussed the use of Lyft and Uber and taxi services for people attending events, and Mr. Dean stated that the most recent statistics written for ITE related to those services were for 2017/2018, with findings published in 2019. He then noted that those services had not really come into vogue until very recently and, therefore, the ITE data did not take that into consideration just yet. He did state, however, that with his experience representing these types of uses, it was quite common for brides/grooms to provide busses for their guests to get from ceremony to reception and hotel. They then discussed the traffic flow on the site and whether that could be handled effectively and safely, and Mr. Dean indicated that the use catered to events during off-peak hours from the local business and commercial/manufacturing uses and was very well located nearby to major highways to accommodate for traffic.

Mr. Rich asked how they would guarantee that the meeting rooms would not be used during a banquet. Mr. Azir stated that meeting rooms were used during the daytime hours and the banquet hall would usually be used in the evening hours. He added that they would be scheduling the events and would not be scheduling these events at the same time there were larger meetings scheduled. Mr. Rich then discussed where the meals would be prepared for the banquet room and where the meals would be prepared for the restaurant. Mr. Toma stated that they would have a shared kitchen for both uses. Mr. Rich then inquired about installing a level 2 charging station in the parking lot, and Mr. Azir indicated that that was in the plans to include that.

Mr. Lagana then inquired about an existing refuse area behind the restaurant that was shown on the aerial photograph. Mr. Azir spoke about the location of the dumpsters behind the restaurant, and Mr. Lagana asked what was the size of the dumpsters and if they were sufficient to handle the waste that would be generated from the banquet facility. Mr. Azir indicated that they were sufficient to handle the additional waste and that they had a schedule of emptying them out every couple of days.

Seeing that there was no public, Chairman Thomas did not open to the public.

Mr. Schwartz then gave his closing statements.

Mr. Rich made a motion to approve the Application, with the condition that the meeting rooms would not be used at the same time there was an event in the ball room and that a level 2 charging station be installed in the parking lot. Vice Chair Graumann seconded the motion, and the roll was called as follows:

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

AGAINST: None

- **FARIS JIRJIS / ZBA-20-00013**

“C” Variance in which the Applicant was looking to construct a 28’ x 25’ patio at 109 Churchill Avenue, Somerset; Block 101, Lot 62.01, in an R-10 Zone.

Mr. Healey then indicated that the Technical Review Committee (TRC) report gave a summary of the Application, its location a copy of the relevant sections of the Application, the survey with the proposed drawn on it and the Applicant’s larger scale sketch of what was proposed. He added that the home was in the R-10 Zone that had an impervious coverage maximum of 30%. He explained that with the existing home, driveway and smaller patio, the Applicant was currently at 26% impervious coverage and would be at 33% impervious coverage with the proposed patio. Mr. Healey then told the Board that the TRC reviewed the Application and did not have any comments.

Mr. Faris Jirjis, Applicant, 109 Churchill Avenue, Somerset, NJ, came forward and was sworn in. He explained that he wanted to add a 28’ x 25’ patio in the rear right up against the home for his family’s enjoyment. He added that adding a patio of any significant size to be useful for outdoor recreational space would result in a small increase of impervious coverage that he did not feel would be detrimental to the public good.

Chairman Thomas then asked if the Applicant understood that anything else he might want to add to the property after this would be more difficult to do because they would all have variances involved. Mr. Healey stated that the Applicant did understand now, and that there had been several properties in the area that asked for variances to add patios, etc. because the builder basically built just under the maximum impervious coverage allowances.

Since there was no public, the Chairman did not open the meeting to the public.

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

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

AGAINST: None

WORK SESSION/NEW BUSINESS:

There was no work session or new business discussed.

MEETING ADJOURNED:

Mr. Reiss made a motion to adjourn the meeting at 8:54 p.m. Mr. Caldwell seconded the motion, and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
October 4, 2020