

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

**VIRTUAL
REGULAR MEETING
May 19, 2021**

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, Charles Brown, Carol Schmidt, and Chairman Orsini

ABSENT: Meher Rafiq, Jennifer Rangnow, Mustapha Mansaray, Robert Thomas, and Sami Shaban

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

RESOLUTIONS:

- **Prisco Properties, LLC / PLN-20-00011**

Chairman Orsini made a motion to approve the Resolution, as submitted. Councilman Chase seconded the motion, and the roll was called as follows:

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

AGAINST: None

- **BSREP III 17 School House Road, LLC / PLN-21-00002**

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

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

AGAINST: None

PUBLIC COMMENTS:

Chairman Orsini then made a motion to open the meeting to the public for general Planning comments. Councilman Chase seconded the motion, and all were in favor. Seeing no one coming forward, Chairman Orsini made a motion to close the public portion of the meeting. Councilman Chase seconded the motion, and all were in favor.

HEARINGS:

- **CAL-STERLING FRANKLIN, LLC / PLN-21-00009**

Mr. Peter U. Lanfrit, Esq., Attorney, appearing on behalf of the Applicant, Cal-Sterling Franklin, LLC. Preliminary & Final Site Plan w/C Variance in which applicant is proposing construction of 60 multi-family units in two (2) buildings at Spangenberg Lane, Somerset; Block 507.40, Lot 2, in the SCV Zone.

Mr. Lanfrit indicated that the night's hearing was for an application to amend a site plan that was approved in 2003. He continued by stating that in 2003, the Planning Board granted a Resolution of approval to the Applicant to construct 136 single-family homes, 29 townhomes and 72 apartments in three (3) buildings for a total of 237 units, with all of them age restricted. He went on to state that the Applicant did, in fact, construct the single-family homes and the townhomes, cleared the site for the apartments, but never constructed the apartments. He then told the Board that they were back before the Board that evening to amend the Site Plan to obtain approval to construct 60 apartments in two (2) buildings instead of the previously approved 72 apartments in three (3) buildings. Mr. Lanfrit then stated that in reviewing the record from 2003, it appeared that Councilman Chase and Chairman Orsini sat in on the Application at that time and may have some recollection of the Application.

Per Mr. Healey's Planning report of May 6, 2021, the following variances were required:

- Tract Perimeter Buffer: 50 ft. minimum required.
 - Southerly Property Line: Proposed buffer width reduced to roughly 25 ft and containing grading, emergency access driveway and no proposed landscaping and/or fencing.
 - Northwesterly Property Line: Proposed buffer width reduced to roughly 45 ft and containing retaining wall/fence and guiderail.
- Building Height: Three (3) stories/50 ft. maximum permitted – Four (4) stories/54.67 ft. proposed.
- Freestanding Sign (Sign Area): 25 ft. permitted – 40.4 sq. ft. proposed.

Mr. Lanfrit then asked if he could swear in both the Civil Engineer and the Planner together so that they could go over the original site plan and the amended site plan since they would be talking about their different areas of expertise. Chairman Orsini

agreed that that would be a good way to help the newer Board members understand the testimony that would be presented that evening.

Mr. William H. Hamilton, Planner and Landscape Architect, and Principal with Bowman Consulting, Inc., 54 Horsehill Rd., Cedar Knolls, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Hamilton stated that he testified on the original application in 2003/2004.

Mr. Jacob Schulman, Engineer, employed with Bowman Consulting, Inc., 54 Horsehill Rd., Cedar Knolls, NJ, came forward and was sworn in. The Board accepted his qualifications.

Mr. Hamilton then gave some insight into what was approved by the Board in 2003. He then drew the Board's attention to Sheet 2 of the Site Plan from the previous approval. Mr. Hamilton reiterated Mr. Lanfrit's testimony regarding what was included in the approval. He then pointed out the area that was set aside for the proposed 72 apartments that were never built due to market reasons. He added that it was going to be a three (3)-story building and included all surface parking. Mr. Hamilton then testified that the Applicant wished to now develop that same area, at the end of Spangenberg Lane, into 60 units in two (2) buildings. He then noted that the two (2) buildings would have four (4) stories as opposed to the originally approved three (3) stories and that there would be a number of garages proposed for units in each building.

Mr. Schulman then showed Sheet 3 of the plan set, showing the existing conditions on the site. He told the Board that the site was comprised of 5.6 acres and was primarily vacant, aside for a cul-de-sac at the end of Spangenberg Lane which was comprised of asphalt. He then noted that the rest of the site was cleared area, with a mixture of dirt and gravel as well as light vegetation in the form of weeds. Mr. Schulman then showed the Site Plan on the screen for the Board's edification. He then spoke of what the Applicant was proposing that included two (2) apartment buildings, with a total of 10 one (1)-bedroom units and 50 two (2)-bedroom units. He then showed the Board the area between the two (2) buildings that included an amenity area with some seating and a dog run and community garden. He then went on to explain that just off the cul-de-sac, they proposed a 20 ft. x 25 ft. utility shed. Mr. Schulman then indicated that a sidewalk was proposed from the end of Spangenberg Lane connecting the rest of the Sterling Pointe development to the site. He then testified that they could comply with most of the ordinances of the zone but were requesting two (2) variances for the building height and for the required 50 ft. vegetative buffer.

Mr. Schulman then drew the Board's attention to the parking and circulation plan on-site. He indicated that parking was primarily provided in garages with adjoining driveways. He also noted, however, that there were also 45 parking spaces proposed along the access drives. Mr. Schulman then testified that the total would become 47 parking spaces because they were talking about eliminating two (2) of the garages. He did tell the Board that the parking did comply with the Residential Site Improvement Standards (RSIS), which would require 118 parking spaces and half a space per unit

provided on-street or in a parking lot (30 parking spaces for 60 units). Mr. Schulman reminded the Board that they were providing 45 parking spaces on-street or in a parking lot, with the rest in garages. The circulation on the site was then discussed by Mr. Schulman. He indicated that there were four (4) access driveways on the site proposed, noting that the two (2) access drives surrounding the amenity area were the main access drives and provided access to the dumpster area and the lobby. He then discussed the two (2) access drives located closer to the perimeter of the property would provide access to the parking spaces near the dog run and community garden as well as to the units in the back. He then drew the Board's attention to the sidewalks provided that would give pedestrian access to the rest of the site. Mr. Schulman then told the Board that the rear paved area behind the buildings would provide fire safety access and not for public access, with gates provided to the Fire Safety Dept.

Mr. Schulman then discussed how they would be handling trash and recycling, utilizing two (2) enclosures at the rear of the property, with each being 10 ft. x 20 ft. He noted that both trash and recycling would be accommodated within and would include dumpsters. Mr. Schulman stated that both trash and recycling would be picked up by a private hauler

Mr. Schulman then discussed the utilities provided to the site, including natural gas, public sewer, and water. He added that there was already a manhole at the northern portion of the site which would connect to the sewer system in Spangenberg Lane. Mr. Schulman brought up the exhibit showing their Utility Plan for the Board's edification. He then noted that the water service would be connected to the existing water lines in Spangenberg Lane and in a water easement that abuts the southern portion of the property. Mr. Schulman then told the Board that natural gas was also available on Spangenberg Lane and would also be extended to the project.

Mr. Schulman then described how they were going to handle drainage on the site, telling the Board that water would be collected by inlets which would be piped in concrete pipes to a detention basin comprised of two (2) portions (labeled Basin 1A and Basin 1B) with an equalizer pipe between them to function as one basin. He added that the water would be treated by a water quality device. He noted that the water would flow to an existing culvert, which would enable them to safely convey the water without disturbing any of the undisturbed area within the conservation easement.

Mr. Schulman then discussed a portion of the property that was in a flood hazard area, along the northwestern side of the property. He added that they had already received an NJDEP Flood Hazard Verification to verify that that particular area was a flood hazard area. Mr. Schulman then testified that the improvements they were making on the site would be kept out of that flood hazard area.

Mr. Hamilton then discussed the lighting and landscaping that was proposed for the site. He drew the Board's attention to Sheet 8 of 20 in the Site Plan set which was the Landscape Plan for the project. He described the plan that included street trees, foundation plants, open space plantings in the area between the two (2) buildings

(amenity area), as well as buffer plantings along all of the boundaries of the property. Overall, Mr. Hamilton indicated that they have proposed 36 trees and 165 shrubs, and a great variety of ground covers as well. He testified that they did review the letters they received from staff asking for additional street trees to comply with the ordinance spacing requirements and have agreed to do so. In addition, the Township Planner had suggested to include additional buffer plantings, particularly in the areas that they were asking for variance relief, which they have agreed to as well. He then discussed the detention basin areas, noting that they were going to make them look attractive as well by planting with wet-site tolerant grass varieties and ground cover varieties as well as shrubs and trees.

Mr. Hamilton then opened a discussion regarding the Lighting Plan for the site, referring to Sheet 10 of 20 in the Site Plan set submitted with the Application. He indicated that they had included pole-mounted as well as building-mounted lighting to comply with the ordinance and to provide safe and efficient lighting for the community. Mr. Hamilton stated that the pole-mounted lights were placed at a height of 15 ft., permissible by the ordinance and consistent with the lighting that had already been installed throughout the Sterling Pointe community. A comment from the Township Planner was discussed related to the request to match the lighting that currently existed in the community. Mr. Hamilton noted that the lights proposed for the site were a bit different than what existed in the other portion of the community. He added that the one proposed were ornamental but were of a different standard than what was currently out there, which was more of a traditional, colonial-type fixture. Mr. Hamilton indicated that they would leave it up to the Board to decide if they should change the standard to match the more traditional light fixtures. He added that they would, obviously, want to take advantage of new technology to provide energy efficient lighting and LED lighting as opposed to what was currently out there (high pressure sodium). He then testified that they would comply with the ordinance in respect to lighting.

Mr. Schulman then discussed CME's Engineering report, dated May 11, 2021, noting that he believed that they could satisfactorily address their comments. By addressing their comments, he testified that there would not be any significant or substantial changes to what the Board was looking at that evening as they were technical in nature related to storm water management.

Mr. Schulman then addressed Mr. Hauss' Fire Prevention report, dated May 5, 2021, indicating that they could also address all comments contained within the report. He added that they would be changing the width of the fire access road behind the buildings to be 24 ft. wide and would be constructed of asphalt.

Mr. Lanfrit then discussed the comments in Mr. Healey's Planning report, dated May 6, 2021, stating that it was important to note that some of the comments that he made related to buffering that was not being provided was remarkably similar to what was proposed in 2003. He drew attention to Mr. Healey's comment #8 related to parking and wanted to assure Mr. Healey and the Board that, unlike a townhome complex or condominium complex where the residents own the property, the subject property were

apartments and would be leased. He added that they would provide language in their lease agreements indicating that the areas that were designated as parking areas would be made available at all times for the parking of motor vehicles and that any violation would be a violation of the lease.

Mr. Hamilton then addressed a comment on Mr. Healey's Planning report regarding the inclusion of a cul-de-sac bulb on the current plans when there was no bulb proposed on the approved 2003 site plans. He indicated that the cul-de-sac bulb was included on the current plans at the request of the Director of Fire Prevention a number of years ago because Spangenberg Lane was essentially a dead-end road and there was no ability for fire trucks, garbage trucks or delivery trucks to turn around. Mr. Hamilton indicated that he would leave it up to the Board to decide whether to include it or remove it from the plans.

Mr. Healey gave his summation of what had occurred, noting that since the subject property had not been built out and the Applicant wanted to release their bonds, the Fire Prevention Director asked for the inclusion of the cul-de-sac bulb for turnarounds. Mr. Healey stated that now that the subject site was being built out, he did not see the need for including it, and he stated that he thought the CME Engineering report also included a comment about it. He noted that it would reduce impervious coverage on the overall site and allow for more landscaping. Mr. Healey added that he had spoken to Mr. Hauss, Fire Prevention Director, and that he did not see the need for including it either. Mr. Hamilton stated that the Applicant agreed in removing the cul-de-sac bulb from the plans if that was the direction the Board gave to them.

Mr. Lanfrit then pointed out, when reviewing Mr. Healey's Planning report, is that when the Application was first approved, the ordinance for the SCV district overlay allowed for a 70-acre tract, which this was, and now they require a 200-acre tract. He noted that the tract still remained a 70.41-acre tract.

Mr. Healey discussed some of his comments in the Planning report, and Mr. Lanfrit indicated that Mr. Hamilton had given testimony regarding the break-out of unit type (one (1)-bedroom or two (2)-bedroom). He added that corrections would be made to the plans, if necessary. A clarification was given to Mr. Healey regarding the testimony of Mr. Hamilton regarding the parking breakdown on the site.

Of the 121 spaces on-site, Mr. Healey stated that 76 of them were basically spoken for in the tandem arrangement of the garage and driveway spaces. He then noted that that would leave 45 spaces for the other 22 units that do not have a garage/driveway tandem area assigned to them. On top of that, RSIS required 30 spaces for visitors, and felt that there would be a site layout concern as to whether the 45 spaces would practically meet the needs for 30 visitors and the 22 units. Mr. Schulman explained that RSIS required two (2) parking spaces per two (2)-bedroom unit and the two (2) parking spaces required included the half a space for guest parking. He added that the parking spaces provided on the streets and in parking lots alone meet that requirement. Mr. Schulman stated that they also took a look at the Institute for Traffic Engineers (ITE)

parking generation manual, based on those calculations, they would need approximately 37 parking spaces for the entire site, and they were providing well over that. Based on those two interpretations, they believed that there was enough parking on-site.

Mr. Healey then explained that based on their testimony, 76 of the parking spaces were going to be earmarked for the two(2)-bedroom units that had the tandem garage/driveway parking spaces, which meant that the other 22 units would also require two (2) parking spaces. He stated that those would take up 44 parking spaces on-site, leaving not enough parking for the required 30 guest spots on-site. A discussion ensued and Mr. Lanfrit stated that Mr. Healey was assuming that every unit would have two (2) vehicles. Mr. Lanfrit stated that there were one (1) bedroom apartments included there as well. Councilman Chase brought up a scenario where the guest of another unit would park and/or block in someone parked in their garage should they only have one car.

Mr. Hamilton opened a discussion regarding the provision of some sort of delineation such as striping to show that the driveway space was affiliated with the garage it was parked in front of. A discussion ensued. Mr. Hamilton agreed to have unit #'s posted on the garages or on the driveway itself so that a visitor would know that the driveway space was associated with the unit it was in front of. Mr. Lanfrit indicated that they could include that on the plans as well and show those to Mr. Healey and CME Engineering.

Mr. Thomas Brennan, Architect and President of Thomas Brennan Architects, 133 McDermott Drive, Suite 200, Allen, TX, The Board accepted his qualifications. Mr. Brennan testified that he was familiar with the original application and that his firm prepared the plans for the original application for the single-family, townhomes and clubhouse. Mr. Brennan compared what was originally proposed for the subject site, with three (3) three (3)-story apartment buildings and the two (2) two(2)-story buildings that were not being proposed. He indicated that the original three (3)-story buildings were never constructed and they never contained any garages and only had surface parking on-site.

Mr. Brennan then entered into the record the front elevations of the two (2) proposed buildings and added that both buildings would look the same. He then drew the Board's attention to the floor plans of the buildings (Sheet D-3 of the plan set). Mr. Brennan then pointed out the locations of the one (1) bedroom (810 sq. ft.) and two (2)-bedroom (1,074 sq. ft., 1,263 sq. ft., and 1,305 sq. ft.) units within the buildings. He described the units as open and airy with the main rooms blending into one another, with 30 units in each building. He then told the Board that each building had a lobby that included a package room, mailbox area, leasing fitness area that required a key fob to access those places. There was an elevator located there as well to access each floor as well as storage units to lease on the ground floor. Mr. Brennan indicated that there were fire stairs, sprinkler system, and the building met all of the life and safety issues. He stated that all units had a balcony that included a self-contained heating/air conditioning units

there that did not require any on-site condensing units or any unsightly units in the attic or on the roof.

Mr. Brennan then went back to the front elevation exhibit, and then explained to the Board the type of materials that would be used to construct the buildings. He noted that the lower portion of the building would be constructed with a brown-colored cultured stone base with a cream-colored horizontal siding with accents of AZEK panels and tan/brown color of Vinyl Impressions, which he indicated was a shingled look. Mr. Brennan indicated that they introduced a board and batten look on the gables with Timberline GAF roofing materials. He noted that the building was not just a flat front and had recessed areas and balconies with divided light windows.

Mr. Brennan then discussed the height of the building to the peak of the roofline from grade was 54ft. 8 inches tall. He then indicated that the height of the fourth story, without the roof, was approximately 42 ft., with the peaked portion bringing the roof measurements at the 54 ft. 8 inches. Mr. Brennan explained that having a peaked roof or hip roof was a lot more appealing, aesthetically, than a flat roof, commercial-type building, which would have met the height requirements.

Mr. Lanfrit indicated that Mr. Hamilton as well as Mr. Schulman alluded to the fact that they were going to be eliminating some of the garage spaces in their testimony. Mr. Brennan then reverted back to the floor plan exhibit, showing the Board which garage spaces would be eliminated so that they could include it in the indoor amenity space. He added that even though the community as a whole had a clubhouse, the apartment buildings would have an amenity space all their own. He also said that the apartment residents would also have access to the swimming pool attached to the clubhouse in the community

Mr. Hamilton, Applicant's Planner, then discussed the variances that were being requested. He first brought up the variance for building height (maximum of 50 ft. and three (3) stories required, where 54.67 ft. was proposed with a four (4)-story building. The second variance he discussed was for a buffer in two locations as noted in Mr. Healey's Planning report and included in an earlier portion of the minutes. Mr. Brennan stated that both request for relief were C-2 Variances, which where a purpose of planning outlined in the Municipal Land Use Law (MLUL) would be advanced by the granting of the deviation and the benefits would substantially outweigh any detriments. He spoke first about the height variance and the positive criteria, including a discussion regarding the purposes that would be advanced by the grant of the variance. He included such benefits as a building that included an elevator and garage spaces for approximately 2/3 of the building residents. He then discussed the decision-making process for choosing a four (4)-story building that included elevators, garages and driveways as opposed to the original proposal that only had a walk-up style apartment with only surface parking spread out over three (3) buildings with three (3) stories each. Mr. Hamilton added that they felt it was a better alternative and better met the needs of the market in 2021. He then discussed the negative criteria, showing that there would not be a substantial detriment to the public good and that there would not be substantial

impairment to the zone plan and zoning ordinance. He noted that the closest residential neighbor to what was being proposed would be that of a three (3)-story building in the Renaissance development that was over 100 ft. from the subject property line. He also added that the distance between the buildings (100 ft.) included a substantial wooded area while proposing additional plantings.

Mr. Hamilton again put up the Site Plan exhibit for the Board's edification. With regard to the buffer variance requested, Mr. Hamilton stated that the ends of the building were located 60.5 ft. from the property line at the southerly portion of the site. He noted that the fire access roadway encroached into the 50 ft. buffer line, which was an addition to the plan based upon a comment from the Fire Prevention Director which provided substantial safety to the residents. Mr. Hamilton added that the fire official would like to see the 18 ft. wide fire access roadway seen on the plans increased to 24 ft. wide which decreased the area of the buffer provided. He added that decreasing the buffer area there made it so that there was less opportunity for additional vegetation that could be added. Mr. Hamilton then stated that they did not feel that the situation would impact the neighborhood because there was a significant buffer in that area already and that only the ends of the buildings would face that direction (each building 80 ft. wide or 160 ft. of exposure to the property line). Going back to the original approval, Mr. Hamilton testified that they had two buildings along that property line that were parallel to the property line with a total building exposure of roughly double that. That being said, Mr. Hamilton agreed that they could supplement the plantings there, per Mr. Healey's Planning comments, to try to mitigate the relief being requested.

Mr. Hamilton then drew the Board's attention to the northern property line where there was a bit of encroachment of the buffer area by a retaining wall and felt that the relief was de minimus. He added that there was quite a distance between that retaining wall and the dog walk, parking area, or access roads, so they felt it was an appropriate approval in terms of the positive criteria. From a negative criteria perspective, Mr. Hamilton indicated that it did not adversely impact the neighborhood in any way, and it would not impair the intent and purpose of the zone plan.

Ms. Schmidt then noted that in the Environmental report, there was a photo of a pond. Mr. Hamilton stated that he believed the pond Ms. Schmidt was referring to was off-site and would not be touched by the Applicant. Mr. Lanfrit indicated that the subject property did not have any ponds or streams on it; however, the Environmental report was included in the 2003 approval because the application was for the entire site.

Ms. Schmidt then asked if the subject development was a 55 and older community. Mr. Lanfrit stated that the whole development was an age-restricted community, and in answer to Ms. Schmidt's question about club house use, he indicated that the apartment residents would be able to use the pool, but not the club house. He reminded her that they had amenities within their own buildings to utilize. She then asked if Spangenberg Lane was the only access to the site, and Mr. Lanfrit answered in the affirmative.

Vice Chair Brown had a question regarding the sidewalk that was not shown connecting on the opposite side of the street near Basin #2. In the earlier discussion, he indicated that it sounded like the cul-de-sac was going to be removed, so for consistency's sake and as was the case throughout the entire development, the Vice Chair thought they should continue the sidewalk on both sides of the street that would reduce conflict points between the pedestrians and the number of motorists coming in and out of the site. Mr. Lanfrit testified that they would connect the sidewalks on both sides of the street if there were sidewalks planned there already.

Mr. Schulman interjected by stating that the sidewalk on the south side of Spangenberg Lane was getting awfully close to the conservation easement and he was not sure if it would be possible to construct that without encroaching on that easement.

Mr. Schulman brought up the exhibit again and noted that he would have to take a better look at the area to see how they could fit in the sidewalk there.

Vice Chair Brown then asked how the trash/recycling enclosure would be lit because he had a safety concern regarding people placing their trash there at night and the fact that it bumped up against a wooded area. Mr. Hamilton then drew the Board's attention to the Lighting Plan exhibit, explaining the lighting fixtures in the area and discussing their foot candle measurements. A discussion ensued, and Vice Chair Brown indicated that he was concerned for the rear of the trash enclosure where, perhaps, an intruder could hide. Mr. Hamilton indicated that they could accommodate that request.

Councilman Chase asked whether the Applicant was going to address the buffering issue, and Chairman Orsini stated that he thought they had as they testified that they would supplement the buffer area. He added that they had also agreed to additional landscaping on the site.

Mr. Healey then asked for Mr. Hamilton to be more specific regarding the type of vegetation they plan to use to supplement the buffer and in other parts of the site.

Mr. Hamilton explained that towards the edge of the wooded area, they would use trees such as American Holly, understory evergreen trees. He went on to further state that as you got closer to the building, they would put in something like an arborvitae or something a bit more columnar, but 6 ft. minimum height evergreens that would provide year-round screening. He added that the trees would extend the length of the fire access road and extend around the wall on the northerly property line. Councilman Chase asked what they would do to prevent deer from eating the trees, so Mr. Hamilton indicated that they would do their best to pick deer-resistant trees. A discussion ensued, and the Chairman asked for a deciduous tree planting in that area that could be somewhat protected. Mr. Hamilton stated that he would confer with Mr. Healey to come up with something acceptable.

Chairman Orsini agreed with the Applicant to include LED lighting on the site rather than trying to match what the other portion of the development already has. Mr. Hamilton

agreed that his testimony included the use of LED lighting on the site. They then discussed the issue of trying to match the decorative light fixtures to what was currently on the other portion of the site.

Councilman Chase then opened a discussion praising the Applicant for including a car charging station but wishing they had included two (2) of them. Chairman Orsini indicated that they could also include the capability of adding more at another time as they have done with other applications. Mr. Lanfrit stated that they could include a conduit and make some parking spots capable of accommodating a car charging station. A discussion ensued.

Mr. Healey asked for clarification as to whether two parking spots would be eliminated. Mr. Brennan reiterated his testimony by saying that they would keep the leasing office in Building #1 and in Building #2 they would eliminate the leasing office and two (2) garage spaces, but the driveway spaces in front of them would remain on-site. So, Mr. Healey asked for clarification, stating that there would be 119 parking spaces on-site, and Mr. Brennan concurred. Mr. Healey asked if someone could confirm that the development would still comply with RSIS. Mr. Schulman indicated that they would still comply by needing 118 parking spaces.

Chairman Orsini made a motion to open the meeting to the public. Ms. Schmidt seconded the motion, and all were in favor.

Mr. David Dockery, Esq., Attorney from the law firm of Becker & Poliakoff who represents the Sterling Pointe HOA, 1776 On the Green, 67 East Park Place, Suite 800, Morristown, NJ. Mr. Dockery agreed with Mr. Lanfrit's description that the apartment residents would have access to the pool, but not the club house on the other portion of the site.

Mr. Robert Wilton, 236 Cedar Grove Lane, Somerset, NJ, came forward. Mr. Wilton indicated that he lived just across the street from the access to Sterling Pointe. He stated that he was concerned about the additional traffic with another 120 cars coming in and out of the site, especially during rush hour. He was also concerned about the two ponds on the site and the wildlife there. Mr. Lanfrit indicated that there were two detention basins on the site and no ponds and no endangered species so no testing would be necessary. He then also told Mr. Wilton that there was already an approval for 72 units and a traffic study was done for that application. He added that they were decreasing the number of units to 60 so that there would be less traffic than anticipated. In answer to Mr. Wilton's question regarding the price of rental, Mr. Lanfrit indicated that it would be whatever the market would bear at the time the units were completed and ready for lease.

Ms. Nancy Nelsen, Renaissance, 4207 Avery Court, Somerset, NJ, came forward. Ms. Nelsen asked about the drainage situation considering that the buildings were taller than those at Renaissance and that there would be a paved fire access driveway. Mr. Schulman explained that they did do calculations regarding the design of the storm

water management system they were putting on-site; however, since the fire official asked that the emergency fire lane be comprised of asphalt and not pervious pavement, they would be doing the calculations again and adjusting the system, as necessary. He then reiterated his earlier testimony and noted that there would have to be less water coming off the site than currently existed. Mr. Hamilton also added that the roof leaders were all tied into the detention system so that any water coming from the roof or paved surfaces would all go to the basin.

Ms. Nelsen stated that her next question pertained to the easement on Avery Court for the Fire Dept. Mr. Lanfrit explained that they were discussing the inclusion of a new fire lane that was being constructed behind the two (2) buildings they were constructing. He added that that fire lane would be gated so that only the Fire Dept. would have access to that new fire lane and has nothing to do with the one on Avery Court.

Ms. Nelsen then asked about the easement connection between the two (2) properties. In looking at the Site Plan exhibit, Mr. Healey told Ms. Nelsen that there was no connection between the subject site and Avery Court or any easement.

Ms. Nelsen asked why some residents of Building #5 in the Renaissance Development received the 200 ft. notification and some did not who she believed were within 200 ft. Mr. Lanfrit stated that he could only respond by saying that he receives a list from the Township of who needed to be notified and served all of the properties that were contained within that list while providing proof of service to the Board Secretary in advance of the hearing.

Mr. Robert Wilton, 236 Cedar Grove Lane, Somerset, NJ, came forward again. Mr. Wilton stated that he did not believe his previous question was answered about the traffic congestion. Mr. Lanfrit again stated that the proposal before the Board that night was a reduction of units from what was previously approved. Mr. Wilton did not think that Mr. Lanfrit's answer was acceptable, and Chairman Orsini explained that the entire development was approved in 2003 at a certain density level and you could not hold one party responsible for the traffic that had increased by other developments in the interim. The Chairman further explained that they never built this portion of the property and were now coming back to do so with lesser density than was previously approved. Board Attorney, Mr. Peter Vignuolo, further explained that the use was an approved use in the zone and, as such, was anticipated by the zoning ordinance that the traffic was acceptable. Mr. Wilton stated that he was opposed to the development.

Seeing no one further coming forward, Chairman Orsini made a motion to close the hearing to the public. Vice Chair Brown seconded the motion, and all were in favor.

Mr. Healey wanted to make part of the record that he was provided proof from someone in Mr. Lanfrit's office that the e-mail was sent with attachments of the colorized renderings mentioned by Mr. Lanfrit during the hearing. Mr. Healey added that neither he nor Ms. Woodbury, Board Secretary, received that e-mail.

Mr. Lanfrit gave his closing remarks.

Chairman Orsini made a motion to approve the Application, with the two (2) C-2 Variances for building height and buffer, and that the Applicant comply with all the staff reports and comments that had been rendered that evening. Those comments would include the extension of sidewalks on both sides of the roadways to the extent that the buffer will allow, the inclusion of LED lighting and lighting fixtures to resemble as closely as possible to what was already in the development, additional landscaping and buffering where possible, the numbering and striping of driveway parking spaces outside of the garages, the elimination of the cul-de-sac, and the addition of a conduit put in place for future car charging stations. Ms. Schmidt seconded the motion, and the roll was called as follows:

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

AGAINST: None

COMMITTEE REPORTS

No reports were discussed.

WORKSESSION/NEW BUSINESS:

No work session/new business was discussed.

EXECUTIVE SESSION:

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

ADJOURNMENT:

Chairman Orsini made a motion to adjourn the regular meeting at 9:51 p.m. Mr. Hauck seconded the motion, and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
June 29, 2021