

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

**VIRTUAL MEETING
December 16, 2021**

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: Cheryl Bethea, Richard Procanik, Joel Reiss, Alan Rich, Gary Rosenthal, Robert Shepherd, Kunal Lakhia, Vaseem Firdaus, and Chairman Thomas

ABSENT: Elizabeth Clarkin

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

MINUTES:

- **Regular Meeting – October 21, 2021**

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

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

Chairman Thomas made the Board aware of a local issue involving an application at the Rutgers Plaza Shopping Center with the K-Mart building. He noted that some things had happened over the past weekend that were a little unusual and had asked the Board Attorney, Mr. Frank Regan, to address this. The Chairman told the Board members that they had not received any paperwork related to this application, but only have information from the online newspaper.

Mr. Regan reminded the Board members that if they were contacted by a member of the public, by the applicant or a representative of the applicant in any manner regarding a particular matter that was pending before the Board, that they were not permitted by law to discuss that matter or correspond with them in any way. He reiterated that any discussions regarding any application must be done at a public hearing where everyone, including Board members, has the opportunity to hear the testimony and have an opportunity to ask questions and make comments. Mr. Regan then stated that if anyone were persistent in their efforts to communicate regarding any pending application, that Board members could reach out to Mr. Mark Healey, Director of Planning, or himself. A discussion ensued among the Board.

HEARINGS:

- **1784 Capital Holdings, LLC / ZBA-21-00009**

Mr. Chris Murphy, Esq., Attorney, appeared before the Board on behalf of the Applicant, 1784 Capital Holdings, LLC. They were before the Board that evening to obtain D(1) Use Variance; Preliminary & Final Major Site Plan w/"C" Variances in which the Applicant was seeking approval for construction of a 125,335 sq. ft. self-storage facility at 1613 Route #27, Somerset; Block 85, Lots 58 & 59.01, in the GB Zone - **CARRIED TO JANUARY 6, 2022** – no further notification is required.

Mr. Josh Kline, Engineer, employed with Stonefield Engineering & Design 92 Park Avenue, Rutherford, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Kline then brought up an aerial exhibit, entered into the record as Exhibit A-1, dated 12/6/2021. He explained to the Board that what they were going to see that night was a state-of-the-art facility. He then discussed the various uses shown on the exhibit. He then explained that the self-storage use was a low-impact use and a good fit for the area they were requesting to build it in, a transitional area between commercial and residential. He added that there would be enhanced security and upgraded landscaping. From a site, civil and traffic perspective, Mr. Kline indicated that the use would not have a negative impact on the surrounding area, community, and infrastructure. Mr. Kline then indicated that Route #27 was under the authority of NJDOT. He then noted that the facility was geared toward a residential consumer and not meant for commercial use i.e., no commercial vehicles or chemicals.

Mr. Kline then spoke about the review letters that they had received, to include the Planner's letter, the Fire Safety and Police, Health Dept., etc., and had no problem complying with any of the comments. He then added that they also had no issue complying with the Township Engineer. He stated that there were two (2) items that were flagged that they would have to work with the engineer (comment #9 and comment #11) for his satisfaction.

Mr. Kline then drew the Board's attention to the parcel in question that was six (6) and a half times deeper than it was wide, thus a very unique shaped lot. He then told the Board that they had approximately 300 ft. of frontage. Additionally, he noted that there was no storm-water management system on the property currently, and that water dissipated in all different directions, and nothing was controlled in any way. He then described the topography of the area, noting that Route #27 was 6-7 ft. higher than the rear of the site. Mr. Kline then described what structures existed on the property currently, and that all those would be demolished. He also indicated that there were brush piles and dirt piles on the site, noting that the property had been a landscaping center. Mr. Kline then told the Board that there were ninety-eight trees on-site currently, but that they would be removing seventy-six of them. As a result of those removals, they would be planting a total of 284 trees on-site as part of the proposal. Mr. Kline then testified that the reason for the very abundant landscaping plan was because they were located within the Delaware & Raritan Canal (DRCC) Zone B, and the plans were subject to the DRCC review and approval, which were obtained pursuant to receiving Resolution approval from the Zoning Board. He then entered into the record as Exhibit A-2, a colored rendering of the site plan. He then showed the location of the three-story, 38,148 sq. ft. self-storage building footprint, for a total of approximately 122,000 sq. ft. GFA self-storage facility building. Mr. Kline then told the Board that the building met all of the

set-back requirements and then showed the office area, climate-controlled loading facilities and parking areas.

Vice Chair Shepherd asked how far the building was set back from Route #27, and Mr. Kline indicated it was set back 90 ft.

Mr. Kline then moved to the outside storage area, specifically for recreational vehicles, boats, etc. He noted that there was no maintenance allowed in that area. He then described the two (2) canopies that were being proposed, and they have slopes that vary in height, but were generally about 17 ft. in height for run-off purposes. He noted that there was a total of seventy-five spaces with fifty in the center of the canopy and twenty-five spaces (14 ft. x 46 ft. for large spaces and 14 ft. x 29 ft. for the smaller ones). He then testified that the canopy at the bottom of the exhibit was within setback requirements. He also told the Board that the site was fully secured, with an 8 ft. high fence around the secure area in the canopy area consisting of a 2 ft. decorative CME block with a 6 ft. high decorative wrought iron fence on top. Mr. Kline then indicated that there was a 6 ft. high fence with a 2 ft. decorative block and 4 ft. of decorative iron around the building.

Vice Chair Shepherd then inquired as to whether they would be blocking the homes that were right next to the subject property. Mr. Kline then described he significantly dense landscape buffers that were along the top of the property, including evergreen trees and shrubs and deciduous trees. He stated that they were replicating a wooded area on the property in the bioretention area. They then discussed the screening of the twenty-five spaces, indicating that they could, as any condition of approval, provide a full block wall of 8 ft. around those spaces.

Mr. Kline then told the Board that they had nineteen parking spaces along the front of the site, including an ADA space as well. He added that they would also be providing an ADA path to the right-of-way from the office area to Route #27. Currently, Mr. Kline testified that the site was not ADA compliant at all. He added that they were also proposing bicycle racks in front of the office area. He then spoke about the trash enclosure that would be located within the secure area and was a 6 ft. high masonry trash enclosure. He did add that the trash enclosure was locked and was only for the use of the office employees. He added that trash pickups from the enclosure would occur one (1) to two (2) times per week. Mr. Kline then told the Board that they were proposing a monument sign along the frontage, which would be fully conforming as to size, height, and setback, and would include illumination.

Mr. Kline then spoke about the Traffic Assessment Report they had prepared, and then spoke about access and trip generation. He indicated that they were seeking a letter of no interest from the NJDOT to maintain the two (2) driveways because of how much of a low generating use they were proposing. He stated that the mid-day Saturday peak trips were thirty-eight trips, weekday peak afternoon trips were twenty-one trips, with the weekday a.m. peak trips was only twelve trips. He explained that the definition of "trips" was for a vehicle going in and out of the property. Using ITE standards for a mini warehouse, the parking requirements would only be 12.1 parking spaces, where nineteen were being provided. He then told the Board that drive aisles and circulation was designed to accommodate all sizes of vehicles.

Mr. Kline then spoke about the hours of operation, noting that it was not a 24/7 facility. He stated that the office component would operate from 8:00 a.m. to 6:00 p.m. daily, with the site

itself providing secure access (exterior doors and keypads and monitored 24/7 by a third-party company with high-def cameras) from 5:00 a.m. to 10:00 p.m. seven (7) days a week. Mr. Kline then told the Board that the office employees, when on duty, would be instructed to walk the grounds for security purposes and to make sure the grounds were kept clean and free from trash and that customers were obeying the rules.

Mr. Kline then brought up the canopy parking areas, noting that there would not be recreational vehicles coming and going every day, but were taking them in and out of storage one (1) or two (2) times per year. He reiterated that there was not a commercial component to the proposed storage facility either.

Vice Chair Shepherd inquired about the security of recreational vehicles parked under the canopy.

Mr. Kline then discussed storm water management plans for the property and reminded the Board that it was subject to review and approval by the DRCC. He stated that they were proposing a combination of pervious pavement and two separate bio-retention facilities. He then drew the Board's attention to the Lighting Plan for the project that included wall-mounted lighting, canopy lights underneath and on the edge of the canopies. The lighting, according to Mr. Kline, is LED, dark sky compliant and downward facing. He did say that they were requesting a waiver for 0.2-foot candles off-site illumination, where 0.1 was permitted. He did note, however, that the area with 0.2-foot candles was located near Route #27 and was up near the commercial property.

He then detailed the Landscape Plan to include over 190 shrubs, grasses, and a wooded effect towards the back of the site.

Mr. Vandeloecht, Architect, employed with Arco Murray Design Build, came forward and was sworn in. Mr. Vandeloecht submitted architectural plans on Sheets A-1 through A-5, submitted February 23, 2021 and were going to be shared on the screen. He oriented the Board to the components of the self-storage facility. He indicated that what was being shown was a typical design for these types of facilities. He indicated that they have an average of 825 units within this size facility. He noted that there were three (3) floors included in the building. He then drew the Board's attention to the building materials that were being used. He noted that there was a large amount of glass being utilized on the building to make it look more like an office buildings or apartment buildings. He added that there were some fake windows/doors to make the expanse of the building to be minimized, along with some canopies that would do the same thing. He then showed Sheet A-5 on the screen that detailed some elevations of the façade as well as colorized renderings.

Vice Chair Shepherd asked how wide the building was, and Mr. Vandeloecht stated that it was 91.4 ft., and it was 35 ft. to the top of the parapet for screening of mechanicals. They then discussed the fence that was shown on the exhibits. The Vice Chair was concerned that there was no gate attached to the fencing surrounding the building. Mr. Kline noted that there were two (2) gates at the rear of the property to provide year-long security for the recreational vehicles, boats, etc.

Mr. Creigh Rahenkamp, Planner, came forward and was sworn in. The Board accepted his qualifications. He then provided Planning testimony related to the variances requested. He

spoke about the difficulty of developing a residential use based upon the size and shape of the subject property. Mr. Rahenkamp then discussed the special reasons to support the granting of the Use Variance that was being sought. The first was revitalization and refurbishment of an established property that was a pre-existing, non-conforming use that had a shorter front-yard setback and no side yard setbacks. He added that they were bringing the property into greater conformance even though they were still required to obtain a D-1 Use Variance. The next special reason was the efficient use of land and would be difficult to use for residential use and could morph self-storage into the confines of the property. He also added that it would provide a place to store recreational vehicles, boats, etc. to avoid zoning issues to do so. He informed the Board that the facility has set hours of operation and the canopies provide shade to protect the fiberglass of the types of vehicles stored. Because it was a small part of the zone, it was not disturbing already established other existing land uses in the area and was a low-intensity use.

Mr. Rahenkamp then addressed the two "C" variances required, stating that it was the least relief able to be granted for the particular use, and planned a robust landscaping plan that would provide thick buffers considering the 300 ft. wide lot.

Vice Chair Shepherd asked if there were any other 3-story buildings in the immediate area. Mr. Rahenkamp noted that there were a number of multi-story office buildings to the northeast, but not immediately adjacent to the site. The Vice Chair then opened a discussion regarding the storage area in the back that did not have much buffering for the small spaces. Mr. Rahenkamp spoke about the plan being a vast improvement to the truck trailers that were being parked right along the property line. He then stated that there was an already significant landscape buffer on the multi-family side of the property and have the 50 ft. setback on their side. He indicated that they could place a full block wall instead of a short block wall and fence atop if the Board preferred. Mr. Rahenkamp did note, however, that the intensity of the use was low.

Mr. Rich then asked about comments made on the Environmental Commission report, and Mr. Murphy indicated that they would comply with all regulations required. Mr. Kline addressed the question regarding the number of trees (284 trees to be planted, including evergreen, deciduous and ornamental). He then addressed Mr. Rich's concern for complying with the Police Dept. and obtaining the required permits from NJDOT. He also reiterated that they would comply with all the comments in the Fire Prevention report. In questioning about the notification of residents and businesses within a 200 ft. radius, Mr. Murphy stated that that also included those located across the highway in North Brunswick.

Mr. Rahenkamp revised his testimony to state that the buildings located in the area were only two (2)-story buildings and not three (3)-story buildings and were located in the GB Zone, which had a 30 ft. height limit. He noted that the Applicant's property was located in the residential zone and had a 35 ft. height limit, which they complied with. Mr. Kline indicated that they required a "C" variance for the number of stories, not the height of the building.

Mr. Healey then suggested that if the Board were inclined to approve the Application, that they provide a solid fence or a wall because they were seeking relief from the 50 ft. buffer requirement. Mr. Kline indicated that they would be able to comply if the Board so desired.

Mr. Healey then asked about the view of the gate, asking what a user would do if the gate were inoperable. Mr. Kline stated that they could call the office if it were within their hours to circulate the site. Mr. Healey asked if the gate could be moved back so that if someone could not access the gate, they would not be stuck with no means of egress. Mr. Kline indicated that it was not a highly used roadway.

Mr. Healey then asked about the lighting on the site. He noted that there were two (2) types, i.e., basic, and enhanced lighting. He wondered why they were proposing enhanced lighting for such a low use facility. Mr. Kline spoke about security lighting and was an industry standard, which was why they were included in the security areas. Mr. Healey asked if they could lower the lighting heights, but Mr. Kline indicated they needed to accommodate for larger vehicles. He did offer however, that they could use motion sensors to only have those lights illuminated when a user entered the site. Mr. Murphy indicated that they could comply as a condition of any approval.

Mr. Healey then addressed the size of the loading berth in his report that was required to be twice the length of the overall vehicle expected to use the facility. Mr. Kline spoke about the 28 ft. U-Haul truck (SU-40) that utilized a facility of this kind, but that they did have to accommodate a 48 ft. bus to show that a large vehicle could circulate the site, including emergency vehicles. Mr. Healey then drew the attention to traffic circulation, showing on the plans as having a one (1)-way in and one (1)-way out driveway. He asked Mr. Kline how they would enforce those movements with signage, driveway markers, etc. Mr. Kline indicated that they would work with the Township Engineer related to signage and would agree to that being a condition of any approval.

Mr. Healey then brought up the concern for the lack of buffer in the one part of the site, as brought up and discussed by Vice Chair Shepherd. He noted that issue has brought up the need for many variances and did not believe the Applicant had provided any reasoning other than they want it. Mr. Healey brought up the need for a 50 ft. wide buffer, the need for trees and the need for a landscape buffer between uses. He added that there were also setback variances related to that issue, as well as building coverage and impervious coverage variances. Mr. Kline suggested that they could increase that buffer area by 7 ft. in that area, thereby more than doubling it by an additional 2 ft. He added that doing that would allow them to continue a row of evergreen plantings and they would agree to doing that as a condition of any approval and shrink the drive aisles to accommodate that. Mr. Murphy agreed that they could also include a solid fence in that area as well as any condition of approval.

Board Attorney Regan asked if someone could walk in with a box or two, and Mr. Murphy stated that anyone coming in could walk in, but that they would utilize the four (4) internal loading docks as they were right near the elevators. It was confirmed that there was electrical power in the storage area to allow batteries to be kept warm, but for no other purposes, i.e., power tools.

Mr. Procanik asked Mr. Kline about the proposed use of permeable pavers for the storm water management system. Mr. Kline indicated that the permeable pavers were planned to be placed up against the building and on both sides of the drive aisle. Mr. Kline then explained how the permeable pavers worked with the storm water system, and water would not be sitting against the foundation.

Mr. Procanik then asked how long a person would typically spend in the facility. Mr. Kline explained that the initial drop-off might take up to 30 minutes, but after that they might not come back until a few months later.

Mr. Procanik then discussed the trip generation data that Mr. Kline discussed previously. Mr. Procanik then asked how many employees would be at the site at any one time, and Mr. Kline answered two (2). Finally, Mr. Procanik asked how the use change would result in less traffic coming to the site, and how they would quantify that. Mr. Rahencamp then discussed that issue but did not have data from the previous use.

Chairman Thomas then opened the meeting to the public for questions and comments.

Ms. Denise Bourscheid, 31 Kingsberry Drive, Somerset, NJ, came forward and was sworn in. Ms. Bourscheid indicated that the lighting was of concern and Mr. Kline agreed to put lighting on motion sensors. She asked when the start time was, and Mr. Kline indicated summer of 2022 and would last up 12-14 months. He also added that hours of construction would be limited. She then asked if there would be a construction fence, and the answer was in the affirmative and when the landscaping would be planted. Mr. Kline stated that the landscaping would go in at the appropriate time after construction.

Mr. Mark Rothberg, Representative of Hempstead Garden Apartments, came forward and was sworn in. He noted that there were over 276 residential garden apartments. He noted that they were against the development as it would negatively impact their client's community. Mr. Rothberg then asked a few questions of Mr. Kline and referred to Exhibit A-1, aerial rendering. Mr. Rothberg was inquiring about the different residential developments around the subject property. Mr. Murphy clarified where the mix of commercial and residential properties were located in proximity of the subject property. They spoke about the nursery/landscaping/garden center currently located on the property and the structures located on the property, including green houses, large trucks, etc. Mr. Kline indicated that they could provide up to 12.7 ft. of buffering(dense, tall evergreens) between the subject property and Hempstead Garden Apartments development. They then discussed the height of the canopies and the building, which was included in the previous testimony. Mr. Rothberg then started to ask questions related to the design of the buildings and the lighting plan. Mr. Kline stated that they originally were asking for a lighting waiver but have already agreed to eliminate the waiver for light spillage. He then told Mr. Rothberg that they have also agreed to lighting dimmers on downward facing LED lights. Mr. Rothberg then opened a discussion related to the unique size of the site and the ability to create a residential development. Mr. Rothberg indicated that he felt that the proposed development was inconsistent with the intent and purpose of the Master Plan and adversely affects the residential properties around it. He then stated that they were in opposition to the proposed plan.

Mr. Healey then asked Board Attorney, Frank Regan, who would be able to speak from Hempstead Gardens since the attorney was representing the owner of Hempstead Gardens. He noted that all residents could speak for themselves.

Arun Karandum, 1490 Boulevard, came forward and was sworn in. Mr. Karandum asked about what kinds of windows were being utilized on the building, and Mr. Kline indicated that those were fake windows that could not be looked through to the residential properties from anyone. Mr. Karandum was also concerned about the lighting, and Mr. Kline explained the

components of the lighting plan and they discussed the look of the building, but more of an office building look. Mr. Karandum was very concerned about the hours of operation that was testified to. Mr. Kline told him that the proposal was a low-impact use, as testified to previously. Mr. Murphy then spoke about the lease agreements that were strictly enforced and there was no overnight parking in the front of the facility.

Mr. Chip Hoover, 9 Stallion Court, Somerset, NJ, and Site Manager of Kingsberry Estates, came forward and was sworn in. Mr. Hoover said that his biggest concern was storm water outflow from the site. Mr. Kline discussed how the water on the site flows currently and how the proposed storm water system and pervious pavement would reduce the flow rates, as required by NJDEP. A discussion ensued, and Mr. Kline utilized the exhibits to explain the storm water management system and how it would operate to reduce the outflow. Mr. Hoover then opened a discussion regarding the lighting on-site, and Mr. Kline indicated that 10 ft. was the lowest that they could have the lighting, as any condition of approval. He then had a concern relating to the three-story building and wanted to make sure that they had some good buffering on the north side for buffering.

Seeing no one further coming forward, Chairman Thomas closed the meeting to the public. All were in favor.

Mr. Murphy gave his closing summation.

Vice Chair Shepherd opened a discussion regarding the way the Application was presented. He also stated that it had been an agricultural site, so the proposed needed to take more into consideration for the residential neighbors. He said he felt that the proposal would work better if they reduced the project by the twenty-five smaller spaces in the secured area. Mr. Lakhia discussed his concern for the water issue on the property. Mr. Rosenthal had concerns for sufficient buffering to the residential properties. Chairman Thomas agreed that the proposal needed to be reduced to make it work better. Ms. Firdaus asked about how the parking stalls being provided was adequate for the operation. Ms. Bethea then discussed the storm water management system and the ability to manage the water on the site.

Mr. Murphy suggested to adjourn the meeting that evening and looking at some of the elements of concern brought up by the residents and the Board. Chairman Thomas then stated that he felt that many of the problems discussed would go away with a reduction in the size of the proposal.

The Applicant would agree to adjourn and withdraw the motion for the Application, without prejudice, and that notice be carried to the next hearing – **CARRIED TO JANUARY 6, 2022 – with no further notification required.**

Christine Woodbury, Board Secretary, brought up the instructions on how to attend the next hearing for 1784 Capital Holdings, LLC.

MEETING ADJOURNED:

Mr. Reiss made a motion to adjourn the meeting at 9:45 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
February 11, 2022