

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

**REGULAR MEETING
July 7, 2022**

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: Richard Procanik, Joel Reiss, Gary Rosenthal, Vaseem Firdaus, Faraz Khan, and Chairman Thomas

ABSENT: Cheryl Bethea, Alan Rich, Robert Shepherd, and Elizabeth Clarkin

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

MINUTES:

- **Regular Meeting – May 5, 2022**

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

FOR: Mr. Rosenthal, Vaseem Firdaus, and Chairman Thomas

AGAINST: None

RESOLUTIONS:

- **Ricardo Perez / ZBA-22-00004**

Mr. Rosenthal made a motion to approve the Resolution, as submitted. Ms. Firdaus seconded the motion, and the roll was called as follows:

FOR: Mr. Rosenthal, Vaseem Firdaus, and Chairman Thomas

AGAINST: None

- **Sarwat Siddiqui / ZBA-22-00007**

Mr. Rosenthal made a motion to approve the Resolution, as submitted. Ms. Firdaus seconded the motion, and the roll was called as follows:

FOR: Mr. Procanik, Mr. Reiss, Mr. Rosenthal, and Chairman Thomas

AGAINST: None

- **Arthur & Diane Wilmot / ZBA-22-00003**

Mr. Procanik made a motion to approve the Resolution, as submitted. Ms. Firdaus seconded the motion, and the roll was called as follows:

FOR: Mr. Procanik, Ms. Firdaus, and Chairman Thomas

AGAINST: None

HEARINGS:

- **MUHAMMAD H. REHMAN & TEHMINA HABIB / ZBA-22-00005**

C Variance in which the Applicant installed an enlarged driveway, walkway, and patio without permits at 54 Winding Way, Princeton; Block 11.09, Lot 8, in the R-10A Zone - **CARRIED to AUGUST 4, 2022 – with no further notification required.**

- **SAINT SHARBEL MARONITE CHURCH / ZBA-20-00027**

Mr. Bob Smith, Esq., Attorney, appeared before the Board on behalf of the Applicant, Saint Sharbel Maronite Church. He indicated that they were there that evening to obtain D(3) Conditional Use Variances, Preliminary & Final Site Plan w/C Variance in which the Applicant proposed demolishing the existing church and daycare use, as well as four (4) of the single-family homes on the site and constructing a new 35,699 sq. ft. place of worship at 526 Easton Avenue, Somerset; Block 261, Lots 1-6, in the Office Professional (OP) & R-7 Zones.

Mr. Smith clarified some of the introductory information given by stating that they would be including 96 parking spaces where there was about one-third that amount currently. He also clarified that they were not building a 35,699 sq. ft. church, but a 21,400+/- sq. ft. church.

Fr. Simon, Pastor of Saint Sharbel Church, came forward and was sworn in. He indicated that he had been the pastor for the past four (4) years and that the church had been in existence, in its current location, for the past 35 years or so. He indicated that they were planning to demolish the church and build new because the structure had been deteriorating that needed to better serve their elders and handicapped parishioners as well as needing a larger parking lot. Fr. Simon then described for the Board the activities that occurred at the church, that included a church (worship), a hall (social activities) and classrooms for the

children (cultural and religious instruction). Fr. Simon then stated that they were planning to have 275 seats for parishioners. He also added that most of the parishioners were Lebanese and services were held in both English and Arabic languages, so that the community was geared toward that culture and didn't anticipate any significant growth for that reason.

Chairman Thomas then opened a discussion regarding service times, and Fr. Simon indicated that they would hold Mass on Saturdays at 5:00 p.m. and Sunday Mass at 11:00 a.m., with weekday Masses at 10:00 a.m. Fr. Simon then testified that they were planning to eliminate the daycare facilities on-site but would still hold funerals and weddings there. He then added that they would be including a kitchen like the one currently on the site for social activities that only happen on the weekends.

Mr. Reiss then asked how many registered members the church had, and Fr. Simon indicated that they had 496 families. He did state, however, that they had about 300 people attending Mass in total on Saturday and Sunday combined.

When questioned by the Chairman about the Spring festival, Fr. Simon indicated that they would continue the festival with the new church because it is a major fundraiser.

Mr. Healey suggested that Mr. Smith review the comments in his April 11, 2022 report for clarification on the proposed use in comparison to the existing use, so Mr. Smith proceeded to do so.

1A Mr. Smith indicated that they would defer to the architect in his testimony regarding the square footage of the proposed fellowship hall.

1B Fr. Simon indicated that he did not see the need to have any overflow of parishioners for the Mass because the new church would have increased seating.

1C Fr. Simon stated that the classrooms are an accessory use to the church use on Saturdays from 1:30 p.m. – 4:45 p. (with a snack break) for the children to learn their native language (Arabic). He then indicated that the children would then attend the Saturday 5:00 p.m. Mass with their families.

1D Fr. Simon already answered this question earlier in his testimony by stating that there would be no further daycare at the site, and that their lease was up on July 1, 2022. He added that they have already found another site for the daycare.

1E The Traffic Engineer already addressed this question in his report by stating that the only big event taking place at the site would be the festival during the second week of June as a way to recall their heritage and as a source of income for the parish.

1F Fr. Simon indicated that no part of the church would be rented out and that the facilities were for the sole use of the parish and parishioners.

1G Fr. Simon answered the question related to the house at 10 Franklin Blvd. that would be retained by stating that it is the priest residence.

Chairman Thomas asked if the Applicant would be required to work with the Township regarding their one (1) special event, and Mr. Healey indicated that they already obtain a Special Event Permit.

Chairman Thomas then opened the meeting to the public for questions of the Pastor's testimony.

Ms. Christine Low, 238 Blake Avenue, Somerset, NJ, came forward. Ms. Low wanted to know if the church would still be having the festival outdoors and on the parking lot, thus limiting their parking availability at the new facility. Fr. Simon indicated that some of the activities would be indoors, but a portion of the parking lot would have activities outdoors, but the larger parking lot would accommodate more cars, lessening the need for attendees to park on the neighboring streets. Mr. Smith added that they would have no objection if the neighbors asked the police to mark one side of the street as NO PARKING.

Seeing no one further coming forward, the Chairman closed the meeting to the public.

Mr. Mark Remo, Engineer, employed with Remo Engineering, came forward and was sworn in. The Board accepted his qualifications. Mr. Remo then described the existing conditions and went on to explain what they were proposing. He indicated that the total square footage of the site was 72,527 sq. ft. (1.66 acres) and contained the church building, 36 space parking lot, and four (4) single-family homes on the site since one (1) single-family home was recently demolished. He then noted that the remainder of the site contained grass and some small trees. Mr. Remo stated that the church building was located in the OP Zone, with the single-family homes were all located in the R-7 residential zone. He then explained that uses surrounding the site include office buildings, to the east and west along Easton Avenue, with the single-family homes along Easton Avenue, Franklin Boulevard, Blake Avenue and Reeve Street.

Mr. Remo then discussed the Applicant's plan to consolidate all of the lots and demolish four (4) of the dwellings and the existing church building to construct a new church building and an asphalt paved parking lot. He then reiterated the testimony given previously by Mr. Smith and Fr. Simon regarding the proposed 96 parking spaces, which include 4 handicap parking spaces, the size of the proposed church and 275-person seating capacity as well. Mr. Remo then told the Board that the proposed church would be set back 13.54 ft. from the Easton Avenue right-of-way, 19.17 ft. from the Franklin Boulevard right-of-way, 21.50 ft. from the Reeve Street right-of-way and 249 ft. from the Blake Street right-of-way. Mr. Remo then noted that the County asked for 5 ft. right-of-way dedication for Easton Avenue and 8 ft. right-of-way dedication for Franklin Boulevard, which lessened the setback distances. He then testified that the driveway and aisle widths would be 24 ft. wide, and that ingress and egress would be from Franklin Boulevard, Reeve St., Blake Street with two-way directional driveways. He then noted that left-turn egress would be restricted at the Franklin Boulevard driveway that was requested by the County. Mr. Smith then interjected that they had a pre-application meeting with the Somerset County Planning Board, at the suggestion of Franklin Township staff, which was a good idea because they pointed out what they require. He indicated that he felt that they were in conformance with those requirements.

Mr. Remo then explained that they would be constructing a sub-surface detention facility located beneath the parking lot, along with the construction of a storm sewer system to collect

all of the surface runoff from the site and direct it to the detention facility. Furthermore, he indicated that the detention facility would have a capacity of 13,35 cubic feet and consist of 30 ft. x 153 ft. x 3 ft. deep Brentwood storm water storage modules. Mr. Remo then stated that the outflow structure would control the runoff from the site to less than the pre-development rates, and the outflow pipe from the facility will connect to a proposed inlet on Franklin Boulevard. He then told the Board that the development would be serviced by existing gas, water and electric on Franklin Boulevard and sanitary sewer facilities located on Easton Avenue.

Mr. Remo then discussed the proposed lighting for the parking lot which would consist of 15 ft. high pole-mounted luminaires, a downlight, shoebox style downlights that won't be directed outward towards adjacent roadways and properties and would be screened appropriately.

Mr. Remo then opened a discussion regarding landscaping for the new facility, they were proposing shade trees along Easton Avenue, Franklin Boulevard, Reeve Street, and Blake Avenue. He noted that flowering-type trees would be planted at all the curved islands throughout the site along with various types of shrubs would be planted along the building foundation and along the parking lot perimeter. He added that evergreen screening-type trees would be planted around the trash enclosure to screen the parking lot from the adjacent properties and also to screen the trash from the travelling public. He then indicated that all of the other areas that would be disturbed would be grassed.

Mr. Remo then discussed the Conditional Use Variance that was required, noting that houses of worship were permitted in the OP and R7 Zones provided that they meet certain criteria. He added that the minimum lot setback required is 50 ft., where 13.54 ft. was proposed on Easton Avenue, 19.17 ft. was proposed on Franklin Boulevard, and 21.5 ft. was proposed along Reeve Street, so the development would need variances for that as well. He then indicated that the minimum driveway width required was 26 ft., while they were proposing 24 ft. Additionally, Mr. Remo indicated that the minimum landscape buffer required was 15 ft. or 25 ft., where they were providing 5 ft., the maximum building coverage required was 20% where 20.5% was proposed, and the maximum impervious coverage allowed was 60% in the R7 Zone and 45% in the OP Zone, where they were proposing 72.2 percent. Mr. Remo also told the Board that the maximum building height allowed was 35 ft., where 39.2 ft. was proposed, and the minimum parking spaces required was 360 spaces, where 6 spaces were proposed.

Mr. Remo then discussed the outside agency approvals, noting that the Soil Erosions and Sediment Control plan had been prepared and submitted to the Somerset Union Soil Conservation District. He stated that they had received some comments, so they were going to revise the plans accordingly. He then indicated that the Site Plan had been submitted to Somerset County for their review and approval back in April and they were addressing the comments received. Mr. Remo then told the Board that the plans would also be submitted to the Delaware & Raritan Canal Commission (DRCC) for their approval as well.

He then told the Board that they received regulatory comments in a letter from the Township Engineer, dated April 11, 2022, and the Applicant would address the comments accordingly and work with the Township Engineer. Mr. Remo then discussed the Township Planner's April 11, 2022 memo as well as the Township's Environmental Commission memorandum, dated April 7, 2022. Mr. Remo then mentioned that they had received an updated Somerset

County Planning Board letter, dated April 26, 2022, as well as an updated letter from the Somerset Union Soil Conservation District, in an email dated April 11, 22. He noted, again, that the Applicant planned for work with the Township, the County, the Soil Conservation District to address all the comments.

Mr. Smith then discussed some information they received regarding jurisdiction. Mr. Remo stated that they did submit to the DRCC but were told that the project was considered a major project and that they would have to resubmit based on major project criteria. Mr. Healey also indicated that because they were not within 1,000 ft. of the canal, he noted in his report that the Applicant did not have to go to the Township's Historic Preservation Commission.

Mr. Smith went through the various items noted in the CME Engineering report that included sidewalks and ADA ramps at all corners of the property, and Mr. Healey had a discussion regarding some items within the Engineering report as well as his Planning report that related to variances and some missing information in the plans related to parking requirements as well as the building height. Mr. Healey suggested that Mr. Remo go over the comments in the CME Engineering report and have a meeting with Fr. Simon, the CME Engineer, the Applicant's Architect, and staff and agreed to a date to meet to discuss.

Chairman Thomas then indicated that they would not entertain any Board questions or open to the public for questions of the Applicant's Engineer, Mr. Remo, until they had a full report prepared and agreed upon. Everyone agreed to readdress the Engineering testimony and entertain questions at the next hearing in August.

Mr. Lee Klein, Traffic Consultant/Engineer, and Principal of Klein Traffic Consulting, 156 Walker Road, West Orange, NJ. The Board accepted his qualifications. Mr. Klein indicated he developed a Traffic Engineering and Parking Evaluation Report, dated March 7, 2022, stating that he studied the current operations of the church on Saturdays and Sundays looking at the peak activities of the church as it related to parking. He then told the Board that he looked at the expansion from 220 seats to 280 seats and did a trip generation calculation to determine whether it would be a significant increase in traffic. Mr. Klein also opined about the number of seats number of parking spaces provided and the adequacy of that parking. He then told the Board that he concluded that they had the proposed 280 seats and brought up Fr. Simon's testimony that there would only be activities in the congregation area, with no other activities elsewhere going on during that time. He stated that the 280 seats would be the maximum number of people that would be at the church at one time. In doing the calculations, with one car per three (3) people average per car, (280 divided by 3) would only require a maximum of 93 parking spaces at full capacity where they were providing 96.

Mr. Klein then discussed the circulation of the site, the driveways and the 24 ft. widths of the driveways and drive aisles with 9 x19 ft. parking spaces, which he indicated were industry standards and adequate for the proposed use and low turnover. He indicated that his conclusion was that the 96 parking spaces was adequate to serve the needs of the church and should not be any impact to the neighbors or intersections. He added that they would be removing some homes and driveways that used to service those homes to give more space on the street for parking in the neighborhood or perhaps even for overflow parking during the festival.

Mr. Klein then discussed trip generations when accounting for the additional 60 seats within the sanctuary, noting that there would be about 28 additional trips on Saturdays and 31 on Sundays. He testified that the Institute of Transportation Engineers and the NJ Dept. of Transportation indicate that a significant increase in traffic is greater than 100 peak hour trips, so the stated numbers are less than a significant increase and why they didn't do a full traffic engineering study with traffic counts and traffic analysis because the increase in traffic would be insignificant

Mr. Reiss asked if the church had any agreement with the adjacent medical center to use their parking lot on Sundays when they were closed to use for overflow parking. Mr. Klein indicated that the adjacent medical center had never objected for parishioners using their parking lot on Sundays, but that the only time that it actually happened was during the festival.

Mr. Frank Regan, Board Attorney, asked for clarification between Fr. Simon's testimony about only have one (1) Mass on Sunday at 11:00 a.m. and the Traffic Engineer's report that stated there were two Masses on Sundays (9:00 a.m. and 11:00 a.m.). Fr. Simon testified that they had two (2) Masses during the peak of COVID, but only have one (1) Mass on Sundays now at 11:00 a.m.

Ms. Firdaus asked if any of the parking spaces would have EV charging stations, and Mr. Smith indicated that it was State Law and said they will have four (4) EV charging stations.

Mr. Healey brought up the point that Mr. Klein evaluated the church's peak activity time that occurs on the weekend, but that he didn't evaluate the peak time of the roadways, which re the morning and afternoon during the weekday. Mr. Klein indicated that the church activities would be minimal or non-existent during the roadway peak hours.

Mr. Procanik then opened a discussion regarding the EV legislation, noting the available 2 for 1 credit, seeing as they were seeking a parking variance. He asked if that was considered in their parking calculation. Mr. Smith indicated that he didn't believe it wasn't, and Mr. Healey stated that the Application was made a good time before that legislation came into play. Mr. Smith stated that they would look into that possibility. Mr. Healey indicated that their parking requirements consider for the sanctuary seating and the fellowship hall square footage being used simultaneously, so the Applicant might want to consider agreeing to a condition of approval that the two spaces would not be used simultaneously.

Chairman Thomas then opened the meeting to the public for questions of the Traffic Engineer such as traffic, parking, or circulation.

Ms. Shenique Davis, 227 Blake Avenue, Somerset, NJ, came forward. Ms. Davis noted that the Traffic Study was done during 2020, the peak of the pandemic, and wanted to know if the number of people attending church services would be updated to reflect the current conditions. Fr. Simon stated that the number of people attending in June, 2020 was very similar to the attendance they have today.

Mr. David Zald, 220 Blake Avenue, Somerset, NJ, came forward. Mr. Zald asked about whether they could use the adjacent parking lot for off-site parking and, therefore, not have to have as many parking spaces on-site in order to give a larger barrier between the church property and the residential neighbors. Mr. Klein stated that they cannot always rely on off-

site parking and want to be able to accommodate for the 280 parishioners and use the St. Peter's parking lot for festival time. Mr. Smith added that they were trying to have adequate parking on-site so as not to disturb the neighbors or neighborhood as much as possible.

Chairman Thomas asked Mr. Healey to discuss the buffering requirements between the parking lot and the street in the residential zone. Mr. Healey stated that there is the 15 ft. buffering requirement around the perimeter of the property for places of worship. He also added that the Applicant was trying to address concerns from the neighbors about having enough parking on the church site and balancing that with also trying to provide the full 15 ft. buffer around the perimeter of the church property

Seeing no one further coming forward, the meeting was closed to the public.

Mr. Mike Campbell, Architect, came forward and was sworn in. The Board accepted his qualifications. He entered into the record as Exhibit A-1 color artist rendering of the proposed church building that closely mimics the worship structures from the area where most of the parishioners have emigrated from and trying to mimic the ethnic stone architecture that they were familiar with. The angle of the exhibit was from the parking lot side and side street (Franklin Boulevard) as one would approach, showing the entrance to the sanctuary, the corner tower, and the drive-up canopy.

Chairman Thomas asked if the corner tower was the reason for the 39 ft. height that required a variance. Mr. Campbell indicated that it was due to the height different in the topography of the site and the way in which height was described in the Township ordinances. He indicated that for 70-80% of the site, the height was conforming. A discussion ensued regarding changing the height of the building or changing the grading. Mr. Campbell entered the elevation drawing as Exhibit A-2.

Mr. Campbell then entered into the record as Exhibit A-3, which was the floor plan of the church and fellowship hall. He indicated and reiterated Fr. Simon's testimony that the buildings were made of substandard construction and were deteriorating significantly. He added that even rebuilding the same building would increase the footprint by at least 20-30% to comply with today's standards and requirements, i.e., ADA accessibility. He also added that the parishioners are a fixed community, and they were not intending to increase the intensity of the current use, but to better serve the current parishioners. Mr. Campbell then told the Board that the more realistic use of the pews for seating was to allow for 24 inches per person instead of the standard.

Mr. Campbell stated that the fellowship hall was 4,500 sq. ft. He then discussed the reasons for replacing the current fellowship hall, which were the same as the reasons for replacing the church. He added that they were also upgrading the kitchen to commercial standards in the new building. He then told the Board that 15-20% of the fellowship floor was dedicated as a dance floor. Mr. Campbell then entered into the record as Exhibit A-4, showing the floor plan of the lower level, which was below grade. He noted that the building included 21,400 sq. ft., which included the canopy since it had a covered roof and a footprint of 15,200 sq. ft. He then indicated that the basement was the same square footage as the sanctuary at 6,500 sq. ft. Mr. Campbell then marked the next exhibit as Exhibit A-5, which was the upper level, a very small mezzanine which was for the people in the choir and included in the 21,400 sq. ft. calculation. He then marked into evidence as Exhibit A-6, a color artist rendering of the

church from the side viewed by the adjacent medical building. Additionally, Mr. Campbell marked into evidence as Exhibit A-7, a color artist rendering from the other side of the church structure and side street (Reeves St.) as well as drive up canopy. He then entered into the record as Exhibit A-8, which shows the side of the church building most affected by the existing topography.

Chairman Thomas then asked what the basement would be used for. Fr. Simon indicated that it would be used for classrooms for the Saturday classes for the children.

Mr. Procanik asked what materials would be used on the buildings. Mr. Campbell stated that they were using a thin, natural stone and a mission tile type roof.

Chairman Thomas then opened the meeting to the public. Seeing no one coming forward, the meeting was closed to the public.

The Applicant, Applicant's Engineer, Architect, Traffic Engineer and Planner and staff have agreed to meet July 12, 2022 to iron out some of the engineering questions or other questions that might still linger. The Board and the Applicant and other professionals agreed to come before the Board on August 4, 2022.

CARRIED to AUGUST 4, 2022 –with no further notification required.

DL - 9/16/2022

- **LIV DEVCO LLC / ZBA-21-00011**

Mr. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Liv Devco, LLC. He indicated that they were there for D Use Variances; Preliminary & Final Major Site Plan; Height Variance in which the Applicant sought to develop a three (3)-story apartment building at 2 Hawthorne Drive, Somerset; Block 194, Lots 127 & 128, in the HBD Zone - **CARRIED from JUNE 2, 2022 – with no further notification required.**

Mr. Lanfrit told the Board that the site used to house an office building, which was demolished previously. He stated that they were trying to develop the site with a three (3) story apartment building and require a D Use Variance because they want to construct all residential units without any commercial use on the first floor. He told the Board that the Hamilton Street Business District (HBD) Zone required mixed use buildings. Mr. Lanfrit then stated that the building would house 15 residential units (nine (9) one-bedroom apartments and six (6) two-bedroom apartments).

Mr. Micheal Testa, Architect, came forward and was sworn in. The Board accepted his qualifications. Mr. Lanfrit stated that they submitted the Application well over a year ago and have had numerous meetings with staff concerning the design of the building and recently submitted either the fourth or fifth rendition of the building. Mr. Lanfrit stated that in conversations with Mr. Healey, Planning Director, there were a few changes to the building that he would recommend at this juncture but had not received those changes prior to the

night's hearing. He noted the last report received from Mr. Healey was dated February, 2022 but will present the building that evening. Mr. Lanfrit noted that if there were any modifications that Mr. Healey would like to see, they would be happy to meet with him to make some minor changes to the building should the Board decide to approve the Application that night.

Mr. Testa then introduced exhibits that were the same plans that the Board received as part of the Site Plan. He did, however, have one (1) exhibit that he entered into the record as Exhibit A-1, that showed a 3D color rendering of the proposed building that the Board had not seen yet. Mr. Testa explained that the ground floor consisted of 3,937 sq. ft. and the second and third floors are both 6,246 sq. ft. He showed that the building included a common lower lobby and an upper lobby and parking that was partially underneath a portion of the building with access from the rear. He then discussed handicap accessibility stating that it all went through the main entrance and where all the handicap parking was located. Additionally, he stated that all 15 units were handicap accessible. Mr. Testa stated that the building was sprinklered and a bike rack was provided in a back corner under the building for the occupants' use. He explained the bedroom count configurations throughout the building, noting that all units had Self-contained heating and air conditioning as well as a self-contained laundry facility inside the building. He noted that the building would have a flat roof with a mansard around the building to screen the rooftop condensers.

Mr. Testa then brought the Boards attention to Exhibit A-1 and spoke about the uneven topography and the use of a commercial element on the first floor at the lowest point with a large window where the first-floor lounge was located. Mr. Testa then showed the Board the different building elements and materials on the building to break up the façade and were placed on all four (4) sides of the building. He then told the Board that they would be utilizing laminated safety glass on the first-floor windows for security purposes for the residents. Mr. Testa then told the Board that the maximum height requirement in the zone was 40 ft., so they took a mean height of 43 ft. 3 inches to account for topography issues. He also added that corner buildings were allowed a taller height allowance to give it a more prominent appearance.

Mr. Testa indicated that the location of the proposed building was basically at the entrance to the Hamilton Street Business District (HBD) as one would exit the City of New Brunswick and there were presently no commercial uses in that area and surrounded by residential properties. He did say they looked into having commercial uses on the first floor when they first looked into the project, but with the three (3) ft. difference in topography they would have to step the floor heights to achieve a flat surface but were usually done with a much larger building. He described the colors of the building materials as earth tones, as shown in the exhibit.

Chairman Thomas then opened the meeting to the public. Seeing no one coming forward, the meeting was closed to the public.

Mr. Ronald Sadowski, Engineer, came forward and was sworn in. The Board accepted his qualifications. Mr. Sadowski described the subject property as it looks today as well as the surrounding land uses to the subject property. Mr. Sadowski entered into the record as Exhibit A-2, a colorized version of the Landscaping Plan shown in the packet. He described an office building located in the westerly portion of the property with an access onto

Hawthorne Drive and will be demolished as part of the Application. He added that the surrounding uses were residential to include single-family homes and multi-family apartment buildings as well. He then discussed the Site Plan, including the ingress and egress as well as the location of the parking. In doing so, he stated that they would be using the existing curb cut along Hawthorne and described Hawthorne Drive as a divided road with one way in each direction. He described the entrance into the site, noting that there would be 25 parking spaces, two (2) of which would be van accessible ADA parking spaces and four(4) EV spaces. Mr. Sadowski indicated that a portion of the parking would be located underneath the second and third floors of the apartment building, that would be located right along the frontage of Hamilton Street as well as Hawthorne Drive because of the radius of the property line. He then also described the landscaping along the perimeter of the parking lot to screen headlights from vehicles parking. Other elements included was an enclosed dumpster made with CMU block for trash and recycling collection as well as a bike rack which was underneath the overhang of the building. He added that they included the Hamilton Streetscape along both Hamilton Street and Hawthorne Drive that included decorative trees, decorative lighting, trash and recycling receptacles and a bench and three (3) on-street parking spaces along Hawthorne Drive. He added that there would be fencing included along the northern property line along with the existing fence on the western side of the property that would be repaired if necessary.

Mr. Sadowski then discussed realigning a portion of the curb cut (southern end), which would increase the size of the curb cut to 34 feet wide.

Mr. Sadowski then spoke about the pole-mounted lights proposed around the perimeter as part of the design to meet the lighting ordinance and that there is no light spillage onto the adjacent properties. He then spoke about implementing an underground storm water system using percolation/recharge to handle the additional runoff.

He then discussed the variances, noting that they met all the bulk requirements, but they potentially may have an issue with the height of the building. Mr. Sadowski then discussed the parking requirements of 28 parking spaces, with a reduction of 10% because of incorporating the EV parking stalls, which would get the requirement down to 25.2 parking spaces and proposing 25 parking spaces.

Mr. Sadowski addressed the CME Engineering report of February, 2022 and testified that he could comply with all of the modifications suggested in the report without substantially altering what the Board was seeing that evening. He then moved on to address Mr. Healey's February 9, 2022 report and stated that he wanted to discuss the Hamilton Business District requirements. He indicated that they did not think it prudent to plant three (3) trees in front of their property since it sat on underground gas lines. He suggested that they place planter boxes in that area instead and work out with staff.

Mr. Healey opened a discussion regarding a corner lot having the ability to go above the maximum building height of 40 ft. Mr. Healey still indicated that a variance was needed even if tower or other features were encouraged on corner lots in the HBD Zone.

Mr. Healey then asked the Architect about signage and if it would be incorporated. Mr. Sadowski indicated that he had no plans for signage except for maybe a sign for the name of the building, but just had plans for just a street number on the building. Mr. Testa indicated

that he would work with Mr. Healey regarding HBD design standards regarding signage, lighting, etc. Mr. Testa asked to correct the record to state that by adding the communal space on the first floor, they now have ten (10) one-bedroom units and five (5) two-bedroom units.

Chairman Thomas then opened the meeting to the public.

Dr. Heinrich, Hawthorne Drive resident, spoke about the curb cut that did not allow enough space for school busses and larger vehicles from taking a u-turn and was glad that their plans included readjusting that so that the grass was not taken out every time someone tried to make a u-turn with a larger vehicle. He then asked about on-street parking at the corner of Hamilton Street and Hawthorne Drive and said that there used to be a no parking sign there. Mr. Lanfrit stated they would check to see if there was an ordinance for that in that area, and if there was, they would not include the on-street parking. Mr. Sadowski then discussed the areas of curb repair and replacement along their frontage on Hamilton Street and Hawthorne Drive as well as the area along the frontage on Hawthorne Drive on the island. They discussed that the trees within the island would be staying. They then discussed the storm water system as well as the proposed northern fence and supplemental landscaping. Mr. Sadowski agreed to look into whether the existing trees could be retained.

Chairman Thomas then closed the meeting to the public.

Mr. Vincent Dominach, Township's Economic Development Director and Executive Director of the Hamilton Street Business District Board. He told the Board that the Hamilton Street Business District reviews plans and offers their opinions whenever a newly proposed project comes to their attention in the HBD, typically through Mr. Healey's Planning report to consolidate information. Mr. Dominach told the Board that all of the architectural element suggestions were from the Hamilton Business District Board and indicated that the Board unanimously and adamantly supported having only residential in the proposed building because there were thousands of square feet of vacant retail/commercial space along Hamilton Street. Mr. Healey indicated that he was involved in the meetings and the idea of incorporating the commercial look at the corner of the building came from those meetings, giving the feel of a commercial space to match the other buildings along the roadway.

Chairman Thomas then opened the meeting to the public. Seeing no one coming forward, the meeting was closed to the public.

Mr. Kevin O'Brien, Planner, came forward and was sworn in. Mr. O'Brien briefly took the Board through his analysis and his conclusions. He spoke of the subject property as being unique and would allow the D variance to be granted, including being located in the Hamilton Street Business District, adopted in 2015, that included a number of goals. Some of the goals listed by Mr. O'Brien were that it is a pedestrian friendly environment to incorporate walking, shopping, living, and encouraging students and young people to live in the area to try and create buildings that accomplish those things. The other reason he mentioned was that there were many other commercial properties and offerings already in the area, and that COVID negatively affected the economy and the retail/commercial businesses. He then spoke about the goals of the Municipal Land Use Law (MLUL). Mr. O'Brien then discussed the need for housing in the area. Finally, Mr. O'Brien indicated that the approval could be granted without substantial detriment to the public good and without substantial impairment to the zone plan

and zoning ordinance. He then spoke about the fact that the Board could consider options when it came to corner properties and corner buildings and considering the various architectural details that were given and they could grant exceptions to the height requirement of 40 ft. through a waiver or variance. A discussion ensued.

Chairman Thomas opened the meeting to the public. Seeing no one coming forward, the meeting was closed to the public.

Mr. Lanfrit gave his closing remarks.

Chairman Thomas made a motion to approve the Application with variances, including all of the conditions discussed during the hearing and whether the street trees needed to be planted in pots and if the screening adjoining Dr. Heinrich's property would be appropriate or if the proposal with fencing would be a better plan . Mr. Rosenthal seconded the motion, and the roll was called as follows:

FOR: Mr. Procanik, Mr. Reiss, Mr. Rosenthal, Ms. Firdaus, Mr. Khan, and Chairman Thomas

AGAINST: None

MEETING ADJOURNED:

Chairman Thomas made a motion to adjourn the meeting at 9:52 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
August 22, 2022