

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

**REGULAR MEETING
December 7, 2022**

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 Michael Orsini, Chairman, at 7:30 p.m. The Sunshine Law was read, the Pledge of Allegiance said, and the roll was taken as follows:

PRESENT: Meher Rafiq, Theodore Chase, Jennifer Rangnow, Charles Brown, Robert Thomas, and Chairman Orsini

ABSENT: Councilman Anbarasan, Carl Hauck, Mustapha Mansaray, and Sami Shaban

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

MINUTES:

- **Regular Meeting – 9/7/2022**

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

FOR: Ms. Rafiq, Dr. Chase, Vice Chair Brown, Mr. Thomas and Chairman Orsini

AGAINST: None

- **Regular Meeting – 9/21/2022**

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

FOR: Ms. Rafiq, Dr. Chase, Ms. Rangnow, Mr. Thomas and Chairman Orsini

AGAINST: None

- **Regular Meeting – 10/12/2022**

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

FOR: Ms. Rafiq, Dr. Chase, Vice Chair Brown, Mr. Thomas and Chairman Orsini

AGAINST: None

RESOLUTIONS:

- **50 Atrium Drive, LLC / PLN-22-00005**

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

FOR: Ms. Rafiq, Dr. Chase, Ms. Rangnow, Vice Chair Brown, Mr. Thomas, and Chairman Orsini

AGAINST: None

- **Asha Abraham / PLN-17-00001**

Mr. Thomas made a motion to approve the Resolution, as submitted. Dr. Chase seconded the motion, and the roll was called as follows:

FOR: Ms. Rafiq, Dr. Chase, Ms. Rangnow, Vice Chair Brown, Mr. Thomas, and Chairman Orsini

AGAINST: None

PUBLIC COMMENTS:

Chairman Orsini then made a motion to open the meeting to the public for General Planning discussion. He reminded the public that anything discussed during this portion of the meeting was strictly related to General Planning Comments and not related to the hearing for Awakening Dawn, LLC, to be held later in the meeting. The motion was seconded, and all were in favor.

Seeing no one coming forward, the Chairman then made a motion to close the general public portion of the meeting. The motion was seconded, and all were in favor.

HEARINGS:

- **AWAKENING DAWN, LLC / PLN-21-00015**

Mr. James Stahl, Esq., Attorney, appeared before the Board on behalf of the Applicant, Awakening Dawn, LLC. Mr. Stahl indicated that they were before the Board that evening for a Minor Subdivision w/“C” Variances in which the Applicant was seeking approval for a three (3)-lot subdivision at 161 Cedar Grove Lane, Somerset; Block 507.38, Lot 13, in an R-40 Zone.

Mr. Michael Ford, Engineer, employed with Van Cleef Engineering, 32 Brower Lane, Hillsborough, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Ford then entered into the records as Exhibit A-1, which was the Proposed Condition Map that included the proposed landscaping, a colorized version of what was submitted with the Application. Mr. Ford discussed the existing conditions on the property, consisting of 5 acres in the R-40 Zone and fronting on Cedar Grove Lane. Mr. Ford indicated that three (3) lots were created. He indicated that two (2) lots would be building lots and the other lot would contain the existing house. During the development phase of the project, Mr. Ford indicated that they had developed alternative development ideas for the property. The secondary alternative would substitute the private access drive with a public road and to include two (2) lots. After discussion with staff and an appearance at a Technical Review Committee meeting (TRC), Mr. Ford stated that they chose to pursue what the Board was seeing that evening that included two (2) flag lots that were behind the existing structure and that fronted on Cedar Grove Lane via flag pole access. The lot that included the existing structure would be on a more standard lot, with frontage on Cedar Grove Lane. He indicated that proposed Lot 13.01 consisted of 1.022 acres with 213 ft. of frontage along Cedar Grove Lane and would contain the existing home, which was proposed to remain. He then described the two (2) new flag lots, described as Lot 13.02 and Lot 13.03 with frontage in excess of 30 ft. and a lot area of 1.57 acres and 2.41 acres, respectively. Mr. Ford indicated that the proposal was to include one (1) flag pole access drive (12 ft. wide) for the two (2) rear lots to reduce impervious coverage. He then pointed out the storm water management feature that was just to the left of the flag pole access drive and the required landscaping buffer along the flag pole and the tract boundary. Mr. Ford then indicated that the properties did have access to public water and sewer from Cedar Grove Lane.

Mr. Ford then discussed the tree disturbance on the property beyond what already existed on the lot with the existing dwelling. He indicated that they put together a Tree Mitigation Plan with additional plantings, noting that those required that could not be planted on-site would be provided for in a contribution in lieu of offering.

Mr. Ford then discussed the interactions with outside agencies, noting that they had an application pending with the Somerset County Planning Board with a submittal in November of 2022 that was in response to comments from the County. Additionally, Mr. Ford indicated that they had an October 25, 2022 report from the Delaware &

Raritan Canal Commission that effectively said that the storm water management features, as proposed, comply with their standards and that they were withholding their recommendations for final action and approval by the commission subject to an approval letter from the County and the Township approval. He also indicated that they had a Somerset Union Soil Conservation District approval, dated June 22, 2021,

In reviewing the letters from the Township professionals, Mr. Ford stated that all of the Engineering comments from the August 24, 2022 had been addressed. He noted that there was “no comment” from Traffic, “no objection” from the Health Dept., and that they would have to seek approval from the Franklin Township Sewerage Authority for the proposed public sewer connections. He indicated that they would certainly seek those as a condition of approval when the homes were completed. He then addressed the memorandum of April 9, 2022 from the Environmental Commission with four (4) bullet points, including three (3) that relate to landscaping and tree mitigation and would comply to the extent that they satisfy the Township Planner and Township Engineer for replacement/compensation for 88 trees (planting 45 on-site). Mr. Ford then told the Board that the recommendation for the inclusion of pervious pavement for both the shared driveway and the new driveway(s) to the single-family residences was being handled instead by including a basin next to the driveway made of standard pavement, which was consistent with comments made by other staff members. A discussion ensued regarding the choice between pervious pavement as opposed to pervious pavement. Chairman Orsini indicated that he would prefer the use of pervious pavement as opposed to a basin. Mr. Stahl then indicated that they would defer to the Board’s discretion related to that issue, and Mr. Ford stated that they would investigate that alternative with the agencies that have already approved their design. Mr. Ford then discussed Mr. Hauss’ August 23, 2022 Fire Prevention report with a recommendation to widen that driveway from 12 ft. to 20 ft. and, as a condition of any approval, would address his concern with whatever width was decided upon to his satisfaction. A discussion ensued among the Board, and Dr. Chase stated that the roadway should be wide enough to accommodate two vehicles passing each other.

Mr. Thomas brought up the fact that the subject property bordered Somerset Run and wondered if it would be worth considering the supplementation of buffers at the rear and the side of the property, especially between the two existing homes that border each other that front on Cedar Grove Lane. He also discussed the possibility of a landscaped bio-retention basin so that it was not visible from the street if a basin was included. A discussion ensued, with Dr. Chase suggesting a compromise with utilizing both pervious pavement (parking areas for the proposed homes) and impervious pavement for the shared driveway.

Mr. Ford then discussed the CME Engineering report of September 7, 2022, noting that they could comply with all comments, but wanted to discuss those items recommended for the County road drainage. He indicated that they could comply with those that were recommended by CME so long as they did not interfere with what the County needed.

Mr. Healey then brought up comment #3 in his Planning report regarding the inclusion of a sidewalk. Mr. Thomas indicated that he would like to see the sidewalk. Mr. Healey then drew the Board's attention to comment #2 in his report related to the size and design of the proposed homes. He brought up the fact that the homes depicted in the architectural plans appeared to be larger than those shown on the Site Plan as well as the location of the driveways. Mr. Healey asked for clarification, and Mr. Ford stated that they would make the plans consistent with each other and revise the plans to reflect that, to include consistency with storm water plans as well as tree clearance. A discussion ensued among the Board.

Mr. Thomas then opened a discussion related to the alternative that Mr. Ford alluded to earlier regarding a public roadway as opposed to a flag pole driveway.

Mr. Clarkin, Board Attorney, asked how the homeowners of the flag lots going to handle repair and maintenance, the snow removal, and insurance of the common driveway. Mr. Stahl indicated that there would be a Common Driveway Maintenance Agreement and a recorded easement. A discussion ensued.

Mr. Kevin O'Brien, Planner, Shamrock Enterprises, Madison House, Madison Avenue, Rahway, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. O'Brien discussed why the requested variances should be granted. He spoke about other flag lot developments that were entered by a driveway-like entry. He noted that all of the proposed lots were going to be conforming, with the exception of the front yard setback on the home that fronts directly onto Cedar Grove Lane, which he felt was de minimus with a shortage of three (3) inches. Mr. O'Brien addressed the fact that they felt the two (2) flag lots being proposed a better planning alternative. He indicated that it would include a public roadway with a cul-de-sac and improved to Township standards and more noticeable from the roadway. Mr. O'Brien then brought up the fact that there would be less open space, more impervious coverage, and more storm water mitigations involved in including a public roadway on the site. He discussed some of the pertinent goals of the Master Plan and the Municipal Land Use Law (MLUL) to support the proposal. Mr. O'Brien stated that he believed that the proposal before the Board that evening met the flexible C-2 standard and that the benefits far outweigh any detriments. Additionally, he indicated that he believed that the Application could be granted without substantial detriment to the public good and without substantial impairment to the zone plan and zone ordinance.

Chairman Orsini brought up a discussion regarding buffering that Mr. Ford stated could be accomplished without requiring a variance, and Mr. Ford concurred. Mr. Healey then pointed out the areas that would require a variance and that the buffer would have to extend the full length of the buildable portion of the lot. Mr. Healey then asked Mr. O'Brien if the removal of a variance could be obtained by removing existing trees to plant smaller trees for a buffer, and Mr. O'Brien answered in the affirmative. He added that Mr. Ford could field check the location to supplement the mature trees in that area.

Mr. Clarkin asked if Mr. O'Brien saw any detriments that the Board might be concerned with. Mr. O'Brien answered in the negative.

Vice Chair Brown asked if the Township monitored complaints as it related to flag lots. A discussion ensued regarding the width of the driveway for a flag lot.

Chairman Orsini made a motion to open the meeting to the public. Vice Chair Brown seconded the motion, and all were in favor.

Ms. Shirley Tallman, 57 Tallman Lane, Canal Walk, Somerset, NJ, came forward. She asked about how the Tree Replacement Plan worked. Mr. Ford discussed the Tree Replacement Plan as required, noting the methodology used to determine how many trees need to be replaced. Chairman Orsini discussed the details of the Tree Replacement Plan. A discussion ensued.

Seeing no one further coming forward, Chairman Orsini made a motion to close the public portion of the meeting. The motion was seconded, and all were in favor.

Dr. Chase made a motion to approve the Application, with Variances of flag lot inclusion and the non-extended buffer, to include an 18 ft. wide driveway, that the idea of a pervious pavement driveway be presented to the appropriate agencies or departments. Additionally, the Applicant would be required to comply with the outside agencies, the staff reports of Franklin Twp. Professionals not specifically detailed in the hearing, revise plans as needed, attempt to plant more trees on-site, construct a sidewalk along the frontage of the property, limit of disturbance to be shown on revised plans, a recorded easement satisfactory in form to the staff and Board Attorney and consistency between Site Plan and Architectural plans as well as an enhanced buffer utilizing the tree replacement plan to the extent possible. Vice Chair Brown seconded the motion, and the roll was called as follows:

FOR: Ms. Rafiq, Dr. Chase, Ms. Rangnow, Vice Chair Brown, Mr. Thomas, and Chairman Orsini

AGAINST: None

COMMITTEE REPORTS:

No Committee reports discussed.

WORK SESSION / NEW BUSINESS:

There was no work session or new business discussed.

EXECUTIVE SESSION:

The Board did not enter into Executive Session.

ADJOURNMENT:

made a motion to adjourn the meeting at 8:39 p.m., and the motion was seconded by Ms. Rafiq. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
January 15, 2023