

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

**REGULAR MEETING
April 12, 2023**

The regular meeting of the Township of Franklin Planning Board was held at 475 DeMott Lane Somerset, NJ, and was called to order by Vice Chairman Brown, at 7:30 p.m. The Sunshine Law was read, the Pledge of Allegiance said, and the roll was taken as follows:

PRESENT: Councilman Anbarasan, Erika Inocencio, Jennifer Rangnow, Charles Brown, Robert Thomas, and Rebecca Hilbert

ABSENT: Theodore Chase, Sami Shaban, Mustapha Mansaray, Meher Rafiq and Chairman Orsini

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

OATH OF OFFICE:

- **Erika Inocencio**

The Oath of Office was administered prior to the start of the meeting that evening.

MINUTES:

- **Regular Meeting – March 1, 2023**

Ms. Rangnow made a motion to approve the Minutes, as submitted. Vice Chair Brown seconded the motion, and the roll was called as follows:

FOR: Ms. Rangnow, Vice Chair Brown, and Mr. Thomas

AGAINST: None

RESOLUTIONS:

- **Executive Drive Investments / PLN-20-00009 - Extension of Time**

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

FOR: Ms. Rangnow and Vice Chair Brown

AGAINST: None

- **2G Birch Glen, LLC / PLN-17-00008 Extension of Time**

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

FOR: Ms. Rangnow and Vice Chair Brown

AGAINST: None

- **Awakening Dawn, LLC / PLN-21-00015**

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

FOR: Vice Chair Brown and Mr. Thomas

AGAINST: None

PUBLIC COMMENTS:

Mr. Thomas then made a motion to open the meeting to the public for General Planning discussion. The motion was seconded by Ms. Rangnow, and all were in favor.

Ms. Kiki Anastasakos, 3204 Enclave Circle, Canal Walk, Somerset, NJ, came forward. She indicated that she was a member of the Citizens Warehouse Action Group. She indicated that she had been very active in the discussions regarding the recent sprawl or increase in warehouses being approved in Franklin Township, particularly in the Somerset section where she and many of her neighbors happen to reside. Ms. Anastasakos stated that she had been doing research related to the rules and regulations for the inclusion of warehouses and recently ran across the Municipal Land Use Law (MLUL), specifically Title 40 of the document, Section 40:55D – 2 and read that particular section as well as the purpose of the MLUL, which was to guide the

appropriate use or development of those lands in a manner which would promote the public health, safety and general welfare as well as promote the contribution to the well-being of persons, neighborhoods, communities and regions and preservation of the environment. She added that also included in the MLUL was to promote a desirable visual environment through creative development, techniques and good civic design and arrangement. She described an inconsistency of what the Township was doing by allowing so many warehouses to be built, particularly in the Somerset section of the Township, and the MLUL. She went on to discuss the items she introduced from the MLUL and her belief of the inconsistencies between that and what the reality was within the Township. She brought up traffic and the pollution of the air in the Township coming from 6-8 million sq. ft. of warehousing space that was not reconciled in the principles of the MLUL directive and may be a short-lived, knee-jerk reaction to the latest economic boom in light of the present economic inflation situation. She asked for an explanation of attention to economic growth and a near neglect of community needs.

Mr. Frank Resta, 323 Cedar Grove Lane, Somerset, NJ, came forward. Mr. Resta then opened a discussion related to the former K-Mart site, and that something should be allowed to go in that space, with proper planning, that would make everyone in the Township happy.

Ms. Jan Brant, 22 Bryant Court, Somerset, NJ. She indicated that today there was a fire at a warehouse at 70 Schoolhouse Road and roads in the area were closed off for three (3)-plus hours with at least 12 fire trucks responding, eight (8) ambulances and two (2) or three (3) police cars. Ms. Brant was concerned that there would be enough emergency personnel to address the emergency needs to the residents of the Township. Mr. Healey indicated that he believed the question was more appropriately directed to the Township Council. She then brought up her second concern, noting that with all of the Traffic Impact Studies that have been submitted to the Planning Board for warehouses that were done based upon the ITE manuals, and the different types of warehouses out there, she believed that up to 75% of them in the Township were spec warehouses. She indicated that the lower usage, smaller warehouses create a lot less traffic, but without knowing which type would be built with a speculative tenant, a larger fulfillment center could come in with a totally different Traffic Impact study. Board Attorney, Mr. Peter Vignuolo, indicated to the Board that they are not an Advisory Board and that it was not their role to answer questions of that nature that come from the public. He added that the Board deals with applications as they come forward and issues as they arise that were particular to a specific application.

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

DISCUSSION:

Extension of Time:

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

Mr. Jim Stahl, Esq., Attorney, appeared before the Board on behalf of the Applicant, Asha Abraham. Mr. Stahl explained that they were there before the Board to ask for an Extension of Time that went back several years. He noted that there was a subdivision granted and an initial grant of an extension last year, but that a Resolution was never memorialized. Mr. Stahl then asked for an Extension of Time till September 12, 2023, for a six (6) month Extension of Time to complete the filing of deeds. He then told the Board that the reason they had not yet been filed was because there were further requirements for Resolution compliance and now they just need the additional time to fulfill the requirements to release the deeds so that they could file the deeds.

Mr. Thomas made a motion to grant the Extension of Time to December 31, 2023. Councilman Anbarasan seconded the motion, and all were in favor.

- **L'Oreal USA Products, Inc. / PLN-21-00021**

Board Attorney, Mr. Peter Vignuolo, gives an explanation of what L'Oreal USA Products, Inc. (100 Commerce Drive) was requesting, stating that they had previously received an Extension of Time from the Board until March 31, 2023 and were now asking for another Extension of Time until June 30, 2023 to complete some plan revisions and have them available for submission.

Mr. Healey interjected that they were not asking for an Extension of an Approval since they had not come before the Board yet, but that they were consenting to the timeframe upon which the Board could hear it.

Mr. Thomas made a motion to approve the Extension of Time to hear the Application. Ms. Rangnow seconded the motion, and all were in favor.

HEARINGS:

- **PULEO INTERNATIONAL INC. / PLN-22-00006**

Preliminary & Final Major Site Plan w/"C" Variances in which the Applicant wanted to construct a 92,115 sq. ft. warehouse at Atrium Drive Extension, Somerset; Block 468.01, Lot 21.13, in the B-I Zone - **CARRIED TO JULY 19, 2023 – with no further notification required.**

DL - 06/30/2023

- **ROYAL SOMERSET INN, LLC / PLN-23-00001**

Mr. Jim Stahl, Esq., Attorney, appearing before the Board that evening representing the Applicant, Royal Somerset Inn, LLC. He explained that they were there before the Board for Preliminary & Final Major Site Plan approval in which the Applicant was proposing to construct a 24 ft. wide access road across an unnamed tributary to the Raritan River at 315 Davidson Avenue, Somerset; Block 502.02, Lot 47.02, in the BI Zone.

Mr. Stahl gave the back-story on the property, indicating that the property contained an existing hotel use as well as a stream encroachment permit in place. Mr. Stahl did tell the Board that they do need the Board's approval that evening and commence construction or they could lose the stream encroachment permit. Mr. Stahl told the Board that the encroachment permit went to a piece of property on the other side of the stream and that they had no present plans to develop that other piece of property, but in the future he said that they may. He went on to tell the Board that when they might have plans in the future to develop the other property, that they understood fully that they would have to come again before the Board for a Site Plan approval and any variances that might be required.

Mr. Stahl indicated that there was about a 40% vacancy at the hotel at that time, so that they would not need all of the parking that was there. He added that they would organize the parking in such a way so that it was at least disruptive as possible.

Mr. Vincent Dominach, Township Economic Development Director, 475 DeMott Lane, Somerset, NJ, came forward. Mr. Dominach stated that the Royal Somerset Inn was owned by the same owners of the Imperia, Twenty/20 Tap House and other properties and had been a business owner in the Township for several decades. He went on to explain that the Applicant had worked with the Township for the past two decades every step of the way and has experience with running an operation where patrons would have to go through one venue (Twenty/20) to get to the hotel behind it.

Mr. Dominach then spoke to the encroachment permit that the Applicant has that satisfied the NJDEP and didn't want to lose that permit by not working diligently to get the project off the ground and want to preserve their right to develop while the encroachment permit was in place. He then addressed the Board, stating that if they did not feel comfortable with the explanation how the Applicant would deal with the staging of the development, the Board could require them to submit something to the Technical Review Committee (TRC), which was done at the Twenty/20 – Imperia site. He then asked the Board that they look favorably on the Application.

Mr. Stahl then confirmed with Mr. Dominach that the proposed construction was within the Stream Corridor Preservation Area, but that Franklin Township had waiver entitlements under the stream encroachment. Mr. Stahl then also confirmed with Mr. Dominach that the encroachment did fit within the waiver requirements.

Mr. F. Mitchell Ardman, Site Engineer, Professional Planner and President of the Reynolds Group, 575 Route 28, Raritan, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Ardman then entered into the record as Exhibit A-1, a colorized rendering of Sheet 4 of the plans (Dimension Plan) before the Board, revised March 29, 2023. Mr. Ardman then gave the Board a description as well as an orientation of the items on the plan sheet before them. He then noted that the existing hotel was comprised of 100 rooms with 100 parking spaces located mainly in the front of the hotel and circle around to the back. Mr. Ardman then told the Board that the stream corridor area was behind the hotel. He pointed out the area that was almost the other half of the property, for a total of about 10.77 acres. He then noted that the adjoining properties were office buildings, with The Palace just south of the subject property on Davidson Avenue. Mr. Ardman told the Board that the property was located in the B-I (Business & Industry) Zone with hotels a permitted use, and that the existing development was conforming to all the bulk standards with lot and impervious coverage being well below that of the zone requirements.

Mr. Ardman then detailed the proposed development, including the 24 ft. wide driveway to access the rear of the property, going from right to left. He also noted that on the right side was the existing entrance driveway, which services the hotel, and basically going to project that forward or to the left to cross the stream corridor in that area. Mr. Ardman then explained that the 24 ft. wide rear driveway would include a culvert crossing of the unnamed stream that was discussed and pass over the restricted area of the NJDEP and Delaware & Raritan Canal as well. Mr. Ardman indicated that they submitted to NJDEP and got approvals from both the flood hazard section and the wetlands section. He reiterated Mr. Stahl's concern of losing the already approved stream encroachment permit. He explained that they had to minimize the width of the driveway and their impacts for the NJDEP approval as well as provide compensation areas. Mr. Ardman indicated that some of the compensation areas to the rear of the property were to restrict the property from development due to another small tributary in that area. Additionally, they were providing some additional plantings and reforestation in the woodlands area as part of the stream corridor.

Mr. Ardman then told the Board that there would be a net loss of eight (8) parking spaces where the existing driveway projects through, for a net of 92 parking spaces.

Mr. Ardman then drew the Board's attention to the existing detention basin at the rear of the property. He stated that the detention basin would be modified and upgraded as part of the proposed project and would then comply with the current best management practices for storm water regulations to include water quality, and the new volume requirements as well. He then told the Board that he was the project engineer on the original application and worked with the Applicant on the project on Cedar Grove Lane in 2020 so was well aware of their operations over 20+ years. He then testified that the Applicant ran a clean operation.

Mr. Ardman then spoke about the Applicant having 60% occupancy at the current site, noting that the parking lot was not full. He added that many of the hotels utilize van services or Uber or Lyft services.

Mr. Stahl then questioned Mr. Ardman related to any negative impacts associated with the loss of eight (8) parking spaces on the property. Mr. Ardman answered in the negative. He then directed his conversation regarding the 23 parking spaces along the entrance drive on the north side, noting that whenever there would be development to the rear of the property, they would have to look at whether or not there would be any conflicts with that parking area. In the meantime, Mr. Ardman indicated that they would put a bollard and chain across the driveway to prevent traffic driving through and would add that to the plan.

Mr. Ardman indicated that they were showing that water and sewer service would be going in at the same time as the culvert was put in and would be sized appropriately for any project that might be built in the back.

Mr. Ardman then addressed staff comments, first about the stream corridor. He first addressed the CME report, dated April 5, 2023, indicating that they would comply with all comments.

Mr. Ardman then addressed item #11 in the General Site Improvements section of the CME report and dealt with the 23 parking spaces as previously discussed. He then mentioned the preservation boundary line and that they will provide all the monuments and sign postings as required by the regulations and would talk more in depth about the corridor.

Mr. Ardman then addressed Mr. Healey's Planning report, dated March 30, 2023, stating that he had already discussed items #1, #2 and #3. He then talked about addressing Chapter 222 for tree replacement and testified that they would either provide trees on-site or provide a contribution for those trees.

Mr. Ardman then drew the Board's attention to the Environmental Commission brought up the removal of trees and would replace the trees as discussed earlier. He then stated that there was no traffic volume to discuss at that time. Mr. Ardman stated that their comment regarding a subdivision mentioned was not part of the Application.

Mr. Ardman then indicated that Fire Prevention, Health Dept. and Police Dept. had no objections. He noted that the Sewerage Authority just needed their standard paperwork, which will be provided.

Mr. Ardman then entered into the record as Exhibit A-2, The Franklin Township Stream Corridor Exhibit, Sheet #SC-1, and was just prepared for the meeting that day and had not been previously submitted, prepared on April 11, 2023. Mr. Ardman indicated that he knows that the Township staff and Board has not been able to review the exhibit before that night; however, he indicated that the purpose of the exhibit was to show that

they had reviewed this and to give testimony on the hardship and explain what they did to look at the criteria of the Township's Stream Corridor Preservation Ordinance. He indicated that the three (3) criteria to set those lines were either from the banks, the steep slopes, or from the flood zone and were included on the plan. He noted, however, that on the right side or the developed side, they excluded area that was previously approved by the Board, or grandfathered. Mr. Ardman told the Board that the outer limit is the orange line outside all of the other setback lines we have, and outside the NJDEP Zones and the D&R Canal Zones. He then noted that as you cross the driveway on the top of the plan, the summary of all of it was that there will be an impact in the corridor of about 12,000 sq. ft. He then explained that the Township ordinance goes on, in the Hardship Waiver, to allow that criteria (A-E). He then noted that the driveway was the only potential location for the driveway on the site and the most narrow, so that not allowing it would create a hardship to access the upland area in the back (4 acres of area). He then discussed the minimization of disturbance that they worked through with the NJDEP and located at the most narrow portion of the property. Mr. Ardman then discussed vegetation and would be doing some replantings along the Corridor as well as getting an approval from the NJDEP at the D&R Canal. He indicated that they would file with the DRCC and would be a condition of approval.

Mr. Healey then discussed all of the environmental protections that had been put in place by acquiring approvals from the NJDEP, the DRCC (Delaware & Raritan Canal Commission) as well as the Township Stream Corridor Preservation Ordinance. Mr. Healey asked Mr. Ardman if he could describe to the Board if the 24 ft. wide roadway was the minimum that would provide reasonable access, how much beyond the 24 ft. they would be disturbing and what were they employing in the construction of the roadway to minimize disturbance to the stream itself.

Mr. Ardman discussed the roadway width, noting that they would typically start with a 25-30 ft. roadway width and were pushed down to the 24 ft. by NJDEP, which was as narrow as they could go for fire protection requirements. He added that they had tightened up as much as possible the width outside of that, with a sidewalk on one side of the road (southerly side) and was butted up right to the curb and put the retaining wall along there right up to that sidewalk. He then noted that the culvert itself was an oversized arched span, and they were also giving two (2) extra box culverts to make up for flood control and would give extra capacity for stream flow during high-volume storms. Mr. Ardman then indicated that all the utilities would be included in that corridor as well.

Vice Chair Brown then asked about the lighting on the roadway, and Mr. Ardman indicated that they placed lights just on the east and west sides of the culvert to minimize lighting construction that had to go there and was adequately lit. The Vice Chair then asked if there would be bollards or would the roadway be gated, and Mr. Ardman reiterated that it would have bollards and chains. He stated that if the staff would recommend the gate, then they would include that instead of the bollards and chain for safety reasons.

Councilman Anbarasan opened a discussion regarding limiting the occupancy during construction when the 23 parking spaces would be out of commission. Mr. Stahl asked Mr. Ardman if there was a need to restrict the number of hotel rooms rented, and he stated that he didn't think it was necessary because it would be hard to police and that the owners/Applicants were experienced with staging the construction with the development of the hotel and Twenty/20 Tap House. He added that they would work with staff to make sure that the timing worked out. A discussion ensued.

Mr. Healey stated that he believed a condition should be that the Applicant would have to work with staff and come up with a plan to show the construction phasing and present it to the TRC where the various depts. could review that to make sure that the site would still operate safely while the bridge was being built. Mr. Stahl indicated that they would provide an Operations Agreement.

Ms. Hilbert then asked if a pervious material could be utilized for the roadway, and Mr. Ardman indicated that it would be a highly travelled road so not the best product. He added that over the culvert area, for structural reasons, it couldn't be used there either.

Vice Chair Brown asked if the adjoining properties were sold, would the Applicant grant an access easement as part of the roadway. Mr. Ardman indicated that there was no subdivision involved in the rear property any longer.

Mr. Ardman then discussed the two (2) parking variances they were seeking, including a C-2 variance (flexible "C") for 100 parking spaces required – 100 spaces existing – 92 spaces proposed. He added that the previous testimony given regarding the use of the parking area justified the variance that even the 92 spaces would not be needed, particularly with van services as well as Uber and Lyft services being employed on-site. He also supported the variance by discussing the Municipal Land Use Law (MLUL) 55D-70C2 by showing that the benefits outweigh any detriments and included purposes G & M in support of that. He then indicated that they did not see a substantial detriment to the public good and would not substantially impair the intent or purpose of the zone plan or the zoning ordinance.

Mr. Thomas made a motion to open the meeting to the public for questions. Ardman. The motion was seconded and all were in favor.

Mr. Alex Strauss, 825 Hazlitt Way, Somerset, NJ. Mr. Strauss indicated that he had a long history working in the hotels in the area and indicated that the proposal had the tightest lot that he had ever see of any hotel, with an addition of a through street coming through it one side. He then stated that it was a hotel being built on speculation and don't know what the user will be and how they would operate the hotel.

Mr. Ardman indicated that there was going to be a sidewalk to go to the back of the property for connectivity to the restaurant. He added that there was parking in the front, but also a good amount of parking in the back of the hotel as well. Mr. Ardman indicated that there were 100 parking spaces on the property now.

Mr. Strauss then asked if it were impossible to get a NJDEP permit and asked why they couldn't wait for that until there was an application pending.

Mr. Ardman then told Mr. Strauss that when there was a new Application, the Board was going to have full control and would be able to answer the questions about the driveway. He then added that the road crossing would never be located anywhere else because NJDEP would never approve that crossing anywhere else on the property because that was the most narrow.

Mr. Strauss asked why the crossing would have to be constructed now, and Mr. Ardman stated that if there were any problems with it down the line, it would have to be reconstructed. Vice Chair Brown then asked for confirmation of that and received that from Mr. Ardman.

Mr. Strauss then asked if there was going to be any soundproofing of the hotel since it was never designed to have a through-street in that location. Mr. Stahl indicated that if noise became a problem in the future, then the owner would have to reevaluate that situation and soundproof so that he would continue to have patrons staying at the hotel.

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

Mr. Thomas made a motion to approve the Application, subject to all of the conditions that were discussed and agreed to during the hearing that evening. Vice Chair Brown seconded the motion, and the roll was called as follows:

FOR: Councilman Anbarasan, Ms. Inocencio, Ms. Rangnow, Vice Chair Brown, Mr. Thomas, and Ms. Hilbert

AGAINST: None

- **789 HAMILTON, LLC / PLN-20-00008**

Mr. Jim Stahl, Esq., Attorney, appeared before the Board on behalf of the Applicant, 789 Hamilton, LLC. He indicated that they were before the Board to obtain Preliminary & Final Major Site Plan w/"C" Variances in which the Applicant was proposing a three (3)-story mixed-use building consisting of 2,728 sq. ft. retail use and 25 apartments at 789 Hamilton Street, Somerset; Block 225, Lots 6-15, in the HBD Zone - **CARRIED FROM FEBRUARY 15, 2023 – with no further notification required.**

Mr. Stahl indicated that they had come back to the Board with two (2) variances that evening. He explained that they had reduced size and footprint and that the variances they were seeking that evening were for parking and lot coverage, and that he believed that the professionals would be able to prove that they could satisfy all outstanding items.

Mr. Adnan Khan, Engineer, 150 River Road, Suite B3, Montville, NJ, came forward and was sworn in. The Board accepted his qualifications. Since they had new plans to present that evening, Mr. Khan went on to describe existing conditions, and then moved on to the proposal that they were presenting that evening. He noted that the project consisted of multiple lots in the Hamilton Street Business District. Mr. Khan stated that there were buildings on the property that needed to be demolished, and they were proposing a three(3)-story mixed use building that included apartments and a commercial use ground floor. He indicated that they had revised the plans to eliminate the lot coverage and building coverage variances that were originally part of the first submission back in July of 2022. Mr. Khan testified that they complied with all of the bulk standards in the zone; however, they had a couple of design waivers that they were seeking, including the parking for both the residential and the commercial portion of the plans. He noted that the commercial portion of the building required eight (8) parking spaces and the residential portion required 43.4 parking spaces with an EV (Electric Vehicle) credit, and they were proposing 45 parking spaces strictly for the residential component. Since they were not proposing any parking for the commercial aspect, the Applicant indicated that they were willing to contribute to the fund towards the eight (8) parking spaces required for the commercial portion of the project..

Mr. Khan went on to describe what was being proposed, including an open floor plan for the commercial space that would accommodate up to four (4) retail spaces (2,924 sq. ft.) and 25 residential units (9 one-bedroom and 16 two-bedroom). Mr. Khan told the Board that they were presenting the same plan that was recently submitted to the Board on February 10, 2023.

Mr. Healey just asked for clarification that what the Board and public were seeing an existing survey showing existing conditions on the property to include two (2) single-family homes and an open field at the corner of Hamilton Street and Shevchenko Avenue. Mr. Khan replied in the affirmative.

He pointed out Sheet C-03 that was being shown on the screen that showed the Site Plan that they were proposing, showing the retail/commercial portion along Hamilton Street with the entrance to the parking area for the residential portion along Shevchenko Avenue. He added that they were, including 45 parking spaces there that would include EV and handicapped accessible parking spots. He noted that the entrance to the parking area was a two-way full access driveway coming from Shevchenko Avenue. He noted that a change in the plans included the reduction in size of the building footprint and added a green space in the eastern portion of the property.

Mr. Healey then pointed out the components on the plan, for the Board's edification, speaking of the four (4) boxes that represented the four (4) possible retail spaces along Hamilton Street. He went on to draw the Board's attention to the gray portion behind the building that represented the parking lot and the open, green space to the back left portion of the property. Mr. Healey asked Mr. Khan to describe and show the area that was part of the building that covered a portion of the parking area and what portion was open air parking.

Mr. Khan then showed the proposed six (6) ft. sidewalk that complied with the Residential Site Improvement Standards (RSIS). He then described the design waivers they were seeking, including the Parking Lot Setback (Side Setback) where 5 ft. from the side yard was required and one (1) ft. was proposed in some areas. He added that the Parking Lot Setback (Front Yard Setback – Martin Street and Shevchenko Avenue) required was 10 ft. minimum and 0 ft. was proposed. Mr. Khan then proposed a bicycle rack as well as a trash enclosure that they slid to an area that was better for pick-up of trash. He added that they proposed shade trees along Hamilton Street as required by the Streetscape requirement in the Hamilton Street Business District as well as a bench and street lights.

Mr. Khan then drew the Board's attention to the Grading & Drainage Plan and noted that the NJDEP considered the plan to be a major development and was designed as such in conformance to those requirements and those of the Delaware & Raritan Canal Commission (DRCC). He indicated that they designed an underground pipe system that would be placed under the paved areas and would reduce the run-off and the rate of run-off. Mr. Khan then spoke about their submission to the DRCC that was a result of comments that were made at the start of the process.

Mr. Khan then spoke about the Utility Plan for the project and would require a permit from NJDEP for the sanitary sewer system. He then spoke about the comments from the Franklin Township Sewerage Authority, noting that they had addressed some of their comments and would be able to comply with all.

Mr. Khan then spoke about the Traffic Circulation Plan for the site related to having enough room for passenger cars as well as the refuse truck being able to maneuver through the site with 24 ft. wide aisles which was the standard.

Mr. Khan then discussed the lighting for under the parking garage area and were proposing LED ceiling light fixtures and a few 8.5 ft. high light poles in the open parking areas as well as small, decorative building mounted lights that would also provide for safety and security.

Mr. Khan then addressed the staff reports, starting with CME's April 4, 2023 report. Mr. Stahl referred him to the first three pages of their report, and Mr. Khan agreed that they could satisfy all of the comments. Mr. Stahl had Mr. Khan specifically address item #8 on Page 4 that discussed the storm sewer structures and the waiver that was required. Mr. Healey indicated that he believed that the intent of the comment was to make sure that the major components of the system be kept within 10 ft. from the property lines and right-of-way lines, but not to also have to limit the placement of the storm sewer manhole and discharge piping. Mr. Healey indicated that he would have to confer with Mr. Massei of CME on that issue for clarity.

Mr. Khan then testified that they could comply with all staff comments and would work with CME to do so.

Mr. Healey then asked for a discussion regarding the comments on Page 5 of the CME report, items 1-8, that were discussed with the Board at the July 20, 2022 meeting and needed clarification as to how those concerns were addressed by the Applicant. Mr. Khan indicated that they have already complied with comment J-1. Mr. Healey asked how the Applicant would deal with loading for the commercial space and larger deliveries or moving vans for the residential units as detailed in item J-2. Mr. Khan stated that smaller deliveries would be handled in the parking lot, but larger trucks would have to park on the street (Shevchenko Avenue) to deliver items to the commercial and residential units. In addressing item J-3, Mr. Khan indicated that they would work with staff to comply with the requirements of the Hamilton Business District and place on the plans accordingly. Mr. Healey indicated that the staff would have to work with the Applicant. Mr. Khan then discussed item J-4 regarding the EV charging stations. He indicated that they would choose a charging station that would comply with the requirements. In addressing item J-5, Mr. Khan indicated that this comment related to bicycle parking was satisfied. He then moved on to item #J-6, and Mr. Khan indicated that a meter/sprinkler room would be added to the plan in more detail. Mr. Khan indicated that they could provide the recycling plan that was required in item #J-7 and then moved on to item #J-8, noting that the architect would be discussing that item for more clarity.

Mr. Stahl indicated that the Health Dept. had no comment. Mr. Khan stated that they would comply with the Sewerage Authority's comments as well as those from the Fire Prevention Dept. Mr. Healey then discussed the comment from the Traffic Safety Bureau related to not being able to enforce a No Parking, Loading/Unloading Zone.. He stated that he believed it should be striped with regular parking spaces in front of the building along Hamilton Street instead of a designated Loading/Unloading Zone. Mr. Khan indicated a sign could be placed stating the hours of loading/unloading and

controlled by the Applicant. Mr. Stahl then indicated that they could comply with the items in the Environmental Commissions memorandum, dated 6/19/ 2022.

Vice Chair Brown then asked about any programming for the green space on the property, and Mr. Khan indicated that it would be landscaped with grass and trees with no programming in place. The Vice Chair then stated that they should provide an ADA crosswalk across Hamilton Street. Mr. Khan indicated that they could add that to the plan, but it was up to the County if they agree with that and its placement.

Mr. Healey asked Mr. Khan to show the Board where the 6 ft. vinyl fencing and landscaping would be placed around the parking area, considering that they were requesting a variance for Parking Lot Setback along Martin Street and Shevchenko Avenue.

Ms. Rangnow asked for clarification regarding parking areas for the retail component being on the sides of the streets. Mr. Khan confirmed that that was true. A discussion ensued related to possibly providing signage for some parking being designated for the commercial portion of the property noting that some residential parking could be used by the commercial component during the day when residents would be at work.

Mr. Ashraf Ragab, Architect, 2 Division Street, Suite 1, Somerville, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Ragab then highlighted the basic floor plan, commercial vs. residential, the elevations and construction materials as well as exterior lighting. He noted the elevators, staircases and the locations of those items. He indicated the location of the large trash room with large doors that open to the parking area and included recycling accommodations. He then discussed the mechanical room that was enlarged due to comments from the last hearing and included the sprinkler system. He then showed the Sheet from the plan set to detail the components of the apartments and utilized all three frontages for windows in the residential floors. Mr. Ragab also noted that since the building footprint was reduced, they also reduced the apartment sizes by about 10% instead of reducing the number of apartments available. He discussed trying to follow the guidelines of the redevelopment standards for Hamilton Street related to the building materials and the architectural details of the building. He talked about the building mounted lighting and the fencing around the parking area that had a masonry base with slats at the top of the fence. He spoke about the green space possibly having a seating bench and/or a place for residents to congregate or have a party.

Mr. Healey asked Mr. Ragab to show the elevations of the building, noting which one was facing each roadway, for the Board's edification. A discussion ensued.

Vice Chair Brown asked about how residents would access the garage doors. Mr. Ragab indicated that they would access with a fob automatically, and deliveries would be accessed through a code. Mr. Khan indicated that the garage doors could be open from 8 a.m. to 5:00 pm. to accommodate deliveries and closed after that for security and accessed only by residents. A discussion ensued, and the Fire Prevention Dept.

commented that there should be a KNOX switch on the Automatic Security Gate for fire department access.

Ms. Hilbert asked if any of the commercial spaces would be used for food preparation, and Mr. Ragab discussed the venting through a shaft through the building that could be used in the future for hood ventilation. Mr. Stahl indicated that they would work with the Fire Prevention Dept.

Mr. Stahl offered that a condition of any approval would include the provision of an Operation Plan setting forth the shared parking and the use of the garages.

Mr. Kevin O'Brien, Planner, Madison House, Suite B, Madison Avenue, Rahway, NJ, came forward and was sworn in. The Board accepted his qualifications. He brought up the two (2) variances that were being requested for the parking lot setbacks. He spoke to a number of unique aspects to the Application, including the fact that the Hamilton Business District had been a part of the Township's Planning initiative since 2015, and he listed the goals of the district. He also noted that 2 ft. of the frontage along Hamilton Street was lost to a County right-of-way acquisition and made the setbacks a little bit tighter than they should be. He noted that the loss of frontage was along the sidewalks and would have no impact on adjoining property owners. He added that all 25 apartments would be accessible and barrier free, and there would be seven (7) EV spaces in excess of what was required. Mr. O'Brien detailed the elements of the Master Plan as well as the provisions of the Hamilton Street Business District that would be promoted with the Application. He also noted that the Municipal Land Use Law (MLUL) supported the Application with several of the goals as highlighted by Mr. O'Brien. He then stated that he could not identify, and negative impacts and provided much needed housing that would outweigh any identified detriments. He stated that he believed that the Application could be granted because it met the positive criteria, the negative criteria was satisfied and without substantial detriment to the public good and without substantial impairment to the zone plan and zoning ordinance.

Mr. Thomas opened the meeting to the public, and Ms. Rangnow seconded the motion. All were in favor. Seeing no one coming forward, Mr. Thomas made a motion to close the public portion. The motion was seconded and all were in favor.

Ms. Woodbury, Planning Board Secretary, wanted to remind the Board and public that Councilman Anbarasan recused himself from voting on the Application.

Mr. Thomas made a motion to approve the Application, subject to all the terms and conditions that were discussed, specifically for the Applicant to work with staff to come up with an Operation Plan for the garage access and shared parking. Vice Chair Brown seconded the motion, and the roll was called as follows:

FOR: Ms. Inocencio, Ms. Rangnow, Vice Chair Brown, Mr. Thomas and Ms. Hilbert

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:

Mr. Thomas made a motion to adjourn the meeting at 9:53 p.m., and the motion was seconded.. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
May 9, 2023