

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

**REGULAR MEETING  
August 16, 2023**

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

**PRESENT:** Councilman Anbarasan, Theodore Chase, Mustapha Mansaray,, Charles Brown, Robert Thomas, Rebecca Hilbert, and Chairman Orsini

**ABSENT:** Erika Inocencio, Sami Shaban, Jennifer Rangnow and Meher Rafiq

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

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**MINUTES:**

- **Regular Meeting – May 03, 2023**

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

**FOR:** Councilman Anbarasan, Dr. Chase, Ms. Rangnow, Mr. Thomas, Ms. Hilbert, and Chairman Orsini

**AGAINST:** None

**PUBLIC COMMENTS:**

Chairman Orsini then made a motion to open the meeting to the public for General Planning discussion, not related to any hearing that had its own hearing that evening. Vice Chair Brown seconded the motion, and all were in favor.

Seeing no one coming forward, the Chairman made a motion to close the meeting to the public for general comments. The Vice Chair seconded the motion, and all were in favor.

Mr. Healey indicated that the Council put out an RFP for two (2) interrelated studies that the Planning Board was going to be involved in that involve the Business & Industry Zone (B-I). He noted that it was a Master Plan re-examination of that zone, looking at the all the permitted uses and making recommendations on how it might be modified. He then went on to state that related to that was a traffic study to basically evaluating the roadway infrastructure in that area, anticipated traffic, including an evaluation of the different traffic studies that had been prepared for the different warehouse applications before the Board and projecting that onto the roadway network and doing an assessment of what improvements may be necessary to accommodate that development. Mr. Healey then stated that those were done, somewhat related, because some of the information that may come out of that traffic evaluation may inform zoning and land use recommendations as part of the planning study. So those had been awarded to the firm of Brightview Engineering and had just occurred within the last few days, so at some point in the next few months, the Planning Board would start being involved in that process.

## **HEARINGS:**

- **CANAL WALK ASSOCIATES, LLC / PLN-23-00017**

Mr. Jim Stahl, Esq., Attorney, appeared before the Board on behalf of the Applicant, Canal Walk Associates, LLC. He indicated that they were before the Board that evening to obtain Preliminary & Final Major Subdivision in which the Applicant wanted to create a lot to take certain improvements that belong to the Canal Walk HOA out of the lot owned by Enclave at Canal Walk Condominium Association, Inc. at School House Road, Somerset; Block 513.48, Lot 1, in the SCV Zone.

Mr. Stahl indicated that it was not an advertised issue because it was not part of their application, but Mr. Vignuolo, Board Attorney, assured Mr. Stahl that the Board had jurisdiction in that case.

Mr. F. Mitchell Ardman, Engineer, 575 Rte. 28, Raritan, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Ardman indicated that what was on the screen was a rendered version of the plan that was their Preliminary & Major Subdivision Plan, Sheet MS, which was in the plan set, revised August 2, 2023. He indicated that the only changes were that it was a colorized rendering of the plan and marked it into evidence as Exhibit A-1. Mr. Ardman indicated that the rendering was prepared, under his direction, by their surveyor.

Mr. Ardman indicated that the intent of the Application was that within the subdivision and to take off a piece of land that was basically the Enclave II property and to give that to where it more properly belonged with Canal Walk. He added that the issue was improvements and that was area in blue shown on the plan. He noted that the entire property was bordered in yellow and oriented the Board to the location. Mr. Ardman noted that as Enclave II was developed, there was a pump station that was really part of

the Canal Walk property, along with some other amenities and sidewalks and signs as you would come along Canal Walk Boulevard. He then noted that now was the appropriate time, between the Homeowner's Associations, to basically make that correct and transfer the items that belong with Canal Walk to their property. Mr. Ardman stated that it was basically a two (2)-lot subdivision, where the Enclave II lot would stay in the large portion as it was, and the blue portion would be subdivided off as Lot 1.01 (14,361 sq. ft.). He then stated that as was stated by Mr. Stahl, subject to the Application, as suggested by the Township staff, that area would be merged with Canal Walk Boulevard, which was a private road and actually had its own lot number.

Mr. Ardman then stated that the other part of the Application was the top portion, colored in green, along Schoolhouse Road. He added that they originally had that included in the portion of Canal Walk and was appropriately pointed out by Mr. Healey that that would really cut off any frontage to Schoolhouse Road for the lot and was not appropriate to do. He went on to state that instead of transferring that to Canal Walk Boulevard, which would be a dedication to Schoolhouse Road and become a portion of that road's right-of-way. He indicated that Lot 1.01 would contain 14,361 sq. ft. and Lot 1.02, which would remain with Enclave II, would be comprised of 403,506 sq. ft. He stated that it was technically a two (2)-lot subdivision. Mr. Ardman indicated that no construction of any kind was required with the Application and none pending afterwards.

Mr. Stahl then referred Mr. Ardman to Mr. Healeys, August 10, 2023 memorandum, and it was agreed that they had no issues with compliance to all the comments in that report and that they would agree to update some technical things on the plan to address those comments. Mr. Ardman also agreed that they would create the reverse subdivision as soon as possible and provide counsel for the Board with a copy of the proposed deed and metes and bounds.

The Chairman and Mr. Healey discussed the fact that it was considered a Major Subdivision and that it would have been a Minor Subdivision except that under the Township Ordinance, if a property had been subdivided within the last ten (10) years, it then became a major again.

The Chairman then made a motion to open the meeting to the public for any comments. Mr. Thomas seconded the motion, and all were in favor. Seeing no one coming forward, the meeting was closed to the public. Vice Chair Brown seconded the motion, and all were in favor.

Mr. Healey suggested that if there should be a motion to approve, that it be subject to the Technical Review Committee (TRC) report to include some technical items that they had recommended. Mr. Stahl indicated that they would agree to comply with the terms of the TRC report.

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

FOR: Councilman Anbarasan, Dr. Chase, Mr. Mansaray, Vice Chair Brown, Mr. Thomas, Ms. Hilbert, and Chairman Orsini

AGAINST: None

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Mr. Ardman indicated that the intent of the Application was that within the subdivision and to take off a piece of land that was basically the Enclave II property and to give that to where it more properly belonged with Canal Walk. He added that the issue was improvements and that was area in blue shown on the plan. He noted that the entire property was bordered in yellow and oriented the Board to the location. Mr. Ardman noted that as Enclave II was developed, there was a pump station that was really part of the Canal Walk property, along with some other amenities and sidewalks and signs as you would come along Canal Walk Boulevard. He then noted that now was the appropriate time, between the Homeowner's Associations, to basically make that correct and transfer the items that belong with Canal Walk to their property. Mr. Ardman stated that it was basically a two (2)-lot subdivision, where the Enclave II lot would stay in the large portion as it was, and the blue portion would be subdivided off as Lot 1.01 (14,361 sq. ft.). He then stated that as was stated by Mr. Stahl, subject to the Application, as suggested by the Township staff, that area would be merged with Canal Walk Boulevard, which was a private road and actually had its own lot number.

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Mr. Stahl then referred Mr. Ardman to Mr. Healey's, August 10, 2023 memorandum, and it was agreed that they had no issues with compliance to all the comments in that report and that they would agree to update some technical things on the plan to address those comments. Mr. Ardman also agreed that they would create the reverse subdivision as soon as possible and provide counsel for the Board with a copy of the proposed deed and metes and bounds.

The Chairman and Mr. Healey discussed the fact that it was considered a Major Subdivision and that it would have been a Minor Subdivision except that under the Township Ordinance, if a property had been subdivided within the last ten (10) years, it then became a major again.

The Chairman then made a motion to open the meeting to the public for any comments. Mr. Thomas seconded the motion, and all were in favor. Seeing no one coming forward, the meeting was closed to the public. Vice Chair Brown seconded the motion, and all were in favor.

Mr. Healey suggested that if there should be a motion to approve, that it be subject to the Technical Review Committee (TRC) report to include some technical items that they had recommended. Mr. Stahl indicated that they would agree to comply with the terms of the TRC report.

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

FOR: Councilman Anbarasan, Dr. Chase, Mr. Mansaray, Vice Chair Brown, Mr. Thomas, Ms. Hilbert, and Chairman Orsini

AGAINST: None

- **FRANKLIN 27 DEVELOPERS / PLN-23-00010**

Mr. Jim Stahl, Esq., Attorney, appeared before the Board on behalf of the Applicant, Franklin 27 Developers. He indicated that the Applicant sought Preliminary & Final Site Plan for construction of a 3,487 sq. ft. City MD Urgent Care Facility at 625 Somerset Street, Somerset; Block 163, Lot 13.01, in the R-C Zone.

Mr. Stahl explained that the Applicant was only owned and controlled the City MD Care Facility property and that the storage facility to the rear of the property had been subdivided by the previous owner and was not owned by the medical facility.

Mr. Timothy McNierney, V.P. of Construction with Summit City MD, 107 Hawthorne Avenue, Apt. D, Park Ridge, NJ, came forward and was sworn in. He explained that they provide immediate care without an appointment for things that were just shy of an emergency room visit. He then explained that the hours of operation were 8:00 am. To 8:00 p.m. (Monday-Friday) and 8:00 a.m. to 5:00 p.m. (Saturday and Sunday), 365 days per year. Mr. McNierney explained how they dispose of medical waste such as sharps and bandages, etc., in a red bag and picked up, depending on the volume at a particular site, and picked up once or twice a week. He noted that there would be a break room for employees, with a microwave oven and small refrigerator, with waste being handled by a private, third-party vendor for trash collection that was taken care of within the building. Mr. McNierney identified that there would be a maximum of eight (8) employees in the building at any one time, to include a full-time doctor, two (2) people at the front desk, three (3) medical assistants, and an X-ray technician. He then gave his estimate of a patient count on a daily basis, which he indicated was between 20-50 patients per day. He then added that the morning, lunchtime and early evening were when the volumes of patients coming in were a little heavier.

Mr. McNierney then discussed that the staff reports indicated that they were over-parking by 22 parking spaces, but that they wanted to keep those spaces so that there was no loss of opportunity to serve anyone of their patients.

Mr. Matthew Sharo, Engineer/Professional Planner, employed with Dynamic Engineering, 1904 Main Street, Lake Como, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Sharo then gave the existing conditions and proposed improvements. Mr. Sharo entered into the record as Exhibit A-1, an aerial map exhibit, prepared by Dynamic Engineering, dated August 16, 2023 and essentially a colorized version of Sheet 2 of the plan set. He explained that the surrounding uses were the Wawa to the east, residential and recently constructed storage unit to the north the south was Rte. 27 (Somerset Street) and other commercial uses, and to the west was Kevin Apuzzio Avenue and Advanced Auto beyond. He then noted that the property was located in the Delaware & Raritan Canal Commission (DRCC) Zone B, so not as stringent as Zone-Z requirements. He then drew the Boards attention to the existing conditions of the lot (23,014 sq. ft. lot), noting that the property had been subdivided into the quick-service restaurant use as well as the self storage use. He showed the site with landscaping already installed, 16 parking stalls constructed and the

dumpster pad already included from the previous application. He spoke of an egress only access drive out to Kevin Apuzzio Road and that leads one back to Route 27.

Mr. Sharo then entered into the record as Exhibit A-2, essentially Sheets 4 & 8 combined from the plan set, with an aerial background and named Site Plan Rendering, prepared by Dynamic Engineering, dated August 16, 2023. He added that it was a colorized rendering of the plan, with the landscaping plan included. Mr. Sharo then indicated that the proposed plan was essentially the same as what was proposed for the quick service restaurant and would enter the site from Route 27 or the side street and have the existing parking stalls and drive aisle that were already constructed. He stated that they were adding six (6) new parking stalls to the project, with one (1) along the 502 of 10 and five (5) along the west side of the building for a total of 22 parking stalls. Mr. Sharo then detailed that the building was comprised of 3,487 sq. ft. and was going to be a City MD Urgent Care Center, which was a permitted use. He then detailed the location of the front doors at the northeast corner and the western side of the building. He then pointed out the ADA parking stall and told the Board that they would just be restriping and repaving it. Mr. Sharo then indicated that the trash enclosure would be in the same area, but that they were making it smaller, going from 18' x 10' and were now proposing a 10' x 10' trash enclosure to provide more green space on the property.. He noted that the reason for making it smaller was that they had a private hauler for medical waste and only producing trash from break rooms and waiting rooms. Mr. Sharo then indicated that there was no loading zone for the proposed use because it was not warranted for that kind of use since deliveries come from FEDEX or UPS through the front door.

He added that they met all of the bulk requirements, with the exception of a few yard requirements.

- Maximum Front Yard Setback (Somerset Street: 25 ft. maximum permitted – 26 ft. proposed.
- Maximum Front Yard Setback (Kevin Apuzzio Avenue) – 40 ft. maximum permitted – 56.3 ft. proposed.
- Minimum Side Yard Setback: 10 ft. minimum permitted – 7.9 ft. proposed.
- Number of Building-Mounted Signs: 1 sign maximum permitted – 2 signs proposed.

He explained that they were trying to keep the building the same as constructed and to maintain the previously constructed parking area and stormwater management system. Mr. Sharo they indicated that the Minimum Side Yard Setback to an overhang of the building was proposed where it was to maintain the drive aisle that came into the site was part of the self-storage lot. He noted that it was 10 ft. from the building in that location. He spoke of the utilities that would be coming off shared utilities that come in through a driveway on the adjacent property line (gas, water, sewer) with the electric service coming in from a pole on Route 27 running underground.

He then detailed the Landscape Plan by saying that they tried to maintain the previously approved landscaping that had already been placed on the property, with shade trees placed all along Route 27 (Somerset Street), some shrubs in the parking islands and some evergreens intermixed throughout the site. He noted that there were already plantings between the subject building and the self-storage facility that had been approved with the previous Application.

He noted that there were a few comments from the Township Planner's letter and that they could comply with those related to screening the dumpster, different types of calipers of trees and the landscaping already in place between the Applicant's building and the self-storage facility.

Mr. Sharo then described the drainage plan and that it had already been constructed underneath the already constructed parking lot. He added that since they were reducing the impervious coverage on the site, they were able to reuse that infrastructure with no impact on the stormwater design.

He then drew the Board's attention to the Lighting Plan, stated that they were lighting the site with four (4) area lights throughout the site and were able to reduce the lighting in the landscaped area where they were removing the drive-thru driveway. He indicated that the Lighting Plan met all of the Township requirements.

Mr. Sharo then discussed the signage proposed for the site, including three (3) signs, to include an ID sign that was located towards the east side of the property where the main entrance to the site off Route 27 (Somerset Street) was located and met all requirements of the Township ordinance. He added that it was a 60 sq. ft. sign at five (5) ft. high and set back 10 ft. Mr. Sharo then detailed the two (2) building-mounted signs whereas the ordinance only permitted one (1) and was just a function regarding how the building and parking was laid out already. He stated that there would be one (1) sign at the east end of the building for customers/patrons coming from Route 27 (Somerset Street) and one (1) at the main entrance door on the north side of the building to signify where the front entrance was located. He testified that both of the building-mounted signs were 96.8 sq. ft. and were very proportional to the elements of the building that they were located on. He stated that they were requesting area variances for the signs.

- Signage Area (Building-Mounted Sign) – Route 27 (Somerset St.): 75 sq. ft. maximum permitted – 96.8 ft. proposed.
- Signage Area (Building-Mounted Sign – Facing Entrance Drive: 37.5 sq. ft. maximum permitted – 96.8 ft. proposed.
- Signage Vertical Dimension (Building-Mounted Sign): 4 ft. maximum permitted – 5 ft. proposed (both signs).

Mr. Sharo indicated that all the signs would be internally illuminated.



Chairman Orsini had some concerns for the building-mounted sign on the east side of the building) related to the justification for that sign. He suggested that they could do something smaller on the building or there could be a monument sign at the intersection of the access drive from Route 27 (Somerset Street) right where the crosswalk was

Mr. Sharo then addressed the staff reports, noting Mr. Healey's report of June 9, 2023 and the CME Engineering report, dated June 8, 2023. He indicated that they could comply with all of the comments of the CME report. Regarding Mr. Healey's report related to the parking between the building where the five (5) stalls were added and Kevin Apuzzio Avenue. He indicated that they would like to keep those stalls because of the nature of the use and because 22 parking stalls was warranted for the use and didn't think the business could operate properly with under 17 parking stalls. He indicated that the Applicant was willing to work with CME and Mr. Healey to better screen the parking lot using screening walls or fences, etc. A discussion ensued regarding keeping the 22 parking stalls. Mr. Healey chimed in regarding the township ordinance had the maximum setback requirement and a related design requirement that wanted parking spaces behind buildings and not out front at a corner. Mr. Healey gave a suggestion to take out the five (5) spaces proposed and move them to another portion of the building to get four (4) parking spaces and then squeeze in a fifth parking space somewhere else on the site. Mr. Healey indicated that it would increase green space, reduce impervious coverage, reduce runoff from the site and complied with the standard. Vice Chair Brown indicated that he would be asking for a sidewalk on the south side because people should have access to the building earlier than shown. Mr. Sharo stated that he would look at what he could do while the architect testified and agreed to add a sidewalk with two suggestions of where to locate it, as suggested by the Vice Chair. A discussion ensued among the Board.

Mr. Healey then asked about the access drive and that the plan did not show an access easement. Mr. Stahl indicated that an access easement was in place and that he had all of the access easement paperwork related to that which he would send to Mr. Healey and Mr. Vignuolo and then reflect them appropriately on the site plan.

Mr. Sharo then discussed the comment about expanding the western driveway from an egress only to a full movement to Kevin Apuzzio Avenue and he believed that Mr. Healey stated that he didn't really have a concern there because of the type of use it was. Mr. Healey indicated that there wasn't a concern from the TRC because of the significantly reduced traffic from one use to the other and the fact that the fast-food restaurant had a drive-thru lane.

Mr. Sharo then put on his Planner hat and discussed the justification for the variances and the negative and positive criteria. He indicated that he believed that they were C2 variances and the Board could approve relief when the proposal advances the purposes of the Municipal Land Use Law (MLUL) and the benefits substantially outweigh any detriments. He noted that the project was carrying out the intents of the Renaissance commercial zone and purposes a, b, g and l of the MLUL. Mr. Sharo added that he found that there was no substantial detriments to the public good by approving the

Application and that it was a good use for the area and was permitted. He also stated that he found no detriment to the zone plan either. He then gave justification for the signage, stating that they were very proportional to the building. He then noted that the setback variances were de minimus.

Chairman Orsini asked if they had any comments to the May 18, 2023 Environmental Commission comments, including the inclusion of the EV stations or make ready parking stalls. Mr. Sharo indicated that they would include the one (1) required EV parking stall. Additionally, he asked for the Applicant to work out the inclusion of native plants into their Landscaping Plan, which they agreed to. Mr. Stahl indicated that they would agree to providing anti-idling signs in the parking lot.

Dr. Chase then discussed a notion on the plan (OCS) and Mr. Sharo indicated that it was part of the storm water management plan, and it meant that it was an outlet control structure. A discussion ensued related to screening the parking area as well as adding pollinator plants. Chairman Orsini indicated that they could probably waive the Traffic Expert.

Vice Chair Brown then suggested having a NJ public transit stop at their site going in a southerly direction. The Applicant agreed to contact NJ Transit and discuss with the Board Attorney. Councilman Anbarasan indicated he would speak with the Township Council about this bus stop.

Mr. Vincent Wolk, Principal Architect, Longo Architects, 36 South Street, New Providence, NJ, came forward. The Board accepted his qualifications. Mr. Wolk discussed the floor plans (PV-1) and gave a description of the elements of the practice that would be inside, including reception desk, doctor's office, eight (8) exam rooms, labs, breakroom, bathrooms, and storage rooms. He then entered into the record as Exhibit A2, which was a colorized rendering of PV-2 of the building elevations. He spoke of a white facade with aluminum and glass entrance doors with a suspended canopy and a reddish-brown brick section and windows with a screen for the mechanicals on the flat roof.

Mr. Wolk then spoke about the proposed signage, noting that they always like to have one at the entrance. He then spoke about the sign package, noting that it was a pin-letter design to include individual letters and logo that were also individually lit so there was a lot of open area to that signage. They entered into the record as Exhibit A3, the sign package. Mr. Wolk indicated that they would work with Mr. Healey to try to meet the ordinance for signage. He added that they could add some faux windows and brick in the front of the building to break up the large wall of the building.

Mr. Healey then asked for clarification for the signage size. In discussing the sign over the entrance, they stated that they could eliminate that variance since they complied with the 75 sq. ft. maximum permitted by having the equivalent of 56.3 sq. ft. He then brought up a discussion regarding the design standards and that buildings that were facing the public spaces were to have a finished appearance. Mr. Wolk then spoke

about the landscaping that would be in front of the more blank facades, which break down the large wall expanse and frame it out somewhat. Mr. Walk indicated that they would add some faux windows in on that more blank wall and additional detailing to meet the intent of the ordinance.

Chairman Orsini indicated that any Resolution could be written up stating, subject to Mr. Healey's review of a revised architectural plan of the shown elevations, that the Applicant add in a more finished appearance consisting of windows or faux windows that would comply with the design standards for the district.

Dr. Chase asked for a real window on the break room side and three (3) faux windows on the Somerset Street side of the building and symmetrically arranged. A discussion ensued.

Ms. Hilbert then asked for clarification on the roof, wondering why they are using a flat roof. Mr. Wolk indicated earlier that they were placing rooftop units for the mechanicals because there was no room in the side yards to place those. Dr. Chase then discussed a roof that allowed for air circulation with a pitched roof. A discussion ensued.

Mr. Sharo, Engineer, came back and indicated that they could flip the five (5) parking stalls along the exit drive, with the last space 10 ft. away from the property line. He added that they would have no problem signing those stalls as employee stalls where they wouldn't be moving in an out all day. He indicated that they could screen the parking stalls as well by landscaping the open area.

Chairman Orsini made a motion to open the meeting to the public for comment on the Application. Mr. Thomas seconded the motion, and all were in favor. Seeing no one coming forward, Dr. Chase closed the meeting was closed to the public. Chairman Orsini seconded the motion, and all were in favor.

Chairman Orsini made a motion to approve the Application, with Variances discussed, the redesign of the parking, the inclusion of the sidewalk, best efforts to include a NJTransit bus stop, full movement driveway on Kevin Apuzzio Avenue, revision of landscaping as was testified to, revision of façade to include compliance with the design standard in either faux or real one-way windows, anti-idling signs, native pollinator species of plantings, EV space, and fully flat roof. Vice Chair Brown seconded the motion, and the roll was called as follows:

FOR: Councilman Anbarasan, Dr. Chase, Mr. Mansaray, Vice Chair Brown, Mr. Thomas, Ms. Hilbert, and Chairman Orsini

AGAINST: None

### **31 VOORHEES, LLC / PLN-23-00002**

Mr. Stahl, Esq., Attorney, appeared before the Board on behalf of the Applicant, 31 Voorhees, LLC. He explained that they were there to obtain Preliminary & Final Major Site Plan w/"C" Variances in which the Applicant sought approval to construct a 4-story mixed-use building at 833, 837 and 843 Somerset Street/12 Blair Avenue, Somerset; Block 119, Lots 1-21, 47-58, in the CMMU Zone.

Mr. Matthew Sharo, Engineer, employed by Dynamic Engineering, 1904 Main Street, Lake Como, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Sharo then discussed the existing conditions and the proposed developments. Mr. Sharo entered into the record as Exhibit A-1, a colorized version of Sheet 2 of the Site Plan set, dated 8/16/2023. Mr. Sharo then described the property that currently houses a former fork lift rental/sales facility. He noted that there was a residential area and open space to the north, another residential use to the east, Somerset St. and the high school to the south, and commercial uses to the west. He then spoke of some pockets of wetlands on the site and had submitted to the NJDEP and obtained Letters of Interpretation (LOIs) for those wetlands. He stated that they were going through the permit process to fill those wetlands and didn't see any problems to do so based upon the kind of wetlands they were. Mr. Sharo then entered into the record as Exhibit A-2, a Site Plan rendering prepared by Dynamic Engineering, and a colorized version of Sheet 4 of the plan. Mr. Sharo described the proposed development, to include a parking garage below four (4) floors of residential use where residents would enter the 119-parking space garage from Voorhees Avenue with two (2)-way circulation via 24 ft. drive aisles throughout. He then detailed the full access entrance and exit off of Voorhees Avenue. As part of the Application, along Voorhees Avenue, Mr. Sharo explained that they were planning for seven (7) new parallel stalls for off-street parking, for a total of 126 parking stalls and a striped area that would be used as a loading zone for the commercial uses as well as for refuse collection

He told the Board that they were in a Redevelopment area and met all the requirements for bulk standards, with the exception of building height, which was 48 ft., where 45 ft. was the maximum, for a very de minimus increase in building height. He then described a residential lobby located at the south corner of the building, a stairwell at the east corner, as well as equipment hallways, elevator hallways and some refuse areas at the four (4) corners of the building. Mr. Sharo then spoke about the long, trapezoid-type building that was between the parking deck and Somerset Street that houses commercial uses with 7, 412 sq. ft. of space and sidewalks running around the entire property. Mr. Sharo then indicated that the parking, as a whole, was compliant with the Township parking standards of 110 parking stalls, where 126 parking stalls, to include the required number of EV parking stalls, EV-ready parking stalls and ADA stalls that met the size requirements for those parking stalls.

He noted that the site was rather flat, so that grading and drainage would not be an issue, with some green areas. Mr. Sharo indicated that the roof would drain to an existing conveyance system within Voorhees Avenue and Somerset Street, and the

project would include a green roof to assist with meeting the municipal as well as the State DEP standards for the increase in storm water. Mr. Sharo stated that they would agree to work with the Township Engineer (CME) on any of the comments listed within the Engineering report in regards to storm water.

He then drew the Board's attention to the project's associated utilities that would all be coming off of Voorhees Avenue (electric, gas, water and sewer) for both the commercial uses and residential uses. Mr. Sharo stated that it was important to note that there was an existing fire hydrant on Somerset Street.

Mr. Sharo then discussed the Landscaping Plan, noting that there was not much space to include plantings, but that they did meet the ordinance requirements and agreed to meet with Mr. Healey, Director of Planning and the Township Engineer to make sure that they were doing proper streetscape and proper buffering along the residential uses to the north and east of the property. He detailed that they had 190 new trees and shrubs throughout the project.

Mr. Sharo then detailed the Lighting Plan, stating that there was a mix of lighting, with bollard lights for the commercial uses internal to the parking area and some external area lights, all meeting the Township requirements for lighting. He discussed the comment in the Engineer's letter that they were a little over on the residential property line and that it would be corrected to make it compliant illumination throughout the property.

Chairman Orsini then opened a discussion regarding the difficulty in filling the commercial space in the Redevelopment area. He stated that they had had a number of applicants who had asked for a waiver to provide commercial space in mixed use buildings because they were having difficulty filling the commercial space. Mr. Sharo then spoke about other developments he has worked on replacing some of the commercial space with concierge services for the tenants of the building instead, but that the Applicant wanted to go forward with the mixed use space. Mr. Sharo stated that he would have a discussion with the Applicant, and that they would come back before the Board if they changed what they wanted to go with. A discussion ensued among the Board opened a discussion regarding mixed use developments.

Councilman Ambarasan then asked the Applicant if they would think about including some affordable units within the building. Mr. Healey indicated that the Redevelopment area was a different space, developed by RPM through the Redevelopment Agency, who renegotiated a new agreement with RPM and spoke to what they were obligated to do in the area as a whole. He added that that agreement, which he stated was incorporated into changes in the zoning allowed a designated redeveloper some leeway on a project by project basis where they were not obligated to provide 20% on any one particular project, but for the remainder of the different phases, they still had to be compliant with providing the 20% affordable housing. He added that there were similar requirements that talk about open space, which was accomplished with a little park in

Somerset Square and the same thing with density where they had to comply in a phase by phase basis, but did have to comply with those standards.

Mr. Healey then asked if they could point out to the Board the areas where there were parking spaces set aside for residences, some that were shared and some were EV spaces, and Mr. Sharo complied by pointing out the ones that were for residential parking (to be marked as such), the six (6) EV charging stalls and the 11 that would be the Make Ready EV charging stalls to comply with the State statutes.

Mr. Sharo then opened a discussion regarding a comment in Mr. Healey's report, noting that they were lacking some qualified trees in the Landscaping Plan. He stated that they would add the trees that needed to be added.

Mr. Sharo indicated that they could comply with all of the Engineering comments.

Dr. Chase then asked for some clarification regarding the green roof that was proposed. Mr. Sharo indicated that the green roof would be used for storm water management as well as for structure. He indicated that they would be able to comply with all comments on the Township Engineer (CME) report and would be meeting the requirements for a green roof with NJDEP. A discussion ensued. Dr. Chase opened a discussion regarding the piping that would be required, and Mr. Sharo stated that they would show that on the plans for clarification on the means to obtain the required water quality and water quantity.

Mr. Healey then asked if they received review reports from Somerset County and from the DRCC, as RPM naming the site the same name as another has created some confusion. Mr. Sharo indicated that they had received a NJDEP letter that deemed the project proposal complete. He then referred to a report, dated November 24, 2022. He then told the Board that they would make sure that the Board received the proper reports from all outside agencies. Mr. Healey asked that they send every report that they had from an outside agency to Ms. Christine Woodbury all at once so that they could make sure that they had them all at once.

Ms. Erin Pumo, Architect, 632 Pompton Avenue, Cedar Grove, NJ, came forward and was sworn in. The Board accepted her qualifications. Ms. Pumo stated that they were proposed a four (4) floor, mixed use building, with 87 market rate apartments as well as three (3) commercial tenant spaces along the Rte. 27 corridor. She included nine (9) studios, four (4) one (1)-bedroom, nine (9) one (1)-bedroom plus den and one (1) two (2)-bedroom, 39 two (2)-bedroom with den units, and five (5) three (3)-bedroom units. Ms. Pumo detailed that there would be a total of 125,716 sq. ft. with a 45,327 sq. ft. parking area. She then drew the Board's attention to the circulation of the building and the features to include an electric room, a water meter and sprinkler room and trash compacter room that would house the dumpsters that would get rolled out to the loading area for refuse pick-up. She then detailed the equipment storage room that would be used for site maintenance purposes and an elevator lobby and a stair egress core. Ms. Pumo then noted the entrance to the lobby on the corner of Rte. 27 and Voorhees

Avenue. Also noted there was a mail package room, an elevator and stair core and additional lobby space that would include furniture and lounge-type furnishings. Ms. Pumo then introduced the three (3) commercial spaces, each having a front entrance and a rear entrance. She then reviewed the components of the commercial spaces and entered into the record as Exhibit A-3, a conceptual color rendering of the main entrance of the building at the corner of Voorhees Avenue and Rte. 27. The building included a brick base, and a mix of fiber cement lap siding, corrugated metal panel and a foam metal panel in a burnt orange tone on the upper floors and felt that the materials used and the colors chosen coincide with the design requirements in the ordinance. She entered into the record as Exhibit A-4 that showed the building materials and the colors chosen for each.

Ms. Pumo then addressed comments in Mr. Healey's report, noting that the utilities would be placed underground, that there would be garbage chutes on each floor that would go down to the trash compactor room where it would be compacted and put in a dumpster that would be rolled out into the loading area on trash pick-up day.

Ms. Pumo then detailed the streetscape elements that included bicycle racks on the inside of the parking garage, refuse containers and benches along the streetscape on both sides of the building

Ms. Pumo then addressed the Township Engineering report (CME), dated July 25, 2023, stating that they could comply with all architectural comments in the report.

Ms. Pumo then entered into the record a colorized birds eye view rendering that showed the building massing and was entered into the record as Exhibit A-5. She then pointed out the proposed green roof and an amenity room that was a fitness space and lounge for the residents. She noted that the building was a "C" shaped building that framed the green roof.

Ms. Pumo then detailed the Signage Plan, to include dimensions. She indicated that they were proposing three (3) different signs to include a small building sign that was adjacent to the main entrance and would be mounted on the brick veneer with 12-inch high, aluminum lettering with one (1)-inch standoffs. Ms. Pumo stated that they were proposing that that signage would be back-lit. She added that the second set of signage would be the proposed signage for the three (3) retail spaces which were 20 ft. x 1.6 inches high, to include the background of the sign itself and the same aluminum lettering with one (1)-inch standoffs and back-lit as well. She noted that the signs were 30 sq. ft. She then detailed a vertical sign at the main entrance of the residential building and was 39.8ft. x 3 ft. with the measurement taken to the top of the fin, an architectural element. A discussion ensued among the Board related to the scale of the proposed residential building sign.

Ms. Pumo then detailed the need for a height variance and discussed the required retail/commercial floor to floor heights required in the ordinance, with a minimum of 14 ft. and a maximum of 20 ft. from floor to floor. She detailed that height of the first floor

was 14 ft. from the second floor. Additionally, she stated that the ordinance also stated that the first above-ground story of a residential building shall be a minimum of 10 ft. tall, from floor to ceiling. She then spoke about the second floor was required to have a minimum 1 ft. taller than the upper stories, which would mean that the upper stories should be 9 ft. instead of 10 ft. Ms. Pumo stated that when added up, they then got 48 ft., including floor structure, as the building height.

Ms. Pumo then showed the Board the manner in which the first floor parking was screened. She stated that there were openings within the brick wall along Voorhees Avenue of the parking area. She then stated that in order to add a little architectural element, they were proposing to do a decorative metal screening within each of the openings to provide some visual interest. Ms. Pumo then showed the Board the entrance to the parking area and stated that it was shared parking, both commercial and residential.

Chairman Orsini indicated that he believed there was only a variance for building height that they were dealing with. He also stated that he believed that they were complying with the Township ordinance for parking, that was different than Residential Site Improvement Standards (RSIS). He added that there was a deviation from RSIS standards, but that was only for the Applicant to be able to comply with the Township ordinance. The Chairman then discussed the sign ordinance, and Mr. Healey's report stated that if the Applicant proposed a comprehensive sign package, which if approved by the Planning Board, may be used in whole or in part as a substitute to the regulations listed in his report. Mr. Healey then stated that he was sure that the Township ordinance did not contemplate that vertical sign. He continued by stating that if the Board was satisfied that the sign plan that had been presented tonight, including the vertical sign, was consistent with the architecture of the building and appropriate, then they could bless the plan and have that plan be the one for that building. Chairman Orsini then stated that they would consider that a design waiver and not a variance.

Chairman Orsini then addressed the one, true variance, and indicated that they could put their Planner on to justify that variance. Ms. Pumo indicated that if the Board were to find the Application favorable, they would be open to dropping the second floor down to 9 ft. and would be asking for a 2 ft. variance instead of a 3 ft. variance. Mr. Stahl then stated that he didn't think it was a variance for height because they were just doing the sum total of each floor minimum, which was consistent with the ordinance. A discussion ensued between Mr. Healey and Mr. Vignuolo, Board Attorney, noting that it was a deviation from the plan requirements that were set forth in the ordinance, and Mr. Healey stated that he would consider building height a zoning standard and zoning regulation, and would require a variance for building height.

Mr. Matt Sharo, Engineer and Planner, put on his Planner's hat and stating that he thought the height variance would be considered a C-2 variance where the Board can approve the variance with the negative and positive criteria. He stated that the positive criteria here was the one (1) variance required for a project of that size, and that it was consistent with the Renaissance 2000 Redevelopment Plan, particularly the Churchill



Millstone Redevelopment Area and that the one (1) variance for building height should not be looked upon as the whole project because they met all other conditions. He then spoke to the purposes of the Municipal Land Use Law (MLUL) that would support the Application would include purpose A, purpose E, as well as purpose G. Mr. Sharo then addressed the negative criteria, he indicated that he did not find any substantial detriment to the public good by approving the one (1) variance for the overall application and that there was no detriment to the zone and redevelopment plan. He then stated that he believed that the benefits of implementing the Redevelopment Plan substantially exceeded any detriments associated with providing relief from the ordinance regarding the building height

Vice Chair Brown then asked about the visual window clutter along these corridors and the amount of signage that was allowed. Mr. Healey indicated that there was a certain amount allowed, but couldn't remember what percentage of the window could be covered by signage. A discussion ensued. The Vice Chair then asked about the building color choices and the reasoning behind their being chosen and whether they would complement or detract from the adjacent properties.. Ms. Pump stated that she believed that the burnt orange and brown colors of their proposed building complements the blue tones of the adjacent buildings.

Ms. Hilbert then asked if the parking areas would be open 24/7, and was answered in the affirmative. She then asked about laundry spaces, and Ms. Pumo indicated that every unit had its own laundry area. Ms. Hilbert then asked if the stoves in the units were gas or electric, and Ms. Pumo answered that they were gas fueled.

Dr. Chase then asked about the elevations that show an overhanging roof at the Voorhees Avenue/Rte. 27 intersection and wondered why it was only there and not at the other corner as well, as shown on Sheet A200 of the plan set. Ms. Pumo indicated that the colored renderings that were shown were consistent with the proposed architectural features and that they were showing the same overhanging roof on the other side of the building as well.

Mr. Thomas then asked if they discussed the Environmental report, and Chairman Orsini indicated that they've complied with everything. Ms. Pumo indicated that they could put a simple bicycle repair station as well to accommodate that comment on the Environmental Commission's report. A discussion ensued regarding a comment that the Applicant was exceeding the impervious coverage, 77.8 percent where 75 percent was the maximum. Mr. Healey indicated that the Environmental Commission was citing the wrong requirement because 75% was the required maximum building coverage and that they comply with the impervious coverage requirement.

Chairman Orsini made a motion to open the meeting to the public. Mr. Thomas seconded the motion, and all were in favor. Seeing no one coming forward, the Chairman made a motion to close the meeting to the public, Mr. Thomas seconded the motion, and all were in favor.

Councilman Ambarasan asked if the HVAC units were on the rooftop, and Ms. Pumo answered in the affirmative.

Mr. Thomas made a motion to approve the Application, with Height Variance, as discussed and subject to all of the comments and conditions as were brought up during the hearing. Mr. Mansaray seconded the motion, and the roll was called as follows:

FOR: Councilman Anbarasan, Dr. Chase, Mr. Mansaray, Vice Chair Brown, Mr. Thomas, Ms. Hilbert and Chairman Orsini

AGAINST: None

**COMMITTEE REPORTS:**

There were 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:**

Chairman Orsini made a motion to adjourn the meeting at 9:30 p.m., and the motion was seconded. All were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
October 30, 2023