

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

**REGULAR MEETING  
April 4, 2024**

This Regular Meeting of the Township of Franklin Zoning Board of Adjustment was held at 475 DeMott Lane, Somerset, New Jersey and was called to order by Chairman Thomas at 7:30 p.m. The Sunshine Law was read, and the roll was called as follows:

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**PRESENT:** Cheryl Bethea, Richard Procanik, Alan Rich, Gary Rosenthal, Robert Shepherd, Vaseem Firdaus, Michael Dougherty, Kunal Lakhia, and Chairman Thomas

**ABSENT:** Joel Reiss and Faraz Khan

**ALSO PRESENT:** Brian Hak, Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning & Zoning Secretary

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**MINUTES:**

- **Regular Meeting – February 15, 2024**

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

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

**AGAINST:** None

**RESOLUTION:**

- **David Werensly / ZBA-24-00003**

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

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

**AGAINST:** None

## HEARINGS:

- **LEVIN PROPERTIES, L.P. / ZBA-24-00001**

Mr. John Wisniewski, Esq., Attorney, appeared before the Board on behalf of the Applicant, Levin Properties, L.P. He explained that they were before the Board that evening for Preliminary & Final Major Site Plan w/"C" & "D" Variances in which the Applicant proposed to construct a 4 (four)-story apartment building at 940 Easton Avenue, Somerset; Block 385, Lot 2.07, in the GB Zone.

Mr. Wisniewski stated that the process to come before the Board had been ongoing for five (5) years when they initially filed an application before the Zoning Board in 2019. He continued by stating that they withdrew that application and then did an informal presentation to the Planning Board and then they went back before the Historic Preservation Commission.

Mr. Sidney Singer, Vice President-Leasing, Levin Management, came forward and was sworn in. Mr. Singer then shared some background information regarding Rutgers Plaza Shopping Center, noting that it was built in the early 1970's by Levin Properties and originally included a W.T. Grant store, a General Cinema movie theater, a supermarket, and a number of smaller shops to offer retail products and services. Over the years, he noted that K-Mart assumed the W.T. Grant store, and after General Cinema closed their theater, the center underwent a redevelopment and renovation in 2001-2025, which included demolition of the theater building and construction of a new, free-standing 74,000 sq. ft. Stop & Shop supermarket and a Chase Bank pad. In early 2018, Levin was concerned about the future of the nearly 100,000 sq. ft. K-Mart store based on reported sales performance of the Rutgers Plaza store and the eventual bankruptcy filing of Sears, the parent of K-Mart. Levin's leasing team began marketing the space to potential bidders of big box anchor stores as well as smaller junior anchor stores prior to K-Mart's eventual closing, lease rejection and eventual bankruptcy. Mr. Singer indicated that he assumed the leasing responsibilities for Rutgers Plaza in April of 2018 when he joined Levin Management Corporation, and when he was promoted to Vice President of Leasing, he re-assigned the leasing responsibility of Rutgers Plaza and continued to oversee the leasing efforts of the center today. He added that they have six (6) full-time leasing agents, focusing on retail expansion, relocation and retention and that they have had record-breaking leasing numbers in 2021 and 2022 as well as 2023. He noted that big box retail spaces have all been affected by the post-pandemic economy as well as the e-commerce economy but continue to reach out to potential big box anchors and junior anchors. Mr. Singer then cited several issues with Rutgers Plaza that the leasing team had received that included the fact that the Easton Avenue corridor was viewed as a secondary retail market sandwiched between the stronger retail areas of Bridgewater, East Brunswick and North Brunswick, and to a lesser extent, Piscataway, all of which are within a 15-minute drive time of Rutgers Plaza. Despite Levin's efforts since 2018, he testified that they had not found any demand for the location, to date, for replacement big box anchors and junior anchors. Mr. Singer then also mentioned that the existing K-Mart box was obsolete, being 315 ft. wide and 315 ft. deep with a ceiling clearance height of about 16.5 ft., and the major big box retailers don't lease spaces that are 315 ft. deep and Home Depot and Lowe's require a 500 ft. frontage, which cannot be accommodated at Rutgers Plaza. Mr. Singer added that most big box stores only require 150 ft. store depth with a clear minimum height of 19 ft. He even stated that they tried to present reconfiguration drawings to reduce the depth of the building, they still could not find anyone interested in the space. He added that there was limited

visibility from either roadway as well, which was very important to retailers and were impacted by major changes in the retail and tenant world since COVID with the rise of 3-commerce less brick and mortar stores with retail commerce. He also added that retail shopping center owners have to find tenants that bring more internet proof retailers that include entertainment spaces, personal services and restaurants, but the categories do not work for a 100,000 sq. ft. space obsolete building. He then told the Board that the existing tenants were committed to Rutgers Plaza as are Levin Properties. Mr. Singer then told the Board that they just got new leases signed from McDonald's and a Tax Agency, and all current tenants renewed their long-term leases. He added that they had been exploring other alternate uses for the space that would bring regular foot traffic to the center in order to keep the remaining stores in the center viable and stated that office space was not considered based upon the high volume of vacant office space in the area. Mr. Singer indicated that a residential use would act as a second anchor to the Stop & Shop store and Stop & Shop had concerns that they would stay at the center beyond their current 2025 lease expiration if a secondary anchor use was not found. He then noted that there was a defined, adequate parking field for a residential component in Rutgers Plaza, while the retail component already have a defined parking field for their customers.

Mr. Rich opened a discussion regarding the term "anchor" store and how a residential use could bring more people to the commercial uses already on site..

Mr. Lakhia asked Mr. Singer if Levin Properties had tried any indoor sports-related uses, and Mr. Singer stated that they have been in conversations with Kids Entertainment for the open Office Depot space and also a fitness-type use that was centered around sports that were poised to take over the space next to Crunch Fitness.

Vice Chair Shepherd asked who thought of creating a four (4)-story building, and Mr. Singer stated that one of the other witnesses could probably speak to that s his focus was on the retail component.

Mr. Healey asked if they had been trying to lease the old K-Mart space in the past five (5) years they were working on the plan they were presenting as well as still trying to lease the K-Mart space to retailers as well. Mr. Singer answered in the affirmative that his team was still focused on the retail space and that he indicated that he was interested in the residential component only in the sense of how it would keep the retail space viable. Mr. Healey then asked Mr. Singer to characterize the nature of those efforts, and he indicated that there was mass marketing, e-mail blasts, ground marketing by talking to current tenants and coming together at the IVCSC conventions to meeting with tenants, brokers, to talk about expansions and the location of those needs. Mr. Healey then asked if they had looked into other non-retail uses of the site, and Mr. Singer stated that they looked at self-storage that didn't work out as they had specific intricacies that they require, entertainment options such as a cinema, but found that none of those business were planning to expand in the area. Mr. Healey then asked about medical facilities, considering they were right down the street from St. Peter's University Hospital as well as Robert Wood Johnson University hospital. Mr. Singer stated that there was preliminary interest in that type of component, but nothing that he would consider viable at that point.

Chairman Thomas then asked about an educational use, and Mr. Singer said that nothing transpired from that conversation as a need for them.

Mr. Procanik asked why the Township had not supported this effort if Levin Properties had been in discussions with them for over five (5) years related to an overlay district or redevelopment plan. Mr. Wisniewski responded that they had put forth an application about 3-1/2 to 4 years ago, and that the Township was opposing that application at that time and withdrew the application from the Zoning Board's consideration. He stated that they then made a presentation to the Planning Board for a narrowly tailored re-zoning by that Board could be accomplished, but there was no interest expressed to do that. He noted that the Applicant was continuing to try and market the space, but to also keep other options open due to the length of time the retail space had been empty in the hopes that one of the path's will work out.

Chairman Thomas then opened the meeting to the public for questions of Mr. Singer.

Mr. Charles Schmidt, 134 Hickory Road, Somerset, NJ, came forward. Mr. Schmidt indicated that there were specific examples of other K-Marts that have closed across the country that have been reinvented with pickle ball courts. He added that since pickle ball was one of the largest growing sports in the country, especially among those 55 years and older, and that there were many people 55 years and older in the Township. He added that, according to the Levin website, there were 10,000 people within a one (1) sq. mile radius of the K-Mart site. He then asked what happened to the idea of a pickle ball court, along with other entertainment aspects. Mr. Singer stated that they were seeing more pickle ball uses were being seen in retail centers; however, there were some constraints due to current ceiling heights, column spacing, and size of the building, but continue to pursue that option.

Ms. Kiki Anastasikos, 3204 Enclave Circle, Canal Walk, Somerset, NJ, came forward. Ms. Anastasikos asked if the leasing team did a market study of Franklin Township to include income, etc., regarding the particular site. Mr. Singer answered in the affirmative, and Ms. Anastasikos asked if the study was available and something the public could request. Mr. Singer indicated that anyone could go to the Levin website, and the brochure showed that information, specifically to the Rutgers Plaza site. She then wanted to know if anything was documented for each of the anchor-type entities that were approached for interest in the site to include any meetings held and who attended the meetings, the date the meetings took place, etc., and if that information was available to the public. Mr. Singer indicated that the information was documented, but not available to the public. They then discussed the success of both the marketing team and leasing team as it related to the Levin Property history, and Mr. Singer reiterated his previous testimony. Ms. Anastasikos then asked why, when Franklin Township was Googled, that no big box or junior anchors were listed and what makes Franklin Township so unique to all of the surrounding towns that this is the case. Mr. Singer explained that they can only present opportunities, but that retailers do their own studies and determine whether retail spaces were viable for their needs. Ms. Anastasikos asked if Levin had presented any financial incentives such as lower rent for the first five (5) years. Mr. Singer indicated that a big box or junior anchor store typically pay a lower rent because they are the ones that bring the traffic to the rest of the plaza to support the rest of the smaller retailers. Mr. Singer and Ms. Anastasikos then discussed the fact that this would be the first time that Levin Properties would be involved in turning retail space to residential.

Ms. Donna Summers, 19 Shelly Drive, Somerset, NJ, came forward. Ms. Summers asked how many units they were planning to build in the K-Mart space, and Mr. Singer answered that he believed there would be 200 units. Mr. Healey then stepped in to answer Ms.

Summers' question regarding the number of residents currently living in Franklin Township, indicating that there were about 70,000. A discussion ensued regarding Stop & Shop's comfort level of having 200 residential units there on-site rather than the 70,000 residents already living in Franklin Township. Mr. Singer indicated that Stop & Shop would be more comfortable not having an empty big box in the shopping center. Ms. Summer asked if they had considered sprucing up the center to make it more attractive to retailers since in all the years she's lived in the Township, she had not seen even one improvement to the façade. A discussion ensued about big box users wanting specific façade components, but that they had plans on their website to scale down the building to attract smaller retailers as well.

Ms. Nicole Pride, 12 Drake Road, Somerset, NJ, came forward. Ms. Pride asked if there was a study done to determine the impact on the school district with having additional residential units. Mr. Wisniewski indicated that another witness would be addressing that question. Ms. Pride then asked why the building couldn't be modified for a bigger retail tenant come to that space as opposed to the changes that would have to be made to accommodate residential space. Mr. Singer indicated that big box stores like Home Depot require a 500 ft. frontage, which would take the building into the roadway of JFK Boulevard.

Lincoln Austin Lawrence, 14 Cortland Drive, Somerset, NJ, came forward. He asked about the possibility of Stop & Shop leaving the shopping center after their lease expires, and Mr. Singer said that a representative of Stop & Shop would address that question and their concerns. He asked about making the big space into smaller spaces to attract smaller businesses, and Mr. Singer indicated that they already have smaller retail space that is vacant and need a larger anchor to attract and support the smaller retailers to the site.

Ms. Renee McGuinness, 93 Oakland Avenue, Somerset, NJ, came forward. She asked if Planning members or Township Council members invited to meetings when you are looking to bring in either big box or junior anchor stores. Mr. Singer stated that, from a retail component, no. Ms. McGuinness then asked if they speak with the TJX stores – TJMaxx, Marshalls, etc. since they were growing very rapidly in the past year or two. Mr. Singer indicated that they speak to them on a consistent basis. She then wanted to know if a representative of the Township was actively pursuing as well. Chairman Thomas wanted the public to know that there was an Economic Development Director who was available to talk to about businesses and commercial growth. He added that it would be highly inappropriate for any Board member to bring in any business into the Township.

Ms. Marilyn Johnson, 144 Drake Road, Somerset, NJ, came forward. Ms. Johnson wanted to know if there had been a traffic study. Chairman Thomas and Vice Chairman Shepherd both told Ms. Johnson that another witness would be speaking on the traffic study, but that questions now are for the testimony given by Mr. Singer, the Levin Properties representative. Mr. Healey then asked Mr. Wisniewski to tell the Board and public who the witnesses would be coming to speak about their specific expertise. Mr. Wisniewski agreed and listed all of the witnesses that would be testifying, to include Mr. Singer, the V.P of Leasing for Levin Properties, a civil engineer speaking about the site plan, a traffic engineer who would be talking about the traffic study that was done, an architect to speak about the facades and the building layout and materials, a market analysis to include school children involved and the how the economics fit into how the center fits into the community, a Stop & Shop representative, another tenant from the facility that would testify, and a Planner to conclude the testimony with the required planning proofs for the variances requested.

Mr. Shah, 11 Summerall Road, Somerset, NJ, came forward. Mr. Shah asked about the variances that were being requested, and Mr. Wisniewski then enumerated those for Mr. Shah and the public. Mr. Wisniewski indicated that they would be asking for a Use variance, bulk variances and seeking site plan approval.

Ms. Deborah Zavatsky, 1935 Old Amwell Road, Somerset, NJ, came forward. Ms. Zavatsky asked if their marketing/leasing teams considered improving the space to meet the current economic needs. Mr. Singer indicated stated that they would certainly accommodate any prospective tenant if they were interested in the space. Ms. Zavatsky then asked if they had done any market research to determine the cost of bringing the building up to current needs. Mr. Singer stated that the cost factor wasn't really an issue if they had a tenant or series of tenants to take over and do something with that building. He indicated that they show architectural renderings of what their space would look like within the existing structure that would meet their needs. Mr. Singer also told Ms. Zavatsky how retailers could see how the space could work for them. A discussion ensued.

Mr. John Park, 510 Hamilton Street, Somerset, NJ, came forward. Mr. Park was asking questions about how to accommodate bigger box anchors by moving tenants out of that space and further down in the strip mall. Mr. Singer explained that they had, but that there was no space to expand the large K-Mart space to accommodate the likes of a Home Depot or Lowe's there. Mr. Park asked if Levin had returned broker's calls and reached out to Mr. Bill Grippo to possibly have a Pre-K in that space. Mr. Singer indicated that he oversees the leasing, so he did not know if anyone on his team reached out to Mr. Grippo related to a possible Pre-K located there.

Ms. Vanessa Davenport, 211 Ruddington Way, Somerset, NJ, came forward. Ms. Davenport was concerned that Levin was not doing enough to push for retail in the shopping center at the K-Mart site. Mr. Singer stated that he was absolutely trying to push to get retailers interested in the site as that was his primary job.

Ms. Linda Powell, 22 Buffa Drive, Somerset, NJ, came forward. Ms. Powell asked about whether they could make the building deeper to add the square footage that the Home Depot's and Lowe's were looking for. Mr. Singer indicated that it had to do with square footage, but those type of uses are looking for more width, not more depth.

Ms. Nicole Pride, 12 Drake Road, Somerset, NJ, came forward again. Ms. Pride asked if they could expand the width of the K-Mart building now that some smaller tenants have moved out, and Mr. Singer answered in the negative. Ms. Pride then asked if there was documentation of who Levin reached out to and their feedback that would be available publicly. She also asked if there was documentation that the public could see to show that their leases were competitive with other shopping centers. Mr. Singer indicated that the documentation for leasing comparisons did not exist.

Mr. Nick DiMeglio, 18 Nepote Place, Somerset, NJ, came forward. Mr. DiMeglio discussed the competitiveness of the McDonald's leasing costs to other locations and asked about tenant's "work" letters, with Mr. Singer stating that the "work" letters are all tenant specific.

Adrian, a 31-year resident of 30 Spotswood Drive, Somerset, NJ, came forward. She wanted to know if Levin couldn't find a tenant for the space, why couldn't they sell to someone who

could. The Chairman reminded her that they were only entertaining questions related to Mr. Singer's testimony. She then asked how she could get more information related to meetings other than a letter, and Vice Chair Shepherd told her that she could go to the Franklin Township website.

Mr. Scott Turner, Engineer, Menlo Engineering, came forward and was sworn in. The Board accepted his qualifications. Mr. Turner put up an exhibit on the screen, entitled Easton At Rutgers Plaza, and entered into the records as Exhibit A-1 showing an aerial view of the existing conditions on the site and dated March 20 2024. He then mentioned that the property contains 27.4 acres and has 1,155 ft. of frontage along JFK Boulevard and 970 ft. along Easton Avenue. He gave directional information, with Easton Avenue located at the top of the sheet, JFK Boulevard is located on the left-hand side of the sheet, and the property was highlighted in a white lined box around it. He told the Board and public that the property was located in the GB (General Business) Zone and that there were four (4) buildings on the property that included a McDonalds fast food restaurant being constructed in the northwest portion of the site, the Stop & Shop supermarket was located in the northeast corner of the site and in between both of those buildings is an existing bank closest to Easton Avenue with drive-thru's. Mr. Turner went on to explain that they also had a multi-tenant retail building located in the southeast corner of the property, with the subject building (the former K-Mart building) that was located down at the southwest corner of the property. He then noted that the existing former K-Mart building contained 107,600 sq. ft. of footprint area, with the property accessed by two (2) driveways, one off of JFK Boulevard and is a right in and a right out and allows for left-hand turns as well. Mr. Turner then noted that the Easton Avenue driveway was a right-in and right-out driveway. He went on to state that the property had 1,257 existing parking spaces and was surrounded by a variety of uses, including garden apartments to the west, townhomes to the south and west, a Wendy's fast food restaurant and the Delaware & Raritan Canal State Park (D&R) is located just to the top of the sheet, which was to the north of the property across the street on Easton Avenue. Mr. Turner then stated that they had another shopping center to the east, which also had access onto Easton Avenue.

Mr. Turner then drew the Board's attention to Exhibit A-2, which was a rendering of Easton At Rutgers Plaza overall plan exhibit and dated March 20, 2024 and was also an aerial image with the proposed site plan overlaying on top. He then stated that the proposal was to demolish the existing K-Mart building located in the southwest corner and replace it with a four (4)-story apartment building, which was identified on the exhibit in a tan color. The new building would then comprise 250,475 sq. ft. and would include a small basement with resident storage and mechanical rooms with the first floor including the amenities packages with the residential floors above that. Toward the back of the building, there would be located two (2) alcoves in between the three (3) fingers that would encompass the other recreational spaces that were proposed on the property. Mr. Turner then noted that the building would be approximately 47 ft. high, with a footprint area of 62,485 sq. ft. and significantly smaller than the footprint area of the existing former K-Mart building. He then noted that the building would be set back 130.7 feet from JFK Boulevard and set back 660 feet from Easton Avenue and 158.1 ft. from the rear property line. He then noted that there would be 200 units within the building, broken down into 69 one (1)-bedroom units, 123 two (2)-bedroom units and eight (8) three (3)-bedroom units. He then added that 20% of the units (40 units in total) will be set aside as affordable units. Beyond the limits of the new residential building, within the space of the multi-tenant retail component, they were proposing to provide some additional area in

front of that building by way of pedestrian accessways (new sidewalks) by pulling the driveway a little further away to provide some opportunity for some outdoor dining and/or seating areas. Mr. Turner then stated that this building would also receive façade improvements that would be discussed by the Applicant's architect

Mr. Turner then discussed the realignment of the internal access driveway, particularly the driveway that came in from Easton Avenue in order to provide what was needed for this new residential component. Currently, that driveway comes up into the site and continued on a path that was straight down towards the K-Mart building itself. He added that what they've done is taken that driveway and realigned it to allow for the residential component to stand on its own in terms of the parking spaces and anything else that would be going on with respect to that area. He noted that other parking lots were there to support Stop & Shop and the other retail components and will, in essence, remain as they currently exist today, with the exception of additional landscaped islands, to provide some additional landscape enhancements and improvements and to provide some additional EV charging stations that were required. Mr. Turner added that they were also providing additional significant pedestrian circulation improvements, new sidewalk connections from JFK Boulevard into the property as well as from Easton Avenue up that main driveway and into the site as well as sidewalk connections from the apartment building and other commercial buildings to have them all sort of be connected together to allow anyone to get from one space to another by way of the sidewalk components that were being added to the site plan itself

Mr. Turner then drew the Board's and public's attention to the conventional parking lot for the new apartment building in the front of the building, with a row of EV charging spaces that were along the JFK Boulevard side of the property. He then noted that the new building would also have a dedicated drop off and pickup lane that was off of the driveway that ran across the front so as not to disturb any traffic within that area. He then discussed the additional landscaping by way of either new islands, adding islands in or modifying the islands that were currently there with new landscaping. He then added that they were also including new open space that could be used for events that was located just off of the northwest corner of the front of the new building all located within the residential side of the center. That area was added to the plan with significant landscaping along the JFK Boulevard as well as some along the rear. He did explain then that there were some encumbrances in that area that prohibit them to do landscaping in certain areas, which he indicated he would detail in just a little bit. Mr. Turner then described the overall site numbers for parking on the site now would be 1,100, which was a reduction of parking from 1,257 to the 1,100 and that included the installation of the 88 EVA charging stations scattered throughout the property. He noted that there was a total 1,017 parking spaces required for the entire center, including the residential component.

Mr. Turner then noted that they would be adding two (2) new monument signs 58 sq. ft. each) off of the driveway coming in from JFK Boulevard with a 5.7 ft. maximum height and 10.8 ft. maximum width. He indicated previously that they were adding landscaping that was an improvement over what was currently on the property in his opinion. He told the Board and public that they plan to add 121 deciduous trees, 16 evergreen trees, 44 flowering trees, 830 shrub plantings, and thousands of ground cover plantings. He then told the Board that the tree replacement on the property had been satisfied, and there were 16 trees required based on the tree replacement calculations, and they were going to provide 137 trees of qualifying size. He then discussed the Lighting Plan and noted that the lighting on site would be improved



with LED pole and wall-mounted fixtures, which would all be in compliance with Municipal standards. He then noted that all of the utilities for the shopping center was there and available for extension into the residential component, which included sewer, water and gas service as well as electric, telephone, etc.

For stormwater management, Mr. Turner explained that they provided storm water management upgrades as needed to comply with NJDEP standards as well as complied with the Delaware & Raritan Canal Commission (DRCC) standards as for storm water management. He then stated that they were providing additional drainage inlets, underground piping, two (2) new water quality structures that were required by the DRCC and had been through an earlier review from them. He added that they had to resubmit their plan as an update to the current plan approval, but that they've complied with their standards and had gone through a review with them already. He then noted for the Board's review that impervious coverage on site was being reduced by 63,500 sq. ft. so that the 78.6% impervious coverage existing would be reduced to 73.2% and the overall building coverage would be reduced by 47,00 sq. ft., which was 23% existing, vs. the 19% proposed with the Application. With the significant reduction in impervious coverage, they were reducing the overall discharge from the property itself and providing the water quality enhancements that were needed to comply with standards.

He noted that the variances that were required are:

- D(1) Use Variance – residential use within the GB Zone.
- D(4) FAR Variance – where 0.30 is permitted, 0.23 existing, and 0.35 proposed. FAR is a floor area ratio requirement where they take the total square footage of all floor areas in all the buildings and divide that number and divide that number by the overall property area.
- D(6) Height Variance – 30 ft. permitted, 47 ft. proposed

C Variances are as follows:

- Number of Free-Standing Signs – two (2) existing, five (5) total proposed, with one (1) included for the previously approved McDonald's center, our two (2).
- Maximum Sign Area – where 25 sq. ft. was permitted, 58 sq. ft. proposed for each individual sign
- Building Mounted Signs – two (2) signs proposed
- Impervious Coverage – where 70% is permitted, 78.6% existing, and 73.2% was proposed.

Mr. Turner then addressed the staff report from Mark Healey, Director of Planning, dated February 14, 2024, and required testimony involving a lot of the variances, which will be addressed by the Applicant's Planner. Mr. Turner then testified that any other engineering project related technical comments they agree to comply with. He noted that the letter from the Township Engineer, (CME Associates), dated February 27, 2024, He noted that he had a conversation with Mr. Mazzei ahead of the meeting that evening and just needed to ask him a couple of questions and beyond that agree to comply with everything in his report as well. He indicated that they reviewed the Traffic Safety memorandum of February 29, 2024, for which they had no comments with everything addressed Mr. Turner explained that they agree to comply with Mr. John Hauss' Fire Prevention comments. He then discussed the County of

Somerset Dept. of Public Health and Safety memorandum and will be able to comply with their comments, including applying for the pool permit.. Mr. Turner then discussed the comments from the Sustainability Coordinator, dated February 6, 2024; and to the extent that they could satisfy some of those comments, he said that they would certainly agree to comply with them. Mr. Turner then discussed their meeting with the Historic Preservation Advisory Commission that week and were asked for some additional information which they agreed to provide to them regarding color, material, and about some designs as well as have the Architect visit some other sites to come up with a new rendering that tries to address to their satisfaction the concerns they raised. Chairman Thomas then asked about any opportunity they might have to bank parking for possible later use, if necessary. Mr. Turner indicated that they could look into that.

The Chairman then asked for a comparison of the current setbacks and the proposed setbacks. Mr. Turner indicated that the proposed setback from JFK Boulevard would be 130.7 feet and the existing building was set back 100 ft, so they were increasing the setback by 30.7 ft. He noted that the setback from Easton Avenue was generally the same, around 660 ft. From Franklin Greens/The Arbors it was proposed to be 158.1 ft. and the current building was at 140 ft. to the property line where 30 ft was permitted..

Mr. Healey then discussed the land-banking issue that both Boards have allowed in the past; however, he said that in this case the Applicant was providing more parking than what the ordinance required. He suggested that when the Traffic Engineer testified that they speak to the parking needs for the site and how much the Applicant actually needs for the uses on the site.

Ms. Bethea then asked about the proposed height of the building and wanted to know how the look and feel of the building would fit in with this zoned commercial area. Mr. Turner indicated that he felt that the architect would be more suited to answer that questions and would direct that questioning to the architect.

Vice Chair Shepherd then asked the size of the trees being planted, and Mr. Turner indicated that the deciduous trees all range from between 2-1/2 to 3" in caliper size when they were planted, and their planted height was 12 to 14 ft. for the most part. He added that the evergreen trees would be planted at 6 ft. to 7 ft. and would grow to 15 ft. to 20 ft. tall. He then noted that the flowering trees were 9-10 ft. at planting. A discussion ensued about the type of trees proposed to be planted.

Mr. Procanik then asked Mr. Healey where the Township stood regarding Affordable Housing Units, and Mr. Healey indicated that their third-round obligation was satisfied, but the question really was where do they stand in the future. He noted that the State just came out with new legislation in the last month which was basically going to require the Township to do another Fair Share Plan within the next year or so. Mr. Healey stated that he knows that the Township is going to have an obligation and because of our size, the obligation was going to be significant, so they were going to have a need for affordable housing units.

Mr. Rich asked for clarification on Mr. Turner's responses to be able to comply with the various Township reports that were generated by the Application. He reiterated his testimony and clarified that they would do whatever they could to the extent they could accommodate Tara Kenyon's Sustainability requests on behalf of the Environmental Commission, dated

February 6, 2024. Mr. Turner indicated that the proposed building would be “make ready” for solar panels in the future to address her first bullet point. He then addressed her second bullet point regarding adding pervious pavement to the parking areas and interior driveways, noting that he did not recommend pervious pavement, especially in a high traffic area such as this because it tended to tear apart, rip apart and did not last long-term and they would end up replacing it with regular asphalt in the long term. He noted that they had accommodated all of the requirements for storm water management which was when they would utilize that type of pavement section, but don’t need to do that because they complied with the standards. He then spoke about impervious coverage and felt that he covered that to the extent that they can. Mr. Turner then addressed being able to further reduce the impervious coverage on the site, do some land banking or add some additional green space as per her request in her fourth bullet. He then discussed how multiple users could easily use the EV chargers without having to wait and they have agreed to install dual parking stations to accommodate two (2) parking spaces at one time. He then spoke about the next bullet point was regarding the use of native and/or pollinator plants that also provide stormwater management. Mr. Turner said that they would review that and comply with that standard. He added that the next bullet point was to provide for anti-idling signage, but he didn’t believe that they had an issue with providing that signage and could do that with relative ease. He then discussed the request for bike storage and bicycle repair stations, and he indicated that they could take a look at providing bicycle racks potentially in areas they thought they would be utilized, and has never seen a bicycle repair station so he didn’t think that they would accommodate that. Lastly, the Environmental Commission asked for providing a listing of amendments made to the plans and supporting documents with all future resubmissions and Mr. Turner felt that they did not have an issue with doing that.

Vice Chair Shepherd stated that he wanted to take a minute to look at the sidewalks. Not seeing any sidewalks to the bank building, Mr. Turner indicated that they would look to provide sidewalks to the bank building.

Chairman Thomas asked for clarification and wanted to know if the old Chinese Food restaurant and the old Venus Jewelers location were included in the square footage of the old K-Mart building, and Mr. Turner answered in the negative, that it was not. The Chairman then spoke about how his exhibit showed that the current K-Mart building could not be expanded towards JFK Boulevard to allow for the correct width for a big box or junior sized user.

Ms. Firdaus then opened a discussion regarding the number of EV charging station (88), and Mr. Turner indicated that they were scattered within the whole site so that they were for residents as well as for users of the center as well.

Mr. Procanik asked if there were any accommodations put in place to allow for tenants to move in and out easily. Mr. Turner indicated that the architect would show that there was a spot on the JFK Boulevard side of the building that would accommodate for move-ins and move-outs of tenants. Asked how many parking spaces were dedicated to the residential component, but that the requirement was 387. Mr. Turner indicated that he knows that there are at least 387 parking spaces provided for that residential component, but there might be a few more.

Mr. Rosenthal asked about complying with the handicapped parking standards, and Mr. Turner indicated that they comply with all of the ADA standards on the property.

Mr. Healey asked if the parking over in the residential building area going to be strictly for the residents or will the parking be an open situation. Mr. Turner indicated that he was not sure, but didn't think anyone using any of the other components at the site would need or want to park in the area near the residential building. That being said, Mr. Turner stated that he didn't think that they had gotten to that level of detail yet.

Mr. Healey then opened a discussion regarding CME's report and reviewing the JFK entrance and the possibility of adding a traffic light at the intersection with JFK Boulevard. Mr. Turner said they were agreeing to studying the analysis, indicating that the Traffic Engineer would speak to that issue.

Mr. Lakhia was trying to understand how many people would be able to occupy the 200 units. Mr. Turner indicated that it was not in his purview, and Mr. Healey stated that he felt that someone on their professional team could answer that question based on the bedroom counts an estimate of how many people would be occupying these apartments.

Mr. Turner then wanted to clarify the record by stating that the EV parking spaces were Make Ready parking spaces, if he didn't make it clear earlier.

Mr. John McCullough, 5 Webster Road, Somerset, NJ, came forward. Mr. McCullough questioned Mr. Turner related to his involvement in the McDonald's design on the property and when they started designing the plans that were being presented that day. Mr. Turner discussed the approvals from the outside agencies that were required at Mr. McCullough's request.

Mr. Bill Grippo, 199 Pierce Street, Somerset, NJ, came forward. Mr. Grippo asked how they could ensure the safety of entering and exiting the site. Mr. Turner compared the traffic circulation on the site today and the circulation of what was being proposed with the inclusion of a residential apartment building. Mr. Turner utilized Exhibit A-1 to show the existing conditions on the site today. Mr. Turner indicated that the existing condition did not include regulatory signage and striping, no cross walks, etc. Mr. Turner then turned to Exhibit A-2 to show the proposed plan that incorporated many of the site improvements that increase the safety and ease of navigating the circulation on the site as well as significant improvements in the pedestrian enhancements and circulation that provided a safer experience by adding the sidewalks alongside the driveways and making the connections to all of the various components within the shopping center. Mr. Turner mentioned that they had received a letter from the Franklin Township Police Dept.'s Traffic Safety Bureau, dated February 29, 2024, that they reviewed the plans and had no further comments. Mr. Turner added that his name was on the presented plans and that he was sworn an oath to give testimony for the plan as it was presented that evening and would not have done so if he didn't think it was a safe plan for motorists and pedestrians alike.

Ms. Kiki Anastasikos, 3204 Enclave Circle, Canal Walk, Somerset, NJ, came forward and was sworn in. Ms. Anastasikos asked why the proposed building did not include a basement to provide for underground parking for the residents. Mr. Turner agreed with Ms. Anastasikos that the area was flood-prone, but that his responsibility was to review the conditions on the property and the surrounding areas and make sure they didn't make those conditions any worse than they are. He also added that they would hear from outside agencies with comments if there were problems with the way in which the project was constructed. Mr.

Turner indicated that they had gotten a Somerset Soil Conservation approval that dated back to when the plans looked a little bit different than they did that night. He indicated that they had a pending application from DRCC and a pending application with Somerset County Planning Board. Chairman Thomas also interjected that many of the outside agency approvals need to see the Zoning Board approval before they can act on any application for the same project. Mr. Turner then explained the process that an applicant had to go through to satisfy all of the regulations related to storm water management, and that they were reducing the impervious coverage from what currently existed on the property. Mr. Turner again reiterated his testimony that there would not be any new parking on the site because they were reducing the parking count instead when questioned by Ms. Anastasikos. She then asked if they were risking the safety of the unknown number of children and teenagers for them to be making the parking lot their playground. Mr. Turner responded to Ms. Anastasikos' questions regarding pedestrian safety and stated that he had already testified regarding the provisions in the plan. Mr. Turner then addressed the amenities packages that were proposed on the property that would be discussed by the architect.

Mr. John Park, 510 Hamilton Street, Somerset, NJ came forward and asked about the width of the proposed building and the setback to JFK Boulevard as proposed. Mr. Turner answered that it was 335 ft. wide and the setback was 130.7 ft. setback from JFK Boulevard. Mr. Park then asked about the allowance of a three (3) bedroom unit, and Mr. Healey indicated there was no such thing as allowing a three (3) bedroom units in an apartment building and the eight (8) three (3)-bedroom were part of the affordable housing requirement on the site. Mr. Healey noted that when they provide affordable housing units, they were required to provide a certain number of affordable units in the form of three (3)-bedroom units. Mr. Park then asked what a D(1) variance, what a D(4) variance was, and what a D(6) variance was, with Mr. Turner reiterating his previous testimony. Mr. Park then asked what the highest amount of stories that was allowed in Franklin Township, and Mr. Procanick indicated that the Harrison Towers were 36 stories tall.

Mr. Ed Carway, 533 New Brunswick Road, came forward. Mr. Carway asked a technical question regarding what TSS is related to storm water management and water quality and stands for Total Suspended Solids and a treatment device to separate the suspended solids from stormwater. A discussion ensued as to whether oil from parking lot surfaces would be removed through that method, and Mr. Turner answered in the negative. They then discussed the maintenance schedule that would be put in place for the storm water management system. Mr. Carway asked how the Township would monitor the fact that the maintenance schedule was being upheld. Mr. Carway then spoke about tree maintenance and replacement should a tree die on the property. Mr. Carway then brought up the fact that K-Mart had oil spills as a result of their previous car maintenance shop and wanted to know what had been done to check the soil on that property to make sure that there was still not any oil contamination on the site. Mr. Turner indicated that he believed there was a Phase I Environmental Study done and would need to continue to be done. He added that the project could not move forward and receive building permits, certificates of occupancy, etc. that the area was certified to be clean. Ms.

Ms. Deborah Zavatsky, 1935 Old Amwell Road, Somerset, NJ, came forward. She asked what traffic pattern was proposed for the shipping and receiving for the current retail space, with Mr. Turner noting that all the rear driveways were used for all the service areas for the various buildings, both currently and proposed. He discussed the circulation plan for

shipments and deliveries. Ms. Zavatsky then opened a discussion related to the height of the building, both current and proposed. She then discussed the parking provided to the residential apartments and if there was any guest parking included in the count. Mr. Turner answered in the affirmative. She then asked what were the thoughts of allowing commercial vehicles to be parked in the residential parking spaces. Mr. Turner stated that there was no thought to allow commercial trucks to park in the residential parking spaces on the property.

Mr. Arnold Schmidt, Somerset resident, came forward. He opened a discussion regarding pedestrian safety. A discussion ensued.

Ms. Adrian, 3 Spotswood Drive, Somerset, NJ came forward. She asked about pedestrian safety, and Mr. Turner indicated that it depended upon the signage and the separation from the parking area and the sidewalks.

Mr. George Klepf, 5 Larsen Road, Somerset, NJ, came forward. Mr. Klepf spoke about utilities being able to handle the extra people on the site for water, sewer and storm water management. A discussion ensued related to these issues..

Chairman Thomas made a motion to close the meeting to the public.

The hearing was agreed to be **CARRIED TO MAY 2, 2024, with no further notification required.**

**DL - 5/22/2024**

**MEETING ADJOURNED:**

A Board member made a motion to adjourn the meeting at 10:30 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
June 14, 2024