

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

**REGULAR MEETING
June 19, 2024**

The regular meeting of the Township of Franklin Planning Board was held at the Municipal 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, Robert LaCorte, Sami Shaban (arrived at 7:35 p.m.), Jennifer Rangnow, Maher Rafiq (arrived at 8:09 p.m.), Charles Brown, Robert Thomas, Rebecca Hilbert, and Marc Dancy

ABSENT: Chairman Orsini

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

**DUE TO TECHNICAL DIFFICULTIES, APPROXIMATELY 2 HOURS OF THIS
PLANNING BOARD MEETING IS UNAVAILABLE**

RESOLUTION:

- **Philip J. Lopa, Jr. / PLN-2200020**

A motion was made to approve the Resolution, as submitted. The motion was seconded, and the roll was called as follows:

FOR: Mr. Thomas, and Chairman Orsini

AGAINST: None

DISCUSSION:

- **Subdivision Committee: • Ankur Gupta / PLN-23-00023**

Mr. Thomas made a motion to approve the subdivision after presentation/review by the Planning Board's Subdivision Committee that evening. The motion was seconded.

PUBLIC COMMENTS:

A motion was made to open the meeting to the public for general Planning comments, other than any Application being heard that evening. The motion was seconded, and all were in favor. Seeing no one coming forward, a motion was made to close the meeting to the public. The motion was seconded, and all were in favor.

HEARING:

- **HAMILTON STREET HOLDINGS, LLC / PLN-24-00006**

Mr. Peter U Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Hamilton Street Holdings, LLC. He indicated that they were before the Board to obtain Major Site Plan w/C Variance in which the Applicant was proposing to construct a five (5)-story mixed use building at 752 Hamilton Street, Somerset; Block 154, Lot 8, in the HBD Zone. He indicated that they were there that evening for Major Site Plan w/"C" Variance approval in which the Applicant was proposing to construct a five (5)-story, mixed use building at 752 Hamilton Street, Somerset; Block 154, Lot 8, in the Hamilton Business District (HBD) Zone.

Councilman Anbarasan asked to recuse himself from hearing/voting on this Application.

The meeting's audio/video was captured and started right at the very end of Mr. Kevin O'Brien, Planner's, testimony.

The following variances/approvals were required from the Township Planning Board:

- Major Site Plan approval
- "C" Variances relief:
 - Required Parking – See Page 3, Item #2 of Mr. Healey's Planning report.
 - Building Height: 4 stories/50 ft. permitted - 5 stories/52.11 ft. proposed.
 - Parking Lot Setback (Rear): 20 ft. required - 5.48 ft. proposed.
 - Buffering (Schedule 6): (See Page 8, Item #5 in Mr. Healey's report.
 - Rear Building Setback: 20 ft. required – 5.48 ft. proposed.
 - Lot (Building) Coverage: 50% permitted – 82.24% proposed.
 - Signage: See Page 8, Item #6 of Mr. Healey's report).

Mr. Thomas then commented on Mr. O'Brien's testimony and his answers to questions related to that testimony. He indicated that what Mr. O'Brien said reinforced the idea that should the use of a daycare center go away, there must be a requirement that the Applicant would have to come back to the Board to accommodate another use.

Mr. Healey then asked for clarification on a number of things discussed, starting with the buffer and hearing two (2) different things from the Engineer. Mr. Healey said that he heard that the Engineer would work with him and he heard from the Planner that they

would fully comply. Mr. Lanfrit stated that, to the extent that they could comply, there may still be areas where they could not comply because of the width. He added that they would buffer the entire perimeter of that property and would work with Mr. Healey to do that. Mr. Healey then discussed the requirements of the ordinance, noting that the rear of the property was to have a 20 ft. area clear of parking and building, and within that area there was to be fencing and evergreen trees to provide the buffer. Mr. Healey reminded the Applicant that they just heard about the parking and building setback that would contain the buffer between them. A discussion ensued regarding the ability to provide a 5 ft. + buffer along the fence along the entire perimeter of the property. Mr. Lanfrit indicated that they were seeking a variance for the width of the buffer. They then discussed the beneficial use being a benefit to the Hamilton Street area, and by providing a development of that particular design and scale was providing a benefit to the public good and that the benefit was outweighing the detriment by allowing the variance. Mr. O'Brien indicated that he agreed with the description of his testimony.

Mr. Healey then drew the Board's attention to the architect's testimony, with Vice Chair Brown asking about the brown accent on the building and the response was "we'll look into it". Mr. Ludwig, Architect, then stated he was planning on doing a corner detail similar to the front of the building so that all four (4) corners would have the same wrap around detail. Mr. Healey then asked what side of the building the down lights would be located on. Mr. Ludwig indicated that they would be on the front and around the immediate corners. Mr. Healey then discussed the proposed signage, noting that the testimony was that they were going to comply. He added that the proposed sign at the top of the building was not allowed per ordinance, and Mr. Ludwig agreed that that sign would be eliminated. Mr. Lanfrit stated that if they felt it was an architectural benefit, they would come back before the Board to ask for a variance. Mr. Healey then brought up how refuse would be handled and asked if it would be brought out to Hamilton Street and wondered if there was an area there for it to go. Mr. Ludwig indicated that his intent was to provide a trash compactor that immediately turns on when trash was put down the chute and a truck would go and access the pods in that area to pick up the refuse. A discussion ensued. Mr. Healey then asked if the transformer that was planned to go on Hamilton Street could be moved to less conspicuous location or screened in some way if it needed to stay on Hamilton Street. Mr. Ludwig indicated that Hamilton Street was the preferred location by the utility company, but that they could screen it with landscaping. Mr. Healey then asked if the school children were dropped off by bus along Hamilton Street, and the doors along that frontage were locked, how would they access the building. Mr. James Ward, Engineer, indicated that there would be people waiting to greet them and take them into the day care/afterschool program when they are dropped off. Mr. Healey then asked where the employees would park, and the engineer stated that most either live in the building or come around from the surrounding neighborhoods. Mr. Ward also explained that they could have the schoolchildren be walked in through the residential unit doorway. A discussion ensued.

Ms. Rafiq then opened a discussion about having a separate entrance for the children to come into the building. Mr. Ludwig did state that they could create a separate entry for the school bus children.

Mr. Thomas then asked if they had an emergency exit, an alternate way to exit the building. Mr. Ludwig then told Mr. Thomas that the access on Hamilton Street could act as an emergency egress requirement in emergencies and only open out onto Hamilton Street.

Ms. Rangnow then indicated that she hoped that they would defer to their Director and teachers of the daycare as to what was safest and best for the children because the people who work with the kids would probably come up with the safest and creative solution. She expressed her concern that one of the solutions was having the children walking through a public space where anyone could walk through with the children and having them also walk through a parking lot, even with supervision. Ms. Rangnow then asked for an official answer about what was happening with trash collections because the testimony given was that it would be picked up at the street, but then got a different answer about it being picked up from inside the building. Mr. Ludwig indicated that the trash would be picked up from the parking lot with a truck designed to pick up the pods and bring new pods that would be able to fit in that space to do so.

Mr. Shaban asked if they could make the building smaller to allow for the proper buffering width, and Mr. Ludwig indicated that they would lose an entire row of parking. Dr. Chase then stated that if they reduced the number of apartments, they would also reduce the number of parking spaces required. Mr. Ludwig then explained that he designed the building to allow for 4 ft. + in the front of the building so that the building wouldn't look boxy and added for the need of a smaller rear yard.

Mr. Shaban then made a motion to open the meeting to the public for questions/comments. Dr. Chase seconded the motion, and all were in favor.

Mr. John Wisniewski, Esq., Attorney with the law firm of Wisniewski and Associates. He explained that he represented Levin Properties, who was the owner of the adjacent property (Block 54, Lot 9) as one would be going south on Hamilton Street. He noted that his client was not opposed to the Application but had several concerns that they wanted to put on the record for the Board's consideration. Mr. Wisniewski told the Board that the addition of residential units would be welcome as they were running a retail center immediately next door. He added, though, that they have concerns of the density of the Application because they understand that the zoning in the HBD Zone allows for zero lot line. Mr. Wisniewski indicated that when the project did not comply with the rear lot setback and the overall building coverage was about 30% above what it was supposed to be, the building occupies the entire available land and would obscure the view of the retail center as a result until one would come to the very end of the building. He added that his client's property would be obscured and was a direct result of the building coverage and deficient rear yard setback. Mr. Wisniewski also expressed his client's concern for the shared parking scenario, considering that the apartments would be comprised of studios, one (1)--bedroom and two (2)-bedroom apartments that could have two (2) cars per two (2)-bedroom apartment, and that half of the units would have visitor parking and would put the parking count at 196 parking

spaces. He went on to state that his client was concerned that if this Application did not meet its parking requirement, that they were going to be the recipient of overflow parking for that building. Finally, he stated that on page 5 of 7 of the Application, there was a depiction of drain leaders that drain to the surface and that the subject property was a few feet higher than the Levin property. He indicated that their concern was for ponding and icing in the winter on the Levin property parking lot, putting their employees or customers at risk. Mr. Wisniewski indicated that Mr. Ward, the engineer, indicated that the design would prevent that, but was still a concern.

Mr. Timothy Kelly, 136 Grouser Road, Somerset, NJ, came forward and was sworn in. Mr. Kelly stated that he has a business on Hamilton Street and was also on the Hamilton Business District Advisory Board. He stated that Hamilton Street looks much better with the new developments, but that most of the crime in Somerset occurred on Hamilton Street, including robberies of businesses. He noted that there were a lot of abandoned buildings and businesses hurting, financially, since COVID. Mr. Kelly also indicated that parking lots are not full, people don't have as many cars because many are working from home and don't need a second car. He did also mention that there were at least four (4) new buildings on Hamilton Street that no one is doing anything with. Mr. Kelly stated that the Hamilton Street Business District Advisory Board agreed upon allowing 5 stories, where Bound Brook allows six (6)-story buildings and Somerville was allowing for five (5)- and six (6)-story buildings. Mr. Kelly then stated that there were 9 members on the Commission, with at least seven (7) or eight (8) Franklin Township residents.

Mr. Bill Grippo, 199 Pierce Street, Somerset, NJ, came forward and was sworn in. Mr. Grippo gave a history of Franklin Township and said that he supported the project as it was the gateway to New Brunswick.

Mr. John Okoye, Hamilton Street property owner and business owner. He also mentioned that he is a member of the Hamilton Street Business Advisory Board. He spoke of less impact on parking with residents of studios and one (1)-bedroom apartments either using Uber or walking to their destinations. He explained that he supported the project and commended the Applicant for their design.

Mr. Nick DiMeglio, 18 Nepote Place, Somerset, NJ, came forward and was sworn in. Mr. DiMeglio stated that he was there on behalf of the Franklin Township Chamber of Commerce and a member of the Hamilton Street Business District Advisory Board. He stated that they wanted to advocate for the businesses in the Township and that the project was obviously a win/win for Hamilton Street.

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

Mr. Lanfrit indicated that he wanted to address Mr. Wisniewski's comment with respect to his concern about the surface ponding/flooding//icing issue he felt was a concern. Mr. Lanfrit indicated that he spoke to Mr. Wisniewski last week and he alerted his

engineer, Mr. Ward, who reviewed the site plan and could unequivocally state that they were handling all of their drainage on-site and the way the storm water management system was designed, they would not have that issue. Mr. Lanfrit then addressed the visibility issue that Mr. Wisniewski brought up, and he indicated that the Township ordinance requires that their building be placed where it has been designed and were set back about 4 ft. from the property line and reducing the size of the building wouldn't change where the building was located. Mr. Lanfrit also testified that they had ample parking on-site to accommodate their facility and would have any cars towed that were parking on the Levin property. He added that based on the testimony of Ms. Dolan, Traffic Engineer, and Mr. Zullo, Consultant, it was clear that the site would adequately accommodate the day-to-day operations for both the childcare facility and the residents. He then stated that he felt that the variances requested had been supported, based upon Dr. Chase's comment concerning the height of the building. He noted that the Zone requirement was 50 ft. and that they were at 52 ft. 11 inches. If the Board felt it important to cut down the height of the building, they could cut each apartment down by six (6) inches, they would be happy to do it and bring the building height down to 50 ft. 11 inches with ceiling heights of 8 ft. in the apartments. He did believe, however, that the higher ceilings would be an amenity appreciated by the residents.

Mr. Lanfrit then gave his closing statements, asking to grant the site plan approval, with the variances, and reasonable conditions as may be enumerated by Mr. Vignuolo, Board Attorney.

Mr. Thomas made a motion to approve the project with Variances, conditions and recommendations discussed. Mr. Vignuolo indicated that those include what was placed on the record and left up in the air was the one that asked how to address the parking issue about whether there was a deed restriction requiring a payment upon the change of the first-floor use or a deed restriction that required them to return to the Board for approval. Since Mr. Thomas was making the motion, he indicated that his preference was to require them to return to the Board in the event that the use changes. Mr. LaCorte seconded the motion, and the roll was called as follows:

Dr. Chase commented that he felt that they might be allowing the zoning ordinances pushed to their limits in approvals. Mr. Shaban agreed with Dr. Chase's comments.

Mr. Thomas spoke about the concern for visibility for the retail project next door, but stated that the whole area of Hamilton Street's Business District was designed for people to live there and to walk to the businesses there.

Mr. Vignuolo indicated that since Ms. Rafiq arrived at the hearing after it had started, she would not be eligible to vote on the project.

FOR: Dr. Chase, Mr. LaCorte, Mr. Shaban, Ms. Rangnow, Vice Chair Brown, Mr. Thomas, Ms. Rebecca Hilbert, and Mr. Dancy

AGAINST: None

COMMITTEE REPORTS:

There were no committee reports.

WORK SESSION / NEW BUSINESS:

There was no work session/new business discussed.

EXECUTIVE SESSION:

The Board did not enter into Executive Session.

ADJOURNMENT:

A motion was made by the Vice Chair to adjourn the meeting at 10:15 p.m., and seconded.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
August 22, 2024