

TOWNSHIP OF FRANKLIN
PLANNING BOARD
COUNTY OF SOMERSET, NEW JERSEY

REGULAR MEETING
January 8, 2014

The regular meeting of the Township of Franklin Planning Board was held at 475 DeMott Lane, Somerset, New Jersey and was called to order by Sr. Zoning Officer, Vincent Dominach, at 7:30 p.m. The Sunshine Law was read, the Pledge of Allegiance said and the roll was taken as follows:

PRESENT: Councilman Chase, Robert LaCorte, Cecile Maclvor, Robert Mettler, James Pettit, Victor Stevens, Ed Potosnak, Charles Onyejiaka and Chairman Orsini

ABSENT: Marvin Coble and Robert Thomas

ALSO PRESENT: Mr. James Bryce, standing in for Board Attorney, Martin Murphy, Mr. Mark Healey, Director of Planning and Mr. Vincent Dominach, Sr. Zoning Officer

OATH OF OFFICE:

- **Edward Potosnak III**
- **Michael Orsini**
- **Robert Thomas**
- **Cecile Maclvor**
- **Robert LaCorte**
- **Victor Stevens**
- **Theodore Chase**

Mr. Bryce gave the Oath of Office to the Board members listed above who gave their affirmation during the meeting that evening.

REORGANIZATION:

- **Nomination/Selection of Chairperson**

Cecile Maclvor made a motion to nominate the former Chairperson, Dr. Michael Orsini. The motion was seconded.

Hearing no other nominations, Mr. Dominach closed the meeting to any further nominations. A vote was taken and all were in favor of nominating Dr. Michael Orsini as the Chairperson for the Planning Board for 2014.

- **Nomination/Selection of Vice Chairperson**

Chairman Orsini made a motion to nominate Cecile MacIvor as Vice Chairperson and Mr. Mettler seconded the motion. Chairman Orsini asked for other nominations. Hearing no others, the Chairman closed the meeting to any further nominations. A vote was taken and all were in favor.

- **Appointment of Board Attorney**

Mr. Dominach indicated that, per the By-Laws of the Planning Board, they hold a fair and open process and ask for bids from interested parties. He added that the Planning Board had already interviewed their one and only applicant. The Resolution from the meeting was prepared for the one applicant, the current Board Attorney.

- **Witness Oath – Director of Planning, Mark Healey,
Zoning Officer, Vincent Dominach**

Mr. Healey and Mr. Dominach took the Witness Oath for the year 2014, both of whom gave their affirmations that evening.

RESOLUTIONS:

- **Appointment of Board Attorney**

Councilman Chase made a motion to approve the Resolution to appoint the current Board Attorney, Mr. Martin Murphy. Vice Chair MacIvor seconded the motion and all were in favor.

- **Adi, Dean / PLN-2005-0047 - Relief of Conditions**

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

FOR: Councilman Chase, Mr. LaCorte, Ms. Macivor, Mr. Mettler, Mr. Stevens
and Mr. Potosnak

AGAINST: None

- **Ardmaer Construction, Inc. / PLN-2004-0058 - Relief of Conditions**

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

FOR: Councilman Chase, Mr. LaCorte, Ms. Macivor, Mr. Mettler, Mr. Stevens and Mr. Potosnak

AGAINST: None

HEARINGS:

- **TRAP ROCK INDUSTRIES, LLC / PLN-13-00015**

Mr. John Giunco, Esq., Attorney, appeared before the Board on behalf of the Applicant, Trap Rock Industries, LLC. Mr. Giunco stated that the Applicant was before the Board for Site Plan approval in which they were proposing a 4,200 sq. ft. concrete batch plant w/associated material staging areas at Kingston-Rocky Hill Road, Kingston; Block 5.02, Lot 1.02, in the M-3 Zone. Mr. Giunco indicated that several places within the proposed plant, there were heights proposed that were higher than the maximum of 50 ft.

Mr. Dominach's Zoning report indicated that one variance for height was needed where an accessory structure was permitted to be 50 ft. maximum in height and 98 ft. was proposed.

Mr. George Conway, Director of Environmental Compliance and Permitting for Trap Rock Industries, LLC. Mr. Conway explained to the Board his employments and position with Trap Rock Industries. Mr. Conway then described for the Board where they were proposing to place the plant on their property and the purpose it would serve to the company. He indicated that the plant would be located in the south side of the quarry next to a berm. He noted that the quarry was comprised of approximately 441 acres. Mr. Conway stated that the proposed plant would be powered by electricity and have a back-up emergency generator. He also indicated that, should the Board act favorably on the Application that evening, they would start construction immediately to be ready for the upcoming construction season.

Mr. Mitchell Ardman, Planner and Engineer employed with the Reynolds Group, came forward and was sworn in. The Board accepted his qualifications. Mr. Ardman entered into the record as Exhibit A-1 and marked with the date of 1/8/2014 and showed the Concrete Plant Overall Property Plan. He discussed the plan, detailing existing conditions. Mr. Ardman noted that the only residences close to the property are those on Laurel Avenue, with a few actually owned by Trap Rock Industries. He then discussed the asphalt plant, the crushing facility, the towers and the concrete plants as well as the stilling pond in the northwest corner of the property to provide storm water management. Mr. Ardman then discussed the proposed concrete plant in the southern

portion of the property, which over 2,000 ft. from Rte. 603 along with berms and fencing for screening. He added that the proposed location was over 600 ft. to the closest point on Laurel Avenue. Mr. Ardman then entered into the record as Exhibit A-2, a blow-up of the Concrete Dimension Plan in order to discuss the individual components. He then discussed the ingress and egress as well as the circulation plan, with the use of a controlled gate. Mr. Ardman then noted specific items associated with the concrete plant, including several reclamation bins, aggregate bins, cement bins and several cement silos. He then went on to discuss the method of operations utilizing the specific items detailed above. He also added that there would be space on the site for mixer trucks to queue and a place for employee parking. He then added that they were planning to supplement the present day storm water management system with a detention basin.

Mr. Giunco asked Mr. Ardman to show some demonstration of sight lines of the plant per Mr. Healey's request in his Planning report. Mr. Ardman entered into the record as Exhibit A-3, which was a series of three (3) photographs that included an aerial of the crane site and the two photograph locations. He added that the other two photographs were taken from the field on December 19th, the date of the field testing. Mr. Ardman then discussed the locations where the photographs were taken (Rockingham parking lot) and the views they would provide from the various locations. He noted that the crane was not visible from this location in the wintertime with no leaves on the trees. Additionally, he stated that besides some Board members and staff, there were representatives from the D&R Canal present as well. He added that there was a slight view of the crane from the loop road. He then stated that he had prepared an exhibit (Exhibit A-4) to demonstrate the sight lines along Laurel Avenue as well as the elevation following that sight line. He noted that the closest residence on Laurel Avenue was about 1,600 ft. from the plant. Mr. Ardman stated that the crane was lifted up about 10 ft. higher than the proposed 98 ft. height of the concrete plant. He indicated that the views would be into the berm and the trees atop it, which would shield the concrete plant, including the silo, office and bins, from view. Mr. Ardman concluded that there would be no visual impact from the proposal to any neighboring residences.

Mr. Healey indicated that he and some of the Board members in attendance at the crane test went to the end of Laurel Avenue and could not see the crane even from that vantage point.

Mr. Ardman then showed renderings of what were similar prototypes of the proposed cement plant. He entered three (3) photographs into the record as Exhibit A-5 showing a plant in Elizabeth, NJ and two photographs of a plant under construction in Tinton Falls. Mr. Ardman then pointed out some of the features he was speaking of earlier, noting the cement bins and silos as well as the conveyor belt and offices. He then testified that the Application met the ordinance in all respects, with the exception of the height of the plant. He added that they were requesting a variance to permit the proposed height of the plant at 98 ft. for the inclusion of the silos and cement bins. Finally, Mr. Ardman discussed the benefit/detriment analysis, giving his opinion of the same by stating that the benefits would clearly outweigh the benefits and noting the

clear view sheds from neighboring properties. He then spoke to the statute of the Municipal Land Use Laws and the purposes that would be furthered. Mr. Ardman indicated that the proposal provided for efficient use of the land and provided for sufficient space and appropriate locations for industrial and commercial uses. He also noted that it was utilizing space within a quarry with its already existing ingress and egress and circulation system.

Mr. Ardman then testified that they could comply with all comments and requirements in the Township staff reports.

Mr. LaCorte then opened a discussion regarding the noise that the plant would generate. Mr. Conway indicated that the plant would run during normal operating hours of 6:00 a.m. to 6:00 p.m. and would not generate any more noise than a cement truck.

Mr. Mettler made a motion that the hearing be opened to the public. Vice Chair MacIvor seconded the motion and all were in favor. Seeing no one coming forward, Mr. Mettler made a motion to close the meeting to the public. Vice Chair MacIvor seconded the motion and all were in favor.

Mr. Healey then inquired as to any comments made by the D&R Canal Commission. Mr. Ardman discussed a few requirements that were technical in nature, but that he didn't believe they had any problems with the visual impacts to the canal.

Vice Chair MacIvor made a motion to approve the Application with Variance. Mr. Mettler seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. LaCorte, Ms. Macivor, Mr. Mettler, Mr. Pettit, Mr. Stevens, Mr. Potosnak, Mr. Onyejiaka and Chairman Orsini

AGAINST: None

- **REDEV / PLN-13-00013**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Redev. Mr. Lanfrit explained that Hardship Variance in which Applicant is requesting variances for the addition of balconies to the rear of the townhouse units at various streets in Somerset; Block 171.02, Lots 276-390, in the R-C Zone.

Mr. Dominach's Zoning report indicated that the Applicant was requesting variances for the addition of balconies to the rear of the townhouse units. As a result, thirty one (31) variances for rear yard setback were needed as per the list provided in the Application.

Mr. Lanfrit gave some background on the history of the Redev project. He stated that the original application was made in 2004 by the previous owner for Site Plan approval for 114 units under a project name of Somerset Douglas Realty LLC. He indicated that

that project was approved by the Planning Board in 2005 where Site Plan approval was granted. Mr. Lanfrit testified that he handled the application for those units back in 2004 and had provided plans for the units to the Board. He entered into the record the exhibit from that time as Exhibit A-1 and the associated plans as Exhibit A-2. He then noted that the plans from 2004 showed, as part of the project, balconies on the units.

Chairman Orsini inquired as to whether the units had been constructed yet. Mr. Lanfrit stated that some had already been constructed and some were presently under construction.

Mr. Lanfrit then explained that in 2005, the Site Plan showed the buildings with a 20 ft. setback, in compliance with the ordinance. He added that the balconies were not shown on the Site Plan because they were not constructed on the ground. He indicated that they were on the original architectural plans, but were never transferred to the Site Plan. Therefore, he noted, that some of the balconies were less than 20 ft. from the property line. Mr. Lanfrit stated that that fact was not discovered until just recently when the owner went in to submit plot plans. He went on to explain that the Township staff informed them that the measurements for setback were to be measured from the balconies and not the building. Mr. Lanfrit then stated that it created a situation where there were 31 units where the balconies were over the 20 ft. setback. He noted that most of the balconies were less than 18 inches over the 20 ft. required setback, however, there was one that was as far over as 7-1/2 ft (resulting in a 12½ foot setback). Mr. Lanfrit reminded the Board that they were back before the Board last year to modify the plan to add a new entrance and also deleted eight (8) units. As there are units still under construction, they were before the Board to seek approval for the balconies because they need the variances to receive the final Certificate of Occupancies for the buildings and be able to sell the units. Mr. Lanfrit indicated that he was going to provide another set of drawings that he stated basically show some of the balconies that have already been constructed, some with a double view and some as a single balcony. He marked into evidence as Exhibit A-3, the three photographs for the Board's edification.

Mr. Bryce asked for clarification regarding where the 31 units were located on the site. Mr. Lanfrit indicated that all 31 units were along the perimeter of the property that required variances for balconies.

Mr. Gene Santana, Engineer employed with John S. Truman Consulting Engineering, Inc. The Board accepted his qualifications. Referring to Exhibit A-1, Mr. Santana testified that all of the buildings that had been constructed and those that are presently being constructed followed the Site Plan exactly as approved in 2004. He also added that they were recently asked to take measurements from the balconies as opposed to the buildings. Mr. Santana then drew the Board's attention to the affected lots to show the relationship between the units and the adjoining properties. He noted that unit #325 was the unit that was closest to the property line. Having said that, Mr. Santana also stated that the closest building to that unit was 165 ft. away. He spoke about units that were across the street from a cemetery, thereby having no impact. He drew the Board's

attention to the units facing Henry Street, where there was a townhouse community, Somerset Henry. He noted one unit, Unit 289, which needed a variance and stated that the balcony faces a parking lot for the Somerset Henry community. He then described the units affected to the north side of the property, where they faced a parking area and access driveway for a nearby condo community. Mr. Santana testified that he didn't feel that any of the balconies would have any negative impact on the adjacent residential properties.

Mr. Potosnak inquired about a fence shown on the plan and Mr. Lanfrit elaborated by stated that there was a white fence along Rte. 27, which was approved by the Board the previous year. He added that there was a wall and a fence on Douglas and that he believed there was a chain link fence along Dunbar

Mr. Irwin Nudelman, Redev Representative, came forward and was sworn in. Mr. Nudelman indicated that there was, in fact, a chain link fence along Dunbar. He added that it was an existing fence that would ultimately come down and be replaced by a new chain link fence that had internal slats as well as significant landscaping. Mr. Nudelman indicated that those improvements would be done at the same time the units were constructed in that area. They then spoke about the approved vinyl fence that was located along Rte. 27, with much of the landscaping in place. Mr. Healey added that even though the plans include a chain link fence in that area, the Board imposed a condition that the fence be a white vinyl fence in that area and they have already placed it there. Mr. Nudelman indicated that the landscaping was placed in the late fall/early winter and has to grow out and fill in. He added that the fence was originally just supposed to be a straight fence that runs the approximately 600 ft., but that they had the fence meander its way down Rte. 27 with trees planted intermittently as the fence came in and out. Mr. Nudelman also indicated that they spent a lot of time with Mr. Healey and others and noted that most of the landscaping and sod was in place. He stated that they also added trees on the inside of the fencing to help block the views from the townhomes from Rte. 27.

Chairman Orsini then spoke of the staff reports, noting an item in Mr. Healey's report about unit 344 being omitted from the Balcony Variance report. Mr. Lanfrit indicated that they changed the report and believe that they had all 31 balconies accounted for. The Chairman asked which kind of variance they were seeking and Mr. Lanfrit indicated that they were asking for a C-2 variance (advancement of the Municipal Land Use Law (MLUL)) because they felt the benefits outweighed the benefits. Mr. Lanfrit stated that the only other staff report that had comments was Mr. Hauck's Engineering report. In the report, he was asking for the location of all storm water easements, which Mr. Lanfrit indicated was part of the last hearing that they were still working on. He didn't feel it should be part of the hearing that evening, however. Mr. Dominach discussed with the Chairman the Board's request at the last hearing to allow for the issuance of zoning and construction permits prior to the Resolution because some the buildings would be completed shortly

Vice Chair MacIvor opened a discussion regarding the open 4th quarter, 2013 taxes and unpaid sewer charges as of November 12, 2103. Mr. Lanfrit stated that if the payment was made a condition of approval, he would make sure they were paid immediately. During the hearing, in concurring with his client, Mr. Lanfrit indicated that all open charges had been paid as of that day's date.

Mr. Mettler made a motion to open the meeting to the public. Vice Chair MacIvor seconded the motion and all were in favor. Ms. Boler indicated that she lived directly across the street from one of the townhouse buildings.

Ms. Marie Boler, 99 Dunbar Street, Somerset, NJ, came forward and was sworn in. Ms. Boler asked for clarification regarding the measurements taken. Mr. Lanfrit stated that he spoke to Ms. Boler earlier that evening and that her property was across from Lots 11 and 13. He then indicated that one of the balconies was going to be 18-1/2 ft. and the other was 19-1/2 ft. from the property line. Mr. Lanfrit also added that a fence was proposed on the property line, so that the measurements would also be accurate for the distance from the balconies to the fence. Ms. Boler then inquired as to when the construction would commence on the buildings on Lots 11 and 13. Mr. Nudelman indicated that those would be the last buildings to be constructed in the development – approximately a year or so since they are still working on the other side of the project. Ms. Boler then asked how tall the proposed fencing would be and Mr. Lanfrit stated that the fence would be 6 ft. high with slats for privacy or equivalent.

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

Councilman Chase opened a discussion regarding the buildings in the rear of the property that face the Melissa Meadows complex (formerly Somerset Henry) that included lots 277,278 and 279. Since he had noticed that the proposed townhomes seem to loom over the Melissa Meadows buildings, he added that he would be inclined to approve the balconies with the exception of those on Lots 277, 278 and 279. Mr. Potosnak asked if it would help if there were trees in that area along the fence line and Mr. Healey wasn't sure what type of tree would solve that problem, given the space availability in that area. Mr. Lanfrit indicated that they had a good relationship with the people at Melissa Meadows so that they might be able to plant something on the other side of the fence for screening purposes. A discussion ensued among the Board. Mr. Lanfrit also stated that the property owners most affected by the inclusion of balconies were noticed regarding the hearing that evening and were not present to express their concern. That being said, Mr. Lanfrit stated that the Applicant agreed to put up some larger shade trees between the units in that area of the project and would provide the plans to Mr. Healey. Mr. Bryce indicated that they would make it a condition of approval.

Vice Chair MacIvor made a motion to approve the Application for Variances with the aforementioned conditions. The motion was seconded and the roll was called as follows:

FOR: Councilman Chase, Mr. LaCorte, Ms. Macivor, Mr. Mettler, Mr. Pettit, Mr. Stevens , Mr. Potosnak, Mr. Onyejiaka and Chairman Orsini

AGAINST: None

- **ROSENWACH TANK / PLN-13-00014**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Rosenwach Tank. Mr. Lanfrit explained that they were there that evening for a Hardship Variance w/Site Plan Waiver in which the Applicant was proposing an outdoor storage area for material at 1100 Randolph Road, Somerset; Block 517.04, Lot 1.01, in the M-1 Zone.

Mr. Dominach's Zoning report indicated that a variance for outside storage was required as the extent of the outside storage exceeds outside storage as an "accessory use". Also included in the report was a statement from the Zoning Officer indicating that the Applicant should provide testimony at the hearing regarding the need or lack of need for a parking variance.

Mr. Lanfrit stated that he had a handout (brochure) to pass out to the Board to give some background description of Rosenwach Group and Rosenwach Tank. He entered it into the record as Exhibit A-1. He then described the property, stating that there was an existing building of approximately 195,000 sq. ft., with access from two driveways. He stated that one driveway was on Schoolhouse Rd. and the other was on Randolph Rd. Mr. Lanfrit stated that Rosenwach Tank, whose main office was located in New York, purchased the property last year. He told the Board that there was a tenant in approximately 100,000 sq. ft., utilizing it as warehousing, with the remaining square footage being used by Rosenwach Tank. Mr. Lanfrit then discussed the outside storage of the materials used in the manufacture of the tanks detailed in the brochure that he handed out to the Board previously. He testified that they were kept in the back of the building, out of sight from any other property or roadway. He then added that since the ordinance did not permit outside storage, they were seeking the variance that evening.

Mr. Rosenwach, Applicant/Manager of Rosenwach Tank, came forward and was sworn in. Mr. Rosenwach gave the Board the benefit of the background of Rosenwach Tank, whose main offices, he indicated, were located in Long Island City, New York. He added that they were moving their wood milling facility and the steel and sheet metal operations to the Franklin Township location. Mr. Rosenwach told the Board that the tenant in the building utilized 100, 000 sq. ft. of space for warehousing and had twenty (20) employees on-site at the present time. He then went on to state that they were

utilizing the remainder of the facility to manufacture the wood tanks and presently employ three (3) people. Mr. Rosenwach testified that when they are fully operational at the Franklin Township site, they would have between 20-25 employees. He added that most of the current employees enter from the Randolph Rd. entrance where there were about 54 parking spaces. He then gave a general description of the type of work that was done by Rosenwach and, more specifically, at the subject property. He stated that in addition to manufacturing wood tanks and steel tanks, they were also rolling out a national line of cooling towers as well as a national line of exterior site furnishings. He stated that the business hours would be from 7:00 a.m. and the day would end between 4:00 and 5:00 p.m. Mr. Rosenwach indicated that they had already started to store wood outside the rear of the facility on the striped parking areas, but did not interfere with any of the drive aisle lanes. He added that that was the location they proposed to keep raw materials. He stated that they decided to store the raw materials outside because they had limited space for production within the building and had discussions with Township staff stating that they would prefer to see the long lengths of lumber stored outside. He then explained that the long lengths of wood come in by rail from British Columbia and then get transferred to a depot in New Jersey where flatbed trucks deliver the material to Somerset. Mr. Rosenwach noted that they receive three (3) or four (4) trailers worth of wood three or four times per year. He then detailed how they received the materials for the cooling towers, which included various gauges of stainless and galvanized steel sheets delivered with one flat bed coming in every three (3) or four (4) months. Mr. Rosenwach then explained how they ship out their finished products, noting that they ship out their site furnishings in moving vans, the cooling towers on flat bed trucks and the finished wood pieces for the tanks utilizing their own trucks. He testified that they have approximately two (2) to three (3) trips into New York City a week. Mr. Rosenwach then explained the process the lumber goes through to produce the finished products. He then testified that the parking space being utilized for raw material storage was not needed for their use or the use of their tenants, either now or in the future.

Mr. Rosenwach then drew the Board's attention to the staff comments. In the plans submitted to the Township, Mr. Lanfrit stated that they showed that they were planning to construct a fence around the raw materials for security purposes, but that it resulted in blocking some of the drive aisles. In many discussions and Mr. Rosenwach's facility operating at the Franklin Township location, they noticed no problems with security so they had decided to remove the planned fencing from the plan so that all drive aisles would remain open so that all vehicles could move freely in and around the subject property. He also added that a condition of approval could be included to state that the areas that were designated for raw material storage would be limited to the parking area and not within any of the drive aisles on the site. Mr. Lanfrit also indicated that they had delineated an area for trailer parking at the rear of that area. He testified that they would remove any materials that were presently located on the easement that was in place.

Chairman Orsini opened a discussion about the visibility of the raw materials. Mr. Lanfrit indicated that the raw materials were being stored behind the very large building

and the materials would not be stored over 12-15 ft. high. The Chairman then asked about some kind of demarcation to indicate where the raw materials were being stored for any vehicles coming to the site when it was dark. Mr. Rosenwach stated that the entire parking lot in the rear was fully lit and that it would be very impractical to construct fencing around the raw materials while still maintaining the open drive aisles. He also stated that the tenant did not have any reason to have any of its trucks or employees to venture behind the building where they were storing supplies. The Chairman asked if it were possible to outline the storage area with some kind of pavement striping to delineate the space. Mr. Lanfrit indicated that it would be possible to delineate the storage area and make clear where the drive aisles were. A discussion ensued among the Board.

Mr. Lanfrit testified that by eliminating the parking spaces to accommodate for the storage area, they still had 136 parking spaces on the site and the ordinance required 86, which was well over the minimum requirement. He added that the Township Engineer asked for upgrades and modifications to the Tax Maps and geographic information system (GIS) and didn't feel it necessary since they were not changing the site. He asked that they not be required to comply with items #9 and #10 on the Township Engineer's report. He agreed that they would comply with all of the other comments in the report.

Mr. Healey noted that the only concern on Mr. Hauss' Fire Prevention report was the storage area fencing cutting into the drive aisles. He added that with the elimination of such fencing, he felt that the point was satisfied.

Vice Chair Maclvor questioned the unpaid fire service account as of November 22, 2014, and Mr. Lanfrit indicated that it had been paid.

Mr. Mettler made a motion to open the meeting to the public. Mr. Pettit seconded the motion and all were in favor.

Mr. Manny Manioudakis, Facility Manager of adjacent property, came forward and was sworn in. He testified that they had no objection to the proposal in the hearing that evening. He also stated that there wasn't anything visible from the adjacent property.

Seeing no one further coming forward, Mr. Mettler made a motion to close the meeting to the public. Vice Chair Maclvor seconded the motion and all were in favor.

Mr. Mettler testified that he drove into the driveway that day and indicated that he was not able to see anything behind the building from Randolph Rd.

Mr. Healey questioned Mr. Dominach as to whether there was anything in the ordinance requiring fencing around an outside storage area. Mr. Dominach indicated that there was nothing in the ordinance requiring fencing. Mr. Healey indicated that 112-30A did require fencing. A discussion ensued among the Board, with the comment by the Board

Attorney, Mr. Bryce, that the business did promote the purposes of the Municipal Land Use Law and the benefits far outweigh the detriments.

Since there had been additional testimony, Mr. Mettler made a motion to open the meeting to the public again. The motion was seconded and all were in favor. Seeing no one coming forward, Mr. Mettler made a motion to close the meeting to the public. The motion was seconded and all were in favor.

Vice Chair MacIvor made a motion to approve the Application, with the provision made that no fencing around the storage area be required because it cannot be seen by anyone from the roadway or adjacent properties Mr. Potosnak seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. LaCorte, Ms. Macivor, Mr. Mettler, Mr. Pettit, Mr. Stevens , Mr. Potosnak, Mr. Onyejiaka and Chairman Orsini

AGAINST: None

WORKSESSION/NEW BUSINESS

- **Agricultural Heritage Museum**

Mr. Dominach indicated that they were going to request that the report that was issued regarding the museum be attached as an addendum to the historic preservation plan element of the Master Plan.

Ms. Barbara Lawrence, 383 South Middlebush Rd., Somerset, NJ, came forward. Ms. Lawrence indicated that she was a member of the Historic Preservation Advisory Commission. Mr. Andrew Burian, 36 Buffa Rd., Somerset, NJ, also came forward. Mr. Burian stated that he was the current Chairperson of the Historic Preservation Advisory Commission.

Ms. Lawrence described the plan as not only an historic preservation plan, but also one that gives them the chance to deal with a considerable part of the history of Franklin Township in a way by creating a recreational and educational environment. She added that it incorporated many needs of the Township, including recreational, environmental consciousness and awareness of how the people and the land and agriculture interact as well as the story of almost three centuries of agriculture in the Township. Ms. Lawrence stated that the plan before the Board came from almost 10 years of work, starting with the historic structures report in 2004 on the Studhoff-Gunther farmhouse and farmstead. The plan encompasses the best ways to utilize the land that the Township owned under a preservation easement. She noted that the diagram before the Board showed how multiple uses would be made of the site, including the replanting of the apple orchard and included a trail through the property that links to the rest of the trails in the Township. She added that the plan allows for continuous farming of the land and active educational programming, children's playground and a variety of other

uses that involve some of the buildings and the land there. She noted that the plan also detailed the many kinds of programs and facilities that they can have there. She also discussed the economic outlook based on the target market and the detailed budgeting plan.

Mr. Pettit asked about how they were planning to fund the project and Ms. Lawrence indicated that they had only raised the money for the preservation of the farmhouse. She went on to state that the entire project would be funded over many years and she envisioned the rest of the money would come from Franklin taxpayers through the Open Space funding, some of the money raised from grant money and some from the State and County. She added that they had not as yet formed a support non-profit as they were waiting to see if the Township wanted to support the project. A discussion ensued among the Board. She discussed the reasoning behind the benefits of such an undertaking, emphasizing the relationship between the natural environment and the human-built environments.

Mr. Healey asked why the Historic Commission wanted to make the plan part of the Master Plan, assuming that they could get the tax funding directly from the Township. Ms. Lawrence stated that she felt making the plan an element of the Master Plan would show that the Township had committed itself to the project and would help greatly in selling the concept, raising funds and gaining further public engagement. Mr. Burian stated that it also gave the property a defined use, which the Township did not have for the majority of the Open Space property.

Chairman Orsini then opened a discussion regarding ecotourism within the Township and noted in the Master Plan. He stated that he felt the plan that was being proposed was in keeping with that idea and would help greatly with funding. Ms. Lawrence agreed with the Chairman and also discussed the positive economics of heritage tourism within the state.

Mr. Pettit inquired about Cherry Valley Consulting and Ms. Lawrence stated that they were located outside of Cooperstown, NY and were one of the bidders. She stated that they were chosen because they had exceptional experience in these kinds of outdoor, farm-based museums. A discussion ensued regarding the three (3) grants the Township received regarding the subject property, one from Somerset County and one from NJ Historic Trust as well as the one that paid for the study being discussed that evening regarding the potential re-use of the property. They discussed another grant that was being utilized to stabilize the building. Mr. LaCorte also expressed his agreement about getting the project into the Master Plan in order to generate more grant money.

Mr. Healey suggested that the amendment proposal presented that evening be included in a larger Master Plan Amendment that proposed a number of additions to the Master Plan that were being considered sometime in the spring. Chairman Orsini asked if they were under and timing issues regarding funding, etc. Mr. Burian stated that they were not under and time pressures and could wait till the spring.

Chairman Orsini then opened a discussion regarding a sign on the property across from Resta's service station that indicated the property was zoned for commercial use and he didn't believe it was zoned that way. Mr. Dominach concurred and stated that it was zoned R-40. Mr. Mettler brought up another sign on the triangular property at the corner of Old Amwell Rd. and Amwell Rd/Hamilton Street where the sign suggested that the property was commercially zoned, which he stated was not. A discussion ensued among the Board regarding the many inquiries regarding the property, but that they could not force the owners to change the signs. Mr. Dominach stated that they make it crystal clear to all inquirees what the current zoning was.

ADJOURNMENT

Vice Chair Maclvor made a motion to adjourn the regular meeting at 9:15 p.m. The motion was seconded and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
February 4, 2014