

TOWNSHIP OF FRANKLIN
PLANNING BOARD
COUNTY OF SOMERSET, NEW JERSEY

REGULAR MEETING
June 18, 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 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: Cecile MacIvor, Robert Mettler, James Pettit, Carl Hauck, Robert Thomas, Edward Potosnak, Charles Onyejiaka (arrived at 7:50 p.m.) and Chairman Orsini

ABSENT: Councilman Chase and Robert LaCorte

ALSO PRESENT: Mr. Martin Murphy, Board Attorney, Mr. Mark Healey, Director of Planning and Vincent Dominach, Senior Zoning Officer

MINUTES:

- **Regular Meeting – May 7, 2014**

Mr. Mettler made a motion to approve the Minutes as submitted. Mr. Pettit seconded the motion and the roll was called as follows:

FOR: Mr. Mettler and Mr. Pettit

AGAINST: None

DISCUSSION:

Vouchers:

- **Martin Murphy – May Retainers - \$833.00**

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

FOR: Vice Chair MacIvor, Mr. Mettler, Mr. Pettit, Mr. Hauck, Mr. Thomas, Mr. Potosnak and Chairman Orsini

AGAINST: None

HEARINGS:

- **FUSION ON ICE, LLC / PLN-14-00003**

Site Plan w/Variations in which applicant is proposing an addition to their existing building at 15 Worlds Fair Drive, Somerset; Block 468.09, Lot 62.02, in the M-2 Zone - **CARRIED TO JULY 16, 2014 – no further notice required.**

- **VARDHAMAN DOSHI / PLN-14-00005**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Vardhaman Doshi. Mr. Lanfrit explained that they were before the Board that evening for a Sign Variance in which the Applicant was proposing a 7 (seven) foot sign at 675 Route #27, Somerset; Block 150, Lot 49.01, in the NBR Zone.

Mr. Healey's Planning report indicated that the proposal consisted of the following variances:

1. Sign setbacks: 20 ft. minimum setback required – 2.0 ft. proposed (from Somerset Street) and 10.0 ft. (from High Street).

The report also requested that the Applicant must confirm the figures listed due to revised sign design.

Mr. Lanfrit explained that under Docket #PLN-10-00009, the Applicant appeared before the Planning Board and received Site Plan approval to construct a small convenience store on Rte. 27. Mr. Lanfrit then indicated that they did get an approval for an attached sign at that time, but there was no application at that time for a free-standing sign. That evening, he then indicated that they were before the Board to seek approval for that proposed free-standing sign, which he stated conformed to the Township's ordinance in

all respects except for the setbacks. Mr. Lanfrit then reminded the Board the building itself was within the front yard setback with 10 ft. from High Street and 10 ft. from Rte. 27. He added that because of these restraints, there was only one place to put the proposed sign, which was within the front yard setback. Mr. Lanfrit then discussed with the Board the fact that since the Application had been filed, he had had discussions with Mr. Healey concerning the initial submission that was made. He noted that Mr. Healey thought the initially proposed sign was too oversized for the site, so they had scaled it back and changed the proposal a few times before preparing the version that was before the Board that evening. Mr. Lanfrit then reminded the Board that they had already received variance approval for the building setback in the original Site Plan approval.

Mr. Lanfrit then addressed the staff reports, indicating that the Applicant could comply with the comment in Mr. Healey's Planning report asking for a sign area requirement of 5% of the first floor building front face even though he didn't think it applied to a free-standing sign. Mr. Lanfrit then discussed how the brick base of the proposed sign would match the architecture of the building that was constructed and that they would provide the landscaping as requested. He also added that he conferred with Mr. Cazzale and confirmed that the proposed sign would not be within the sight triangle of the intersection and would include them on the plan to show that.

Chairman Orsini asked whether Mr. Lanfrit had any comment from the NJDOT that was listed on the Traffic Safety Bureau report. Mr. Lanfrit indicated that they had submitted the application to NJDOT, but that they had not indicated they had any issue with the sign's location. He did indicate that the sign was not proposed to be within the NJDOT right of way. A discussion ensued among the Board regarding the need for a response from the NJDOT when the sign proposed would not be placed within their right of way

Mr. Pettit then inquired about whether there was a façade sign on the building, and Mr. Lanfrit answered in the affirmative. A discussion ensued.

Mr. Potosnak then inquired as to whether they were planning to include sidewalks along their frontage. Mr. Healey indicated that they did have sidewalks, but that the sign would be outside of that area, probably about 8 ft. from the curb-line.

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

Mr. Mettler made a motion to approve the Application for Sign Variance. Mr. Potosnak seconded the motion and the roll was called as follows:

FOR: Mr. Mettler, Mr. Pettit, Mr. Hauck, Mr. Thomas, Mr. Potosnak and
Chairman Orsini

AGAINST: Vice Chair Maclvor

- **JOSEPH & MARGARET DEGEORGE / PLN-14-00006**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Joseph & Margaret DeGeorge. Mr. Lanfrit indicated that they were before the Board that evening regarding a Minor Subdivision in which the Applicant was proposing to subdivide their property into two lots at 414 Vanderbilt Avenue, Somerset; Block 293, Lots 27-31, in an R-15 Zone.

Mr. Dominach's Zoning report indicated that the following variances were required:

1. Lot area: 15,000 sq. ft. minimum - 13,844 sq. ft. proposed for Lot 27.01 and 11,148 sq. ft. for Lot 27.02
2. Lot frontage: 100 ft. minimum – 81.12 ft. proposed for Lot 27.02
3. Front yard setback: 30 ft. minimum – 5.1 ft. existing/proposed
4. Rear yard setback (garden shed): 5 ft. minimum – 1.9 ft. existing/proposed

Mr. Lanfrit described the property, indicating that it was sized at just under 25,000 sq. ft.

Ms. Margaret DeGeorge, Co-Applicant, 2 Reins Court, Somerset, NJ, came forward and was sworn in. Ms. DeGeorge then indicated that her mother owned the property that was the subject of the night's hearing. She added that her parents purchased the home in 1959 and that her mother and brother reside in the home on the property at the present time. She also noted that her brother was hearing impaired and he had some medical issues. She then went on to explain that she wanted to subdivide the property and build a home on the newly created lot in order to be close by to take care of her mother and brother. Ms. DeGeorge discussed the possibility of adding on to her mother's house, but because it was built in 1927, she felt it would be too old to adequately do that.

Mr. Pettit opened a discussion about the reasons why they could not expand the existing home and Ms. DeGeorge indicated that the home is too old and would require significant upgrades to include modern conveniences.

Mr. Potosnak asked whether she had considered looking for a home that was already built to accommodate all of them, but Ms. DeGeorge indicated that the one on the same street that was for sale was an older home and also too small.

Mr. Kenneth Fox, Architect and Principal of Fox Architectural Designs, came forward and was sworn in. The Board accepted his qualifications. Mr. Fox described for the Board the condition of the existing dwelling, noting that it was an older home that was very well kept with smaller rooms. He also indicated that they did not discuss the possibility of adding on to the existing home, but he stated that he felt it would have to be almost completely rebuilt to give the home conventionally sized rooms. Mr. Fox indicated that the home that the Applicant's had settled upon to construct on the newly created lot would meet all of the bulk requirements of the zone, except for lot area.

Mr. Fox then entered into the record as Exhibit A-1, a colored rendering of the proposed home and Exhibit A-2, showing the floor plans and elevations. He discussed the plans with the Board, noting that the Applicant was interested in a home with some Victorian features, including a small turret, garage and front porch. He indicated that the interior would include a center hall with a number of rooms off of it as well as a first floor bedroom for possible overnight guests and three modest sized bedrooms on the upper level. He indicated that the building coverage was 18.2% of the lot, which was under the maximum building coverage in the zone. Mr. Fox then drew the Board's attention to Exhibit A-1 to discuss the possible building materials and colors that the Applicant was interested in using on the proposed home. He testified that the proposed home was compatible in size to the surrounding homes in the neighborhood. As far as Mr. Healey's concern for not having the availability to put a shed on the property, Mr. Fox indicated that they have approximately 90-100 sq. ft. of impervious coverage left for a shed on the property. He stated that the Applicants understand that they can construct a deck, which would not increase impervious coverage and were satisfied.

Mr. Christopher Melick, Planner/Surveyor, came forward and was sworn in. The Board accepted his qualifications. Mr. Melick stated that he prepared the subdivision plan that was the subject of the night's hearing. He then went on to describe the subject property, noting that the existing home was located in the center of the property. He also added that Vanderbilt Avenue was a fully improved roadway with pavement and curbing and the proposed property was surrounded by other residential uses. He indicated that there was a fairly substantial buffer that included fencing and vegetation that surrounded the proposed property. Mr. Melick then discussed the two proposed lots that would be created as a result of the subdivision shown in the plan, noting that one lot had insufficient lot frontage and the other had an overabundance of lot frontage. Mr. Melick then spoke about the location of the existing home on the property as the driver for the creation of the two proposed lots, maintaining the side yard setback for that home. He then discussed the new side yard setbacks with the new lot that was being created as a result of the subdivision plan. He indicated that they had equalized the two side yards, with 15 ft. on each side of the newly proposed dwelling, keeping in mind enough separation from the dwelling to the south. Mr. Melick indicated that there was 43 ft. between the existing property line and the home just to the south of the property, with 58 ft. between the newly proposed home and the home just to the south. He added that the existing home met with the side yard setback requirements as well. Mr. Melick then testified that Lot 21 was one of the two lots behind the proposed property and indicated that it was a vacant parcel owned by Franklin Township. He

then testified that if they had attempted to purchase the Township property behind them, they would have created another variance for a through lot. He indicated that the other lot (Lot 36) was an odd configuration that fronted Hamilton Street. He stated that the rear of Lot 36, which was behind the proposed Lot 27.02, was unable to be developed. Mr. Melick indicated that they were presenting the plan before the Board, requesting a C-2 variance. He then entered into the record as Exhibit A-4, showing an aerial view of the surrounding R-15 Zone showing the various lot sizes in that area. Mr. Melick explained that back when the area was developed originally in the 1920's, the lot width was proposed at 40 ft. He added that it was allowed in the area to buy one or two or three lots in order to get the size property desired in order to build homes, which occurred mostly in the 1950's, 1960's and 1970's, mostly prior to zoning. He then explained that as the reason for some small homes on small lots and some newer homes on larger lots, along with unimproved lots. Mr. Melick then testified that there were 13 lots that were non-conforming in terms of width, but were conforming in terms of lot area. He then stated that there were a total of 32 lots that were non-conforming in both lot width and lot area, out of 96 total lots in the area there. The conclusion of Mr. Melick's study confirmed that there were roughly half of the homes in the R-15 Zone in that area were non-conforming for the zone. Mr. Melick then discussed what effect a new home constructed in the neighborhood would have on the area. In his analysis of the neighborhood, he noticed that there were six (6) homes on the east side of Vanderbilt Avenue and three (3) homes on the west side of the street, which created an imbalance. He also noticed that three homes across from the subject property all had insufficient frontages (80 ft. wide) and that the newly proposed lot would have an 83 ft. wide frontage. Mr. Melick's opinion was that the proposed new lot and home would not be incompatible with what was already built on Vanderbilt Avenue and would fit in with the neighborhood that had a mix of housing styles as well. He then gave his opinion regarding any negative impacts on the neighborhood, stating that he believed there would be none. He then discussed the size of the property at 25,000 sq. ft. as being oversized compared to others in the neighborhood, with the exception of the lot that fronts Hamilton Street. He then talked about the existing home on the property being older, with smaller rooms and outdated kitchen, stating that he might foresee the home being demolished and replaced by a future owner should this proposal not be approved.

Chairman Orsini indicated that he felt they were being speculative in their opinions and wanted them to address the staff reports associated with the proposal.

Mr. Melick then addressed the Engineering report, expressing an interest to discuss item #5 regarding the proposed driveway bump-out. He indicated that the purpose of the bump-out was to provide a secondary parking space in the event that the vehicle parked in the garage needed to get out of the driveway. He indicated that the dimensions of the bump-out were 10 ft. x 25 ft. He then went on to discuss item #6 in the report regarding the existing shed. Mr. Lanfrit then stated that they would like to keep the shed where it was, but they would move it if the Board requested it. In discussing item #11 regarding a waiver for the construction of sidewalks, Mr. Lanfrit indicated that they would like to either construct the sidewalks or pay in lieu for the cost to construct them. He noted that there were no sidewalks currently in the area.

Mr. Melick then addressed Mr. Healey's Planning report, indicating that they would provide street trees and would provide the tree replacement calculations. Mr. Lanfrit then opened a discussion regarding the possibility of buying/selling property in order to make the lots conforming or more conforming. Mr. Melick indicated that they would have to purchase part of two different properties, thereby creating very odd configurations both in the Applicants' lot as well as the adjacent properties. He also indicated that if they purchased all of Lot 21, the Township owned property, it would create an additional variance for a through-lot, which was not permitted.

Mr. Healey then opened a discussion regarding the sizes of Lots 35 and 36 and the possibility of purchasing property to make the proposed property conforming. Mr. Potosnak inquired about the sizes/depths of the properties across the street and those on Arthur Street. Also discussed was the need for a well.

Mr. Pettit opened a discussion regarding the drainage comments on the Engineer's report. Mr. Lanfrit stated that they could comply with all of those comments.

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

Mr. Healey indicated that he quickly did the math and noted that Lot 35 might be right at 15,000 sq. ft. and that Lot 26 (the undeveloped lot) may be undersized as well. He stated that he didn't think there was any opportunity for the Applicant to purchase additional property to make their property conforming. Mr. Healey then opened a discussion regarding the request to build a home right up to the parameters of the building envelope, which he didn't believe left any room for any additional impervious coverage, including a patio. Mr. Lanfrit stated that, in speaking with the Applicant, that they could make the proposed home a little bit smaller if that was what the Board requested and to move the garage forward a little bit to eliminate some of the impervious coverage. A discussion ensued among the Board.

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

FOR: Vice Chair Maclvor, Mr. Mettler, Mr. Hauck, Mr. Thomas, Mr. Onyejiaka and Chairman Orsini

AGAINST: Mr. Pettit and Mr. Potosnak

WORKSESSION/NEW BUSINESS:

Chairman Orsini brought up an issue that was brought to his attention regarding the landscaping of the L'Oreal solar panels. He indicated that they did do what was asked of them; however, they put in the wrong trees and the vegetation did not survive due to its proximity under the canopy of larger trees. Mr. Healey stated that they had been working with L'Oreal to find a solution to the problem. He added that they constructed an 8-ft. fence along Commerce Drive, voluntarily, to screen the residents. He stated that he would continue to work with L'Oreal to find some appropriate understory plants. A discussion ensued among the Board.

ADJOURNMENT:

Vice Chair Maclvor made a motion to adjourn the regular meeting at 8:40 p.m. Chairman Orsini seconded the motion and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
July 2, 2014