

TOWNSHIP OF FRANKLIN  
PLANNING BOARD  
COUNTY OF SOMERSET, NEW JERSEY

REGULAR MEETING  
September 17, 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:

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PRESENT: Councilman Chase, Robert LaCorte, Cecile MacIvor, Robert Mettler (arrived at 7:33 p.m.), James Pettit, Carl Hauck, Robert Thomas (arrived at 7:33 p.m.), Edward Potosnak (arrived at 7:37 p.m.), Charles Onyejiaka (arrived at 7:33 p.m. and Chairman Orsini

ABSENT: None

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

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**MINUTES:**

- **Regular Meeting – July 16 , 2014**

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

FOR: Councilman Chase, Mr. LaCorte, Vice Chair MacIvor, Mr. Pettit, Mr. Hauck and Chairman Orsini

AGAINST: None

**RESOLUTIONS:**

- **DeGeorge / PLN-14-00006**

Vice Chair Maclvor made a motion to approve the Resolution as submitted. The motion was seconded and the roll was called as follows:

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

AGAINST: None

- **Doshi / PLN-14-00005**

Chairman Orsini made a motion to approve the Resolution as submitted. The motion was seconded and the roll was called as follows:

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

AGAINST: None

- **County of Somerset / PLN-14-00008**

Vice Chair Maclvor made a motion to approve the Resolution as submitted. The motion was seconded and the roll was called as follows:

FOR: Councilman Chase, Mr. LaCorte, Vice Chair Maclvor, Mr. Mettler, Mr. Pettit, Mr. Hauck, Mr. Onyejiaka and Chairman Orsini

AGAINST: None

- **Somerset Volunteer Fire & Rescue / PLN-14-00007**

Vice Chair Maclvor made a motion to approve the Resolution as submitted. The motion was seconded and the roll was called as follows:

FOR: Councilman Chase, Mr. LaCorte, Vice Chair Maclvor, Mr. Mettler, Mr. Pettit, Mr. Hauck, Mr. Onyejiaka and Chairman Orsini

AGAINST: None

- **Fusion On Ice / PLN-14-00003**

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

FOR: Councilman Chase, Mr. LaCorte, Vice Chair MacIvor, Mr. Mettler, Mr. Onyejiaka and Chairman Orsini

AGAINST: None

**DISCUSSION:**

***Vouchers:***

- **Martin Murphy – August & September Retainers - \$1,666.00**  
**County of Somerset - \$60.00**  
**Somerset Volunteer Fire & Rescue - \$60.00**  
**Doshi - \$487.50**

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: Councilman Chase, Mr. LaCorte, Vice Chair MacIvor, Mr. Mettler, Mr. Pettit, Mr. Hauck, Mr. Thomas, Mr. Onyejiaka and Chairman Orsini

AGAINST: None

***GDP (General Development Plan) Amendment:***

- **Summerfields**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Summerfields. Mr. Lanfrit explained that they were there that evening for an Application to amend a Resolution of Approval and the General Development Plan known as Summerfields. He gave background to the Board that the Planning Board gave approval, in 2005, for a General Development Plan (GDP) and Site Plan approval to construct 150 single-family market rate units and 750 age-restricted units on property located at Schoolhouse Road and Randolph Road. He went on to explain that in 2009, the State legislature passed what was commonly known as The Conversion Bill which allowed for the conversion of age-restricted units into market rate units. Additionally, as a result of the legislation, Mr. Lanfrit indicated that Summerfields made an application to the Planning Board for said conversion and the matter was heard on December 16, 2009 and a Resolution approval was adopted on February 3, 2010 to allow for the conversion of the 750 age-restricted units to market rate units. As part of the conversation, Mr. Lanfrit explained that they were required to provide 20% of the units

for affordable housing (150 units). He indicated that there was an error on some of the paperwork that stated that 900 units needed to be converted instead of the 750 age-restricted units – the other 150 units in the project were already deemed as market rate units. He indicated to the Board that they were there that evening to amend the documents to accurately reflect what was done by the Board back in 2009. He also added that the reasons why they were correcting the documents was to be able to more accurately reflect the required number of affordable housing units that they would have to build within the project, but did not change the obligation toward affordable housing in Franklin Township. He then added that they were required to pay 1% of the assessed value of each market rate unit into the Township for an affordable housing fund. He stated that instead of charging 1% of the assessment of each 150 market rate unit, they were included in the calculations for constructing the affordable housing units and they wanted to correct everything as well as amend the developer's agreement. Mr. Lanfrit added that they would then write a check for their 1% assessment for the 150 market rate units and building the required affordable housing units based on the 750 units.

Mr. Healey summarized Mr. Lanfrit's statements for the Board's edification and Councilman Chase opened a discussion regarding whether the 150 affordable units included the 50 senior affordable units and Mr. Lanfrit answered in the affirmative. Mr. Healey then indicated that there was also a commitment to provide 24 very low units and there was no proposal to change that

Mr. Mettler made a motion to agree that the changes were in order and approve amended documents. Mr. Thomas seconded the motion and the roll was called as follows:

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

AGAINST: None

***Sub-Committee:***

- **Warren Capital**

Chairman Orsini spoke to the Planning Board about the Minor Subdivision Committee meeting earlier that evening to discuss an Application from Warren Capital for a sub-division on Garfield, north of Route 287. Even though it was an R-10 Zoning Lot, the sub-division lots were going to be 20,000 sq. ft. and 37,000 sq. ft., respectively. He noted that there were no variances, with part of the reason being that they would be serviced by septic and well. He then indicated that the Applicant, represented by Mr. Peter U. Lanfrit, Esq., agreed to all of the comments, which he stated were very minor and included street trees, tree survey for property, paying into the sidewalk fund, etc. He stated that the Minor Subdivision Committee was unanimous in their decision to approve.

## HEARINGS:

- **MICHAEL & GALE GIANOTTO / PLN-07-00005**

Relief of Conditions in which Applicant is asking to allow for smaller house and extension of time to file subdivision deeds at 32 Buffa Drive, Somerset; Block 84.03, Lot 25, in R-40 Zone - **CARRIED TO OCTOBER 15, 2014 WITH NO FURTHER NOTICE REQUIRED.**

Chairman Orsini indicated that the Application was for a property on Buffa Drive, approved a number of years ago, consisting of an old farmhouse zoned R-40, with the neighborhood around it developed as R-20. He added that the Applicant had done some extensive work to dismantle and preserve the old farmhouse since it was noted in an historical report. He reminded the Board that they had approved the R-20 zoning to allow for two homes to be built in the farmhouse's place. The Chairman then went on to state that the Applicant never went on to file the deeds and the properties "technically" do not exist; however, one of the homes had already been constructed. He added that the constructed lot had 22% impervious coverage, 2% over the allowed amount for an R-20 lot and that the Township discovered that the deeds were not filed when they came in for a variance. Chairman Orsini then indicated that they would have to approve an extension of time, which the Applicant was entitled to as well as come back before the Board for the variance approval.

Mr. Dominach also indicated that the approval given was for a particular house and the Applicant built a smaller home, so the Board would need to grant Relief of Conditions for that. Mr. Healey added that the subdivision approval was still valid due to the Permit Extension Act, but that the extension of time to file the deed also needed approval from the Board.

Seeing that there were no agenda items for the first meeting in October, Chairman Orsini suggested carrying the matter to the October 15, 2014 meeting and all were agreeable.

- **CANAL WALK, LLC / PLN-14-00011**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Canal Walk, LLC. He stated that they were there for a Final Subdivision approval in which the Applicant was proposing to create two lots at Schoolhouse Road, Somerset; Block 513.01, Lot 15.01 and Block 513.47, Lot 1 in the SCV Zone

Mr. Lanfrit gave the Board the benefit of some background information regarding the subject matter. He indicated that Franklin Township, in 1999, created the Senior Citizen Village Zone (SCV) and shortly thereafter, the Canal Walk project started, a site of some 300 acres. He went on to inform the Board that in the late 1990's they received a GDP approval and a Preliminary Subdivision approval. He then explained that the

project was built in sections and every time they were ready to build another section, they came before the Board for Final approval. He then explained that they were there that evening to get Final approvals for Section 11, which was comprised of two lots (21 acres) to either side of the main entrance to Canal Walk, to actually create the lots. He then told the Board that they would be before the Board the following month for a Final Subdivision approval for one of those two lots, with the other lot being left undeveloped for the time being.

Mr. Lanfrit then drew the Board's attention to the fact that back in the mid-2000's, part of the Canal Walk project contained a commercial component at the intersection of Schoolhouse Road and Mettlers Lane. He then reminded the Board that the plan for the commercial portion was approved, but never built. Subsequent to that approval, a lot of commercial development was built along Elizabeth Avenue and the Canal Walk developer didn't think adding additional commercial development would be productive. Effectively, Mr. Lanfrit stated that they would be coming in next month to eliminate the commercial component of the project and introduce a residential component in its place.

Mr. Healey then drew the Board's attention to page 3, Figure 2, of his Planning report showing the two lots, Lot 2 (9.63 acres) and Lot 3 (19.26 acres), with Lot 3 being the lot that would be the subject of the future subdivision.

Vice Chair MacIvor opened a discussion regarding the Final Map that included Phase 11, noting that she did not notice any recreational areas or club houses included. Mr. Lanfrit then explained that those items were located in other sections, noting that the clubhouse was built as one of the earlier parts of the project and is included in Phase 9. Mr. Healey added that the Subdivision Plan and Amended General Development Plan (GDP) that the Applicant would be showing at the following month's hearing would have to demonstrate that they still comply with the zone requirements in terms of the amount of open space, recreation provided and the amount of clubhouse space, etc.

Mr. Lanfrit indicated that the density requirement allowed for 4.2 units per acre, and all of the recreation space was based upon that density. He added that the inclusion of the new units would still keep the density that was allowed for the project under the maximum number. He also testified that basically a third of the entire project would be comprised of roadways, open space or recreation (approximately 108 acres).

Mr. Potosnak then opened a discussion as to whether the age restriction on the project would be lifted. Mr. Lanfrit testified that the age restriction (age 55 and over) would remain in place and the new lots would be absorbed into the larger community of Canal Walk. There was a discussion among the Board regarding the Summerfield project and the reasons they were able to lift the age restriction, basically because the project had not been built yet when the State Legislature allowed for the conversion.

Mr. Mettler made a motion to approve the Application for Subdivision. The motion was seconded and the roll was called as follows:

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

AGAINST: None

**WORKSESSION/NEW BUSINESS:**

There was no new business.

**ADJOURNMENT:**

A motion was made to adjourn the regular meeting at 8:00 p.m. The motion was seconded and all were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
October 7, 2014