

TOWNSHIP OF FRANKLIN
PLANNING BOARD
COUNTY OF SOMERSET, NEW JERSEY

REGULAR MEETING
April 15, 2015

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: Councilman Chase, Carl Hauck, Cecile MacIvor, Robert Mettler, Charles Onyejiaka, James Pettit, Mr. Steinhower, Edward Potosnak (arrived at 7:38 p.m.) and Chairman Orsini

ABSENT: Robert Thomas

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

DISCUSSION:

Ordinance:

- **#4103-15 – Amending the Renaissance 2000 Redevelopment Plan**

Mr. Healey indicated that they were referring to the site at the corner of Somerset Street and Juliette Avenue, where there was a proposal by an entity known as Franklin Juliette for a Wawa with a filling station. He added that the proposal was reviewed and endorsed by the Redevelopment Agency, and Franklin Juliette has been declared the redeveloper for the site. He stated that the approval from the Redevelopment Agency would allow for the change to the Ordinance within that zone, subject to specific standards, which were reviewed by the Planning Board at a previous meeting.

Mr. Healey stated that the referral before the Board that evening was the official request introduced and handed down by the Township Council to the Planning Board. He added that there were two typos in the document that were just brought to his attention regarding lot coverage and impervious coverage where it should say “maximum of 30% lot coverage and maximum of 75% impervious coverage” where the wording now stated “minimum” for both of those items.

The Board members reviewed the document, and Chairman Orsini made a motion to approve the Amendment to the Renaissance 2000 Redevelopment Plan, with the correction of the typos from the word “minimum” to “maximum” for lot coverage and impervious coverage. Vice Chair MacIvor seconded the motion and the roll was called as follows:

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

AGAINST: None

Mr. Vignuolo, Board Attorney, now indicated that the Board needed to take a vote to adopt the Resolution for the approval of the amendment.

Chairman Orsini made a motion to approve the Resolution to memorialize the approval to amend the Renaissance 2000 Redevelopment Plan. Vice Chair MacIvor seconded the motion and the roll was called as follows:

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

AGAINST: None

HEARINGS:

- **VGS HOLDINGS, INC. / PLN-15-00003**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, VGS Holdings, Inc. Mr. Lanfrit indicated that they were there that evening for an Amended Site Plan in which the Applicant was seeking permission to add pads, a ramp and a walkway, which increased the impervious surface at 400 Campus Drive, Somerset; Block 517.06, Lot 9.01, in an M-1 Zone.

Mr. Dominach’s Zoning report indicated that the Applicant was proposing to install a ramp, a pad and access walk, which would require one variance for impervious coverage, where 60% was the maximum allowed per ordinance, 65.8% was approved via a previous variance and 67.1% was proposed.

During the hearing, Mr. Lanfrit gave some background information, stating that they were seeking an Amended Site Plan approval from an original approval that was granted in 2006 under docket # PLN-13-00006. He indicated that when the Amended Site Plan was filed, it was somehow given a new docket number, but that he felt they should be carrying forward the original docket number for continuity to avoid any problems later on. Mr. Dominach indicated that they would make sure the corrections were made to avoid any problems down the road.

Mr. Lanfrit indicated that they appeared before the Board in 2006 for an expansion of an existing pharmaceutical facility on the corner of Cottontail Lane and Campus Drive that involved the demolition of two dilapidated homes and the construction of 67,900 sq. ft. of additional new space, along with parking facilities. The approval also involved the outdoor placement of certain mechanical equipment, and he noted that they were there that evening to amend that part of the 2006 plan.

Mr. John Palus, Site Engineer and Principal of Dynamic Engineering, came forward and was sworn in. The Board accepted his qualifications. Mr. Palus testified that he and his team were involved with the preparation of the original plans as well as the amended plans to be presented that evening. Mr. Palus gave the Board an overview of the changes proposed with the introduction into evidence of Exhibit A-1, sheet plan drawing of the building. He noted that the mechanicals were placed along the west side of the building facing towards Cottontail Lane. He noted the three concrete pads and a fenced in area proposed with the original application, along with landscaping, indicating that they now would like to connect the concrete pads for efficiency of maintenance of the property and for any future mechanical placement needs should the business expand. He stated that they would continue to maintain the fencing with privacy slats. Mr. Palus indicated that there was some deviation in the location of the fencing to maintain a consistent line of fencing, and some of the landscaping was modified to allow for the gates to open and close more easily. He indicated that they plan to maintain the fencing and landscaping in that area. He also added that they were adding in some storm water management facilities to pick up any additional runoff, which was minor, due to the increased impervious coverage requested.

Mr. Palus testified that they would be able to address any comments from the staff reports. Mr. Lanfrit offered that Mr. Palus could review the landscaping plans again with Mr. Healey and would be amenable to add additional landscaping if the Board so desired.

Mr. Mark Canulli, Planner and Principal of MC Planning, LLC, came forward and was sworn in. The Board accepted his qualifications. Mr. Canulli gave the Board his opinion as to the grant of the variance for the grant of the variance for the slight addition of impervious coverage on the property due to the expansion of the concrete pads for the mechanical equipment. He discussed the existing conditions on the property and the surrounding areas as well as the necessary proofs, indicating that there were unique features on the site and that there was no substantial detriment to the public good or impairment to the zone plan and zoning ordinance. He added that they were asking for the approval of 1.3% additional impervious coverage on the site compared to what was previously approved. He reiterated Mr. Palus' testimony regarding the addition of privacy slats to the existing fence and the addition of a staggered row of evergreens of varying species that get quite large to provide a good buffer.

Mr. Dominach wanted to point out to the Applicant that if they add mechanical equipment to the additional concrete padding in the future, they would have to come

back before the Board for a variance anyway since the mechanicals would be within the setback.

Vice Chair Maclvor made a motion to open the meeting to the public. Mr. Mettler 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. The motion was seconded by Vice Chair Maclvor and all were in favor.

Vice Chair Maclvor made a motion to approve the Application, subject to complying with all the professional reports. Mr. Mettler seconded the motion and the roll was called as follows:

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

AGAINST: None

- **VM POINTE, LLC / PLN-14-00018**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, VM Pointe, LLC. Mr. Lanfrit indicated that they were there that evening for a Site Plan & Appeal in which the Applicant was asking permission to construct a medical office building at 61 Veronica Avenue, Somerset; Block 88.02, Lot 79, in an M-2 Zone.

Mr. Dominach's Zoning report indicated that the Applicant was proposing to construct a medical office building in an M-2 Zone, and one variance was needed where 147 parking spaces were required and 100 were proposed.

Mr. Lanfrit stated that they were before the Board on March 4, 2015 and presented testimony concerning the construction of a new 22,000 sq. ft. medical office building on Veronica Avenue adjacent to another office building that was previously approved by the Board and almost identical in size, shape and with the parking variance obtained a few years back. He reiterated that the variance that they were seeking was for 100 parking spaces, where 148 spaces were required. He then stated that at the previous hearing, he presented the testimony of the architect, the site engineer and some traffic testimony. Since there were some questions by some Board members regarding the parking spaces and the studies that were done, as well as the perceived parking deficiencies at nearby medical offices, they agreed to go back and check their data. He also was prepared to provide additional testimony from the owner of the building regarding the proposed operations.

Mr. Seth Yaroni, Owner/Applicant, 22 Robbinsville Rd., Maldwin, NJ, came forward and was sworn in. Mr. Yaroni provided the Board with his experience in the ownership and operations of medical office buildings. He gave the parking ratio in the medical buildings that he has owned and operated as 3-4 parking spaces per square foot of

office building. Mr. Yaroni agreed to a condition of any approval not to lease space to any laboratory facilities due to their heavy use and wear and tear on common portions of the building. He then indicated that they had been in discussions with a sleep lab and some physicians who would only work in the building several days a week. He noted that he envisioned having somewhere between 8-12 physicians working in the building.

Mr. Pettit brought up the fact that without knowing who the tenants would be, it was difficult to determine the parking needs for the building. A discussion ensued regarding the parking concerns. There were discussions regarding physicians' office becoming backlogged and causing a parking problem and the moving in and out of tenants. Mr. Healey indicated that any conditions imposed by the Board would run with the building and not with an individual tenant.

Mr. Scott Kennell, Traffic Consultant with McDonough and Rea Associates, came forward and continued to be sworn in. Mr. Kennell indicated that he was still licensed in the State of New Jersey as a Traffic Consultant since the last hearing and the Board accepted his qualifications. He stated that he went back out and reanalyzed and reevaluated the sites discussed at the previous hearing and noted that he made additional observations on Tuesday, April 7, 2015 from 9:00 a.m. to 12:00 Noon because he noted that those hours were the peak hours for doctor's offices. Mr. Kennell found that the data obtained in the original study in November of 2014 was consistent with what they found in the April examination. He stated that at the peak parking demand, there were 4.3 parking spaces per 1,000 sq. ft. available at 77 and 79 Veronica Avenue (Back In Motion and Lab Corp.). He also noted that there was not an even distribution of parking for those entities due to 15 spaces being marked for use only by Back In Motion. Mr. Kennell indicated that the proposed medical building was placed in the center of the site, with parking proposed around the entire building as opposed to how it was laid out at 77 and 79 Veronica Avenue. The Lab Corp. users did not always have convenient parking close to the facility and also were not taking advantage of the parking spots provided, but that were not located near the entrance. Mr. Kennell then noted that many medical buildings along Veronica Avenue did not comply with the required parking spaces per the ordinance. He testified that the provision of 4.5 parking spaces per 1,000 sq. ft of building for shared space for all tenants was more than adequate, even if the sleep center was not a tenant in the building after all to provide more off hours usage.

Mr. Kennell testified that 49 Veronica Avenue had a building size of 22,400 sq. ft. and they had only 94 parking spaces. He stated that he has examined and analyzed the parking for that building at various times, noting that the peak demand was only for 59-60 vehicles on the site (2/3 of the supply). He reiterated that they have a 22,000 sq. ft. building with 100 parking spaces provided. He discussed other buildings on Veronica Avenue that he had studied with similar building sizes and providing less than 100 parking spaces on-site. A discussion ensued among the Board.

Mr. Healey then brought up a discussion regarding industry standards for the provision of parking spaces for medical office buildings being compatible with Mr. Kennell's findings and the provisions being made with the proposal before the Board.

Mr. Kevin O'Brien, Planner, came forward and was sworn in. The Board accepted his qualifications. Mr. O'Brien presented planning testimony in support of the variance being requested that evening. He discussed his experience with municipal planning and medical office parking requirements. He indicated that his experience tells him that he was in agreement with Mr. Kennell's testimony regarding parking requirements for medical offices. He then discussed the factors he considered and the unique characteristics of the proposed Application. He felt that the medical use was a positive use in the area to support the needs of the Township. Mr. O'Brien then discussed using the common spaces, including elevators and hallways when doing calculations for parking demand ratios. He then discussed the goals of the 2006 Master Plan that apply to the Application, including the provision of major employment uses, providing community services and facilities and the connection to nearby appropriate roadways. Mr. O'Brien also discussed the purposes of zoning as it related to the Application and testified that the use would not provide any negative impacts to the surrounding area. He felt that the variance could be granted under the C-2 criteria.

Mr. Pettit asked for the parking ratio that was going to be provided, and Mr. Lanfrit indicated that they would have a ratio of 4.52 parking spaces to every 1,000 sq. ft.

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

Mr. Lanfrit gave his summation regarding the re-analyzation of the parking requirements.

Mr. Pettit opened a discussion whereby the Applicant was being asked if they would accept a condition that all future owners of the building would also have to comply with the parking ratio of 4.52 provided. A discussion ensued among the Board regarding the inclusion to also reduce impervious coverage, if possible, as well as the fact that the proposed site was not in or near a residential area. Mr. Healey also spoke about looking at the parking requirements for the medical office community when updating the Master Plan.

Vice Chair Maclvor made a motion to approve the Application with Variance, along with the conditions the Applicant agreed to during the hearing (exclude laboratory uses) as well as all the conditions agreed to at the prior hearing. Mr. Mettler seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Vice Chair Maclvor, Mr. Mettler, Mr. Onyejiaka, Mr. Pettit and Mr. Potosnak

AGAINST: None

COMMITTEE REPORTS

Vice Chair Maclvor opened a discussion regarding the construction of various items, planned to be built in stages, at Catalpa Farm to be called Catalpa Park. She explained that since the neighbors complained, the plans had been cut back to two stages. She spoke about the proposed two cricket pitches and the land they will be constructed on having nice level land and nice shrubbery between the two areas. She indicated that she walked along the two areas and noticed that she could not see into any residential windows from that area. She then discussed Phase II, with a downsized picnic pavilion and tennis courts and stated her disappointed that things were eliminated from the plans since the Township was in great need of basketball courts and baseball and soccer fields.

WORKSESSION/NEW BUSINESS:

- **Hamilton Street Review of Draft Master Plan / Ordinance**

Chairman Orsini opened a discussion regarding conditional uses and the section that would eliminate Independent senior living facilities. Mr. Healey stated that one of the efforts involved in the ordinance was to encourage mixed use development. He noted "Genesis" as independent senior living facilities that also had office use on the first floor, with the residential use above it. Mr. Healey stated that they did not want to allow a "stand-alone" facility or townhouses or apartments that didn't also include an office use or retail element. A discussion ensued among the Board. Mr. Healey indicated that the long-term vision for the Hamilton Street Business District was to get people out of their car and encouraging more pedestrian traffic and residential uses at the street level would not do that.

Chairman Orsini then opened a discussion regarding the re-zoning of areas near Foot Locker and also near Naaman Williams Park. Mr. Healey discussed the contractor's yard near Naaman Williams Park (R-7 Zone) that was unsightly. He said that the thought was to include that in the HBD (Hamilton Business District) Zone so that it could be included as part of a large scale redevelopment of the adjoining site. He added, though, that it couldn't be redeveloped by itself as it had to have frontage on Hamilton Street. As far as the other area of concern that Chairman Orsini brought up, the change

was proposed from GB to HBD Zone because the General Business Zone was more for a highway-oriented commercial development and the uses there were more consistent with the Hamilton Street Business Zone. Mr. Healey added that it was also part of the Franklin Boulevard area that was in the HBD Zone and could connect the two areas. Chairman Orsini then questioned why the office building behind Foot Locker would be included in the HBD Zone. Mr. Healey indicated that it was for the same reasons as stated before as that area was basically the gateway to the Hamilton Street Business District and it would give any potential developer of the Foot Locker Site or the office building site to develop the two lots separately or together in the same zone.

Vice Chair MacIvor asked whether outdoor seating areas along Hamilton Street will be encouraged. Mr. Dominach stated that they would encourage outdoor seating and it would be allowed in the HBD Zone.

Mr. Healey indicated that the ordinance before the Board was in draft form and that a hearing would have to occur to adopt it into the Master Plan and then the ordinance would be recommended to Council. He did state that adding items into the draft ordinance, such as encouraging outdoor dining, before the hearing was definitely what they wanted to do.

Councilman Chase brought up the subject of the Penrose site, which he indicated was in the Fair Share Plan. Mr. Dominach and Mr. Healey both stated that it was more of an affordable housing issue and should be left to discuss in Executive Session. The Councilman then went back to the discussion brought up by Vice Chair MacIvor regarding outdoor dining and asked whether the Township should have a provision for restaurants to have a patio in front instead of building the restaurant out to the front. Mr. Healey indicated that they could look into that issue to encourage that kind of outdoor dining.

Mr. Healey stated that the main issue discussed for the Hamilton Street Business District was parking. He reminded the Board that they discussed the possibility of having more flexible parking requirements for one- and two-bedroom units because of the possibility that those unit types have lower parking requirements than RSIS (Residential Site Improvement Standards) requires and using that to incentivize developers to provide more one- and two-bedroom units as opposed to three- and four-bedroom units to attract more Millennials and people who were more attracted to the hospitals and Rutgers. He added that instead of instituting parking requirements, they have proposed to let the Board review those on a case by case basis. Mr. Healey then read from the ordinance, noting what was already in the ordinance and what was proposed. A discussion ensued among the Board and they discussed the potential parking situation when more development comes to the HBD area. Mr. Healey indicated that they would have to keep a close eye on that as things go forward, especially if developers utilize the "parking-lieu" opportunity where they pay a fee instead of provide on-site parking. Mr. Healey indicated that residential parking had already been required to be provided on-site, so they were looking to the commercial and retail spaces to come up with new ideas.

Mr. Healey then opened a discussion regarding the idea of underground parking provisions. He stated that they already have gone from 40% maximum lot coverage to a maximum of 50% lot coverage, with the idea that most of the parking would be provided through surface lots. He spoke about the possibility of allowing higher building lot coverage if parking was provided underground or under the building, by way of a variance. A discussion ensued among the Board.

Mr. Healey then stated that they included the definition into the ordinance of “mixed use”, which was allowed in the HBD and the OP (Office Professional) Zones. He explained that in the HBD Zone, the first floor was commercial use, with residential units above. In the OP Zone, he stated, a mixed use building would consist of permitted office use and up to two residential units.

Mr. Healey also included some additional language in the ordinance regarding design standards, but indicated that it would take more discussion and would come at a later date. He and Mr. Dominach stated that they wanted the Board to feel comfortable with the draft they put together based on discussions from the last meeting and from the comments included that evening.

Vice Chair MacIvor made a motion to go into Executive Session for the purpose of discussing litigation. Chairman Orsini seconded the motion and all were in favor.

Chairman Orsini made a motion to pass a Resolution to go into Executive Session. Mr. Mettler seconded the motion and the roll was called as follows:

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

AGAINST: None

EXECUTIVE SESSION:

- **Fair Share Plan**

ADJOURNMENT:

A motion was made to adjourn the regular meeting at 9:25 p.m. The motion was seconded and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
May 15, 2015

