

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

**REGULAR MEETING
January 6, 2016**

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 Maclvor, Robert Mettler, Robert Thomas, Ms. Jennifer Ragnow, Mr. Omolola and Chairman Orsini

ABSENT: Charles Onyejiaka and James Pettit

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

OATH OF OFFICE:

- Dr. Theodore Chase
- Carl Hauck
- Charles Onyejiaka
- Jennifer Ragnow
- Godwin Omolola

Mr. Dominach indicated that the Oaths of Office were given prior to the meeting that evening and that he wanted to welcome Ms. Jennifer Ragnow as a newly appointed Alternate member.

REORGANIZATION:

- **Nomination/Selection of Chairperson**

Ms. Maclvor made a motion to nominate Dr. Michael Orsini to the position of Planning Board Chairperson. Mr. Mettler seconded the motion and, hearing no further nominations, all were in favor.

- **Nomination/Selection of Vice Chairperson**

Chairman Orsini made a motion to nominate Ms. Cecile Maclvor to the position of Planning Board Vice Chairperson. Mr. Mettler seconded the motion and, hearing no further nominations, Mr. Thomas made a motion to close the nominations. Chairman Orsini seconded the motion and all were in favor.

- **Appointment of Board Attorney**

Mr. Dominach then explained that as per the by-laws of the Planning Board, every year the Township puts out an RFP for Planning Board Attorney. This year, he explained, they received two (2) responses and the Board has asked that Clarkin & Vignuolo be interviewed. Mr. Dominach introduced Mr. Vignuolo of Clarkin & Vignuolo, who was appointed in 2015 as the Planning Board Attorney, and asked the Board for any questions they might have of Mr. Vignuolo. Hearing no questions from the Board, Chairman Orsini made a motion to nominate Clarkin & Vignuolo as Planning Board Attorney for 2016. Vice Chair Maclvor seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Vice Chair Maclvor, Mr. Mettler, Mr. Thomas, Ms. Ragnow and Chairman Orsini

AGAINST: None

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

Newly re-appointed Planning Board Attorney, Mr. Peter Vignuolo, gave the Witness Oath to Mr. Mark Healey, Franklin Township Director of Planning, and Mr. Vincent Dominach, Franklin Township Zoning Officer for the 2016 calendar year.

MINUTES:

- **Executive Session December 16, 2015 – (Adoption Only)**

Chairman Orsini made a motion to approve the Minutes for Adoption. Vice Chair Maclvor seconded the motion and the roll was called as follows:

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

AGAINST: None

RESOLUTIONS:

- **2016 Planning Board Calendar**

Vice Chair Maclvor suggested that they remove July 6, 2016 from the calendar, given that it is in a holiday week and there were two other July meeting dates scheduled. Chairman Orsini also suggested they remove August 3, 2016, since traditionally, the Planning Board did not have any August meetings either.

After discussion, Chairman Orsini made a motion to adopt the 2016 Planning Board Calendar, with the removal of July 6, 2016 and August 3, 2016. Vice Chair Maclvor seconded the motion and all were in favor.

- **Professional Services Agreement (Attorney)**

Chairman Orsini made a motion to approve the Resolution for Professional Services Agreement for Clarkin & Vignuolo. Vice Chair Maclvor seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Vice Chair Maclvor, Mr. Mettler, Mr. Thomas, Ms. Ragnow and Chairman Orsini

AGAINST: None

HEARINGS:

- **SLIWKA / PLN-15-00018**

Minor Subdivision with Variances at 125A & 125B Alcorne Street, Somerset; Block 193, Lots 73-77, in an R-7 Zone – **CARRIED TO JANUARY 20, 2016, WITH NO FURTHER NOTIFICATION REQUIRED.**

- **745 HAMILTON – PLN-15-00001**

Site Plan with Variances and Major Subdivision, Hamilton Street, Dewald Avenue and Martin Street, Somerset; Block 223, Lots 22-31, and Block 224, Lots 12, & 28-33, in the HBD Zone – **CARRIED TO MARCH 2, 2016, WITH NO FURTHER NOTIFICATION REQUIRED.**

- **ONYX, LLC / PLN-15-00015**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, ONYX, LLC. He explained that the hearing that evening was for a Site Plan w/Sign Variance and Appeals in which the Applicant was proposing to convert a manufacturing facility into a retail center at 785 Old New Brunswick Road, Somerset; Block 507.15, Lot 2.01, in an M-1(SCV)/RDO Zone – **CARRIED FROM NOVEMBER 11, 2015, WITH NO FURTHER NOTIFICATION REQUIRED.**

Mr. Lanfrit went on to give a history of the site, noting that it was the fourth separate application that he had prepared for the same property, with the three prior hearings under Ambani Realty, which was very similar to what was being presented that evening. He then noted that the application under Ambani Realty was given the Board's approval, but that the property was then sold to a charter school, which needed the Zoning Board's approval, but was first denied and then subsequently approved. Since that time, the charter school decided to build their school elsewhere, and Mr. Lanfrit stated that they were back before the Board with almost the same identical Application as in 2008, but was now being presented by ONYX, LLC. Mr. Lanfrit then entered into the record as Exhibit A-1, the original Resolution. He also stated that there was some question regarding an open sewer/fire hydrant bill, which had since been satisfied, and he entered a copy of the paid bill into the record as Exhibit A-2. Mr. Lanfrit then entered into the record as Exhibit A-3, an approval granted by Buckeye Pipeline in 2009 with respect to the original application in 2008. Mr. Lanfrit indicated that Buckeye Pipeline would be notified so that they can have an employee on site when any work was being done. He did add that nothing had changed in the area where the Buckeye pipeline was located since the last approval. Mr. Lanfrit then explained that the Township had an ordinance stating that you cannot have a structure within 100 ft. of the pipeline, noting that the existing building was already within that distance and that they were planning a small addition to the building. He stated that the addition they were proposing would move the building a little bit closer to the pipeline, but a similar proposal was already reviewed by Buckeye Pipeline in 2008. Mr. Healey testified that the Township changed the ordinance relating to the distance to a pipeline after the building was already in place in response to the gas explosion in Edison a number of years ago. He added that the original proposal by Ambani Realty also included a small addition, which was approved.

Mr. Yogish Mistry, Architect, came forward and was sworn in. The Board accepted his qualifications. Mr. Mistry indicated that he was also the architect of record with the original application with Ambani Realty, but not with the charter school. Mr. Mistry entered into the record as Exhibit A-4, the colored rendering of the buildings along with the samples of the materials that would be used on the building. Mr. Lanfrit handed out smaller versions of that exhibit for the Boards members' review. Mr. Mistry then entered into the record as Exhibit A-5, which was another colored rendering, as well as Exhibit A-6, which was 4 sheets of the floor plan, dated 12/13/15, that was presented to the Board with the Application.

Mr. Mistry then discussed the current condition of the subject property and the buildings located upon it. He noted that there was an existing, 1-story vacant masonry warehouse building located on the property. In referring to Exhibit A-6, Mr. Mistry described the floor plan they were proposing for the existing building by utilizing the entire existing 53,882 sq. ft. and adding two small bump-outs at the two corners that face Old New Brunswick Rd. (one at 688 sq. ft. and the other at 849 sq. ft.) with a canopy to connect them for shelter for pedestrians. He then discussed the proposed signs, some of which exceed the ordinance of no larger than 30 sq. ft. and no taller than 3 ft. based upon the tenant(s) that would occupy the building. He added that some of the signs were shown at 50 sq. ft., 62 sq. ft. and that there was a potential for up to 9 tenants within the building. Mr. Mistry then discussed the addition of a service corridor for tenant access to the loading area for deliveries as well as to the proposed dumpster for trash pickup. Mr. Mistry then referred back to Exhibit A-4, showing the proposed exterior of the building, along with the finishes chosen. He then explained that they were proposing pin-mounted signage with gooseneck light fixtures, stating that each letter would be mounted separately and could be backlit in some circumstances. He then opened a discussion regarding the location of the HVAC units for the building, stating that they would be placed on the roof and shielded by the proposed parapets and other means of screening.

Mr. Thomas asked whether the roof treatment would be placed on both frontages of the building, and Mr. Mistry indicated that the roof treatment, with the various heights of the parapets, would go around all four sides of the building. He also stated that every side of the building would have the same architectural treatments as the side that faced Old New Brunswick Rd., particularly because they will have store fronts on all four sides of the building.

Councilman Chase asked whether they planned for bathroom spaces within the building. Mr. Mistry indicated that once the tenants were in place, they would plan out their own spacing needs and provide for their own restroom requirements. He added that the building would not have any common rest room spaces. Mr. Mistry stated that there was evidence of previous restrooms in a few locations within the building.

Mr. Mistry addressed Mr. Healey's Planning report, noting that if they had not already addressed everything on the report related to the architecture of the building that they would be able to comply with all comments. Related to the Engineering report, Mr. Mistry stated that he needed to discuss with the Assistant Township Engineer, Mr. Vega, what he was looking for regarding the utility room.

Mr. John DuPont, Engineer/Planner and Principal of JDP Engineering, came forward and was sworn in. The Board accepted his qualifications. Mr. DuPont marked into evidence as Exhibit A-7, a colored rendering of the Site Plan. He then marked into evidence as Exhibit A-8, which was a larger view of the sheets that were submitted to the Board. Mr. DuPont also had smaller copies of Exhibit A-7 to hand out to the Board. Mr. DuPont testified that he had the benefit of reviewing the previously approved Site Plan from 2008 in comparison to what was presently being proposed.

Mr. DuPont described the proposal, noting any specific changes from the previous plan. He described the milling of the present parking lot and removing a portion that was there today. He also indicated that there would be some upgrades to the storm water management system on the site as well as significant landscaping to buffer the Somerset Run residents on New Brunswick Rd. He also told the Board and public that there would be new, LED lighting that would be shielded to prevent any spillage onto neighboring properties. Mr. DuPont noted that there would be a full two-way circulation on the property with enough parking spaces that exceed the Township ordinance requirements. He then added that they were seeking three (3) variances that evening. The first variance was for the required 100 ft. buffer to the gas pipeline on the property, where 25 ft. was existing and 15 ft. proposed at the front corner of the property. Mr. Lanfrit interjected that they had a similar plan in 2008, with a small expansion, that was approved by Buckeye Pipeline.

Vice Chair MacIvor asked how the Applicant would be sure that any digging near the pipeline would not jar or cause any kind of friction near that area. Mr. DuPont indicated that Buckeye Pipeline dug test pits and knows for certainty the depth of the pipeline. He added that they were also going to have an employee of their company on-site during construction to supervise any digging that would be necessary near the pipeline.

Mr. DuPont then discussed the next variance that was required as it related to the proposed free-standing sign at the front of the property facing Old New Brunswick Rd. He noted that the message portion of the sign conforms to the ordinance at 100 sq. ft., but becomes larger due to the decorative masonry elements around the message portion of the proposed sign for a total of 289 sq. ft. Mr. DuPont marked into evidence as Exhibit A-9, which was a smaller sized rendering of the proposed free-standing sign to hand out to the Board members. Mr. DuPont then went on to discuss the variance required for the proposed attached signs. He explained that the Township has an ordinance for building mounted signage being no larger than 30 sq. ft. and no taller than 3 ft. high. Mr. DuPont stated that they had included seven (7) building mounted signs that were proposed at 50 sq. ft., with a 4.5 ft. height. He then stated that there were four (4) signs proposed at 63 sq. ft. As a professional Planner, Mr. DuPont testified that he felt that the three areas of relief request could be granted without any substantial detriment to the zone scheme or zone plan. He indicated that the Applicant received approvals from the Buckeye Pipeline for the plan and that the signage proposed would create a safe, visible and much improved aesthetic to the area.

Related to parking, even though they were removing some asphalt, they were providing 279 spaces, which included 28 “banked” spaces along the western property line, which far exceeded the requirement. Mr. DuPont then detailed the location of the light poles on the property that were downward facing and shielded fixtures. He added that they had submitted a Lighting Plan showing that there would not be any light spillage or glare issues onto neighboring properties.

Mr. DuPont then detailed the storm water management plan, explaining that it was very similar to the approved 2008 plan. He noted the inclusion of a new storm sewer system

and into an on-site detention basin to collect water run-off that dealt with recharge, quality and quantity and outlets to a ditch in the front of the property on Old New Brunswick Rd. Mr. DuPont stated that they already submitted the plan to the NJDEP and were awaiting their approval, but felt confident that they met all the State standards. As per the Township Engineer's request, he stated that he would be providing a geotechnical data and would comply with all comments in the review letter.

Chairman Orsini commented on the proposal for a detention basin that showed plantings within it. He wanted to know if that proposal was feasible, and Mr. DuPont indicated that it was if the proper plants were chosen, which he said he believes were.

Mr. DuPont then went on to detail the Landscaping Plan, particularly the buffering that was planned around the perimeter of the property. He then noted that the inclusion of off-site buffering that was included as a condition of approval in 2008 for a neighboring property was still on the proposed plan.

Vice Chair MacIvor asked if a pedestrian path from Somerset Run over to the new development was feasible. Mr. DuPont indicated that New Brunswick Rd. was a County road and, as such, it would not be something they could do. One of the Board members indicated that New Brunswick Rd., in fact, was not a County Rd. Mr. DuPont then stated that he felt it would be a sight distance issue for traffic and would probably have to position any crosswalk at the signalized intersection. Mr. Thomas indicated that there were already in place some sidewalks and that it would only take a few changes to their plan to make some significant connections to these walkways. A discussion ensued among the Board regarding the possibility of a mid-block crosswalk across New Brunswick Rd. Mr. Thomas also stated that he felt the Applicant should look into a raised brick cross walk from the front of their property over to the Somerset Woods nursing facility across the street. Mr. Lanfrit indicated that they would probably be able to locate an appropriate place along Old New Brunswick Rd. for a crosswalk from the nursing home and would work with the Township Engineer's office. Chairman Orsini indicated that they should look at the whole area and possibly vacate the rest of Old New Brunswick Rd. and treat it as a residential retail plaza. A discussion ensued among the Board.

In reviewing the reports from the Township Engineering dept., Planning dept., Police dept., Fire official and Health dept., Mr. DuPont testified that they would be able to comply with all comments. He also added that any changes that would be made in relation to the comments would not materially change what the Board was reviewing that evening. Mr. DuPont showed the Board on the plans where they would place the secondary dumpster requested by the Health Dept., which would be screened along with the main dumpster.

Councilman Chase opened a discussion regarding the removal of trees on the site. The discussion ensued among the Board. Mr. Healey suggested that they confer with the Traffic Safety Bureau as to whether there were sight distance issues at the corner of Old New Brunswick Rd. and New Brunswick Rd. as it related to the removal of trees in

that area. Councilman Chase then opened a discussion regarding the removal of trees near the proposed detention basin. The Board then discussed the Landscaping Plan in general, with Mr. Healey stating that the Applicant was given direction to leave the Landscaping Plan basically as it was in the 2008 approval.

Mr. Hauck noted that there was a water main located under the proposed free-standing sign, which should be relocated. He then asked that the full milling and paving of Old New Brunswick Rd. from the Herr's driveway down to New Brunswick Rd. be noted on the plans. He then opened a discussion regarding the location of fire hydrants within the parking area.

Ms. Elizabeth Dolan, Traffic Consultant and Principal of Dolan & Dean Consulting, came forward and was sworn in. The Board accepted her qualifications. Ms. Dolan discussed the traffic counts and the impact they would have on the local roadways. Ms. Dolan indicated that the left hand turns from Old New Brunswick Rd. to New Brunswick Rd. during the evening peak hours at a level of service equivalent to "E" or "F", but there was available capacity at the traffic signal at Old New Brunswick Rd. and Elizabeth Avenue. She also stated that the average queuing at the Old New Brunswick/New Brunswick Rd. intersection was only about four (4) cars during the evening peak hours. Ms. Dolan felt that any impacts have been absorbed through the improvements discussed, most notably, the signalized intersection at Elizabeth Avenue. She also testified that she felt the circulation plan and access drive placement was an appropriate system because that western driveway was aligning with the drive aisle around the building. Ms. Dolan then drew the Board's attention to the location of the western driveway as it related to the Herr's driveway across the street. She testified that they could prohibit left hand turns out of that driveway, but felt that there was ample visibility and levels of "C" and "B" for left hand turning movements. She discussed the number of parking spaces being provided and noted that it was above what was required even without the 28 banked spaces. Ms. Dolan stated that should they have to lose a few parking spaces due to fire hydrant location, handicapped spaces, etc., she still felt that there would be ample parking spaces on site.

Mr. Hauck asked Ms. Dolan if the left hand turn lane that was suggested when the Application before the Board was for a charter school was still necessary. Ms. Dolan indicated that it was not due to the lessening of traffic from the site going to the right out of the driveway.

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

Mr. Steven Levine, 171 Stone Manor Drive, Somerset, NJ, came forward and was sworn in. Mr. Levine asked what the timing was of the lighting for the development. Mr. Lanfrit indicated that deliveries, trash pickup and recycling pickups shall be scheduled after 7:00 a.m. He noted that store hours were to be from 6:00 a.m. to 11 p.m., except for restaurants with liquor licenses, which shall be in accordance with the Township's Alcoholic Beverage regulation. Additionally, building signs and pylon signs can go out

an hour after the close of the last business, and perimeter lighting can stay on for 24 hours a day. LED lighting and the possibility of dimming was also discussed. Mr. Levine discussed a crossing from Somerset Run to the proposed property as well as a cross walk on Old New Brunswick Rd. Mr. Levine stated that he didn't see any reason for the Planning Board not to approve the Application.

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

Vice Chair Maclvor made a motion to grant the Site Plan approval with Variances, based upon all the discussions/conditions/agreements during the hearing, including the delay in cutting down the two (2) trees in the sight triangle and try to preserve the other three (3) mentioned by Councilman Chase. Also included is the amendment stating that lights remain on until one hour past the closing of the last business for employee safety. Councilman Chase seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Vice Chair Maclvor, Mr. Mettler, Mr. Thomas, Ms. Ragnow and Chairman Orsini

AGAINST: None

COMMITTEE REPORTS

No reports discussed.

WORKSESSION/NEW BUSINESS:

No work session/new business

ADJOURNMENT:

Vice Chair Maclvor made a motion to adjourn the regular meeting at 9:22 p.m. Mr. Mettler seconded the motion and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
January 26, 2015