

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

**REGULAR MEETING
January 20, 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, Alex Kharazi, Robert Mettler, Mustapha Mansaray, Jennifer Ragnow, and Chairman Orsini

ABSENT: Cecile Maclvor, James Pettit, Robert Thomas and Godwin Omolola

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

OATH OF OFFICE:

- Godwin Omolola
- Alex Kharazi
- • Mustapha Mansaray

MINUTES:

- **Regular Meeting –December 16, 2015**

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

FOR: Councilman Chase, Mr. Hauck, Mr. Mettler and Chairman Orsini

AGAINST: None

RESOLUTIONS:

- **L'Oreal / PLN-15-00016**

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

FOR: Councilman Chase, Mr. Hauck, Mr. Mettler and Chairman Orsini

AGAINST: None

HEARINGS:

- **VGS HOLDINGS, INC / PLN-15-00008**

Site Plan with Variance in which Applicant was requesting installation of concrete equipment pads at 40 Campus Drive, Somerset; Block 517.06, Lot 9.01, in an M-1 Zone - **CARRIED TO FEBRUARY 03, 2016– with no further notice required.**

- **745 HAMILTON STREET, LLC / PLN-15-00011**

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 02, 2016– with no further notice required.**

- **BENEFIT MALL / PLN-16-00001**

Site Plan with Bulk Variance in which the Applicant proposed to install a pad and emergency generator at 300 Atrium Drive, Somerset; Block 468.01, Lot 21.03, in a CB Zone - **CARRIED TO FEBRUARY 03, 2016– with no further notice required.**

- **HAMILTON STREET MANAGEMENT, LLC / PLN-15-00017**

Site Plan in which Applicant was proposing a mixed use building at 695-697 Hamilton Street, Somerset; Block 219, Lots 2.04 & 1.01, in the HBD Zone - **CARRIED TO MARCH 02, 2016– with no further notice required.**

- **STEPHEN R. SLIWKA / PLN-15-00018**

Ms. Catherine Copp, Esq., Attorney with the law offices of Peter U. Lanfrit, appeared before the Board on behalf of the Applicant, Stephen R. Sliwka. Ms. Copp explained that they were there that evening to obtain Minor Subdivision approval, with Variances, in which the Applicant was proposing to subdivide a duplex at 125A & 125B Alcorne Street, Somerset: Block 193, Lots 73-77, in an R-7 Zone.

Mr. Dominach's Zoning report indicated that the Applicant wished to subdivide (zero lot line) a duplex in an R-7 Zone and that the following variances were required:

- Lot area (both lots): 7,500 sq. ft. minimum, 6,250 sq. ft. proposed
- Lot frontage (both lots): 75 ft. minimum, 62.5 ft. proposed

The report also indicated that the Applicant needed to correct the zoning schedule and subdivision plan to indicate the parameters of the R-7 zero lot line requirements, not the R-7 single and/or two-family requirements. Mr. Dominach noted in his report that there was no variance required for a side yard setback (as the Applicant's zoning chart indicated) since the requirement is 0 ft. and not 8 ft.

Mr. Stephen R. Sliwka, Owner and Applicant, came forward and was sworn in. Mr. Sliwka testified that there was a duplex on the subject property and that each unit contained three bedrooms. He also indicated that he did not live in either apartment in the duplex and that both units were currently rented to tenants. Mr. Sliwka indicated that he was interested in selling the property, but was not successful in selling the property as it currently existed. He then testified that his wish was to subdivide the property and sell it to two separate buyers.

Mr. Stephen M. Fisk, Land Surveyor and Planner, came forward and was sworn in. The Board accepted his qualifications. Mr. Fisk then described the subject site as it currently existed. He described the properties dimensions as 125 ft. wide x 100 ft. deep. He indicated that when the building was approved and constructed in 1989, the requirements of the zone for a two-family dwelling were that the property be 100 ft. wide and consist of 10,000 sq. ft., which it exceeded. At this time, the requirements of the zone are that the property consist of 15,000 sq. ft. He indicated that the purpose of the hearing that evening was to subdivide the property along an existing party wall that separated the two units of the two-family dwelling, thereby creating two lots that would be owned independently. He noted that the width of each lot would be 62.5 ft. and the area of each lot would be 6,250 sq. ft. He then described the mix of dwelling types on Alcorne Street, noting that the subject property was the largest property in the area and the largest lot with a two-family home built upon it. He indicated that by subdividing the property, they would not be changing any physical characteristics of the property. He noted that they would require variances for lot area and lot building coverage due to a covered porch now being considered lot building area. Mr. Fisk indicated that they would have met the 20% building coverage requirement without the inclusion of the covered porch area and were slightly over the maximum at 20.3%. After subdivision,

the lots would have 20.43% (Lot 73.01) and 20.19% (Lot 76.01) building coverage, respectively.

Chairman Orsini noted that comments brought up in staff reports were related to the common areas. Ms. Copp indicated that, if the subdivision were to be approved, the Applicant would have a written maintenance agreement prepared that would include both property owners as responsible parties. She added that there were very few shared features of the property. Mr. Fisk indicated that the shared features were the roof and the siding that did not have a dividing feature as well as the mortar on the outside portion of the chimney. He explained that the chimney did feature two flues, one for each property. A discussion ensued with Board Attorney, Mr. Clarkin, regarding cross access and a written agreement included as part of the subdivision and recording of the deeds.

Mr. Mettler opened a discussion regarding whether the shared wall was a fire-rated wall. Mr. Sliwka indicated that it did, indeed, have a fire wall that extended up into the attic.

Mr. Fisk indicated that they would be able to comply with staff comments. Ms. Copp, however, added that they would be requesting a waiver from having to provide the installation of curbing and sidewalk. She also agreed to bring the two water accounts current.

Board Attorney, Mr. Clarkin, asked Mr. Fisk to give the Board justification for each prong of the negative criteria with respect to the lot width and lot area variances. Mr. Fisk discussed a similar lot subdivision that was approved across Alcorne Street. He testified that he didn't believe that the granting of the subdivision and variances would negatively impact the neighborhood, zoning scheme or Master Plan at all. A discussion ensued. Mr. Fisk referred to Exhibit A-1, an overhead neighborhood plan, in support of his position. He added that having two individual owners of the property would allow for better maintenance than if it were owned by a single property owner and rented, as there was pride in ownership to be considered. A discussion ensued among the Board.

Taking notice that there was no public present at the hearing that evening, Chairman Orsini, therefore, did not entertain a motion to open the meeting to the public.

Chairman Orsini made a motion to approve the Application with Variances, with the condition that the Applicant work out the language to be used for treatment of the common areas of the property and pay the water bills for both units so that they were current. Mr. Mettler seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Mr. Kharazi, Mr. Mettler, Ms. Ragnow and Chairman Orsini

AGAINST: None

COMMITTEE REPORTS

Chairman Orsini discussed the “Green Team” that Councilman Chase was involved in regarding recommendations for Planning and Zoning Boards to have that included increased public involvement. He noted that the Councilman informed him that they follow most of them. Chairman Orsini then discussed one of the things that they do not do that the Open Space Committee does is an initial opening of the public comment section for general comments. The Chairman stated that he wanted to get the Board’s feedback about the idea. He detailed the idea as having a defined amount of time, with a defined amount of time per speaker, to be held after the approval of Minutes and Resolutions, but before the Hearing section of the meetings. Chairman Orsini suggested a total time of 30 minutes, with 3 minutes per speaker, which he felt was more than enough time. A discussion ensued among the Board, and various members spoke about their agreement to include that in the meetings. They then discussed the time frame that should be agreed to and where in the meeting schedule the general public session should be included.

WORKSESSION/NEW BUSINESS:

- Master Plan Re-Examination Schedule

Mr. Healey indicated that they were going to start discussing the Master Plan Re-Examination at the next Worksession meeting on January 27, 2016. He explained that the Master Plan Re-Examination was just the first step in a two-step process. Per the Municipal Land Use Law (MLUL), Mr. Healey explained that they basically would be evaluating what was in the last Master Plan, what’s been done since then, what Planning issues and Zoning issues have changed since the last Master Plan and what recommendations and issues that they would want to address in the Master Plan.

Mr. Healey indicated that the goal was to adopt the Master Plan re-examination by March 16, 2016. He then discussed what would be included in the first half of the report, such as the Land Use Plan, the housing element, the Open Space & Recreation Plan, the Farmland Preservation Plan, Environmental Resource Inventory, Conservation Plan, Historic Preservation Plan and the Pathways and Trails Plan. He explained that he would be giving the Board members a separate submittal in a few weeks that would address the other elements of the Master Plan, including Community Facilities, Utilities, Circulation, Economic Plan and Recycling.

Mr. Healey then explained that the Board members were charged with reviewing what he called a draft to include anything that might be missing or if they should be addressing things in a different manner.

He noted that there would also be some time at the end of the February 3rd meeting, the February 17th Worksession the 24th and two more full work sessions to discuss. He added that they could also discuss the report at the end of the March 3rd meeting, if necessary. A discussion ensued.

ADJOURNMENT:

Chairman Orsini made a motion to adjourn the regular meeting at 8:10 p.m. Mr. Mettler seconded the motion and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
February 17, 2016