

**TOWNSHIP OF FRANKLIN
ZONING BOARD OF ADJUSTMENT
COUNTY OF SOMERSET, NEW JERSEY**

**REGULAR MEETING
December 17, 2015**

This special meeting of the Township of Franklin Zoning Board of Adjustment was held at 475 DeMott Lane, Somerset, New Jersey and was called to order by Chairman Thomas, at 7:30 p.m. The Sunshine Law was read and the roll was called as follows:

PRESENT: Laura Graumann, Donald Johnson, Bruce McCracken, Alan Rich, Anthony Caldwell, Gary Rosenthal, Joel Reiss, Cheryl Bergailo and Chairman Thomas

ABSENT: Raymond Betterbid and Robert Shepherd

ALSO PRESENT: Patrick Bradshaw, Board Attorney, Mark Healey, Planning Director and Vincent Dominach, Senior Zoning Officer

MINUTES:

- **Regular Meeting – October 1, 2015**

A motion was made to approve the Minutes as submitted. The motion was seconded and the roll was called as follows:

FOR: Mr. McCracken, Mr. Rich, Mr. Caldwell, Mr. Rosenthal, Mr. Reiss, Ms. Bergailo and Chairman Thomas

AGAINST: None

- **Regular Meeting – November 12, 2015**

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

FOR: Vice Chair Graumann, Mr. McCracken, Mr. Rich, Mr. Caldwell, Mr. Rosenthal, Mr. Reiss, Ms. Bergailo and Chairman Thomas

AGAINST: None

RESOLUTIONS:

DISCUSSION:

Vouchers:

- **Patrick Bradshaw –December Retainer - \$865.00**

A motion was made to approve the Vouchers as submitted. The motion was seconded and all were in favor.

HEARINGS:

- **RECON SERVICES, LLC / ZBA-15-00021**

Use Variance w/Site Plan in which the Applicant was proposing mixed use of residential and commercial purpose at 508, 512 & 516 Hamilton Street, Somerset; Block 182, Lots 1.01, 3.01, 5-11 & 68-69, in the HBD Zone - **CARRIED TO JANUARY 07, 2016 – with no further notification required.**

- **NY SMSA, LP d/b/VERIZON WIRELESS / ZBA-15-00026**

Site Plan in which the Applicant was proposing to install 12 ballast-mounted antennas to roof at 1350 Easton Avenue, Somerset; Block 424.01, Lot 39.07, in the PRC Zone - **CARRIED TO JANUARY 21, 2016 – with no further notification required.**

- **RODRIGUEZ, LUCHI / ZBA-15-00025**

Mr. Dominach explained that the Applicant was proposing to erect an addition to their house in the R-40 district. Additionally, he stated one variance was needed where the front yard setback is a minimum of 40 ft. and 32 ft. was existing/proposed (the addition will be 38 ft.).

Mr. Rodriguez, Applicant, came forward and was sworn in. Mr. Rodriguez indicated that he would be constructing an addition to the rear of his home. He explained that he understands the Township Professional's reports and will comply with all of the comments and recommendations.

Vice Chair Graumann made a motion to approve the Application with the variance, Mr. Rich seconded the motion and the roll was called as follows:

FOR: Vice Chair Graumann, Mr. Johnson, Mr. McCracken, Mr. Rich, Mr. Caldwell, Mr. Rosenthal and Chairman Thomas

AGAINST: None

- **1340 HAMILTON / ZBA -15-00010**

The Applicant's attorney, Mr. Pape, indicated that they were before the Board about a year and a half ago to modify the original approval to include a service station because efforts to market a pad bank for over four years was unsuccessful. He reminded the Board that they did grant the relief and imposed certain requirements, one being that the Landscaping Plan from the original application not only be preserved, but enhanced. Additionally, he noted that there were a number of drainage concerns in the immediate area and was pleased that after 18 months, with meetings with staff, have finally been able to get the situation under control. He then stated that they had agreed to discuss hours of operation of the retail and service station when they came back before the Board. He explained that they had to discover who their tenant base would be and were very pleased to state that 7-11 had signed a lease to be the anchor for both the service station as well as the convenience store. Mr. Pape then asked the Board to consider the request of a 24 hour operation, which was necessary to keep 7-11 as the anchor tenant and for 7-11 to be competitive with the likes of Wawa and Quik Chek.

Mr. Andrew French, Engineer and Principal of French & Parrello Associates, came forward and was sworn in. The Board accepted his qualifications. Mr. French then entered into the record as Exhibit A-1, which was an aerial photograph of the property as well as the surrounding area. Mr. French went on to describe the current condition of the property, noting that the site was approximately 2.8 acres in size. He added that there were two residential structures on the property, as shown in Exhibit A-2, but told the Board that they had since been demolished and removed. Mr. French indicated that the uses surrounding the subject property were industrial and/or commercial uses, with a funeral home across the street on Veronica Avenue and residential properties across the street on Hamilton Street. Mr. French then entered into the record as Exhibit A-2, a colorized rendering of the Landscape Plan that was last revised on November 20, 2015. He then discussed the Applicant's proposed use of the subject property that included a 2,958 sq. ft. 7-11 convenience store, an 11,115 sq. ft. retail center and a covered fuel filling station. Mr. French then described what needed to be done with the grading of the property in order to allow the proposed use to operate properly. He then described the storm water management system that would allow the runoff to drain properly off the subject property and away from the proposed building. He described the storm water management system as an underground detention system and located in front of the buildings and below the parking area. Mr. French testified that the storm water management system met the Township requirements as well as Soil Conservation and the Delaware & Raritan Canal Commission requirements. Mr. Pape testified that the Applicant had already made the Somerset County, Soil Conservation and D&RCC approvals as well as the NJDEP LOI and NJDEP General Permit #6 available to the Board.

Mr. Pape then asked Mr. French to describe the on-site circulation design, specifically the ingress and egress points and the on-site circulation of all the anticipated vehicles to the site. Mr. French then described the full movement driveway on Veronica Avenue as well as a right turn in only driveway, also on Veronica Avenue that was located in the center of the property. He went on to explain that the driveway onto Hamilton Street had been designed to provide a left turn in, a right turn in, and right turn out only. Mr. French also noted that there was all two-way circulation in front of the proposed building on-site and one-way only circulation planned for behind the building itself to accommodate loading and unloading that would occur behind

the building and maintain the traffic flow in one direction. He then described how he planned the right turn in only driveway on Veronica Avenue so that it would only be able to be used in that manner. He noted that the right turn in only driveway was made to be 15 ft. wide instead of the required 20 ft. wide (per staff discussions) to discourage motorists from trying to make the left hand turn into the site at that location. He did note that the 15 ft. drive width would require a variance from the Zoning Board. Mr. French then testified that the on-site circulation, as designed, would accommodate trash removal vehicles, delivery vehicles, emergency vehicles and customer vehicles.

Mr. French then drew the Board's attention to the Landscape Plan, noting where the superior landscaping areas were located, including all landscaping elements and the enhancements to the plan that were generated during the past year through staff discussions. He testified that the high standards of landscaping that was on the original approval were going to be maintained. He then discussed the landscape berms that were planned along Veronica Avenue and Hamilton Street that would include deciduous shade trees, ornamental trees, evergreen trees, perennials and ornamental grasses. He also discussed the inclusion of a row of evergreen shrubs along the inside parking and site configuration that would align along the inside portion of the berm. As per Township staff, Mr. French stated that they included an inside row of shrubs along the Hamilton Street side of the property.

Vice Chair Graumann asked whether the berms were designed to shield any additional lighting or noise coming from the proposed 24-hour operation. Mr. French indicated that the berm was about 2 ft. high along the Hamilton Street side and felt it would screen the neighbors across the street from the activity going on at the site, including the sweep of headlights of vehicles moving within the property.

Mr. French then drew the Board's attention to the Lighting Plan, noting that all of the lighting would be LED type lighting. He added that they would be able to reduce the height of some of the parking lot poles near the intersection of Hamilton Street and Veronica Avenue to 16 ft. high from 25 ft. high, but would have to keep the 25 ft. high poles to light the detention basin.

Mr. French then discussed the proposed signs and how they were incorporated into the landscaped areas. He described the three proposed signs as monument style signs, with one located at each entrance noting the gasoline vendor and its prices as well as a third at the intersection that would identify the convenience store. Mr. French then described the planting beds around each monument sign that would include ornamental grasses and shrubs to enhance the signs themselves.

Mr. French then moved on to discuss the location of the two proposed dumpsters for the site, with one located behind the 7-11 store and another larger dumpster at the rear corner of the property that was screened with evergreen trees. He then discussed the placement of a generator on the site in order to be able to pump gasoline during an extended power failure. Mr. French indicated that the generator was located at the corner of the building and just behind the 7-11 convenience store where it was tucked close to the building with bollards around it to protect it.

Mr. French testified that he was comfortable stating that they would be able to comply with all the comments in the staff reports.

Mr. Rich inquired about the maintenance of the detention basin, and Mr. French described the use of a maintenance manual that they had prepared that would provide guidance to clean out the water quality devices as well as maintain and clean out the underground detention basin. Mr. Rich then asked whether there would be enough room for a semi-truck to enter the one-way driveway. Mr. French stated that there would not be enough space for a tractor trailer to navigate the turn there, and that they could introduce signage to discourage that use. A discussion ensued among the Board. The Applicant's attorney, Mr. Pape, specified that they would be using the 1 inch diameter nozzle, low flow pump at the filling station so as not to attract tractor trailers from trying to fill up at the service station. He added that there would be signage to specific that information. A discussion ensued about giving the tenant's parking and access instructions.

Ms. Bergailo opened a discussion regarding the lighting under the proposed canopy. She indicated that she felt the lighting looked a little bit high. Mr. Healey indicated that his report requested that the canopy lighting be flush with the canopy and not hang over it to prevent any off-site glare. She then opened a discussion about the foot candles used in the perimeter lighting. Mr. French indicated that they had agreed to use house side shields on the lighting that was adjacent to the property line on the side and the rear to reduce the light spillage. Mr. Dominach indicated that the Applicant would work with the Township Engineer's office to make sure that they plan for something that was acceptable to staff. Ms. Bergailo then drew attention to the brightness of the lighting within the monument signs. Mr. Pape stated that they were asking the Board to have the 7-11 sign and the signs with the gasoline pricing be allowed to be illuminated 24/7. He added that the canopy lighting also needed to be on 24/7 for security reasons. Mr. Pape indicated that because they were using LED lighting, they would have the ability to turn the intensity of the lighting down, especially for the parking lot lighting for the general retail area since they would be closing business down at 10:00 p.m. A discussion ensued among the Board.

Mr. Pape asked to have a 5-minute recess so that he could speak to the Applicant to address the Board's concerns regarding the lighting issues.

Before recessing, Chairman Thomas opened the meeting to the public for any questions related to Mr. French's testimony thus far.

Mr. Bill Connell, 25 Spring Street, Somerset, NJ, came forward and was sworn in. He wanted to know if the County understood how the proposed entrance drive on Hamilton Street would affect the residential streets nearby trying to make a left hand turn onto Hamilton Street. Mr. Pape explained the process they went through with the County regarding the design of the site. Mr. Dominach stated that the Township met with the County and the Applicant on the access issue to make sure the traffic light would still function at an acceptable level. Mr. Healey explained to Mr. Connell how the County studied the intersection on and off over the past four years and provided a letter of approval to the Board, dated September 3, 2015, stating that the Applicant was in conformance with County standards.

Mr. Vince Vignuolo, 1347 Hamilton Street, Somerset, NJ, came forward. Mr. Vignuolo asked what assurance he and his neighbors would have that their well water would not be compromised as a result of the approval of the Application. Mr. French explained that their storm water management design was in conformance with the State standards for storm water management. He indicated that the runoff would get treated by a water quality device and

then goes through the system to infiltrate back into the ground. Mr. Dominach indicated that the storm water runoff would have no effect on the neighborhood wells because of the State mandated system that they were putting into place on the site. Mr. Vignuolo asked whether the delivery times and delivery days be restricted to certain hours and Mr. Dominach indicated that the Board can have that discussion with the Applicant. Mr. Vignuolo's final question was related to what percent of evergreens were going to be placed in the berm. Mr. French indicated that there would be 75% evergreen shrubs and 20% deciduous trees being placed in the berm along Hamilton Street. Mr. Pape stated that the Landscape Plan was a combination of screening and aesthetics and that they wouldn't feel comfortable including all evergreen trees because it would block the site completely. Mr. French added that the evergreen trees would be 6-8 ft. in height.

Seeing no one further coming forward, the Chairman closed the meeting to the public. He addressed Mr. Pape's request for a 5-minute recess at that time. Mr. Pape wanted to introduce the architect first.

Mr. Radosti, Architect and Principal of Perez & Radosti Associates, came forward and was sworn in. The Board accepted his qualifications. Mr. Radosti then entered into the record as Exhibit A-3, a color rendering of four sides of the proposed building, Exhibit A-4, a color rendering of the canopy elevations, and Exhibit A-5, which were the monument sign renderings. Mr. Pape asked Mr. Radosti to present the building design to the Board members and public. He detailed the elements of the building, noting that they were proposing a stucco façade, stone pillars and Hardie board siding that would be utilized around all four sides of the building. He also indicated that there would be screening for the rooftop mechanics with architectural features. Mr. Pape then asked to pass around to the Board members a board that included actual samples of the materials proposed for the building. Mr. Radosti then described the gooseneck lamp signage and channel letters with backlighting. He noted that they would be using channel letter backlit signage for the retail center tenants and LED gooseneck lighting for the 7-11 store that would act as the anchor store. He also proposed LED wall wash lighting that would light up the columns. Mr. Radosti then introduced the canopy plan that would include the full architectural features that would mimic the building. He noted the locations of the canopy signs, with one on the north elevation and one on the west elevation, both sized at 9 sq. ft. (3 ft. x 3 ft.). He described those signs as single faced, internally illuminated signs. Mr. Pape indicated that they would be asking for a sign variance to provide for two signs on the canopy since the site was located on a corner and faced out onto two roadways. Mr. Radosti then described the monument signs, starting with the largest one located at the corner of Hamilton Street and Veronica Avenue, which would be used to identify the retail buildings and would be lit with LED gooseneck lighting. He added that the other two smaller monument signs would be located at both the two way entrance drives and would be used to post the fuel branding and gas prices and would utilize LED digital lighting with red and green lettering. Referring to Exhibit A-5, Mr. Radosti described the materials used in the construction of the sign as being the same ones utilized on the building and canopy to give a cohesive look to the entire site.

Mr. Pape then drew the Board's attention to the second 7-11 sign on the Hamilton Street side of the building that would be illuminated with LED gooseneck fixtures. He explained that they would be requesting a variance to include that sign and was necessary because the site is at a corner intersection.

Chairman Thomas then opened the meeting to the public for any questions of Mr. Radosti.

Mr. Bill Connell, 25 Spring Street, Somerset, NJ, came forward and asked how tall the monument signs were. Mr. Radosti testified that the small signs were 8 ft. in height and the larger sign was 12 ft. in height.

Seeing no one further coming forward, the Chairman closed the meeting to the public.

Mr. Pape then asked for a 5-minute recess to speak to the Applicant regarding the lighting. Mr. Dominach asked that he also speak to the Applicant about limiting the delivery times brought up by Mr. Vignuolo.

After a 5-minute recess to speak to his client, Mr. Pape offered that deliveries would not take place before 7:00 a.m. or after 10:00 p.m. and trash removal would not be before 7:00 a.m. or after 10:00 p.m. He indicated that they could not specify what days of the week the fuel deliveries would be made because it was completely dependent upon when the tanks needed refilling.

Mr. Pape then discussed the hours of operation required by 7-11 stores for their convenience stores as 24/7, but do not require their fuel stations to keep the same hours. He noted that the fuel station could be open between 5:00 a.m. and 11:00 p.m. He further offered that after the general retail stores closed at 10:00 p.m., they could turn the general parking lot lights down to 50% intensity and when the gas station closes at 11:00 p.m., all of the gas station signage would go off and the canopy lights would be set at 25% intensity. He said that they felt comfortable with the safety level of lighting as long as the 7-11 LED gooseneck lighting was left at 100% for their 24/7 operation. Also, the larger, main monument sign would also be illuminated with an LED gooseneck fixture at 100% 24/7.

Chairman Thomas then opened the meeting to the public for comments.

Mr. Bill Connell, 25 Spring Street, Somerset, NJ, came forward and again brought up his concern regarding the placement of the two-way driveway out onto Hamilton Street. Vice Chair Graumann reiterated Mr. Dominach and Mr. Healey's earlier comment about contacting the County regarding their criteria in approving the driveway locations for the proposed site.

Mr. Vince Vignuolo, 1347 Hamilton Street, Somerset, NJ, came forward and was sworn in. He commented that he felt it was a great plan and that the Applicant went to great lengths to propose a very neighborhood friendly and aesthetically pleasing design, but still wanted to suggest they put in some more evergreen trees.

Seeing no one further coming forward, the Chairman closed the meeting to the public.

A discussion ensued among the Board. Ms. Bergailo asked the staff to review the lighting under the canopy again to make sure it did not product excessive glare. Mr. Dominach agreed to do so.

Vice Chair Graumann made a motion to approve the Application with Variances, with the conditions discussed during the hearing and as offered by the Applicant in regards to lighting and hours of operation. Mr. Rich seconded the motion and the roll was called as follows:

FOR: Vice Chair Graumann, Mr. Johnson, Mr. McCracken, Mr. Rich, Mr. Caldwell, Mr. Rosenthal and Chairman Thomas

AGAINST: None

WORKSESSION/NEW BUSINESS

There was no new business

MEETING ADJOURNED

Vice Chair Graumann made a motion to adjourn the meeting at 8:50 p.m. Mr. Rich seconded the motion and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
January 31, 2015