

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

**REGULAR MEETING
March 2, 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, Cecile MacIvor, Robert Mettler, Mustapha Mansaray, James Pettit, Robert Thomas, Jennifer Rangnow, Godwin Omolola (arrived at 7:40 p.m.) and Chairman Orsini

ABSENT: None

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

MINUTES:

- **Regular Meeting –January 20, 2016**

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

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

AGAINST: None

RESOLUTIONS:

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

Chairman Orsini made a motion to approve the Resolution as submitted. 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

- **Canal Walk / PLN-14-00003 (Prelim. Sub-Division Only)**

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

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

AGAINST: Vice Chair Maclvor

- **Franklin Juliette / PLN-15-00013**

Chairman Orsini made a motion to approve the Resolution as submitted. Mr. Mettler 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

DISCUSSION:

Vouchers:

- **Clarkin & Vignuolo, P.C. – February Retainer - \$833.33**

Vice Chair Maclvor 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. Hauck, Mr. Kharazi, Vice Chair Maclvor, Mr. Mettler, Mr. Mansaray, Mr. Pettit, Mr. Thomas, Ms. Rangnow, Mr. Omolola and Chairman Orsini

AGAINST: None

PUBLIC COMMENTS:

Chairman Orsini made a motion to open the meeting to general public comments. Mr. Mettler seconded the motion and all were in favor.

Mr. Carl Wright, 139 Fuller Street, Somerset, NJ, came forward. Mr. Wright spoke about moving forward an application to another date, noting that as it keeps getting moved forward, he noticed that there was no notification required. He requested an explanation of how residents were to know of the forwarded date.

Mr. Clarkin explained that if the Board did not complete an application on an evening it was scheduled, or if it never got started, an announcement would be made at that original hearing that no further notice or publication in the newspaper was required. He added that the Board would also announce what date the application would next be heard.

Mr. Wright then asked what would happen if someone could not make the original hearing, and they did not have access to the internet, how they would know when the next date the hearing would take place. Mr. Dominach stated that they could call the clerk or the Planning office at the Township. He noted that the various meetings/dates were posted in the Municipal Building by the Clerk, but the agendas were not. Mr. Healey indicated that any interested party could call, check the website or come to the Municipal Building to find out the agenda of the upcoming meetings. Chairman Orsini commented that anyone within 200 ft. of a proposed application would be notified of the original hearing date. Mr. Dominach added that anyone can sign up for e-blasts, which would notify them of all the meetings and date changes.

Councilman Chase brought up the subject of Sustainable Jersey Action regarding the increase of public participation in planning and zoning. He commented that he thought that one thing that was expected was the posting of the meeting agendas on a bulletin

board as well as on the website. The Councilman suggested that the Township could do that once the agendas were finalized. Mr. Dominach agreed and a discussion ensued among the Board regarding the topic.

Seeing no one further coming forward, Chairman Orsini made a motion to close the public portion of the meeting. Vice Chair MacIvor seconded the motion and all were in favor.

HEARINGS:

- **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 MARCH 16, 2016– with no further notification required.**

DL 03/02/2016

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

Site Plan in which the 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 16, 2016– with no further notification required.**

DL 03/31/2016

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

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, 745 Hamilton Street, LLC. Mr. Lanfrit indicated that they were there before the Board that evening for Site Plan, with Variances, and Major Subdivision approvals, on Hamilton Street, Dewald Avenue and Martin Street, Somerset: Blocks 223/224, Lots 22-31/1-12 & 28-33, in the HBD Zone.

Mr. Lanfrit indicated that the Application before the Board was to create three single-family lots and obtain Site Plan approval to construct a mixed use building. He noted that the three single-family lots were located in the R-7 Zone and the Site Plan approval they were seeking for the mixed use building was in the HBD (Hamilton Business District) Zone.

Mr. Lanfrit then gave the Board some background regarding the property, stating that the Applicant purchased the property in June of 2013 from the Estate of Deal. Marked into evidence by Mr. Lanfrit as Exhibit A-1, which was a colorized site rendering

prepared by the architect, Kurt Ludwig's, firm. He then discussed the planned demolition of the existing single-family structure on the property that was and still is in a state of disrepair. He noted that at that time, they were going to propose three single-family lots in the R-7 Zone, improve Martin Street, a fourth single-family lot on the other side of the street and a smaller, commercial mixed use building. Mr. Lanfrit explained that they had numerous meetings with Township staff and an Application was submitted in the summer of 2015. When the Application was submitted, they also submitted the requisite reports, including a Traffic Study, Storm water Management Report, soil testing, etc. He then explained that after the Application was submitted, the Township amended the zoning ordinance as it affects the HBD Zone, which allowed them to substantially change and modify the Site Plan. Mr. Lanfrit testified that they again had meetings with the Township staff, and that the plan before the Board that evening was a result of those meetings, which eliminated one of the single-family lots and added it back into the mixed use site to allow for a larger commercial building with some additional residential units above it. Mr. Lanfrit then explained that with the changes that were made, the storm water management system now has to be moved and redesigned to be placed under the parking lot.

Chairman Orsini stated that the indications and feedback that he has gotten from the Township professionals and the Board as a whole was that they were uncomfortable with approving the Application that evening without the benefit of seeing the final storm water management system. The Chairman stated that they were willing to hear all of the other testimony and Board feedback that evening and carry the hearing to a future date when the storm water plan had been completed, reviewed by staff and then comes back to the Board.

Mr. Lanfrit stated that he would then present the testimony of the Architect and Site Engineer that evening and wait until the storm water management plan was finalized before presenting that testimony. He also stated that he could also have the Traffic Engineer present testimony regarding the sight triangles

Mr. Kurt J. Ludwig, Architect, came forward and was sworn in. The Board accepted his qualifications. Mr. Ludwig then handed out to the Board 8-1/2 x 11 sized renderings of the four exhibits he will be relying upon during his testimony. Mr. Ludwig then described the commercial/residential building they were proposing on the subject property. He described the building as an L-shaped three-story structure located on the corner of Hamilton Street and Dewald Avenue. He noted that the first floor included a combination of retail and residential apartments, with the retail portion located along Hamilton Street, with entrances in both the front and rear of that retail space and parking in the rear of the building. When speaking of the residential apartments, Mr. Ludwig added that the second and third floor of the building was comprised entirely of residential apartments, for a total of 30 apartments. He then indicated that 13 of them would be 1-bedroom apartments and 17 would be 2-bedroom apartments. He then detailed the square footage of the retail space on the first floor, stating that that portion included 6,000 sq. ft. of space that could be occupied by one user to multiple users. Mr. Ludwig then indicated that the residential units had the same square footage of living

space, and that the only difference in square footage was because some had only one bedroom and others had two bedrooms. He indicated that the one-bedroom units had 864 sq. ft. and the two-bedroom units had 981 sq. ft. Mr. Ludwig then entered into evidence as Exhibit A-2, which was the first floor, ground level, floor plan. He went on to describe the proposed layout, stating that it included six (6) ground floor residential units comprised of three (3) one-bedroom and three (3) two-bedroom units. He stated that the one-bedroom units also included one bathroom, an open modern kitchen/living room area, laundry room, utility room and covered balcony. He then noted that the two-bedroom units included everything the one-bedroom unit had with the addition of the extra bedroom as well as an extra bathroom. Mr. Ludwig then described the building utilizing Exhibit A-3 that he entered into the record and described as showing multiple views of the exterior of the building. He then described the building materials being proposed along with the color choices of each that included red brick, limestone base and Hardie board-type siding. He then described the balconies, noting that each unit had their own included with their unit. Mr. Ludwig then introduced Exhibit A-4, which he described as the second and third floor plan exhibit. He detailed the access through five (5) interior stairwells and noted that some of the balconies on these floors faced Hamilton Street and Dewald Avenue and some faced the parking lot side. He indicated that the entrances to all of the residential units were from the parking lot side. He then testified that each residential unit would have its own separate heating and a/c system, with the units located on the parapet designed roof and would not be seen from the ground. Mr. Ludwig noted that the building met all of the zoning height and coverage requirements.

Mr. Healey then asked for clarification from Mr. Ludwig regarding the inclusion of a streetscape design the Applicant was proposing for the project, for the Board's edification since it was not shown on the handout provided. Mr. Healey noted that the building would be about 12 ft. back off the curb on Hamilton Street and about the same distance on Dewald Avenue. He included that specific Hamilton Street Business District design standards for the sidewalk, decorative light fixtures and street trees would be provided as well.

Mr. Pettit opened a discussion regarding the heating/cooling ventilation units on the roof and if each tenant would have control of their own unit. Mr. Ludwig answered in the affirmative. He also added that there would be a fire/sprinkler room on the ground floor. He also added that the units along Dewald Avenue were designed to be barrier free, as required.

Mr. Kharazi asked for clarification of who the neighbor's would be on the Martin Street side of the project. Mr. Lanfrit stated that there were residential structures to the rear on Martin Street and adjacent to the proposed project was a commercial entity. Mr. Lanfrit stated that the Site Engineer would discuss how they were going to shield and/or separate the units from the neighbors.

Vice Chair Maclvor inquired about the inclusion of firewalls between each unit. Mr. Ludwig indicated that each unit would be separated with rated partitions per code, and a

fire sprinkler system would be included throughout the complex in every unit. Mr. Ludwig then indicated that the State code would be changing the following month, so the project was planned to incorporate the new code laws, which was why they included the stairwells in the way they were laid out and the use of fire resistant materials.

Councilman Chase then opened a discussion regarding the roof design and Mr. Ludwig provided detail regarding the roof for clarification. He then gave clarification regarding the patio design and a discussion ensued regarding safety issues for first floor patios. The Councilman suggested a full grill design on the first floor as opposed to just a railing for added security. Mr. Ludwig indicated that that could be incorporated if the Board so desired.

Mr. Lanfrit asked Mr. Ludwig for his testimony regarding the proposed signage for the commercial space and that it was consistent with the ordinance. Mr. Ludwig agreed with that statement, noting that they were not seeking any sign variances with the Application. He then described how the signs would be illuminated with goose-neck style lighting fixtures and would not be a box style sign.

Councilman Chase asked about the goose-neck style lighting fixtures along Dewald Avenue on the residential side of the building. Mr. Healey also stated that he had some recommendations to separate the commercial from the residential by simplifying the ornamentation a bit on the residential section and change the lighting scheme along the residential side of the building.

Mr. Ronald Sadowski, Engineer, came forward and was sworn in. The Board accepted his qualifications. He testified that they had made some changes as a result of meeting with staff the day before, but the application before the Board that evening was in full compliance with the Hamilton Street Business District (HBD) District (commercial), and the three single-family lots were in full compliance with the R-7 Zone.

Mr. Sadowski started by discussing the requirements of the R-7 Zone for the residential units. He then discussed where Martin Street currently ends at the west corner of the residential property. He added that they would be improving Martin Street to 30 ft. in width consistently from the property line back to Matilda Street as well as along their frontage on Martin Street to Dewald Avenue (presently a paper street), including sidewalks and curbing on both sides of the street, but along their frontage only. He then discussed the utilities, including water, sanitary sewer and gas lines, with Mr. Lanfrit reminding him that the underground utilities would have to be finalized before the paving of Martin Street was done due to the 5-year moratorium after new street paving. Mr. Sadowski also testified that they would be putting in the driveway curb cuts for the proposed three single-family dwellings prior to street paving as well and providing street trees along Martin Street and Dewald Avenue along the frontages of the commercial/residential building as well as along the frontages of the single family homes, as required. Mr. Sadowski then drew the Board's attention to Dewald Avenue, noting that it was currently a paved, one-way street with no curbing and varying widths. He indicated that they were proposing to make it a consistent width (15 ft. in

width from the centerline) and installing curb and sidewalk along the property frontage, allowing for parking along Dewald Avenue as a result of the project. Mr. Sadowski indicated that they would comply with all of the requirements and design standards of the Hamilton Street Business District that would also include any comments made by Mr. Healey in his Planning report.

Mr. Sadowski then discussed circulation and parking for the commercial/residential building and how it would function efficiently. He noted a proposed two-way access drive from Hamilton Street as well as a two-way access drive from Martin Street and two-way traffic within the site. He described the on-site drive aisles as being 24 ft. wide and a total of 60 parking spaces, which was recently modified from the previous plan of 55 parking spaces due to a discussion with Township staff the day before. He noted that the residential use required a total of 57 parking spaces, and that they were now going to be able to provide four (4) ADA parking spaces in the revised plan where they previously were only able to incorporate two (2). Mr. Sadowski added that they would now be able to provide two (2) ADA parking spaces for the residential use and two (2) ADA parking spaces for the commercial use. He brought to the Board's attention the fact that they would be short 15 parking spaces for the commercial use based on 6,000 sq. ft. that required 18 parking spaces. He testified, however, that the Applicant was amenable to make a payment in lieu to the Township for the deficiency. Mr. Healey reminded the Board that they were now able to provide up to seven (7) parking spaces on Dewald Avenue as a result of the roadway improvements that they were going to be making there. He added that there would also be the provision of at least five (5) parking spaces on the commercial side of Martin Street and at a few others on the other side of the street once the roadway improvements were made. Mr. Sadowski then discussed being able to now provide 30 parking spaces in the back of the on-site parking lot earmarked for one parking space per residential unit. He added that the additional 30 spaces would be for either the commercial employees and/or patrons or for visitors to the residential units to use.

Mr. Sadowski then drew the Board's attention to the Lighting Plan for the project, noting that they were providing lighting for the parking lot to satisfy the Township standards. Utilizing Exhibit A-1, Mr. Sadowski then described for the Board the landscaping the applicant would be providing around the perimeter of the property. He noted a mix of evergreens and deciduous trees as you enter the property from Hamilton Street. He noted that there was fencing to screen the parking area from the adjacent commercial establishment as well as the residential neighbors to the rear of the property. He then explained that they would be providing shrubbery along the frontage of the parking lot along Martin Street to shield the headlights from shining across the street and also described the large landscape island that would be provided to separate the two large parking fields on the site.

Mr. Sadowski then entered into the record as Exhibit A-5, the Site Plan Improvement display showing some recent modifications that were made to the Site Plan based upon conversations with the Township Staff the previous day. He noted that the Hamilton Street access drive had increased in width by 3 ft. to satisfy the County Planning Board

comments to accommodate a 15 ft. entrance and a 12 ft. exit lane, the parking lot had been adjusted to provide additional parking, as discussed earlier, the new trash dumpsters have been relocated from near the Hamilton Street access drive to a more centralized location to be used by both the residential and commercial tenants. A discussion ensued regarding the movements of the trash enclosures and shifting some curbing to allow for additional parking spaces on-site. As requested by Mr. Vega, the Assistant Township Engineer, they added additional ADA parking stalls. Even though they had added additional impervious coverage to the site with these changes, Mr. Sadowsky indicated that they still met requirements and were actually under the impervious requirements of the HBD Zone.

Mr. Dominach opened a discussion regarding the central location of the trash dumpsters and the possibility of blocking the main travel lane on-site during pick-ups. Mr. Sadowsky indicated that they were behind the curbing and were inside masonry trash enclosure that matched the building materials. Mr. Lanfrit indicated that the Applicant was directly involved with the activities of the trash removal company and can instruct them to come for pickups during the daylight hours.

Mr. Sadowsky then testified that they could comply with the Township Engineer's report and any items still not finalized would be satisfied to the approval of Mr. Vega. He also indicated that any modifications that were made to the plan or will be made to the plan would not substantially change the plan the Board was looking at that evening.

Vice Chair MacIvor asked whether they had investigated putting in diagonal parking on the side streets to increase the amount of parking that could be provided. A discussion ensued among the Board regarding looking at that issue in the long-term when the other side of the street was developed. The Vice Chair then asked if any of the public lighting could utilize LED lighting, and Mr. Sadowsky stated that they could look into that possibility and put a note on the plan to that effect.

Councilman Chase opened a discussion regarding how the proposed street trees would get water to the roots to grow properly, and Mr. Sadowsky explained how there would be a grass strip in which to grow. He noted that those planted along Hamilton Street would comply with the Hamilton Street Business District design standards. Mr. Healey discussed the details of the design standards for Hamilton Street, indicating that the Applicant had complied.

Mr. Mettler then opened a discussion as to whether there would be storm sewers put in place along Martin Street that would go along with the repaving of the roadway. Mr. Sadowsky looked at the plans and explained to the Board that there were two existing inlets on Dewald Avenue, with the addition of a third at the corner of Dewald Avenue and Martin Street to capture the runoff.

Mr. Kharazi expressed his concern regarding too much street parking clogging up the roadway to prevent fire safety vehicles from passing. Mr. Lanfrit testified that they were in compliance with the number of on-site parking spaces, and the street parking spaces

provided on the surrounding roadways were just additional parking in addition to the Applicant's payment in lieu to the Township fund. Mr. Healey then opened a discussion ensued among the Board regarding parking requirements and provisions as well as turning radiuses for fire safety vehicles.

Mr. John Rea, Traffic Consultant and Principal of McDonough & Rea Associates, came forward and was sworn in. The Board accepted his qualifications. Mr. Rea reviewed the testimony given by Mr. Sadowsky regarding the on-site circulation and parking plan. He then discussed sight lines and sight distances as well as addressed the adequacies of the sight distances at both driveways as well as at the intersection of Dewald Avenue and Martin Street. He noted that the sight triangles were shown on Mr. Sadowsky's Exhibit 5 for site improvements. Mr. Rea testified that they would be sitting down with Mr. Vega to gain his approval of the sight distances, but he stated that it was his opinion that there would be no sight distance issues at the intersection of Martin Street and Dewald Avenue or at either of the two driveways into the site. Mr. Dominach stated that the Assistant Township Engineer did not have time review the modifications, but indicated that he was sure they would sit down and work things out to Mr. Vega's approval.

Chairman Orsini made a motion to open the meeting to the public for questions/comments. Mr. Thomas seconded the motion and all were in favor.

Mr. Tim Kelly, 193 Wilson Road, Somerset, NJ, came forward. He also indicated that he was on the Hamilton Business District Committee. Mr. Kelly was interested in knowing whether the decorative lighting fixtures on Hamilton Street were going to also be included on Dewald Avenue. Mr. Healey indicated that they would wrap around the corner of Dewald Avenue in front of the commercial portion of the building.

Seeing no on further 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 respectfully requested that the hearing be **CARRIED TO MAY 04, 2016– with no further notification required.**

DL 03/31/2016

- **Master Plan Re-Examination**

Mr. Thomas asked whether there was ever a report issued on the status of the Township fund that included monies collected from applicants paying fees in lieu of providing parking in the Hamilton Street Business District. Mr. Healey stated that he did not believe that there were significant enough monies in the fund at that time to discuss providing any kind of public parking in the Hamilton Street Business District. Mr. Pettit felt that as each new development came before the Board for approval, there would be less land available in order to provide public parking lots. He stated that the Township

needed to purchase land now, while there was some still available, in order to have on hand for a later day when the monies in the fund were appreciable enough to pay to create parking lots. Mr. Healey suggested that the topic would be a good one to discuss regarding the upcoming Master Plan update. A discussion ensued among the Board.

Mr. Healey gave about a 5-minute presentation of the culmination of the work that had been done by the Planning Board at prior work sessions to discuss the Master Plan. He noted that the last comprehensive Master Plan of Franklin Township was done in March, 2006 and that the Municipal Land Use Law (MLUL) required municipalities to review the Master Plan every ten (10) years. He also noted that the report that was prepared satisfies the obligation to do that review, and in doing so, protects the Township from challenges against its Master Plan and development regulations. He then stated that the Re-Examination provided the outline for the comprehensive Master Plan that would be done as the second step in the process. He noted that the first half of the review documented the fact that the 2006 Township Master Plan had been updated with six to the Land Use Plan over the last ten (10) years and five (5) additional elements added. Mr. Healey stated that the second step in the process was the Re-Examination of the Master Plan and the development regulations. The MLUL indicated that it was supposed to address the major problems and objectives at the time of the 2006 Master Plan and the extent to which it addressed how those problems and objectives have been reduced or increased since that time.

Mr. Healey then went about reviewing the draft document, which he indicated was 79 pages long. He stated that the major zoning ordinance amendments and zoning map changes that took place since the 2006 Master Plan were valid, but that there was a need to make some “tweaks” since there were some areas where the zoning didn’t quite match what was going on in the area. He went about detailing some specific areas in the Township that needed addressing. Mr. Healey included that it addressed the office vacancy issue in the Township, primarily in the CB Zone, and encouraged the Township to do an economic development plan. He also stated that they were going to look at the clustering and lot averaging ratios as well as the Renaissance Redevelopment area. Mr. Healey stated that the report recognized a number of trends that had occurred over the past 10 years, the most notable being seen in the senior population as a result of the senior developments in the northwest corner of the Township. He then addressed the two major themes that the document addressed in the Master Plan in the Land use element, the Utility element and the Conservation element was the provision for public water and public sewer.

Mr. Healey then discussed handing over issues with the Open Space & Recreation Plan to the Open Space Committee and the same process with the Farmland Plan with the Agricultural Advisory Committee, the Environmental Resource Plan with the Environmental Commission, the Historic Preservation Plan with the Historic Preservation Commission, etc.

Mr. Healey noted that after the document was adopted, they would get started on the Comprehensive Master Plan, most likely during the summer months.

Chairman Orsini made a motion to open the meeting up to the public for comments on the Re-Evaluation of the Master Plan. Vice Chair MacIvor seconded the motion and all were in favor. Seeing no one coming forward, Mr. Mettler made a motion to close the public portion of the meeting. Vice Chair MacIvor seconded the motion and all were in favor.

Mr. Thomas made a motion to adopt the Master Plan Re-Examination document. Vice Chair MacIvor seconded the motion and the roll was called as follows:

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

AGAINST: None

COMMITTEE REPORTS

No reports discussed.

WORKSESSION/NEW BUSINESS:

No new business discussed.

ADJOURNMENT:

Chairman Orsini made a motion to adjourn the regular meeting at 9:10 p.m. The motion was seconded and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
April 20, 2016