

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

**REGULAR MEETING  
July 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:

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**PRESENT:** Councilman Chase, Carl Hauck, Cecile Maclvor, Robert Mettler, Mustapha Mansaray, Jennifer Rangnow, Godwin Omolola and Chairman Orsini

**ABSENT:** Alex Kharazi and Robert Thomas

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

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**MINUTES:**

- **Regular Meeting – May 18, 2016**

Councilman Chase brought to the Board's attention that there was a mistake in the address of one of the hearings that was presented the evening of May 18, 2016. Mr. Dominach indicated that they couldn't amend the minutes because the address given that evening was part of the Applicant's testimony. He did, however, state that the Resolution would reflect the correct address, and that by mention of that fact in the discussion that night (July 20, 2016), the record would reflect that the address was given incorrectly the night of the hearing and that the change would be made in the Resolution.

Vice Chair Maclvor 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, Vice Chair Maclvor, Mr. Mettler, Ms. Rangnow, Mr. Omolola and Chairman Orsini

**AGAINST:** None

- **Regular Meeting – June 1, 2016**

Vice Chair MacIvor 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, Vice Chair MacIvor, Mr. Mettler, Ms. Rangnow and Chairman Orsini

AGAINST: None

**RESOLUTIONS:**

- **413 Somerset Street Associates, LLC / PLN-10-00011**

Vice Chair MacIvor made a motion to approve the Resolution as submitted. Chairman Orsini seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Vice Chair MacIvor, Mr. Mettler Ms. Rangnow and Chairman Orsini

AGAINST: None

- **Jay Laxmi Vishnu, LLC / PLN-09-00007**

Vice Chair MacIvor made a motion to approve the Resolution as submitted. Mr. Mettler seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Vice Chair MacIvor, Mr. Mettler, Ms. Rangnow and Chairman Orsini

AGAINST: None

- **Franklin Township / PLN-00003**

Mr. Dominach stated that this was the Resolution that would reflect the correct address, as discussed earlier that evening.

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

FOR: Mr. Hauck, Vice Chair Maclvor, Mr. Mettler, Ms. Rangnow, Mr. Omolola and Chairman Orsini

AGAINST: None

**DISCUSSION:**

***Vouchers:***

- **Clarkin & Vignuolo, P.C. – July 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, Vice Chair Maclvor, Mr. Mettler, 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.

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

## HEARINGS:

- **Balaji Property Solutions, LLC / PLN-16-00004**

Minor Subdivision w/Variance in which the Applicant was proposing to subdivide the property into lots at 23 Wortman Street, Somerset; Block 73.01, Lot 36 in the R-10 Zone – **CARRIED TO SEPTEMBER 7, 2016 – with no further notification required.**

**DL 10/08/2016**

- **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. The Application that evening was for Site Plan approval, with Variances, and Major Subdivision, on Hamilton Street, Dewald Avenue and Martin Street, Somerset; Blocks 223/224, Lots 22-31/1-12 & 28-33, in the HBD Zone - **CARRIED from June 1, 2016 – with no further notification required.**

Mr. Dominach told the Board that the Engineering Dept. had reviewed the geotech report submitted and that they had confirmed that the geotech works; however, the report also indicated that a storm water management report had not been submitted. He indicated that it had since been submitted and the Engineering Dept. was reviewing it. Additionally, he stated that the geotech report indicated that the storm water management system proposed would work.

Mr. Lanfrit testified that on March 2, 2016, he appeared before the Board on behalf of the Applicant and presented the testimony for a three (3)-lot Minor Subdivision as well as a Preliminary and Final Major Subdivision. He noted that the three lots fronted on Martin Street and Site Plan for the mixed used building fronted on Hamilton, Dewald and Martin Streets. He went on to further explain that the plan that was presented that evening was a fully conforming plan, with no variances, and that they presented that evening the testimony of the Architect, the Site Engineer and their Traffic Consultant. He noted that the only thing missing that evening was the geotech information, which had since been provided. At that juncture, he testified that everything was before the Board and respectfully requested that the matter be approved.

Chairman Orsini asked Mr. Lanfrit if there was anything in the June 30, 2016 Engineering report that indicated an item was “not satisfied” that the Applicant cannot satisfy. Mr. Lanfrit stated that they had reviewed that report, and all the comments still listed were just minor details and that they were working on satisfying. Mr. Dominach stated that since the June 30, 2016 Engineering report was published, the Applicant had since submitted additional information that they expect would satisfy the majority, if not all, of the comments. He also added that nothing in the June 30<sup>th</sup> Engineering report that indicates that items were still not satisfied would affect the Site Plan.

Mr. Omolola asked for clarification from Mr. Lanfrit regarding an example of a minor issue that still needed to be satisfied. Mr. Lanfrit indicated that the parking information needed to be updated and setback dimensions needed to be provided on the plan, noting that these and others were minor changes that do not affect what the building was going to look like, etc. A discussion ensued among the Board regarding the minor changes that were required. Both Mr. Dominach and Mr. Healey indicated that none of the changes required affected the actual Site Plan. Mr. Healey stated that what was below the ground, in terms of the storm water management system, needed to be worked out with the Engineering Dept., but did not affect the Site Plan significantly. Mr. Healey went on to state that at the last hearing, there were comments from other staff members, and the Applicant agreed to comply with those comments. He added that if the Board were inclined to approve the Application, it would be subject to the conditions agreed to during the previous hearing as well.

Chairman Orsini opened a discussion regarding General Comments #44-48, where it stated that the single family homes had been removed from the plan. Mr. Lanfrit explained that the original plan submitted had one single family dwelling on the same side as the mixed use building, so there were four (4) single-family lots. He noted that by the time the Applicant came before the Board in March, the single family lot on the same side as the mixed used building was removed from the plan. He went on to state that on the Hamilton Street side of Martin Street, there was nothing but the mixed use building and there were three (3) single family lots (all conforming lots) on the other side of Martin Street. Councilman Chase asked if they were going to put in all the utilities for the single family homes right away since there was a five (5) year moratorium on digging after a street was paved. Mr. Lanfrit explained that Martin Street was presently considered a "paper" street that they plan to build and place utilities at the same time.

Mr. Hauck asked Mr. Lanfrit when the revised storm water management system was submitted to the Township for review. Mr. Dominach stated that he believed it was just the week before. Mr. Lanfrit stated that it involved relocating the underground system because of the perk tests that were done that allowed it to be moved further away from the building, which was the Assistant Township Engineer's concern. Mr. Lanfrit stated that Mr. Vega had not yet reviewed the resubmitted plan.

Councilman Chase had a question regarding items #69-#73 in the Assistant Township Engineer's report. He told Mr. Lanfrit that since he was last before the Board, Council had passed a new lighting pollution ordinance and wondered if the current plans take that into consideration. Mr. Lanfrit indicated that he did not check, but felt that since the Application was submitted and reviewed prior to the adoption of the new ordinance that it would not be subject to its requirements. He stated he would have the Site Engineer look at it and if they could accommodate the new ordinance, they would. Mr. Healey indicated that he believed Mr. Lanfrit was technically correct, but didn't think it unreasonable to have a condition that stated the Applicant would work with staff to make the site as compliant as possible with the new ordinance.

Mr. Hauck then opened a discussion regarding the newly submitted storm water management system. He asked that since the Engineering Dept. did not have an opportunity to review the system yet, would the Applicant agree that any and all new comments would be worked out with the Engineering Dept. Mr. Lanfrit agreed to that condition. Mr. Healey then added that if any of the changes made to the storm water management plan result in any changes to the Site Plan that were meaningful, they would have to come back before the Board. He indicated that significant changes to the Site Plan were not anticipated because it was an underground system, however. Mr. Lanfrit testified that in speaking with Mr. Vega, the Assistant Township Engineer, he didn't feel that any revisions necessary would affect what the Board was looking at that evening. He added that it would just be a situation of relocating the storm water management system to a different part of the parking area. Mr. Dominach stated that a lot of the changes involved moving the storm water management system away from the building and that was accomplished based upon the recent geotech information that was submitted.

Vice Chair Maclvor made a motion to open the meeting to the public for questions or comments. 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. Vice Chair Maclvor seconded the motion and all were in favor.

Vice Chair Maclvor made a motion to approve the Application with the condition that the Engineering Dept. was satisfied on all their comments. Mr. Mettler seconded the motion and the roll was called as follows:

FOR: Vice Chair Maclvor, Mr. Mettler and Mr. Mansaray

AGAINST: Councilman Chase, Mr. Hauck, Ms. Rangnow, Mr. Omolola and Chairman Orsini

The motion was denied since the majority of the Board members did not feel that they could approve the Application without seeing a written review from the Township Engineering Dept. for the revised storm water management plan and Chairman Orsini felt uncomfortable as well since they also did not have a written report from a professional to attest to the fact that the geotech works.

Mr. Lanfrit respectfully accepted the decision. Chairman Orsini suggested to Mr. Lanfrit that he could come back before the Board with a complete plan that they could review.

- **New Casino Car Wash, LLC / PLN-16-00002**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, New Casio Car Wash, LLC. Mr. Lanfrit explained that they were there before the Board for a Site Plan in which the Applicant proposed to construct a car detail area at 3161 Route #27, Franklin Park; Block 34.05, Lot 44, in the NB Zone.

Mr. Dominach's Zoning report indicated that the Applicant proposed to construct a "Car Detail Area" in the NB Zone, with the following variances required:

1. Side yard setback: 10 ft. minimum, 4.25 ft. proposed
2. Building-mounted signage: 1 permitted, several were existing, and one new sign "Detail Center" was proposed.

Also included in Mr. Dominach's report was the requirement that the Applicant explain the size of the sign so that it can be determined if additional variances would be needed for height or square footage.

Mr. Lanfrit indicated that the proposed new accessory structure had three sides and was open at the front, with a sign on the structure. He testified that they were planning on reducing the size of the sign to 30 sq. ft. or less to make it conforming with the ordinance.

Mr. Oriel Cohen, Owner/Operator, came forward and was sworn in. He explained that there was a car wash, a gas dispensing facility and automotive repair shop on the property. Mr. Cohen did explain, however, that he solely operated the car wash and that there was a separate operator for the gas dispensing facility as well as a separate operator for the automotive repair shop. He then stated that he had operated the car wash for about three (3) years. Mr. Cohen noted his hours of operation for the car wash were 8 a.m.-7 p.m., with an earlier closing time of 6 p.m. He then told the Board that he had between seven (7) and eight (8) employees working at the car wash and that he was there most days of operation. He testified that the majority of his employees travelled to and from work by bus. Mr. Cohen indicated that they presently do some interior detailing, but very little exterior detailing of cars due to the heat, which was why they were proposing an overhead accessory structure in order to be able to provide exterior detailing as well. Mr. Cohen added that the area where they were proposing the accessory structure was already a paved area with some self-serve vacuum machines presently. He indicated that the vacuum machines were not used very much since they provide that service at the entrance to the car wash, so they were going to take the equivalent of two self-serve spots to place the canopy for detailing. Mr. Cohen estimated that they would be able to detail between two (2) to four (4) vehicles and the detailing of a vehicle can take between three (3) to five (5) hours. He also noted that the proposed canopy area would allow for two (2) vehicles to be detailed at one time, and the detailing service would be by appointment only. Mr. Cohen stated that he usually would give the customer a 30 minute "heads up" before the car was finished, but if they did not pick up their vehicle right on time after it was completed, he stated that he

would park it in the designated parking space noted on the plans. He also testified that there was no parking problem on the site, to his knowledge. Mr. Cohen also indicated that the proposed location of the detailing area was the best positioning for it on the site.

Mr. Cohen then addressed some questions brought up on Mr. Healey's Planning report by first describing the process of a detailing appointment, noting that it would go into the car washing bay first and then would be taken over to the detail canopy. He described the material used for the canopy as fabric.

Mr. Lanfrit stated that there were other parking spots on the site, but that they only showed the ones that were affected by the proposed canopy on the plans that were submitted. He added that if the Board wanted to see all the parking spaces delineated on the plan, they would agree to revise the plans accordingly. He added that the space that would be occupied by the detailing canopy was taking the place of two (2) self-serve vacuum spaces that were never included in the parking count for the site. Mr. Lanfrit stated that any current landscaping in that area would be retained and that they would be agreeable to add additional landscaping between the detail center and the Dunkin Donuts should the Board request it. He then entered into the record as Exhibit A-1, a colorized rendering of the detail center that he passed to the Board Attorney. Mr. Lanfrit then stated that the proposed lot coverage area noted on the plans for the detail center was 8.34% and was incorrect per Mr. Healey's report. He stated that the correct lot coverage of 5.5% would be changed on the plans. He then indicated that they would also show the modifications on the plans that recently received Administrative Site Plan approval (i.e., 416 sq. ft. addition and 260 sq. ft. canopy). Mr. Lanfrit stated that the Engineering Dept. did not seem to have any comments on the Application.

Vice Chair MacIvor asked how the Applicant was going to keep the fabric canopy nice looking after it had been there for awhile and exposed to the elements. Mr. Cohen indicated that there was a five-year warranty on the fabric canopy and would deal with the manufacturer if something happened to it before the warranty was up. He testified that he would replace it himself after the warranty should something happen to it or it became unsightly. He noted that there were companies that would come out and clean the canopy and he agreed to do that as regular maintenance.

Mr. Lanfrit stated that the Fire Prevention Dept. had no objections to the Application and that they received County approval as well as Delaware & Raritan Canal Commission (DRCC) approval as well.

Mr. Mettler expressed his concern of the effects of a 'Nor'easter storm, with the canopy having three sides enclosed, with the one open side facing the northeast. Mr. Cohen discussed other canopies he has that were three years old and described them as solid and strong as well as very durable. He stated that they survived the past winter's heavy snow fall as well.

Ms. Rangnow asked for clarification of on-site circulation when the car wash is very busy and there was rush hour traffic on Rte. 27. Mr. Cohen referred to Sheet 2 of the plan set submitted in conjunction with the Application when describing the planned on-



site circulation proposed. He also stated that the customers do not drive their own vehicles through the car wash, so that each vehicle exiting the car wash was driven by an employee to a drying area and then picked up by the customer, who then would exit the site.

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

Mr. Mettler made a motion to approve the Application. Councilman Chase seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Vice Chair MacIvor, Mr. Mettler, Mr. Mansaray, Ms. Rangnow, Mr. Omolola and Chairman Orsini

AGAINST: None

### **COMMITTEE REPORTS**

No reports were discussed.

### **WORKSESSION/NEW BUSINESS:**

There were no work session items or new business to discuss

### **EXECUTIVE SESSION:**

The Board did not enter into an Executive Session that evening.

### **ADJOURNMENT:**

Chairman Orsini made a motion to adjourn the regular meeting at 8:08 p.m. Mr. Mansaray seconded the motion and all were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
July 30, 2016