

May 5, 2020 Zoning Board of Adjustment

Pursuant to the "Open Public Meeting Act," The Sentinel and the South Jersey Times were notified of this meeting. A public notice was posted in the Municipal Building. The Virtual GOTO meeting of the Township of Franklin Zoning Board of Adjustment (is hosted by Jason Tuvel, Attorney of Prime & Tuvel and meeting was called to order by the Chairman, John Gravenor at 7:00 PM with the following members present: Mr. Iglesias, Mr. Leo, Mr. Garofalo, Mr. DeCesari, Mr. Ketchum, A-1, Mr. Hammel, A-2 and Mr. Schiavone. Absent: Mr. Gaetano. B. Michael Borelli, Solicitor and Steve Nardelli, Engineer is present. Mr. Gravenor led in the flag salute. Mr. Gravenor seats Mr. Ketchum in the absence of Mr. Gaetano and Mr. Hammel is not seated.

AGENDA

Approve Minutes 2/4/2020, 3/3/2020, & (4/7/2020-Meeting Cancelled)

Approve Secretary's Report March & April

Approve Resolutions: ZB19-10 George W. Harper ZB20-01 Michael S. Beck

Applications: **ZB20-02 Newfield DG, LLC** Block 4318 Lot 12.01 Harding Highway & Porchtown Road Use Variance to construct Dollar General

Correspondence

Adjourn

Minutes 2/4/2020

Upon a motion by Mr. DeCesari, seconded by Mr. Garofalo, all in favor, to approve minutes of the following meetings: 2/4/2020, 3/3/10 and (4/7/20-cancelled) as presented. Motion passed.

7:05PM Anthony Gaetano arrives and is seated, Mr. Ketchum is no longer seated.

ZB20-02 Newfield DG, LLC Block 4318 Lot 12.01 Harding Highway & Porchtown Road Use Variance to construct Dollar General

B. Michael Borelli states all papers-public notice are in order.

Jason R. Tuvel, Attorney, Prime & Tuvel, 14000 Horizon Way, Suite 325, Mt. Laurel, NJ states he is the solicitor for applicant Newfield DG, LLC and states this applicant is for Use Variance only, they will come back to the Board for the Site Plan. Mr. Tuvel describes application in detail and states they will have the following witnesses: Paul Munchin PE Stonefield, 15 Spring St, Princeton, NJ, John Corak, Engineer, Rutherford, and Jim Kyle, PP of Kyle McManus, Hopewell. NJ. Mr. Tuvel states hours of operation at 7-8AM to 10 PM, 2-3 employees on regular shift, with 1-2 box trucks per day, there will be one tractor trailer 1 time per week and will be there for 45 minutes. All witnesses are sworn in Paul Munchin, John Corak and Jim Kyle.

Paul Munchin, PE of Stonefield Engineering gives his professional background and states he is a licensed professional Engineer in 15 Spring St., Princeton, NJ. The Board accepts Mr. Munchin as an expert witness. Mr. Munchin points to Exhibit **A-1** an aerial, P1 of 1, showing the Dollar General Site location across from convenience center, next to tire shop, catty-corner to gas station and across Harding Highway to a vacant lot. Exhibit **A-2** is an enlarged aerial to show Route 40 and Route 55 and site. Exhibit **A-3** is a colored conceptual showing parking 9100 sq. ft. building and basin. One technicality is Porchtown falls short of frontage requirement, if you use all frontage there is 600'. The bulk of parking is on left side of building and loading dock is to right of storm-water basin. The corner of building directed to intersection and loading is far removed, all setbacks comply and as well as parking. Getting major access permit from NJDOT on Harding Highway. Tractor trailer will pull in to left and back in. Site is ADA parking compliant with signage and ramps. Dumpsters will be in enclosure. There is signage on each side of building and pylon sign at driveway. Mr. Munchin shows architectural drawings. **Mr. Borelli** interjects that it makes sense to have a driveway off of Porchtown Road, perhaps Mr. Nardelli can go over that with Traffic Engineer. Mr. Munchin continues Exhibit **A-4** shows building perspective with stone knee wall with hardy plant and upgraded for visibility of site and HVAC will be screened. Septic is shown and well will runoff to basin location. End of testimony.

Mr. Gravenor asks when tractor trailers come in, they show trailer coming in to left and then backing up, and is it offloaded from side. Mr. Tuvel states yes.

Mr. DeCesari states he would also like to see Porchtown driveway. **Mr. Gravenor** states that will be discussion for Site Plan.

John Corak of Stonefield Engineering gives his professional background, and states he is a Licensed Professional Engineer at Park Avenue in Rutherford, NJ. Board accepts Mr. Corak as expert witness. Mr. Corak studied and evaluated the site and explains trip generation on Harding Highway major access with traffic going 55 MPH and Porchtown Road (County Road) of 45 MPH. Impact of site is minimal when compared to other IC zone traffic volume. This is a commercial enclave from a traffic standpoint captured on roadway, commercial off road, 34% of pass-by traffic; analysis shows driveway is acceptable, all site distances on site with internal circulation.

Mr. DeCesari states on Sunday night, they will not be able to make a left hand turn access on road as well. **Mr. Gravenor** states it is a safety issue. **Mr. Tuvel** states they will look at safety issue with county and Mr. Nardelli. Mr. Corak states parking of 37 meets criteria and Dollar General design, and looks for 30 spaces showing peak demands of 18 vehicles. Parking spots are 9' x 19' along building and 9'x18' on Porchtown Road side. **Mr. Nardelli** asks Mr. Corak how confident he is to get a NJ DOT

approval for left turn in off Porchtown Road. **Mr. Corak** states he is very confident. **Mr. Nardelli** states NJDOT may force them to have an alternate plan. End of testimony.

Jim Kyle of Kyle McManus of 2 E. Broad Street, Hopewell, NJ gives his professional background and states he is a NJ Licensed Professional Planner and is accepted by the Board as expert witness. Mr. Kyle states he reviewed all plans, heard testimony and provided overview of site and states this site is in the IC zone and convenience retail use does fit for Dollar General and feels use would be allowed. Primarily non-residential grant of use variance wouldn't hurt any residential sites as there is a gas station, and convenience store existing. Mr. Kyle states Dollar General meets the intent of the zone and is a good location to capture pass by traffic. Mr. Kyle feels site is suite and this promotes the health and general welfare and provides sufficient space and is a good location. Lot is undeveloped back to 1995 which benefits and meets positive criteria. The negative criteria does not have increase of traffic like a new site. Master plan was reviewed and this maintains smart growth. Purpose of IC zone recognizes Rt. 40 and Porchtown Road with no substantial impairment and granting this would support commercial enclave as good location and the intent of the zone, meets positive and negative criteria. Mr. Gravenor states good presentation.

Mr. Nardelli comments this is a unique zone, permits more intensive uses, site has been vacant so long there is not municipal sewer. It is a good fit, but they need a variance for frontage bulk so they will not need it when they come in for Site Plan. Mr. Nardelli states it's a good idea to discuss with County for a Porchtown entrance, it is worth looking into. **Mr. Gravenor** state the plan looks great, but comments with past practices, Dollar Generals does not have a record for a clean area or site. Mr. Tuvel states they can discuss this at site plan.

Upon a motion by Mr. Iglesias, seconded by Mr. Schiavone, all in favor, to open the public portion. Motion passed.

Microphones are unmuted for visitors to ask question or make comment.

Truitt Pram of Brim Mirro Pantry One LLC, across the street from site is sworn in and states DG is a million dollar business and there are already 2 in the town, this is not viable to have competition truck entrance to Pantry One getting in especially during pandemic. It is a busy intersection, with no left turn and Pram objects to this Dollar General application. Mr. Tuvel states they submitted report to NJDOT and DG has less of an impact than some of other permitted uses.

No one for question or comment.

Upon a motion by Mr. DeCesari, seconded by Mr. Leo, all in favor, to close public portion. Motion passed. 8:14 PM

Mr. Tuvel states they will pursue Porchtown Road access to NJDOT with architectural review and will coordinate with Subcommittee with Steve Nardelli and NJDOT to left turn into site off DOT and feel we have met burden of proof for variance and this is a good fit for the area.

Mr. Borelli has a concern of one time per month for tractor delivery. **Mr. Tuvel** will look at widening with Mr. Nardelli.

Upon a motion by Mr. DeCesari, seconded by Mr. Schiavone, to approve Use Variance for Newfield Dollar General with bulk variance, with all discuss and testimony.

RCV: Mr. Iglesias, states yes, it is a clean presentation; Mr. Leo, yes; Mr. Garofalo, yes; Mr. Gaetano, yes; Mr. DeCesari, yes; Mr. Schiavone, yes; Mr. Gravenor, yes. Motion passed.

Resolutions

Upon a motion by Mr. Garofalo, seconded by Mr. Leo, all in favor, to approve Resolutions:
ZB19-10 George W. Harper and ZB20-01 Michael S. Beck.

Secretary's Report

Upon a motion by Mr. DeCesari, seconded by Mr. Schiavone, to approve Secretary's Report in the amount of \$610.00 for the month of March and \$400.00 for the month of April.

RCV: Mr. Iglesias, yes; Mr. Leo, yes; Mr. Garofalo, yes; Mr. DeCesari, yes; Mr. Ketcham, yes; Mr. Schiavone, yes; Mr. Gravenor, yes. Motion passed.

Correspondence

Mrs. Rafuse states Resolutions & Secretary's report were acted on and just points out the NJ Planner.

Adjourn

Upon a motion by Mr. Schiavone, seconded by Mr. Garofalo, all in favor, to adjourn the meeting at 8:20 PM. Motion passed.

Respectfully submitted,
E. Lynne Rafuse,
Zoning Board Secretary
Township of Franklin