

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

**REGULAR MEETING
November 9, 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 Maclvor, Mustapha Mansaray (arrived at 7:53 p.m.), Jennifer Rangnow, Godwin Omolola (arrived at 7:53 p.m.) and Chairman Orsini

ABSENT: Robert Mettler and Robert Thomas

ALSO PRESENT: Mr. Peter Vignuolo, Board Attorney, and Vincent Dominach, Senior Zoning Officer

MINUTES:

- **Regular Meeting – September 7, 2016**

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

FOR: Councilman Chase, Mr. Hauck, Mr. Kharazi, Vice Chair Maclvor, Ms. Rangnow, Mr. Omolola and Chairman Orsini

AGAINST: None

- **Regular Meeting – September 21, 2016**

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

FOR: Mr. Hauck, Mr. Kharazi, Vice Chair Maclvor, Mr. Mansaray, Ms. Rangnow and Mr. Omolola

AGAINST: None

RESOLUTIONS:

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

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

FOR: Councilman Chase, Mr. Hauck, Mr. Kharazi, Vice Chair Maclvor, Ms. Rangnow, Mr. Omolola and Chairman Orsini

AGAINST: None

- **Canal Walk GDP**

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

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

AGAINST: None

DISCUSSION:

Vouchers:

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

Vice Chair Maclvor made a motion to approve the Vouchers as submitted. The motion was seconded and the roll was called as follows:

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

AGAINST: None

PUBLIC COMMENTS:

Chairman Orsini then opened the meeting to the public for discussion of anything related to Planning that was not the subject of a hearing that evening and all were in favor. Seeing no one coming forward, Vice Chair Maclvor closed the public portion of the meeting that evening and all were in favor.

HEARINGS:

- **E & J EQUITIES, LLC / PLN-16-00006**

Francis P. Linnus, Esq., Attorney, appeared before the Board on behalf of the Applicant, E & J Equities, LLC. Mr. Linnus explained that they were there before the Board that evening for Preliminary and Final Site Plan approval in which the Applicant was proposing to construct two ground-mounted solar panels and two arrays at 187 Davidson Avenue, Somerset; Block 502.02, Lots 12.02, 32.01 & 33.03 in the M-2 Zone – **CARRIED FROM OCTOBER 19, 2016 – with no further notification required.**

Mr. Lanfrit indicated that one array would be placed on Block 502.02, Lot 32.01 and the other was proposed for Block 502.02, Lot 12.02. He stated that the access would be through Block 502.02, Lot 33.03 with an existing access driveway to Lot 12.02. Should the request be granted, Lots 12.02 and 32.01 would be consolidated into one lot. He then explained that the purpose of the Application was to supply renewable energy to the buildings on adjoining Lot 33.03, owned by Rollo Realty Corp., which houses the Rotor Clip complex. He went on to explain that renewable energy facilities on parcels of land comprised of 20 or more acres, according to the Municipal Land Use Law (MLUL), were a permitted use within every industrial district. He then noted that the Application would comply since they had 68 acres upon which the two solar arrays would be placed. He also indicated that, under the MLUL, solar arrays were considered an inherently beneficial use, which was an added boost to a permitted use.

Mr. Jonathan Slass, Principal of E & J Equities as well as Rollo Realty and Rotor Clip Company, came forward and was sworn in. Mr. Linnus explained that Mr. Slass' testimony would consist of the purpose, the power requirements and the environmental considerations that were noted in an environmental review report that was furnished to the Applicant. Mr. Slass stated that he had a degree in Engineering by way of background and indicated that the energy produced by the solar arrays would serve Rotor Clip, and the output would be about 4.8 megawatt hours per year. He indicated that Rotor Clip uses about 6.5 megawatt hours per year. He then discussed the idea of placing the solar panels on the rooftops, but soon found out that they would only be able to get about 500 kwh of power a year from those panels. Mr. Slass testified that he was aware of the Tree Removal and Replacement Ordinance.

Councilman Chase then opened a discussion regarding the limits of the tree removal, and Mr. Slass indicated that their goal was to cut down the minimum amount of trees possible. He also told the Board that their electricity use had increased over the past five (5) years by 50 percent.

Mr. Slass then discussed the reasoning behind not going with either rooftop panels or panels over parking areas. He explained that Rotor Clip was comprised of four separate buildings and for private industry in New Jersey they were required to connect no more than 95% of usage to the meter where it was being used. He also brought up

the safety issue for their employees for their 24-hour a day operation and ice and snow on parking lot mounted panels would not create a safe environment.

Mr. F. Mitchell Ardman, Engineer employed by the Reynolds Group, came forward and was sworn in. The Board accepted his qualifications. Mr. Ardman entered into the record as Exhibit A-1, a colorized and enlarged rendering of the Site Plan. He noted that the disturbance of tree removal as well as impervious coverage would be much greater if the property, located in the M-2 Zone, was developed with a conforming building, parking lots, etc. than with the proposed solar arrays. Mr. Ardman then addressed Mr. Vega's Township Engineering report, stating that they could comply with all items in the report, but asked to discuss item #27. He explained that in discussions with the Township Engineer's office, they moved the arrays further out of the stream corridor area to address the storm water comments. Since there were no residences or basements in the area, the Township Engineer was in agreement to waive the requirement for providing Ground Water Recharge mounding analysis within the footprint of the proposed bioretention basin.

Mr. Ardman then addressed Mr. Healey's Planning report, noting that they could comply with all comments, but wanted to discuss item #1a. He asked that they be allowed 90 ft. of the 15 ft. wide gravel access drive to traverse the stream protection area. Mr. Ardman indicated that there were five (5) points to the Stream Corridor Ordinance, but that the jist of it was that they did have to cross the stream protection area because there was no upland area for the northerly array. He did add that they did pick the narrowest area with which to cross the stream protection area, thereby minimizing the crossing area. He then stated that they had submitted to the D&R Canal, Soil Conservation and NJDEP, explaining that they did meet their criteria for crossings, general permit, etc., but that the approvals were pending. Mr. Ardman stated, however, that he did not anticipate any issues with those approvals.

Mr. Ardman then addressed Councilman Chase's concern for the amount of trees needing to be removed, stating that they moved the basin out of the treed area, but that he just didn't move the tree removal line with it in the process. He indicated that the correction would be made to the plan.

Chairman Orsini opened a discussion regarding the subject of replacing the trees removed on-site or reserving those trees to be placed elsewhere. Mr. Ardman indicated that the panels faced away from Rte. 287; however, there was an open area, especially during the winter months, where the placement of evergreen trees would provide a nice in-fill and backstop in that area.

Mr. Kharazi then opened a discussion regarding the amount of acreage being cleared. Mr. Ardman indicated that they had to allow for the bioretention basin, the solar arrays as well as keeping the shade off the solar panels, but noted that they minimized the disturbance of trees as much as possible.

Chairman Orsini made a motion to open the meeting to the public and all were in favor. Seeing no one coming forward, the meeting was then closed to the public and all were in favor.

Vice Chair Maclvor made a motion to approve the Application. Mr. Kharazi seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Mr. Kharazi, Vice Chair Maclvor, Ms. Rangnow and Chairman Orsini

AGAINST: None

- **L'OREAL USA PRODUCTS, INC. / PLN-16-00007**

Francis P. Linnus, Esq., Attorney, appeared before the Board on behalf of the Applicant, L'Oreal USA Products, Inc. Mr. Linnus indicated that they were there that evening to obtain Preliminary and Final Site Plan approval in which the Applicant was proposing to construct a 21,831 sq. ft. addition at 100 Commerce Drive, Somerset; Blocks 88.01/88.03, Lots 10.30/10.32 in the M-2 Zone.

Mr. Linnus told the Board that He indicated that no new variances were being requested or required in conjunction with the Application.

Mr. Craig Stires, Engineer and Principal of Stires Associates, PA, came forward and was sworn in. The Board accepted his qualifications. Mr. Stires proceeded to describe the project and entered into the record as Exhibit A-1, an aerial photograph of the property with the proposed addition superimposed over the top. Mr. Stires reiterated Mr. Linnus' testimony that the addition was part of the renovation of L'Oreal's production area and desire to improve the efficiency of its operations. Mr. Stires showed the area where the former loading docks were located as the subject of the night's hearing, where they planned for the addition to be placed. He discussed the impervious coverage issue, stating that they had erroneously calculated the stone area as pervious instead of as impervious. Going forward, Mr. Stires testified that there would now be an 833 sq. ft. grassy area, removing pavement to convert to lawn area behind the addition, between the curb-line and the building. After all the improvement were completed, Mr. Stires indicated that there would actually be a reduction of impervious coverage by 844 sq. ft., which will be corrected on the plans.

Mr. Stires then addressed the Township Engineering report, stating that they could comply with all items and gave an explanation of comments #1 and #2 regarding impervious coverage. He then drew the Board's attention to items #10 and #11 under the Landscaping/Lighting Comments section. Mr. Stires indicated that there was perimeter lighting around the outside of what he called the "loop" road that went behind the building. Although they were eliminating a lot of lighting that previously illuminated the loading dock since the loading dock had been removed from the plan, they didn't

want to add any additional lighting so as to minimize any impact to the neighboring properties especially since they felt the lighting that was already there was adequate.

Mr. Stires then drew the Board's attention to Mr. Healy's Planning report, clarifying the square footage of the building addition as well as the total square footage. He stated that the chart that was on the plan set was correct. Mr. Stires indicated that they could comply with the comments in the Planner's report, but would like to discuss item #1. He noted that the loading dock had been moved previously and incorporated within another addition. Mr. Stires then testified that they could also comply with Mr. Hauss' Fire Prevention comments. He also stated that there would be no additional water connections made as a result of the proposed addition, to answer the comment from the Public Works Dept. He added that they had also received all approvals from outside agencies.

Chairman Orsini asked about any landscaping being added to the plan, and Mr. Stires indicated that one tree would be removed and they were replacing it with a tree on the corner of Dahmer Rd. and Commerce Drive.

Chairman Orsini made a motion to open the meeting to the public and Vice Chair MacIvor seconded the motion. All were in favor.

Mr. Winston G. Belmar, 69 Dahmer Rd., Somerset, NJ, came forward and was sworn in. Mr. Belmar was questioning the current proposed expansion and asked how much expansion had been added since 2000.

Mr. Bart Jones, 5 Jay Drive, Randolph, NJ, came forward and was sworn in. He testified that he had been working with L'Oreal for the past 10 years and indicated that L'Oreal had expanded approximately 115,000 sq. ft. in 2006 and were now proposing to expand an additional 21,831 sq. ft.

Mr. Belmar asked if they were planning to expand any further within the next five (5) years, and Mr. Jones indicated that they didn't have any specific plans, but that they were always looking to attract more business to New Jersey. He stated that the expansion would allow for more efficiency in the packaging process. He was concerned that they were expanding to include more chemical or solvent processing.

Mr. Dominach explained that the emissions and noise levels were controlled by outside agencies and not by the Planning Board. A discussion ensued. Mr. Dominach stated that any noise or emissions issues, any resident can call the Township and the Health Dept. would be contacted.

Seeing no other public coming forward, Chairman Orsini made a motion to close the meeting to the public. The motion was seconded and all were in favor.

Vice Chair Maclvor made a motion to approve the Application and Councilman Chase seconded the motion. The roll was called as follows:

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

AGAINST: None

COMMITTEE REPORTS

No reports were discussed.

WORKSESSION/NEW BUSINESS:

There was no new business discussed that evening.

EXECUTIVE SESSION:

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

ADJOURNMENT:

Vice Chair Maclvor made a motion to adjourn the regular meeting at 8:20 p.m. The motion was seconded the motion and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
November 30, 2016