

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

**REGULAR MEETING
February 15, 2017**

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 (arrived at 7:34 p.m.), Carl Hauck, Alex Kharazi, Cecile Maclvor, Robert Mettler, Mr. Mansaray, Mr. Brown, Robert Thomas, Jennifer Rangnow, Godwin Omolola and Chairman Orsini

ABSENT: None

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

OATH OF OFFICE/WELCOME:

Mr. Dominach stated that both members listed below had been administered the Oath of Office prior to the meeting; and Chairman Orsini welcomed both members, one new and one returning to the Planning Board.

- Charles Brown
- Godwin Omolola

DISCUSSION:

Vouchers:

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

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

FOR: Mr. Hauck, Mr. Kharazi, Vice Chair MacIvor, Mr. Mettler, Mr. Mansaray, Mr. Brown, Mr. Thomas, 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. 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 that evening and Ms. Rangnow seconded the motion. All were in favor.

HEARINGS:

- **928 Holdings, LLC / PLN-16-00008**

Mr. Richard Kaplan, Esq., Attorney with the law firm of Rubin Kaplan Associates, appeared before the Board on behalf of the Applicant, 928 Holdings, LLC. Site Plan in which the Applicant was proposing to construct a two-story office/warehouse building comprised of 123,786 sq. ft. at 480 Elizabeth Avenue, Somerset; Block 514, Lots 19.01 & 19.02 in the M-1 Zone.

Mr. Kharazi stated that he has an on-going project with Van Cleef Engineering, so he asked to be recused from the hearing for the sake of conflict of interest.

Mr. Kaplan stated that the project also included adjoining Lot 30 that had easement rights that would be impacted by the Application. He also noted that the Applicant was seeking approval for one (1) bulk variance for lot frontage where 300 ft. was required and 20 ft. existed, due to the lot dimensions. Mr. Kaplan also added that there was an existing site triangle easement along the frontage of Lot 30 as well as an access easement and were submitted with the Application. He noted that the sight triangle easement was submitted as a stand-alone document and the access easement was pre-existing and actually in the title report. Mr. Kaplan then indicated that they would

have two (2) colorized exhibits that evening to refer to, one was the Site Plan and the other was the Elevation Plan. Mr. Dominach stated that the two exhibits were submitted as one PDF file so Chairman Orsini agreed that they could both be entered into the record as Exhibit A-1.

Mr. Luke Liang, Principal and CEO of Vision Industries Group, dba Vision Hardware, came forward and was sworn in. He went on to describe his relationship with the Applicant, 98 Holdings, LLC, and the future occupant of the building. He noted that 98 Holdings, LLC was going to be the owner of the building and occupied by the operating company called Vision Industries Group. Mr. Liang then described what their operations entailed and how they would be using the building. He indicated that dba Vision Hardware was a supplier and distributor of window and patio door hardware to most of the window and door manufacturers mostly in the northeastern part of the country. Mr. Liang stated that there would be approximately 21 employees. He then noted that they did not have their own trucks, so pick-ups were through UPS and Fedex that would use mostly box trucks and, on some days, vehicles from their respective truck divisions.

Mr. Omolola asked how many trucks they usually had coming in and out each day, and Mr. Liang indicated that it was about 7-10 trucks per day, mostly box trucks, with occasional larger vehicles. He added that UPS and Fedex trucks usually come around 3:00 p.m. with the larger trucks coming any time of the day, but mostly from late morning to early afternoon.

Mr. Joseph Blackwell, General Manager, Vision Industries Group, came forward and was sworn in. Mr. Blackwell stated that he was the General Manager for day to day operations of Vision Industries Group. Mr. Blackwell indicated that the hours of operation were from 8:30 a.m. to 4:30 p.m. for pickups and deliveries, with all 20 employees gone from the office by 5:00 p.m. He then went on to discuss and reiterate the delivery schedule that Mr. Liang spoke about. Mr. Blackwell stated that their deliveries come via container trucks and delivered in the morning, unloaded and then returned between 9-10 a.m. in the morning. A discussion ensued.

Mr. Thomas asked if the larger trucks could be directed to travel to and from the facility from a more major artery such as Rte. 287 so that they would not be traversing Elizabeth Avenue and other, smaller roadways.

Mr. Omolola inquired as to whether they were expanding their operations. Mr. Blackwell stated that they were consolidating their facilities and bringing everything under one roof. He also stated that they would like to have the ability to house more inventory in the case that their shipments from China were delayed.

Mr. Michael Ford, Engineer & Planner, employed with Van Cleef Engineering, came forward and was sworn in. The Board accepted his qualifications. Mr. Ford then went on to describe the site, utilizing Exhibit A-1, noting that it was in the M-1 Zone and that the proposed use was in conformance with the zone. He added that the property

fronted on Elizabeth Avenue and that the site was accessed through a “flagpole” portion of the site that was 20 ft. wide, with the flagpole portion being the one variance that they were seeking that evening. Mr. Ford indicated that it was a hardship since they did not have the ability to acquire any lands on either side of the proposed property. He then discussed the access easement that was located on the neighboring property to the south to accommodate the driveway. Mr. Ford then testified that there was the Buckeye Pipeline that traversed the site, with the Heller Park Industrial Zone to the west of the site. He then told the Board that there was a significant green area on the southern portion of the site, which was one of the two (2) lots on the property, and was encumbered by wetlands. Mr. Ford then stated that there were no plans to develop that area, with the wetlands prohibiting any future expansion of the facility. He explained that they were planning to construct a beige building with a circular driveway around the entire property, and truck loading that was not facing Elizabeth Avenue, but facing the wooded area to the south that included wetlands.

Mr. Ford explained that they had a number of meetings with the Township staff since 2015 and decided to make the circular driveway a fully functional two-way driveway that could also accommodate for emergency vehicles. He also testified that they had widened the entrance drive from Elizabeth Avenue to 30 ft. to also accommodate for emergency vehicles as well as two-way traffic. Mr. Ford stated that there was public water available on Elizabeth Avenue and that there was a proposed on-site septic system. He added that although the development has been described as having a large building, the occupancy level is very low, and they had already performed the soil testing and prepared a design for the septic system as part of the Application package. Mr. Ford added that the Applicant had also already secured approval for the septic system design from the Health Dept.

Chairman Orsini asked Mr. Ford to explain why the access to the site needed to be from Elizabeth Avenue and not from Heller Park Lane. He also asked Mr. Ford why they did not want to connect to the sewer system. Mr. Ford indicated that the Applicant as well as Van Cleef Engineering made several attempts to gain access to Heller Park Lane, but that the site did not have frontage on that road since there was another lot in between them that was a developed lot with an industrial building. He added that they were denied because the building on the adjacent site was occupied by a tenant. Mr. Ford then told the Board that there was also an attempt to gain a mutual use emergency access drive between the two properties, but again the answer was no. Mr. Ford did indicate, however, that the emergency access drive was shown on the plans if, in the future, the owners of the other property ever said yes. Mr. Ford then addressed the issue about connecting to the sewer system, stating that the closest sewer access was on Schoolhouse Rd., which was a considerable distance away. He added that the other alternative for sewer access would be through the subject property to the west and out to Heller Park Lane, but again he stated that the other owner was not willing to grant an easement. A discussion ensued among the Board. The discussion was about possibly gaining emergency or full access through the adjacent lot in the future should the other owner change their minds or should there be a change of ownership. Mr. Ford

indicated that their plan was set up for that exact scenario should it present itself in the future.

Mr. Ford indicated that they had accommodated for truck traffic's full turning options, with right turn in and left turn out. He then discussed not making a provision for a right turn out of the property because the use did not really require it. Unfortunately, Mr. Ford stated, the County did not agree with that and insisted on the right turn out movement. He added that they would accommodate their requirement, but wanted to know that there would not be any substantive changes to the plan before the Board that evening – just a softening of the curb return radius at Elizabeth Avenue.

Mr. Thomas asked if it were the Applicant's intention to agree to pursue the driveway connection between the subject property and adjacent property should the opportunity ever present itself. Mr. Ford indicated that they already had that scenario on the plan, with a note on the plan that said they would build it if the adjacent property owner's ever agree. A discussion ensued among the Board, with a question from Vice Chair MacIvor about the possible use of pervious material on the driveways. Mr. Ford indicated that it wouldn't be feasible because of the type and weight of the trucks coming in and out of the facility. He noted, however, that the storm water management system was designed to provide 80% total suspended solid reduction that was required and would have the same result that you would get from porous pavement.

Mr. Hauck asked whether the Applicant had spoken to the two lots south of the subject property (Lots 14 and 15) regarding access. Mr. Ford stated that Lot 14 was owned by Heller Park and Lot 15 was owned by a different owner. He stated that they were precluded from access through Lot 15 because the property was also constrained by wetlands. He added that they were already at their maximum for wetlands disturbance for the other driveway. Additionally, Mr. Ford indicated that the access through Lot 14 was also eliminated because there was already a detention basin nearby and access to Heller Park Lane on Lot 10, so Lots 14 and 15 were not viable options for those reasons.

Mr. Ford then discussed the approvals that they had received, including the Somerset County review letter that they would address, Soil Erosion approval and the Health Dept. approval for the septic system. He noted other outside agencies involved were NJDEP for the driveway crossing up the flagpole portion of the lot, for which there was already an existing general permit (10B) that they were applying in order to modify the original permit to accommodate for the changes that were made in the driveway and to officially transfer the permit into the new owner's name. Mr. Ford then indicated that they also had pending NJDEP permits for the storm water discharges and some buffer averaging for the wetlands.

Councilman Chase then opened a discussion regarding the crossing of the pipeline. Mr. Ford stated that they hadn't had discussions yet with Buckeye Pipeline, but had designed the site to have limited crossings of the pipeline. He added that other than the water utility and other utilities and limited driveway crossing, there were no storm water

crossings. He added that his experience with other projects in the area recently, he did not anticipate having any issues with Buckeye Pipeline. A discussion ensued regarding the pipeline for the Board's edification.

Councilman Chase also brought up a discussion regarding the possibility of banking some of the parking on the site since he stated that the testimony had shown that there would only be 20-21 employees on the site and that the plan provided for 54 parking spaces, which the ordinance called for. A discussion ensued among the Board. Mr. Ford indicated that it might be more problematic for the Applicant to come back later and fill in the parking area rather than to provide what the ordinance called for at the onset.

Mr. Brown brought up the topic of pedestrian access if an employee was dropped off at the site or wanted to walk down to the retail store area down the road. Mr. Ford stated that there was no room in the driveway to provide for a pedestrian walkway due to the accommodations already agreed to at the Fire official's request to make the driveway even wider than it normally would be for emergency access. He did add that there was a bike path and/or shoulder along Elizabeth Avenue presently, but that there were no sidewalks to the north and south of the proposed site. Mr. Ford also stated that the retail area was a quite a distance down the road and didn't know how much use there would be of a sidewalk just in front of their property. Mr. Brown indicated that it was the Township's goal to eventually have all parts of the Township a walkable solution. Additionally, he mentioned that there were no bicycle stalls in the parking lot, and Mr. Ford indicated that they could provide a small rack in the parking area. Mr. Ford also stated that they had a 30 ft. wide driveway already that could accommodate someone walking along the side of it without having to add any additional sidewalk pavement. He did indicate that they could provide on-site signage for safety purposes for any bikers/walkers. A discussion ensued among the Board.

Chairman Orsini then brought up the topic of not constructing all of the required parking or providing banked parking due to the industrial nature of the area, the inability to expand because of wetlands, septic system constraints and the small number of employees who would utilize the parking area. A discussion ensued among the Board.

Mr. Blackwell indicated that in addition to the 20-21 full time employees, they would also have some seasonal employees working there from time to time as well as the possibility for the business growing and needing a few more employees. Chairman Orsini stated that he just wanted them to building the number of parking spaces that they felt they needed now and in the future, not necessarily the number required by ordinance, based upon the night's testimony.

Mr. Mettler indicated that if they scaled back the parking lot much more, it would be harder for the larger trucks coming in to maneuver within the paved loading dock area.

Mr. Healey suggested that the Applicant land bank some of the required parking and only construct the parking accommodations they need for their operations. A discussion ensued among the Board.

Mr. Hauck then opened a discussion for design standards for water mains and fire mains, regulating that they stay 10 ft. off of structures. Mr. Ford indicated that they would be able to comply with that requirement.

Mr. Ford then discussed items in the Township staff reports, starting with the Police Dept. review and noting that he had already testified that larger trucks could circulate in and out of the site by way of the two-way driveway. He then addressed Mr. Healey's Planning report of January 18, 2017, stating that they did not have any objections to any of the comments. He discussed the tree replacement plan as well as indicated the previous testimony regarding the variance that they were requesting.

Mr. Healey asked for clarification on the sight distance easement regarding whether it was an existing easement and what it allowed the Applicant to do. Mr. Ford testified that it was an existing easement, allowing for a clear line of sight at the Applicant's driveway. Mr. Ford added that they had the right to keep clear along the right side of their driveway and maintain it into the future.

Mr. Kaplan stated that the sight distance easement was acquired from the same property owner as they acquired the subject property from. Mr. Healey stated that review of that easement should be a condition of the Board's approval. He then opened a discussion with Mr. Ford regarding whether they were going to want to place any signage on the property. Mr. Ford explained the ordinance requirements, stating that they would want to place a compliant sign on the south side of the entrance drive for emergency access purposes, which would be out of the sight lines. He indicated that they would provide details for the sign as part of any condition of approval and would be to the staff's approval.

Vice Chair MacIvor then brought up a comment on the Environmental report, asking about whether there would be any lighting along the driveway. Mr. Ford stated that they had provided lighting on the site, in accordance with the ordinance, and have a Lighting Plan. He noted that there was one comment in the staff reports regarding lighting and explained that most of the lighting was building mounted lighting for the driveway since it was so close to the building and they have planned for the LED lights to shine downward so as not to cause any light spillage onto a neighboring property. Mr. Ford testified that lighting would be turned off after everyone went home for the day and only security lighting would be kept illuminated.

Mr. Ford then discussed leaving a lighting fixture in place in the area of a detention basin because the newer designs of the basins allow for accommodations for such light fixtures. He indicated that he would work with the Township Engineer to his satisfaction.

Councilman Chase inquired as to whether the clearing of the sight triangle easement had been already figured into the tree replacement calculations, and Mr. Ford answered in the affirmative.

Mr. Healey brought up the fact that the Applicant was planning to put their sign within the access easement, so he said that it technically would require a variance because the sign would be placed on another property.

They then addressed the Township Engineering report of February 3, 2017, stating that they did not have any issues with any of the comments. He did add, however, there was one clarification that they had asked the Board to weigh in on. The comment related to a section in the ordinance that required that a trash receptacle be enclosed in a masonry structure. Mr. Healey indicated that that requirement only applied to a retail establishment, not an industrial use such as the Application before the Board that evening. Mr. Ford said that the plans show a trash compactor in one of the loading dock spaces. He added that if it was not a compactor, it would be dumpsters in the same location. Mr. Hauck reminded Mr. Ford that if it were changed to dumpsters, it would have to comply with the Fire Safety Director's requirement that it be 10 ft. from the building. Mr. Ford agreed to those restrictions.

Mr. Ford then drew the Board's attention to a number of comments in the Engineer's report regarding the sight distance to Elizabeth Avenue. He did want to note that the County had file jurisdiction over that issue, so that if some of the comments listed in the Engineer's report were not agreeable to the County, they would have to acquiesce to what the County required. Chairman Orsini stated that since they liked the Applicant's plan for no right turn out of the driveway onto Elizabeth Avenue, he was going to ask the Planning Board Attorney to draft a letter to the County requesting that. A discussion ensued among the Board.

After discussion with the Applicant, Mr. Ford asked for the granting of the variance to allow the proposed sign within the access easement for identification and for emergency purposes. He noted that the variance for lot width of 20 ft. for the flag pole was an existing condition and asked for approval of a Hardship (C-1) variance. He did remind the Board that they did have the one driveway access wetland permit (GP10-B) for the driveway portion that was within the flag pole. He went on to explain that one of the conditions in that NJDEP permit was that you cannot touch a single tree because of an endangered bat species from April 1st to September 30th. Mr. Ford asked the Board, if they were inclined to approve the Application, that one of the conditions of the approval could be that the Applicant, at its own risk, be allowed to do the clawing before the April 1st deadline, to comply with the NJDEP permit. He added that they would provide the Board with any permits that the staff feels was necessary in order to do the tree removal, provide soil erosion and sediment control measures as well as a bond to restore the site. Mr. Ford stated they were trying to avoid providing everything by April 15th for approvals, but then have to wait until after September 30th to really do anything at the site. He then noted that they would not proceed with any on-site physical improvements (driveway, storm drainage) until everything was approved and all

Township staff comments were satisfied. When questioned, Mr. Ford indicated that they had the driveway permit, but they did not have the permit for the storm water outflows yet. Mr. Ford also told the Board that they had gotten approval from the County to proceed with tree clearing in advance of all of the construction approvals and could get it in writing if the Board was so inclined. A discussion ensued.

Ms. Elizabeth Dolan, Principal/Traffic Engineer of Dolan & Dean Consulting, came forward and was sworn in. The Board accepted her qualifications. Ms. Dolan indicated that they had prepared a brief Traffic Study, showing that the Application was a low-volume traffic use. She explained that they were looking at about 15 driveway movements during the morning and evening peak hours. She also testified that it was also a lower intensity truck use given the type of trucks that would be visiting the site when compared with traditional warehousing and distribution facilities. Ms. Dolan stated that the driveway movements would operate at acceptable levels of service during the peak hours and that the sight driveway had been designed to satisfy the County comments. She indicated that she agreed with the Board to have interaction with the County because she too did not believe there was any reason for a truck to exit and turn right out of the site. Ms. Dolan then explained that the driveway would accommodate two-way vehicular flow, including the larger tractor trailers that would occasionally visit the site. She also testified that she didn't believe there would be any significant negative impact to the traffic on Elizabeth Avenue, and still agreed that connecting to the Heller Park property at the rear of the subject site would be a benefit to all of the property owners in the area, should the opportunity present itself in the future as testified to by Mr. Ford earlier in the hearing. Ms. Dolan indicated that the site had been designed to accommodate either two-way turning egress or to prohibit right turn egress onto Elizabeth Avenue.

Mr. Thomas asked whether or not there would be any negative impact on Elizabeth Avenue if they were to ban no right turns out of the site. Ms. Dolan stated that she provided a letter to the County to the effect that the evidence did not show any negative impact to Elizabeth Avenue should traffic egress be restricted to left turns out only. She added that there would be no need to improve the signalized intersection at New Brunswick Rd. and Elizabeth Avenue as a result even if all the trucks were to turn left out of the site because there would only be 1-2 trucks an hour, at most, most signal cycles would not have a truck waiting and the intersection had been designed and constructed to handle all of the truck traffic from the surrounding retail establishments. Mr. Thomas also added that the testimony from the Applicant about when there would be the most truck traffic in and out of the site would not be during any peak hours of the day. A discussion ensued regarding designing the driveway for two-way egress to accommodate for any potential problems in perpetuity, but restrict the turns by putting signage stating that there were no right turns allowed. Ms. Dolan then stated that there were iterations that were presented to the County to widen Elizabeth Avenue, which was rejected by them. She also added that the signage for no right turns out of the driveway were still on the plans.

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

Vice Chair Maclvor made a motion to approve the Application, with Variances; one for the signage and the other for lot frontage as well as all the other considerations that were discussed during the hearing. The motion was seconded and the roll was called as follows:

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

AGAINST: None

COMMITTEE REPORTS

No reports were discussed.

WORKSESSION/NEW BUSINESS:

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 8:50p.m. The motion was seconded and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
March 7, 2017