

**TOWNSHIP OF FRANKLIN
ZONING BOARD OF ADJUSTMENT
COUNTY OF SOMERSET, NEW JERSEY**

**REGULAR MEETING
MAY 04, 2017**

This Regular Meeting of the Township of Franklin Zoning Board of Adjustment was held at 475 DeMott Lane, Somerset, New Jersey and was called to order by Robert Thomas, Chairperson, at 7:30 p.m. The Sunshine Law was read and the roll was called as follows:

PRESENT: Raymond Betterbid , Donald Johnson, Alan Rich, Gary Rosenthal, Joel Reiss, Cheryl Bergailo and Chairman Thomas

ABSENT: Laura Graumann, Bruce McCracken, Robert Shepherd and Anthony Caldwell

ALSO PRESENT: Mr. Patrick Bradshaw, Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning & Zoning Secretary

MINUTES:

- **Regular Meeting – March 16, 2017**

Mr. Reiss made a motion to approve the Minutes as submitted. Mr. Johnson seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Mr. Rich, Mr. Rosenthal, Ms. Bergailo, and Chairman Thomas

AGAINST: None

- **Regular Meeting – April 6, 2017**

Mr. Reiss made a motion to approve the Minutes as submitted. Mr. Betterbid seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Mr. Rich, Mr. Rosenthal, Mr. Reiss, Ms. Bergailo and Chairman Thomas

AGAINST: None

RESOLUTIONS:

- **RUKH CEDAR GROVE PROPERTIES, LLC / ZBA-17-00003**

Mr. Reiss made a motion to approve the Resolution as submitted. Mr. Betterbid seconded the motion and the roll was called as follows:

FOR: Mr. Johnson, Mr. Rich, Mr. Rosenthal and Chairman Thomas

AGAINST: None

DISCUSSION:

Vouchers:

- **Patrick Bradshaw – April & May Retainer - \$1,730.00**

Mr. Reiss made a motion to approve the Vouchers as submitted. Mr. Betterbid seconded the motion and all were in favor.

HEARINGS:

- **SOMERSET THERAPEUTICS, LLC / ZBA-17-00007**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Somerset Therapeutics, LLC. Mr. Lanfrit indicated that they were there before the Board that evening to obtain a Use Variance in which the Applicant was seeking approval to use an existing building for laboratory, office space, manufacturing and warehouse uses for a pharmaceutical distribution company at 300 Franklin Square Drive, Block 502.02, Lot 39.05, in the CB Zone. He explained that the property had originally been used in the past for the requested use, but had changed, along with the zoning, and they were now requesting a Use Variance to go back to the original use of the property. Mr. Lanfrit also noted that the offices and laboratories were permitted uses within the CB Zone, but that the warehousing and manufacturing production were not permitted and the reason they require the Use Variance.

Mr. Lanfrit then entered into the record as Exhibit A-1, which was the floor plan of the proposed building and prepared by Susan Baumann, Architect. He went on to say that the second exhibit, entered into the record as Exhibit A-2, was the actual site plan of the building, dating back to 1986 when the building was originally approved. Finally, the third exhibit, Exhibit A-3, was the Resolution that was granted to Troast Franklin Associates in 1986 for the use of the building for the warehousing of pharmaceuticals.

Mr. Ilianco Subramanian, a Principal of Somerset Therapeutics, LLC, came forward and was sworn in. Mr. Subramanian indicated that they own and manufacture pharmaceuticals. He indicated that they were under contract to purchase the subject building. He explained that they currently had three (3) products on the market; injectable Vitamin B and two (2) allergy drugs in the form of eye drops. He explained that if the Board approved their move to the

subject property, they would have approximately 95 employees (25 office, 30 laboratory, 30 production and 10 warehouse). Mr. Subramanian then indicated that these would be mostly newly created positions, with the exception of the seven (7) employees they currently have. He stated that the hours of operation would be 8 a.m. to 6 p.m., five (5) days per week and maybe Saturday part-time, with the possibility in a year or two of adding a second shift. He then noted that all activities of operation would be conducted within the building and testified that none would be held outdoors on the site. Mr. Subramanian then discussed the types of materials that would be delivered to the property through the front door, including component materials such as plastics, glasses, lab equipment, machines, etc., approximately 2-3 times per day. He also stated that there would be tractor trailers coming to and from the site very infrequently (1-2 times per week) as well as smaller box trucks and UPS and FEDEX deliveries approximately 1-2 times per week.

Chairman Thomas asked if there were any waste that anyone would have to take special precautions in disposing. Mr. Subramanian answered in the negative, stating that if there were in the future that they would have to go through FDA and EPA regulations.

Mr. Reiss asked why there was such a large expansion in the business. Mr. Subramanian indicated that currently the company owns several products that were pending at the FDA and that they just successfully received and FDA audit for compliance of the existing facility outside of the United States. He added that they were planning to use the facility for more complex dosing products and would also be moving the production of other products to the facility in Somerset.

Mr. Healey asked for clarification on how many existing parking spaces there were on the property, and Mr. Lanfrit indicated that there were 152 spaces. Mr. Subramanian indicated that they did not plan to make any modifications to the site, including any site circulation, at that time.

Ms. Bergailo opened a discussion regarding how well suited the existing building was to the proposed operations of the pharmaceutical company. Mr. Subramanian stated that the empty warehouse building was a perfect fit since they would be doing a lot of retrofitting with air handlers, etc., within that portion of the building and would not impact anything outside the building.

Ms. Susan Baumann, Architect, employed by Aztec Architects, came forward and was sworn in. The Board accepted her qualifications. Ms. Baumann described the floor plan, as shown in Exhibit A-1, and gave the Board members a handout for their edification. She went on to describe the building as it currently existed, with office space and office infrastructure as well as a large warehouse (approximately 40,000 sq. ft.). Ms. Baumann noted that the approximately 40,000 sq. ft. warehousing space would be split between warehousing (18,486 sq. ft.) and production (22,748 sq. ft.) should the Board approve the Application. She then went on to explain how deliveries were currently made into a fully enclosed bay area. Additionally, Ms. Baumann indicated that there was a small second floor that over the first floor office space and would also be utilized as office space and ancillary space for training rooms and conference rooms as well as a small area for laboratory space. Ms. Baumann testified that the exterior of the building would remain the same.

Mr. Kevin O'Brien, Planner, came forward and was sworn in. The Board accepted his qualifications. Mr. O'Brien entered into the record as Exhibit A-4, a handout of a Google aerial photograph, taken on August 27, 2016. He described the area as having many hotels as well as other manufacturing facilities and noted that the property was surrounded by M-2 Zoned properties on three (3) sides. Mr. O'Brien then stated that the positives included the adaptive re-use of a currently empty building, providing 95 jobs for local residents as well as patronage to the local businesses. He then discussed the benefits of the products that were going to be produced at the site as well as the previous approvals that had been granted to the subject property. Mr. O'Brien noted from previous approvals that the building style complements that of surrounding buildings, with the warehouse portion being indistinguishable from the office use to the surrounding area. He also indicated that using a portion of the building for warehousing would decrease the traffic in the area as compared to utilizing that same space for office use. Mr. O'Brien then discussed how the Zoning Scheme, Master Plan and Municipal Land Use Law (MLUL) shed light on the existing Application. He stated that he believed that the granting of the Use Variance would advance the general welfare and public health and safety and concurred with the 1987 Resolution that found that the operations did not conflict with the Master Plan or the Zoning Ordinance and that the Use Variance could be granted without any substantial detriment to the public good or substantial impairment to the Zone Plan and Zoning Ordinance. Mr. O'Brien then discussed the particular suitability of the site for the use that was being proposed.

Mr. Rosenthal opened a discussion regarding adequate restroom space for 95 employees, and Ms. Baumann indicated that they would have to meet code for that requirement and can be adjusted within the office space, as necessary.

Chairman Thomas then opened the meeting to the public. Seeing no one coming forward, the meeting was closed to the public.

Mr. Lanfrit gave his summation, noting that the 1987 Resolution was granted for a manufacturing use and was never abandoned. Mr. Subramanian gave a brief history of the uses in the building since it was built in 1987, with the majority of it being healthcare usage, with the exception of a television production company that was there for the past seven (7) years.

Mr. Reiss made a motion to approve the Application for Use Variance. Mr. Johnson seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Mr. Johnson, Mr. Rich, Mr. Rosenthal, Mr. Reiss, Ms. Bergailo and Chairman Thomas

AGAINST: None

WORKSESSION/NEW BUSINESS

There was no new business

MEETING ADJOURNED

Mr. Reiss made a motion to adjourn the meeting at 8:11 p.m. The motion was seconded and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
May 31, 2017