

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

**REGULAR MEETING  
May 16, 2018**

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, Alex Kharazi, Cecile Maclvor, Robert Mettler, Charles Brown, Jennifer Rangnow, Godwin Omolola and Chairman Orsini

**ABSENT:** Mustapha Mansaray and Robert Thomas

**ALSO PRESENT:** Mr. Peter Vignuolo, Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning & Zoning Secretary

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**MINUTES:**

- **Regular Meeting – April 18, 2018**

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, Mr. Brown, Ms. Rangnow, Mr. Omolola and Chairman Orsini

**ABSTAIN:** Mr. Kharazi

**AGAINST:** None

- **Special Meeting – April 24, 2018**

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

ABSTAIN: Mr. Kharazi

AGAINST: None

**RESOLUTIONS:**

- **Asha Abraham / PLN-17-00001**

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, Mr. Omolola and Chairman Orsini

AGAINST: None

- **Essam Abozid / PLN-18-00001**

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, Mr. Brown, Ms. Rangnow and Chairman Orsini

AGAINST: None

- **L’Oreal USA Products, Inc. / PLN-16-00007**

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, Mr. Brown, Ms. Rangnow and Chairman Orsini

AGAINST: None

**DISCUSSION:**

***Vouchers:***

- **Clarkin & Vignuolo, P.C. – April & May Retainers - \$1,666.66**

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, Mr. Kharazi, Vice Chair Maclvor, Mr. Mettler, Mr. Brown, 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 Maclvor 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 Mr. Omolola seconded the motion. All were in favor.

**HEARINGS:**

- **VICTORY SUBARU (Baker /Automotive Real Estate LLC) / PLN-18-00006**

Applicant was seeking to reconfigure & expand the parking, remove & replace sign, place a building-mounted sign and modify interior to add 1,206 sq. ft. of storage at 1233 Route #27, Somerset; Block 88.02, Lot 12.01, in the GB Zone - **CARRIED TO JUNE 6, 2018 – with no further notification needed**

**DL 08/23/2018**

- **JOHN SUDIA / PLN-18-00004**

This is a Minor Subdivision in which the Applicant wanted to subdivide the property into two lots. There will be a single home constructed on each lot at 147 Fourth Street, Somerset; Block 458, Lots 7 & 8, in an R-20 Zone - **CARRIED TO JUNE 6, 2018 – with no further notification required.**

**DL 07/26/2018**

- **SSQUARE GSQUARE / PLN-18-00005**

Mr. Ben Brancham, Esq., Attorney, appeared before the Board on behalf of the Applicant, SSquare GSquare. He explained that the Applicant was seeking approval to construct ground-mounted solar arrays at 80 Cottontail Lane, Somerset; Block 530.04, Lot 2.03, in the CB Zone.

Mr. Brancham stated that the Applicant was seeking to install carports over the parking lot and had previously obtained an administrative approval for the carports for the Site Plan. He then added that a portion of the carports were within the setbacks on the second front yard, noting that there were two front yards to the building. Mr. Brancham then explained that if it were considered a backyard, they would have been inside the 50 ft. setback, however, because it was considered a second front yard, there was a 75 ft. setback. He stated that they were asking for a variance to approve the panels onto the structure that was currently in place.

Chairman Orsini then asked Mr. Brancham to provide testimony as to why the solar panels need to be placed in the setback, where the setback is, and justify it according to the type of variance that they were seeking in terms of planning language.

Mr. Brancham explained that in order to obtain the variance they were seeking, they had to show that the panels were an inherently beneficial use. By statute, under 40:55DU, he stated that there was an inherently beneficial use in solar arrays and, therefore, satisfy the positive criteria. Mr. Brancham indicated that the only negative he could think of would be that someone would not like it, visually. He then stated that it didn't change the impervious ratio for the property and was beneficial not only to the owner/occupants of the building, but also the community as a whole.

Mr. Healey then asked how tall the solar panels were off the ground.

Mr. Thomas Carlson, Systems Designer, 5824 Bee Ridge Road, Sarasota, FL, came forward and was sworn in. He indicated that he was representing the local engineer from Vineland, NJ who prepared the plans. Mr. Vignuolo, Board Attorney, opened a discussion regarding his ability to represent the plans that were submitted. Chairman Orsini agreed to allow Mr. Carlson to provide factual testimony. Mr. Brancham then told the Board that the plans were certified by the licensed engineer who prepared them to alleviate any concerns. He then stated that Mr. Carlson had a background in construction and been involved with solar installations for a number of years.

Chairman Orsini then asked why, by design, did the solar arrays have to encroach into the setback, noting that the property was adjacent to Rte. 287. He also asked for a description of what a passerby would see passing the site.

Mr. Carlson indicated that the solar panels were difficult to see in spring, fall and summer from Rte. 287 and the exit ramp, as the tree cover shielded the entire parking lot from view of passersby. He added that during the winter, the view of them was

minimal, at best, since they were horizontally placed. He described the positive aspect of the solar panels as also providing covered parking. He also testified that when he met with the Zoning Dept. preliminarily, the survey showed that the rear yard setback was 50 ft. and the system was originally designed for it. Mr. Carlson went on to explain that the Zoning Dept. then explained that there was an unusual aspect to the property as it had a double front yard. He stated that they felt they could proceed with the first portion of the panels as they were within the current Township guidelines and zoning and they apply for a variance for the back side section. Mr. Carlson went on to explain that there were several things that had to be addressed when they were in the design phase, including the height of the panels. He then noted that the low height was 14 ft., which was high enough to accommodate any type of emergency vehicle. Secondly, Mr. Carlson explained, were the setbacks from the building where the solar panels could not encroach over the parking stripes in front of the building on two sides so that it wouldn't impact the accessibility of the fire safety equipment. He added that they made corrections to that and changed the design to accommodate those requests and moved forward with the first section.

Mr. Healey weighed in by saying that they had administrative approval for most of the solar panels, with the exception of the area facing Rte. 287. He also indicated that the testimony provided regarding the vegetative buffer along that area was accurate.

Mr. Mettler actually verified that the second front yard of the property was not fronting Rte. 287, but the exit ramp. He then stated that motorists would not be driving 55 miles an hour off the ramp and that he actually saw the solar panels himself as he was exiting Rte. 287.

Councilman Chase was interested in where the proposed trees would be planted as that information was not included on the plans. Mr. Carlson indicated that some smaller caliper trees were removed from the site and other trees that had been previously damaged in the recent storms. He then noted that they had a current notation for the replacement of those trees, which he said would be planted at the time of completion of the placement of the solar arrays. Mr. Carlson also indicated that they would be asking for a zoning inspection for the approval as well. Mr. Carlson stated that he would make sure the plans were corrected to show where the new trees would be planted.

Mr. Brancham then indicated that he had visuals on his computer of the current panels and the vegetation around them should the Board wish to see them. Vice Chair Maclvor and Mr. Omolola indicated that they would like to see those visuals.

Mr. Vignuolo indicated that unless Mr. Brancham had a copy of the visuals that they could enter into the record, he would just have to describe what was shown on his computer for the Board's edification.

Mr. Brancham then reminded the Board that the only reason that they were there before the Board that evening was because of the two front yard setback requirements.

Otherwise, he indicated that they would be in the right to go forward with their design. Chairman Orsini stated that it was duly noted.

Mr. Kharazi asked how much electricity would be produced from the solar panels. Mr. Carlson indicated that it would be about 750,000 kWh, about 40% of the building's average consumption. A discussion ensued among the Board.

In light of the fact that Mr. Brancham could not find a printed photo among his files with him that evening, he described the view and indicated that the vegetation was quite high compared to the panels. He noted that the design of the panels was nice and the space for the cars under the panels was pretty high and included lighting for safety of employees when leaving the site, especially in the winter when it was darker earlier in the day. He added that employees would also not have to clear off snow from their cars since they would be sheltered under the panels.

Councilman Chase then asked where the runoff from the panels go after it rains. Mr. Carlson indicated that the runoff goes to the existing drains which were in the middle of the parking aisles.

Vice Chair Maclvor made a motion to open the meeting to the public. 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 at that time. Vice Chair Maclvor seconded the motion and all were in favor.

Mr. Brancham gave his summation, noting that it would be more visually appealing if the remainder of the solar arrays were placed on the site. He also stated that there were no negative aspects to the proposal.

Vice Chair Maclvor made a motion to approve the Application, subject to the TRC's approval. Chairman Orsini seconded the motion and the roll was called as follows:

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

AGAINST: None

## **COMMITTEE REPORTS**

No reports were discussed.

## **WORKSESSION/NEW BUSINESS:**

There was no work session or new business discussed.

**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 7:56 p.m. Mr. Mettler seconded the motion and all were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
May 31, 2018