

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

**REGULAR MEETING
October 17, 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:

PRESENT: Councilman Chase (arrived at 7:55 p.m.), Alex Kharazi, Cecile Maclvor, Robert Mettler, Mustapha Mansaray, Jennifer Rangnow, Godwin Omolola and Chairman Orsini

ABSENT: Carl Hauck, Charles Brown and Robert Thomas

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

PUBLIC COMMENTS:

Vice Chair Maclvor then opened the meeting to the public for discussion of anything related to Planning that was not the subject of a hearing that evening. Mr. Mettler 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 Vice Chair Maclvor seconded the motion. All were in favor.

HEARINGS:

1. SOMERSET PROPERTIES / PLN-08-00015

Mr. Lane Miller, Esq., Attorney, appeared before the Board on behalf of the Applicant, Somerset Properties. Amended Site Plan Approval & Appeal in which the Applicant seeks to construct the same development that was approved in 2008: a one-story 79,725 sq. ft. warehouse building (with 4,300 sq. ft. office space). The Applicant now requires variances from the currently applicable Stream Corridor Protection Ordinance at 415 Weston Canal Road, Somerset; Block 517.01, Lot 8.04, in the M-1 Zone.

Mr. Healey's Planning report indicated that there was a change to the Township Stream Corridor Protection Ordinance (Ordinance #4157-16) since the Applicant's 2008 approval, noting that the ordinance had the effect of changing the applicable regulated areas on undeveloped sites located in proximity to streams. In his report, Mr. Healey stated that the Applicant was seeking Amended Site Plan approval to construct the same development that was approved in 2008, a one-story 79,725 sq. ft. warehouse building (with 4,300 sq. ft. office space) with the site layout essentially the same as previously approved. In the petition, the Applicant now required variances from the currently-applicable Stream Corridor Protection Ordinance, as follows:

- **150 ft. required distance from stream channel:** Generally 50+ ft. to proposed retaining wall (proposed along easterly extent of development) with exception of outfall structure located closer to stream.
- **50 ft. required distance from flood hazard area:** Portion of fire access drive from Weston Canal Road within regulated area.
- **1,677 acres of proposed disturbance within regulated stream corridor.**

Mr. Miller explained that the approvals that were given previously had expired and that they were now before the Board again because there was a change in the setback requirements regarding the stream and the stream corridor requirements. He indicated that they were now seeking to obtain new approvals with variances relating to the stream requirements because, otherwise, the property would be essentially undevelopable.

Mr. Mohammed El-Hawwat, Engineer and Principal of MEH Consulting Engineers, 825 Bloomfield Avenue, Suite 106, Verona, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. El-Hawwat then explained to the Board the nature of the Application and variances that they were seeking regarding the proposed construction. He told the Board that the proposal being presented that evening was for the same footprint of the building that was approved in 2008. He described the property as being comprised of 10.611 acres and located in the M-1 Zone, with other light industrial uses bordering on the east and south side, PSE&G on the west side and Weston Canal Road the north side. He then described the proposed building, indicating that it was going to be 79,725 sq. ft. that included 4,300 sq. ft. of office space. Mr. El-Hawwat testified that the proposed total impervious coverage was going to be 31.94%,

while the ordinance allowed for 60%, and a total building coverage of 17.25% where 50% was allowed. He then told the Board that the total floor area ratio was 0.172 vs. .5 allowed. Mr. El-Hawwat then explained that they were proposing 92 parking spaces, 42 of which would be for future use and would be “banked”.

Chairman Orsini tried to sum up what the Applicant was before the Board for that evening, noting that they needed relief from the Stream Corridor Ordinance and the boundaries that need to be sought given the changes in the ordinance since the first approval in 2008. The Chairman asked the Applicant to focus on the testimony to support the relief they were asking for and address any comments on the staff reports. Mr. Miller then indicated that they hadn't received Mr. Healey's Planning report, dated October 1, 2018, and were going to look at a copy provided by Mr. Healey that evening to address the concerns within the report.

Chairman Orsini then asked if the Applicant had a Planner to testify to the hardship variance they were seeking and Mr. Miller answered in the negative. The Chairman then told the Applicant that they could not ask for hardship relief without a certified Planner putting that information into testimony. Mr. Miller then stated that absent the Township Planner's comments, they would not be able to address the planning comments that evening. A discussion ensued to determine whether it would be in the Applicant's best interest to adjourn the hearing to another meeting or at least continue on with the Site Engineer's testimony that evening. Mr. Miller asked to adjourn the hearing to the next meeting so that they would be better prepared with their Planner attending to give testimony. He did inquire as to whether the Board would like to hear from their Traffic expert that evening.

Mr. Healey asked the Applicant if anything was changing regarding the site plan compared to what was previously approved. Mr. El-Hawwat answered in the negative. It was then established by Mr. Healey that the only reason the Applicant was again before the Board was because of the change in the Township Stream Corridor Ordinance. A discussion ensued regarding whether the Board needed to even hear from their Traffic expert, and Chairman Orsini believed that it would be beneficial since he thought that traffic in the area had probably changed a bit since the 2008 approval. He also indicated that the planning testimony and traffic testimony could be interrelated, so he thought it best that the Applicant come back to the next hearing with testimony from both. Mr. Miller agreed to do so.

Mr. Mettler asked the Applicant whether they had worked with Somerset County regarding traffic issues since Weston Canal Road was a County roadway. Mr. Miller stated that they did give the County notification of the Application before the Board.

The Board was agreeable to carrying the hearing to the next meeting - **CARRIED TO NOVEMBER 7, 2018 – no further notification required.**

DL - 11/7/2018

- **PSE&G / PLN-18-00011**

Mr. Harvey Johnson, Esq., Attorney with the law offices of Dwayne Morris, appeared before the Board on behalf of the Applicant, PSE&G. He explained that they were there that evening for an Amended Site Plan approval which would allow them to install new utility process transformers and equipment, construct a one-story combined gas insulated switchgear and control house building, install lightning rods and upgrade the existing fencing at Belmont Drive, Somerset; Block 517.05, Lot 35.15, in an M-1 Zone.

Mr. Healey's Planning Report indicated that the Applicant was seeking Site Plan approval in association with the following site plan modification:

- Install new utility process transformers and equipment
- Construct a one-story combined Gas Insulated Switchgear and Control House Building.
- Install lightning rods, and
- Upgrade the existing fencing around the perimeter of the station.

Based on the comments from Township staff, Mr. Johnson then asked for a design waiver for the check list requirement to allow the site plan to be drawn in the scale of 1" = 60 ft. and a waiver to allow a 16 ft. driveway rather than the required 22 ft. driveway. He noted that these two items were additions to their Application suggested by the Planner.

Mr. Johnson told the Board that the site was comprised of approximately 15 acres on Belmont Drive and that PSE&G was proposed to upgrade and modernize the sub-station by installing new public utility process equipment to improve system reliability and station capacity. He informed the Board that PSE&G planned to install new utility process transformers and equipment, construct a one-story combined gas insulated switch gear and control house building, install lightning rods and relocation of some existing fencing around the perimeter of the sub-station. Mr. Johnson noted that the existing air insulated switch gear would be demolished after the station was energized. He explained to the Board that the site was located within the M-1 Light Manufacturing Zone and that the current use was that of an existing sub-station. He then went on to say that the testimony that evening would show that the sub-station was an integral part of the electric transmission and distribution infrastructure that served the Township and the surrounding areas. Additionally, Mr. Johnson stated that the upgrades proposed would support an upgrade in service to 69 kb needed to address electric transmission system capacity and reliability issues that were needed to replace the outdated equipment. He then stated that the testimony would show that there was no other feasible site or prudent alternative to the proposed improvements and would occur on a site that had been used to distribute power to Franklin Township for many years. He then told the Board that the site was directly adjacent to the electric transmission system, and the sub-station functions to reduce higher electric transmission voltage to a lower voltage that was appropriate for distribution to the local neighborhoods and customers. Mr. Johnson testified then that only a location that was directly adjacent to the electric transmission system was appropriate for the proposed use and that the

existing equipment could not meet demand and reliability parameters within the proposed upgrade. He stated that the proposed improvements would directly address the public benefit for reliable, uninterrupted service and would serve to improve current and future transmission capabilities and system reliability as well as redundancy. Mr. Johnson then told the Board that they had received a letter from Somerset County and an exemption from the Delaware & Raritan Canal Commission (DRCC)

Ms. Maguette Fall, Project Manager for PSE&G, 40 Kragwood Rd., South Plainfield, NJ 07080, came forward and was sworn in. Ms. Fall testified before the Board that PSE&G was proposing upgrades to the existing station as part of state-wide electric reliability improvements and stated that the proposed upgrades would enhance electric service reliability and system redundancy to insure safe and reliable electric services for residents of Franklin Township and surrounding areas. Ms. Fall then described what was currently on the site was serving about 2,433 customers and currently has a straight bus configuration and had air insulated switchgear with limited transfer capabilities in the event of fault. She then told the Board that they planned to install a new 69 kw gas insulated switchgear unit, which would be housed indoors and would allow for the addition of increased voltage capacity without significantly expanding the sub-station footprint. Mr. Fall explained to the Board that the air-insulated switchgear required a larger footprint than gas-insulated switchgear. She then added that the new gas-insulated switchgear building and equipment would also accommodate a new 69 kw line that they would be building between Bennetts Lane sub-station and Franklin sub-station. Ms. Fall then told the Board that the improvements would help PSE&G increase the reliability of their system. She then informed the Board that the building would be 79 ft. x 46 ft. in size and 29.5 ft. high, with a control building (35 ft. x 53 ft. and 22 ft. high) where they would house all of their controls for the equipment. Mr. Fall then explained that the building would not have water service because there was currently a building in their system that had water and sewer service. Ms. Fall then told the Board that they would be installing station line and power transformers that will serve the station lighting and all the power service needed for the station, however, all the power transformers that were rated 69 -13 kw would remain in the same footprint. Ms. Fall then informed the Board that the station was un-manned, so they currently had between one (1) and two (2) employees at the station for maintenance purposes or just checking in once a week or every other week. She wanted the Board to know that the project included the installation of the bank system, bus system, manholes to connect the transformers that they had on-site and also the 69 kw lines connected to the station. Ms. Fall then stated that the existing fence was remaining, however, they would be relocating the southern portion of the fence to accommodate circulation around the gas insulated switchgear (GIS) building. Ms. Fall also told the Board that they would not be removing any trees as part of the project. During construction, she indicated that they would be utilizing the two entrance gates in the station, and that they would put all the construction trailers inside the station. Ms. Fall testified that the work was scheduled to start in September of 2019 until the fall of 2020/21 with work hours that would comply with the Township ordinance. She then told the Board that she felt that the design of the station was reasonably necessary for the provision of safe, adequate and reliable electric utility. Ms. Fall informed the Board that the upgrades would enhance their

electric service reliability resilient system, redundancy and the capacity of Franklin Township and the surrounding area. She testified that if the improvements were not made, transmission voltage violations may occur, jeopardizing electric reliability and cause extended power outages until a repair could be made. Upgrades were needed to increase both electrical service reliability and system redundancy to insure safe and reliable electric service to our customers.

Mr. Scott Fischer, Engineer employed with Burns McDonnell, 9400 Ward Parkway, Kansas City, MO 64114, came forward and was sworn in. The Board accepted his qualifications. Mr. Fischer explained to the Board that he was the design engineer for the civil site as well as for the structural design. Mr. Fischer then discussed the Site Plan proposal to the Board, the same set of plans that were submitted as part of the Application. He noted that they would be utilizing the two existing access points on Pierce Street and that the entire site was lined with a 7 ft. tall chain link fence with a 1 ft. barbed wire across the top. Mr. Fischer then testified that the entire site was lined with crushed rock surfacing and used slab foundations and concrete spread footing foundations to support all the electrical equipment. He then discussed the storm water on the site, stating that it currently drains from north to south to an existing detention basin that was beyond the fencing. Mr. Fischer then added that the crushed rock surfacing extended all the way to the top of the basin. He then discussed the site improvements that were proposed at the station, which included the upgrade to a 69 kb GIS hall. Mr. Fischer then explained to the Board that in order to do the upgrade, they would have to re-route the drive path around the south side. In doing so, he said that they would be kicking the fence out down short of the basin, but still within the crushed rock surfacing that existed to connect again with the existing drive path. Mr. Fischer then told the Board that the existing drive path was 16 ft. wide, and they were planning to maintain that width as the station was not a public thoroughfare and didn't necessitate two directions of traffic. He added that they were planning on using the ground macadam surfacing, a non-asphalt surfacing that was a crushed rock with a finer gradation. Mr. Fischer then testified that he didn't feel that they needed a 22 ft. wide roadway.

Chairman Orsini then discussed the Township Engineer's report, noting that it didn't appear that the 1" = 60 ft. scale wasn't an issue to them. He did bring up the fact that comment #7 on the Township Engineer's report noted that the Applicant needed to provide a 22 ft. wide drive path for two-way traffic movements or request a design waiver for a 16 ft. wide drive path. Mr. Johnson reiterated Ms. Fall's as well as Mr. Fischer's testimony that there would be very low activity on the site and that there would not be a need for two-way traffic. Mr. Fischer stated that if they were required to increase the width of the drive path to 22 ft. wide along the entire length then it would increase the impervious surface percentage.

Mr. Johnson then discussed with the Board a request from the Township Engineer to install a stop bar and stop sign at the gate. Mr. Fischer stated that they did not believe there was a real need for those items and told the Board that there was currently a stop sign installed on-site and would be utilizing the two access points that were already

there. For those reasons, Mr. Fischer didn't feel there was a need for anything additional since it was a low traffic-generating site. Mr. Fischer then explained why they needed a 20 ft. gate at the southeast corner of the site. He stated that there was currently a 20 ft. gate in that location and since they were shifting the fence down slightly to accommodate for the new drive path, they were just shifting the gate along with it so that it stayed centered with the drive path. Mr. Fischer noted that the gate would be used to access the detention basin for maintenance purposes.

Vice Chair Maclvor asked if all of the lighting on the site would be LED lighting. Mr. Fischer answered that question by indicating that all the lighting would be RUUD PSE&G standard LED lighting with a proposed 12 new light fixtures, nine (9) of which were located on the GIS hall and the other three (3) located on equipment structures out in the yard. He also indicated that there would be one (1) new relocated light. He testified that their study showed that there would be no new light projected beyond the property line.

Councilman Chase brought up the plans that showed a disturbed area over on Belmont Drive and wondered if that was something new. Mr. Fischer stated that he didn't believe that it was a new disturbance and that all of the .95 acres of the PSE&G property was supposed to be inside the fenced area. He did indicate that there was a small portion of their property (.05 acres) that was outside of the fenced area, but was not in the Belmont Drive area.

Vice Chair Maclvor noted that the wording item #6 in Mr. Healey's Planning report should reflect the fact that the Applicant, a utility company, should be "exempt" from collection of the applicable non-residential development (COAH) fees.

Councilman Chase noted that they seemed to have a report from the Delaware & Raritan Canal Commission (DRCC) that referred to the site location on Weston Canal Road. Mr. Johnson stated that it was his understanding that their letter was referring to the subject property and that they did not take enough disturbance (less than one (1) acre threshold) to come under their jurisdiction. A discussion ensued. Chairman Orsini did believe that the DRCC noted the wrong project because they referenced a 28.7 acre lot 90 ft. south of the DRCC Zone A.

Mr. Healey then asked for clarification regarding the screening along Pierce Street. Mr. Fischer testified that they would not be removing any trees or screening from the site.

Mr. Omolola asked if PSE&G had any mitigation plans in place for the site, considering that construction would be taking place between 2019 and 2021. Mr. Fischer indicated that during construction they always provide temporary fences that were necessary to make sure the station was completely excluded from the public as well as having signage along the fences warning of electrical hazards. He added that there were entrance gates to check workers in during construction. Ms. Fall also indicated that they usually have a safety watch on site during construction at all times as well as well

as a security guard at the gate too. She stated that they always keep their gates closed with “No Trespassing” signs on them.

Mr. Brian McPeak, Sr. Project Planner employed with Paulus, Sokolowsky & Sartor Engineering, LLC, 67 B Mountain Blvd. Extension, Warren Township, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. McPeak showed the Board an aerial view of the site, marked into evidence as Exhibit A-1, and walked them through the various components within it. He detailed the various light manufacturing, distribution and industrial uses in the surrounding area. He noted that there were a few uses in the area, including a few residential structures that were not typical uses in the zone. Mr. McPeak then reviewed the Application that was before the Board that evening, noting all of the upgrades that were planned for the sub-station as previously testified to during the hearing. In doing so, Mr. McPeak stated that the upgrades to the facility would be a public benefit to the community as it would enhance electric service reliability and system capacity.

Mr. Johnson stated that on the Application there was some confusion as to where certain numbers should go, but wanted the Board to know that they provided numbers and measurements on the exhibits. He added that those additions didn’t change anything on the submission and still do not require any variances.

Mr. Omolola stated that the proposed upgrades would allow the community to grow and support the electrical needs of the companies in the zone.

Chairman Orsini then drew the Applicant’s attention to comment #1 in Mr. Healey’s Planning report relating to the fact that the Application complied with the conditional use standards of 112-48. He asked the Applicant to confirm that no school, church or other public buildings would be within 100 ft. of the site. Mr. McPeak testified that, based on his review of the surrounding conditions, he could confirm that there were no schools, churches or other public buildings within 100 ft. of the site. The Chairman then asked the Applicant to confirm that there would be no permanent storage of vehicles or outdoor storage of materials and no accommodations for the permanent storage of vehicles or outdoor storage of materials was planned for on the site plan. Mr. McPeak confirmed that there was no permanent storage of vehicles or outdoor storage of materials presently or planned for in the future.

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 from the public, Mr. Mettler made a motion to close the meeting to the public. Vice Chair Maclvor seconded the motion and all were in favor.

Mr. Johnson drew the Board’s attention to CME’s Engineer report and proposed that PSE&G provide a performance bond. He indicated to the Board at that time that he felt that they were exempt from that request and were exempt from other sub-stations where they were doing the same upgrades. Mr. Healey indicated that PSE&G may be exempt as per the new law, but they could check with the engineer regarding that. Mr.

Vignuolo indicated that if they were exempt per the law, then they would not have to provide a performance bond. He then added that if they were not exempt per the law, then they would have to provide one.

Vice Chair Maclvor made a motion to approve the Application, including the design waiver for the 16 ft. drive path, the scale being 1/60th and the relief from providing the stop bar and stop sign. Mr. Mettler seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Kharazi, Vice Chair Maclvor, Mr. Mettler, Mr. Mansaray, 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:

Vice Chair Maclvor made a motion to adjourn the regular meeting at 8:17 p.m. Mr. Omolola seconded the motion and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
November 9, 2018