

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

**REGULAR MEETING
April 3, 2019**

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, Meher Rafik, Cecile Maclvor, Robert Mettler, Mustapha Mansaray, Charles Brown, Robert Thomas, Jennifer Rangnow, Godwin Omolola and Chairman Orsini

ABSENT: None

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

DISCUSSION:

Ordinance:

- **Ordinance #4271-19 – Change zoning designation of certain properties**

Vice Chair Maclvor made a motion to approve the change in zoning designation of certain properties and recommend it to Council. Mr. Omolola seconded the motion and all were in favor.

PUBLIC COMMENTS:

Vice Chair Maclvor made a motion to open the meeting to the public for all comments and questions related to planning items not being discussed that evening. Mr. Thomas 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 and was seconded by Vice Chair Maclvor. All were in favor.

HEARINGS:

- **CRP/CHI VERONICA AVENUE OWNER, LLC / PLN-19-00003**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, CRP/CHI Veronica Avenue Owner, LLC. He indicated that the presentation that evening included a Site Plan in which the Applicant was proposing the construction of a new 926,400 sq. ft. warehouse with 437 parking spaces at Veronica Avenue, Somerset; Block 88.01, Lot 5.01, in an M-2 Zone - **CARRIED FROM MARCH 20, 2019 – with no further notification required.**

Mr. Lanfrit then reminded the Board that they were before the Board a few months ago for a minor subdivision wherein they subdivided what was commonly known as the Tara Greens Golf Course property and consolidated some additional lots to the rear of the property. According to Mr. Lanfrit, as a result of that approval from the Board, the 99-acre site was created and was the subject of the night's application. At the present time, the Application involved the elimination of the golf course that was currently on the property. He then noted that the front piece was retained by the Cleary's and, as of that date, would continue to operate the driving range, miniature golf course and a pitch and putt golf course there and was not owned by the Applicant. Mr. Lanfrit then told the Board that the Application consisted of the property from the actual golf course that was there. He then stated that he had three (3) witnesses that evening, including the Site Engineer, the Architect and the Traffic Consultant. Mr. Lanfrit was happy to tell the Board and public that the Application was fully conforming in every respect and that they were not seeking any variances whatsoever. He continued by stating that they have met with staff since they submitted the original Application since they asked for some changes and improvements to the project, and that they would be discussing those issues that evening.

Mr. Robert Curley, Engineer, employed with Maser Consulting, 331 Newman Springs Road, Red Bank, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Curley indicated that he would be relying upon certain exhibits, including the plan set that was submitted to the Board. He entered into the record as Exhibit A-1, an exhibit showing the Entrance Drive Concept Plan A, dated 2/27/19. Additionally, Mr. Curley entered into the record as Exhibit A-2, which was an overall aerial exhibit and dated 3/29/19, as well as a third exhibit entitled 2020 Landscape Exhibit, which was labeled Exhibit A-3, dated 3/20/19. Mr. Curley then indicated that he had two (2) more exhibits that were cross-sectional in nature, entitled 2020 Industrial Cross-Section exhibit, dated 3/20/19, and showing the relationship to the property line and the cross section through the property depicting the proposed warehouse and the existing right-of-way behind the property. He noted that those exhibits were marked Exhibit A-4 and Exhibit A-5.

Mr. Curley then gave a description of the existing conditions at the subject property. He then drew the Board's attention to Exhibit A-2 that showed the aerial view with an overlay depicting the proposed improvements. He showed the boundary lines around

the subject subdivided parcel with frontage on Veronica Avenue, which would be the main access way. He did note, however, that the driveway was moved over slightly from the original submission, and showed the Board the area of disturbance with a largely wooded area to be kept intact. Mr. Curley then discussed the inclusion of a detention basin that was being proposed for the west end of the property. He then spoke about the circulation pattern to go around the perimeter of the proposed building. Mr. Curley then detailed the surrounding land uses were, utilizing a larger version of the cover sheet that was part of the submission, and included entities in the General Business (GB) district as well as those in the industrial (M-2) zone, a railroad right-of-way and a residential distinct (R-10). He testified that most of the properties in the surrounding area were developed as zoned. Mr. Curley then discussed environmental constraints that impacted the development of the property, including wetlands and buffers, particularly with the access to the property. He told the Board that they had obtained a NJDEP permit to facilitate the grading and transition areas and general permits 10 & 11 for the proposed development.

Mr. Curley then presented to the Board what they were proposing, utilizing the landscape exhibit (Exhibit A-3). He explained that it was their intent to provide a full access driveway off of Veronica Avenue, with vehicular parking on either end of the proposed building and truck docking adjacent to the building on both sides of the structure. He added that there would also be trailer storage on both ends of the structure and a few areas of land-banked vehicular parking at the northern portion of the west side of the building. Mr. Curley then also noted that they had a provision for land-banked trailer storage located at the eastern end of the structure. He then drew the Board's attention to the three (3) storm water management facilities, one at the east end, one located centrally and a third below-grade facility to accommodate for the drainage for the access driveway. Mr. Curley then testified that he submitted a storm water management report, a maintenance manual and all other relevant documents related to the storm water management system.

Mr. Curley then discussed the lighting and landscaping that was proposed for the property. Through discussions with the Planning staff on their original proposal, Mr. Curley indicated that there were some improvements included based upon those discussions. A few things that were added include 40 trees along the railroad right-of-way, 13 linear feet of 6 ft. high board on board fencing and enhancing some of the original landscaping that was proposed and shifting it closer to the property line near the residential properties. He added that they were also including a 16 ft. high sound wall along the southerly border of the property. Mr. Curley then describing the lighting that was proposed for the project, noting that there would be lighting along the entrance driveway, lighting on the center island on the easterly side of the property to illuminate the drive court as well as building mounted lighting to illuminate the trailer docking areas. For the record, Mr. Curley indicated that there were 437 parking spaces proposed, with 43 of those land-banked, stating that only 374 parking spaces were required in the zone. Mr. Curley then discussed how refuse would be handled for the building, stating that since the end-user for the building had not be decided as yet, they proposed trash compactors typical for a warehouse building that would be attached to

one of the docking bays, with the possibility of adding additional trash compactors once an end user's needs were determined. Mr. Curley stated that there were no dumpsters proposed for the project at that time. He then told the Board that they were also going to provide landscaping along the Veronica Avenue side of the property that was adjacent to the detention facility on the south side and some additional landscaping along the east side as well.

Mr. Curley then showed the Board how the sole driveway location was changing from the original submission, utilizing Exhibit A-1, the Entrance Drive Concept Plan A. He showed the plans having the driveway with a slight curve to make it more perpendicular to Veronica Avenue, as suggested by the Township professionals. He then added that there were some wetlands along that proposed driveway which had already been permitted.

Mr. Curley then addressed the staff reports related to the project, including the Planning report, the Fire Prevention report, the Engineering report, the Health Dept. report, with no comment from the Police Dept. He then testified that they would be able to comply with any and all comments in all of the reports. He did state, however, that they were requesting a design waiver for driveway aisle width, whereby 26 ft. was required and 24 ft. was proposed. Mr. Curley explained that the only area where a 24 ft. wide aisle was being proposed was in the vehicular parking areas and not in any of the truck areas. He then told the Board that the main access road was 36 ft. wide, the circulation drive around the building was all 30 ft. wide and the drive court aisle was 70 ft. wide and in compliance with the ordinance. Mr. Curley explained to the Board that his reasoning in cutting the aisle width to 24 ft. in the employee parking area was to cut down on impervious coverage. Mr. Curley then told the Board that they had received a letter of no interest from Somerset County and have submitted the plan proposals to the Delaware & Raritan Canal Commission (DRCC) with an initial review, and all comments could and would be addressed.

Mr. Thomas then opened a discussion regarding whether it was proposed to have a 24-hour operation business there. Mr. Lanfrit indicated that it was proposed to have a 24/7 operation there when occupied. Mr. Thomas then asked what they were protecting from sound with a sound wall and why was that proposed instead of landscaping. He stated that there were only businesses and Rte. 27 on the side the sound wall was proposed and felt it would be more beneficial on the residential side of the property, if placed anywhere. Mr. Curley explained that it was basically a contractual obligation between the previous and current owner of the property to have it in the proposed location. Mr. Lanfrit added that there was still a residence in that area occupied by the previous owner of the proposed property and another residence located closer to Rte. 27. Mr. Thomas then inquired as to whether the driving public would see the sound wall from Veronica Avenue or Rte. 27 and also wanted to know what it was going to be made of. Mr. Curley indicated that the sound wall was approximately 800 ft. in length and was made from a vinyl-type material placed between foundations and can be made any color and reiterated that its inclusion on the site was part of a contractual obligation with the former owner since their residence was in close proximity to the proposed

warehouse. He noted that the residential properties on the other side of the proposed building were over 400 ft. away from that building. Vice Chair MacIvor then asked again how far away from Rte. 27 the sound wall would be, and Mr. Curley testified that it would be 1,400 ft. away.

Vice Chair MacIvor then inquired as to whether the trash compactors would be able to be heard by the residences on the other side of the property. Mr. Curley indicated he did not have the information related to the decibel level that the trash compactors work with, but stated that he was sure they could stipulate that the compactors only be used during the daytime hours. Mr. Lanfrit indicated that the New Jersey statues only allow noise at the property levels of 65 decibels during the daytime for these types of facilities that abut a residential zone or a residential property. He then noted that the number changed to 50 decibels allowed in the evening hours. Mr. Lanfrit indicated that if they exceeded those levels, they would be subject to summonses or violations from the municipality or the State. Vice Chair MacIvor stated that a restriction of 7:00 a.m. to 7:00 p.m. should be enforced as well. Mr. Healey suggested that if there was a concern from the Board, that they address it through the site design as opposed to operational restrictions since it would be difficult to track that.

Vice Chair MacIvor then asked how tall the shrubs would be on the residential border on the other side of the property, and Mr. Curley indicated that the installed height would be 5-6 ft. tall. Chairman Orsini displayed his displeasure with the lack of adequate screening that was proposed in that area. Mr. Curley then suggested he show the Board the cross-sectional exhibit of the proposal and the existing grades of the property associated with that. Ms. Rafiq then asked whether there was any consideration for the multiple residences on the other side of the property. Mr. Curley stated that there was already existing vegetation on either side of the railroad right-of-way and that they were supplementing that and meeting the ordinance requirements by providing a continuous buffer along the property line. He then discussed the buffering requirements for the subject use that was adjacent to residential properties with a length of 1,930 ft. along the property line. Mr. Curley stated that they were providing 197 trees along the property line, thereby exceeding the ordinance requirements for residential buffering. Additionally, he added that they had enhanced the requirements by including a 6 ft. high board on board fence for 1,300 ft. along the property line. Utilizing Exhibits A-4 and A-5, Mr. Curley showed the existing grades of the property, from the northern end of the property to the western end of the property, going towards Rte. 27. He noted that the grade of the property at the northern end was relatively flat, but in the truck court area in the middle of the building it was probably 6 ft. below the existing grade of the railroad right-of-way. Mr. Curley explained that they only provided the 6 ft. board on board fence in areas at or above grade at the railroad right-of-way. Utilizing Exhibit A-5 and referring to the next section, Mr. Curley indicated that the grading was 2-4 ft. above the elevation of the existing railroad right-of-way and so they included a 6 ft. board on board fence in that area. He noted that the final section along the property line was at grade level or about 1.5 ft. above grade and therefore providing the fencing. He added that the enhanced landscaping was being provided along the entirety of the property line.

Mr. Thomas then inquired about the proposed land-banked truck storage area near the residential property line and asked whether the system they had put in place would provide screening from the truck headlights. He also expressed his concern that the residential properties were 400 ft. from the proposed building, but would be closer to the loading docks and trucks. Mr. Curley stated that from the front of the truck would be 340 ft. away from the property line. A discussion ensued among the Board. Mr. Lanfrit indicated that they did meet the landscaping and buffering requirement, but testified that if for some reason the facility generated noise above acceptable levels, they would be before the Board again to amend the Site Plan to put up a sound barrier wall.

Vice Chair MacIvor opened a discussion regarding the views from the residences to the stored truck trailers. Mr. Brown then asked how far away the two homes on the other side of the building were, and Mr. Curley indicated they were also about 400 ft. away. Mr. Brown pointed out that they were getting a 16 ft. sound barrier wall while the other residences were only getting a 6 ft. fence and landscape screening. Chairman Orsini then pointed out that there was a much more intense use of the property on the side with only the fence and landscape screening than the side that had the 16 ft. sound wall.

Mr. Lanfrit then offered the Board that the Applicant could build a fence that was 10 ft. high along the entire length of the property along the railroad right-of-way. A discussion ensued among the Board.

Mr. Thomas asked Mr. Healey if there was a right of an owner to put a 16 ft. wall and did they need a permit to do so. Mr. Healey stated that they would need to get construction permits, but there was no ordinance restriction that would prohibit them putting up that type of wall.

Mr. Mettler discussed the appearance of the 16 ft. sound wall, noting that there were many buildings and existing vegetation that would block the view of the wall. Conversely, Mr. Mettler then described the existing vegetation along the railroad right-of-way as being much taller than 6 ft. that already block the residential view of the subject property. The Chairman then pointed out that brush and vegetation did not block sound or lights from tractor trailer traffic and Mr. Thomas stated that he felt the neighborhood deserved a little bit more protection. A discussion ensued.

Councilman Chase opened a discussion regarding how they would construct a 10 ft. fence when the middle third of the property line was below grade at the railroad right-of-way. Mr. Healey suggested that they put the fence along wherever the ground was highest. A discussion ensued among the Board.

Chairman Orsini then asked about the Fire Prevention Director's request for a second access point to the property for emergencies that would include a bollard and chain. Mr. Lanfrit advised the Board that they were currently in negotiations with three (3) or four (4) property owners in order to have that second access point. A discussion ensued among the Board.

The Chairman then asked if there were any plans to landscape the detention basins, which would also decrease the Applicant's fee in lieu requirement for tree replacement. Mr. Lanfrit indicated that they would sit down with Mr. Healey and come up with a plan to enhance the landscaping in those areas. Chairman Orsini then asked about why they are providing so many parking spaces for a warehouse use. Mr. Lanfrit indicated that they came up with the number of parking spaces based upon the size of the proposed warehouse and the need to overlap shifts. He then indicated that based upon who ends up leasing the building, there was the potential to bank additional parking spaces if there was not a need for them.

Mr. Curley then added additional testimony that he neglected to include earlier which was a proposed 35 ft. diameter water tank that was 35 ft. tall, which was located at the west end of the detention facility as well as a 17 ft. x 25 ft. pump house for fire suppression to ensure adequate volume for the sprinkler system.

Mr. Hauck then opened a discussion regarding the location of the water mains on the property within berms and landscaped areas and was required to be located within paved areas. Mr. Curley stated that since the Fire Prevention Director asked for a relocation of the fire hydrants on-site, there would also be a change to the location of the water mains and they would be relocated to the paved areas. Mr. Hauck then stated that since they were including a water tank on-site, the property might qualify for a meter pit.

Mr. Omolola then asked whether there would be any handicapped parking included in the plan. Mr. Curley indicated that they had a total of 12 handicapped parking stalls located on either end of the building with 6 on each side. He also added that of the 12 handicapped parking stalls, eight (8) of them were van stalls.

Mr. Lawrence Valenza, Architect and Principal of M & H Architects, 2150 Schuetz Road, St. Louis, MO, came forward and was sworn in. The Board accepted his qualifications. Mr. Valenza state that the building was designed to potentially be a two-tenant building, so the northeast corner and the southwest corner was included a potential office corner. He noted that the building was 47 ft. tall and within the ordinance for 50 ft. and was a concrete structure that would be painted three (3) colors in a neutral color scheme utilizing a color block technique to break up the large façade. He described a translucent panel system in generous amounts to allow light into the building during the daylight hours. Mr. Valenza then discussed the proposed monument sign that was 6 ft. tall (100 sq. ft.) and the look of it would be driven by what tenant comes in. He then told the Board that the mechanical equipment would be placed on the roof set back one bay from the edge of the roof. He stated that the only lighting on the building would be the lighting placed under the canopies at the entryways and building mounted LED lighting on the dock walls. Mr. Valenza indicated that all of the views he showed on the digital screen were from the Site Plan submission, except for the 3D view of the building, which he entered into the record as Exhibit A-6.

Mr. Healey then asked about the information on the Site Plan noting that the monument sign would be in front of the stop sign, potentially blocking the view. Mr. Curley indicated that with the realignment of the driveway, he stated that they would definitely set the monument sign back behind the site triangle and behind the stop sign.

Councilman Chase then asked if there was any thought to putting solar panels on the roof. Mr. Valenza indicated that they did not have any plans to do so, but there was the capability should a tenant ask for them.

Mr. Charles Olivo, Traffic Operations Engineer employed with Stonefield Engineering & Design, 92 Park Avenue, Rutherford, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Olivo indicated that he prepared a Traffic Impact Study for the project, dated January 14, 2019. He then gave a brief overview of the impact of the development on Veronica Avenue. Mr. Olivo stated that the access driveway into the site from Veronica Avenue was approximately 3,500 ft. from the spacing of the Rte. 27/Veronica Avenue intersection. He then explained the process of reviewing the roadway system and street network that was directly proximate to the site development. He noted that traffic counts had been taken on a typical weekday at the intersection (7 a.m. – 9 a.m. and 4 p.m. to 7 p.m.) and stated that the industrial manufacturing use worked quite well with those peak hours because the peaks of that type of generator complement the commuter rush periods and do not necessarily overlay directly onto those peak hours. Mr. Olivo stated that they looked at the existing conditions, the traffic moving through the roadway network, particularly Veronica Avenue, and directly adjacent to the proposed driveway for what the in and out movements would be. He then added that they would then consider the growth of the area until 2020 with a no-build situation and then the impact once the project was up and running with movements in and out of the driveway and the into the roadway system. Mr. Olivo then explained how they also take into account where the traffic would come from and where it would go towards from the site. He stated that the project would generate 131 trips during the peak hours of the street network, which would equate to about 4% of that traffic, and minimal if any impacts to the adjacent intersections. Mr. Olivo then discussed the safety of the driveway configuration as was designed with the Maser team and the circulation aisle dimensions and parking stall dimensions all meeting and/or exceeding industry standards. He then testified that they anticipate having more than adequate parking for the demand of the facility

Mr. Brown then asked Mr. Olivo to describe what he meant by “impact”. Mr. Olivo stated that they look at a number of different types of performance that would include level of service, the amount of traffic per cycle going through an intersection and if the volume of traffic significantly changing or being altered by a development. A discussion ensued about the different type of vehicles that could be included in the one (1) to two(2) cars going through an intersection cycle.

Mr. Thomas then asked Board Attorney, James Clarkin, if there were any protections in place or recourse should the project be approved and the eventual user of the property triples the traffic numbers that were presented in testimony that evening. Mr. Clarkin

indicated that the Township did not have any protections, but that the state of the law was such that where there was a permitted use, a Planning Board did have the authority to deny or condition an application based on perceived traffic impacts. Mr. Thomas then asked if they had an obligation to study three (3) or four (3) other signalized intersections along Rte. 27 to get the full impact of the traffic on the local roadways. Mr. Olivo repeated his testimony explaining that the traffic coming and going to and from the site was from/to the east and south utilizing the main arteries such as Rte. 1, Rte. 18 and I-95. A discussion ensued among the Board.

Chairman Orsini then asked what the contractual relationship was between the seller of the property and the Applicant regarding the 16 ft. sound wall.

Mr. Efrem Gerszberg, Developer with 2020 Acquisitions, came forward and was sworn in. Mr. Gerszberg indicated that the height of the sound wall was the least it could be to comply with New Jersey law. He noted that they had a sound engineer do a full study and determined that the proposed size and height of the sound wall was determined by the need to keep the decibel level to 65 decibels or lower.

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. Lanfrit then gave his summation by stating their work done prior to the hearing with Township staff.

Mr. Healey then detailed the agreements made by the Applicant during the hearing, including compliance with all the staff reports, agreeing to provide a secondary emergency access drive and designed satisfactorily to Township staff, the supplementation of existing vegetation along the northerly property line with a double staggered row of evergreen trees at least 6 ft. in height as well as provide a 10 ft. high board on board fence provided at the high points of the property. Additionally, the Applicant agreed to provide trees around the detention basins.

Vice Chair Maclvor made a motion to approve the Application with the agreements as detailed by Mr. Healey as well as aisle width relief to provide a 24 ft. drive aisle and the limitation of the time that the trash compactors can be run (between 7 a.m. and 7 p.m.). Mr. Omolola seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Rafiq, Vice Chair Maclvor, Mr. Mettler, Mr. Mansaray, Mr. Brown, Mr. Thomas, 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 that evening.

EXECUTIVE SESSION:

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

ADJOURNMENT:

Vice Chair Maclvor made to adjourn the regular meeting at 9:36 p.m. Mr. Omolola seconded the motion and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
May 10, 2019