

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

**REGULAR MEETING
June 3, 2020**

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 Rafiq, Cecile Maclvor (arrived at 7:48 p.m.) Jennifer Rangnow, Charles Brown, Robert Thomas, Carol Schmidt, and Chairman Orsini

ABSENT: Mustapha Mansaray

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

PUBLIC COMMENTS:

Vice Chair Maclvor made a motion to open the meeting to the public for general Planning comments not related to the hearing that they would be discussing that evening, Ivy River Property, LLC. Mr. Thomas seconded the motion, and all were in favor. Hearing no one coming forward, Councilman Chase made a motion to close the meeting to the public. Mr. Thomas seconded the motion, and all were in favor.

HEARINGS:

- **IVY RIVER PROPERTY, LLC / PLN-19-00015**

Site Plan and "C" Variance in which the Applicant sought to construct a 79,380 sq. ft. warehouse/office building at 1 Riverview Drive, Somerset; Block 517.03, Lot 3.30, in an M-1 Zone. The "C" Variances requested include Building Height, Off-Street Parking, and Parking Lot Front Yard Setback – **CARRIED FROM MAY 20, 2020 VIRTUAL MEETING – with no further notification required.**

Mr. Lanfrit stated that the Application before the Board that evening was for a Site Plan approval.

Mr. Healey's Planning report included the following "C" variances that were being requested as part of the Site Plan Application, and they are as follows:

- Building Height: 50 ft. permitted – 54.3 ft. proposed.
- Off-Street Parking: 267 spaces required – 119 spaces proposed
- Parking Lot Front Yard Setback: 50 ft. required – 9.9 ft. proposed (11 proposed "landbanked" spaces along Riverview Drive frontage).
- Parking Lot Aisle Width: 26 ft. required – 24 ft. proposed.

Mr. Robert Freud, Engineer/Planner with Dynamic Engineering, 1904 Main Street, Lake Como, NJ, came forward and was sworn in. The Board accepted his qualifications. He then gave the Board a summary of the present conditions at the subject property. He entered into the record as Exhibit A-1, which was an aerial exhibit, dated June 3, 2020, based on an aerial from Google Maps obtained on May 7, 2019. He then described the area that included the subject property. Mr. Freud indicated that there currently was a building on the property that included 84,836 sq. ft. on the north side of the property, including parking facilities with access from a single driveway to Riverview Drive and another driveway with access to Apgar Drive. He then noted that there were also two (2) access drives that connected to the two (2) adjacent properties (50 Randolph Road as well as 100 Randolph Rd.). Mr. Freud then discussed an existing above-ground detention basin on the southeast corner of the property that was contained within an easement that served other properties and was considered a regional detention basin. He then told the Board that 50 and 100 Randolph Rd. were owned by the Applicant and/or his related companies. Mr. Freud then gave the Board an overview of what they were proposing for the property, utilizing Exhibit A-2, a colorized Site Plan rendering of Sheet 1 of 1, prepared June 3, 2020. He then pointed out the existing building and the associated parking in the front of the building and access drive along Riverview Drive at the north end of the property that would be reused and repurposed as office and warehouse space. He then told the Board that the unused parking lot on the south side of the property would be removed and the access would be redefined coming off of Apgar Drive, utilizing the same curb cut, and servicing what they were calling a truck court for truck loading for Building 1 (existing building) as well as for loading bays for the newly proposed Building 2 that would include approximately 5,000 sq. ft. of office space as well as warehouse space. Mr. Freud stated that the existing building was currently vacant. He told the Board that the truck loading areas would be between the two buildings for shared space that would include a paved parking area. Mr. Freud added that they were also including a parking lot on the west side of Building 2 to serve the office space which was located on that side of the building and would be part of the access road leading to 50 and 100 Randolph Rd. He added that access to the parking area would be from either 50 or 100 Randolph Rd. or from Riverview Drive coming through the rear of 50 Randolph Rd. Mr. Freud indicated that the access road at the southwest portion of the property would be removed and necessary adjustments would be made to the curb line of 100 Randolph Rd. because it was owned by the Applicant as well and would be filled in with landscaping as part of the Application. Mr. Freud then discussed an existing non-conformance with the existing building, at the corner frontage of Apgar Drive that currently included a 49.8 ft. setback where 50 ft. was

required. He noted that it would remain and that he considered it de minimus and would not be noticed from the travelling public. Mr. Freud then discussed the required variances, as noted previously from Mr. Healey's Planning report.

Mr. Freud then discussed how the trucks would enter the site and access the newly proposed building (Building 2) and how it would function, indicating how trucks would come into the site via Apgar Drive to the central truck court area and then described how they would access each of the buildings. He then showed on the exhibit how the western parking area would be connected to the Apgar Drive access, controlled by a gate and not generally open during normal operations in order to provide for emergency access, as requested by the Fire Prevention Director. Mr. Freud then testified that the main truck traffic would access the site through Apgar Drive and the connecting drives between the subject site and 50 and 100 Randolph Rd. would be for vehicular traffic and emergency access only with no truck traffic.

Mr. Freud then drew the Board's attention to the office access for the newly proposed building (Building 2). He indicated that the office area would be accessed at the northwest corner of the building facing the western parking area. Mr. Freud then showed Exhibit A-3, which he described as a view of the northwest corner of Building 2, dated May 20, 2020, and prepared by Cerminara Architects, LLC.

Mr. Freud then discussed what was proposed for the existing building (Building 1), including 11 banked parking spaces with no changes to circulation and lighting in that area. He indicated that the land banked parking spaces were in anticipation of operational needs in the future. He did note, however, as part of a separate approval, they obtained permission to redesign the loading bays to include within the truck court with those for Building 2 as Phase I of the retrofit of Building 1. The new proposal was to provide lighting throughout the newly proposed truck court to provide minimum light levels throughout by means of LED lights mounted at 25 ft. as well as within the new employee parking lot. The new building would include building-mounted lights on all sides of the building in a way to avoid light spillage off of the site, with the exception of the driveway area where there would be trucks coming and going from Apgar Drive.

Mr. Freud then spoke about the existing storm water detention basin, indicating that it would not need to be modified to accommodate the new building, but that they would be making a change in the outlet pipe. He then added that all of the storm water associated with the new building (Building 2) would be handled separate from the existing basin on-site and was being designed to satisfy the requirements of the Township as well as the State stormwater requirements for water quality, groundwater recharge and water quantity as well as those of the Delaware & Raritan Canal Commission (DRCC). He then discussed how they would be going about accomplishing those endeavors. Mr. Freud testified that they had made application to the DRCC and they responded that all technical comments had been addressed and were just waiting for the Resolution from the Planning Board.

Mr. Freud then addressed how refuse would be handled at the new facility by stating that they had identified several locations on the plan where refuse containers could be placed in a loading bay and handled by a private hauler. He noted that the new building (Building 2) had 18 loading bays and the existing building (Building 1) would have 12 loading bays.

Mr. Freud then discussed the variances requested in the Application, starting with the Building Height Variance for the new building (Building 2) proposed at 54.3 ft. where a maximum of 50 ft. was allowed. Since there was less than 10% difference, Mr. Freud stated that it would put that in the "C" variance classification and would be considered a "C-1" Hardship Variance as well as a "C-2" Variance. He then discussed how building height was measured within the ordinance and was specific to the road frontage (Apgar Drive frontage), which was the only frontage that exceeded building height. He added that the grading for the detention basin on that side of the building greatly affected that measurement. He noted that the setback on that side of the building was over three (3) times the required setback and believed it satisfied some of the negative criteria with some of the visual impact being mitigated by the additional setback measurements. He next addressed the Parking Lot Front Yard Setback by stating that it had to do with the banked parking spaces along Riverview Drive, where 9.9 ft. was proposed, and 50 ft. was required. He added that he felt that both the "C-1" Hardship variance as well as the "C-2 Variance would apply here. Mr. Freud brought up the fact that they were dealing with an existing building with existing parking and drive aisle, so that the most logical place for the land banked parking spaces was immediately opposite the drive aisle. He testified that he felt that the additional parking would serve as a positive for future growth. He then spoke about the grade changes along Riverview Drive, which would put the parking at a lower level than Riverview Drive, which he said would provide a natural screen to help to mitigate any negative visual impacts of that parking lot as it was built.

Mr. Freud then directed the Board's attention to the next variance, Parking Lot Width, where 26 ft. was required and 24 ft. existing on the north side of Building 1 as well as 24 ft. for the western parking lot next to Building 2. He noted that 24 ft. wide drive aisles were common in the industry and didn't feel there would be any negative impacts and felt that the reduced impervious coverage would be a benefit and spoke to purpose i within the Municipal Land Use Law (MLUL) by allowing more green space on the site. Finally, Mr. Freud indicated that both 24 ft. wide aisles only handled vehicular traffic and not truck traffic.

Mr. Freud then generally discussed the bulk requirements for lot area, setbacks and compliance to the zoning requirements. He then indicated that the proposal included 119 parking spaces, with 267 parking spaces required for both buildings with office and warehouse space combined. Mr. Lanfrit stated that the Traffic Engineer would address the shared use of the parking spaces on 50 and 100 Randolph Road.

Mr. Freud then spoke about the staff reports, firstly about CME's Engineering report dated March 24, 2020, stating that they could comply with all the Engineering

comments. He then stated that they would be able to comply with all comments in the remaining reports but would defer to the Traffic Engineer for comments involving traffic issues. Mr. Freud indicated that the property was within the purview of the Historic Commission, stating that they met with them in October of 2019 and received a favorable response to our submission. He also noted that the County had also responded with a favorable response.

Chairman Orsini wanted to make sure that they would be able to comply with the Township's Sewerage Authority, and Mr. Freud answered in the affirmative. The Chairman then asked if the Applicant could comply with the Tree Replacement Plan by being able to put more trees on-site. Mr. Freud indicated that they would work with Mr. Healey, Planning Director, regarding placement of trees on the site. He noted that there was significant green space on the property that consisted of detention basin and storm easements where it would be difficult to plant trees.

Vice Chair MacIvor inquired as to whether the building mounted lighting would be LED lighting, and Mr. Freud answered in the affirmative.

Mr. Clarkin, Board Attorney, asked Mr. Freud about the "C-1" and flexible "C-2" variance arguments for the Building Height Variance they were requesting. He discussed the many purposes of the MLUL that would be advanced and saw no detriments in the granting of the variance. Mr. Clarkin confirmed that they were asking for a "C-1" Hardship Variance only for the front yard setback and a "C-2" Variance for drive aisle width. Mr. Freud answered in the affirmative for both and that the negatives outweigh any detriments.

The Vice Chair then inquired about the utilities being placed underground, and Mr. Freud confirmed that they would all be placed underground on the site.

Councilman Chase opened a discussion regarding the requirements for access to the site by the Fire Prevention Director. Mr. Freud indicated that they would work with the Fire Prevention Dept. to their satisfaction. Mr. Lanfrit then stated that they did provide some documentation to Mr. Hauss and Mr. Lupu regarding emergency access, and as long as the construction follows what has been provided, they had received direction that they did not have to provide access to all four sides. The Councilman stated that they could include a statement that Mr. Hauss be satisfied in any Resolution of approval. Mr. Healey reminded the Applicant that they were right at the Impervious Coverage limits, so if they needed to provide any additional fire lanes, they would have to go back before the Board for a variance. Mr. Lanfrit indicated that they understood.

Ms. Schmidt asked if they had any prospective users for either building, and Mr. Lanfrit answered in the negative.

Mr. Craig Peregoy, Traffic Engineer, 245 Main Street, Chester, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Peregoy testified that he submitted two (2) reports, one was the initial report and the second was a report

generated because of questions raised in both the CME report and Mr. Healey's report of May 7, 2020. He then explained the scope of the second, more detailed study by saying that it included a full impact study of the traffic impacts of the proposal as well as a revised parking requirement study based upon new plans. He then detailed for the Board how the site would function and how many trips would be generated because of the activity on the site after full build-out. Mr. Peregoy stated that they looked at the weekday morning and evening peak time periods, utilizing the traffic count data obtained from preparing the Traffic Study for the Amazon building on the other side of Randolph Avenue, including the signalized intersection of Weston Canal Rd. and Randolph Rd. He stated that they also looked at the developments along Apgar Drive, Riverview Drive, PSE&G and the site driveways of the proposed site and that of the one across the street. He noted that they looked at the earlier time period of 6:30/7:00 a.m. because of the inclusion of an earlier shift at the Amazon property and assuming that all similar developments in the area shared that same peak time frame, which would be the absolute worst scenario. Because there are no users at the proposed property, they utilized the ITE Trip Generation data based on the size of the warehouse space and the size of the office space. He gave the specific data/numbers that they uncovered and prepared information regarding traffic capacity and determined that by finding the level of service to find out if there would be any substantial negative impact. He noted that there would be no change in levels of service at the signalized intersection of Weston Canal Rd. and Randolph Rd. and that they would have very favorable levels of service at the driveways on Riverview Drive and Apgar Drive. Mr. Peregoy indicated that the only place that they found a constraint was at the intersection of Apgar Drive and Weston Canal Rd. He noted that there would be no capacity issue or any congestion issues, but just a delay issues with turning movements.

Mr. Peregoy went on to address the parking allowances on the property. Mr. Lanfrit asked him if also analyzed the parking availability at 50 and 100 Randolph Rd., which were both owned by the Applicant's related companies. Mr. Peregoy stated that 50 Randolph Rd. had an excess of 31 parking spaces and 100 Randolph Rd. had 117 excess parking spaces, for a total of 148 excess parking spaces beyond what the ordinance required. With 119 proposed parking spaces on the subject property and the excess 148 from the other two properties, the requirement for 267 parking spaces on the subject property could be achieved. He then noted that the ordinance requirements were typically higher than ITE suggested numbers of parking spaces, which was 168 parking spaces and a shortfall of only 49 parking spaces. Mr. Peregoy stated that employees could enter the site through Riverview Drive or through the back of 50 Randolph Rd. Mr. Peregoy then stated that they would agree to any condition of approve to put a cross-access easement in place for shared parking should the Board require that. Mr. Peregoy also indicated that employees of 50 and 100 Randolph had no barriers for access to Building 1 or Building 2 on the proposed site since there were no barriers and could walk over to either building.

Mr. Thomas asked if there were any improvements on Weston Canal Road or the Exit 12/Rte. 287 interchange proposed yet by the County. Mr. Peregoy stated that any improvements would include the ramps to Rte. 287 and would fall under the NJDOT and

Federal Highway Administration jurisdiction, but that he was not aware of anything being done. Mr. Lanfrit stated that he had brought it to the attention of the County as part of the Amazon hearing and were aware of the local concerns and were going to discuss the issue with the State. A discussion ensued among the Board.

Mr. Healey brought up the fact that Building 1 had 47,000 sq. ft. of office space, as currently laid out, but only had 58 parking spaces associated with that space, a full third of what was required. He indicated that the reality of the situation was that the other lots were accessible by vehicles, but it would be extremely difficult to get to Building 1 from other parking areas since there was a retaining wall and heavy landscaping between the two (2) sites. He noted that the only way to access that building from the other parking areas would be through loading areas, the proposed parking lot, and a gate. Mr. Healey indicated that he was concerned that people would park along Riverview Drive to access Building 1 in the absence of closer parking availability. He felt that the Applicant would have to demonstrate that it was a true "campus" that included pedestrian movements as well as vehicular movements. Mr. Peregoy indicated that they didn't yet know the user, but that there was a sidewalk along Building 1 and could be extended to behind 50 Randolph Rd. Mr. Thomas suggested a condition of any approval that the sidewalk must be constructed should parking along Riverview Drive become a problem. Mr. Healey indicated that the Applicant could land bank pedestrian connections between the two sites; however, it would probably create an impervious coverage variance situation at that time. Mr. Lanfrit stated that the Applicant would have no problem with agreeing to that as a condition of any approval but realized it would create a variance should a sidewalk need to be constructed in the future. He respectfully requested that an impervious coverage variance be granted to construct the sidewalk, and that they could provide the calculation on what the calculation would be prior to the Resolution being drafted. Mr. Healey then stated that it might need to be more than one (1) pedestrian connection depending on where they were coming from. Mr. Lanfrit then suggested that it could be discussed with Mr. Healey and Mr. Freud.

Chairman Orsini indicated that he was hesitant to approve a variance but would agree to some sort of flexible language in the Resolution that would allow for the construction of sidewalks in the future, if necessary. Mr. Lanfrit indicated that Mr. Freud stated that the impervious coverage would not be raised by more than 0.5% and a variance could be approved for 60.5% if and when the need arose, without having to come back before the Board. A discussion ensued regarding this issue as well as a cross access and cross parking easement.

Mr. Michael Zulli, V.P. of Asset Management for Ivy Realty Services, LLC, an associated entity for Ivy River Property, LLC & Applicant, 7 Hillcrest Heights Court, Marlton, NJ, came forward and was sworn in. Mr. Zulli testified that he was one of the principals of Ivy River Property, LLC which owned One (1) Riverview Drive. He added that 100 Randolph Rd. was owned by Ivy 100 Rand Property, LLC and 50 Randolph Rd. was owned by Ivy 50 Rand Property, LLC. He noted that all three(3) properties were owned by Ivy Waterfall Holdings, LLC and Anthony DiTommaso was the manager of the

holding company and the manager of all the LLC's named as the ownership entities. Additionally, Mr. DiTommaso is the CEO of Ivy Realty Services, LLC. Mr. Zulli testified that there was enough parking at 50 and 100 Randolph Rd. to handle any overflow parking from One (1) Riverview Drive should there be a need. Mr. Zulli indicated that he and the company was comfortable with the sharing of parking regardless of who owned each of the properties. A discussion ensued among the Board.

Mr. Freud stated that he felt that the parking variance requested was very good land use sharing and promotes a number of purposes of the Municipal Land Use Law (MLUL). He then discussed the negative criteria and the benefits of the provision of pedestrian walkways, if necessary and felt that the 0.5% additional impervious coverage was de minimus in nature. He also indicated that he didn't believe there was any substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan or scheme.

A motion was made by Vice Chair MacIvor to open the meeting to the public. Mr. Thomas seconded the motion, and all were in favor. Hearing no one coming forward, the Vice Chair made a motion to close the meeting to the public. Mr. Thomas seconded the motion, and all were in favor.

Mr. Lanfrit gave his closing summation.

Vice Chair MacIvor made a motion to approve the Site Plan, with Variances with the conditions of complying with all staff reports as well as providing the Board Attorney with cross access and parking easement documents that included the provision to provide sidewalks and a variance for impervious coverage up to 60.05% that was satisfactory to the Board Attorney. Additionally, the approvals of the Somerset County Planning Board and DRCC be included and that the tree replacement plan be coordinated under Mr. Healey's direction. Chairman Orsini seconded the motion, and the roll was called as follows:

FOR: Mr. Hauck, Ms. Refiq, Vice Chair MacIvor, Ms. Rangnow, Mr. Thomas, Ms. Schmidt, and Chairman Orsini

AGAINST: Councilman Chase and Mr. Brown

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 MacIvor made a motion to adjourn the regular meeting at 9:15 p.m., and the motion was seconded by Mr. Thomas. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
July 27, 2020