

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

**VIRTUAL
REGULAR MEETING
April 7, 2021**

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, Jennifer Rangnow, Charles Brown, Robert Thomas, Carol Schmidt, Sami Shaban, and Chairman Orsini

ABSENT: Mustapha Mansaray

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

MINUTES:

- **Regular Meeting – January 20, 2021**

Mr. Thomas made a motion to approve the Minutes, as submitted. Chairman Orsini seconded the motion, and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Rafiq, Ms. Rangnow, Mr. Brown, Mr. Thomas, Ms. Schmidt, and Chairman Orsini

AGAINST: None

- **Regular Meeting – February 3, 2021**

Mr. Thomas made a motion to approve the Minutes, as submitted. Chairman Orsini seconded the motion, and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Rafiq, Ms. Rangnow, Mr. Brown, Mr. Thomas, Ms. Schmidt, Mr. Shaban, and Chairman Orsini

AGAINST: None

RESOLUTIONS:

Extension of Time

- **Sycamore Developers, LLC / PLN-17-00008**

Mr. Thomas made a motion to approve the Resolution for Extension of Time, as submitted. Chairman Orsini seconded the motion, and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Rafiq, Ms. Rangnow, Mr. Brown, Mr. Thomas, Ms. Schmidt, and Chairman Orsini

AGAINST: None

PUBLIC COMMENTS:

Mr. Thomas made a motion to open the meeting to the public for general Planning comments. Vice Chair Brown seconded the motion, and all were in favor. Seeing no one coming forward, Mr. Thomas made a motion to close the public portion of the meeting. Chairman Orsini seconded the motion, and all were in favor.

HEARINGS:

- **FRANKLIN TOWNSHIP / PLN-21-00003**

Minor Subdivision in which the Applicant was proposing to subdivide into two (2) lots the property at 64 Clover Place, Somerset: Block 37.02, Lot 12 in an R-20 Zone -

Mr. Vincent Dominach, Township Economic Development Director, 475 DeMott Lane, Somerset, NJ, came forward and was sworn in. Mr. Dominach indicated that the Board of Education owned the existing Lot 12, which was approximately four (4) acres in size. He stated that the Board of Education wished to subdivide the property into two (2) lots (Lot 12.01 – approx. 2.2 acres that they plan to transfer to the Library Board) and Lot 12.02 that they planned to keep and consolidate into their existing properties.

Mr. Dominach then gave some background not having to do with the matter before the Board that evening, which was the minor subdivision. He told the Board and public that the purpose of the transfer of lots and the subdivision is for the Board of Education to transfer Lot 12.01 for a satellite office for the Library. He noted that the Board of Education would be coming back and would be submitting a full Site Plan Application, so the Board and the public would have ample opportunity to deal with the Site Plan and all of the site issues, to include drainage, traffic, lighting, screening, etc.

Mr. Dominach then drew the Board's attention to the Minor Subdivision and noted that the existing lot (Lot 12) was a little over four (4) acres was conforming except for it was an existing through lot and had insufficient frontage on Garden Avenue. He stated that the requirement for frontage was 100 ft., and the lot has 50 ft. Mr. Dominach went on to state that Lot 12.01 was a conforming lot and would be subdivided from Lot 12 to create a lot for a Library satellite office. He then stated that the remaining property (Lot 12.02) would be consolidated with other adjacent Board of Education properties and was a fully conforming lot, other than the existing insufficient frontage on Garden Avenue where 100 ft. was required, and 50 ft. was existing/proposed.

Mr. Dominach stated that there was one (1) report that the Technical Review Committee (TRC) prepared that had eight (8) comments. He testified that every one of the comments on the TRC would be complied with fully and that it was the Township's opinion that the one (1) variance that was being sought was de minimus in nature and was an existing variance condition. He reminded the public that the Application that was before the Board that evening was only for the subdivision of Lot 12 into two (2) separate lots and not to discuss the proposed Site Plan that would happen in the months ahead when there would be ample opportunity, at a public meeting that would be noticed, to ask questions and make comments regarding the details of the Site Plan at that time.

Mr. Healey, Township Director of Planning, 475 DeMott Lane, Somerset, NJ, came forward and gave Planning testimony regarding the subdivision. He clarified with Mr. Dominach that the front portion of Lot 12 (Lot 12.01) would be the portion that would be transferred to the Library and the Board of Education would retain the rear portion of the lot that would be consolidated and made part of the larger school property. Mr. Healey then drew the Board and the public's attention to the exhibit on the screen that showed the rear lot (Lot 12.02) as requiring a variance for insufficient frontage along Garden Avenue. Mr. Healey indicated that the required variance qualified as being a "technical" variance in that it was an existing condition. He further explained that it was currently a new variance because a new lot was being created and the Township "technically" would require a new variance to be sought. Mr. Healey also stated that the proposal was not creating a variance or exacerbating a current variance in any way. Otherwise, Mr. Healey stated that both lots were conforming lots.

Mr. Healey then told the Board and public that there was a report from the Technical Review Committee (TRC), with the only substantive comment being #3 where there was an access easement that would continue to allow access to the school along Baylor Street, which was a private road. He added that the Board of Education would have to submit for review and approval an Access and Maintenance Easement Deed with metes and bounds descriptions attached before filing with the Somerset County Clerk's Office.

Mr. James Clarkin, Board Attorney, stated that he would echo Mr. Healey's comments that the subdivision would require a "technical" variance and that the subdivision was not creating the variance. He added that the Board could find that the variance was justified under the flexible "C-2" analysis because the front lot would house a satellite

Library office, an especially important public purpose, and that the Board could find no detriments in granting the variance and that the benefit to the Township substantially outweighs any detriment.

Mr. Healey followed up by stating that, as a minor subdivision, if it were not for the fact that the one lot had frontage on Garden Avenue, it would have gone to the Minor Subdivision Committee without a hearing.

Ms. Rafiq asked about the street that turned left on Eden and asked for clarification as to whether the street name was Eden or Clover at that point. A discussion ensued among the Board.

Chairman Orsini made a motion to open the meeting to the public. Mr. Thomas seconded the motion, and all were in favor.

Mr. Christopher Brochias, Central Avenue resident, came forward. Mr. Brochias pointed out that someone stated that there were no detriments to the project, but that he opposed it and asked the Board to vote "no". He indicated that it would be a mistake to put the satellite Library office into an already high-trafficked area.

Ms. Veronica Evanier, and a Clover Avenue resident, came forward and echoed Mr. Brochias' opposition to the subdivision because she lived right behind the proposed subdivision for a satellite Library office. She also stated that the open spaces in the area were disappearing very quickly and the habitat for wildlife is being affected. She also stated that she felt it would also change the feel of the community, so she asked the Board to deny the Application for subdivision.

Ms. Anna Bell, 60 Clover Place, Somerset, NJ, came forward. She noted that she lived about two (2) houses away from the proposed site. She wanted to point out to the Board that she actually received certified mail for the call-in number for the night's meeting, but when she used the access code given, it was not working. She then indicated that she used the access code on the website and was able to attend the hearing that night. Discussion ensued among the Board and Ms. Woodbury, Board Secretary, was looking into the issue at that moment.

Mr. James Clarkin, Board Attorney, stated that to the extent that there may have been a deficiency that has been cured by the fact that the member of the public had been able to access the correct information.

Chairman Orsini reminded the two people from the public who had already spoken, that the hearing that evening was just regarding the subdivision and not details of a Site Plan. He noted that the hearing for the Site Plan would probably be the best time to speak about the issues that were brought up. Mr. Clarkin, Board Attorney, agreed with the Chairman's analysis and indicated that his comment that there were no substantial detriments was limited solely to the subdivision and the variance in regard to the

frontage on Garden Avenue. He then added that there may be a totally different opinion when they get to the Site Plan aspect of the Application.

Mr. Healey then repeated the question that Chairman Orsini raised regarding the fact that another member of the public may have tried to access the hearing with an access code that was sent by certified mail that did not work.

Mr. Clarkin indicated that they should postpone the hearing and re-notice to make sure that everyone in the public who wanted to participate had the opportunity to do so.

Chairman Orsini agreed with Mr. Clarkin's assessment, and stated that the reliance for information should be from the most up-to-date information that can be accessed from the Township website.

Seeing no one further wanting to speak from the public, Chairman Orsini made a motion to close the public portion of the hearing. Mr. Thomas seconded the motion, and all were in favor.

Councilman Chase asked that when they did get information and Site Plan Application, that they also should be required to provide a Traffic Analysis Report, as suggested by Mr. Brochias' concern for traffic issues in the area. Mr. Healey stated that there would be a full Site Plan with a full storm water management report, grading, and all of the usual details that come with a Site Plan.

Since there was an issue with the notification, the Board agreed with Mr. Clarkin's opinion to re-notice and to carry the matter and start the hearing over - **CARRIED TO MAY 5, 2021 – with further notification required.**

Chairman Orsini agreed to adjourn for five (5) minutes in order for the Board Secretary to make sure that the public was notified properly for the next two hearings on the agenda. All were in favor.

- **PRISCO PROPERTIES, LLC / PLN-20-00011**

Mr. Richard Schatzman, Esq., Attorney, appeared before the Board on behalf of the Applicant, Prisco Properties, LLC. Preliminary & Final Major Site Plan in which the Applicant sought to expand the building by adding a 6,095 sq. ft., two (2)-story office building at 491 Elizabeth Avenue; Somerset; Block 507.14, Lot 59.01, in the Business & Industry (B-I) Zone.

Mr. David Schmidt, Design Engineer and President of D.S. Engineering, P.C., 77 Kearns Place, Belle Mead, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Schmidt directed the Board's attention to the Existing Features Plan, entered into the record as Exhibit A-1, for Lot 59.01, Block 507.14, dated July 20,

2020 and last revised December 14, 2020. He then told the Board that all of the exhibits he was showing during the hearing that evening were part of the original submission plan. Mr. Schmidt then told the Board that the property was located on the east side of Elizabeth Avenue, that includes five (5) acres of property and was currently in the Business & Industry (B-I) Zone {previously the M-1 (Light Manufacturing) Zone} as a result of a zoning change on December 28, 2020. Mr. Schmidt indicated that what was being proposed and what was currently on the property was a permitted use in the zone. He went on to describe the site by saying that it was currently developed with a 1,500 sq. ft. office and a 4,500 sq. ft. storage building, for a total of 6,000 sq. ft. of building space

Mr. Schmidt then testified that the height of the building was an existing 23 ft. high and utilized an existing paved entrance off of Elizabeth Avenue that had adequate sight distance and was previously reviewed and approved by the Somerset County Engineering Dept. in 2005. Mr. Schmidt indicated that they resubmitted the plans to the County and have accepted the entrance "as is". He also added that the Police Dept. reviewed the Application, and Mr. Schmidt indicated that he did not believe there were any accidents on record at that location. He then added that the proposed addition would not change the entrance drive and would not make it unsafe in any way. He then told the Board that there was adequate landscaping and lighting that was approved with the previous application.

Mr. Schmidt then drew the Board's attention to the parking requirements on-site, indicating that 17 (9' x 18') parking spaces were required and approved at the original hearing. He then pointed out on the exhibit the location of the existing wetlands and wetlands buffer area at the rear of the property to the east. He noted that the Letter of Interpretation (LOI) from the NJDEP had expired so a new wetlands delineation was performed and submitted to NJDEP in January, 2021. Mr. Schmidt told the Board that there really were no changes to the wetlands configuration that was previously approved, with just a small adjustment of the line. He testified that the new delineation was currently being reviewed by the NJDEP, and after a site visit in March, 2021, he noted that his Wetlands Evaluation Consultant reached out to them and was told that NJDEP had no objections to the line as shown on the plans before the Board that evening.

Mr. Schmidt then discussed the current topography of the property and told the Board that the water in the front of the property drained towards Elizabeth Avenue and the property in the rear of the building drained towards the wetlands area. He then pointed out a small, defined ditch on the exhibit that he stated the water drained to. Mr. Schmidt testified that there was no increased stormwater runoff with the proposal and the property would continue to drain in the same directions that it did today.

Mr. Schmidt then discussed the proposed utilities that would be utilized, including public water, electric, gas and an on-site septic system that was located in the southwestern portion of the property.

Mr. Schmidt then addressed some of the comments in the staff reports and spoke about a request from both the Township Planner, Mr. Mark Healey, and the Township Engineers, CME Associates, to place a fence along the southern property line, abutting the R-40 Zone, from the beginning of the property line to the wetland buffer line. He added that they were willing to put the fence in, but that he was requesting a design waiver for that because they were adding a substantial landscape buffer along that property line already.

Mr. Schmidt then entered into the record as Exhibit A-2, the Site Plan rendering, July 30, 2020, and revised December 14, 2020. He testified that the Applicant proposed to construct a 6,095 sq. ft., two (2)-story office building in front of the existing storage building, for a total square footage between the two (2) buildings of approximately 12,000 sq. ft. As part of the plan, Mr. Schmidt indicated that the existing office space in what would become the rear building would be converted to storage space. He noted that the addition of the 6,095 sq. ft. office building would require an additional 14 parking spaces on the site (9' x 18' in size) and two (2) new light poles would be required in the parking area per Township lighting requirements. He added that the increase in impervious surface coverage is 6,295 sq. ft. and would require additional storm water management and were proposing an infiltration trench for the new office building run-off as well as placing a rain garden in the southeast corner of the property to address the run-off from the new parking area. In total, Mr. Schmidt told the Board that they would now have a total of 31 parking spaces on the site, which he indicated met the parking requirements. He also told the Board that the run-off on the site that currently existed would be reduced with the inclusion of the additional elements to the storm water management system.

Mr. Schmidt then discussed the 12 trees that would have to be removed from the site as a result of the proposed addition and five (5) trees were being proposed. Per the ordinance, they still needed 1.2 trees. He indicated that the Applicant was requesting a design standard waiver from having to provide sidewalks along the frontage, bicycle parking and electric vehicle charging stations. Mr. Schmidt indicated that there were no sidewalks in the near vicinity of the property. He also indicated that they were requesting a design standard waiver from providing a 26 ft. wide drive aisle, stating that a 24 ft. wide drive aisle was being proposed. Mr. Schmidt told the Board that the CME Associates Engineering report did not have any issues with a 24 ft. drive aisle. Finally, Mr. Schmidt stated that the Applicant was requesting a design standard waiver to provide a 6 ft. high fence along the property line adjacent to the R-40 Zone. He testified that his argument was that the property line was always heavily landscaped to provide a buffer that was part of the previous Site Plan approval. Also, Mr. Schmidt added that adding a fence along that property line would require that some additional trees would have to be removed.

Mr. Schmidt then discussed the hours of operation as Monday through Friday, 7:00 a.m. through 5:30 p.m., 7:00 a.m. to 4:00 p.m. on Saturdays and closed on Sundays. He added that there were approximately 10-12 employees that would be working at the site.

Mr. Schmidt told the Board that the property was serviced by an existing septic system, and that the existing tanks would have to either be relocated or new tanks installed, however he indicated that they did not believe that the existing system needed to be increased and should be able to handle the additional flow. Mr. Schmidt stated that if they needed to expand the laterals, they would be able to do so. He noted that the Applicant was working with the County Dept. of Health and are putting together the final details of the redesign of the septic system related to the pumps/tanks.

Mr. Schmidt then discussed the topic of traffic, noting that the peak hour trip count was now anticipated to be 11, with the original number anticipated to be four (4). He noted that he felt that the existing drive aisle should operate efficiently and did not see the need for additional improvements to be made to that access.

Mr. Schmidt then brought up an architectural exhibit, entered into the record as Exhibit A-3, on the screen that was prepared by Walnut Design, LLC, dated June 1, 2020 and revised 11/5/2020. He told the Board that the proposed building would not exceed the 35 ft. maximum allowed and conformed to all building setback standards in the zone. He noted that the aluminum pole barn structure already existing on the property

Mr. Schmidt then told the Board that they submitted to the various outside agencies, including the Delaware & Raritan Canal Commission (DRCC) which returned with very minor comments, the Somerset Union Soil Conservation with minor comments, Somerset County Planning Board with minor adjustments, and were waiting for the NJDEP wetlands permit.

Mr. Schmidt then addressed the staff reports, starting with Mr. Healey's Planning report, dated March 9, 2021. He noted that the Applicant agreed with all of the comments but needed Board direction regarding the inclusion of a fence along the property line or otherwise mitigate with some additional landscaping. He also told the Board that some materials were left behind with the transfer of the property between DeSantis and Prisco Properties. He stated that the materials were placed far in the rear of the property, but not encroaching on other adjacent properties nor the wetlands buffer but would take care of removing those materials and replace them in kind with the vegetation that was there originally. Mr. Schmidt stated that they would work with Mr. Healey to come up with a plan to prevent any more construction materials to be placed near the wetlands. He then testified that there were no encroachments onto Lot 60.01 and were confirmed with a survey that was done by Prisco & Associates showing that the lot lines in the plans were accurate.

Mr. Schmidt then addressed CME's Engineering report, dated April 1, 2021. He stated that the Applicant agreed with most of the comments in the report, but that they were requesting a design waiver for the frontage sidewalk, bicycle parking and electric vehicle charging station. Again, Mr. Schmidt indicated there was a request for a fence along the property line adjacent to the R-40 Zone, and the Applicant was requesting some direction from the Board. He stated that they were requesting a design waiver from providing a 26 ft. wide drive aisle, as mentioned earlier. Mr. Schmidt indicated that

there was a request for providing sight distances and sight profiles but stated that they had already provided that information and did not feel that they have to provide them again. He noted that Elizabeth Avenue was a County road and that the drive aisle already existed and was deemed safe. Mr. Schmidt then told the Board that the CME Engineering report requested a utility chart showing utility crossings. He testified that he did not have the existing utility locations; and where there were minor conflicts, there might be some things that needed to be adjusted. He added that he would document on the plans where the conflicts exist and note that the contractor needed to be aware of it, but he could not provide a chart and was requesting relief from that comment. Finally, Mr. Schmidt stated that the CME Engineering report indicated that they have encroachments to the wetlands buffer, but that he did not agree. He told the Board that they had the 50 ft. wetland buffer line staked out at the time of purchase, with NJDEP visiting the site and providing no negative feedback. He also added that they had the flags out delineating the wetlands themselves and that they were still on the property. He indicated that if there were any encroachments, they had the right to mitigate them without an NJDEP permit for restoring an area that was disturbed in a transitional buffer. Therefore, they were asking for relief from having to provide that kind of permit.

He then reviewed the report from Officer Jose Jaime from the Traffic Safety Bureau of the Police Dept., dated April 1, 2021 indicating that he had no comments. In reviewing Mr. Hauss' Fire Prevention report, dated March 31, 2021, Mr. Schmidt indicated there was a minor comment that the Applicant indicated that they would comply with. He then reviewed the letter from the Franklin Township Sewerage Authority, dated April 1, 2021, stated that there were no comments. Mr. Schmidt then discussed the memo from the Environmental Commission, dated March 15, 2021, that had no comments. In reviewing the memo from the Somerset County Dept. of Health, dated February 24, 2021, Mr. Schmidt reiterated that the Applicant was working with Patricia Elliot currently to address her one (1) comment regarding the size of the septic field.

Mr. Thomas Ellenberger, Architect, 4 Walnut Avenue, Stirling, NJ, came forward and was sworn in. The Board accepted his qualifications. In referring to Exhibit A-3, Mr. Ellenberger indicated that the exhibit was the earlier iteration from the original drawings, and that the changes were primarily in elevations and materials. The original submission had a predominantly masonry façade and the revised elevation, identical in volume, but were working with a stucco exterior system. He added that the only change in the original interior plans was a change in the location of the stairway, but the function of the building was still a framed building. He added that the building would have more design options and would look more aesthetically pleasing than what exists on the property now.

Mr. Phillip Prisco, Owner/Applicant and President of Prisco Engineering & Construction, 44 Middle Avenue, Summit, NJ, came forward and was sworn in. Mr. Prisco indicated that Prisco Engineering & Construction would be the tenant for the proposed office building that was the subject of the hearing that evening. He indicated that they wanted to have the offices for their Engineering and Construction Management firm and would only have up to 10-12 employees in the office at any one time, but that most of the time

there would only be between five and six employees on-site with a low impact office function. He noted that the position of the building was attempted to be placed to create a more aesthetically pleasing frontage along Elizabeth Avenue to hide the somewhat older metal building. He then explained that the façade with the brick and stucco above it was fairly inline with the other commercial buildings further down Elizabeth Avenue and Schoolhouse Rd.

Mr. Thomas asked if the storage building in the rear would now house much of the clutter that was located in the back of the property. He stated that he saw a lot of construction materials outside on the property and a lot of vehicles parking in various locations when he visited the site. Mr. Prisco indicated that they planned to bring all materials within the storage building and started to clean up the site in the past week by sorting and organizing some of the excess material that was brought from his other location. Mr. Thomas then asked about the trailer type structure that was on the property to the left of the storage building and wanted to know if it would remain or be removed. Mr. Prisco then indicated that the trailer was just an office structure to store documents, site visits from professionals/utilities within preparation for the upcoming construction. Mr. Prisco testified that the trailer would be removed upon completion of the construction project.

Mr. Thomas then opened a discussion with Mr. Prisco regarding the requested fencing on the boundary with the R-40 Zone. Chairman Orsini continued the discussion with Mr. Prisco and Mr. Schmidt regarding the substantial vegetative buffer already in place. Mr. Schmidt indicated that they could add the fence if that were what the Board requested, or they could supplement the current vegetative buffer with additional Douglas Fir type trees. A discussion ensued among the Board, and Mr. Thomas indicated that he was convinced that a solid fence would be appropriate there because he felt that there was a lot of activity on the site and that a fence would provide a better buffer. He also noted that there were a lot of gaps in the deciduous vegetative buffer currently. Chairman Orsini stated that if placing the fence along the southerly property along next to the R-40 Zone required taking out trees, then the Applicant should replace them on site.

Councilman Chase then asked for a Landscaping Plan because he did not have one in his package with the Site Plan. Chairman Orsini noted that there were inconsistencies on multiple staff reports, so they would condition any approval on the fact that those inconsistencies be corrected. Mr. Healey stated that the tree plans were listed on the Lighting Plan and included three (3) Norway Spruce trees and two (2) deciduous trees proposed. Mr. Schmidt indicated that street trees were already provided on-site, and Mr. Healey confirmed that statement.

Councilman Chase then brought up a discussion regarding the Applicant's request for waiver to provide sidewalks. The Councilman reminded the Board that with a few recent Applications on the other side of Elizabeth Avenue, they concluded that they were going to only request sidewalks on the west side of the road and not the east side. He did add that he did agree that they should have a charging station for electric

vehicles for employee use and a bicycle rack because the County put in bicycle lanes along Elizabeth Avenue recently.

Chairman Orsini agreed with Councilman Chase that sidewalks were being discussed for the other side of Elizabeth Avenue in other Planning Board Applications, but that the Applicant could contribute to the Township sidewalk fund instead. Additionally, he felt that electric automobile charging stations and bicycle racks should be provided on-site. The Chairman felt that the aisle width was something that they do approve a waiver for. He felt that the Applicant could work with the Health Dept. and that they could also work with CME Engineering to come to an agreed upon plan for the sight distances, profiles, and utility crossings. Chairman Orsini then asked that the Applicant work to make sure that the property got cleaned up and that construction materials/debris did not make its way on adjoining properties.

Chairman Orsini made a motion to open the meeting to the public. Mr. Thomas seconded the motion, and all were in favor. Seeing no one coming forward from the public to speak, Chairman Orsini made a motion to close the meeting to the public. Councilman Chase seconded the motion, and all were in favor.

Mr. Schatzman stated that they were waiting for the LOI to be issued by the NJDEP; however, due to the COVID-19 pandemic, things are running very slowly there. He asked that receipt of the LOI be a condition of approval as they await response from NJDEP. He also indicated that the construction was taking place between the existing storage building and Elizabeth Avenue and not in the vicinity of the wetlands and were asking, should the Application be approved, that they be allowed to proceed with construction, with all outside agency approvals and conditions satisfied, if the NJDEP LOI comes in much slower. He pointed out other case law that would support doing so. Chairman Orsini suggested the Applicant provide the documentation from NJDEP from their site visit to CME Engineering. Mr. Healey interjected here by saying that he thought they had the question posed that day whether the Board could act on the approval without having NJDEP approval. He added that his response to Mr. Clarkin, Board Attorney, was that that was how the Township always handled these issues, by conditioning the approval that the Applicant would have to obtain the NJDEP approval and/or other outside agency approval before site clearing/construction could begin. A discussion ensued among the Board. Mr. Clarkin, Board Attorney, gave his opinion that it was totally up to the Board to make the decision as to what documentation they require before construction began. A discussion ensued with the Applicant.

Chairman Orsini made a motion to approve the Application, conditioned on the satisfactory responses to all staff reports and all outside agencies. He further conditioned the approval by including that the Applicant would construct a 6 ft. high solid fence, provide a bicycle rack and vehicle charging station on the site, and to produce an LOI for the wetlands delineation, grant the driveway width waiver and to work out sight distances, profiles and utility crossings with CME Engineering and staff. Additionally, the Applicant shall contribute to the Township's Sidewalk Fund in the amount consistent with the cost to construct one across their frontage. Finally, the plans need to be

updated to include where on the site they propose to plant additional trees to replace those that were being removed. Mr. Thomas seconded the motion, and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Rafiq, Ms. Rangnow, Vice Chair Brown, Mr. Thomas, Ms. Schmidt, Mr. Shaban and Chairman Orsini

AGAINST: None

Chairman Orsini indicated that they would take a short break to allow the next Applicant time to set up for their hearing.

- **BSREP III 17 SCHOOLHOUSE ROAD, LLC / PLN-21-00002**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, BSREP III 17 Schoolhouse Road, LLC. He indicated that they were there that evening to obtain Preliminary & Final Major Site Plan w/”C” Variance in which the Applicant was proposing to construct a 204,772 sq. ft. building at 17 Schoolhouse Road, Somerset: Block 517.05, Lot 35.11, in the Business & Industry (B-I) Zone.

Mr. Lanfrit explained that the Application was to redevelop the corner of Schoolhouse Rd. and Belmont Drive. He stated that the property included an existing building (AT&T Building) and was ultimately purchased by the NJ Chinese Community Center, Inc. and housed various charter schools on the site from time to time. He told the Board that the Application was to demolish the existing building and to construct a warehouse and noted that there were three “C” variances that they were seeking. They were enumerated, as follows:

- Minimum off-street parking: 144 spaces required – 138 spaces provided
- Max. impervious coverage: 60% permitted – 54.3% existing – 67.9% proposed.
- Max. number of driveways: 2 permitted – 3 proposed.

Mr. Daniel Miola, Engineer, Langan Engineering & Environmental Services, Inc., 300 Kimball Drive, Parsippany, NJ 07054, came forward and was sworn in. The Board accepted his qualifications. Mr. Miola described the subject property and what was currently located there. He noted that the site included a 13.8 -acre site at the intersection of Belmont Drive and Schoolhouse Rd, which was located in the Business & Industry (B-I) Zone. He told the Board that the site included a one-story office building with approximately 90,000 sq. ft. that also included approximately 450 automobile parking spaces. He described the surrounding area as including an office building, warehouse site and undeveloped land. Mr. Miola added that one undeveloped site recent received approval for a warehouse development. Mr. Miola then shared his

screen showing a rendered version of the Site Plan and was entered into the record as Exhibit A-1. He indicated that the size of the proposed warehouse was 204,772 sq. ft. consisting of 187,917 sq. ft. of warehouse space and 16,007 sq. ft. of office space (8% of the floor area). Mr. Miola then told the Board that the warehouse was a speculative development and that there was no identified tenant at that time. He noted that the Site Plan was laid out to include car parking in parts of the site that front the public roads, with 65 car parking spaces along the Schoolhouse Rd. frontage and another 73 car parking spaces along on the part of the site that fronted Belmont Drive. There were 29 trailer parking spaces on the northern side of the building, with 44 loading docks on the west side of the development. He added that there would be two drive-in ramps associated with the western side of the building and that one of the docks would be used for a trash compacter and serviced by a private waste hauler that would be paid for by the owner.

Mr. Miola then described the circulation system on site, and access would be provided from Schoolhouse Rd. and Belmont Drive, with three (3) driveways, one to the southwest part of the site along Schoolhouse Rd., and two (3) that would be used to access Belmont Drive on the northeast part of the site. He then indicated that a variance would be required for the number of driveways proposed, where two (2) were permitted and three (3) were proposed. Mr. Miola explained that they were proposing the third driveway for the 73-car parking lot along the Belmont Drive frontage, a car-only driveway, to provide that additional separation between cars and trucks would be a good idea for the layout proposed and were seeking relief for that reason. He then told the Board that all the driveways were proposed to be full-access driveways that would allow for both left- and right-hand turning motions. From a traffic perspective, a Traffic Statement was prepared for the Application and submitted, according to Mr. Miola. He added that the report compared the traffic generated from the existing office building site to the proposed warehouse development, with the conclusion of that statement was that there would be a significant decrease in site trip generation during both morning/evening weekday peak hours

Mr. Miola then drew the Board's attention to the signage proposed for the site. He stated that two (2) building-mounted signs were proposed, with the number of signs requested complying with the ordinance. He then added that they were also proposing two (2) monument signs, one at the northern Belmont Drive driveway and the other at the southern Schoolhouse Rd. driveway. Mr. Miola testified that the monument signs also complied with the ordinance, with respect to their size and setback from the road.

From a storm water perspective, Mr. Miola stated that the project had been designed to meet the requirements of Franklin Township, Somerset Union Soil Conservation District, and the Delaware & Raritan Canal Commission (DRCC) requirements for storm water management. He noted that all of the regulations required water quality, water quantity and groundwater recharge components, and they would meet the requirements through the use of three (3) proposed underground basins and two (2) underground quality treatment devices. Mr. Miola testified that two (2) of the underground basins would be located in the truck court on the west side of the site, and the third basin would be

located in the trailer parking area on the north side of the site. He then told the Board that all of the basins would ultimately discharge into the existing pond that was shown at the top right of the exhibit that was being shown (Exhibit A-1), which was northwest of the site. He noted that the pond was not technically part of the property, but that was where all the drainage went today, and an easement agreement would be executed between the Applicant and the owner of the pond in order to accommodate the design of the proposed site.

From a utility perspective, Mr. Miola stated that sanitary water, electric, gas and telecommunications services would connect to existing services on Belmont Drive

Mr. Miola then drew the Board's attention to landscaping and lighting, he stated that the landscaping has been designed to fully comply with Franklin Township's landscaping requirements. In total, he testified that they were proposing 245 trees, as well as a variety of shrubs and ground cover. He added that most landscaping would be focused along the frontages of the property. In terms of site lighting, Mr. Miola indicated that the lighting on the site was designed to fully comply with ordinance requirements and were proposing LED lights, mounted at 30 ft. in height, both on the building and on poles surrounding the building. In response to a comment from the Township Planner, Mr. Miola indicated that they reduced the height of one row of lights on the west side of the building facing the truck court from 35 ft. to 30 ft. He added, though, that they would have to add one (1) additional fixture but would still be able to reach the illumination levels that they were hoping for in the truck court.

Mr. Miola then drew the Board's attention to the variances requested, first for impervious coverage as enumerated earlier. He stated that all of the potential storm water impacts resulting from the additional impervious coverage would be mitigated through the use of the proposed underground detention systems and treatment units. He stated that he already discussed the variance required for the number of driveways proposed, and the last variance proposed was for the number of parking spaces provided on-site, where 144 spaces are required and 138 were proposed. He added that the number of parking spaces proposed fell in a range typical for warehouses, and the owner was comfortable that they would be able to attract a tenant with the amount of parking spaces provided. Mr. Miola added that adding the additional six (6) parking spaces would comply with the required number of parking spaces, it would also increase the deviation from the allowable impervious coverage.

In response to a comment made by the Township Planner, Mr. Healey recommended that they provide a sidewalk along the Schoolhouse Rd. frontage, which the Applicant was willing to do, but would like to ask for relief from providing a sidewalk along the Belmont Drive frontage given that no sidewalk existed today along Belmont Drive in the surrounding area. He, therefore, a waiver was requested to not have to comply on that side of the property.

Mr. Miola then addressed the staff reports, indicating that they take no exception with the comments raised in the Planner's report, the Engineer's report, Fire Prevention

Director's letter, and the Sewerage Authority memorandum. He did, however, ask to speak regarding a few comments in the Planner's report, namely, a request for the addition of a pick-up/drop-off area for ride-handling services. Given that the project was a warehouse operation, with a modest number of employees, they did not see a need for a dedicated drop-off/pick-up area for ride handling services and had not included one in the layout of the site. Secondly, the Planner asked for testimony regarding the driveway that connected the subject site to the site to the west and was used when both sites were operated by AT&T. As a result, Mr. Miola noted that there was a lot of common infrastructure between the subject site and the site to the west, including a sewer line, the pond and the drainage was shared, and they had a driveway connecting the two parking lots. He added that there was an easement for the sanitary sewerage line, but no easement existed any of the other shared facilities. He reminded the Board of his earlier testimony indicating that the Applicant had been in discussions with the neighboring property owner and would execute an easement to clean up the facilities that were shared between the two properties. Mr. Miola then noted that the driveway, specifically, would be closed between the two lots.

Mr. Miola then wanted to address a comment that was made by the Environmental Commission recommending the use of pervious pavement for the automobile areas of the site in order to reduce the percentage of impervious coverage on the site. He indicated that the Applicant had the same idea as well and performed percolation testing and infiltration testing on the site to assess the feasibility of pervious pavement. Mr. Miola stated that their findings were that the site was underlain by shallow rock and really was not an appropriate sub-surface for infiltration to facilities such as pervious pavement. He told the Board that they instead designed the site, specifically with the water quality treatment of the site, to be done with the use of underground treatment units.

Mr. Lanfrit then asked Mr. Miola to elaborate about what they were proposing to interconnect the sidewalk along Schoolhouse Rd. to those within the site. Mr. Miola indicate that they could provide a direct connection from their sidewalk right to the south of the building to the sidewalk on Schoolhouse Rd. He added that they would include bike racks, and the Applicant was already planning on installing the infrastructure for the electric vehicle chargers on-site.

Mr. David von Stappenbeck, Architect and Principal of KSS Architects, 337 Witherspoon Street, Princeton, NJ, came forward and was sworn in. The Board accepted his qualifications. He introduced into the record as Exhibit A-2, which was the Building Plan of the Site Plan set. Mr. von Stappenbeck then described the building size and maximum height to the highest roof line of 49.6 inches tall, just below the maximum allowed. He stated that the building was designed for a maximum of two (2) tenants, but that there currently were no tenants leasing the buildings at that time. He noted that the primary entrances to the building were on Schoolhouse Rd. at the southeast corner as well as along Belmont Drive at the northeast corner. He told the Board that dock positions that service the facility were aligned solely on the west façade that faced the adjacent greenway and commercial property. He then noted that the building structure

would be comprised of standard concrete foundations, concrete walls, combined steel, and concrete cast superstructure supporting a single-ply roofing system. Mr. von Stappenbeck then introduced an exhibit of façade materials and entered it into the record as Exhibit A-3. He then went into the details that made up the elements of the building, including walls, colored paint treatments, windows, and dock walls. He then entered into the record as Exhibit A-4, an exhibit showing the dock walls with detail that brings in daylight into the building there. He noted that the scale of the facades was placed to be broken down with a series of changes in relative height and color of the pre-cast façade panels. Mr. von Stappenbeck then mentioned that the main entrance areas included 100 sq. ft. of signage for tenant identification. He noted that the entry facades were similar in character, with slightly larger areas of glass, shading devices, and solid surface decorative façade panels to provide a stoned look to further accentuate the entrances as well as canopies that provide shelter from the weather. He then noted that the mechanicals would be occupied on the roof and would work with the mechanical design engineers to locate units such that they were not visible at the rooflines from the surrounding streets. Mr. von Stappenbeck then testified that the roof structure was strong enough to handle the weight of solar panels (an additional 5 lbs. per square foot).

Mr. Sean Maronski, Planner, Langan Engineering & Environmental Services, 300 Kimball Drive, Parsippany, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Maronski stated that each of the requested variances would be under the flexible C-2 criteria, where the benefits of the overall project outweigh any potential detriments from the variances. Mr. Maronski felt that the deficient six (6) parking spaces was de minimus of the 144 required, and the 138 parking spaces provided do address the parking demands. He also added that more parking spaces meant more impervious coverage and they were trying to strike a balance. He then discussed the request of the third driveway on Belmont Drive and was specifically for the car parking area in front of the office entrance in an attempt to separate some of the car traffic out from the mix of truck traffic to improve circulation at the site. Mr. Maronski also stated that in doing so, they also addressed some of the purposes of the Municipal Land Use Law (MLUL), including purpose A in promoting the public health, safety, and welfare, facilitating the replacement of what was an older building into a new, modern warehouse facility, purpose G in providing sufficient space and appropriate locations for a variety of uses to include warehouses, a development that was permitted and a high demand use. With regards to the negative criteria, he stated that there was no substantial detriment to the public good, additional impervious coverage had been mitigated by the design of the storm water management system, parking designed for the use of the site, and additional driveway contributed to an improved circulation pattern with sufficient distance between the two (2) driveways, less intense traffic with the anticipated use than the prior use. He then added the lighting plan complied with the ordinance and the poles would be lowered in the area of the truck court to meet requirements. In summation, he indicated that there would be no detriment to the intent and purpose of the Master Plan and zoning ordinance and were consistent with the 2020 Master Plan Re-Examination that talked about the goal of encouraging commercial and industrial development in an area with access to regional highways and

in established areas with employment where it would have the least impact on residential uses. Based upon his testimony, Mr. Maronski believed that each of the variances could be granted under the “C-2” criteria.

Mr. Clarkin, Board Attorney, asked Mr. Maronski whether the benefits of the proposal “substantially” outweighed any detriments, and Mr. Maronski answered in the affirmative.

Councilman Chase opened up a discussion regarding the proposed third driveway. He noted that if the third driveway were removed, they could fit in two (2) more parking spaces and decrease impervious surface on the site. Mr. Miola stated that the third driveway was already there and was appropriately located as it was opposite to the driveway east of Belmont Drive and made sense for the use of those cars parked in the approximately 35 parking spaces there nearest the office entrance. The Councilman then discussed the trees on the site and asked that they save as many trees as possible. Mr. Miola indicated that they planned to do so and were proposing 245 trees were proposed to be planted on the site. A discussion ensued regarding the need for the third driveway.

Chairman Orsini stated that he did not think that 7.9% impervious coverage was a de minimus amount and wondered if there was anything else they could do on the site to decrease that. They discussed the possible use of solar panels would go a long way to mitigate that issue.

Councilman Chase then opened a discussion regarding a “green” roof, which would also go a long way to mitigate extra impervious surface. Mr. Miola stated that the project would be pursuing a LEED accreditation, which was a “green” project design standard that they would be seeking. He then stated that the solar panels were standard in the warehousing industry and would gain the most benefit and a “green” roof was cost prohibitive and required constant attention.

Chairman Orsini then opened a discussion regarding the requested waiver for sidewalks on Belmont Drive, and the Chairman asked that in lieu of providing sidewalks that they contribute to the Township Sidewalk Fund. Vice Chair Brown stated that he felt that they should construct sidewalks on Belmont Drive, and Mr. Lanfrit indicated that he completed an application in December of 2020 at the property next to the subject property on Belmont Drive that was not required to build sidewalks, so if they were included with the subject project, those sidewalks would go to nowhere. A discussion ensued with the Board and the Applicant, and Mr. Lanfrit mentioned that it would increase impervious coverage on the property to add sidewalks. Car and pedestrian safety were discussed among the Board.

Mr. Healey mentioned that an Application for Wiley Drive was coming in a few weeks, which was on the opposite (east) side of Belmont Drive, where they could require sidewalks to be included with a property that has a large amount of frontage on Wiley and on Elizabeth Avenue.

Chairman Orsini made a motion to open the meeting to the public. Councilman Chase seconded the motion, and all were in favor. Seeing no one coming forward, Chairman Orsini made a motion to close the meeting to the public. Councilman Chase seconded the motion, and all were in favor.

Mr. Healey asked a question regarding impervious coverage thinking that they could landbank some of the 29 trailer spaces that were being provided for on site, considering that the building was being constructed on speculation with no specific tenant in mind. Mr. Lanfrit indicated, however, that the trailer storage was a necessary component of the warehousing industry. He did state, however, that they did not think they needed all of the car parking spaces and could landbank some of those east of the driveway on Belmont Drive to include 24 parking spaces. In doing so, Mr. Miola stated that they would now be constructing only 114 car parking spaces on site and land banking 24 car parking spaces. A discussion ensued. Mr. Lanfrit agreed to land banking those 24 parking spaces.

Mr. Healey then asked what the increase in impervious coverage would be for the internal sidewalks going out to Schoolhouse Rd. Mr. Miola stated that it would be an insignificant difference.

Mr. Lanfrit gave his closing summation.

Councilman Chase made a motion to approve the Application, with Variances and Design Waivers, that the Applicant comply with all outside agencies and staff reports, and all conditions agreed upon by the Applicant. Also included were the sidewalks on Schoolhouse Rd. to be constructed along with the sidewalk connection to that sidewalk on Schoolhouse Rd. from the building. The approval included the waiver of not having to provide sidewalks on Belmont Drive, but contribute to the Township Sidewalk Fund in lieu. Additionally, the Applicant should landbank 24 car parking spaces east of the driveway on Belmont Drive. Vice Chair Brown seconded the motion, and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Rafiq, Ms. Rangnow, Vice Chair Brown, Mr. Thomas, Ms. Schmidt, Mr. Shaban and Chairman Orsini

AGAINST: None

COMMITTEE REPORTS

No reports were discussed.

WORKSESSION/NEW BUSINESS:

No work session/new business was 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 10:30 p.m.
Councilman Chase seconded the motion, and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
April 27, 2021