

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

**VIRTUAL  
REGULAR MEETING  
April 21, 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:

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**PRESENT:** Councilman Chase (arrived at 7:35 p.m.), Carl Hauck, Jennifer Rangnow, Charles Brown, Robert Thomas, Carol Schmidt, and Chairman Orsini

**ABSENT:** Meher Rafiq, Mustapha Mansaray and Sami Shaban

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

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**MINUTES:**

- **Regular Meeting – February 17, 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:** Mr. Hauck, Ms. Rangnow, Mr. Brown, Mr. Thomas, Ms. Schmidt, and Chairman Orsini

**AGAINST:** None

## **RESOLUTIONS:**

- **Executive Drive Investments, LLC / PLN-20-00009**

Councilman Chase indicated that he felt that it was very unclear as to whether they were granting a variance for frontage or if they even needed to grant a variance for frontage. Mr. Healey confirmed the Councilman's confusion by agreeing with him that the Application came to the Township when the property was in the M-1 Zone and with the change to the Business & Industry (BI) Zone, the lot width requirement was changed so that the need for that variance went away. He told the Councilman that he would leave the explanation to the Board Attorney, Peter Vignuolo, but that the language in the Resolution was there to cover both scenarios. Mr. Vignuolo basically reiterated that explanation.

Mr. Thomas made a motion to approve the Resolution, 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:**

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

## **HEARINGS:**

- **EZENERGY NJ LLC / PLN-21-00006**

Mr. Joseph Paparo, Esq., Attorney, appeared before the Board on behalf of the Applicant, EZENERGY, LLC. He indicated that they were seeking Preliminary & Final Major Site Plan w/"C" Variance in which the Applicant was looking to construct five (5) solar arrays in the existing parking area at 2 Riverview Drive, Somerset; Block 517.03, Lot 3.10, in the Business & Industry (BI) Zone.

Mr. Paparo indicated that the Applicant was prepared to install solar panels on the roof of the existing school building (Center School) as well as carport canopy solar arrays throughout the parking areas. He noted that the use of solar arrays had been deemed a

permitted use in the B-I Zone, but that they required the following variances, as detailed in Mr. Healey's Planning report, shown below:

- Min. Front Yard Setback (accessory structure): 50 ft. required – 38.6 ft. proposed.
- Min. Side Yard Setback (accessory structure): 25 ft. required – 7 ft. proposed.

Mr. Paparo indicated that the property was unique in that it had three(3) frontages on three (3) separate streets (Riverview Drive, Apgar Drive and Weston Canal Road). He then added that having three (3) front yards created a challenge to not have any structure in a front yard, so they did request the setback variance for the canopy array.

Mr. Paparo told the Board that there was an initial concept plan that had been sharing with the Township as well as the Delaware & Raritan Canal Commission (DRCC) that had jurisdiction over applications within the park view. He then told the Board that, based on the initial feedback, the proposal was modified to remove some proposed canopy arrays that were encroaching into some existing landscape buffer areas. He added that those changes accounted for comments from the DRCC as well as the Township. He then noted that the Fire Prevention Dept. had some early on comments regarding some of the proposed arrays in the parking areas that were located in drive aisles. Mr. Paparo noted that the Fire Prevention Dept. wanted some clearing area and wanted some of the arrays removed, and that change had already been made to the plans.

Mr. Paparo then told the Board that they also appeared before the Historic Preservation Advisory Commission on April 6, 2021. He noted that the Commission had no objections, as revised now that the solar arrays were honoring and preserving the landscape buffer areas. He noted that the Commission had two (2) recommendations that Mr. Paparo wanted to share with the Board. Firstly, regarding the tree replacement plan, Mr. Paparo indicated that the Commission encouraged the Applicant to diversify the species that were proposed, and they would be doing that if the Board were so inclined to approve the Application. Secondly, the Commission recommended that the Applicant investigate whether or not some additional landscaping could be added along the curbing behind the parking lot area. He indicated that the Applicant's engineer did look into that and was prepared to give his response that evening.

Mr. Paparo then told the Board that they had received reports from all of the other agencies, as well as the Township Planner and Township Engineer. He then testified that they did not have any objections to those recommendations, but that the Applicant's engineer would confirm and go on the record that there was no objection in complying with the reports that they received.

Mr. Vincent Kelly, Engineer, employed by Colliers Engineering, One Drury Court, Brick, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Kelly entered into the record the Site Plan Layout (Sheet 5 of 12), originally dated 2/5/21 and revised on the same date. Mr. Kelly told the Board that the Site Play Layout was the

configuration of The Center School, 2 Riverview Drive, that included two (2) access points, with one (1) on the west side of the building and the other on the east side of the building. Mr. Kelly then testified that the proposed operations of the Center School would remain as such and were going to provide for four (4) solar panel canopies in the western rear parking field, along Weston Canal Road and following along to the eastern side of the rear parking field. He added that there was also proposed another solar panel canopy in the middle island on the west side of the building. As mentioned earlier, Mr. Kelly reiterated Mr. Paparo's testimony where the original location of the solar arrays overhanging the back row of the parking field and timber guard rail at the rear of the site. He then spoke about the recommendation that the existing landscaping buffer screen at the rear of the site that would be beneficial if it remained as is. Mr. Kelly testified that they took those recommendations and went back and modified their design where the canopies face inward, towards the building and no landscaping along Weston Canal Rd. would be eliminated with the proposed development.

Mr. Kelly then discussed which canopy had been "tailored back" to honor the request from the Fire Prevention Director to keep certain areas clear for the staging of their equipment. Mr. Kelly indicated that it would be the second canopy starting on the west side of the building.

Mr. Kelly then described where the canopies were encroaching into the front yard setback and required variances. Along Weston Canal Rd., he indicated that they were technically asking for two (2) variances, one for the front yard setback and one for the side yard setback.

Mr. Kelly then addressed the staff reports from the Township Planner, CME Engineering, and remaining Township departments, indicating that they did not have any issues with complying with any and all comments/conditions requested.

Mr. Kelly then brought up the photo simulation exhibit that was submitted with the rest of the Application package and entered it into the record as Exhibit A-1. He noted that the photo simulation was taken by his office of a view from Weston Canal Rd., with the solar canopies photoshopped into the picture. Mr. Kelly stated that they purposely took the photograph during the fall/winter months to show that even with no foliage, there was a rather good buffer screening and would not be noticed by the travelling public. Mr. Kelly also told the Board that there was a very significant grade change from the site down to Weston Canal Rd. and that the traffic would be below the site.

Mr. Kelly then discussed the Historic Preservation Commission's recommendation of providing a more diverse planting plan, and he indicated that he did not have a problem doing so. He also told the Board that the Commission asked that they look into the feasibility of putting some trees along the back row of the parking lot to supplement the existing trees, however, there were a few issues their landscape designers had due to the steep slope there. Mr. Kelly stated that they were concerned that the existing trees would be competing with the newly planted ones on that slope, and that both would

suffer and perhaps not survive. He added that their concern was that they might be left with less vegetation than what was there today.

Mr. Kelly then showed Exhibit A-2, which had already been submitted to the Township, and was titled, "Additional Array Exhibit" and was prepared on 4/16/21. Since the Fire Prevention Dept. wanted to have a safe and functioning site, as stated earlier, they requested that one of the arrows be "tailored back" a bit on the site to accommodate their equipment. In doing so, he stated that they had to eliminate an overhang and remove some of the panels. He went on to state that to get the recommended and required energy that would be provided by the panels and those on the rooftop, an additional canopy array would be required. Mr. Kelly then went on to show the Board and public the location on-site that they proposed an additional solar array, to be located in the western portion of the site in the closest parking row on that side of the building. He then testified that the proposed location of the additional solar canopy arrays would not require a variance as it was not within any front- or side-yard setback.

Mr. Paparo then spoke directly to Mr. Vignuolo, Board Attorney, and Mr. Healey, Township Planner, indicating that if that newly proposed location for the solar canopy arrays did not require any variances, he thought that it could be approved administratively even though it was not originally shown in the plans. Chairman Orsini stated that he did not have any issue with that, and Mr. Healey concurred with the Mr. Paparo, but asked that the Board decide if they wanted to include the newly proposed solar canopy arrays along with the rest of the Application that night. Mr. Healey added that if they wanted to do so, that they condition any approval that the arrays be reviewed and approved by Township staff. Mr. Vignuolo confirmed that he did not see an issue with including the new solar canopy array with the rest of the Application that evening, just that it should be reviewed by the various Township staff to ensure there would be no issues. A discussion ensued.

Mr. Paparo then drew the Board's attention to the solar array on the rooftop, that was part of the original Application. Mr. Kelly indicated that the solar panels on the rooftop were mostly lying flat, with a slight tilt that could be compared to the rooftop equipment that already existed on the building. He added that because of the height of the building and view from the street, the solar panels would not be visible to the travelling public.

Mr. Vignuolo, Board Attorney, asked Mr. Paparo to give a brief recitation of the justification for the variances.

As mentioned in his overview, Mr. Paparo indicated that they were dealing with a unique property, the characteristics of having three (3) front yards provided some property hardships upon the Applicant. He stated that there was no ideal location to place the solar canopy arrays because the code prohibited accessory structures in front yards. One of the justifications or reasons the Board can grant the requested variances, according to Mr. Paparo, was the recommendation from the Historic Preservation Commission to move the canopies out of the front yard encroachment for the preservation of the existing landscape buffering along Weston Canal Rd. that would

also provide some screening for the structures that were located within the prohibited yard. Additionally, Mr. Paparo reminded the Board of Mr. Kelly's testimony that there was a steep slope, with a substantial grade change from the motoring public on Weston Canal Rd.

Mr. Healey, as the Township Planner, agreed with all of the points that Mr. Paparo brought up in support of the relief that was requested and that there was a C-1 argument to be made in terms of the property being uniquely situated with three (3) frontages. Additionally, Mr. Healey felt that they also raised a number of flexible "C" or C-2 variance situations and have a significant public benefit by the use of solar energy. He then testified that he did not see any substantial detriment to the public good because they were preserving the existing buffer along Weston Canal Rd. and the Delaware & Raritan Canal towpath. Mr. Healey also stated that he did not see any detriment from the front yard setback variance, nor did he see any detriment from the side yard setback variance and that the benefits of solar energy far outweigh any detriments.

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

Ms. Schmidt drew the Board's attention to the report from the Delaware & Raritan Canal Commission (DRCC), telling them that the DRCC's recommendation was not to go forward with any approval. Mr. Paparo then asked Ms. Schmidt if she was referring to the report from the DRCC, dated February 2, 2021. Ms. Schmidt then indicated that the report she was referring to was the one from March 25, 2021.

Mr. Paparo indicated that the DRCC was an outside agency that they would have to satisfy and would certainly comply with their requests. He noted that they would not be able to move forward without the DRCC's final approval but did not think that it would prohibit the Zoning Board from addressing the Application that evening. Chairman Orsini did not see that there would be an issue in addressing the Application that evening. Mr. Healey interjected that Township staff does follow-up to make sure that all Applicants receive their final approvals from outside agencies.

Mr. Kelly located the March 25, 2021 DRCC report, noting that he did not think they realized that the canopies were higher above the ground and were concerned for the existing vegetation and thought the Applicant would be encroaching on groundcover. A discussion ensued regarding darkening the canopy outlines on the plans so that the DRCC could see that it would no longer encroach. Mr. Kelly agreed to do so to obtain the DRCC approval.

Chairman Orsini made a motion to approve the Application, with Variances, and additional solar canopy array as well as getting approvals from all outside agencies. Additionally, Mr. Healey added that they should comply with the Historic Preservation

Commission's recommendations to include the tree replacements, the shrubs behind the curb, but would waive any replacement on a steep slope. He added that they would have to diversity the species of what was being replaced. Mr. Thomas seconded the motion, and the roll was called as follows:

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

AGAINST: None

- **BREIT Industrial Canyon NJ1W02, LLC / PLN-21-00005**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, BREIT Industrial Canyon NJ1W02, LLC. He explained that they were before the Board that evening to obtain Preliminary & Final Major Site Plan w/"C" Variance in which the Applicant was proposing to construct a 355,790 sq. ft. warehouse which would include properties located at 1 Wiley Drive, 1 Happer Street, 434, 436, and 438 Elizabeth Avenue, Somerset; Blocks 521.02/523.03, Lots 1-4/35.05, 35.08, 44-66, in the Business & Industry (B-I) Zone.

Councilman Chase took the opportunity to ask the Board Attorney, Mr. Vignuolo, if there was anything within procedure that goes against the attorney for the Applicant being a neighboring property owner. He indicated that Mr. Lanfrit's name appeared on the list of property owners, specifically Block 523.03, Lots 13-28. Mr. Vignuolo indicated that he was a representative of the Applicant. The Board Attorney stated that he would bring it up with Mr. Lanfrit when he logs into the virtual hearing so that he could address that question as well, for the record.

Once Mr. Lanfrit logged into the hearing, Mr. Vignuolo made him aware of the discussion regarding any conflicts that might arise if Mr. Lanfrit were a property owner within 200 ft. of the Applicant's property. Mr. Lanfrit indicated that the property he owns that was in question was currently being conveyed to another owner, and that he sent notice to himself of the subject Application that evening and that he had no objections to what the Applicant was proposing.

Mr. Lanfrit then told the Board that the Application before them included a property that had frontages on four (4) streets. He told the Board that the subject property included an existing vacant warehouse as well as three (3) single-family dwellings that front on Elizabeth Avenue, which were not permitted uses in the zone. He then told the Board that the purpose of the Application was to demolish the single-family dwellings as well as the existing warehouse and to construct a new warehouse of approximately 355,000 sq. ft., with related parking and trailer storage. He related to the Board that the only variance that they were seeking was the number of driveways, where no more than two (2) were permitted, and they were proposing five (5) driveways on the site that incorporated three (3) road frontages.

Mr. Kyle Kavinski, Engineer employed with Dynamic Engineering Consultants, LLC, 40 Main Street, Toms River, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Kavinski then indicated that the plans were either prepared by himself or under his direction. The first exhibit Mr. Kavinski shared was part of the original plan set, which was a colorized aerial map of the subject property and surrounding areas and entered into the record as Exhibit A-1. He then went on to describe the property in its current condition. Mr. Kavinski indicated that the total area of the subject property was 26.87 acres in size, with frontages on Elizabeth Avenue, Wiley Drive, Belmont Drive, and a small portion on Happer Street. He then detailed the four (4) existing residential dwellings on the property, with three (3) on Elizabeth Avenue and one (1) on Happer Street. Mr. Kavinski then told the Board that all of the residential structures would be removed as they were existing non-conformities within the Business & Industrial Zone (B-I). He then indicated that there was also a 196,614 sq. ft. light industrial building on the property, with associated site improvements that included parking on the north side of the building and loading areas located on the eastern side of the building. He described the rest of the property as having some open areas as well as some wooded areas on the site.

Mr. Kavinski then discussed the surrounding land uses around the subject property and described them as a funeral home to the north, Elizabeth Avenue Fire Station, a residential property, and a warehouse. Additionally, there was the Mavis Tire store, some more residential properties, and ShopRite beyond that. He then noted the Franklin Commons Shopping Center, that included a pre-school and offices.

Mr. Kavinski then entered into the record as Exhibit A-2, which was a colorized version of the overall Site Plan rendering, dated April 21, 2021. He noted that the exhibit was also overlaid with the Landscaping Plan. He reiterated Mr. Lanfrit's testimony that they would be removing all existing uses from the subject site and redeveloping the property with a proposed 355,680 sq. ft. warehouse building that would include 94 dock spaces, located on both the easterly and westerly sides of the building. He added that the loading area would also have four (4) drive-in doors at each corner of the loading dock, 220 automobile parking spaces both on the north and south sides of the building. He then noted that they would be including eight (8) ADA parking stalls and 51 trailer parking stalls located on the eastern portion of the site. Mr. Kavinski testified that the building and Site Plan were designed to comply with the use, bulk standards, and parking requirements within the B-I Zone. He then reiterated Mr. Lanfrit's testimony by stating that the property had frontage on four (4) roadways to include Elizabeth Avenue, Wiley Drive, Belmont Drive, and a small portion of Happer Street. He told the Board and public that Happer Street currently was more of a paper street, tying in the existing single-family dwelling nearby. Mr. Kavinski testified that they would be improving Happer Street to the Township standards as part of the Application. He added that they were also proposing two (2) driveways to Belmont Drive, one (1) driveway to Wiley Drive and two (2) driveways to Elizabeth Avenue. Mr. Kavinski then told the Board that the proposed five (5) driveways would require a variance since only two (2) driveways were permitted in the zone. His explanation for the request for five (5) driveways was



due to the nature and size of the property as well as the site having four (4) frontages and to separate the tractor trailer access points from the smaller vehicle access points.

Mr. Kavinski then drew the Board's attention to sidewalks on the site, noting that they were planning to include two (2) internal sidewalks along the southern and northern portion of the site adjacent to the parking areas. He then brought up Mr. Healey's Planning request to include sidewalks along Elizabeth Avenue. Mr. Kavinski stated that they would be happy to provide those sidewalks as well as access to pedestrians from that sidewalk into the site. He then added that they would also comply with Mr. Healey's request to add bicycle parking areas, ride-sharing shelters as well as electric vehicle charging stations.

Mr. Kavinski then drew the Board's attention to trash removal on the site and indicated that a trash compactor would be included and located within one of the loading stalls and be picked up by a private hauler.

Mr. Kavinski then explained that storm water run-off would be dispersed through a conveyance system and discharged to two (2) storm water basins, located along Wiley Drive and Elizabeth Avenue, and would be designed under NJ's storm water management regulations for storm water quality, quantity, and ground water recharge.

Mr. Kavinski testified that utilities for the site would be connected to the existing mains, located within Wiley Drive and Elizabeth Avenue. He added that they would also be installing a fire loop around the entire building with various fire hydrant hookups. Mr. Kavinski testified that they would work with the Fire Prevention official for the appropriate locations for the hydrants.

He then drew the Board's attention to the Landscaping Plan for the site, stating that they would be leaving a large portion of the existing vegetation in the southern portion of the site as well as proposing 32 shade trees, 141 evergreen trees, and 350 shrubs throughout the site. Mr. Kavinski added that they would work with Mr. Healey to provide some additional plantings to supplement the buffer adjacent to the loading areas as well as providing some internal landscape islands. He also testified that whatever trees they were unable to plant on-site to replace those that were removed, they would contribute that amount to the Township Shade Tree Fund.

Finally, Mr. Kavinski spoke about the Lighting Plan for the site, indicating that they would be providing state-of-art LED lighting poles and building fixtures that would all be downward facing, full cut-off fixtures for the parking areas and driveways. He testified that they would comply with Mr. Healey's request to reduce the lighting height to 25 ft.

Mr. Kavinski then discussed the purpose of including a driveway at the terminus of Happer Drive, stating that it would allow automobiles and small delivery trucks to access the property's parking area and have direct access to Elizabeth Avenue, which was the main frontage. He reiterated that it was the Applicant's intention to improve Happer Street to Township specifications and provide a sidewalk along Happer Drive so that

employees would have access to the sidewalk on Elizabeth Avenue in order to access the retail businesses in that area.

Mr. Kavinski explained that Mr. Healey's Planning report asked that Happer Street be vacated and divided among the Applicant's property, the residential property, and the Mavis Store. He went on to state that should the road be vacated, Happer Street would no longer function as an access point to the subject property.

Mr. Kavinski addressed Mr. Healey's comments in his Planning report that there were ample opportunities to provide additional landscaping along Elizabeth Avenue, Wiley Drive, the corners of the building and behind the storm water basins. He indicated that he would be revising the Landscaping Plan to address those comments in Mr. Healey's report. Mr. Kavinski testified that it would enable the Applicant to put in additional shrubs and plant additional trees in those areas. He also testified that they would be able to provide some of the parking spaces on-site to be used for vehicle charging stations for electric vehicles as well as some areas around the building for bicycle parking and the provision of a covered structure for ride-sharing services. He added that those inclusions on-site would be placed in areas that already had impervious coverage and were not adding to that.

Mr. Kavinski then addressed the CME Engineering report, dated 4/12/2021, noting that there were some engineering changes requested. He indicated that they could comply with all of the changes made in that report, and by making those changes, the plan would not substantially alter/change what the Board was looking at that evening.

He then drew the Board's attention to the Health Dept.'s inquiry regarding refuse, and Mr. Kavinski reiterated his testimony where the refuse would be contained in one of the loading dock spaces and would be handled privately.

In reviewing Mr. Hauss' Fire Prevention report, dated April 5, 2021, which was a revised report, Mr. Kavinski testified that they would be able to comply with everything requested in that report.

Mr. Kavinski then addressed some design waiver's that they were requesting. The first one was described by Mr. Kavinski as a check-list waiver for requesting a larger Site Plan sheet than 24-inch x 36 inch in order to fit everything on the page. So, Mr. Kavinski then indicated that they would be requesting the check-list waiver. In addition, a design waiver was requested for the overall length of the loading area where the ordinance required two (2) times the overall length of the longest vehicle, which would be 147 ft. according to Mr. Kavinski. He then told the Board that the project proposed 130 ft. and testified that it would provide adequate space and circulation area in the loading area. He then indicated that they were providing a truck-turning template to display this as well.

Mr. Matthew Rodie, Architect, employed by ARCO Design Services, 635 Settle Court, Swarmie, GA, came forward and was sworn in. The Board accepted his credentials and qualifications.

Mr. Rodie showed the elevations of the proposed building that was submitted to the Township. He told the Board that the design was a concrete tilt-up building, with the western elevation facing Belmont Drive and the northern elevation facing Wiley Drive. He then described the pattern and colors of the exterior of the building, with lighter colors and gray tones, and noted that the top of the dock face was 42 ft. tall, with varying heights along the corners and side elevations. He told the Board that the main entrances of the building would be located on the north and south sides of the building. He then testified that the building was designed as a speculative warehouse, and do not know if it would be a single or multi-unit tenant space. Mr. Rodie then told the Board that they did not know at that time where on the roof the mechanical equipment would be located but would be sure to comply with any requirements. He described the different elements on the exterior of the building and told the Board that the building would look almost the same, if not the same as what was being shown on the screen that evening. Mr. Rodie then testified that the building would meet all of the height requirements of the zone and that all of the mechanical equipment would be located on the roof, to be determined at time of tenant determination. He then noted that adequate screening would be provided around the mechanical equipment if it could not be screened naturally by the vegetative growth.

Mr. Craig Peregoy, Traffic Engineering Consultant, employed with Dynamic Traffic, LLC, 245 Main Street, Chester, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Peregoy told the Board that he had prepared a Traffic Impact Study, dated December 16, 2020. Mr. Peregoy then told the Board what things he looked at and the concerns he had looking at the subject site when preparing his study. He indicated that he did a traffic study, looking at the operation of off-site intersections and the site driveways, as well as the on-site circulation. He then explained that they took traffic counts at Wiley Drive, Belmont Drive and Elizabeth Avenue, focusing on the weekday morning and weekday evening peak hours. He noted, however, that the traffic counts were a bit lower than what would be normal due to the COVID-19 pandemic, but that Somerset County was able to provide them with some pre-pandemic traffic counts which allowed them to adjust their counts to get what they called "normalized" traffic volumes. Mr. Peregoy then told the Board that they based their information for projected traffic counts on the Institute of Traffic Engineers (ITE) for their trip generation rates. He then explained that they added that traffic volume to the traffic counts as well as prepared analyses of site driveways on Happer Street, Elizabeth Avenue/Wiley Drive and Elizabeth Avenue and Wiley Drive/Belmont Drive and compared how traffic would operate with and without the project. He told the Board that the proposed project would have very little impact, with no change in the level of service and no substantial change in any delays, accounting for both the truck and automobile traffic.

Mr. Peregoy then drew the Board's attention to the site circulation, noting the only variance requested for the project for five (5) driveways. He then noted the positives about the incorporation of the five (5) driveways, which included the ability to disperse the site traffic to the various roadways, separate the truck traffic from the automobile traffic. Mr. Peregoy indicated that they had planned a larger driveway onto Belmont

Drive to accommodate the truck traffic, with the southern parking area would be accessed by another driveway on Belmont Drive and via Happer Street. Similarly, on the northern side of the building, employees could access Wiley Drive to get to that area or come into the truck access on Elizabeth Avenue to stay out of the truck court area and access the parking lot. The driveway on Elizabeth Avenue would be the larger driveway to accommodate the larger tractor trailers, along with the entrance on Belmont Drive, where they could pull into the loading area without impacting the employee parking or passenger vehicle parking. The plan also allowed for truck loading on both sides of the building as well as having employee parking on both sides of the building.

Mr. Peregoy discussed the size of the property being 26+ acres, which he felt could accommodate the additional driveways, where only two (2) were permitted in the B-I Zone. He did want to point out that the ordinance stated that the minimum lot size that would include only two driveways was two (2) acres. Mr. Peregoy then reiterated some of his previous testimony as reasons for the Board being able to grant the variance for the number of driveways requested. He noted that the primary reason for granting the variance was having the additional separation of truck traffic and employee automobile movements on the site.

Mr. Peregoy then discussed the general travel direction of tractor trailer traffic to and from the site as coming and going to and from the site. He spoke of the two (2) interchanges coming and going from Rte. 287 via Exit 12 at Weston Canal Rd. and accessible via Belmont Drive, Pierce Street and Cottontail Lane as well as Exit 10 (Davidson and Pierce Street).

Mr. Healey then opened a discussion regarding some of the comments in his Planning Report. He started first with his comment regarding the Tree Replacement Ordinance, stating that he included six (6) additional places on the site where additional landscaping could be proposed considering that the site was deficient. Mr. Healey added that his comment also stated that the Applicant should be prepared to specifically address this at the hearing to include testimony addressing the locations and quantities of additional trees to be proposed and appropriate exhibits. Mr. Kavinski stated that they agreed with the locations of the additional landscape materials could be located and would provide a minimum of 100 additional trees.

Moving on to comment #2, Mr. Healey stated that loading docks were supposed to be designed in such a way as to be out of sight. He added that they had placed the loading docks sufficient feet away from the roadways (52 ft. from Belmont Drive, and 200+ ft. from Elizabeth Avenue). Nevertheless, Mr. Healey stated that it faced Elizabeth Avenue and the Applicant had a detention basin between Elizabeth Avenue and the loading area so additionally screening would be appropriate there as well as behind the Mavis store. Mr. Kavinski indicated that they would be including additional landscaping to screen the loading area from Elizabeth Avenue and would also include landscaping and fencing behind the Mavis store. Mr. Healey then asked for information such as type, size, and quantity of plantings to the areas just discussed. Mr. Kavinski indicated that they would be providing a mixture of deciduous and evergreen plantings along the

Elizabeth Avenue frontage. They then discussed the possibility of placing plantings between the loading area and the detention basin. Mr. Kavinski spoke about not wanting to impede the runoff from the loading area and the basin with plantings in that area. He added that they could also include some additional landscaping between the detention basin and the driveway.

Mr. Healey then stated that the most important street for the provision of sidewalks on the site would be Elizabeth Avenue due to the proximity to other pedestrian generators and, secondly, along Wiley Drive, with the next appropriate place on Belmont Drive. Mr. Healey stated that the aforementioned was his recommendation and his priority for sidewalks, but the Board may want to entertain a discussion among themselves regarding that issue.

Mr. Lanfrit indicated that at a previous hearing a few weeks back that he was representing, sidewalks were required on Schoolhouse Rd., but not on Belmont Drive. He added that, alternately, a contribution was made in lieu of providing sidewalks on Belmont Drive. He testified that the Applicant was amenable to provide sidewalks along Elizabeth Avenue and Belmont Drive, if the Board so chooses. A discussion ensued involving Mr. Kavinski related to any practicable difficulties in providing a sidewalk along Wiley Drive. Mr. Kavinski replied that there were some steep slopes along Wiley Drive and that there would be some challenges to provide in that area. He added that the end of Wiley Drive was not owned by the Applicant. They then also discussed having to disturb some wooded areas at the end of Belmont Drive in order to install sidewalks.

Chairman Orsini indicated that he wanted to do what would make sense as it related to sidewalk installations and that they stay consistent with what was discussed at the earlier hearing a few weeks ago. A discussion ensued. Mr. Healey added that they did not require the construction of sidewalks along the other side of Belmont Drive in the hearing from a few weeks ago because it did not connect to other sites. He believed that the Board, knowing that the evening's Application was coming, held off deciding whether they would want sidewalks along Belmont Drive on the subject Applicant's side of the street.

Mr. Thomas then brought up an issue related to a previously approved retail application near where they plan to construct a driveway onto Happer Street. He stated that it was approved years ago but had never been constructed. A discussion ensued.

Mr. Thomas then added that he would like to see a lot more street trees on Wiley Drive, particularly around the driveway. Mr. Lanfrit stated that the area that Mr. Thomas was referring to that he felt needed additional trees was a location that Mr. Healey had recommended as an area they could provide on-site tree replacement.

Mr. Thomas stated that he was in favor of having sidewalks constructed on Belmont Drive in front of the Applicant's property as there were connections that could be made in the area.

Mr. Healey then asked Mr. Kavinski to elaborate on whether the grade issues he mentioned on Wiley Drive were existing or proposed. Because they were regrading the site there, Mr. Healey asked why they could not accommodate a sidewalk there. Mr. Kavinski discussed the issues with the detention basins being located in that area as well.

Mr. Healey then addressed Mr. Kavinski as to whether he had looked into providing landscaping within the interior of the site (e.g., parking lot islands). Mr. Kavinski testified that they could provide interior landscape islands for both parking lot areas.

Mr. Healey then opened a discussion regarding the provision for a drop-off area for ride share services. He asked Mr. Kavinski to describe how and where that would be done on the site. Mr. Kavinski stated that they would place them where the entrances were in one of the open space areas just adjacent to the building. He added that he felt it would not negatively affect their parking count requirements.

Councilman Chase drew the Board's attention to Mr. Thomas' comments related to the previous application on the corner of Belmont Drive and Schoolhouse Rd. where the Applicant was allowed to pay into the Shade Tree Fund in lieu of constructing sidewalks on the north side of Belmont Drive. The Councilman indicated that that was understandable as there was nothing to connect it to on that side of the roadway, but that they did have an opportunity to make sidewalk connections with the subject Application with sidewalks on the south side of the roadway on Belmont Drive. Councilman Chase stated that he would support a sidewalk there.

Councilman Chase stated that he heard Mr. Kavinski speak about electric car charging stations but did not hear whether they would be providing them or not. Mr. Lanfrit testified that they indicated that they would provide them. A discussion ensued regarding the number of them and their locations that would be included now as well as looking into the future.

Councilman Chase noted that the demolition plans show a lot of trees that would have to be taken out. He pointed out some trees that might be saved and discussed the proposed Landscaping Plan. The Chairman then brought up a point that the Environmental Commission made regarding the inclusion of pervious pavement for the light vehicle parking areas. Mr. Kavinski explained that they designed the run-off to flow directly into grass swales. A discussion ensued.

Councilman Chase then asked what was proposed for the area along Wiley Drive and east of the driveway. Mr. Kavinski stated that they were planning to place a berm in that area with additional plantings. The Councilman then opened a discussion regarding the basin on the Wiley Drive side, where he indicated that the Applicant showed an emergency spillway that goes on to Wiley Drive. Mr. Kavinski agreed that they did have an emergency spillway in that location, as it was preferred than directing the water to a steep area in order to try to drain down to the intersection. A discussion ensued. The Councilman then opened a discussion regarding the property on Happer Place and the

benefits of purchasing the property with the residential structure. Mr. Lanfrit spoke about recommendations from Township staff to remove the residential structures in the B-I Zone, especially with such a large warehouse being proposed. Finally, the Councilman discussed the possibility of saving the tree on Greeley Street, and Mr. Lanfrit indicated that they would look at the tree to see if it could be saved.

Mr. Healey then posed a question to the Board Attorney, Mr. Peter Vignuolo, regarding Happer Street and the fact that it would be serving no other property than the subject development. He added that, basically, the first 100 ft. would be a Township road and would be responsible for plowing it, repaving it, etc. Absent vacating Happer Street, Mr. Healey asked if there were another solution to that situation such as a development agreement/arrangement whereby the Applicant would be made responsible for the maintaining that road. Mr. Vignuolo stated that Happer Street might serve the property on the corner as well as abutting the Mavis Tire store. A discussion ensued, and Mr. Hauck, Public Works Director, indicated that the maintenance of that street would be in line with cul-de-sacs in the Township regarding plowing and would be one of the last streets to be prioritized. Mr. Hauck suggested that if the street would not be vacated, he would recommend some type of developer's agreement. A discussion ensued and it was determined that Mavis would never use the street or have access due to a 6 ft..high retaining wall there. Mr. Hauck added that there were wetlands. Mr. Lanfrit did not believe his client would have any objection to plowing Happer Street and entering into a developer's agreement with the Township whereby they would agree to plow it when it was necessary in the wintertime. A discussion ensued.

Mr. Hauck told Mr. Lanfrit that he should set up a meeting with the Water Division regarding their water utilities because he indicated that there seemed to be some discrepancies in the existing plans and the proposed plans. Mr. Hauck then wanted to note that the utilities would not be coming off of Wiley Drive. Mr. Lanfrit stated that he would have Mr. Kavinski reach out to Mr. Hauck to set up a Zoom call to discuss.

Mr. Hauck indicated that if there were to be sidewalks along Wiley Drive, they would have to be outside the right of way because the existing water main ran in the grass area just on the other side of the pavement.

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. Mr. Thomas seconded the motion, and all were in favor.

Mr. Lanfrit gave his closing summation.

Chairman Orsini made a motion to approve the Application, with driveway Variance, with the inclusion of the sidewalks to be constructed on Elizabeth Avenue and Belmont Drive, satisfy all comments and requirements form all outside agencies as well as Township staff reports. Additionally, the Applicant agreed to provide more landscaping

in the six (6) areas mentioned in Mr. Healey's Planning report to include at least 100 additional trees, provide a fence behind the Mavis Tire store, and add more landscaping in the form of deciduous trees and shrubs along Elizabeth Avenue and along the driveway in that location, add landscape islands in the parking areas, add drop-off areas for ride-hailing services, provide a pair of electric vehicle charging stations with one (1) at each light vehicle parking lot. Also agreed to by the Applicant was the inclusion of a development agreement with the Township related to the maintenance and plowing of Happer Street, and landscape the berm at the corner. Vice Chair Brown seconded the motion, and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Rangnow, Vice Chair Brown, Mr. Thomas, Ms. Schmidt, 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. The motion was seconded, and all were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
May 25, 2021