

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

**REGULAR MEETING  
September 7, 2022**

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 Michael Orsini, Chairman, 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 Anbarasan, Carl Hauck, Meher Rafiq, Theodore Chase, Mustapha Mansaray, Charles Brown, Robert Thomas, Sammy Shaban (arrived at 7:35 p.m.), and Chairman Orsini

**ABSENT:** Jennifer Rangnow

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

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**MINUTES:**

- **Regular Meeting – June 1, 2022**

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

**FOR:** Councilman Anbarasan, Mr. Hauck, Ms. Rafiq, Dr. Chase, Mr. Mansaray, Mr. Thomas, and Chairman Orsini

**AGAINST:** None

## RESOLUTIONS:

- **Elizabeth Realty Partners, LLC / PLN-21-00001**

Mr. Thomas made a motion to approve the Resolution, as submitted. Vice Chair Brown seconded the motion, and the roll was called as follows:

FOR: Councilman Anbarasan, Mr. Hauck, Ms. Rafiq, Dr. Chase, Vice Chair Brown, and Mr. Thomas

AGAINST: None

## PUBLIC COMMENTS:

Chairman Orsini made a motion to open the meeting for public comments not related to the hearings being held that evening. Mr. Thomas seconded the motion, and all were in favor. Seeing no one coming forward, the Chairman then closed the meeting to the public, and Mr. Thomas seconded the motion. All were in favor.

## HEARINGS:

- **B9 COTTONTAIL OWNER, LLC / PLN-21-00008**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, B9 Cottontail Owner, LLC. He explained that they were before the Board that evening to obtain Preliminary & Final Major Site Plan w/C Variances in which the Applicant wished to demolish the four (4) existing office buildings and associated parking lot, and construct two (2) warehouse buildings totaling 235,855 sq. ft. at 200 Cottontail Lane, Somerset; Block 517.06, Lot 15.10, in the Business & Industry (B-I) Zone.

Mr. Lanfrit further explained that they were seeking two (2) variances in conjunction with the Application were "C" variances:

- Impervious Coverage: 60% maximum permitted – 71.3% existing and 70.6% proposed.
- Depth of Loading Berth: 147 ft. required (2x depth of largest truck) – 130 ft. proposed.

Mr. Kyle Kavinski, Principal Engineer, employed with Dynamic Engineering, came forward and was sworn in. The Board accepted his qualifications. Mr. Kavinski then spoke about the location of the property and the existing conditions, utilizing Exhibit A-1, which was an aerial mapping exhibit of the subject site and surrounding properties, dated September 7, 2022. He noted that the property was comprised of 14.48 acres

fronting on Cottontail Lane, with four (4) interconnecting office buildings for a total of 193,000 sq. ft. Mr. Kavinski also indicated that a large parking area surrounded the northeast and south side of the buildings, for an existing impervious coverage of 71.3%. He then told the Board about an existing detention basin on the westerly property line as well as two (2) existing driveways that connected to Cottontail Lane, with one on each end of the site. Mr. Kavinski then discussed the surrounding property uses, which were included in the Business & Industrial Zone (B-I), along with warehouse and office use to the north, office, warehouse, and residential use to the east. He noted that there was a warehouse and office use to the south as well as Cottontail Lane and warehouse use beyond on the westerly side.

Mr. Kavinski then described what they were proposing to do on the subject property. He then showed the colorized site plan rendering, with the landscaping overlaid, and entered it into the record as Exhibit A-2. He pointed out the two warehouses that were proposed for the site, noting that Building A to the north was comprised of 116,530 sq. ft., 30 truck loading spaces and two (2) drive-in ramps. He added that Building B, to the south, included 119,325 sq. ft., 31 truck loading spaces and two (2) drive-in ramps. Mr. Kavinski then testified that the site was designed to comply with the use setbacks and parking requirements in the B-I Zone, to include 141 parking spaces, to include six (6) ADA parking spaces and four (4) EVA car-charging parking spaces with one (1) being designed to comply with ADA requirements. He then indicated that they would be adding signage in the parking lot to designate drop-off and pick-up spots for rideshare services. Mr. Kavinski then told the Board that they would be utilizing the existing two (2)-way driveways but modifying them slightly to accommodate a larger radius to allow for truck maneuvering. He then discussed the widening of the truck court to 200 ft. total between the two (2) buildings to allow for trucks to have better access to the loading dock areas. He then discussed how circulation would take place, both for tractor trailers and employee vehicles.

Mr. Kavinski then discussed the Lighting Plan for the site, including LED lighting that was downward facing, full cutoff, low profile energy efficient lighting for 25 ft. pole lights as well as for building-mounted lights

Mr. Kavinski then discussed how refuse would be handled on the site, noting that there would be a trash compacter and masonry enclosure for each building within the truck court area and picked up by a private hauler as needed.

He then discussed how the existing stormwater management system on site (westerly side adjacent to Cottontail Lane) would be maintained, with a brand-new conveyance system to be put in place. He added that they would be reducing impervious coverage and motor vehicle surfaces on-site and, thereby, providing a significant water quality benefit. Mr. Kavinski then noted that there were a significant number of trees located along Cottontail Lane, which would be maintained and supplemented with additional plantings. He told the Board that they would also be including some additional plantings near the loading dock area, with three (3) levels of buffering in that location.

Mr. Kavinski then discussed the required variances, as discussed earlier by Mr. Lanfrit. He discussed the adequacy of the loading dock area and provided that information to the Township Engineer. He also noted that the reduction of the loading dock area also provided for a reduction in impervious coverage.

Mr. Kavinski then discussed the staff reports, and he first referred to a report, dated August 18, 2022, from the Fire Prevention Director, asking for additional hydrants and showing the Fire Department Connections (FDC) shown on the plans so that they could be approved. He indicated that they could comply.

Mr. Kavinski then spoke to Mr. Healey's Planning report, dated August 5, 2022, noting that they were required to provide 152 replacement trees on-site. He indicated that they were proposing to provide 69 trees on-site, with a replacement deficit of 83 trees. He added that after reviewing Mr. Healey's report, they think that they would be able to include an additional 25 trees on-site near the parking lot areas and near the truck docking area. He agreed to work with Mr. Healey regarding the location of those additional trees.

Mr. Kavinski then spoke about Mr. Healey's comments regarding the view and ways to minimize the view to the loading docks from the public roadway and how the loading area would be screened to the travelling public. He talked about the significant row of trees that already existed along Cottontail Lane as well as supplementing those. Mr. Kavinski then drew the Board's attention to their plan to add plantings to the opposite side of the detention system.

Mr. Kavinski then addressed the August 16, 2022 CME Engineering report and testified that they would be able to work with Mr. Massei to comply with all the comments within the report. He then stated that they would work with Mr. Massei to tie into the water lines in the street if they were useable.

Mr. Kavinski then indicated that they had received approval from the Somerset County Planning Board with approval from the Somerset Union Soil Conservation District. He added that they had conditional approval from the Delaware & Raritan Canal Commission (DRCC), pending the Board's approval, NJDEP approval, and were still waiting on pending approval from MUA. He noted that the site would be serviced by all public utilities.

Mr. Thomas then inquired about the depth of the loading dock, and Mr. Kavinski stated that the plan currently showed 130 ft. depth but would be updating the plans to show 140 ft. depth.

Mr. Thomas brought up some of the suggestions made by the Environmental Commission, and that some of the parking spaces be banked. Mr. Lanfrit indicated that Mr. Healey's Planning report suggested the same and asked Mr. Kavinski if the Applicant were willing to bank parking spaces. He answered in the affirmative, if necessary. He noted that there was a row of 25 parking spaces that were not located

right around the building, but near Building B, the southern building, along the eastern edge of that building. Mr. Lanfrit indicated that they would be making the building solar ready, and that the Architect would be testifying to that. He added that they would have no objections to placing Anti-Idling signage in the areas near the truck court. Mr. Kavinski then stated that he would work with Mr. Healey to find an appropriate location for bike storage.

Councilman Anbarasan asked if they had looked further into how to reduce impervious coverage on the site further. Mr. Kavinski brought up the banked spaces they had just discussed as a way to reduce impervious coverage, which would bring the coverage down to 69.9%. He added that the storm water management system was being designed to handle the impervious coverage existing on the site. He spoke of the upgrades by removing some of the existing car parking lot and providing clean run-off from the site.

Mr. Healey then asked if they could address the sidewalk along the frontage, and Mr. Kavinski stated that there was currently no sidewalk along the frontage and that the area was currently filled with trees along that area along the right-of-way. He then indicated that they were including additional plantings that was important to block the truck court from view of the travelling public. He stated that it would be difficult and would lose some trees in trying to place a sidewalk there along Cottontail Lane, so he requested that they be able to contribute to the Sidewalk Fund in lieu. A discussion ensued. Mr. Healey indicated that they should confirm with the Township's Engineer that placing a sidewalk within the right-of-way along Cottontail Lane would damage the mature trees already in place there, as a condition of any approval.

Mr. Healey then indicated that Mr. Massei, Township Engineer, stated that the NJDEP confirmed with him that the project meets agreed infrastructure by reducing impervious coverage to the existing system, thereby meeting the water quantity and quality and recharge requirements. There was a DRCC requested that the NTD zone (manufactured treatment devices) would be relocated ten (10) ft. from the right-of way line, which they confirmed that they would do. He indicated that they agreed to providing calculations, exhibits, calculating the decrease in impervious coverage related to the storm water report, which they've agreed to do.

Mr. Kyle Ferrier, Architect, employed with Arco Design/Build Industrial, came forward and was sworn in. The Board accepted his qualifications. He then described the buildings and the materials that would be used in their construction. Mr. Ferrier then showed an exhibit of Building B, noting the infrastructure that would be put in place to accommodate the placement of solar panels on the roof in the future. He then showed architectural elevations for the proposed buildings that included architectural reveals, and light, medium and dark shades of gray tilt up panels. Mr. Ferrier noted that there were no rooftop mechanicals/utilities shown as they would not be seen from ground level. The elevations showed some glazing and a canopy over the main front door. He then showed an exhibit that detailed the layout of the proposed office space in each building, noting that it was an accessory space to service the warehouse operation

needs with its own entrance and features at the corner of the building. Mr. Ferrier then discussed areas that included “knock-out” panels that could accommodate a second tenant’s office space needs. Mr. Ferrier then testified that all sides of the building would show the same as the front of the building to address Mr. Healey’s questioning in his Planning report. Mr. Ferrier then showed a 3D rendering of the building utilizing the proposed colors for the building.

Mr. Thomas brought up the gray color scheme and wondered if all warehousing buildings were designed that way or if earth toned colors could be utilized instead. Mr. Ferrier indicated that they utilize the gray scheme for a building constructed by speculation and without a known tenant. A discussion ensued among the Board, and Mr. Lanfrit stated that they would discuss the issue with the Applicant.

Dr. Chase asked why only 16 dock doors were shown on the plans when there was a potential for a total of 30 dock doors. Mr. Ferrier indicated that they would have all 30 dock doors in place.

Mr. Taylor, Traffic Engineer, came forward and was sworn in. The Board accepted his qualifications. He noted that his firm prepared a Traffic Study, dated February 17, 2022. He then discussed what the traffic generation is based on the ITE standards for the office building that was currently in place. He told the Board that the existing facility, a 193,000 sq. ft. office building, based on ITE standards) would generate 295 trips during the morning peak hour in the morning, 287 trips during the evening peak hour and 2,092 trips daily on a typical weekday. Mr. Taylor then compared what a typical weekday would generate with the proposed warehouse (approx. 236,000 sq. ft.) would generate 52 trips during the morning peak hour, 55 trips during the evening peak hour and 411 trips daily on a typical weekday. He added that the usage resulted in a reduction of 243 trips during the morning, 232 trips during the evening and 1,608 trips daily on a typical weekday. Mr. Taylor then discussed the different types of vehicles accessing the site between an office use and a warehouse use, and the tractor trailer was the predominant vehicle for warehouse uses. He stated that office uses would have three (3) smaller trucks in the peak hours for an office building use and approximately ten (10) during the entire day, with ten(10) trips in and ten (10) trips out. Mr. Taylor went on to testify that with a warehouse use, there would only be four (4) trips in the morning peak hour and five (5) during the evening peak hour based on the size of the proposed warehouse. He added that they propose 45 trips during the typical weekday. All of these trip numbers used would be one-way trips and doubled for trips in and out of the site. He then said that there was prime access to Rt. 287 through Cottontail Lane and Weston Canal Road. Mr. Taylor then discussed the levels of service at the driveways and at the nearby intersection, noting the decrease from the office use to the warehouse use. The next discussion was related to circulation of traffic on-site and sufficient parking, which he stated was adequate for all types of vehicles that would access the facility. He then told the Board that they worked hand in hand with the Site Engineer to design the driving aisles and driveways. Mr. Taylor added that he did agree with the Township Engineer to add the extra 10 ft. in the tractor trailer court for additional ease of

movement in that area. He then stated that banking 25 parking spaces would not have a detrimental effect on the adequacy of parking

Mr. Thomas wanted to make clear that the comparisons of office use to warehouse use based on the ITE manual were well documented, he wanted to make sure that everyone knew that that analysis was based upon a fully functional office building. He noted that the office building presently on the proposed site had been vacant for some time, so that what traffic was produced by the proposed project would be entirely additional traffic in the area. He asked Mr. Taylor if the additional traffic generated from the proposal would have a detrimental effect on the surrounding roadways, also considering the new warehouse proposals in the area. Mr. Taylor responded by saying that the NJDOT and ITE both indicate that the addition of 100 new trips through an intersection should trigger looking at the functioning of the intersection. He added that the 52 morning and 55 evening trips generated by the site were half of what the NJDOT and ITE considered significant. He added that it was his professional opinion that the use of the two (2) driveways and the connectivity of the street and roadway network would not be a significant impact to the roadway intersections and would continue to operate at good levels of service.

Chairman Orsini asked if directional signage could be placed to show the way to the preferred route to get to and from Rt. 287 as a condition of any approval. Mr. Lanfrit agreed that they could do so. A discussion ensued among the Board.

Vice Chair Brown brought up his concerns regarding comparisons of automobiles and tractor trailers and the air quality issues and impacts to bicyclists that related to quality-of-life issues. Mr. Taylor then spoke about having truck traffic to/from the site during peak hours of every 10 minutes, which he did not think would have a detrimental effect on the surrounding roadways and intersections.

Chairman Orsini made a motion to the public for comments and questions. The motion was seconded, and all were in favor.

Ms. Shirley Tallman, 57 Tallman Lane, Somerset, NJ, came forward. Ms. Tallman shared her concern for impacts to a nearby residential neighborhood. She then wanted to know why most of the warehouses being proposed were being built on speculation with no tenants. A discussion ensued. She then wanted to know why there was a variance required for the length of the loading docks, noting the reduction of impervious coverage.

Ms. Kiki Nastasikas, 3204 Enclave Circle, Somerset, NJ, came forward and was sworn in. She expressed her concerns for the number of warehouses going into the Township with a negative impact to air quality and other quality of life issues. Ms. Nastasikas asked if the builder has applied for LEED certification, and Mr. Kavinski answered in the affirmative. A discussion ensued regarding the qualifications of being LEED certified. Ms. Nastasikas then opened a discussion about being solar ready but wanted to know if they were in fact going to install solar panels. Mr. Lanfrit stated that it depended upon

what the tenant wanted. Mr. Ferrier gave his input to Ms. Nastasikas' questions and concerns.

Ms. Nastastikas then spoke to the traffic in the area, speaking about the four (4) retirement communities and their traffic concerns. Mr. Taylor addressed her concerns by indicating that truck traffic would be directed to utilize Cottontail Lane and Weston Canal Rd. to access Rt 287 and would not travel on the other roads used by Township residents. She then expressed concerns

Mr. Julius Sutton, 407 Queens Place, Somerset, NJ, came forward and was sworn in. Mr. Sutton stated that he resided right behind where the warehouse was proposed and was concerned for truck noise and for the LED lighting proposed. Mr. Lanfrit explained the light spillage ordinances and regulations that would prohibit light spilling onto another property. Mr. Sutton then discussed the rooftop mechanicals and associated fan that would create noise near his residence. Mr. Kavinski indicated that the residence was approximately 200 ft. from the proposed property line, with the buildings 80 ft. from the property line. Mr. Healey indicated that the Application came before the Board before there was the institution that all commercial buildings should be at least 500 feet away from residential properties. He also reminded Mr. Sutton that he did not live in a residential zone. Mr. Lanfrit then discussed the State mandates for noise levels for manufacturing facilities, and Mr. Kavinski discussed the staggered rows of evergreens would be planted to buffer noise. Vice Chair Brown suggested taking the testimony of Mr. Sutton into consideration since his property was surrounded by industrial uses.

Mr. Dominach, Township Economic Development Director, came forward and was sworn in. Mr. Dominach discussed the wall that was placed for a resident in another location in the Township to buffer noise, etc.

Dr. Chase discussed the County's Health Dept. that would oversee noise/air pollution issues.

Township resident, came forward and was sworn in. He had concerns for the appearance of the buildings and felt they all look like a box. He then expressed concerns that all the warehouse buildings seem to be coming into the Board hearings with spec buildings with no tenants, leaving the Township to deal with whatever issues each tenant would bring to the area, i.e., size of the trucks coming to and from the building, etc. The resident was also concerned about the weather/flooding events on Weston Canal Road was already a disruption to their area and putting extra large trucks on the roadway would just exacerbate that situation. A discussion ensued.

Mr. Joe Hoffman, 5 Congress Court, Canal Walk, Somerset, NJ, came forward and was sworn in. He wanted to know how many trips would be generated by the unknown user, and Mr. Taylor indicated that they use data put forth by the Institute of Traffic Engineers (ITE) that was collected, nationwide, for warehouse buildings such as what was being proposed, to project the typical traffic counts.



Ms. Jan Brant, 22 Bryant Court, Somerset, NJ, came forward and was sworn in. She indicated that she has a warehouse facility somewhat near her home, maybe 1,000 ft. away, and she could hear truck noises and activities noises late at night. She asked if the proposed would be operating at night, and Mr. Lanfrit indicated that it would most likely have a 24/7 operation. Ms. Brant agreed with a previous resident near the proposed development that was concerned for fan noises and outside mechanical equipment noises as well as the truck and operations noises. Mr. Lanfrit indicated that they were following the State and Township regulations, ordinances and guidelines, and suggested that they contact the owner of the building. He added that if the complaint was valid, they would take care of the issue. She then quoted from the ordinance for the B-I Zone. She then had a discussion with Mr. Taylor regarding the validity of the traffic study and how updated it was. She then spoke about trucks going down the wrong roads and are idling presently on Mettlers Lane and was validated by photos.

Terry Thorson, 18 Lebed Drive, Somerset, NJ, came forward and was sworn in. Ms. Thorson asked how tall the buildings would be, and Mr. Ferrier, Architect, indicated that it would be 42 ft. at its tallest point. She also spoke to the noise from the fans of the mechanicals on the rooftop. Ms. Thorson then asked why there were only 4 EV charging stations, and Mr. Kavinski indicated that they were following the current State statute. Ms. Thorson then opened a discussion regarding solar arrays and if they would help to service the communities around them or just the building that they were on. They then spoke about who chooses the professionals used by an Applicant during a hearing, and Board Attorney, Mr. Frank Regan, also stated the Township Professionals would also be reviewing plans, etc. for all of the review items. She then discussed the backups during rush hour trying to get onto Rt 287. Mr. Lanfrit stated that truck drivers don't plan their routes during rush hour.

Mr. Alex Strauss, 285 Hazlitt Way, Somerset, NJ 08873, came forward and was sworn in. Mr. Strauss brought up the idea that all of the warehouses being built on speculation, including the proposed property, may lie vacant. He was also concerned for how trucks would navigate some of the ramps on and off Rt 287. Mr. Strauss then discussed that the aesthetics of the building/properties, particularly the proposed, has gone down and didn't think the Applicant's request for variances, particularly for impervious coverage should be held to the ordinance standards. He then wanted to know the specific length of the trucks that would be entering and exiting the site. Mr. Kavinski indicated that the WB-67 represented the largest tractor trailers allowed on the roads (53 ft. trailer with an overall length of 73.5 ft.). They then discussed the maneuverability within the truck court.

Chairman Orsini made a motion to close the public portion of the hearing. Dr. Chase seconded the motion, and all were in favor.

Mr. Lanfrit gave his closing summation regarding the vetting process and agreed to comply. He spoke to the concerns for noise concerns and discussed the improvements with storm water management.

Chairman Orsini made a motion to approve the two (2) variances with the 69.9% impervious coverage, the 140 ft. rather than the 130 ft. depth of loading berth, banking 25 parking spaces, additional screening and trees to the maximum possible, the inclusion of the directional signage and “NO Idling” signage, bike storage, solar ready roof, EV charging stations and compliance with all of the staff reports and outside agency reports. Additionally, the Board will check with the Township Engineer related to the possibility of building a sidewalk along the frontage, and have the Applicant comply, which they have already agreed to, based upon the Township Engineer’s decision. Mr. Thomas seconded the motion, and the roll was called as follows:

FOR: Mr. Hauck, Ms. Rafiq, Dr. Chase, Mr. Mansaray, Mr. Thomas, and Chairman Orsini

AGAINST: Councilman Anbarasan, Vice Chair Brown, and Mr. Shaban

- **BH 31 SCHOOLHOUSE ROAD, LLC / PLN-22-00010**

Preliminary & Final Major Site Plan in which the Applicant was proposing to construct a 90,000 sq. ft. warehouse at 31 Schoolhouse Road, Somerset; Block 517.04, Lot 21.03, in the Business & Industry (B-I) Zone - **CARRIED to SEPTEMBER 21, 2022 – with no further notification required.**

**DL - 9/30/2022**

**COMMITTEE REPORTS:**

No Committee reports discussed.

**WORK SESSION / NEW BUSINESS:**

There was no work session or new business discussed.

**EXECUTIVE SESSION:**

The Board did not enter into Executive Session.

**ADJOURNMENT:**

Chairman Orsini made a motion to adjourn the meeting at 9:50 p.m., and the motion was seconded. All were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
November 17, 2022