

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

**REGULAR MEETING  
September 21, 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:** Carl Hauck, Meher Rafiq, Theodore Chase, Jennifer Ragnow, , Robert Thomas, and Chairman Orsini

**ABSENT:** Councilman Anbarasan, Mustapha Mansaray, Charles Brown and Sammy Shaban

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

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**MINUTES:**

- **Regular Meeting – June 13, 2022**

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

**FOR:** Ms. Rafiq, Dr. Chase, Ms. Rangnow, Mr. Thomas, and Chairman Orsini

**AGAINST:** None

## RESOLUTIONS:

- **Duke Realty Limited Partnership / PLN-22-00002**

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

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

AGAINST: None

## PUBLIC COMMENTS:

Chairman Orsini made a motion to open the meeting for general 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 Ms. Rangnow seconded the motion. All were in favor.

## HEARINGS:

- **PULEO INTERNATIONAL INC. / PLN-22-00006**

Preliminary & Final Major Site Plan w/C Variances in which the Applicant wanted to construct a 92,115 sq. ft. warehouse at Atrium Drive Extension, Somerset; Block 468.01, Lot 21.13, in the Business & Industry (B-I) Zone - **CARRIED TO OCTOBER 19, 2022 – with no further notification required**

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

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, BH 31 Schoolhouse Road, LLC. He explained that they were there before the Board for 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 FROM SEPTEMBER 7, 2022 – with no further notification required.**

Mr. Lanfrit indicated that they were planning to construct a 74,800 sq. ft. warehouse. He then told the Board that there were two (2) variances associated with the Application. He then added that they met all of the other bulk variances and requirements of the zone.

Mr. Josh Sewald, Partner and Site Engineer employed with Dynamic Engineering Consultants, 1904 Main Street, Lake Como, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Sewald then went about describing the subject property and its surrounding land uses. He then introduced a colorized, aerial map of the subject property, showing the property lines around the approximately 5.2 acres and 300 ft. of frontage along Schoolhouse Rd. He described the property as including a light manufacturing commercial building, what appeared to be a residential building and wooded areas to the north and east side. He then indicated that they were surrounded by all of the neighbors within the B-I Zone, to include warehousing, manufacturing and supplemental office spaces.

Mr. Sewald then described what they were proposing with the application. He then showed the colorized version of the Site Plan that had been overlayed to the Landscaping Plan and entered into the record as Exhibit A-1. He then pointed out the proposed warehouse building that was comprised of 74,800 sq. ft. and included 38 parking spaces located up front along the southerly, short side of the building along Schoolhouse Rd. Additionally, he indicated that they had two (2) proposed driveways, located on the eastern and western side of the property. He then detailed the ten (10) loading docks on the rear (northern) side of the property, with two (2) drive-in ramps and full circulation around the building. He then reiterated Mr. Lanfrit's testimony that they were mostly compliant with the B-I Zone's bulk standards, and were requesting two (2) variances, as detailed below:

- Impervious Coverage: 60% max. permitted – 66.9% proposed
- Depth of Loading Berth: 147 ft. required (2x depth of the largest truck) – 130 ft. proposed.

Mr. Sewald then told the Board that they were planning to demolish both buildings that were currently on-site and providing all brand-new public utilities from Schoolhouse Rd. to the site to service their newly proposed building.

Mr. Sewald then discussed the Landscaping Plan, noting that it had been spread across the property, with the inclusion of 46 new trees, over 400 shrubs and a proposed bioretention basin that was required to be 80% planted.

Mr. Sewald then described the Lighting Plan, with 25 ft. tall LED poles spread throughout the parking area for safe illumination of the drive aisles, parking areas, and loading docks.

He then drew the Board's attention to the fact that there was no stormwater management system on the property today. After construction, Mr. Sewald indicated that they would have two (2) above-ground, walled bioretention basins, which would be heavily planted located on the south side of the property between Schoolhouse Rd. and the parking lot, as well as on the north side and after the truck court area and the northern property line. He then noted that a third basin would be placed underground and considered the underground infiltration area.

Mr. Sewald then mentioned that there were some comments from Mr. Healey to increase the landscaping on-site and testified that they would work with him in that regard, mostly on the east and west side of the property.

Mr. Sewald then discussed how refuse would be handled on the site, stating that it would most likely be handled internally once they obtained a user or a compacter in one of the truck court areas.

Mr. Sewald then indicated that they had provided full frontage sidewalks along Schoolhouse Rd., as requested by the Board. He did, however, mention that they had not provided any connections to that sidewalk from the internal portion of the site as there were significant topographical changes but would be willing to work with the Township professionals to provide concrete stairs from the sidewalk and up to the parking lot and make accommodation for ADA compliance with a switchback ramp as a condition of any approval should the Board request that.

Mr. Sewald then opened a discussion regarding circulation on-site. He mentioned that they reduced the size of the building from 90,000 down to the proposed 74,800 sq. ft. in order to provide better circulation on-site based on recommendations from the Fire Prevention Director. He added that they originally had a non-restrictive circulation plan, but that the Township Engineer asked that the eastern driveway be restricted to use by cars only, with the western driveway being used exclusively for trucks, which they would be agreeable to doing.

Mr. Sewald then drew the Board's attention to the two (2) variances requested and noted earlier in the hearing. He spoke of the fire lane that was included around the entire perimeter of the building because it was requested by Mr. Hauss, Fire Prevention Director. Mr. Sewald then discussed removing the majority of the eastern side access aisle, they would reduce the impervious coverage from 66.9% down to 61%. They then discussed the driveway that lead to the access aisle, and Mr. Sewald indicated that he didn't believe that that driveway was necessary for the project and would only need a singular driveway on the westerly side of the property. He then added that with the removal of the front portion of that additional driveway, impervious coverage on the site would be under the maximum of 60%.

Chairman Orsini asked if they could put forward the positive criteria to remove the easterly driveway and present that argument to Fire Prevention. Mr. Sewald indicated that the neighbor to the east of their property had a full-access drive aisle right on their property line. He then noted that their building was 50 ft. to the property line on the easterly side, and with the parking spaces and curbing there, fire safety equipment would be approximately 80 ft. to the building.

Mr. Sewald then discussed the allowable building coverage and what the proposed coverage would be with the reduction of the building size from 90,000 sq. ft. to 74,800 sq. ft. He then drew the Board's attention to Exhibit A-1, noting that the maximum lot coverage in the zone was 50% and they were proposing 32.8%.

Mr. Sewald then addressed the staff reports, first starting with Mr. Healey's Planning report, originally dated May of 2022 and revised on 8/12/22. He then discussed the rationale for the truck court variance, noting that the largest truck to enter the site would safely be able to maneuver within the proposed 130 ft. and didn't need the additional impervious coverage.

Mr. Sewald then discussed the removal of 670 trees from the site and replacing them with 46 trees. He mentioned that Mr. Healey's report requested planting some additional trees on-site, and Mr. Sewald showed with his cursor on the Exhibit A-1 where they could plant additional trees. He discussed the inclusion of more trees on the westerly property line as well as a significant amount on the easterly side if the Board was amenable to removing the easterly drive aisle. Mr. Sewald indicated that they would not be able to plant up to the 670 trees they were removing, but that they would plant as many new trees as possible on-site. Chairman Orsini suggested they might want to leave a gap in the trees on the easterly property line in case the emergency vehicles needed to get a ladder truck in that area. A discussion ensued regarding leaving some of the wooded area in the rear, however, Mr. Sewald reminding the Chairman that they had three (3) bioretention basins going into that area and discussed planting some trees around the bioretention basins. Mr. Thomas then opened a discussion regarding some sort of formality showing permission to utilize an emergency access drive located on another property. A discussion ensued related to the type of fire suppression system that would determine what the needs were. Mr. Clarkin, Board Attorney, indicated that an easement was not necessary as there were certain emergency access in times of fires/emergencies that would allow the Fire Company onto an adjacent property. The Board then discussed making that part of any Resolution.

Mr. Sewald testified that they had a proposed location for a free-standing sign (truck entrance sign at the driveway) and that absent a proposed tenant, they were agreeable to comply with all free-standing and building mounted sign standards of the zone. He then detailed the requirements of the signage requirements within the B-I Zone.

Chairman Orsini then opened a discussion regarding only providing the sidewalk along Schoolhouse Rd. and not providing any connection from the sidewalk to the building as it didn't seem practical based on the topography there.

Ms. Rafiq opened up a discussion from earlier in the hearing regarding the reason they could not supplement the rear wooded area with more trees. Mr. Sewald indicated that it was related to the fact that the bioretention basins would be located there and they could only have low-lying plantings there. He then pointed out, on Exhibit A-1, the location of those bioretention basins for the Board's edification.

Mr. Healey asked for clarification regarding item #4 in his review comments related to the proposed warehouse being constructed upon a raised platform 10 ft. above adjoining grade. Mr. Sewald explained that it had to do with the very high seasonal water table in the area. He testified that should the Application be approved, they would

conduct supplemental testing with CME Engineering for them to witness the testing. If it is determined that the stormwater level was lower than originally thought on the property, Mr. Sewald agreed to lower the height of the building.

In reviewing CME's Engineering report, dated originally in May, 2022 and then revised on August 24, 2022, Mr. Sewald indicated that they could address all comments. He did, however, want to give some supplemental testimony, for the record. He stated that they would most likely require a design waiver to provide sidewalk connections to the parking lot and building from the one along Schoolhouse Road that was proposed. He then discussed item #6 under Grading & Utility Comments related to the testimony given regarding raising the first-floor elevation due to the seasonal ground water level on the site. He then referred to item #1 under Landscaping and Lighting Comments that they discussed regarding the tree replacement on-site as well as payment-in-lieu fee as well as item #8 under the Storm Water Management Comments to do supplemental testing with CME witnessing the testing procedure and item #9 that was also related to groundwater. Mr. Sewald then testified that they received their NJDEP Letter of Interpretation (LOI) and would provide copies of all of the outside agency approvals. Mr. Sewald then indicated that all of the other comments that they agreed to comply with do not substantially alter the plan that the Board was reviewing that evening.

Mr. Sewald then discussed the agreement to work with Mr. Hauss related to his comment regarding the location of fire hydrants on the site.

They then discussed the provision of Make Ready EV Charging Stations and the fact that buildings under 100,000 sq. ft. did not have to comply with the Solar Ready Warehouses Law. Mr. Sewald then indicated that it was not saying that the tenant wouldn't request that, just that they were not obligated to provide that. They agreed to comply with all other comments in the Environmental Commission report, including the addition of anti-idling signs on-site.

Dr. Chase then opened a discussion regarding the type of evergreen species.

Mr. Brendan Leadbeater, Associate Architect, employed with Pratt Design Studio, 175 10<sup>th</sup> Street, Belford, NJ came forward and was sworn in. The Board accepted his qualifications. Mr. Leadbeater described the building they were proposing, to include a height of 45 ft. within the building. He then discussed a potential office space fronting on Schoolhouse Rd., most likely in the northwest quadrant with 2,200 to 2,500 sq. ft. with an access from the parking lot to the office area. He then utilized the plans, which were already submitted, and colorized for display purposes. Mr. Leadbeater pointed out the components of the proposed building, with the use of whites, grays and blues. He then noted that the top of the parapet was 51 ft., however, the Township ordinance did not count the parapet as part of the building height. Without the parapet, Mr. Leadbeater stated that the height was likely going to be 50 ft., 6 inches and down to 48 ft., 10 inches along the facades. He also added that the building would be able to handle solar panels if a tenant requests them. Mr. Leadbeater stated that the

mechanicals would be located on the roof in the middle so as not to be seen as well as partially screened by the parapet and being so far back from the roadway.

Mr. Healey asked for clarification regarding the height to the roof along the side that was facing Schoolhouse Rd., exclusive of the parapet. Mr. Leadbeater answered again that it would be roughly 50 ft., 6 inches. Mr. Healey then indicated that with a height of over 50 ft., there would be a 40 ft. side yard requirement that came into play. Mr. Sewald went over the bulk variances for buildings over 50 ft. high and noted that all setbacks were in compliance.

Mr. Clarkin, Board Attorney, inquired about the location on the ground floor plans for any office space. Mr. Clarkin asked if they were going to show a maximum of 2,500 sq. ft. on the plans in the northwest quadrant somewhere. Mr. Leadbeater indicated that they would revise the plans and resubmit.

Mr. Corey Chase, Traffic Engineer, 245 Main Street, Chester, NJ came forward and was sworn in. The Board accepted his qualifications. Mr. Chase then referred to the Traffic Impact Study prepared on July 8, 2022. He discussed the trips that would be generated from the site, including a maximum of 35 trips (5 truck trips) during the peak hour which he stated was not a significant increase in traffic. He then discussed the on-site circulation, indicating that the site would operate efficiently with either two (2) access points and only one (1) access points. He then testified that they compared the pre- and post-construction traffic and found that there was no degradation in levels of service. Mr. Chase also added that there was no new construction nearby and no degradation in levels of service as a result.

Chairman Orsini then inquired about the inclusion of any directional signage to direct trucks to get out onto Rt 287. Mr. Chase indicated that they were amenable to preparing a way-finding sign package. A discussion ensued among the Board related to this issue.

Mr. Chase then discussed the truck court variance, and he indicated that the truck court was designed with the typical dimensions that they see through industrial applications and that turning templates were provided to show that the circulation works in that area on the site.

Mr. Kevin O'Brien, Planner, Shamrock Enterprises, Madison House, Suite B, Madison Avenue, Rahway, NJ came forward and was sworn in. The Board accepted his qualifications. Mr. O'Brien briefly reviewed the variances they were seeking that evening, providing his professional opinion as to whether the variances could be granted by the Board. He discussed the justification of the loading berth length based upon the testimony of the Traffic Engineer and the Site Engineer that 130 ft. complied with the industry standard. Mr. O'Brien then indicated that the impervious coverage variance was driven by the fact that a fire access road had been requested by the Fire Prevention Director, as testified to by the Site Engineer. Additionally, a separate driveway was request on the eastern side of the site to accommodate car vehicles only

and trucks only enter/exiting from the western driveway. Mr. O'Brien testified that should both of these were requested to be retained by the Board, he felt that the variances for each of them would be justified due to the fact that fire, health and safety were at stake and the Fire Prevention Director had requested it. As far as the eastern driveway's retention, that would bring the impervious coverage to 61% which they felt was a de minimus exception. Should the Board want to remove the eastern driveway, the impervious coverage would be in compliance and would not require a variance. Mr. O'Brien then discussed elements of the Master Plan that would address these variances. Should the Board request that the fire access aisle and eastern driveway remain, Mr. O'Brien stated that he did not see any negative impacts and that it would be a better planning alternative if the fire lane were removed to decrease impervious coverage and an opportunity for more trees to be planted. He indicated that his conclusion was that the approval of the variances requested would result in the fact that the benefits substantially outweigh any detriments and a positive to the community by considerably reducing storm water runoff that was not currently controlled. Finally, Mr. O'Brien testified that the variances could be granted without substantial detriment to the one plan and without substantial impairment to the public good and the zoning ordinance. Mr. Clarkin, Board Attorney, asked if retaining the eastern driveway would keep the impervious coverage percentage at 61%, a de minimus factor and the reason there would be no substantial impairment to the public good. Mr. O'Brien answered in the affirmative.

Chairman Orsini opened the meeting to the public, and Mr. Thomas seconded the motion. All were in favor.

Mr. Alex Strauss, 285 Hazlitt Way, Somerset, NJ, came forward. His concern was with the notary on the Application seemed to be related to the listed owner of the property. Mr. Lanfrit answered the concern by stating he had no information regarding the relationship between the owner and the notary, but that as long as the notary did not have any financial interest in the Application, even though they were a relative, they were allowed to notarize the signature. Mr. Lanfrit agreed to have the Application re-notarized by someone else.

Ms. Jan Brant, 22 Bryant Court, Somerset, NJ, came forward. Ms. Brant inquired about the percentages of impervious coverage discussed during the hearing. She then asked if the storm water basin in the front of the property could be breached, and Mr. Sewald answered that a wall would block anyone entering into the basin. She then asked about a moratorium on digging or trenching on Schoolhouse Rd. Mr. Lanfrit indicated that they do not know if the owner will wait till after September 2023 to trench when he might possibly have an end user or not. She then spoke about the traffic impacts with all of the other warehouses being built in the area. Ms. Brant then asked about safe right hand turns out of the driveways by trucks, and Mr. Sewald explained that the geometry and turning radii were all designed to accommodate those turns by trucks safely. A discussion ensued about accessibility to the building from the parking lot for ADA use. She then asked questions related to fire access and a second entry/exit driveway. Ms. Brant then inquired air pollution related to the use and truck traffic. She then discussed



the impact of municipal services and the clearing of a large number of mature trees. A discussion ensued. Ms. Brant asked about any construction disruptions, and Mr. Lanfrit answered in the negative.

Ms. Terry Thorson, 18 Lebed Drive, Somerset, NJ, came forward. Ms. Thorson asked if they received D&R Canal Commission approval. Mr. Lanfrit stated that they were one of the last agencies to give approval after approval is given before the Planning Board. She then asked if the lights would be downward facing and if there would be anti-idling signage. Mr. Sewald answered in the affirmative for both questions. She then discussed pedestrian access and EV charging stations.

Ms. Shirley Tallman, 57 Tallman Lane, Somerset, NJ, came forward. Ms. Tallman asked why the building couldn't be made smaller to accommodate fire lanes and eastern driveway. Ms. Tallman then discussed the need for bicycle racks on-site. She then opened a discussion regarding whether the Planning Board has done an air quality study considering there were 4,000 seniors and an elementary school full of children.

Chairman Orsini made a motion to close the public portion. The motion was seconded, and all were in favor.

Mr. Lanfrit gave his closing summation.

The Board had a discussion regarding the need for connections to the sidewalk proposed along Schoolhouse Lane. Mr. Thomas then discussed not including the fire lane and eastern driveway. A discussion ensued among the Board related to these issues.

Chairman Orsini made a motion to approve the Application, along with the Depth of the Loading Berth Variance of 130 ft. Additionally, it was recommended that one (1) or two (2) spaces be left to access the site through the buffer to the adjoining property. Also, a sidewalk should be constructed along Schoolhouse Rd. frontage Compliance with Mr. Healey's report, dated August 12, 2022, compliance with the CME Engineering report, dated August 24, 2022, compliance with the Environmental Commission report, dated August 30, 2022, except for the solar-ready requirement that also included the anti-idling requirement. Also, compliance with the Fire Prevention report, dated August 18, 2022. Applicant should work with the staff to provide additional landscaping, particularly along the eastern and western side yards and, wherever feasible, to add as many of the additional trees on-site as possible. The Applicant should work with Mr. Hauss to explore possible alternatives for fire access that would still permit the elimination of the 15,000 sq. ft. of pavement on the easterly side. The Applicant, if possible, would reduce the amount of the fill and the grading of the land if possible after testing the ground water level, in the presence of the Board's engineers, CME Associates. Applicant will furnish revised plans to capture all of the changes that were made and produce a wayfinding sign package satisfactory to the staff and Applicant will arrange to re-notarize the signature.

The Board believes, based on the testimony, that elimination of the eastern driveway and accommodation of access for Fire Prevention from the adjoining site is sufficient based on testimony to accomplish fire prevention, and the Board prefers this as a better zoning alternative than granting the impervious coverage variance. Ms. Rafiq seconded the motion, and the roll was called as follows:

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

AGAINST: None

**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 25, 2022