

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

**SPECIAL MEETING  
January 11, 2022**

The special 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:

**PRESENT:** Councilman Anbarasan, Theodore Chase, Sami Shaban, Mustapha Mansaray, Charles Brown, and Chairman Orsini

**ABSENT:** Meher Rafiq, Jennifer Rangnow and Robert Thomas

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

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**PUBLIC COMMENTS:**

Mr. Peter Vignuolo, Board Attorney, indicated to the public that the Discussion item that evening regarding the Master Plan Update was only going to be a work session meeting for the Board. He noted that any future hearing on the Master Plan Amendment would have a public session for public comment.

Chairman Orsini then made a motion to open the meeting to the public for General Planning discussion. He reminded the public that anything discussed during this portion of the meeting was strictly related to General Planning Comments and not related to the discussion for the Master Plan Update: Warehouse Development. The motion was seconded, and all were in favor.

Seeing no one coming forward, the Vice Chairman then made a motion to close the general public portion of the meeting. The motion was seconded, and all were in favor.

## **DISCUSSION:**

- **Master Plan Update: Warehouse Development**

Mr. Healey indicated that they were discussing a draft Master Plan Amendment that was before the Board that evening for consideration. He stated that he would just run through the document, as drafted. He noted that the first few paragraphs speak to the purpose of the Master Plan update as well as the exponential growth in the amount of development applications for warehouses consisting of two (2) dozen applications since 2018 totaling several million square feet. He then noted that the second paragraph spoke to the significant impacts to the quality of life in Franklin Township, including truck traffic, noise and air pollution. Mr. Healey then discussed the third paragraph, which he stated essentially got into the “meat” of the matter by stating they update the Land Use Element of the Master Plan by recommending that warehouse development be removed as a permitted use in the Business and Industry (B-I) Zone.

He then drew the Board’s attention to the next paragraph that outlines the updated purpose of the Business & Industry Zone (B-I), with the first two (2) bullet points on the first page made two (2) recommendations related to the Land Development Ordinance. Those are:

- The Schedule of Permitted Uses should be updated to eliminate “warehouse and distribution” as a permitted conditional use in the B-I Zone and amend Article V, Conditional Uses, to eliminate the conditional use standards for “warehouses and distribution” uses as outlined in Section 112-50.
- Make related changes to the ordinance, including: eliminating definition of “warehouse and distribution” in Section 112-4; make appropriate update to Section 112-8 related to the purpose of the B-I Zone; amend Schedule 4, Parking Requirements, to delete reference to warehouse and distribution; update Schedule 5, Sign Regulations, to delete reference to warehouse and distribution; and, amend Section 112-33.6, Design of Business and Industry Uses, to delete reference to warehouses.

Mr. Healey indicated that the last page makes a number of observations with respect to the recommendation:

- The Township zoning ordinance would remain consistent with the objectives/recommendation that the Township maintain sufficient area of industrial districts to ensure adequate space for light industry and development of other permitted uses. It noted that 4.8 square miles (10%) of the Township would remain within the Business & Industry (B-1) Zone.
- It continues by saying that the B-I Zone would continue to permit a wide variety of uses. While future warehouse development would be prohibited, properties in the B-I Zone could still be developed with a one or more of the various other uses

permitted in the B-I Zone, including general and professional office; laboratory, banquet facility; hotel, data enter; light manufacturing, self-storage facility; and indoor recreation.

- He stated that the next paragraph spoke about the fact that there would remain substantial opportunities for warehouse use in the B-I Zone in the form of several square million square feet on various properties in both existing warehouses site, in previously approved warehouse sites or in validly pending applications for warehouse development.
- It spoke to if the property in the B-I Zone is already developed with a warehouse, the use would become a legal, pre-existing non-conforming use. The existing warehouse use could remain in perpetuity at its existing size. Those wishing to expand an existing warehouse would have the right to apply to the Township Zoning Board of Adjustment (ZBA) for a D(1) or D(2) use variance where they would need to provide proofs/justification per the requirements of the NJ Municipal Land Use Law (MLUL) and applicable case law.

Vice Chair Brown opened a discussion of the language used to describe a warehouse and wondered if the definition was consistent within the Amendment to include warehouse/distribution as one defined term. He then asked Mr. Healey what percentage of a Township should be zoned for Industrial use. Mr. Healey stated that it seemed like that would be based on the regional area a town was located in. Right now, he told the Board that 4.8 sq. miles or 10% of the Township was zoned for Industrial uses. A discussion ensued. The Vice Chair then asked what was meant by “validly pending applications”. Mr. Healey stated that those applications were “deemed complete” prior to the ordinance coming into effect. Lastly, Vice Chair Brown asked if there was an opportunity through the process to pursue joint use access. He elaborated by saying that one of the concerns was for the amount of traffic on the roadways, which could be reduced through joint use access agreements with adjoining properties. Mr. Healey stated that that was something they could look into and for the Board to keep in mind as Site Plans come before the Board. A discussion ensued.

Mr. Shaban then asked Mr. Healey a few questions. He asked about including warehouse/distribution together in the document and the Board Attorney indicated that there should be a definition introduced within the ordinance that incorporates both. Mr. Shaban then inquired about obtaining relief once warehouse/distribution centers were not allowed in the B-I Zone, i.e., by utilizing the terms pre-existing, non-conforming use, with a high burden of proof. A discussion ensued, and they spoke about what happens when someone abandons the use and then wants to come back to the use. The Board Attorney indicated that once the use had been abandoned on a property, they would not be able to come back to the use in the future and if it had always had a warehouse use, but changed hands to become another warehouse, that would be allowed.

Councilman Anbarasan wanted to know if we had done an economic analysis of the warehouse explosion in town since 2018 and how it had affected the Township's budget. Chairman Orsini suggested that Councilman Anbarasan could bring that up at a Council meeting.

Dr. Chase brought up the scenario where a business was making something, but also had a lot of warehouse space as well. He wanted to know whether there was a way to determine what is and isn't a warehouse. Mr. Healey discussed that it depended on the percentage of how much is manufacturing and how much was warehousing. He added that a site inspection might be in order for situations where the percentages were almost equal in the use.

Mr. Shaban then opened a discussion of about how many warehouses would be grandfathered in with the new ordinance. He also wanted to know if it is known whether there were properties that had multiple use approvals in the past. Mr. Healey could not think of any proposal that came in wanting more than one (1) use.

Vice Chair Brown wanted to look back to when the ordinance was created that turned into this proliferation of warehouse uses being sought. He then suggested that the creation of that ordinance was successful, and seeing how successful it was, they were now taking the stance that enough was enough. He then asked what other uses could be looked at that the Planning Board might want to look at going forward given where the market was headed.

Mr. Healey's response to that was be stating that the creation of the B-I Zone merged the M-1, the M-2 and the C-B Zones. Both M-1 and M2 already allowed for warehousing, so it was the allowance of warehousing in the C-B Zone that was the change that was created in 2020 when that merging was adopted. Generally speaking, Mr. Healey felt that the change to more warehousing was market driven and the fact that the desired property was close to Franklin's proximity to regional transportation. A discussion ensued regarding the post-COVID world and the internet as to the change in the way we live and do business. The Chairman indicated that they could look at different components of the Master Plan at any time. Mr. Healey suggested that over the next several months, they could schedule work sessions to discuss what the Planning issues were at this time.

#### **COMMITTEE REPORTS:**

No Committee reports discussed.

**WORK SESSION / NEW BUSINESS:**

**EXECUTIVE SESSION:**

The Board did not enter into Executive Session.

**ADJOURNMENT:**

Vice Chair Brown made a motion to adjourn the meeting at 8:10 p.m., and the Chairman seconded the motion. All were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
February 20, 2023