

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

**REGULAR MEETING
May 17, 2023**

The regular meeting of the Township of Franklin Planning Board was held at 475 DeMott Lane Somerset, NJ, and was called to order by Chairman Orsini, at 7:30 p.m. The Sunshine Law was read, the Pledge of Allegiance said, and the roll was taken as follows:

PRESENT: Councilman Anbarasan, Theodore Chase, Erika Inocencio (arrived at 7:39 p.m.), Jennifer Rangnow, Robert Thomas, Meher Rafiq (arrived at 7:33 p.m.), Rebecca Hilbert, and Chairman Orsini

ABSENT: Sami Shaban, Mustapha Mansaray, and Charles Brown

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

MINUTES:

- **Regular Meeting – April 12, 2023**

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

FOR: Councilman Anbarasan, Ms. Rangnow, Mr. Thomas, and Ms. Hilbert

AGAINST: None

RESOLUTIONS:

- **Northview Associates, LLC – PLN – 23-00012**

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

FOR: Mr. Thomas, Ms. Rafiq, and Chairman Orsini

AGAINST: None

PUBLIC COMMENTS:

Chairman Orsini then made a motion to open the meeting to the public for General Planning discussion. The motion was seconded by Mr. Thomas, and all were in favor.

Ms. Kiki Anastasakos, 3204 Enclave Circle, Canal Walk, Somerset, NJ, came forward. She indicated that she was a member of the Citizens Warehouse Action Group. Ms. Anastasakos then stated that the group had appeared before the Planning Board several times and wanted the Board to know that they were not opposed to warehouses; however, they were opposed to those that were 100-200 ft. from public schools and residential areas. She mentioned that the warehouse operations would exacerbate noise pollution, traffic, air pollution, quality of life, etc. She stated that that evening she would like to focus on the fire hazards of warehouses, and noted a study from July of 2022 from the National Fire Protection Association where the findings were an occurrence of U.S. fire companies having to respond to an estimated average of nearly 1,500 structure fires in warehouses per year. Chairman Orsini told Ms. Anastasakos that that issue was not a legal planning guideline the Board can use. Ms. Anastasakos then elaborated on the challenges faced by seniors living in an adult community during a fire emergency and reminded the Board and public about the many jobs created by the fact that there were four (4) residential neighborhoods in Franklin Township with over 4,000 residents who pay taxes, don't have children in the school system and who support local businesses and medical facilities.

Ms. Jan Brant, 22 Bryant Court, Somerset, NJ. Ms. Brant wanted to discuss a warehouse that was 700 ft. from her home at 13 Jensen Drive and existed since 2007. She indicated that it was considered a high cube warehouse because of the racking system within it. Ms. Brant then noted that the difference between high cube warehouses and regular warehouses was that it generated five (5) times the daily traffic rate. She also stated that the warehouse near her house runs 24/7, with many trucks idling. Ms. Brant also mentioned that she can hear the loading/unloading activities of the warehouse at night from her home as well. Chairman Orsini directed her to contact Ms. Patti Elliot of the Public Health Dept. in Somerville, NJ regarding that issue. She has expressed her concerns about all of the new developments coming to the table. Board Attorney, Mr. Peter Vignuolo, indicated that a general discussion about warehouses was acceptable, but that they would have to stop short of any discussion regarding upcoming applications.

Ms. Catherine Townes, 151 Victor Street, Somerset, NJ, came forward. Ms. Townes discussed the two (2) apartment complexes that a developer was going to build (in 2019) on the corner of Victor Street and Pershing Avenue. She added that the requirement was to having sidewalks to go all the way down Pershing Avenue. She stated that her home and her neighbor's home were affected because the sidewalk brought foot traffic 6 ft. closer to her residence where passersby could look in the windows of the bottom floor. Mr. Healy interjected that that application was not heard before the Planning Board, but the Zoning Board. Mr. Thomas, Chairman of the Zoning Board, suggested she speak to a Township professional about her concerns. It was suggested that she speak with Mr. Healy outside of the meeting to discuss the situation.

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

HEARINGS:

- **THE FOUNDATION OF THE WILF CAMPUS / PLN – 2200016**

Mr. Larry Cali, Esq., Attorney, appeared before the Board on behalf of the Applicant, The Foundation of the Wilf Campus. Mr. Cali indicated that they were before the Board seeking Preliminary & Final Major Site Plan, Preliminary & Final Major Subdivision w/”C” Variance in which the Applicant sought approval for a ten (10) lot single-family residential subdivision and to construct a ground-mounted solar field at 350 DeMott Lane, Somerset: Block 386.07, Lots 54.05 & 55.03, in an R-20 Zone.

Mr. Cali discussed the modification of the lots such that there were slight deviations, with variances only for lot frontage on a few of the lots. He noted that the lot areas conform, no density relief and that there was no setback coverage required at all. Mr. Cali indicated that they sent out an invitation to meet with their neighbors and to discuss their plans and answer questions. Mr. Cali then indicated that they submitted a Traffic Impact assessment submitted on October 14 of 2022 indicating the sufficiency of the roadways to service the ten (10) homes in the residential zoning district.

Mr. William Lane, Engineer employed by Menlo Engineering, 261 Cleveland Avenue, Highland Park, NJ. The Board accepted his qualifications. Mr. Lane gave an overall description of the campus and its components which was comprised of 34 acres. He described the residential properties surrounding the property as well as the office research building that was recently constructed as well as the senior living apartment complex. He included the two(2)-story assisted living facility that included 40 parking spaces in the front. Mr. Lane then brought up the proposed 3-acre solar array field to service the campus, which would be located southwest of the existing assisted living building with panels that were approximately 15 ft. wide placed on posts that were about 17 ft. on center. He then described the components of the solar array field and the access road that would come off where the assisted living facility is and would go around the entire solar field for maintenance. He noted that south of that would be located a storm water basin that would all be encompassed within a 4 ft. high chain link fence with an access gate where they would bring access into the solar field.

Additionally, Mr. Lane described the 11-1/2 acres on the south side that front on Berger Street that they propose to create eleven (11) new lots for ten (10) new single-family lots. He indicated that all the lots were conforming in size and that they were planning to extend Berger Street down into the site about 515 ft. to a cul-de-sac. He added that they were proposing seven (7) homes on the western side and three (3) homes on the eastern side and the detention basin lot at the end of the cul-de-sac which would contain storm water flow and then outlet into Seeley’s Brook. He then discussed the public utilities that would be brought to the site and that there would be three (3) new

LED light fixtures placed to light the extended roadway. He then told the Board that there would be 87 new street trees introduced between the homes and the rear yards. Mr. Lane then told the Board that the first five (5) homes on the western side would require variances for lot frontage width.

Mr. Cali explained that during the meetings with Township staff that a better zoning alternative might be to include the five (5) homes on the western side that had slight deviations and would require variances.

Chairman Orsini asked for clarification regarding the request for lots that required lot frontage variances to avoid environmentally sensitive areas due to a discussion with Township staff. Mr. Cali answered in the affirmative. Secondly, the Chairman asked if some of the solar arrays could be put in parking lots or on the rooftop of the assisted living facility, utilizing whatever hardscapes were located there, to either reduce the size of the ground-mounted solar arrays if it can't be eliminated entirely.

Mr. Cali then indicated that they were working closely with a consultant for the past year who could be brought up to testify. In the meantime, Mr. Lane described the limits of disturbance and the replanting opportunity on the site. He explained the better alternative for including solar into one area as opposed to spreading it out into different areas as it pertained to getting the necessary power out of the system. He then spoke about the tree deficit on the site and adding additional trees to buffer the plantings around the edges of the site. Mr. Lane indicated that he was speaking about getting 100-150 trees onto the site to offset any detriment of removing already existing trees on-site.

Councilman Anbarasan noted that one (1) of the residential lots had only 66 ft. of lot frontage where all the other affected lots have around 89-90 ft. of frontage. Mr. Lane explained that that lot was in the cul-de-sac and allowed for the other setbacks to be satisfied. The Councilman then discussed the noted deficiencies and permitting issues noted in the Township's Engineer (CME) report. Mr. Lane indicated that they had made a resubmission on April 27, 2023 after he had an in-house meeting with Mr. Darren Mazzei who was comfortable with that proposal with some minor clean-up of items. Mr. Lane then told the Board that they had their wetlands Letter of Interpretation (LOI) from NJDEP and Soil Erosion permit and feel that they have all of their storm water management systems taken care of with the Delaware & Raritan Canal Commission (DRCC).

Mr. Lane then reviewed the CME Engineering report of May 9, 2023 and felt confident that they could comply and work with Mr. Mazzei to clean up some of the details.

Dr. Chase then indicated that the Environmental Commission were concerned when they saw that there would be seven (7) plus acres of forested land cut down, but saw that it was only 3.1 acres of forest to be cut down for the solar field. He then also asked that they put more of the solar panels over the parking lots to cut back on the vegetation

that was planned to be removed. Again, Mr. Cali indicated that their solar consultant would be coming up next to answer those questions.

Mr. Thomas stated that he wanted to hear a strong reason why the solar arrays couldn't be placed in the parking lots of the campus. Ms. Rafiq also agreed with Mr. Thomas and Dr. Chase related to the placement of the solar arrays. A discussion ensued.

Mr. Healey then asked that the solar consultant might want to prepare an answer for the determination of how large an area of solar arrays was decided upon.

Mr. Healey then directed a question to the Site Engineer, noting that the property had streams, floodplains, wetlands, with a number of different agencies, including the Township Stream Corridor ordinance, apply. He then asked Mr. Lane, utilizing his exhibit, how the constraints on the property guided their design of the overall proposal.

Mr. Lane entered into the record as Exhibit A-1, Single-Family and Solar Array Development, Overall Plan Exhibit, dated 5/17/2023. He discussed Seeley's Brook and its tributaries and the required buffers they needed to provide as well as the reasoning behind the placement of the residential lots.

Mr. Stephen Daly, Solar Consultant employed with Geoscape Solar, 29 The Crescent, Millington, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Daly indicated that the design of the ground-mounted solar arrays was really a function of trying to address and capture as much of the annual electric usage of the three (3) buildings on the campus as possible, which was 2.2 megawatts per year. He noted that they started out with using 4.5 acres for the ground-mounted solar arrays and was now down to covering about 60% of the overall usage. He did indicate that the more coverage that was obtained with the solar arrays, the more viable the inclusion of them would be to the organization, financially speaking. Mr. Daly then told the Board and public that they were planning to utilize the parking lot space for additional solar arrays to recapture some more solar coverage. Mr. Daly then testified that the building did not lend itself to accommodating solar panels just the way it was designed.

Chairman Orsini then asked what the actual size of the proposed tree clearing would be, and Mr. Daly indicated that it would be 3.1 acres. Ms. Rafiq asked Mr. Daly to show the area on the exhibit where the 3.1 acre ground-mounted solar array area was on the property.

Mr. John McDonough, Planner/Principal of McDonough & Associates, came forward and was sworn in. The Board accepted his qualifications. Mr. McDonough indicated that they were discussing two tax lots and a small lot line adjustment that would create the ten (10)-lot subdivision, with the remaining portion the established senior living facility. He then indicated that they were looking at a total aggregate of 34 acres, with surrounding land uses surrounding being predominately residential. Mr. McDonough then told the Board that they were introducing a residential component in a residential neighborhood that was in substantial conformance with your zoning requirements to the

R-20 zoning district. Additionally, he stated that all of the uses on the campus were permitted in the zone, the solar was conforming as well as the single-family residential and that all aspects of the proposal align substantially with the bulk and design controls in the ordinance. He then told the Board that the relief only related to the subdivision and would be qualifying it under the C-2 balancing test where they look at a better zoning alternative. Mr. McDonough stated that they could have proposed a conforming ten (10)-lot subdivision in the same location as the ten (10) lot subdivision was now proposed and that needed relief. He stated that they look at what was proposed as a better zoning alternative from an environmental standpoint because it reduced the number of lots that would be in closest proximity to the environmentally sensitive area. Mr. McDonough stated that they see it as a trade-off and see it as a benefit for environmental preservation, providing for new housing stock goes towards the benefit of the general welfare and promoting the efficient use of land. He referred those benefits to components of the Municipal Land Use Law (MLUL) of A, G, and M and counterbalance those benefits with the negative impacts. Mr. McDonough then indicated that they were proposing a development that would have substantial mitigative measures associated with the relief the Applicant was seeking. He added that the lots that were being proposed were over 200 ft. deep and would preserve 100 ft. of woodland behind them, so not only does the plan include preservation of trees around the perimeter of the development, but augmentation as well with new plantings being proposed. The fact that they were increasing the number of dwellings on the residential side of the property or backing up to residential homes had been mitigated with additional landscaping and the preservation that had been proposed. So on balancing, Mr. McDonough indicated that the relief was justified for the six (6) lots that require lot width relief being less than 100 ft. (all being in the range of 89 – 90/14 ft.). Mr. McDonough indicated that he believed it satisfied the C-2 balancing test where the benefits of the Application would substantially outweigh any detriments. Mr. McDonough then directed the Board's attention to the solar aspect on the property, noting that it was considered inherently beneficial and automatically satisfied the positive criteria. He told the Board that that inherently beneficial use was being installed to benefit another inherently beneficial use (assisted living facility). He stated that he felt that the Applicant's professionals had given the Board the rationale as to why they decided upon the number of solar panels that they have as to the bare minimum of disturbance to offset the energy demand on the site. He then reiterated that the subdivision required minimal relief, the solar arrays were in full conformance with the zoning ordinance and were consistent with the MLUL and did warrant approval in that regard. Mr. McDonough then stated that he believed that all relief could be granted without substantial detrimental impacts to the public or to the intent and purpose of the zone plan and zone ordinance.

Chairman Orsini brought up something that Dr. Chase mentioned, indicating that there were low-value successional cedars in the area where they planned to place the ground-mounted solar arrays instead of 50 ft. tall mature oaks. The Chairman asked the Applicant to indicate why they chose the site for the solar arrays, other than the environmental reasons, and the kind of growth that was in that area now to reassure the Board and the public that the site they chose was the best place to site the solar arrays.

Mr. McDonough then told the Board, for the record, that he was also a Landscape Architect to the extent that that added any weight to what he says. He then indicated that there were a few things that were appealing about the location of the solar arrays that were chosen by the Applicant. The first item was that they were on the upland portion of the tract and in a developable pocket of the property that could house additional homes. He stated that it was not within the wetland areas or disturbing the wetland areas. He then discussed the type of vegetation that was currently in that area that didn't include a thick, mature stand of trees, no diversity and included an earlier successional field. He also indicated that there was no habitat located in that area, so that the environmental impacts were lessened by the quality or the age of the vegetation that was there.

Mr. McDonough then discussed the fact that solar arrays were not considered as part of pervious coverage on any property based upon the legislation (the Municipal Land Use Law) which mandated ground-mounted solar arrays did not count towards coverage on any property because they were elevated structures and did not impede recharge of water into the groundwater system. He added that including the solar arrays there was a less intense use of the property and less environmental impact than what a home, a parking lot or a driveway would bring but would be allowed by zoning. He noted that the placement of the solar arrays as proposed was out of the field of vision by nearby neighborhoods and the Applicant was able to maintain a "soft edge" with the homes along Cedar Brook Lane and were low-profile structures that blend into the landscape and less visually obtrusive that would be framed by the trees surrounding them.

Ms. Hilbert asked for a discussion about the precautions that would be taken to minimize any negative impacts to the neighborhood during the construction period should the Application be approved.

Mr. Cali indicated that there were construction hours that would be adhered to and Mr. Lane stated that the roadway would be constructed first over the course of a month or so along with the detention basin. He then indicated that each home would have its own crew coming to construct the house.

Dr. Chase noted that there was proposed an access road to the solar arrays comprised of 10 ft. wide grass pavers and wondered what kind of vehicle would bring the solar cells into the site and where would it turn around. Mr. Stephen Daly, Solar Consultant, had a discussion regarding the vehicle that would bring in the individual pieces of the solar arrays, with smaller lift vehicles to lift them during their construction on the site. A discussion ensued about the extensive plans and site visits that were conducted in preparation for the placement of the solar arrays on-site with minimal disturbance during the process.

Ms. Rafiq then opened a discussion regarding which roadways would be used to access the site, with Mr. Daly stating that access would be off DeMott Lane.

Mr. Healey asked how tall the solar equipment would be, and Mr. Daly stated that the panels would start at 2-1/2 ft. high and come up to just less than 6 ft. tall as their angle would be less than what was used elsewhere on other sites. Mr. Healey then asked about the type and height of the proposed fence shown on the plans, and Mr. Lane indicated it would be a 4 ft. high chain link fence for security. Mr. Healey then asked what kind of screening would be provided to the neighbors' rear yards along Cedar Brook Lane, and Mr. Lane stated that the panels would be set 65 ft. off the property line with the drive aisle taking up another 10 ft. He added that whatever trees remained after grading would be what remains along the property line to the neighbors. Mr. Healey suggested the Board might want to discuss including additional landscaping there. Mr. Cali stated that they would put as many trees on-site to satisfy the Tree Replacement Plan, and a discussion ensued regarding the provision of lower growing trees to provide screening to the neighbors' properties. Mr. Cali stated that they would work with the Township staff to satisfy them.

Ms. Rafiq then asked how the buffer of tree would be maintained over time to keep the integrity of the use of the solar panels from being overshadowed by the growth of trees. Mr. Daly stated that that would fall under normal maintenance as one would trim or thin any tree on one's property over time. Mr. Cali discussed that the Applicant had always been a good neighbor and would continue to be. He also noted that the neighbors have always been vocal in expressing their opinions about their concerns. Mr. Healey then discussed the limits of disturbance that were in place on the plan and would include landscape buffering that would continue on the site or the Applicant would be in violation of any Site Plan approval that the Board might grant them.

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

Ms. Jackie Jacksons, 6 Lilac Lane, Somerset, NJ, came forward and was sworn in. Ms. Jacksons brought forward her complaint about the legal notice she received by the foundation having ten (10) homes on wetlands along Seeley's Brook. She described the flooding issues in the area, as highlighted by the damage to the bridge on Magnolia Rd. that runs over Seeley's Brook due to Hurricane Ida. She indicated that she was concerned about the removal of trees and losing the absorption of water by those trees being lost. She expressed her concern for flooding to the neighbor's properties and the detention basin not being enough to provide flood prevention.

Ms. Loise Gurgui, 2 Lilac Lane, Somerset, NJ, came forward and was sworn in. Ms. Gurgui reiterated Ms. Jacksons' testimony regarding the flooding that has occurred in her lifetime in that area who has lived at her address during her lifetime.

Ms. Annette Shadiack, 36 Buttonwood Drive, Somerset, NJ, came forward and was sworn in. Ms. Shadiack stated that her property was the one on the map that has an easement on either side for underground storm drains. She stated that the streets around her home flooded because the storm drains couldn't carry the water to the stream fast enough in order to keep the streets from flooding during Hurricane Floyd.

She also discussed the numerous wildlife that are evident in the area and their possible loss of their living area.

Ms. Joann Urban, 11 Terry Terrace, Somerset, NJ, came forward and was sworn in. As a 38-year resident, she came forward to support the previous testimony of residents of the area. She was also concerned about the flooding, the softness of the ground, trees being uprooted, etc. She explained that every home on Terry Terrace had damage to their homes due to Hurricane Ida. She also discussed the wildlife in the area that would be displaced.

Mr. Steve Gillooly, 24 Magnolia Rd., Somerset, NJ, came forward and was sworn in. Mr. Gillooly indicated that his property directly abuts the Wilf Campus. He stated that he wanted to support the statements made by other residents regarding environmental impacts to the area. He then discussed the ground-mounted solar arrays that was noted in the Menlo Engineering report that it was not compatible with the R-20 Zone and not allowed by zone. He then stated that in February of 2023, the Board of Public Utilities had proposed forbidding any future cutting down of trees in wetlands and forested areas for the placement of ground-based solar arrays. Mr. Gillooly also stated that the Wilf Campus was not the great neighbor that Mr. Cali professes them to be, as highlighted by the 16 dead trees outside his backyard. He also added that they have not maintained the arborvitae that were there, they have not replaced them nor have they returned any of his calls. He also stated that he had a conversation with the attorney back in 2017 whereby he remarked that after the building of the community center on the campus that there would be no more construction due to the wetlands on the property.

Mr. Alex Strauss, 285 Hazlitt Way, Somerset, NJ, came forward and was sworn in. He told the Board that he lived in the closest condo community to the Wilf campus. He discussed the growth in the area with many residential homes having been built since the 1970's. He pointed out an L-shaped building on what he thought was the Wilf Campus, noting that it had a flat roof and that there was a walkway connecting to the big building known as Regency Heritage Nursing Home. Mr. Strauss wondered why the solar arrays couldn't be placed on the rooftops of those locations. He then also mentioned that the lighting from the proposed residential homes had still not been discussed either.

Ms. Kiki Anastasakos, 3204 Enclave Circle, Canal Walk, Somerset, NJ, came forward. Ms. Anastasakos indicated that she had been involved in other hearings with the Zoning Board and Planning Board in the Township, she really felt that the Township should be slowing down in terms of where they approve building warehouses and new housing developments. She suggested that perhaps it was time to change the Township's Master Plan because she felt that something was wrong if all of those new developments were permitted uses. Ms. Anastasakos indicated that Storm Ida was not going to be the last major storm we would be experiencing in the area and climate change was real. She stated that she was wondering if the Township was equipped with emergency services to take care of the flooding on Mettlers Lane and behind the

homes on Cedar Brook Drive. She then indicated that she hoped that Franklin Township was a municipality that was climate change resistant and and climate change resilient. She then stated that she was extremely concerned with the pattern and the direction the Township was taking. She hoped that the Planning Board and the Township Council takes a good hard look at the climate change resiliency capability of the Township.

Ms. Jan Brant, 22 Bryant Court, Somerset, NJ, came forward and was sworn in. Ms. Brant indicated that she didn't live near the subject area, but has gone by the property to witness some beautiful trees along the property. She has some concerns that the Applicant was a good neighbor as she lived in a development that was built by the Applicant. She indicated that the residents where she lived in Canal Walk were charged premium prices to face a Scenic Corridor and stated that some of their neighbors were told that they were going to build a congregate care facility, but ended up selling that property for a large sum of money for warehouses to come in.

Seeing no one further coming forward, the Chairman made a motion to close the meeting to the public. Mr. Thomas seconded the motion, and all were in favor.

Chairman Orsini then gave the public some information regarding Planning law, in case they weren't aware. He stated that it is Municipal Land Use law and Planning law that a municipality cannot zone a property into inutility. The two choices that the Township would have would be to buy it as Open Space, and he didn't remember the property ever being identified when he was on the Open Space Committee for a number of years. He indicated that the reason was probably that it was restrained because of the nature of the property being wetlands and fairly environmentally restrained to the degree that it can be and landlocked because the Township liked to preserve properties that were contiguous and that have public access. He continued by stating that when you buy Open Space, there is a law that you have to give public access to it, whether it be passive or not such as Middlebush Park or Butler Preserve. He noted that the Township liked to make a list of properties that would be suitable to be purchased with Open Space funds, those were things that go into consideration. Lastly, he wanted to remind the public that he had been on the Planning Board in some capacity since 2002 and that the property had always been in the R-20 zoning area and no one had ever come forth to say preserve it or rezone it or anything like that. He then explained that the Master Plan did not get involved in anything like that and doesn't re-zone property – only the Township Council can change zoning in the Township. He added that the Planning Board can recommend a change, but the Township Council has to adopt it and pass the Resolution. The Township Council can also do it proactively and send it to the Planning Board to see if it is conforming to the Master Plan. He had never seen either of those things done for the subject property. The Chairman thanked the public for their comments and absolutely believed what they were saying was true and from the heart, but the Planning Board needed to make decisions based upon the Master Plan. He then explained that if they denied the Application, then they could come back with a conforming Application that would have a different configuration that might involve more of the environmentally sensitive areas on the property. Finally, he stated that the

Application was a fully conforming one, other than the changes that the Township staff asked them to introduce.

Ms. Hilbert asked that the Applicant clarify a section in the Canal report that spoke about post-runoff conditions after the project was complete. She added that it talked about how the run-off did not exceed pre-construction run-off.

Mr. Cali indicated that nothing about the Application was seeking coverage deviations and were not introducing more impervious coverage where water would not have a place to escape and recharge. All of the plans meet the coverage standards on the campus, notwithstanding tree removal, but the green area was still going to be there for water to penetrate. He added that the expert reports that were submitted have to meet best management practices standards, all other State regulations and the Board Consultants' (Engineer & Planner) review and approval and other agencies that have jurisdictional rights to reviews for the environmentally sensitive areas. He then testified that they were not introducing anything that would intensify coverage impacts or storm water management controls non-conformance.

Mr. Lane responded to Ms. Hilbert's inquiry by explaining all of the standards that have to be met such as State standards, soil erosion standards, Delaware & Raritan Canal Commission (DRCC) standards, as well as Township standards. He indicated that they had designed the detention basin with a sand bottom to help infiltrate the water, so as it came into the basin, it infiltrates back into the ground. He added that the downstream discharge water had to have reductions on it also as it went to Seeley's Brook. Mr. Lane explained that it started with the 100-year storm where a minimum of 20% reduction was required over any peak flow all the way down to a 2-year storm that was required to be 50%. Mr. Lane testified that they meet all of those requirements. He noted that CME's Engineer had approved all of the storm water system, they were working with the DRCC and would move on to work with NJDEP.

Mr. Thomas asked for clarification as to whether they were building within any stream corridor on-site, and Mr. Lane agreed with him that they were meeting the 150 ft. buffer area that was required. They then discussed the fact that they were going to remove trees from a first generation forest as opposed to one with old growth.

Mr. Healey addressed Mr. Gillooly's statement about ground-mounted solar arrays were not allowed in the zone. He stated that he was not aware of any such law, but that part of the Application was to re-subdivide so that the portion of the property where the solar panels were planned to be placed was going to be on the same property as the overall campus, so the solar panels would be a permitted accessory use to the overall campus.

Lot 54.18 was large enough to be further subdivided, but wanted to know if was there any restriction that the Board could impose upon any future owner against doing anything like that. He stated that it had enough frontage and lot area to do that. Mr. Lane stated that they had a stream corridor buffer there so that even if that lot could be

subdivided, any owner would only be able to get a shed in there because of the stream corridor. He added that if someone did come before the Board to do such a subdivision, there would be major variances to put another house out there. He noted that they were essentially "built-out" with the ten (10) homes and the basin lot. Chairman Orsini reminded Mr. Lane that the neighbors had heard that before that nothing else was contemplated to be built on the property. He then spoke about the Township either purchasing the land for Open Space or re-zoning it prior to the Application, which did not happen.

Mr. Healey also added that it had to be zoned in an appropriate way as well. He noted that the Applicant purchased a property that was zoned R-20 and was consistent with the rest of the neighborhood.

Dr. Chase indicated that he did remember that the subject property was zoned as Open Space but was not sure how long ago that was. He stated that the reasoning back then was that it would cost too much money or at least that the benefits of acquiring the land for Open Space were not that great. He then brought up the fact that there was more and more heavy rains and properties that now flood that never did flood before. A discussion ensued regarding the flooding situation spoken about by the neighboring residents. Dr. Chase then asked the Applicant's Engineer how thoroughly the possibility of flooding in that area had been considered.

Mr. Lane stated that they took the flooding issue very seriously because they had to go to the NJDEP for not only a wetlands permit, but also a flood hazard permit and also prove that to the DRCC because from that flood hazard elevation, they put their conservation buffer on there. So, Mr. Lane indicated that the water was contained along the stream itself, but has been studied and analyzed with everything up and above and outside of all flooding area and buffering areas. A discussion ensued, with Mark Healey stating that using the 150 ft. buffer that was being applied on one side of the brook was applied to the other side (the north side), all of the homes on Terry Terrace would not have been able to be built there and permitted today. He also added that he did not know what the storm water regulations were at the time all of the homes on Terry Terrace were built, but that they weren't as stringent as they are today.

Ms. Hilbert asked that the Applicant take to the owner the comment from current neighbors about the multiple dead trees on the perimeter of the property and not responding to phone calls from neighbors regarding the same, so to live up to the "good neighbor" status that was mentioned. Mr. Cali agreed to do so, and they had a discussion about perimeter landscaping needing to be bonded. Chairman Orsini also expressed the desire that the replacement trees should be placed on the property as much as possible and not relying upon the monetary payment to the Shade Tree Commission. Mr. Cali indicated that the Applicant agreed with that proposal.

Mr. Cali gave his closing summation.

Mr. Thomas made a motion to approve the Application, including the grant of the two variances that were requested, subject to the conditions and stipulations that were discussed during the hearing. Additionally, that they comply with all staff reports, and to replace trees on-site to the greatest extent possible, and hopefully be able to accommodate all 519 trees that were included in their Tree Replacement Plan in order to assist in mitigated storm water run-off. Chairman Orsini seconded the motion, and the roll was called as follows:

FOR: Councilman Anbarasan, Dr. Chase, Ms. Inocencio, Ms. Rangnow, Mr. Thomas, Ms. Rafiq, Ms. Hilbert, and Chairman Orsini

AGAINST: None

- **EWA SOMERSET 400 OWNER, LLC / PLN-22-00013**

Preliminary & Final Major Site Plan w/"C" Variances in which the Applicant wanted to demolish the existing building and construct two (2) warehouses totaling 370,776 sq. ft. at 400 & 600 Atrium Drive, Somerset; Block 468.01, Lots 21.06 & 21.14, in the B-I Zone.

Due to the late hour, the Applicant and Board agreed to table the hearing until the next available meeting – **CARRIED TO JUNE 7, 2023, with no further notification required.**

COMMITTEE REPORTS:

There were 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 9:54 p.m., and Ms. Rafiq seconded the motion. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
July 2, 2023