

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

**REGULAR MEETING  
May 3, 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, Sami Shaban, Jennifer Rangnow, Charles Brown, Robert Thomas, Meher Rafiq, and Chairman Orsini

**ABSENT:** Erika Inocencio, Mustapha Mansaray, and Rebecca Hilbert

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

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Chairman Orsini explained to the public how the meeting would be run that evening, noting that they had a Minor Subdivision which would take approximately two (2) minutes. He also added that they would first have a Public Comment section to include any discussion regarding any matter that was not the subject of a hearing that evening. Additionally, the Chairman explained the timing of the B9 Warehouse hearing, taking a break and then coming back to hear public comments on the matter.

**PUBLIC COMMENTS:**

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

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

## **DISCUSSION:**

### ***Minor Subdivision Committee***

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

Chairman Orsini explained that the Board reviewed the Technical Review Committee report (TRC) and agree with it. He did add, however, there were two (2) things that they wanted to note that they wanted to include the sidewalk recommendation in the conversation. The Subdivision Committee concluded that since there were no sidewalks in the area and since there was no plan for them, they made the recommendation to approve a waiver from providing them. Secondly, the Chairman brought up the fact that they felt the limits of clearing might be somewhat unrealistic in terms of being too small, so the other condition added to that application was that any limit of clearing that required tree removal that the Applicant be required to replace trees in accordance with the Township Tree Ordinance. Other than those two (2) items, the Chairman indicated that the Minor Subdivision Committee had agreed with the Application and approved it and notified the Planning Board. Mr. Healey added that the Application had been previously approved under the name of Warren Capital, which had expired.

## **HEARINGS:**

- **B9 Schoolhouse Owner, LLC / PLN-22-00011**

Mr. Peter U. Lanfrit, Esq., Attorney, appearing before the Board on behalf of the Applicant, B9 Schoolhouse Owner, LLC. Mr. Lanfrit explained that they were before the Board in January of 2023, at which time they presented testimony of Liz Gaber who is the Project Director/Owner of the project as well as testimony of Mr. Steve Copp, Project Architect, in order to obtain Preliminary & Final Major Site Plan w/"C" Variances in which the Applicant wanted to construct (2) warehouses totaling 244,975 sq. ft. at 96, 98 and 104 Schoolhouse Road & 15 Mettlers Road, Somerset; Block 514, Lots 1-3 and 60, in the B-I and RR-3 Zones.

Mr. Lanfrit then indicated that they stopped that meeting after Mr. Copp was cross-examined by the public but was not cross-examined by Mr. Lieberman. He added that as a result of that meeting and questioning by the members of the Board, they went back and redesigned the project to eliminate the two (2) variances that they were previously seeking, notwithstanding the fact that in their opinion they were variances that had been previously granted by the Planning Board. To not create any issues, Mr. Lanfrit stated that they agreed to submit a variance-free Application which resulted in his client having to reduce the size of the buildings by over 30,000 sq. ft., which was a substantial reduction for them.

Mr. Kyle Kavinski, Site Engineer, employed with Dynamic Engineering, came forward and was sworn in. The Board accepted his qualifications.

Mr. Lanfrit went on to explained that there were two Applications pending before the board, a minor subdivision, and a development application. Even though a minor subdivision can be heard by the Minor Subdivision Committee, since It is in conjunction with a development application, it must be heard by the Planning Board.

Mr. Kavinski then went on to describe the properties in question and what they were subdividing. He then entered into the record as Exhibit A-1, an aerial map exhibit, dated April 20, 2023. Mr. Kavinski then noted that a small portion of the property in the southern portion of Lot 50 was actually located in the RR3 Zone and that they would be subdividing that portion off, for a total of 6.75 acres. He added that the remainder of the lot was in the B-I Zone, comprised of 20.07 acres, and will be subdivided on its own and will have two (2) conforming lots, one (1) in each zone. Mr. Kavinski then told the Board and public that there were three (3) lots that currently front on Schoolhouse Road and that they were comprised of two (2) residential dwellings and open space and wooded areas. He then noted that the residential dwellings were on-conforming uses in the B-I Zone. Mr. Kavinski reiterated his testimony regarding the small 6.75-acre lot that was located in the RR3 Zone with no plans to develop that lot.

Mr. Kavinski then testified, related to the Minor Subdivision, that there was a TRC report and that there were some comments in the Engineering report. He added that they could comply with all of those comments.

Mr. Lanfrit indicated that that was the end of the testimony on the Minor Subdivision. Chairman Orsini stated that they could move on to testimony for the development portion of the Application.

Mr. Kavinski then finished discussing the existing conditions on the 20+ acre property that was proposed for development. He again noted the existence of two (2) residential dwellings located on the property in the B-I Zone and were non-conformities that would be removed as part of any condition of approval. He then spoke about an existing pond and wetlands area located in the southern portion of the site as well as isolated wetlands located at the northwestern corner of Mettlers and Schoolhouse Road. He pointed out on the aerial exhibit the locations of those, with the pond located in the southern portion of the property, with the wetlands encompassing that area and a small wetlands area near the northwestern corner of Schoolhouse and Mettlers Road. Mr. Kavinski then discussed the fact that those two (2) portions of the property were the subject of a Letter of Interpretation (LOI) and was currently pending with the NJDEP. He did note that there previously was an LOI that was granted with respect to the property that had expired, which was why they had to reapply for one.

Mr. Kavinski then drew the Board's and public's attention to the next exhibit, Exhibit A-2, which was an Overall Site Plan Rendering, prepared on April 20, 2023. He then gave some orientation points for directional purposes. He noted that the exhibit was a

rendering of the Site Plan with the Landscaping Plan overlaid and colorized for presentation purposes. He reminded everyone that they would be removing the existing, non-conforming uses on the site and was proposing two (2) warehouse buildings, which were permitted uses with the B-I Zone. Mr. Kavinski stated that the building to the west was proposed to be 144,450 sq. ft., with 42 dock positions and one (1) drive-in ramp and the building to the east was proposed to be 70,970 sq. ft. warehouse with 18 dock positions and one (1) drive-in ramp. As indicated earlier the Site Plan complied with the use and bulk standards, including all setbacks, impervious, lot coverage, floor area ratio as well as the parking requirements within this B-I Zone and corridor. Mr. Kavinski then testified that they were not requesting any variances as part of the Application.

Mr. Kavinski then detailed parking for the site that would include 105 total parking spaces, eight (8) of which will be ADA compliant, and there will be 73 parking spaces for the western building located on the western side of this western building. He added that there would be 32 parking spaces on the north side of the eastern building to service that building. He then informed the Board that they would also be providing six (6) electronic vehicle (EV) parking stalls, one (1) of which would be ADA compliant. Mr. Kavinski continued his testimony by indicating that they would be providing ride-hail signage as well as striping to indicate any areas where it would be designated pick-up and drop-off areas. He then noted that those ride-hail areas would generally be located near the entrances of each building for people who would be picked up or dropped off for work and not arriving in their own vehicles.

Mr. Kavinski indicated that the property would have two (2) frontages, one along Schoolhouse Road and the other one along Mettlers Road. He added that they were proposing two (2) driveways on Schoolhouse Road, with the western driveway servicing the parking area of the western building and the eastern driveway servicing the loading dock area as well as the eastern building's parking lot. He added that they were going to be restricting left turns out for trucks at the eastern Driveway to Schoolhouse Road. In addition, they were going to provide emergency access around the buildings, for use of emergency vehicles only. He noted that the Traffic Engineer would be providing additional traffic testimony about circulation access. He explained that the parking for the westerly building would be accessed through that driveway on the westerly side of the property, for use by motor vehicles only with no truck access through that driveway. Mr. Kavinski added that the other driveway between the two buildings would have truck access so that they would be able to access both buildings and would also have access for the vehicles that would be parking near what would be the easterly building. Mr. Kavinski stated that there would be appropriate signage posted at the driveway exit to restrict truck traffic from existing the site and make a left-hand turn onto Schoolhouse Rd. He said that motor vehicles exiting the site would have the ability to make the left-hand turn.

Mr. Kavinski indicated that the loading area would be centrally located on the property, and it was designed to basically screen it as much as possible from the building to Mettlers Road. He added that they included California Corners, which are bump outs in

the building areas to further block the loading area from Schoolhouse Road. In addition, Mr. Kavinski stated that they had berming and landscaping as well as providing some screening there from the load dock areas to Schoolhouse Road. He then told the Board and public that the loading area will provide safe and efficient access to the loading docks, and that they were going to include "No Idling" signage throughout the loading dock area to ensure idling will not occur in that area.

Mr. Kavinski then drew the Board's and public's attention to the handling of refuse and recycling on the site, stating that refuse, recycling, and trash compactors would be located within one (1) of the loading docks for each building and will be picked up by a private hauler as needed.

Mr. Kavinski then discussed drainage for the site, noting that it would be provided through a brand-new conveyance system throughout the property and had been designed to meet New Jersey storm water regulations by implementing two (2) above-ground bio-retention basins, one (1) pervious pavement system, one (1) green infrastructure manufacturing streaming device and a constructed wetland. The flow outfall on the western frontage utilizes natural stone and will be screened with landscaping and berms to blend it into the landscape. Mr. Lanfrit then asked Mr. Kavinski to discuss in a little more detail how the entire storm water management system would work. Mr. Kavinski explained that the first above-ground bio-retention basin was located along the northern property line and was located directly adjacent to the western building, that is to treat the water that went through and would connect ultimately to the constructed wetland on the western portion of the property. He went on to state that there was also another bio-retention system located at the end of the cul-de-sac of the loading dock area which would again treat the water and send it to the constructed wetland located at the western property line. Furthermore, he indicated that there was a porous pavement system that was located within the parking lot area of the western building that allows the water to infiltrate through the porous pavement section and is detained, and again then gets tied into the constructed wetland at the western property line and then the manufactured treatment device ties into the constructed wetland at the western portion. He went on to describe the process by stating that the constructed wetland detains and then controls all the flow out through an outward structure and ties into the landscaping and the berming area.

Mr. Kavinski indicated that both projects will maintain the existing tree line along both frontages on Schoolhouse Road and Mettlers Road. He added that they were going to provide berming behind that existing vegetation as well as substantial landscaping within the berming and interior of the site to enhance any buffering for the Scenic Corridor and adjacent residential uses. He then testified that they were going to provide 573 trees of varying species, 698 shrubs, grasses, and flowers. He then discussed the Tree Replacement Plan calculation for the project as they were removing 406 total trees on-site and were required to replace 871 trees, leaving a deficit of 298 trees for replacement. He stated that the Landscape Architect would be discussing the landscaping thoroughly as well as the berming. Mr. Kavinski then told the Board and

public that they would be including a six (6) ft. solid fence along the frontages adjacent to the property so that there would be fencing running along both frontages.

Mr. Kavinski then addressed a comment in Mr. Healey's review letter asking that the fence be placed at the top of the berm. He stated that they didn't have an issue with that request, just that there was a contradiction between the Buffer Ordinance and the Scenic Corridor Ordinance, where one required a solid fence while the other required a 50% opaque fence. He indicated that it would be up to the Board as to how they would like the Applicant to handle that.

Mr. Kavinski then discussed the utilities for the site, indicating that they would be connecting to existing gas, water and electric mains located along the site frontages. He added that all proposed utilities would be placed underground and that they would be extending the sanitary sewer main within the road to the site frontage and on-site pump station to connect to that main extension. Finally, he indicated that all the utilities for the project would be coming in from Schoolhouse Road and Mettlers Road would remain unaffected as a result.

Mr. Kavinski then spoke about the signage for the site, indicated that they were providing a ten (10) ft. high free-standing sign (45 sq. ft.) that was proposed at the frontage along Schoolhouse Road at the eastern driveway. He added that all signage would comply with the signage requirements and the Scenic Corridor.

Mr. Kavinski then drew the Board's and public's attention to the lighting on the property. He stated that lighting would be provided by 17 building-mounted LED lights throughout the site, although no building-mounted lights were proposed facing Mettlers Road. He added that they would also be including 11 LED light poles that were 15 ft. tall within the loading dock area and indicated that all lighting was energy efficient, full cut-off fixtures. Additionally, he stated that they would be providing uniform lighting throughout the parking areas and illumination of the driveway for safety purposes. Mr. Kavinski then detailed the location of where the lights would be located on the side facing Mettlers Road. He stated that they basically border the edge of the parking lot along the western portion of the property as well as the western line along the driveway to ensure that the light was facing inwards toward the development as opposed to towards Mettlers Road and before the trees and the fencing/berming and would be interior to the site and well shielded.

Mr. Kavinski then indicated that they would generally be landscaping around the entire perimeter of all of the buildings and that there would be existing vegetation around the pond on the site, but that there was a section of proposed plantings located on the southern portion of the lot. He stated that nothing was going to take place anywhere beyond the limit of the buildings or the circular roadway around the buildings other than landscaping.

Mr. Kavinski then discussed the distances of the driveways from Mettlers Road, stating that was approximately 100 ft. to the intersection, which was the Scenic Corridor

Setback. He stated that it was approximately 140 ft. from Mettlers Road from the jog halfway down the length of the building and also approximately 140 ft. at the back of the building to Mettlers Road. He then noted that the setbacks on Schoolhouse Road, they are fully compliant with the B-I Zone and the Scenic Corridor Ordinance.

Mr. Kavinski then addressed the comments in the staff reports and started with Mr. Healey's March 10, 2023 report. Mr. Lanfrit stated that they did, in fact, comply with the zoning ordinance and also the setbacks of the Scenic Corridor, and we will get to the Design Standards with the Landscape Architect, but Mr. Healey asked about curbs and sidewalks. Mr. Kavinski indicated that they were not proposing any curbing or sidewalks along Mettlers Road, but that there was already curbing on Schoolhouse Road but that they were not providing sidewalks there as there was an approval to continue the bike path on that side as well as across the street. He added that there was an existing bike path right across the street on Mettlers Road which should be serviceable enough for the area.

Vice Chair Brown wanted it on the record that he disagreed with that statement and wanted to make it known that there was a big difference between a cyclist and a pedestrian, so that a bike lane cannot serve as a combination for the pedestrian because of the contrary speeds both travel and the high likelihood that an accident between the two would occur.

Mr. Kavinski stated that because it was along a Scenic Corridor, there was the choice of a bike path over a sidewalk.

Vice Chair Brown indicated that he understood what was in the Scenic Corridor ordinance, but the request was in Mr. Healey's report and the connectivity from just a health standpoint for people to be healthy in the area to be able to walk extended lengths was a justification for a sidewalk.

Mr. Lanfrit stated that he would defer to comment on that until later because of a contradiction between the Township's ordinances and that the Board would have to make that decision.

Chairman Orsini interjected that he felt they should discuss the issue. He indicated that he didn't believe it was appropriate on Mettlers Road because they want that to remain as undisturbed as possible, but on Schoolhouse Road, what the Vice Chair was saying made sense and we should discuss it.

Mr. Kavinski then addressed Mr. Healey's comment on page five (5) of his report about the restriction of a twelve (12) ft. wide driveway in the Scenic Corridor ordinance and stated that it was not practice for this type of use which was a permitted use in the Zone. He added that the driveways that were proposed were sized such that they would either accommodate the motor vehicles on the westerly driveway and the motor vehicles and trucks on the easterly driveway.

Mr. Kavinski then drew the Board's attention to the comments in Mr. Mazzei's and Mr. Russo's CME Engineering report, dated March 30, 2023. He testified that they could comply with all items, with the exception of the additional driveway on Schoolhouse Road that was suggested for the passenger lot for the eastern building. He stated that it would create an additional variance for the Application so that was why they did not provide it as well as causing a reduction of the berming, landscaping and items that go along with that. He then showed the public, in his exhibit, where the driveway was requested to go. Mr. Kavinski stated that it was requested to be placed generally in the location adjacent to the eastern parking lot located east of the center driveway. He added that that driveway would be used to service the motor vehicles using that building; however, the Franklin Township ordinance did not allow for more than two (2) driveways and, therefore, could not put that driveway in.

Mr. Kavinski stated that Mr. Hauss' Fire Prevention report, dated March 30, 2023 was reviewed and that they could comply with all of his comments which involved some relocation of hydrants and relocation of the emergency access drive.

Mr. Kavinski then commented that the Health Dept. and the Police Dept. had no issues and that they were addressing the sewerage authority comments. He added that they already have Somerset County Planning Board approval, Somerset Union Soil Conservation District approval, conditional approval from the Delaware & Raritan Canal Commission (DRCC) and that they had pending approval from the NJDEP for LOI, wetlands LOI, wetlands GP6 and transition area waiver. He also told the Board and public that they have a flood hazard area NJDEP verification and a TWA permit with the NJDEP pending. Mr. Kavinski then explained what some of the permits he just listed were about. He indicated that the TWA permit was a treatment approval which is an approval from the NJDEP for a sewer extension within the road. He then stated that the wetlands permitting was a verification of the wetland's location as well as disturbance within the wetland buffer areas. He then spoke about the fact that they would be disturbing the wetlands buffer by mainly grading and providing plantings within the wetland buffer areas. Furthermore, Mr. Kavinski indicated that the isolated wetland located on the northern portion of the property they were providing plantings, and on the southern portion of the property they were going to provide some grading as well as providing plantings. He did add that there would be no buildings, driveways, or other structures within those areas. Mr. Kavinski then discussed the GP6 General Permit, noting that the wetlands GP6 was for disturbance within the isolated wetland buffer for adding plantings, but no grading for that and then the transition area waiver is again for the disturbance of the wetlands located on the southern side of the property with the grading.

Mr. Brian Hanes, Landscape Architect, came forward and was sworn in. The Board accepted his qualifications. Mr. Hanes discussed his knowledge of the property, the surrounding land uses and familiarity with the Township, the zoning ordinance as it applied to the B-I Zone as well as the zoning ordinance as it applied to the Scenic Corridor. Mr. Hanes indicated that Mr. Kavinski indicated that within those two (2) ordinances there were some conflicts. He also told the Board that he sat down with



representatives of the Homeowner's Association from Canal Walk who helped in coming up with his Landscape Plan.

Mr. Hanes then explained that he designed a plan that would try to resolve the inherent conflicts between the two ordinances. He also stated that they tried to meet the spirit of both of them at the same time, so they have maintained a relatively open vista at the edge of the properties while also providing for the screening and buffering that the B-I Zone required.

Mr. Hanes then entered into the record as Exhibit A-3, which showed colorized views of the landscape over the course of time and submitted May 3, 2023. .

Mr. Lieberman, opposing Counsel, objected to the submission on the night of the hearing. Chairman Orsini then asked Mr. Lanfrit if the exhibit was just a colorized version of what was submitted, and he answered in the affirmative. Chairman Orsini stated that they were only marking the exhibits into the record because they were now colorized versions of what was already submitted.

Mr. Hanes then told the Board and public that the photograph depicted the existing conditions at the corner of Mettlers Road, showing the site in the background. He stated that they were maintaining a lot of the existing trees at that corner, but some would be taken down at the direction of the Township Engineer. He did testify that it was their intent to maintain all of the existing vegetation. He showed the site in the first year and then in Year 10. He then showed a view a little bit down Mettlers Road along Canal Walk with first the existing condition, then the first year and then Year 10. Mr. Hanes then indicated that they would be supplementing the existing vegetation with meadow grasses and perennials. Mr. Hanes then showed another view from Mettlers Road, showing the existing conditions, after the first year and then in Year 10.

Chairman Orsini asked that the members of the public please be quiet so that everyone could hear the testimony.

Mr. Hanes showed the view again after the first year with the addition of evergreens, deciduous trees , flowering trees, and shrubs with the ground layer of primarily meadow grasses and perennials. He then showed the view again of Year 10 after the landscaping matured and grew.

Mr. Hanes then showed a photo looking from Mettlers Road to the north and further to the south end of the site and showing the existing conditions. He then showed the slide after the first year and then the slide after Year 10. The first-year slide showed that only the very top of the building would be seen and by Year 10, the building would be completely hidden. All photos taken from the different vantage points contain the same mixture of 21 different species of trees as well as maybe close to 40 grasses and perennials. Mr. Hanes then noted that all trees introduced were 100% native and that all trees/plants were available as he indicated he spends his Saturdays at his wife's

native plant nursery and has had his hands on every one of the plants on the planting list.

Mr. Hanes showed the next slide with a view from Mettlers Road down by the pond and again showing the existing conditions. He then went on to show the first-year view and then Year 10. He noted more visibility of the building even at Year 10 because the wetlands buffer starts to be a little bit impacted, but that's primarily it.

Mr. Hanes then showed the next slide with a view from Schoolhouse Road towards what would be the third entrance. He went on to show the first-year view and then Year 10, utilizing the same combination of vegetation as described earlier. Mr. Hanes explained that the size of the first-year view of the plantings was based on the Township's ordinance. He noted that all the trees are kind of different sizes, with the deciduous trees being a minimum of 2-1/2 caliper, the evergreen trees and the flowering trees are six (6) to eight (8) ft. in height that were dictated by the ordinance. He testified that they would comply with those requirements.

Mr. Hanes then showed the next slide with the loading dock entrance with a view from Schoolhouse Road, with the first-year view and then Year 10. He added that that view would not be seen from Mettlers Road.

The next slide shown by Mr. Hanes was of the driveway to the parking lot in the first year and Year 10.

Mr. Hanes had a discussion regarding some of the newer warehouses that have been constructed recently and some that have been there for a while. He then testified that the landscaping that they were providing was quite extensive compared to the others in the area.

Mr. Lanfrit then showed Mr. Hanes the exhibit that Mr. Kavinski showed when he testified and if the exhibit accurately reflects the landscaping that would be around the entire facility. Mr. Hanes answered in the affirmative.

Mr. Hanes then discussed the location of the berming that was previously discussed by Mr. Kavinski, noting that it was under all of the trees shown on the plan. He noted that there was continuous berming that varied somewhat in height and undulated in plan view on Mettlers Road as well as Schoolhouse Road. He added that they planned it that way to keep with the spirit of the Scenic Corridor ordinance, and rather than an engineered berm, they thought they would give it a little bit of character and shape, maybe to make it a bit pastoral or natural.

Mr. Hanes then spoke about his landscape plan to go around the pond, noting that it would be comprised of the same variation of trees/plantings. But that there were probably more deciduous trees than evergreens, but what would amount to a continuous line of evergreen trees on the berm and along those buffers with deciduous trees which would either be in front of or behind those trees.

Mr. Hanes then discussed the fence briefly spoken about by Mr. Kavinski, noting that the B-I Zone required a six (6) ft. high solid fence that would be placed behind the berm. He added that it followed roughly along the edge of the drive and parking lot. He testified that he would personally prefer a more open fence as opposed to a solid fence as he felt it was more in keeping with the Scenic Corridor character.

Mr. William Westhafer, Architect, One Penn Center, Philadelphia, PA, came forward and was sworn in. The Board accepted his qualifications. Mr. Westhafer then described the two (2) proposed warehouse buildings and entered into the record as Exhibit A-4, which are the floor plan and building elevations of Building A, which is the building closest to Mettlers Road. Mr. Westhafer then spoke about the initial improvements of electrical and fire protection rooms to the loading dock area. He then pointed out two (2) proposed office areas adjacent to the parking area and facing Mettlers Road. He then discussed the 42 loading docks and a wing wall at the front that was 60 feet deep to screen the loading docks from street view and was not included in the plans at the last meeting. The building shown was originally 171,000 sq. ft. and had been reduced to 144,450 sq. ft. The office space allotted for this building is 3,000 sq. ft. He then spoke of the wing wall being located on what would be the easterly side of the building where the truck corridor is and adjacent to Schoolhouse Road. He then stated that the small, roof-top mechanicals for the building would be on the rooftop and screened by a parapet wall. He also testified that any of the mechanicals on the roof would not be visible from either Mettlers Road or Schoolhouse Road. The small mechanical units would be small package units above the office area for air conditioning as the warehouse will essentially have ventilation and heating only. According to Mr. Westhafer, Building A is capable of accepting solar panels. Mr. Westhafer then entered into the record as Exhibit A-5, the elevations of Building A.

Mr. Westhafer then discussed the elevations, speaking about utilizing a shade of "Go Away Green" to blend in with the landscaping and other colors/materials being used on the other elevations. He added that it would be used on the Mettlers Road side. He added that they changed the plan to paint the entire building in a shade of "Go Away Green". The exhibit included the middle two loading dock lines and then the last elevations were the sides of the building.

Mr. Westhafer then discussed the elevations for Building B, which was entered into the record as Exhibit A-6. He indicated that Building B had similar characteristics as Building A in terms of the 60 ft. extension facing Schoolhouse Road. He stated that this building had 18 loading docks and the square footage was reduced from 73,600 sq. ft. to 70,970 sq. ft. Mr. Westhafer indicated that Building B shared all of the characteristics of Building A, including the color palette, with the exception of the "Go Away Green" shade. He also wanted to put on the record that this smaller building was not solar-ready and was not required to be under the regulations of the State of New Jersey.

Mr. Westhafer indicated that they were very interested in sustainability, so this was a sustainable development. He added that they were proposing to get the building

recertified, some of the features include LED lighting, high energy efficiency, air conditioning units, water saving fixtures, recycled materials, managing our construction and EV charging stations.

Mr. Westhafer went back to Exhibit A-3, showing the first-year view and noting the gray center element was flanked by the “Go Away Green” shade, illustrating the intent of receding, and blending in with the landscaping so it’s less visible and even less visible going to the later growth trees in Year 10. The materials were a combination of concrete panels that would be painted the color that they talked about, gray tones while providing clear story lighting and daylight to the interior of the warehouse buildings as well.

Mr. Westhafer then detailed the look of the building, highlighting the corners in the case of Building B near the proposed office and treating it more like a front and making it a little more pronounced. He then spoke of the other warehouses along Schoolhouse Road, indicating that they have an internal loading dock and that most of the loading docks in other warehouses there are not screened and are highly visible. He added that there was very much an intent to provide a more office feel than a warehouse. Mr. Westhafer indicated that both building heights were 40 ft. to the roof, a four (4) ft. parapet and then the screen wall steps up another two (2) feet again to provide that additional articulation. He added that the buildings comply with the height requirement.

After Mr. Westhafer’s testimony was complete, Chairman Orsini suggested that they take a roughly 10-minute break and come back at 8:55 p.m. to see if there were any Board questions and then open the hearing to the public. A recess was agreed upon.

Mr. Lanfrit then made sure that they addressed any architecture comments in Mr. Healey’s report as well as in the Township Engineer’s report.

Mr. Shaban asked about what the sound pollution would be beyond the scope of the building and out to the local residents. Mr. Westhafer indicated that if the warehouse were required to be air conditioned, those units would be placed in the warehouse portion of the building, so towards the back (an additional 100 ft. or so from the front wall and a couple hundred feet from Mettlers Road. He stated that there also would be a parapet as well to screen the equipment and felt that they would be under the allowable decibel level. Since they do not have a tenant as yet, he couldn’t give you more precise numerical information. Mr. Shaban asked if he thought it would be audible from the local neighborhood. Mr. Westhafer answered that whatever they would do would be compliant with the ordinance.

Mr. Shaban then went on to ask if the development, including its storm water management system, would make the flooding issue in the area better or worse. Mr. Kavinski stated that the proposed plan reduced the peak flow runoff, which was required by NJDEP. He stated that his opinion that it would make the situation better than current conditions.

Mr. Shaban then asked about hours of operation. Mr. Lanfrit stated that since they don't have a user, they can't give any hours of operation, but that there was nothing in the Township's ordinance that restricted the hours of operation so it would be dependent upon who the end user was, and it could be 24/7 or not.

Mr. Shaban then asked for clarification regarding the light spillage on neighboring properties. Mr. Kavinski stated that the fixtures had back light preventers, basically a shield, if you will, on the back of the light that wouldn't allow the light to travel behind it. Instead, he indicated, it would push all the light towards the building and not towards the Mettlers Road residents. Mr. Shaban asked if the lights would make it a brighter building, and Mr. Kavinski stated that the lights were 15 ft. high, and the idea was to light up the parking lot and sidewalk adjacent to the building and not necessarily the building itself.

Mr. Shaban then asked if they could plant more mature plantings from the outset so as not to have to wait ten (10) years for mature growth. Mr. Hanes stated that they were looking to place more trees near the loading dock entrance and there were fewer trees back by the pond because they were trying to comply with the Scenic Corridor that asks for open vistas, particularly of water. Mr. Hanes had Mr. Kavinski pull up the rendering of the pond view slide showing the Year 10 view. Mr. Hanes indicated that it might be that these trees were rendered at the wrong size on the screen. He said if they showed up at the same size as the other trees, they would provide more coverage. Mr. Lanfrit then stated that they could look at adding more trees at the front entrance if it's necessary to provide additional screening.

Mr. Thomas then showed his concern for the Summerhill development across the street from your truck driveways and wanted to know if there would be any concern about lights from trucks coming out of the driveway going directly into that development. He then asked if there was a concern was there anything that can be done if you view it as a problem. Mr. Kavinski stated that it was his opinion that the driveway lined up with the back of their retention pond that's along Schoolhouse Road. Mr. Thomas indicated that he still felt that the truck headlights were reflecting off that development. Mr. Kavinski was going to put up the Exhibit A-1 slide which was the aerial view, showing that the driveway was in a location along the property line so there was buffering as well as a detention pond before it would get toward any residence. Mr. Thomas indicated that they had a deficit of trees being planted on the site and that he wanted all of them to be planted somewhere on the site or elsewhere, which would involve communication with Canal Walk Community Association because he thought that the buffer along Canal Walk that went around the corner of Schoolhouse Road and Mettlers Road was sparse on landscaping compared to the rest.

Mr. Thomas then asked that the hours of operation be set at 6:00 a.m. to 10:00 p.m. regardless of not knowing who the tenant might be as yet. He felt that some consideration should be given because of the two very large residential communities that were located adjacent on two (2) sides. He also stated that it might limit a small

amount of any issues with headlights coming out of the driveway going into another development.

Mr. Thomas also thought that they should provide taller trees from the outset just as Mr. Shaban had suggested.

Mr. Bernstein, Board Attorney, asked Mr. Lanfrit if he would consider approving the overall Tree Plan requested. Mr. Lanfrit indicated he wanted to hear all the other comments and speak to his client first before responding. He stated he would have an answer for him at the next meeting. Mr. Bernstein asked if they could get an answer that evening. Chairman Orsini stated that they could provide Mr. Lanfrit with a summary of what the Board feels before the end of the night.

Ms. Rafiq did not have any questions at that time since hers were already discussed.

Vice Chair Brown indicated that he would be in favor of including a sidewalk on Schoolhouse Road as it would be an extension to the sidewalk on the Mettlers Road side so the residents can walk further. He stated that he was also concerned about the onsite pedestrian connectivity from building to building, there is nothing showing on the plan how pedestrians can safely walk from one building to the next. He also didn't know if they had addressed bicycle accommodations on-site.

The Vice Chair then asked about the wintertime look of the trees and asked what percentage of what trees help to protect it during the wintertime as well as from a visual standpoint. Mr. Hanes then clarified his earlier testimony by saying that they actually have more evergreen trees than deciduous, so his testimony earlier was incorrect, and that the intent was to essentially have a staggered row of evergreens that would form that buffer all the way along the perimeter.

Vice Chair Brown then stated that a warehouse should be invited if it were to be built and there should be a connection from the sidewalk to the front door of the building to welcome people should they want to arrive on foot.

Also, the Vice Chair wanted to know what the site would look like at night and how the trees would look or have conflict with the proposed lighting, possibly creating dark spots causing safety concerns. Mr. Hanes stated that he didn't have any concerns about that.

Chairman Orsini stated that he felt that the sidewalk on Schoolhouse Road should be constructed, for the record, so as to create connectivity from businesses and warehouses on Schoolhouse Road and Cottontail Lane to retail uses on the corner of Elizabeth Avenue and Schoolhouse Road and it should be continued. The Chairman stated that he was fine with not disturbing anything on Mettlers Road.

Secondly, the Chairman thought that the second building should be solar ready.

Thirdly, Chairman Orsini wanted to know what the plan was for maintaining the landscaping over the years. He also asked to see what the landscaping would look like at night and in the fall when only the evergreens were there.

Dr. Chase's concerns were that there were considerably more plants in the vicinity of the truck entrance than was shown in the rendering. He then brought up the concern for noise pollution from the backup beeping from the forklifts, suggesting that there was a white noise that could be more focused and did not go as far. A second suggestion would be the use of strobe lights could be used for the same function to warn people about the forklifts backing up. Another concern of Dr. Chase was that the building lighting only go up as high as the entrances to the buildings on the Mettlers Road side so people on the other side of the street won't be seeing the building brightly lit all the way the wall of the building. Dr. Chase then gave suggestions regarding the types of pines/evergreens would do well and provide the coverage that was warranted. He also thought the hours of operation suggested earlier, regardless of not having a current tenant, was a good idea as well.

Councilman Anbarasan asked if the Applicant was going to incorporate all the recommendations from the TRC report and Engineering report except for the extra driveway that the Engineering Dept. recommended. Mr. Lanfrit answered in the affirmative. The Councilman wanted to know if they could work with the Engineering Dept. to see whether they could widen that a little bit to make it a little safer for the entering vehicles there in lieu of adding the additional driveway.

Secondly, the Councilman wanted to know if they could double the number of EV parking stations even though it's not required.

Ms. Rangnow wanted it put on the record that she agreed with the sidewalk constructed on Schoolhouse Road as well. She also agreed with including the solar panel ready roof on Building B as well. Ms. Rangnow then wanted to know the number of evergreens they were planning to plant. Mr. Hanes stated that there were 154 evergreens proposed out of 573 trees being planted. She asked why there was a deficit of 298 trees on-site. Mr. Kavinski stated that they were removing 406 trees and the required replacement of those trees was 871 trees and they were providing 573 trees, so that is where the deficit of 298 trees comes from.

Mr. Lanfrit asked for clarification from Mr. Kavinski as to whether there would be more trees on the site after they built the buildings than there are now, and Mr. Kavinski answered in the affirmative. Mr. Lanfrit then asked if there was still a deficit number under the ordinance for the replacement, and Mr. Kavinski answered in the affirmative.

Dr. Chase started a discussion regarding the leaving of mature trees on the site. Chairman Orsini stated to Mr. Lanfrit that he could get a clear idea of the fact that the Board would rather have the 298 trees planted rather than contribute to the Shade Tree Fund.

Mr. Bernstein, Board Attorney, explained how they were going to go about the public portion of the meeting and who can come to the mic and who cannot. He indicated that if someone in the public was being represented by one of two counsel, Mr. Lieberman, or Mr. Cohen, either on behalf of the objectors or you are representatives of the Canal Walk Association, you are not permitted to speak in the public portion because you are already represented by counsel. Otherwise, Mr. Bernstein said that a person would have the right to speak so long as you are not on either party's list.

Ms. Rafiq had a follow-up question regarding the landscaping, she wanted to know whether the mature evergreens or the mature deciduous trees had a better chance of surviving. Mr. Hanes stated that the mature deciduous would have a better chance at survival.

Mr. Lieberman, Attorney for the objectors, placed on the record who he was, who he represented and the name of his firm. Mr. Lieberman stated his full name of Mr. Stewart Lieberman from the firm of Lieberman, Blecher & Sinkevich in Princeton, NJ and was there represented by the Citizen Warehouse Action Group. He noted that he had been there before and had provided the names of our clients already, the members.

Mr. Lieberman proceeded with his cross examination of witnesses.

Mr. Lieberman then spoke to the Applicant's Engineer first, Mr. Kravinski. He wanted to know if he remembered a company called Hillis-Carnes that did some of the sewer work and Mr. Kravinski answered in the affirmative. Mr. Lieberman then asked Mr. Kravinski if he was familiar with Hillis-Carnes' conclusions and he answered in the affirmative.

Mr. Lieberman then stated that in their report, in Section 2, entitled Subsection Determinations and they indicated that excavating was extremely difficult and that something called refusal was encountered at shallow elevations across the site. He then asked if Mr. Kravinski remembered that language, but Mr. Kravinski answered, "not specifically", but go ahead. Mr. Lieberman then asked Mr. Kravinski had an understanding that Hillis-Carnes had found that refusal was found throughout much of the site and Mr. Kravinski answered in the affirmative. Mr. Lieberman then asked Mr. Kravinski what refusal was, and he explained that the equipment that they were using hit a section that was refusal to dig anymore. Mr. Lieberman explained that refusal was a situation where they were trying to take borings and for whatever reason they are not able to penetrate, and Mr. Kravinski agreed with that description. Mr. Lieberman then indicated that there was a lot of refusal on the subject property based upon the Hillis-Carnes Board and Mr. Kravinski agreed that he understood that. Mr. Lieberman then added that the refusal was in part associated with the fact that there was a limiting clay zone and was the reason they were not able to take test borings because of the clay zone. Mr. Kravinski was not sure that that was the reason. Mr. Lieberman then asked if Mr. Kravinski understood that infiltration testing wasn't able to be completed because of this refusal. Mr. Kravinski then stated that testing was performed on the site extensively and that tons of testing was done on the site to determine the soils and soil groups on the subject site. Mr. Lieberman then asked if he saw boring results that indicated how



deep the water table was, and Mr. Kavinski answered in the affirmative again. They had a back-and-forth discussion related to multiple testing of the soils on-site, and Mr. Kravinski indicated that they did testing inside the wet season to determine the seasonal high-water tables in the location of the retention basins. Additionally, they spoke about soil types and if they were found to be B, C, as opposed to D, where under NJDEP regulations if they are D soils there was no obligation to recharge and if the soils were D, there was no infiltration on the site currently. Mr. Kavinski indicated that the testing showed D soils in the findings of Hillis-Carnes. Mr. Lieberman stated that the testing had to be done in a manner that was consistent with the NJDEP regulations. Mr. Lieberman reminded Mr. Kavinski that the Township Engineer made comments initially that indicated that there wasn't proof that you satisfied the NJDEP requirements. Mr. Kavinski stated that they received the Township Engineer comments and they had Hillis-Carnes prepare the additional requested information and provided it to the Township Engineer to his satisfaction.

Mr. Lieberman then opened a discussion regarding wetlands on the property and wanted to know if Mr. Kravinski made that determination or someone else. He told Mr. Lieberman that they had a pending LOI with the NJDEP and that they had a previous LOI that just expired that indicated it was isolated wetlands, so they were getting them recertified for that area. He added that whatever the NJDEP says if it's isolated or not, that is what they would follow. Mr. Lieberman then opened a discussion regarding the clay in the soil and asked if special measures would have to be undertaken in order to construct on the property, and Mr. Kravinski noted that any type of special consideration would align with the geo tech report that would be followed by the contractor. Mr. Lieberman then questioned Mr. Kravinski regarding the need to introduce water to the heavily clay soil in order to work with it and whether that would cause flooding to the adjacent property owners. Mr. Kravinski stated that he could not comment and that all soil erosion measures would be implemented as part of the project in accordance with the soil erosion control plan, to control any type of influence on that. Mr. Lieberman questioned Mr. Kravinski again regarding having to introduce water to the clay soil and he also asked again whether the NJDEP regulations had been followed or was Link Logistics trying to recategorize the soil C and B as the note indicated that they didn't follow the NJDEP procedures. Mr. Kravinski again indicated that they resubmitted new testing and provided the new testing which is the requirements showing that we outlined everything in Chapter 12 and submitted it to the Board and comment was no longer in their review letter, so it was our understanding that has been addressed.

Mr. Mazzei , Township Engineer (CME) stated that the comment Mr. Lieberman was mentioning was no longer part of the latest letter. He indicated that the Applicant had to do additional testing, which was part of the NJDEP's best management practices in order to have enough logs to do the reclassification which was provided to his office and appears to have been provided in accordance with the DEP regulations. He then noted that other outside agencies would have to make that determination and agree with it as well and that would be the DRCC and the NJDEP.

Mr. Lieberman asked Mr. Kravinski if the NJDEP was going to review the storm water in this case because they have the flood hazard permit. Mr. Kravinski stated that the NJDEP did not review wetlands applications of this kind. He stated that they have review from the DRCC which again has been accepted, with no comments on that and approval from the SED which approved the storm water design.

Mr. Lieberman then asked Mr. Kravinski about the width of the driveway, being 12 ft. wide. Mr. Kravinski stated that was correct for the Scenic Corridor Ordinance. He then added that the smaller driveway was 24 ft. wide and then the larger was 36 ft. wide. When asked if there was anyway that they could stick with the 12 ft. by having just a one-way road for the trucks, Mr. Kravinski answered in the negative and indicated that the Traffic Engineer would go into the access impacts, but it should stay that wide for the safety of the trucks entering and exiting the site.

Mr. Lieberman then asked Mr. Kavinski if he did the Environmental Impact Statement and answered in the affirmative. He added that they would follow any noise-related statute required by the State. Mr. Lieberman continued questioning whether they did any modeling when considering the noise from air brakes and noise from the truck movements, and Mr. Kavinski answered that he would defer to the Traffic Engineer on that. Mr. Lieberman questioned what was used to determine that there wouldn't be any noise exceedances in his report. He stated that he utilized the distance from the property as well as the type of buildings, with a large building blocking the loading dock areas and would comply with any sort of noise requirements that was under the federal ordinance.

Mr. Lieberman then opened a discussion regarding hours of operation, and Mr. Lanfrit indicated that 24/7 operation was allowed by law. Mr. Bernstein, Board Attorney, stated that it didn't allow it, but it also didn't prevent it either. Mr. Lanfrit concurred and indicated that every other warehouse Application was allowed 24/7 operations.

Mr. Lieberman then opened a discussion regarding the number of evergreens/deciduous trees and also wanted to know about the need for a variance for the deficit of trees. Mr. Lanfrit interjected, indicating that a variance was not necessary, but that they could pay into the Shade Tree Fund in lieu of replacing trees. Mr. Lieberman reminded Mr. Lanfrit that the Board has already made it clear that they would rather have the trees replaced in this particular zone. Mr. Hanes indicated that they were trying to respect the Scenic Corridor Ordinance for open vistas but could definitely fill in some of that and get more trees on-site.

Mr. Lieberman then discussed the noise coming from the mechanicals on the rooftop. Mr. Westhafer stated he could speak to that as the Architect, noting that they would be providing that information when they got to that point and designing the mechanical systems. Also, the air conditioning units would be for the 3,000 sq. ft. offices in the front of the building facing Mettlers Road that were equivalent to a single-family home but that they were 150 to 200 ft. away from the residential area as opposed to a single-

family home that was probably 20 ft. away from a ground mounted condenser and would be de minimus.

Mr. Lieberman was referring to the ventilation and heating units and Mr. Westhafer will review this with our client, even though they haven't specified the equipment, they could get a decibel rating based on the anticipated equipment at the property line.

Mr. Lieberman was then interested in the actual years it would take for reasonable visual shield for screening of the buildings. Mr. Lanfrit indicated that the pictures speak for themselves and objected to the questioning. Chairman Orsini stated that grasses and shrubs would never be confused with trees, but he wanted to keep the classification of a tree that loses its leaves to include deciduous trees as well as ornamental trees.

Mr. Lieberman then opened a discussion regarding not planting trees in the wetland buffers and Mr. Hanes said that they try to avoid that area. Mr. Lieberman stated that the NJEP freely allows for the planting of native vegetation inside of wetlands buffers, and Mr. Hanes answered affirmatively. Mr. Lieberman then asked what protections they would put in place to keep the deer from lurching on the vegetation. Mr. Hanes stated that when trees are young, they have protection at the trunk, but there was not much to be done to discourage the deer other than selecting plants that they will mostly avoid. Mr. Lieberman then asked about a maintenance plan to ensure that trees that have been attacked are replaced in a timely manner. Mr. Hanes stated that they could certainly have those trees replaced.

Mr. Bernstein, Board Attorney, asked Mr. Lanfrit who is responsible for maintenance of the landscaping, and Mr. Lanfrit indicated that it was the Applicant who owned the property and included in the maintenance bond. After the bond has expired, then the owner of the property would be responsible for maintenance/replacement according to the Site Plan approval.

Chairman Orsini discussed the length of the maintenance bond with Mr. Lanfrit, and he stated that the maintenance bond only provided funding if the owner didn't put the tree back in place. He added that the Site Plan compliance would be enforceable, either through a violation notice and told to fix it or given a summons and rely on enforcement. Mr. Lanfrit indicated that he would bring all of the Board's concerns to his client.

Due to the late hour, the Board agreed to reconvene at the next meeting in June where the public will get to ask questions of the three witnesses who testified that evening and Mr. Lanfrit will then put on his Traffic Consultant for their testimony.

Mr. Bernstein then asked Mr. Lieberman if he was going to put on a few witnesses of his own and if was going to provide any expert reports for the Board as it might be helpful for them to know and possibly the Applicant to find out what they might be testifying to ahead of time. Chairman Orsini agreed with Mr. Bernstein that providing some background/outline on what they were going to present as testimony.

Chairman Orsini then opened a discussion regarding how many witnesses Mr. Lieberman might bring to the next meeting. It was decided that Mr. Lieberman should bring one (1) of his witnesses who would provide background/outline for that person's testimony and present it if time allows at the next meeting in June.

Mr. Bernstein suggested that Mr. Lieberman might want to bring an Engineer, Acoustic Engineer and Planner. Whoever Mr. Lieberman brings with him to the next meeting, he should make sure that a report was sent in to the Township at least ten (10) days in advance of the next hearing in accordance with the Municipal Land Use Law. Mr. Bernstein then asked that Mr. Lanfrit provide any amendments he intended on providing to the Board also needed to be at least ten (10) days in advance. Both Mr. Lieberman and Mr. Lanfrit stated that they understood.

A motion was made to carry the meeting - **CARRIED TO JUNE 21, 2023 at 7:30 p.m. here at 2301 Route 27, Board of Education School Building, with no further notification required.** Chairman Orsini seconded the motion, and all were in favor.

**DL - 7/31/2023**

**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 10:15 p.m., and the motion was seconded. All were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
August 8, 2023