

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

**REGULAR MEETING
April 17, 2024**

The regular meeting of the Township of Franklin Planning Board was held at the Municipal Building located at the Board of Education Building, 2301 Route 27, Building 1, 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, Robert LaCorte, Sami Shaban, Jennifer Ragnow, Meher Refiq, Charles Brown, Robert Thomas, Rebecca Hilbert, Marc Dancy, and Chairman Orsini

ABSENT: None

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

MINUTES:

- **Regular Meeting – February 21, 2024**

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

FOR: Dr. Chase, Mr. LaCorte, Mr. Shaban, Ms. Rangnow, Ms. Rafiq, Mr. Thomas, Ms. Hilbert, and Chairman Orsini

AGAINST: None

- **Regular Meeting – March 20, 2024**

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

FOR: Dr. Chase, Mr. LaCorte, Ms. Rangnow, Vice Chair Brown, Mr. Thomas, Ms. Hilbert, and Chairman Orsini

AGAINST: None

RESOLUTIONS:

- **Pedro Vieira / PLN-20-00002**

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

FOR: Dr. Chase, Mr. LaCorte, Ms. Rangnow, Vice Chair Brown, Mr. Thomas, Ms. Hilbert, Mr. Dancy, and Chairman Orsini

AGAINST: None

DISCUSSION:

Extension Of Time:

- **Executive Drive Investments, LLC / PLN-20-00009**

Mr. Jim Stahl, Esq., Attorney, appeared before the Board on behalf of the Applicant, Executive Drive Investments, LLC related to a previously approved Resolution before the Board that expired April 20/21, 2024. He told the Board that they would like a one (1)-year extension to allow for Resolution compliance with outside agencies.

Chairman Orsini made a motion to allow for an Extension of Time, to April 21, 2025. Councilman Anbarasan seconded the motion, and the roll was called as follows:

FOR: Councilman Anbarasan, Dr. Chase, Mr. LaCorte, Mr. Shaban, Ms. Rangnow, Ms. Rafiq, Vice Chair Brown, Mr. Thomas, and Chairman Orsini

PUBLIC COMMENTS:

Chairman Orsini made a motion to open the meeting to the public for general Planning comments, and all were in favor. Seeing no one coming forward, Dr. Chase made a motion to close the meeting to the public. Chairman Orsini seconded the motion, and all were in favor.

HEARING:

- **ONYX 789, LLC / PLN-22-00017**

Preliminary & Final Major Site Plan w/“C” Variances in which the Applicant sought to demolish an existing building and construct a 102,733 sq. ft. warehouse at 785 Old New Brunswick Road, Somerset; Block 507.15, Lot 2.01, in the B-I & RDO Zones.

Chairman Orsini asked that after each of the Applicant’s witnesses gives their testimony, they would be opening the meeting to the public for questioning on the topics that that witnessed discussed, including the architect and the traffic engineer, and indicated that they hoped to get through those two (2) that evening. He then told the public that they were going to have a section for comments when they got through all of the witnesses’ testimony on the matter, within the next couple of meetings. He noted that everyone would each get 5 minutes to speak.

Mr. James Stahl, Esq., Attorney, came before the Board on behalf of the Applicant, Onyx 789, LLC. He then asked for confirmation that the jurisdiction was appropriate and that notices were still valid based upon the unfortunate adjournment of the last meeting, and Ms. Woodbury confirmed that they were. Mr. Stahl indicated that his principal Engineer was out of country on a pre-planned trip, so that he would have the Architect present the elevations and the look of the building, the interior of the building, the height of the building, the parking lot and other non-engineering bases so the Board would be able to have a look as to what was going to happen. Mr. Stahl then indicated that he would put on Ms. Dolan, of Dolan & Dean, the Traffic Consultant and will give testimony based on her report of June, 2022 as may be updated by information that she’s received since that date. Mr. Stahl then indicated that she would go through the testimony and some of the variances, one(1) or two (2) that reflect on the traffic and the parking. He then noted that the variances themselves would be addressed at the next meeting when the Engineer was present and would be available to field all questions and cross-examined. Mr. Stahl then indicated that they would have their Planner give testimony. He went on to state that at that time, the warehouse was a completely permitted use in the zone. They can and they will satisfy the concerns of Buckeye Pipeline and was an issue that would be satisfied between now and the next meeting regarding an easement violation.

Mr. Clarkin then indicated that he had a threshold question in complying with whatever the restrictions were due to the easement. He asked Mr. Stahl if his team comfortable

that there would not be any revisions to the circulation internally or any other site improvement. Mr. Stahl indicated that that very issue was discussed yesterday and earlier that day that he did not want to come back in on an Amended Site Plan before the Board. He added that he had been advised by the Engineering team that the issues could be addressed without requiring any amendmen but may require some administrative adjustment. He added that the engineering team had advised him that there was nothing that would require a change in the overall plan that would requirement an amendment.

Mr. John Wisniewski came forward and indicated that he represented Buckeye Partners, LLP and Buckeye Pipeline. He then explained that they were the owners of an easement across the property and, just that evening, they had expressed to the Applicant concerns they have with the specific language of the easement and how that Site Plan impacts that easement. He added that they would love an opportunity that evening to be able to present testimony from their engineer about those concerns.

Mr. Stahl indicated that he thought it make more sense to provide their testimony at the next meeting when they had an opportunity to have his engineers have spoken to the Buckeye engineers so that they might be able to resolve the issue by the next meeting. Mr. Clarkin, Board Attorney stated that he wanted to see how far they had gotten with the witnessed that evening. Mr. Wisniewski was in agreement with whatever the Board chose to do.

Mr. Daniel Castner, Principal and Architect, employed with Mancini Duffy Architects, came forward and was sworn in. The Board accepted his qualifications. When asked Mr. Castner noted that the architectural plans were prepared under his direction and was also involved in the design of the Site Plan. Although not an engineer, he did have input into the parking and height of the building. He did admit, however, that he had never been to the site and done everything through aerial photographs meeting with his subordinances and engineers. Mr. Castner indicated that his team prepared elevations of the building (view of the side of the building) as well as four (4) elevations, one from each of the cardinal directions from the site looking at the side of the building. He then showed an elevation that was the same that was submitted to the Township with the plans. Mr. Castner then indicated that the drawing number was A300 and was the exterior building elevations. Those drawings showed the front of the building, which was the northeast view, which was the top view on all of the four (4) drawings, the northwest view or the right side of the building, the southeast or left side of the building, and the southwest or the back of the building. He noted that the building was 50 ft. high and that the building had a mezzanine level, which would part of the subsequent drawings when they went to construction. He noted that 50 ft. high ceilings was required based on what they think the building would be used for and what was allowed, based on zoning and was customary and usual for buildings of that type. He added that it was to have room for a racking system if a client needed that and to still have space for a sprinkler system, which was also included in the plans. He noted that there would also be about 400 to 500 sq. ft. of office space in the building.. Mr. Castner stated that the elevations shown on the screen was what the building would look like from the

outside. He then pointed out that the main entrance was located in the northeast or top view on the right side. He added that the use of the building was contemplated to be for dry goods, but that there was no present proposed tenant, but would have to provide a tenancy review to the Franklin Township offices and would have to show use, hours of operation and other indications of the proposed use.

Mr. Castner then showed C301, which was a colorized version of the sheet and explained the metes and bounds of the site (the dimensions or size in feet and inches that make up the size of the property). He added that it also showed the curb cuts and where the proposed entry points would be from the streets that surround the site to include New Brunswick Road and Old New Brunswick Road. Mr. Castner then showed the two entry points on Old New Brunswick Road on the bottom of the plan and also showed the location of parking, loading docks and where the main entrance was located on the lower right-hand side of the building.. He then added that the footprint of the building was described as 102,733 sq. ft., with 2,500 sq. ft. of office space, with 53 parking spaces and 10 loading spaces. He noted that handicapped parking spaces were shown as well as EV charging stations. He also added that they provided setbacks, with a 50 ft. setback from Old New Brunswick Road (the front of the building), 77 ft. from the right side, 45 feet,.7 inches from the rear of the property. Mr. Castner indicated that the sheet also included the required bulk requirements table located in the upper right-hand side of the plan to include the 50 ft. building height.. He stated that there was lighting that was designed as required and that the building was ADA compliant. Mr. Castner then told the Board that there was a two (2) – foot parapet that provided the container for the drainage. He then indicated that the mechanicals would be screened as required and would be screened by the parapet if placed on the rooftop as well as if they were placed on the ground. As he understood it, Mr. Casnter stated that the red area on the page was the Buckeye easement but was not part of the building.

Mr. Castner then went back to the elevations page, and showed the area where the signage would be located, noting that it would be located above the windows of the office area for the proposed tenant and would comply with the Franklin Township ordinance.

Chairman Orsini asked for information as to whether any structure would be impeding the Buckeye easement, and Mr. Stahl indicated that Mr. Castner could answer that there was no permanent structure over the pipeline easement impeding access, but there was some issue as to the building's location and the plantings that the Engineer could discuss. Chairman Orsini then asked to see what the building would look like on the site in a colorized way, with architectural treatments, design features, any view mitigation, colorizations or paint that renders the building more transparent and with the buffering that was shown on the plan. Mr. Stahl asked if they would be requesting a sight line view exhibit. A discussion ensued, and Chairman Orsini asked what side the bays faced, commercial or residential side.

Mr. Healey indicated that the elevations sheet that was being shown that evening was different than what was submitted to the Board and the latest revision date was March 29, 2023 and visually had different signage and was stated that they would comply with the ordinance. He added that the plans that they received had signage variances.

Mr. Daniel Reeves, Project Manager/Engineer, employed with Bohler Engineering, 25 Half Mile Road, Red Bank, NJ, came forward and was sworn in. The Board accepted his qualifications, and he told the Board that he was assisting with the plans for the project and was a fact witness. Mr. Reeves indicated that the site plan drawings as well as the architectural plans that were just presented as exhibits were submitted to the Township in January of 2024 and prior to earlier scheduled meetings. Mr. Healey indicated that the plans he has were different than the plans being presented that evening. He added that they require that the Applicant provide 25 hard copies and a digital copy to provide to the Board and those were not received from the Applicant. Mr. Reeves stated that the plans presented that evening were for presentation purposes only and were not submitted ahead of time for review, but the very minor amendments were shown that evening to demonstrate compliance and eliminate some of the sign variances that were identified in Mr. Healey's letter. Mr. Reeves noted that they heard all of Mr. Healey's comments and then eliminated the sign variances, only showing two (2) signs, one (1) for each frontage and reduced the signed area to the compliant level of 100 sq. ft. He then stated that the only changes that were made was to the signage.

Mr. Stahl said that they would go and check on missing plans and provide it immediately to Mr. Healey and the Board

Mr. Clarkin offered a different suggestion. He noted that the Board and the staff should have before them as well as the public exactly the plans that were to be voted on and the staff did not have those plans. He then noted that the tone of the testimony had been less than detailed, so they suggest that they come back with the plans that the Applicant wanted them to look at, including the Board members, the professionals and the public. Mr. Stahl agreed to do so. Mr. Clarkin then suggested that they have a meeting with Buckeye and the Township professionals, which was already requested. Mr. Stahl agreed he would comply.

Chairman Orsini indicated that they would keep the architectural testimony in abeyance until the plans were updated and that they meet with staff and submit updated plans. He also added that they would wait for the public questioning until they have updated plans.

Mr. Healey then indicated that he thought that they had heard mention of a mezzanine that evening and stated that that was all new to him as well. He asked how large the mezzanine was and what was its intended use. Mr. Healey then stated that it was not reflected on the plans provided, and that the number of required parking spaces was based upon the square footage of the building. He indicated that they were providing the exact number of parking spaces required, and if they add floor space in a

mezzanine, they may now have to request a parking variance. Mr. Healey then stated that he has asked the Applicant for the building height, as measured in the Township ordinance. He indicated that he had a different interpretation, and his interpretation stands as the Zoning Officer. Mr. Healey then told the Applicant that he has a building height over 50 ft, and when that occurs, the setbacks were larger. So, he stated that the Applicant needed to prove that the building height was less than 50 ft., as it is measured per the ordinance. Mr. Healey stated that he had brought that issue up in two (2) prior reports and never received a response. He also added that at that point, he could not advise the Board what the required buffer was. Mr. Stahl indicated that they would set up a meeting with the Township to review the deficiencies. He added that there was no second floor or mezzanine., and they would confirm that with architectural testimony when they come back with any revised architectural plans and the signs.

Ms. Elizabeth Dolan, Principal/Traffic Engineer, Dolan & Dean Consulting Engineers, 181 West High Street, Somerville, NJ, came forward and was sworn in. The Board accepted her qualifications. Ms. Dolan indicated that she prepared a report dated June 14, 2022, and discussed traffic characteristics and performed an analysis of parking requirements from her perspective as well as the ordinance requirements, .Ms. Dolan stated that at the time she wrote her report, the building proposed on-site was larger than the current proposal. She stated that they were looking at 128,796 sq. ft. of warehouse space, and the plan before the Board was 102,733 sq. ft. She then noted that the peak traffic counts and traffic generated from the site were based upon the size of the building. Ms. Dolan stated that if the size of the building had increased, she would have revised her report, but because the building area had decreased since the preparation of the traffic study, there was no need to revise the analysis the warehouse trip generation in general was low, and the estimates were now reduced slightly because the building size was reduced slightly. Ms. Dolan stated that the site plan up on the screen(C301) showed two (2) points of access on Old New Brunswick Road and 102,733 sq. ft. did incorporate some small office area. She went on to explain how traffic consultants estimate traffic volumes for proposed developments based on studies on similar developments performed by Traffic Engineers and submitted to the Institute of Traffic Engineers (ITE). She then told the Board and public that there is a publication used by Traffic Engineers called a Trip Generation Manual that provided trip rates for different types of land uses, including warehouses. She then went on to explain that the trip rates for warehouses were based on traffic counts performed at warehouses and then trip rates per thousand square ft. of building area were calculated, published by the ITE, and those numbers were used to estimate driveway volumes for an approximately 103,00 sq. ft. warehouse. She then noted that it was the standard methodology and the required methodology that NJDOT and the counties throughout New Jersey require for trip estimating. Ms. Dolan then stated that the Trip Generation Manual was updated regularly every few years and were up to the 11th edition that came out about two (2) years ago. She explained that their calculations have 30 vehicles entering and 9 exiting during the one (1) busiest hour in the morning, typically somewhere between 7-9 in the morning. At the end of the day, she calculated 12 entering and 30 existing during the one (1) busiest hour. Ms. Dolan indicated that during the day, the volumes were similar to those peak hour volumes, but usually lower than those peak hour volumes. She

added that these counts were for the originally proposed 128,000 sq. ft. building, and stated that those calculations go down by 3 trips in the morning peak hour and 3 fewer trips in the evening peak hour, which was insignificant. Ms. Dolan then told the Board and public that the proposed operation was considered insignificant as it related to trip generation as it was much fewer than 100 or more trips in one (1) hour that came from ITE studies and publications.. She went on to explain how they study truck trips, and indicated that there was only one (1) trip in and one (1) trip out in the morning peak hour with two (2) entering and one (1) exiting in the evening peak hour. Ms. Dolan then mentioned that the subject warehouse was not classified as a High Cube warehousing like fulfillment centers like an Amazon warehouse with over several hundred sq. feet up to a million sq. ft. and were much, much larger.. She then discussed the partially built retail building on-site that would have had enormous trip generation based on its use and that there was a full and in-depth analysis of that site back in 2015., coming up with over 200 trips generated in a peak hour. She stated that she didn't believe that the proposed warehouse would be a significant traffic generator, with the building of a modest size.

Ms. Dolan then drew the Board's attention to the parking calculation, utilizing the ITE's Parking Generation Manual. She indicated that her assessment of the parking concluded that they would need 38 or 39 parking spaces and the proposal was for 53 parking spaces where the requirement was for 54. She added that if they got some EV (Electric Vehicles) credit, they would exceed the requirement. She added that there was no specific requirement for the number of loading docks and that was based mostly by the size of the building. She then added that the Architect stated that there would be 10 loading bay doors and the Engineer would be discussing the design of the plan for tractor trailers. Ms. Dolan indicated that there was a Township requirement for a 24 ft. wide two (2)-way circulation aisle and the requirement was for 26 ft. She felt that they could feel comfortable with the variance because of the studies by ITE where 24 ft. wide aisles were the acceptable standard. She then discussed the purpose of the ITE, which was a professional society related to transportation issues and land development. She then discussed how they planned for truck navigation on-site and didn't see the need to provide a wider driveway because it was a low truck generating warehouse.

Mr. Darren Mazzei, Engineer, CME Engineering, for the Township, asked about the design of the "S" driveway and what was triggering the need for one (1)-way in or one (1) way out. He noted that the driveway needed to be straightened or the building made smaller for better truck navigation. He added that a truck might possibly have to wait on the roadway to make a turn into the site. Ms. Dolan stated she would defer to the Site Engineer. They then discussed where the truck traffic was coming from – the Elizabeth Avenue side or the Old New Brunswick side. She indicated that the truck traffic sign was posted on Elizabeth Avenue, but that they would need a truck traffic easement. She also stated that there were weight limit signs and, based on those things, the trucks should be coming from Elizabeth Avenue and might require them to obtain an easement because it was not a public right-of-way there. Mr. Mazzei indicated that the roadway in front of the Shop Rite was a private roadway and was not owned by the Township and also that there were pedestrian speed bumps in that area, and he didn't think it

was conducive to bringing truck traffic through that area.. They then discussed the fact that there were weight limits on New Brunswick Road as well as the signalized intersection at Elizabeth Avenue.

Mr. Mazzei then asked Mr. Stahl to see if he contacted the owner of the private road and if they could get access to that roadway. Mr. Stahl stated that they have not reached out yet.

Mr. Mazzei then asked Ms. Dolan if the intersection of Old New Brunswick Road and New Brunswick Road been evaluated for proper truck turning movements. /she indicated that she had not evaluated that, but that she would have to ask the Site Engineer.

Mr. Thomas then opened a discussion with Ms. Dolan about traffic counts at the surrounding intersections. Ms. Dolan answered that she had not done those counts.

Mr. Thomas indicated that the curves in the roadway would create safety hazards for trucks being able to handle the left-hand turns. He expressed concern that not enough preparation was made for the meeting and having a proper plan or if they even have access to the private roadway and that the shopping centers were designed to be pedestrian-friendly and Elizabeth Avenue has bike lanes that could be interfered with. A discussion ensued among the Board and with the Applicant related to fact finding related to the project. The Board discussed needing to have more investigation about the use of surrounding roadways and meeting with the Township staff before coming back before the Board..

The Board and Applicant agreed to prepare for a better Application at the next hearing. By agreeing to meet with Mr. Clarkin, Township staff, Mr. Mazzei, Township Engineer and Buckeye. Mr. Thomas suggested they withdraw the Application, without prejudice to investigate and submit revised plans for signage and amended Traffic information.

Mr. Clarkin suggested that they have a meeting with himself, Buckeye, and staff and then determine whether revised plans were essential or not.

Mr. Wisniewski stated that there is still certain language in the easement that limits what can be done above the pipelines and would be beneficial for the Board to at least hear from Buckeye's Engineer to describe what those concerns were.so that the Applicant and their team can take those concerns into consideration. Mr. Clarkin stated that he felt it would be better to meet with the Applicant, staff and Buckeye. Mr. Wisniewski agreed to meet.

All agreed to **CARRY THE HEARING TO MAY 1, 2024, without any further notification** at the Board of Education building located at 2301 Rout 27, Buildig 1, Somerset, NJ.

COMMITTEE REPORTS:

There were no Committee Reports discussed.

WORK SESSION / NEW BUSINESS:

There was no work session and no new business.

EXECUTIVE SESSION:

The Board did not enter into Executive Session.

ADJOURNMENT:

Chairman Orsini made a motion to adjourn the meeting at 9:07 p.m., and the motion was seconded.. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
May 8, 2024