

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

**REGULAR MEETING
May 15, 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, Jennifer Ragnow, Charles Brown, Robert Thomas, and Chairman Orsini

ABSENT: Sami Shaban, Meher Rafiq, Rebecca Hilbert and Marc Dancy

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

RESOLUTIONS:

- **The Jain Center of New Jersey / PLN-23-00011**

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

FOR: Councilman Anbarasan, Dr. Chase, Mr. LaCorte, Ms. Ragnow, Mr. Thomas, and Chairman Orsini

AGAINST: None

Chairman Orsini commented that the landscaping that they were asked to plant were supposed to be trees and he has noted that they had planted shrubs in the middle of the lawn. He wanted to make sure that they landscaped around the caretaker's house to screen it from the roadway and that they should be following what was included in the Resolution.

Mr. Healey indicated that part of the condition of the Board's approval was that the Applicant had to meet with him in the field with their Landscape Architect to finalize the plan to maximize the screening to some of the neighbors. He noted that that was accomplished and that they submitted an updated plan to him. Mr. Healey indicated that they may have just started, but that they had to comply with what was approved

and noted in the Resolution and what was agreed upon with the updated Landscape Plan.

DISCUSSION:

Extension Of Approval:

- **BSREP III Logistics Acquisitions, LLC / PLN-22-00001**

Chairman Orsini made a motion to allow for an Extension of Time for one (1) year, to July 20, 2025 Mr. Thomas seconded the motion, and the roll was called a follows:

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

Presentation:

- **BOE Capital**

Ms. Tammy Stuchko, Principal, SSP Architects, and are the Architects of record for the Board of Education. She stated that she was asked to come before the Board to give a presentation and an update as to the capital project for Zufall Health Center. She indicated that Zufall Health Center was currently working out of a mobile van at Hillcrest School and were working with the Board of Education to put a permanent facility for Zufall Health Center over the tennis courts at Franklin Middle School, the Hamilton Street complex. She then indicated that the work involved removing the tennis courts, reducing the impervious surface, and utilizing the parking area there for Zufall Health. Since the parking area was at the back of the newly proposed building, it kept the parking and car movements away from the school, the children, and the school activities. Ms. Stuchko stated that the building would be built through modular construction and site work to connect the utilities off of Berger Street. She explained that the building was proposed to be a 3,300 sq. ft. +/- community health center, with the ramps and stairs to the building accessed from the parking lot and into a reception area. She then stated that the building would house three (3) medical exam rooms, three (3) dental rooms, a procedural room, phlebotomy area, consultation room, and anything required by the Dept. of Health. She added that they had gone through the preliminary Dept. of Health review and were doing the final submission within the week.

Chairman Orsini asked who the facility would serve, and Ms. Stuchko stated that it would serve the student population of Franklin Township schools. She then explained that Zufall Health received a grant to be in the specific area of Hillcrest School because it was an underserved community and used a sliding scale of payment. Ms. Stuchko indicated that they would work to increase their hours (evenings/weekends/school

hours) and would open their facilities to anyone in the community that has a need for sliding scale healthcare.

Councilman Anbarasan indicated that the Council appropriate approximately \$4.6 million dollars funding through the ARC program.

Mr. Thomas then asked if the Township had any plans to replace the tennis facilities in that location. Ms. Stuchko stated that the courts were underutilized and locked and not taken advantage of. She indicated that the Board of Education would have to address that question.

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, Chairman Orsini made a motion to close the meeting to the public. Vice Chair Brown seconded the motion, and all were in favor.

HEARING:

- **L'OREAL USA PRODUCTS, INC. / PLN-21-00021**

Mr. Sean McGowan, Esq., Attorney, appeared before the Board on behalf of the Applicant, L'Oreal USA Products, Inc. He explained that the Applicant sought to construct a one (1)-story, 149,171 sq. ft. expansion with a nine (9)-bay truck loading area and a 1,450 sq. ft. pump house at 100 Commerce Drive, Somerset; Block 86.03, Lot 10.32 in Zone B-I.

Mr. McGowan stated that they were originally before the Board on December 6, 2023 and received feedback at that time that they liked the overall plan, but that they wanted to see a better execution of screening materials, landscaping, and potentially a sound wall to shield the noise and visuals from the expanded facility. He then explained that L'Oreal met with the Township's Planner and Engineer and presented them with a concept plan and was suggested that it be presented to the Planning Board, which occurred on February 21, 2024 to provide a glimpse of the mechanisms that were going to be put in place to screen the residents from the sound and the visuals. Since that hearing, Mr. McGowan explained that L'Oreal's project team had developed a fully engineered Site Plan, which was submitted to the Township for review, as well as the architectural documents and storm water management reports, etc. He noted, however, that the building that was being shown that evening was substantially the same as the one presented on February 21, 2024, with one (1) relatively minor change to the interior side of the building where it abuts the existing building, and nothing affecting the screening and sound containment mechanisms that were shown that night. Mr. McGowan then indicated that L'Oreal was deeply committed to creating a positive

impact in the communities that they call home, including Franklin Township, and were proud to state that the plan still contained no variances.

Ms. Erica Godun, Architect, 302 Wood Avenue, North Brunswick, NJ, came forward and was sworn in. The Board accepted her qualifications. Ms. Godun then gave the Board a summary of the changes proposed for the site and the building. She explained that the addition would include approximately 158,000 sq. ft. constructed on to an existing building and utilized for the manufacturing of new products and storage of such products. She then noted that the addition had ten (10) loading docks plus one (1) drive-up ramp for box trucks located on the east side of the drawing. She then that the construction of the new addition would be of pre-cast panels to match the existing building as close as possible, and the height would be 50 ft. from the finished floor to the top of the parapet. She then showed a drawing that showed how the addition would look next to the existing building. Ms. Godun entered into the record as Exhibit B-1, a rendering of the view from the truck court and view from Dahmer Road. She noted that there would also be a sound wall to screen the truck court.

Mr. David Fahim, Traffic Engineer/Project Manager, employed with Atlantic Traffic, 30 Independence Boulevard, Warren, NJ, came forward and was sworn in. The Board accepted his qualifications. He noted that there was a revised Traffic Study based on the revisions to the building. Mr. Fahim then quickly summarized the changes that were made with the Board. He noted that they collected data at L'Oreal's existing facility and determine levels of service at the nearby roadways and the L'Oreal driveways as well. He indicated that they took the exiting traffic generation that they observed at the site and extrapolated it based on a rate that they observed for the property for the expansion and applied it to a future network. He added that they essentially compared a future without the project construction and one with the project construction included to show how the roads would be impacted. He then stated that they only observed an increase of 30 trips in and out during the morning as well as the evening peak hour, based on information from the Institute of Transportation Engineers (ITE) and found very little impact to levels of service of delay on the local roadway network and the L'Oreal driveways.

Chairman Orsini then asked which direction the trucks head out of the facility, and it was stated that they head out to Rte. 287.

Vice Chair Brown then opened a discussion regarding the typical dimensions of 18-wheel trucks in comparison to a passenger vehicle and the impact the difference has on the roadways. Mr. Fahim then discussed how they relate the size of the heavy vehicles on the roadway. They then discussed the difference between the truck movements between morning and evening peak hours

Mr. LaCorte asked if the trucks were double trailers, and Mr. Fahim stated that they were WB67 trailers.

Mr. Ahmed Tamous, Branch Manager, Bohler Engineering, 10,000 Midlantic Drive, Mt. Laurel, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Tamous then gave an overview of the changes to the site. He then entered into the record as Exhibit B-2, which was an aerial exhibit of the site and the surrounding area and showing the current facility, the access points to the site two (2) driveways off Commerce Drive for passenger vehicle access, one (1) truck access and an emergency access that was currently chained off of Dahmer Road. He then noted two (2) pockets of wetlands in the wooded area to the west. He noted that the site was surrounded by similar industrial uses to the east and south and to the west and north with residential homes and an existing railroad easement. He then showed the rear roadway at the back of the facility that had all of the existing structures, including utilities, which necessitated the change in the plan from what was previously presented to the Board in February.

Mr. Tamous then told the Board that currently, there was staging of trucks on Commerce Drive to enter the site, and the addition would alleviate the need to stage trucks on Commerce Drive and allow them to easily enter the site as well as enhance the production of products at the site.. Mr. Tamous then entered into the record as Exhibit B-3, which was a colorized rendering showing the corridor that ties the new building to the existing building to accommodate those utilities already in place. . It was dated October 20, 2021 and last revised on April 15, 2024. He then discussed the addition, noting the addition of 156, 048 sq. ft. for a total of 461,130 sq. ft. Mr. Tamous then told the Board that they were also adding 64 parking spaces along Dahmer Road. He then added that they also closed and eliminated the emergency access to Dahmer Road and planned to landscape the area to bring it back to its natural condition. He also noted that the wetlands on the west side had been filled and obtained permits from the NJDEP.

Chairman Orsini then opened a discussion regarding the filling of the western wetlands that would help with the flooding of Dahmer Road during heavy rains. Mr. McGowan added that there would also be additional trees planted on-site that were not shown on the rendering that would work to additionally screen the residents on Dahmer Road. Mr. Tamous also added that they would provide the required number of trees listed on the Tree Replacement Plan on-site and would work with the Township to provide the appropriate location and species for the replacement trees. A discussion ensued about creating a paved emergency access roadway further down on Dahmer Road.

Mr. Tamous then discussed the addition of another lane at the truck entrance for better movements there off Commerce Drive and would have three (3) ingress lanes and one (1) egress lane with control gates for security check-ins. .

Mr. Tamous then discussed the changes to the storm water management system and currently have two detention basins that handle the storm water run-off, one to the east off Jiffy Road and the other south of Commerce Drive. He then added that they provided two (2) bio-retention basins, one (1) to the north of the proposed building and one (1) was to the east and would handle the water quality of the run-off. Mr. Tamous

then spoke of a 2,000 sq. ft. equalization shed to house some equipment and equalization tank. He also pointed out two (2) storage tanks that were required for operations, with detail provided on the final plan.

Chairman Orsini then asked if there was noise associated with the equalization shed and the equipment houses there, and he indicated that there would not be any noise creation.

Mr. Tamous then directed the Board's attention to the sound barrier wall that would be included on the site. He added that they conducted sound analysis and placed three (3) sound sensors along their side of the property line with studies done over the course of three (3) days (April 10, 2024 to April 13, 2024) and noticed that the sound level in its existing operations were slightly higher than it needed to be. He noted that the Sound Engineer modeled the proposed site conditions with the expansion and location of the loading dock and extended the sound barrier to the east and the west based on the testing results. Mr. Tamous added that the height of the sound barrier wall at its highest at the center of the cul-de-sac was 22 ft. high and then drops down to 18 ft. in the other areas. He then added that the height of the sound wall might require a variance.

Mr. Healey interjected that there was nothing in the Township ordinance that would prohibit the sound wall as described.

Chairman Orsini wanted to point out two (2) changes to the plan since they met in February of 2024. He noted that the loading docks had been moved from the back of the building to the side of the building near Dahmer Road, so there would be nothing right up against the residences in the rear and they were providing a sound wall around the truck cul-de-sac. They then discussed the fact that the addition was about 100 ft. away from the residences and then spoke about the rail lines,

Vice Chair Brown then opened a discussion regarding the truck movements on-site and the possible intrusion of headlights. In looking at the rendering and following the movements on-site, Mr. Tamous showed that trucks could turnaround in the truck court by the new truck bays and their lights would be shielded from the residences by the sound wall.

Councilman Anbarasan then opened a discussion regarding the protections of the sound wall, and Mr. Tamous indicated that they had to meet the requirements of a maximum of 50 decibels at night and a maximum of 65 decibels at night. Mr. Tamous utilized the Sound Engineer's exhibit, entered into the record as Exhibit B-4, which were graphs of the current sound conditions and showed that noise levels were slightly higher than they needed to be during the daytime hours from the testing done from April 10, 2024 to April 13, 2024. Mr. Tamous then entered into the record as Exhibit A-5, which showed the results obtained by the inclusion of the sound wall that satisfied the sound level requirements of no higher than 50 decibels and would be less than what was currently coming off the site. Mr. Tamous then entered into the record as Exhibit B-6, the colorized 3D rendering of the site looking at the building from the rear property line

through the woods to where the sound wall was.. He noted that the next page showed a view of the sound barrier made of wood with landscaping surrounding it and the earth tone color Vice Chair Brown then asked about a maintenance plan for the upkeep of the sound barrier. Mr. McGowan noted that the Sound Engineer's report noted that the interior side of the sound wall would have a special material facing the truck operations and should be sound absorbing such as the material provided with the AIL sound wall silent protector product. Chairman Orsini indicated that the tree special surrounding the wall should be either Blue or Norway Spruce. Mr. Tamous indicated that they had a combination of Eastern White Pine, Norway Spruce and Red Cedar.

Vice Chair Brown then opened a discussion regarding whether trees act as a sound barrier and if the time of the year that the testing was done would have any bearing on the results. Mr. Tamous indicated that trees do not provide any sound barrier and it didn't matter what time of year the testing was done because trees do not block sound.

Chairman Orsini then asked if the Sound Engineer would be making it to the meeting, and Mr. McGowan indicated that they would include the report that was done by the Sound Engineer and not previously submitted to the Township because it was finalized outside of the 10-day window to submit.

Mr. Peter Vignuolo, Board Attorney, indicated that the Applicant would voluntarily agree to provide the Sound Engineer's report as a condition of approval demonstrating that the sound levels would be compliant. Mr. McGowan indicated that they would comply as a condition of approval.

Mr. Tamous indicated that they were providing a lot of landscaping to meet the Tree Replacement requirements (approximately an additional 105 trees) and would work with the Township professionals. He noted that the trees on-site include 73 shade trees, 42 ornamental trees and 401 evergreen trees, along with about 400 shrubs and evergreen shrubs.

Mr. Tamous then discussed the lighting on-site to include about 45 LED wall-mounted lights with no encroachment of light off the property. He then showed pictures of the light fixtures that they would be using and were included in the Site Plan drawings that were already submitted to the Township.

Vice Chair Brown asked for clarification that trucks would not be able to travel though the entire site, and Mr. Tamous indicated that the emergency access road that was attached to the cul-de-sac would be chained at both ends and not able to be accessed by trucks.

Mr. Tamous then addressed the staff reports, noting the May 3, 2024 Engineering report included a comment about stormwater management and porous pavement, but indicated that the porous pavement was eliminated with the redesign. He then testified that they could comply with all other comments. He also noted that they included

compliant EV spaces on the plan. He agreed to comply with the May 7, 2024 Fire Prevention report.

Mr. Healey then asked about his May 6, 2024 Planning Report and if the Applicant could replace the deciduous trees along Dahmer Road with more trees and plant closely spaced evergreen trees instead. Mr. McGowan indicated that they had no objection to that request. Mr. Healey then asked a question related to the fencing and Mr. Tamous agreed to continue the existing line of fencing and place the fence along the property line at the rear of their property. Mr. Tamous indicated that they would work out the correct number of trees and comply with the Planner's request.

Chairman Orsini made a motion to open the meeting to the public for questions. The motion was seconded, and all were in favor.

Mr. Winston Belmar, 69 Dahmer Road, Somerset, NJ , came forward and was sworn in. Mr. Belmar asked when the new facility would be completed and operational, and Mr. Tamous indicated it would be about two (2) years. Mr. Belmar then asked about the flooding along Dahmer Road, and Mr. Tamous explained the storm water management requirements from the Township, County, State and Delaware & Raritan Canal Commission (DRCC) that have to be complied with when upgrading/increasing their building's footprint. He then explained what they were planning to do to redirect runoff onto the Commerce Road detention basin and away from Dahmer Road. Mr. Belmar then asked about the decibel levels, and Mr. Tamous reiterated his testimony regarding the methods they were using to reduce the decibel levels to the acceptable level. Chairman Orsini stated that Mr. Belmar was probably speaking to the sound levels generated from the existing building and what could be done to alleviate those. A discussion ensued.

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

Mr. Healey then asked if the Noise Report detailed the noise levels of the construction of the wall. Mr. Tamous stated that it did not include that. Mr. Healey then asked if the testimony and what was included in the Noise Study be reflected on the Site Plan, and Mr. Tamous agreed.

Mr. McGowen gave his closing statements and asked for Preliminary and Final approval for the entire site.

Chairman Orsini made a motion to approve the Applicant, with the condition that all of the staff reports are complied with along with those outstanding from outside agencies, that the tree calculations get worked out with staff, that the Noise Report details be included in the plans as well as the construction details of the sound barrier, following recommendations for substituting certain plants, adding signage to inform trucks that they could not go around the building, replace the deciduous trees along the rear of Dahmer Road buffering with more closely spaced evergreen trees, place the fence

along Dahmer Road to the rear of the buffering in line with the existing fence, the sound wall will be 18 ft. and going up to 22 ft. in the middle and then going back to 18 ft. and extend it as per Exhibit B-3, make the maximum effort to meet the replacement value as much as possible and payment in lieu be a last resort, specifications on the sound wall and the submission of the Noise Report from the Sound Expert. Vice Chair Brown seconded the motion, and the roll was called as follows:

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

AGAINST: None

COMMITTEE REPORTS:

- **Minor Subdivision Committee**

Mr. Healey indicated that the Committee reviewed a two (2)-lot subdivision on Garfield Avenue in the R-10 Zone that had been approved at least three (3) times prior. Because both properties were on septic and sewer, they are much larger (20,000 sq. ft. and almost 40,000 sq. ft.). He added that it was previously approved under Warren Capital, and most recently, under Northview Associates. He noted that the Committee approved it with certain conditions related to limiting the amount of clearing and trying to maximize the buffer from Rte. 287

Chairman Orsini opened a discussion related to the Application, noting one (1) lot was 37,000 sq. ft. and the other lot was 20,000 sq. ft. He stated that his concern was for the person who owns the lot right up against Rte. 287, and he was going to ask the Applicant to shift the lot line. He noted that the limits of disturbance was not much more than the building envelope, which was not realistic. The Chairman added that what they talked about was complying with the Tree Replacement Plan once they realize they need to clear more than just the building footprint and maybe comply with their limit of clearing only for the house closest to Route 287 to maximize that buffer. Chairman Orsini suggested that they approve it, with those conditions. A discussion ensued.

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 8:52 p.m., and the motion was seconded.. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
May 30, 2024