

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

**REGULAR MEETING
June 5, 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: Theodore Chase, Robert LaCorte, Sami Shaban, Jennifer Rangnow, Maher Rafiq, Robert Thomas, Rebecca Hilbert, Marc Dancy, and Chairman Orsini

ABSENT: Councilman Anbarasan and Charles Brown

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

MINUTES:

- **Regular Meeting – April 17, 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 – May 15, 2024**

Chairman Orsini made a motion to approve the Minutes, as amended Dr. Chase seconded the motion, and the roll was called as follows:

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

AGAINST: None

RESOLUTION:

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

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

FOR: Mr. Thomas, and Chairman Orsini

AGAINST: None

DISCUSSION:

Ordinances:

- **#4440-24 – anti-idling signage (vote needed)**

Mr. Healey indicated that was referred to the Planning, Board, per the Municipal Land Use Law, to determine if there were any inconsistencies with the Master Plan or if they had any recommendations to make. It required that the developer had to indicate whether they were going to place anti-idling signage on the site and then place it. A discussion ensued regarding especially when a site abuts a residential area, such as a warehouse, etc.

Chairman Orsini made a motion that the Planning Board endorse it. Dr. Chase seconded the motion, and the roll was called as follows:

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

AGAINST: None

- **#4441-24 – three wells on a temporary basis (no vote)**

Chairman Orsini indicated that the ordinance was for the development currently in progress off of Amwell Road, behind Resta's where three (3) of the houses could not be serviced by public water at the moment but will have to be within a year. Mr. Dominach indicated that they had a Master Permit that had expired. He added that whenever they did additional development as part of the Master Permit with NJDEP, it had to be listed and they could not go over a certain gallonage. He added that the development would push that over the maximum with the three (3) homes. So, in order to continue to allow them to build, they would have to go back to the Planning Board to approve that as well, but Council had to pass an ordinance to allow them to supersede the ordinance. He then explained that while it was not a development ordinance, Council felt it was appropriate to bring it to the Planning Board's attention. He indicated that it was a

stopgap, they would have to pass the ordinance and amend their site plan. Mr. Dominach added that as soon as they get a new Master Permit from the NJDEP, they would be able to hook up the additional three (3) homes to public water. A discussion ensued, and Mr. Healey confirmed that the Master Permit was the Township's permit with the NJDEP for the public water system. Mr. Dominach indicated that they did not need a formal vote but wanted to discuss the issue with the Board. He gave an explanation regarding the process and time frame with which those three (3) homes would have to be hooked up to public water, which was a year.

Subdivision Committee:

- **Philip J. Lopa, Jr. / PLN-22-00020**

Chairman Orsini then discussed the three (3) lot subdivision on Charlotte Avenue, which was off Edgewood Terrace, and was nearly perfectly bisected by the municipal boundary of South Bound Brook and Franklin Township. The Chairman turned it over to Mr. Healey for a summary, but that they had met all the conditions by being either satisfied or no longer applicable due to the revisions.

Mr. Healey indicated that the Minor Subdivision Committee met prior to the night's meeting and explained that where there was an entirely complying subdivision where they did not need any variances, it would not have to come before the full Board and goes before the Minor Subdivision Committee for approval. Mr. Healey indicated that it was a three (3) lot Minor Subdivision that complied with all of the provisions of Franklin Township's ordinance. He added that the Minor Subdivision Committee went over the Application and had a Technical Review Committee (TRC) report, dated May 21, 2024. He then stated that based on that report, the Committee's approval was based on consistency with some remaining technical issues in the TRC report, limiting disturbance to the degree shown on Sheet 4 and showing that the entire site was not being cleared, but that the back third was being retained. He also added that there would be the planting of street trees, as shown on the plans, and compliance with Chapter 222, which was the tree removal ordinance. Mr. Healey indicated that a Resolution would be put together for the Minor Subcommittee at the next meeting, and again, per their By-Laws, the Minor Subdivision Committee was required to report their decision to the Planning Board.

Chairman Orsini indicated that as a Minor Subdivision Committee, they would endorse the plan, but that they would not have to take a vote until they had a Resolution.

PUBLIC COMMENTS:

Chairman Orsini made a motion to open the meeting to the public for general Planning comments, other than any Application being heard that evening. Mr. Thomas seconded the motion, and all were in favor. Seeing no one coming forward, Chairman Orsini

made a motion to close the meeting to the public. Mr. Thomas seconded the motion, and all were in favor.

HEARING:

- **DAVIDSON PROPERTIES, LLC / PLN-23-00007**

Preliminary & Final Major Site Plan w/C Variance in which the Applicant was proposing to construct a 37,460 sq. ft. warehouse to rear of the existing building with five (5) loading docks at 230 Davidson Avenue, Somerset; Block 468.01, Lot 20.01, in the B-I Zone - **CARRIED TO SEPTEMBER 4, 2024 – no further notification is required.**

DL - 9/30/2024

- **CAL-STERLING FRANKLIN, LLC / PLN-21-00009**

Mr. Jim Stahl, Esq., Attorney, appeared before the Board on behalf of the Applicant, Cal Sterling Franklin, LLC. He explained that they were there that evening to obtain Amended Preliminary & Final Major Site Plan in which the Applicant was proposing to temporarily construct only one (1) of the two (2) approved buildings at Spangenberg Lane, Somerset; Block 507.40, Lot 2, in the SCV Zone.

Mr. Stahl indicated that they were there because of a water issue, but that they could not phase the project and wanted to defer the one (1) building, leaving one (1) building left. He then added that when the water was available, they would come back in for another Amended application. He then noted that they were agreeing to any and all comments of the Technical Review Committee (TRC) report of May 20, 2024.

Mr. Vincent Dominach, Franklin Township Economic Development Director, 475 DeMott Lane, Somerset, NJ, came forward and was sworn in. Mr. Dominach indicated that the Township had an expired Master Permit and because of that, the number of units they could allow to hook up would not allow having the second building to be hooked up to public water as it would exceed the approved amount. He added that it was really a contractual issue between NJDEP and the Township, and they could not sign-off on that at the moment, but the Township had agreed to remove it from the Site Plan. Mr. Dominach added that as soon as they could sign off on the second building, he indicated that he and the Applicant would return to explain again that they then had a signed, executed Master Permit with the NJDEP. He noted that all the original conditions would be complied with and that there were no changes to the Site Plan. Mr. Dominach then stated that all infrastructure for both buildings were allowed to go in, but that they could just not make the connection or build the second building until the Master Permit had been amended.

Chairman Orsini then mentioned that from the aerial in the TRC report, the property was cleared and ready for development and was always intended for development, with no changes planned to the original approval.

Mr. Healey then stated that the short history of the issue was that the rear portion of the property was approved for apartments back when the development was originally approved but was never built. He added that they came back a few years ago, they came back to amend the approval to actually reduce the number of apartments. Mr. Healey then indicated that it subject to a hearing where members of the public participated and that there were conditions imposed as part of that, including screening, the look of the buildings, etc. He further stated that nothing related to that approval was changing other than the timing of the buildings, including the alignment of any underground water lines.

Mr. Stahl then indicated that storm drainage, pavings would all remain in place and that the infrastructure was reduced and will remain the same. He added that when permitted, they would come back with the Amended Site Plan to include the back building, which was deferred.

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

Mr. David August, 50 Spangenberg Lane, Somerset, NJ, came forward and was sworn in. Mr. August indicated that he lived about 500 ft. from the construction site. He asked whether there was going to be any temporary remediation of the infrastructure that has been put in already that had some open areas that had water collecting in it until permission comes through to actually build on that area. Mr. Dominach indicated that if there was an issue at the site, he advised Mr. August to call the Township and an inspector would be sent out to inspect the site. Mr. Stahl also indicated that they would do whatever was necessary to protect the neighbors and that if they called either Mr. Dominach or Mr. Healey, they would advise the Applicant and they would have it taken care of.

Chairman Orsini then opened a discussion on what progress had already been made at the site.

Seeing no additional public wanting to speak, the Chairman made a motion to close the public portion of the meeting. Mr. Thomas seconded the motion, and all were in favor.

Chairman Orsini made a motion to approve the unique Application in which there was no change to the original Application, but that the Applicant would construct the one (1) building only at that time due to water capacity issues and defer construction of the second building on the site until the proper water capacity was provided. Additionally, the Applicant should provide the TRC a construction staging plan for review and approval prior to the release of a Certificate of Occupancy (CO) for Building 1, final roadway and parking lot surfacing shall not be completed until approved by the

Township Engineer, and that all conditions of the three (3) prior resolutions would remain in force and in effect as may have been specifically modified or waived. Mr. Stahl indicated that he would agree to those terms.

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

AGAINST: None

COMMITTEE REPORTS:

There were no committee reports.

WORK SESSION / NEW BUSINESS:

Mr. Clarkin, Board Attorney, gave a legal update to the Board.

Mr. Clarkin first gave a refresher about basic land use principles. He talked about one (1) new case where there were conflicts of interests. Additionally, he opened a discussion about how to properly create a resolution.

EXECUTIVE SESSION:

The Board did not enter into Executive Session.

ADJOURNMENT:

The meeting was adjourned upon Mr. Clarkin's legal discussion at 8:00 p.m.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
July 6, 2024