TOWNSHIP OF FRANKLIN
Board of Adjustment
Agenda
Thursday, March 5, 2026

SUNSHINE LAW

ROLL CALL

MINUTES

Regular Meeting - January 08, 2026
BOA - 01-08-2026.doc

RESOLUTION

DISCUSSION

HEARINGS

UKRAINIAN ORTHODOX CHURCH OF U.S.A / ZBA-25-00008

Minor Subdivision w/D(2) Variance in which the applicant is proposing to subdivide the existing lot into two new parcels at 135 Davidson Avenue in zone B-I

DL 03/31/2026

https://www.franklintwpnj.org/committees-commissions/zoning-board-of-adjustment/application-material/ukrainian-orthodox-church-of-u-s-a-zba-25-00008/-fsiteid-1#!/

CARRIED from JANUARY 22, 2026 – with no further notification needed

This meeting will be held @ 7:00pm at the Franklin Township Board of Education Campus at 2301 Route 27, Somerset, NJ.

historic report 09.11.25 ok.pdf
FTSA report 05.09.25 ok.pdf
TRC report 07.08.25.pdf
Police report #2 06.17.25 ok.pdf
Planner report 05.27.25 ng.pdf
Fire prevention report 05.15.25 ok.pdf
Health Department report 05.09.25 ok.docx
EC report 05.08.25 ng.docx

UKRAINIAN ORTHODOX CHURCH OF U.S.A / ZBA-25-00007

D(2) Use Variance, Preliminary & Final Site Plan w/C Variances in which the proposal consists of site modifications associated with the retention of certain existing (church and seminary) facilities at 135 Davidson Avenue, Somerset; Block 469 Lot 1.06 in zone B-I

DL 03/231/2026

https://www.franklintwpnj.org/committees-commissions/zoning-board-of-adjustment/application-material/ukrainian-orthodox-church-of-u-s-a-zba-25-00007/-fsiteid-1#!/

CARRIED from JANUARY 22, 2026 – with no further notification needed

This meeting will be held @ 7:00pm at the Franklin Township Board of Education Campus at 2301 Route 27, Somerset, NJ.

FTSA report 05.08.25 ng.pdf
Police repot #2 09.22.25 ok.pdf
Health Department report #2 09.02.25 ok.docx
Fire Prevention report #2 08.25.25 ok.docx
Planner report #2 08.14.25 ng.pdf
D&R 09.18.25.pdf
SCPB 07.14.25.pdf
EC report 05.08.25 ng.docx
Engineer report #3 03.03.26 ng.pdf

SYRACUSE 1950 EASTON AVENUE OWNER LLC / ZBA-25-00009

D(1) Use Variance, Preliminary & Final Site Plan w/C Variances in which the applicant intends to build a 258,150sqft warehouse at 135 Davidson Avenue, Somerset; Block 469 Lot 1.06 in zone B-I

DL 03/31/2026

https://www.franklintwpnj.org/committees-commissions/zoning-board-of-adjustment/application-material/syracuse-1950-easton-avenue-owner-llc-zba-25-00009/-fsiteid-1#!/

CARRIED from JANUARY 22, 2026 – with no further notification needed

This meeting will be held @ 7:00pm at the Franklin Township Board of Education Campus at 2301 Route 27, Somerset, NJ.

D_R__09.15.25.pdf

SCPB__06.24.25.pdf
Police report #3 09.22.25 ok.pdf
Health Department report #2 09.02.25 ok w-comm.docx
Fire Prevention report #2 ok.docx
Planner report #2 08.15.25 ng.pdf
FTSA report 05.09.25 ng.pdf
EC report 04.08.25 ng.docx
Engineer (DM) repoart #3 03.01.26 ng.pdf

TOWNSHIP OF FRANKLIN
ZONING BOARD OF ADJUSTMENT
COUNTY OF SOMERSET, NEW JERSEY

REGULAR MEETING
January 8, 2026

This Regular Meeting of the Township of Franklin Zoning Board of Adjustment was held at 475 DeMott Lane, Somerset, New Jersey and was called to order by Chairman Thomas at 7:30 p.m. The Sunshine Law was read, and the roll was called as follows:

PRESENT:	Richard Procanik, Vaseem Firdaus, Gary Rosenthal, Robert Shepherd, Michael Dougherty, and Chairman Thomas
ABSENT:	Cheryl Bethea, Alan Rich, and Kunal Lakhia
ALSO PRESENT:	Brian Hak, Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning & Zoning Secretary

OATH OF OFFICE:

- **Robert Shepherd**

REORGANIZATION:

- **Nomination of Chairperson**

Mr. Rosenthal made a motion to nominate Robert Thomas as Chairperson. Seeing no other nominations, Chairman Thomas made a motion to close the nomination portion of the meeting, and Vice Chair Shepherd seconded the motion, and all were in favor.

- **Nomination of Vice Chairperson**

Mr. Rosenthal made a motion to nominate Robert Shepherd as Vice Chairperson. Seeing no other nominations, Chairman Thomas made a motion to close the nomination portion of the meeting, and Ms. Firdaus seconded the motion, and all were in favor.

- **Board Attorney Interviews**

Chairman Thomas indicated that they had one applicant for Board Attorney come forward – Eric Bernstein & Associates.

Mr. Rosenthal asked Mr. Hak of Eric Bernstein & Associates if his attendance at Board meeting conflicted with other appointments he has, and Mr. Hak responded that it did not conflict.

- **Appointment of Board Attorney**

Mr. Rosenthal made a motion to appoint the Law Firm of Eric M. Bernstein & Associates as Board Attorney to the Zoning Board of Adjustment for 2026.

- **Witness Oath - Director of Planning, Mark Healey**

Mr. Hak administered the Witness Oath to Mr. Mark Healey, Director of Planning, for 2026

- **Witness Oath - Township Engineer, Darren Mazzei**

Mr. Hak administered the Witness Oath to Mr. Darren Mazzei, Township Engineer, for 2026

MINUTES:

- **Regular Meeting – November 6, 2025**

Mr. Rosenthal made a motion to approve the Minutes, as submitted. Vice Chair Shepherd seconded the motion, and the roll was called as follows:

FOR: Mr. Procanik, Mr. Rosenthal, Vice Chair Shepherd, Mr. Dougherty, and Chairman Thomas

AGAINST: None

HEARINGS:

- **THIRUKUMARAN VELAYUDHAN / ZBA-24-00002**

Applicant is requesting a Relief of Condition from the previous approval with regards to the height; which was reported incorrectly for 21 Highland Avenue, Somerset; Block 194, Lot 20.01, in an R-7 Zone - **CARRIED TO FEBRUARY 5, 2026 – with no further notification required.**

DL - 03/31/2026

- **RAMKUMAR VENKATARAMAN / ZBA-25-00023**

Applicant was seeking permission to build a 414 sq. ft sunroom addition to the rear of 171 Second Street, Somerset; Block 424.02, Lot 29.11, in an R-20 Zone.

Mr. Ramkumar Venkataraman, Applicant, came forward and was sworn in. Mr. Venkataraman explained that he had a raised deck in the backyard with a walk-out basement and was looking to build a sunroom, replacing the deck and extending some of the living space.

Chairman Thomas then indicated that it appeared that Mr. Venkataraman was before the Board that evening for a rear yard variance, 50 ft. required and 45 ft. proposed. The Chairman asked if there was anything that they could do to cut down that variance, and Mr. Venkataraman indicated that it was a very uneven and odd lot size, with the 5 ft. variance only applicable to 1/3 of the space. He stated that he was extending the sunroom for about 36 ft., with only about 12 linear ft. that went beyond the setback.

Vice Chair Shepherd asked if the sunroom would be elevated, and Mr. Venkataraman indicated that he had a walk-out basement and the 4-season sunroom would replace the deck and would be raised up.

Chairman Thomas then opened the meeting to the public for questions or comments. Seeing no one coming forward, the meeting was closed to the public.

Mr. Healey then stated that the materials that had been submitted reflect the fact that the majority of the sunroom was in the compliant situation, with the required variance only affecting the rear left corner of the property. He added that there was also no neighbor to the rear of the property that would be affected because there was a forested area in the back and then it was basically open space beyond that in terms of community impact.

Mr. Brian Adams, Technical Director for NJ Sunrooms. He asked if the Resolution would be read out at next month's meeting and then any permitting could be applied once that Resolution was forwarded to the Township. Mr. Hak answered in the affirmative.

Vice Chair Shepherd made a motion to grant the Applicant a variance to extend his sunroom past the rear setback line. Ms. Firdaus seconded the motion, and the roll was called as follows:

FOR: Mr. Procanik, Ms. Firdaus, Mr. Rosenthal, Vice Chair Shepherd, Mr. Dougherty, and Chairman Thomas

AGAINST: None

- **JC IOS Acquisitions, LLC / ZBA-25-00020**

Ms. Simone Cali, Esq., Attorney, with Cali Law LLC, came forward and appeared before the Board on behalf of the Applicant, JC IOS Acquisitions, LLC. Ms. Cali explained that they were before the Board that evening seeking D(1) Use Variance, Preliminary & Final Major Site Plan w/"C" Variances in which the Applicant was applying to modify and expand the existing outdoor storage facility use at 945 Route 27, Somerset; Block 88.01, Lot 7.01, in the Business & Industry (B-I) Zone - **CARRIED FROM NOVEMBER 20, 2025 – with no further notification required.**

Ms. Cali explained that she would be calling forward four (4) witnesses, with the first being the Vice President of the Applicant entity who would discuss the proposed operations.

Mr. John Gribb, Vice President of JDN and IOS, 330 Madison Avenue, New York, NY, came forward and was sworn in. He went on to state that the Applicant entity was the contract purchaser of the subject property. Mr. Gribb was acting as a lay witness with regard to operational testimony for purposes of their presentation that evening. Mr. Gribb then gave the Board an overview of JDN. He indicated that JDN was a national purchaser and operator of industrial outdoor storage properties. He stated that they had been around for three (3) years and manage over 900 across 140 properties nationally, own three (3) properties in New Jersey (Elmwood Park, Trenton, and Sayreville). Mr. Gribb then testified that they would retain ownership of the property and they would be responsible for the approvals if granted and oversee day-to-day operations on-site. He then told the Board that they did not as yet have a tenant for the property, and they plan, upon acquisition, was to market the business to local, regional, and national tenants. Mr. Gribb then described what the day-to-day operations would be like at the subject site should the Board be inclined to approve the proposal. He explained that the day-to-day operation of the site would be to ensure that the site improvement that were planned for the property were installed properly and up to code. He added that they would be having on-site presence with a prospective tenant, ensuring that everything was being complied with and that all the items on the property were being stored properly and up to code. Mr. Gribb added that they would also be doing any maintenance when it came to future developments on the property and working with the local utility providers that all of the bills were being paid and serviced properly. He added that he would be coming to the facility on a bi-weekly basis to make sure everything was running smoothly and to identify any issues.

Mr. Gribb then discussed with the Board that he was aware that the current owner's prior approval had certain details that were never implemented with regard to their approval. Should they receive an approval from the Board, he stated that he would correct that situation and make sure that everything was implemented that should have been from the last owner. He stated that the Site Engineer would be discussing additional improvements in addition to those prior conditions.

Mr. Gribb testified that they would be sourcing to local business, and that over 75% of their current portfolio was leased to local tenants that benefit the community. He answered Vice Chair Shepherd's question regarding how many tenants would occupy the building by stating that his experience for irregularly shaped properties such as the subject property, with one (1) point of ingress and egress, that it would most likely be a single-tenant property, but he did not foresee it having any more than three (3) tenants. Mr. Gribb then indicated that typical

hours of operation for outdoor storage sites nationally was 24 hours, seven (7) days a week. He then discussed the type of tenants that they would exclude from having as tenants, which included those who stored hazardous materials, combustibles on-site or any that had a concrete plant or truck terminal on-site.

Mr. Gribb then discussed whether users would require frequent movements to and from the property, stating that the activity in and out of the site would be infrequent, and the name "outdoor storage" indicated that the operations were principally on a storage basis so there would be minimal circulation in and out of the site.

Chairman Thomas then asked what materials were brought there to be stored. Mr. Gribb stated that it would typically be for building material supplies, i.e., granite, tiles, cobblestone and stones of that nature, but would vary depending on the tenant. Chairman Thomas then asked how they would maintain order and organization within the site and ensure that it stayed that way. He asked about the proposed 98 storage bays and if they were self-contained containers of some kind or was it 98 spots lined off on the ground with things placed there. Mr. Gribb explained that the striping was for the vehicle component of the Application, however the current owner did not have the striping, which was a condition of the prior approvals, and had the vehicles kind of scattered throughout the site and had hindered the conditions of the property in the way that it was operated. He added that when it came to the equipment and materials and supplies, those would be stored over the striping, but it would be in accordance with the ordinance where those materials would not be the kind that would be easily transportable off the site. He then added that a lot of times, they were organized and concealed. The Chairman then asked if precautions would be taken to make sure that things would not be of the kind to be windblown offsite. Mr. Gribbs indicated that it would be more of your concrete blocks and those types of materials that would be stored and not the more hazardous, combustible. He added that anything stored would be secured and would comply with the zoning ordinance when it comes to outdoor storage where the entire site would be fenced by installing a 6 ft. high gate that would be closest to NJ 27 so the viewpoint from the street into the property would be adequately screened. He noted that the Site Engineer would also speak to that, and the landscaping would have additional buffer and in compliance with the ordinance for fencing and a security standpoint.

Chairman Thomas then asked how high things would be stacked, and Mr. Gribb indicated that it would be under 8 ft. and the materials would not be stacked higher than the 8 ft. fence they were putting in.

Mr. Healey then explained that the site was the one that was on Rte. 27, south of Churchill Avenue, just north of the Tara Greens property. He then stated that, historically, it was a concrete plant and approved about 10 years ago for bus storage, but was now a large open concrete broken up asphalt. He added that the Site Plan showed 98 striped storage areas. Mr. Healey then asked what those 98 spaces depicting in terms of potential users and why was it, from the Applicant's perspective, on the Site Plan. Mr. Gribb explained that it was on the Site Plan because their tenants range across industries, from logistics, transportation, construction, landscaping, contracting, etc. so, historically, one (1) of the more heavy industrial uses was trucking as well as what was the largest vehicle that could be stored on-site. He continued by stating that, for that reason, they showed the striping for the trucking component because from there everything else would be even easier, whether it be a short-bed truck, automobile, and things of that nature. He then stated that trucking was intended

under the vehicle component of this Application, but then on top of that, since their typical tenant base also materials, supplies and equipment. He then noted that they had labels on that Site Plan that speak to those components.

Mr. Healey then stated that one (1) of the uses for the property that was mentioned would be for a truck terminal. He then asked for a description of a truck terminal. Mr. Gribb explained that a truck terminal was a last mile facility, and typically in the logistics industry there would be product to come in to a port on the containers and that inventory was brought to a distribution warehouse and where the general inventory and products would be stored. From there, Mr. Gribb indicated that once an order had been placed, that warehouse inventory was taken to that facility to a truck terminal, which was the "last mile" which was servicing he immediate towns and counties. He continued by stating that what would happen is that the inventory would be dropped at that terminal with trucks typically dock to those facilities, take those specific items that were in that order and then ultimately drop it off at the purchaser, whether it be a residential consumer or a business. He then detailed why this type of operation would not be on-site was because they had a very small building on-site and would not be having specific inventory stored in the building. He added that anything stored inside the building would be for any minor or soft maintenance and repairs of items, but would not be storing inventory there.

Mr. Healey then asked Mr. Gribb what tenants might occupy the building if there were only to be one (1) tenant. He asked the same question of Mr. Gribb if it were to be a mixture of uses on-site and what would be the mixture of up to three (3) uses. Mr. Gribb answered by stating that the tenant pool would probably mirror their existing assets to include construction vehicles and materials or landscaping vehicles and associated materials. He then detailed the uses on the three (3) different locations they own in New Jersey. Mr. Healey asked if they were to have a mixture of tenants for the building, what might that mixture possibly be. Mr. Gribb indicated that it was really dependent on tenant demand in the area, but would most likely be a mixture of the industries that he mentioned to include construction, building supply, landscaping, contractors, logistics and transportation.

Vice Chair Shepherd then asked if a landscaper wanted to store mulch, how would that be handled. Mr. Gribb stated that it would have to be in accordance with the Township ordinance and something that they would hash out during the pre-screening process that they do for leasing any of their properties.

Chairman Thomas then asked Mr. Healey if the Township had any ordinances regarding mulch storage. Mr. Healey indicated that he did not think so, but stated that he would look through their ordinances throughout the hearing. He added that if he did not find any, the Board might want to consider setting up some parameters related to that if they were inclined to grant approval.

Ms. Cali stated that anything that was proposed would comply with the Township's outdoor storage ordinance. A discussion ensued

Mr. Procanik then opened a discussion regarding general security for the site and fear of theft. Mr. Gribb explained that it would be addressed by the new gate with a lock on the outside. Additionally, he added that they were going to be making improvements to the building by solidifying the loose doors to secure the items inside the building, with the outside storage up

to the tenant that they would work with. He added that the gate/lock and fencing around the property as well as security cameras should satisfy the outdoor security concerns.

Mr. Healey asked if there were multiple tenants, how would they be let into the site during different hours with the gate/lock. Mr. Gribb stated that all tenants would have access to the site with a key to the gate.

Chairman Thomas then asked if they had a certain number of trucks in a typical site. Mr. Gribb indicated that it was dependent upon the acreage and the configuration of the site.

Chairman Thomas then made a motion to open the meeting to the public for questioning. Seeing no one coming forward, the meeting was closed to the public.

Ms. Firdaus then asked if a potential landscaper tenant would be allowed to store chemicals like fertilizers. Mr. Gribb stated that they had an environmental council that they utilize to screen all tenants through, and he had previously testified that nothing on-site would be hazardous or flammable. He added that most likely they would not allow a tenant to store gasoline, etc.

Mr. Jeffrey Haberman, Project Engineer and Principal of Dynamic Engineering, who gave his qualifications and experience. The Board accepted his qualifications.

Chairman Thomas then asked Mr. Haberman whether he had participated in this type of application that was before the Board that evening. Mr. Haberman stated that he participated in assisting with designs in the office, but had not testified to an outdoor storage proposal but stated that he understood them very well. He then stated that the plans were submitted in connection with this Application were prepared by him or under his supervision.

Mr. Haberman then took the Board through the existing conditions on the site and described the proposal. Mr. Haberman entered into the record As Exhibit A-1 as an aerial map exhibit prepared by his firm and dated 1/8/2026. He noted that the site was surrounded by industrial uses or in commercial uses which could be classified as including the Public Works building within the CMU and CMR Zones. He noted that to the west, there was undeveloped land in the General Business (GB Zone) with industrial uses beyond that. He added that to the south was the existing golf course and driving range also within the GB Zone, and to the east is NJ State Highway 27, with other industrial commercial uses beyond that. He showed that the subject site was an irregular shape (triangular) which somewhat limited development potential as one would travel further west into the site due to the setbacks that come to the pinch point on the property. He then told the Board that the frontage was bisected by the Family Dollar store on the southern leg was where the existing full movement driveway was currently located. He then noted that to the right side of the store was a fairly wooded area as well as a low-lying wetland area that they currently had an application in to the NJDEP for a letter of interpretation to verify those wetland bounds. Mr. Haberman then told the Board that the property acreage was 5.21 acres in size, with the property itself was located within the Business & Industry (B-I) Zone. He detailed some of the permitted uses within that zone to include general professional offices, laboratories, banquet facilities, hotels, data centers, light manufacturing, self-storage facilities, as well as child care centers. In terms of existing improvements, it was currently developed and was previously approved as an outdoor bus storage use/office use back in 2017 and operated for a few years in that manner and before

that it was a concrete plant for a number of years. He noted the four (4) existing structures on-site currently, with three (3) on the south side or left property line, with the fourth structure was at the top of the property which actually straddled the property line and was partially He on the adjacent property. He then spoke about circulation patterns, noting that there essentially was no traffic control on the site as currently shown. He stated that he believed that was due to the matter related to the prior applicant not installing certain improvements on-site, including striping and circulation to make it effective for bus storage. He then noted that the site was certainly not kept that well at all, with portions of the existing concrete surfaces on site that were dilapidated and the northern half of the site under the prior approval was supposed to be paved and was never paved and was currently compacted gravel at this time. Other site elements that were lacking include lighting on site to assist with any vehicular circulation along with no true landscaping screening along Rte. 27 to shield the view of the site from Rte. 27. Mr. Haberman indicated that there was not much of an understory vegetative area where the low-lying wetland area was located, especially during the winter months. He did indicate that a majority of the site was currently paved to include 78.6% of the site. He then discussed the drainage patterns, indicating that everything drains from what was shown at the top of the page to the east or low-lying wetland area that was along Rte. 27. Mr. Haberman noted that the prior user did stockpile a number of gravel material, sandy material and other soils along the wetlands embankment and causing issues with the drainage in that area by impeding stormwater runoff from being able to drain right into that wetland area. Mr. Haberman stated that that was an area that the Applicant would be looking to correct. He then told the Board that he drove by the area and noted that there was essentially no inlet infrastructure in the back of the Family Dollar store so there was a good amount of ponding occurring in the current condition behind the Family Dollar store on the subject property and a condition the Applicant would also like to correct. Mr. Haberman then marked into the record as Exhibit A-2, which was entitled the Site Plan rendering and prepared by Dynamic Engineering, dated that day of January 8, 2026 and a colorized rendering of the Site Plan.

Mr. Haberman indicated that he was retained by the Applicant to review the existing conditions and constraints and prepare the layout that was shown today for the repurposing of this parcel from an outdoor bus storage facility, or a vacant use now, to an industrial outdoor storage use. He indicated that he had been to the site on numerous occasions, reviewing the property survey, the Township land use ordinance, have copies of all the Township professional's review memorandums in depth and also reviewed the prior 2017 site plans and the resolution of approval that was associated with that outdoor bus storage approval. As a result, they were before the Board that evening seeking Preliminary & Final Major Site Plan approval and D(1) Use Variance relief, along with a few "C" variances and design waivers. He then spoke about the improvements they would be making, including the repurposing of the currently vacant site that was previously approved as a bus storage depot with an industrial outdoor storage use. Since industrial outdoor storage was not a permitted use in the B-I Zone, the project would require D(1) Use Variance relief.

Mr. Haberman indicated that they were aware that the prior applicant did not construct many of the site elements that they were obligated to construct prior to the operation of that bus storage operation. He then told the Board that JD and IOS was a national vendor who was very familiar with these types of sites and have well over 100 of these sites nationally. He hen told the Board that they will be proposing to pave the currently existing gravel areas with asphalt pavement, provide screening along Rte. 27, illuminate the site properly with LED

lighting, and, overall, just operate the site in a safe and efficient manner that was previously not recognized at the site.

Mr. Haberman then discussed, in detail, the improvements that would be made, to include the circulation on the site as the most important aspect. He then stated that he would start first from Rte. 27 where the existing driveway (full movement driveway) that was at the left-hand side of the site. He then described it as a full-movement driveway constructed of all concrete coming right up to the site where the gate was. Mr. Haberman indicated that they were not proposing to change that as it encompassed almost the entire width of the right-of-way that lead right up into the site. As a recommendation from the Township Engineer, he indicated that the Applicant should repair the driveway to a better condition as well as the sidewalk that crossed over the driveway parallel to Rte. 27 and agreed to do that as any condition of approval with a small permit from NJDOT. He then discussed the striping improvements that they had included in their design. In answer to Vice Chair Shepherd's inquiry about why the shading was of a different color on the left side of the site, Mr. Haberman explained that that depicted existing concrete surface pavement. He noted that on the right side, the coloring of dark gray on the exhibit showed newly proposed asphalt pavement where the existing compacted gravel was located. He then went back to discuss the striping, stating that there was a 35 ft. drive aisle that they would be striping on either side throughout the site to provide proper circulation so that vehicles understand where to travel on the site as opposed to a free-for-all condition that it was currently in now. Mr. Haberman then explained that the majority of the storage area were going to be located on the right-hand side of the site. He then addressed the question Mr. Healey had earlier as to why it looked like they were planning on parking tractor trailers or something similar. He explained that when they originally designed the site, it was assumed that they would possibly have a trucking operation on the site and that striping methodology would be the most restrictive type based upon the length that was needed to park a tractor trailer. He went on to state that now that was not a contemplated use on the site, they were going to keep the striping in that location for now, but it would not be the final condition of what that striping would look like, but that was actually where the outdoor storage area would be located. Mr. Haberman then drew the Board's attention to the buildings on the site, currently with four (4) buildings. He noted that with the one (1) closest to Rte. 27, one would see the dark gray coloring nearby and stated that that building would be demolished to provide better visibility from the roadway. He then described the next building into the site as a small office building use for their employees and tenants to occupy. He then went on to state that the next building into the site would either be a quasi-maintenance facility or a general office use as well. These typical outdoor storage users want to have the ability to have a building on-site to possibly store other materials inside of the building themselves to be able to maintain any vehicles that might be on-site that their contractors might be storing. Vice Chair Shepherd opened a discussion regarding the type of maintenance Mr. Haberman was speaking about, and he included the repair of vehicles such as landscaping vehicles that might be stored on-site and then brought back outside. He noted that there were overhead doors on the building where they could bring the vehicles inside to repair and then bring them right back out to the outside storage space that they were allotted under their tenant contract. Mr. Haberman then discussed the fourth building that straddled the property line located at the top of the site that would be removed as part of the Application. The Vice Chair then asked about the green space shown on the Site Plan exhibit, and Mr. Haberman explained that that would be left as a green space. He indicated that he would be speaking towards the landscaping of the site further along in his testimony. They then discussed what the overall impervious coverage percentage would be after

returning some space at the top of the site to green space, noting that the impervious coverage in the existing condition was 78.6%, and they were bringing it down to 74.5% impervious coverage.

Vice Chair Shepherd then asked about something in the Site Plan called a “dog house” related to drainage. Mr. Haberman explained that the west side of the site drained down toward the wetland area that was at the front right corner of the site. He then told the Board that the prior user stockpiled a lot of material over in the area just before that wetlands space, impeding drainage and not allowing it to follow its natural pattern. He then stated that there was also no infrastructure to collect storm water runoff along the back of the Family Dollar store in front of the property, causing a significant amount of ponding that was occurring in that location now. He went on to explain that the “doghouse” was a structural term for a type of inlet that was typically placed over an existing underground storage water pipe. Mr. Haberman also added that they plan to regrade the property as well so that it drained either towards the wetland area or into that “doghouse” inlet that they would be installing over that pipe. He then testified that they would be removing the stockpiles near the wetlands and submitted applications to the NJDEP to obtain a transition waiver to remove those stock piles because it was technically a disturbance in a wetland buffer, so it would be an enhancement to the condition

To conclude his discussion regarding the circulation on-site, Mr. Haberman indicated that they were also proposing a parking scheme around the existing building and the office building. He explained that it would include parking striping but also an ADA stall so that they comply with the Americans With Disabilities Act, and the spaces themselves would comply with the Township’s code for 9 ft. in width by 18 ft. in depth. He then told the Board that there were 17 parking stalls that were proposed, which was compliant with the ordinance, and that JDN operates a very nice, clean site at all their locations.

Vice Chair Shepherd stated that the current site was poorly revised and maintained, and the tenants put all kinds of piles of materials all over the place. He then asked what was to keep that from happening again if they gave the Applicant the Use Variance that he needed and allows him to go forward with the proposed project. Ms. Cali stated that any condition of approval, should the Board be so inclined, would really be an enforcement issue and zoning violations would issue against the Applicant, and that was how it would be controlled through the Township Zoning Officer. A discussion ensued related to anything that might be of concern to the Board as violations and how the whole site was going to work.

Chairman Thomas then asked Mr. Hak, Board Attorney, and/or Mr. Healey, if the Application was approved, to work in a condition of the approval where there would be a Township inspection every six (6) months. Mr. Hak responded by stating that he thought they could put that in as a condition of approval that the site would be subject to periodic inspections to confirm that it was operating the way it should. A discussion ensued, and Mr. Healey suggested that whenever there was a new tenant on the site that they should have to go through zoning approval. He also added that they might also want to set some parameters of what they may or may not do, with the Zoning Dept. would have to implement that each time a new tenant came in. Mr. Healey then stated that he and Mr. Mazzei, Township Engineer, did find that there was a section on outdoor storage in the ordinance, so it was not a stand-alone permitted use, but that section was in there for if there was a warehouse or light manufacturing use that happened to have some accessory outdoor storage. He added that

he thought that some of the language might be helpful in the discussion. Mr. Healey told the Board that it was Section 112-123, and that section A stated that "no flammable or explosive liquids, solids or gasses shall be stored in bulk above ground". He indicated that he felt it would be useful to stress the word, "in bulk" and that if the Board were to grant an approval, if there were going to be landscapers and they happen to have a gallon of gas in his trailer, he did not think that that was what the Board was concerned about, but possibly something like a tenant having 100 gallon tanks of propane and possibly 20 of them. Mr. Healey indicated that that was not permitted even as an accessory use, and language to that affect would be appropriate as a condition. Other language in the ordinance included "all outdoor storage facilities for fuel, raw materials and products and all raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from adjacent properties" and "materials or wastes shall not be deposited upon a lot in such form and manner that may be transformed off the lot by natural causes or forces". Additionally, included was language such as "all materials or wastes which might cause fumes or dust or which cause a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers".

Vice Chair Shepherd was concerned that the word "waste" kept coming up and wondered about someone in the facility have material that might have gotten wet or ruined in some way and do not want it anymore and just cast it aside. A discussion ensued.

Ms. Cali then interjected that their first witness, the Applicant, already testified that they intended to comply with all of the Township's outdoor storage ordinance requirements.

Chairman Thomas still expressed concern that if tenancy did not change in a few years, there would be no inspections that would be ongoing to make sure that things on-site were operating properly. Ms. Cali then asked if the Township had a change in tenancy ordinance, such as a Minor Site Plan Committee that would oversee a change in tenancy. Mr. Healey explained that that was handled with a zoning permit for any new tenant, and if the Board were to place conditions if a tenant was going to store something like mulch or gravel, that they would have to show the Township how they were going to contain those materials.

Mr. Haberman then continued with his discussion on storm water management, and because they were reducing impervious coverage from 78.6% to 74.5%, the development was considered a Minor development pursuant to the Township Ordinance as well as the State regulations of 7:8. He added that the development was not required to address what are called the storm water runoff rate control requirements. In furtherance, due to that reduction in impervious coverage, Mr. Haberman indicated that water quality and ground water recharge also do not need to be addressed because they had reduced the impervious coverage on-site. Vice Chair Shepherd then discussed what the difference was between a Major development and a Minor development, with Mr. Haberman stated that a Major development was when impervious coverage increased by over a quart of an acre and they were reducing impervious coverage by a quarter acre. The Vice Chair then asked if that still held with the Applicant still being over the coverage maximum of 60% where they were proposing 74.5%. A discussion ensued. Mr. Healey explained that there were two different ordinances that were involved that had different requirements. He added that there was a cap on the amount of impervious coverage that they could have, but that did not address whether an Applicant had to do storm water, with the storm water kicking in with the net increase. Mr. Mazzei, Township Engineer, stated that he knew that there was an existing gravel area, but

that the site was actually a full concrete plant, so that was what was what was being considered the existing condition. He then explained that there were two (2) things that would trigger the site being considered a Major development and this was not the case with the subject project. He then detailed the two (2) triggers that would affect that, and they were the increase in the proposed area by a quarter of an acre or if there was a land disturbance area of an acre, but neither involved the subject site.

Mr. Procanik then asked Mr. Mazzei how long they would be looking back, in terms of years, to that concrete plant. Mr. Mazzei indicated that the NJDEP had a five (5)-year window, but since there was gravel on a portion of the site currently and could be considered impervious coverage, he went with the more restrictive outlook because he did not believe that the Applicant should be granted additional impervious off a site plan that was not finished. A discussion ensued about what would be considered "disturbance". Mr. Haberman testified that they had a certification from the Somerset Soil Conservation District and they had accepted it in that manner too. Mr. Procanik then opened a discussion regarding whether the runoff was only going through one (1) inlet, and Mr. Mazzei and Mr. Haberman addressed that issue and stated that they would look into whether they would need to increase the size of the piping or have two pipes in that location behind the Family Dollar store. Mr. Haberman indicated that he would work with Mr. Mazzei related to that issue and could agree with whatever the recommendation was as a condition of any approval.

Mr. Mazzei then asked that they provide a repair plan for the concrete area currently on-site and asked Mr. Haberman what the condition of the concrete area was, as of that day. Mr. Haberman indicated that there were areas of that concrete area that were in need of repair and could work with Mr. Mazzei to put together a very specific concrete repair plan instead of ripping everything out and replacing everything. Mr. Mazzei brought up Mr. Haberman's comment that the striping might change, and in that case, Mr. Mazzei wanted designated "no parking" fire lanes so emergency vehicles could enter the site and potentially signage for the same. Mr. Haberman indicated that he could work with Mr. Mazzei and the Township Fire Official to their satisfaction regarding those items. Mr. Mazzei then asked for Mr. Haberman to clarify and describe what kind of vehicles would be entering the site. Mr. Haberman stated that, originally, they were thinking that the operation would be a tractor trailer storage site, but testified earlier that that was not what the Applicant was intending to have there, so that storage of those large vehicles would not be happening on the site and they would not be coming in and out of the site. He did state that there may be a stray tractor trailer coming in and out once in awhile for a drop off, but that they would not have storage of those on-site. He added that the driveway would mostly be utilized by a WB40, semi-trailer, or other smaller vehicles such as sprinter vans. Mr. Mazzei expressed his concern for WB67's entering the site and asked if they had a circulation plan exhibit to show. Mr. Haberman marked the exhibit into the record as Exhibit A-3.

Mr. Healey then told the Applicant, for future reference, that they were notified, both through his report and a letter from Ms. Woodbury, Zoning Board Secretary, that they needed to come to the hearing prepared with a laptop to project their exhibits onto the screens located within the chambers. He stated that he was not sure if the Board could see the circulation plan exhibit clearly from where they sat and that the Board put it in their By-Laws. Mr. Healey indicated that, luckily, there was no public at the meeting that evening, but if there were, the Chairman was within his right to send them away and not hear their Application.

Mr. Mazzei indicated that it took the full movement of the driveway to get into the site, so if there were ever a conflicting movement, there was potential for vehicles to back up on Rte. 27. He then stated that with the old approval as a bus storage area, a bus could make the turn in and out free-flow, but with this Application, they were going to have to have some kind of staggering system or making sure that there was someone who monitored this. Mr. Haberman stated that the Board would hear from their Traffic Engineer about the trips generations and low-intensity use of the site as well as there being no plan to store tractor trailers on-site either, with the frequency of those vehicles being minor and infrequent. Mr. Haberman then described the turning movements on the exhibit of tractor trailers.

To go back to the colorized Site Plan exhibit, Chairman Thomas asked if it were necessary to have 100% of the concrete shown in tan included on the site. Mr. Haberman explained that the upper portion of the concrete the Chairman was speaking of was necessary for turning movements, especially for emergency vehicles, and left that area clear of any storage for that purpose. The Chairman then asked him to explain why they were not closer to the maximum allowed impervious coverage of 60%, considering they were starting with a clean slate. Mr. Haberman indicated that there was more testimony to be heard on the Planning side of the hearing, but he did believe that they needed "C" variance impervious coverage relief for the increase over the allowed 60%. He did testify that they could look into reducing the impervious coverage further, but did not believe that the area the Chairman was pointing out was a great area to remove impervious coverage, but there may be a few other areas that they might be able to reduce impervious coverage. He stated that they could remove some of the area right next to that wetland area, shown in the gray color, and replace it with lawn area. He also suggested that they might be able to remove a small portion of the driveway leg coming up where it was striped. The Chairman agreed with the wetlands area, but would not do anything with the driveway after listening to the Township Engineer, Mr. Mazzei. The Chairman then suggested that they might be able to remove a little bit of the storage space behind the Family Dollar store, and Mr. Haberman indicated that they were already removing some of that already and putting in evergreen plantings, which would help with the screening of the site from the Family Dollar store. The Chairman expressed concern that if all tenant spaces were occupied, the site was going to be very crowded. A discussion ensued, and Mr. Haberman stated, in his professional opinion, that he believed that the plan was organized for the specific type of use being discussed and was willing to work with the Township Engineer to reduce the impervious coverage.

Ms. Cali then stated that they would be able to project their exhibits as they have a laptop with them to do so.

Mr. Mazzei then drew the Applicant's attention to the existing basin, and asked Mr. Haberman to discuss where they both came to an agreement on the phone related to that. Mr. Haberman stated that he and Mr. Mazzei discussed some enhancements to the wetlands area to help facilitate the drainage through it, to include a concrete channel that would run to a culvert that went underneath Rte. 27. He added that they discussed cleaning that culvert out to make sure that the pipes were not clogged and that drainage was effectively going through that channel to get to Rte. 27, underneath it. Mr. Haberman noted that removing the stock piles around the outside of the wetlands area was a big part of that, regarding that outside portion with proper lawn to make sure the wetland buffer was acting as it should be. He then told the Board that they had an application into the State at that time to the NJDEP for a transition waiver. He added that should it be needed, they could also supplement that, while it

was under review right now, with a GP1, a pretty basic maintenance permit, to do some maintenance work in there to make sure everything was cleaned out and functioning as it should be.

Mr. Mazzei then asked Mr. Haberman if there was anything in his letter that he did not think he could address, and he indicated that he believed that they discussed everything in Mr. Mazzei's letter and did not have any other issues addressing his comments. Mr. Mazzei then asked him to elaborate a bit more regarding his comment #8. He added that they were planning to conduct some geotechnical testing to get little bit more characteristics of the underlying soil so they could provide a proper detail for that asphalt pavement section. Mr. Mazzei told the Board that he had recommended a section of two (2) inches of asphalt, six (6) inches of asphalt base and six (6) inches of DGA. He added that, in the past, if a geotechnical specific design was done for the site, they would entertain that, but that the 1-1/2 surface course was something he would not recommend accepting.

Mr. Healey then asked for clarification on the testimony that was given. He repeated that the testimony given was that the Applicant was not proposing tractor trailer storage. He asked if they were just not proposing throughout the whole site or not at all. Mr. Haberman stated that they were just not proposing it at the whole site. He went on to state that they could have a semi-tractor trailer like a WB40, landscape vehicles, construction vehicles, but they were not proposing the 53 ft. beds stored on-site at all.

Mr. Healey then brought up what he thought he remembered in testimony about 8 ft. fencing around the property and asked Mr. Haberman to show the Board where that fencing would be placed on the site. Mr. Haberman stated that the only fence that they were proposing was at the entrance gate, which was an 8 ft. chain link fence, with privacy vinyl slats so you could not see into the site when it was closed. He added that they did not have any other perimeter fencing proposing, but that there was existing fencing along the southerly property line and then, essentially, all woods. Mr. Haberman stated that he thought that the Applicant was speaking to with the 8 ft. fence is that there was the fence at the entrance made from chain link that he just spoke about. He added that that gate was connected to an existing fence that ran along the property line, but terminated along the left side of the property where there was a wetland area and transition area. Mr. Haberman continued by stating that one the northern side of the property, there also was existing fence at the top end of the site that terminated at a landscape wall that straddled the property line, but that landscape wall was not 8 ft. tall. He then added that there was about 40 ft. of woods between the Applicant's contract property line and the adjacent users, which was the Public Works facility and another storage site.

Mr. Healey pointed out, in the rear left corner of the Family Dollar store site, it looked like some of the pavement associated with the site encroached upon that property, and if so, is the plan to remove it. In looking at the plans, the rear left corner of the Family Dollar store site had a notation for a mailbox. Mr. Healey thought there was pavement shown there, but Mr. Haberman was not sure if there was pavement there or not, but thought there was landscaping there that straddled the property line there. If there was pavement there, it was not an area that JDN would propose to occupy for any type of storage.

Ms. Cali indicated that if they were over the property line and they did not have an easement or any other right of access, they would pull whatever was over the property line. Mr. Haberman also added that there was some existing impervious coverage at the top of the

property on the Conrail property to the north, and they were proposing to remove that impervious surface from the adjacent property that would also be another water quality benefit that they were not including in the impervious coverage calculation for the overall development.

Mr. Healey then made a comment as the Planning Director and enforcing zoning in Franklin Township by stating that, generally, if the Board was inclined to consider the use, there were details to work out. He added that, generally, the use of having an area where people can have outside storage was a benefit, from his perspective. He did concede that there were access issues that had been a large part of the discussions that they have had, to include tractor trailers, but there was not a lot of sensitive land uses adjoining the site. He then told the Board that they have had problems every day with landscapers popping up in residential areas so having a location or locations where landscapers could go to store their vehicles and materials in a responsible way, perhaps other outdoor storage places like that would be preferable than having them pop up all in different residential areas. Mr. Healey then stated that he believed it would be a positive and, perhaps, would reduce some impacts that they saw in the Planning and Zoning Depts.

Chairman Thomas made a motion to open the meeting to the public. Seeing no public in attendance, the Chairman then closed the meeting to the public for questions.

Mr. Craig Peregoy, Traffic Engineer, came forward and was sworn in. He then gave his qualifications and experience to the Board, and the Board accepted his qualifications. Mr. Peregoy then discussed the Traffic Impact Study that he had submitted. He then took the Board through his findings. Mr. Peregoy gave a brief summary of how they put the Traffic Study together, including traffic counts at the existing location and also picked up Industrial Drive that was across the street that acted like a four (4)-way intersection and volumes along Rte. 27. He then stated that they pinpoint the morning and evening peak hour volumes and grow them by a rate that NJDOT puts out for the area of 2.75% per year for a two-year period to include growth. Mr. Peregoy stated that they then have to account for the activity on the site and the number they use from the Institute of Transportation Engineers (ITE) for the use of outdoor storage facilities for forecasting traffic numbers was not as yet determined; however, they use one that was truck and trailer storage that the Applicant had stated was not going to happen on-site or general light industrial uses that covered a lot of uses. Another use that might be used was specialty trade contracts like plumbers or HVAC trades. He added that all of these kinds of uses generate about 10-15 vehicles per peak hours which was very low in terms of trip generation. Mr. Peregoy then brought up the fact that the Applicant operated three (3) other sites in New Jersey, and they focused on the one (1) in Elmwood Park where there was a construction company that do all the work on the Turnpike and the Parkway and would be the worst-case traffic impact. In doing his analysis, it was determined that it was still not a big traffic generator. Utilizing their data, Mr. Peregoy indicated that they had about 40 vehicles per peak hour and still less than half of what would be called a significant increase in traffic. NJDOT determined that it did not generate enough traffic to warrant a permit. He then focused on the specific site and noted that the driveway would operate at Level D, which was considered acceptable for the peak hour time periods and added that there was no effect on the intersection of Industrial Drive. He then drew the Board's attention to the WB67 large tractor trailer and indicated that because there was no shoulder on Rte. 27, it opened up to two (2) lanes just before the driveway. They all agreed that those types of larger vehicles would not work at this site. He did add that trucks could

make it into the driveway by swinging the width of it, but that it would be a rare occasion that that type of vehicle would be coming to the site. Mr. Peregoy also stated that you would not see one (1) truck coming in and another coming out with it not being considered a truck terminal type of facility. He added that the same held true at the Elmwood Park location where you would see a lot of dump trucks going in and out, but not one (1) single tractor trailer stored on the site, with the site being locked up at around 3:30 p.m. and were out of the site by 6:30 a.m. and a good fit in terms of traffic because it was not coincident with the peak time of the roadway.

Mr. Procanik then asked a few questions, with the first trying to pinpoint what Mr. Peregoy's description of a van would be as stated in his report. Mr. Peregoy stated that a vehicle would be considered a truck for anything larger than a van, i.e., a dump truck, a box truck, or even a sprinter van, etc. Mr. Procanik explained that some of the ignorance from the Board's perspective was about not understanding how the site would work after full build-out. Mr. Peregoy stated that a construction yard contractor like up in Elmwood Park would be the most intensive and they saw dump trucks, flatbed trucks bringing materials. They then spoke about the driveway being wide enough to accommodate for coincident in and out traffic. Mr. Procanik then asked about the access easement on the right side of the wetlands and if there was any consideration to use that for circulation purposes. Mr. Peregoy stated that that was for the Family Dollar store and they would not be able to take out any vegetation there from the wetlands to create a wider driveway for turn-ins that a larger truck would require.

Chairman Thomas then opened to the public for questions. Seeing no one in the public, the hearing was closed to the public.

Mr. Paul Ricci, Planner, came forward and was sworn in. He then took the Board through his qualifications and experience. The Board accepted his qualifications. He then discussed what he reviewed in preparation for his testimony that evening by stating that he took a site visit of the area on two (2) occasions, reviewed the Township's 2016 Master Plan re-examination report, reviewed the Township's Master Plan amendments in 2020 and the Application materials from 2023 and had several conversations with the Applicant's team, reviewed all of the Township professional letters and pertinent sections of the Township's zoning ordinance. He then took the Board through his planning proofs by first stating that they were seeking the D (1) Use Variance to allow the industrial storage, office and maintenance facility, and an impervious coverage variance to allow as submitted by the Applicant 74.5% where 60% was the maximum permitted. He did note that the Applicant did agree, as part of his direct testimony, that they would look to perhaps cut that back further. As part of their Application materials, the Applicant indicated that they also required variances for buffering, but Mr. Ricci stated that he did not believe that those variances were required because when viewing the zoning map, there were some thick line weights that depict the area. He then explained that the way that the zoning ordinance worked was that if the site adjoined a residential use or district, then those buffer provisions would kick in, but that was not the case here. He drew the Board's attention to the Site Plan exhibit in the aerial, and indicated that looking to the right of the site, there was a rail right-of-way and the existing Public Works facility and Somerset recycling as well as the golf facility on the other side, so the site did not encroach or touch any residential areas. Vice Chair Shepherd agreed with Mr. Ricci, with the exception of the golf facility/driving range where he did not believe the patrons of that facility would want to focus on the type of project that they were speaking about. He stated that he believed that the fences were needed there and consistent with the Applicant's

representative, Mr. Gribb's testimony. Mr. Ricci explained that buffering would also suggest additional area for landscaping and additional to potential fencing. He noted that fencing could be installed without the need for a full buffer as well. Mr. Ricci then stated that he did have a photo from the golf driving range that had significant netting that was going up on that property line and was obscuring the view today, if not completely screening it. He then discussed the land uses in the area, noting proximity to Churchill Avenue and New Brunswick across the Rte. 27 roadway and intersection with North Brunswick as one would travel down to Veronica Avenue. He discussed the warehouse that was back behind the tip of the subject property, the rail right-of-way along the right side of the property, followed closely by the intersection of Churchill Avenue where there was the Somerset recycling facility that had an intense use, an impound yard across the street from the recycling center and a Township Public Works facility. He indicated that he believed that the site was not in proximity to residential uses and could accommodate the proposed use without being a substantial change to the character of the area. He then brought up the fact that the Applicant agreed not to stack materials too high and were looking to address sight lines coming into the property as well. Vice Chair Shepherd then interjected that that was part of the discussion regarding the 8 ft. fence, and Mr. Ricci indicated that that was an outstanding issue that would have to be resolved as part of potential deliberations. Mr. Ricci then spoke about there being limited visibility into the site the way it existed today, which he thought was a positive. He added that for a D(1) Use Variance, they needed to demonstrate that the use was particularly suited at the subject location and that the variances could be granted without a substantial detriment to the public good or a substantial impairment to the zone plan and with the enhanced quality approved to reconcile the omission of the use from the Township's Master Plan and zoning ordinance. He did testify that the property was a slightly oversized 5.21-acre property, and in speaking to the Site Engineer, they were clearly in agreement that the triangular shape of the property did significantly limit its future development potential for the reasons of its irregularity. While it did also recognize, as a Planner, that while they were not proposing a bus storage facility, which was its own land use of record that was different from outdoor storage, it was functionally the same use that was being proposed. As for the variance required for impervious coverage, the testimony given was that the Applicant was proposing to decrease the size of that impervious footprint from the state in which it existed today. Mr. Ricci then spoke about his review of the previous Resolution, understanding that the site was approved for up to 180 busses at the facility. He then mentioned that he did find it appealing regarding the streetscape improvements that were proposed, the fencing, the additional landscaping, etc., which would going to help to better harmonize the use as viewed from Rte. 27. He then noted that the site was in a state whereby the Applicant could occupy and utilize the site for their purposes today, however, the Applicant was looking to pull back its current intensity. He noted that as the Planner for the town of Linden, a highly industrialized city, the need for this type of use as did Franklin Township's Planner as well. He also noted that a lot of the industrial sites that used to be available for this type of use were replaced with warehouses in the past number of years, which also created a need for facilities such as what was being proposed. He then spoke about this type of business being previously occupied and owned by everyday business people and not run by large corporations that had the wherewithal and the monetary ability to run and regulate these types of businesses and operate them as a true business model. He also stated he saw it as a positive that the Applicant owned and operated around 140 facilities throughout the country and would help ensure they have the ability to regulate the facility moving forward, that was mentioned by Mr. Healey that they had the ability to come in through a zoning tenancy change where they could look at how each individual was operating their portion of the space and have the regulatory control of the site

that he was not sure existed today. Mr. Ricci then discussed the impervious coverage, whereby the Applicant was looking to reduce that coverage on the site that promoted the purposes of zoning and also resulted in improved storm water management as testified to by the Site Engineer. For the reasons that he mentioned, Mr. Ricci believed that the Application advanced several purposes of the Municipal Land Use Law (MLUL) because the site was particularly well suited for the use and closely associated to a continuation of how it existed today. He noted that it advanced purpose A, and because there was a strong need and demand for this type of use, it also advanced purpose G where it provided the space for industrial uses and resulted in an efficient use of land that already been disturbed and occupied and looking to be repurposed in a manner similar to what it has been utilized in the past. Regarding the negative criteria, he believed that the Use Variance could be granted without substantial detriment to the public good. Mr. Ricci stated that the Applicant had demonstrated that the trucks entering the site could adequately ingress and egress, the Applicant agreed to stack materials less than 8 ft. in height, and he believed that the use was compatible with the industrial character of the area. Additionally, the Applicant agreed to "fix" any promises made by the previous owner as part of their Application as well as meet the Township's performance standards where outdoor storage was permitted within the already established setbacks of the zone, agreed to no truck terminal and no tractor trailer storage as well as the inclusion of ADA access improvement in parking and some of the storm water improvements planned on-site. Mr. Ricci then addressed the enhanced burden of proof, he believed that they had a changed circumstance with the creation of a bus storage facility resulting in a significant change in the site's character which made the current Use Variance consistent with the prior use of the property. He stated that the use spoke to the need for this type of use that did not exist when last the Master Plan was revised in 2016. He explained that they also eliminated warehousing from the B-I Zone and made another amendment since then in 2020. For those reasons, Mr. Ricci believed that they also meet their enhanced quality of proof as well.

Mr. Healey then asked Mr. Ricci if they had similar facilities in Linden that compared to what was being proposed here. Mr. Ricci answered in the affirmative and also included Middlesex Boro as well. He indicated that he just wrote an ordinance in Middlesex Boro related to that and in Linden, he noted that the way that they already were written was interpreted as permitted land uses. Mr. Healey then opened a discussion for the types of standards that those towns had for outdoor storage, with Mr. Ricci mentioning the limitation of the size of vehicles coming onto the property, locations on-site where the storage could occur, the height of the storage of materials, and screening. What he felt was important was that the Township had a regulatory document to enforce the site plan. They then discussed the type of users that were tenants of the properties in those other towns, including flex buildings for tradespeople that would include both outdoor storage and indoor storage for their more expensive equipment inside. He then discussed the different tenants they have in Linden as opposed to Middlesex Boro due to Linden's closeness to the ports. They then discussed what type of controls did those Board's incorporate into their site plan approvals. Mr. Ricci discussed having adequate travel lanes and having a site plan depicting where the storage would occur would be top priority.

The Vice Chair was interested in hearing how these other sites handled the storage of things like mulch, etc. Mr. Ricci then pulled out the ordinance written for Middlesex Boro, noting that they first defined what a contractor storage yard was, i.e., an indoor and outdoor area where construction and trade businesses stored vehicles, equipment and materials serving as an

operational hub for contractors' activities rather than temporary on-site storage for single projects. Additionally, he said that it also included the language that such facilities would include administrative functions and organizing the staging of resources for future job sites, providing a secure and controlled environment for manning the business' assets. He noted that the area was located in an industrial district and permitted it as a conditional use and also in a heavy industrial district. He added that all site plan approvals were required for all contractor storage yards and required a principal building having a gross area of at least 2,500 sq. ft., required materials to be stored no closer than 15 ft. to property lines, restricted the storage area to the rear and side yard of a property, had a restriction of 30,000 pounds for vehicles and was written to exclude heavy commercial equipment. Additionally, they added that the site was required to be screened and to meet performance standards in the town which this application was operating, allowed light vehicle maintenance or minor repairs on tools or equipment within the confines of a building and also prohibited hazardous or toxic materials. He then noted that they already permitted storage containers in Middlesex Boro, so it recognized that they had to be stacked and met their container ordinance requirements with a material stacking height of 8 ft. in height in the ordinance. Also, adequate drive aisles and vehicular circulation shall be demonstrated on the site plan.

Chairman Thomas then opened the meeting to the public for questions/comments. Seeing no public, the Chairman then closed the meeting to the public.

Ms. Cali then spoke to the Board about screening since there was some question about that issue. She went on to state that they were not proposing to screen the entire site with an 8 ft. fence, and Mr. Ricci agreed, indicating that it was a pretty large site and that one (1) property line joined a rail right-of-way and some other pretty intensive industrial uses as well as the Township Public Works and the recycling facility and the main two (2) yards had netting associated with the golf driving range that was already obscuring the view there. He added that the Applicant wanted to focus on the sight lines coming into the site. That being said, the Applicant was agreeable to providing screening if that was what the Board was looking for and just about what was reasonable given the shape of the site and what was around the site.

Mr. Procanik stating that he brought up the idea of screening the site strictly for security purposes and never visibility.

Mr. Gribb indicated that may have misspoke, but explained that the current plans only contemplated putting up that 8 ft. high entrance gate. He stated that they did consider doing screening around the full time, but as the Site Engineer and Planner stated, they had adequate existing fencing on the west as well as the driving range net. Additionally, he stated that they were also abutting wetlands and some green space as well. Vice Chair Shepherd then asked what people would see from Rte. 27, and Mr. Gribb stated that they would see an 8 ft. high gate with privacy slats in the drive aisle and then have green space and landscaping the frontage of the Family Dollar store as a buffer as well as the current buffer of green space in that southeast corner.

Mr. Haberman, Site Engineer, stated that at time of planting, they could procure plantings that were 8 ft. tall and would get significantly taller than that as they grow.

Chairman Thomas then added that once one (1) would get beyond the Public Works building and the recycling center, there was a church and all residential was a lot closer to the site

than maybe had been observed or contemplated by your team, and the Applicant might want to consider something in the way of security just to keep people out of the site and not so much to screen what they were looking at. He then added that there was a railroad right-of-way and a little bit of woods there, too, but there was also a million sq. ft. warehouse that was built behind that whole area that was mentioned that did have a solid wood fence that backed along the railroad, and was at the back of all of those residential properties, so it was something that the Applicant might consider for security purposes.

Mr. Haberman showed the Board that there was an existing fence up along the back of the Public Words building now and what he indicated that they could do was to extend that fence along the westerly or left property line at least until it got to the point near the building where the wetlands were located, which would deter anybody from traversing the site at least coming down from the top end of the site. He added that he felt that level of security would be beneficial and would be willing to install that as well as a condition of any approval.

The Chairman then asked if the staff had considered sidewalks, and Mr. Mazzei indicated that they did not because the NJDOT had issues with sidewalks once one would get closer to the railroad tracks because of the clearance and the guide rails. He did state that he did bring up placing sidewalks within the front of the driveway, itself, and the Applicant had agreed to replace that portion.

Ms. Cali then gave her closing summations, noting that their proposed upgrades really improved existing conditions on-site, they completed prior approval requirements that were never implemented and they introduce a controlled use and an established operator. She then spoke about the impacts that could already be known from the current operations, while not the same, a bus storage versus an outdoor storage, it had proven suitable for the use. She added that the proposal was tailored to the site's layout and they had addressed all of the Township and Board professionals' concerns and had agreed to comply with everything in both the Township Planner's and Township Engineer's reports. She added that they were proposing to modernize and screen the property and have well-managed oversight that had not existed previously. She then stated that they had discussed reasonable conditions if they wanted to consider the change of tenancy via zoning permit and some kind of code enforcement mechanism put in place every six (60 or nine (9) months per year coming to check the site if there were a long-time tenancy and would not trigger that minor site plan change of tenancy review. Ms. Cali then stated that while not in compliance with the code, they were already decreasing impervious coverage on the site and to the extent possible, should the Board approve the Application, their site engineer could work with the Township Engineer to see if there were any further places to remove impervious coverage.

Mr. Healey then spoke about conditions, if the Board were inclined to approve the Application. He stated that they heard them speak of no truck terminal, no tractor trailer storage, compliance with staff reports, stacking no more than 8 ft., Applicant contemplating cutting back the tractor trailer areas (labeled that on the Site Plan) closest to Rte. 27 and putting landscaping, eliminating any pavement encroachment on the Family Dollar store property, compliance with Section 112-123, which was the outdoor storage ordinance, periodic inspections, and fencing as testified. He reiterated his conversation from earlier in the hearing regarding the need for the use in the Township because they were constantly chasing landscapers and have had issues essentially construction staging areas popping up in random areas of the Township. He added that the ordinance did not accommodate for those

uses, but if there were appropriate locations for them in the Township, whether by variance or through the Master Plan update. With all of that said, Mr. Healey indicated that they had a site plan that did not match the use that they were proposing such as an unspecified mix of outdoor storage uses and not the tractor trailer spaces shown on the plan. A discussion ensued regarding enforcement issues related to that. He discussed the possibility of having the Applicant fine tune the site plan to match their proposal.

Chairman Thomas suggested that they refer the use to the Planning Board since they were in a review of the Master Plan, come up with a standard that Mr. Healey was talking about, and maybe ask them to adjust the site plan to make it fit the use that they were testifying they were proposing. Vice Chair Shepherd also indicated that he was not ready to draft any kind of Resolution.

Ms. Cali agreed to tweak their site plan and come back before the Board at a later date. After speaking with the Applicant, they would have to come back no later than the following month since they were under contract to purchase.

Mr. Healey felt that the Applicant would have time to come up with new exhibits and meet with both he and Mr. Mazzei to speak about the mix of possible outdoor uses contemplated for the site.

Ms. Cali agreed to grant an extension of time and would send in a letter stating the same. Both the Board and Applicant agreed to carry the hearing - **CARRIED TO FEBRUARY 5, 2026, with no further notification required.**

Vice Chair Shepherd made a motion to adjourn the meeting at 10:26 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

_____

Kathleen Murphy, Recording Secretary
February 11, 2025

Outlook

Re: ukranian center

From Vincent Dominach <Vincent.Dominach@franklinnj.gov>
Date Thu 9/11/2025 1:22 PM
To Mark Healey <Mark.Healey@franklinnj.gov>
Cc Christine Woodbury <Christine.Woodbury@franklinnj.gov>

they approved last week with no conditions as came prior
Sent from my iPhone

> On Sep 11, 2025, at 13:20, Mark Healey <Mark.Healey@franklinnj.gov> wrote:
>
> Do we have a report or minutes from the historic commission?
>
> Mark Healey, PP/AICP
> Planning Director/ Senior Zoning Officer
> mark.healey@franklinnj.gov
> 732-873-2500 x 6271

Outlook

TRC: FTSA (Ukrainian Orthodox Church of U.S.A.)

From Staff Engineer <staffengineer@ftsa-nj.org>
Date Fri 5/9/2025 1:53 PM
To Christine Woodbury <Christine.Woodbury@franklinnj.gov>
Cc Staff Engineer <staffengineer@ftsa-nj.org>

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender or know the content is safe.

Hi Christine,

Regarding the Ukrainian Orthodox Church of U.S.A. Application (ZBA-25-00008), there appears to be no sewer being disturbed or proposed. The Authority holds no opinion on the matter.

Thank you,
Tom Cipas

Franklin **T**ownship **S**ewerage **A**uthority
F: 732-873- 2121 ext. 306
Email: staffengineer@ftsa-nj.org
Website: www.ftsa-nj.org
Office: 70 Commerce Drive, Somerset NJ, 08873

Disclaimer: *This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail in error and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.*

Municipal Building
475 DeMott Lane
Somerset, NJ 08873
732.873.2500
Fax: 732.873.0844
www.franklintwpnj.org

Franklin Township

Somerset County, New Jersey

Township Technical Review Committee (TRC)

MEMORANDUM

To: Zoning Board of Adjustment

From: Technical Review Committee (TRC)

Date: July 8, 2025

Re: Ukrainian Orthodox Church – Minor Subdivision w/ D(2) Variance (ZBA-25-00008)
135 Davidson Avenue (Block 469, Lot 1.06)

Site and Project Description

The subject site is located at the southwesterly intersection of Easton Avenue (Somerset County Route 527) and Davidson Avenue. It is located within the B-I (Business & Industry) Zone which permits self-storage, data centers, manufacturing, professional offices, banquet and hotel facilities and other similar uses on minimum two-acre lots. The site is 32.60 acres in size and contains 3 large buildings and a large parking lot in the southeast corner of the site. The site has over 700' of frontage on Easton Avenue and over 1,000' of frontage on Easton Avenue. The property contains a Special Flood Hazard Area along the northwesterly property line per FEMA records and potential wetland areas per information provided by the NJDEP. Two large (16" & 20") petroleum transmission pipelines cross the property. A 24" sanitary sewer line also crosses the property. The property is generally surrounded by commercial and industrial uses. There is a cemetery to the north and residential dwellings behind that.

In support of their application the applicant has submitted:

- 2-sheet Minor Subdivision Plat prepared by Langan Engineering and Environmental Services, LLC dated October 23, 2024 and revised to January 23, 2025.
- 6-sheet ALTA/NSPS Land Title Survey prepared by Langan Engineering and Environmental Services, LLC dated July 12, 2024 and revised to November 19, 2021.

Project Information:

- The property is 32.60 acres in size and is in the B-I (Business & Industry) Zone. The minimum lot area in the zone is 2.0 acres.

- FEMA records show a Special Flood Hazard Area on a portion of the property.

- GIS information provided by the NJDEP indicates that wetland areas may exist on a portion of the property.

- The applicant is proposing to subdivide the property into two lots, fully conforming in size and all bulk requirement for the zone. A variance is required for expansion of a non-conforming use; the church and cultural center are preexisting non-conforming uses in the B-I Zone.

- It is presumed that the applicant is proposing to perfect the minor subdivision by deed filing with the County.

Review Comments

1. The applicant is proposing to subdivide the existing lot into two new parcels. Should the Board act favorably, the new lots shall be as follows:
    - Plan Lot 1.08 = New Lot 1.09
    - Plan Lot 1.09 = New Lot 1.08

    Note: Lot number change is necessary in order to maintain numbering consistency with the proposed lot consolidation to the south of this property.

2. The existing main entrance to the parking areas is partially located on both proposed new lots. Will an access and maintenance agreement be created, or the access drive(s) be relocated?

3. Minor Subdivision Plan:
    - Update the proposed lot numbers in accordance with Comment #1
    - A concrete monument shall be set at the intersection of the external boundary line with the right-of-way of Easton Avenue. A monument already exists at the boundary line intersection with Davidson Avenue.

4. Subdivision Deeds with metes & bounds descriptions attached and any other deeds (access, maintenance, construction, etc.) shall be submitted for review and approval prior to filing with the Somerset County Clerk's Office.

5. Official street addresses shall be obtained from the Township 911 Coordinator.

6. All fees shall be paid by the applicant at the time of adoption of a resolution of site plan approval for the cost of making upgrades and modifications to the Tax Maps and geographic information system (GIS) (Section 112-329).

7. At the time the final plans are submitted for signature of the municipal officials, the applicant shall submit CAD-generated data files, prepared by a New Jersey licensed land surveyor, directly translatable into an identical image of the plan per the requirements of Section 112-329.

We reserve the right to make additional comments based upon the submission of revised plans or testimony presented to the Board.

Figure 1: Site Location

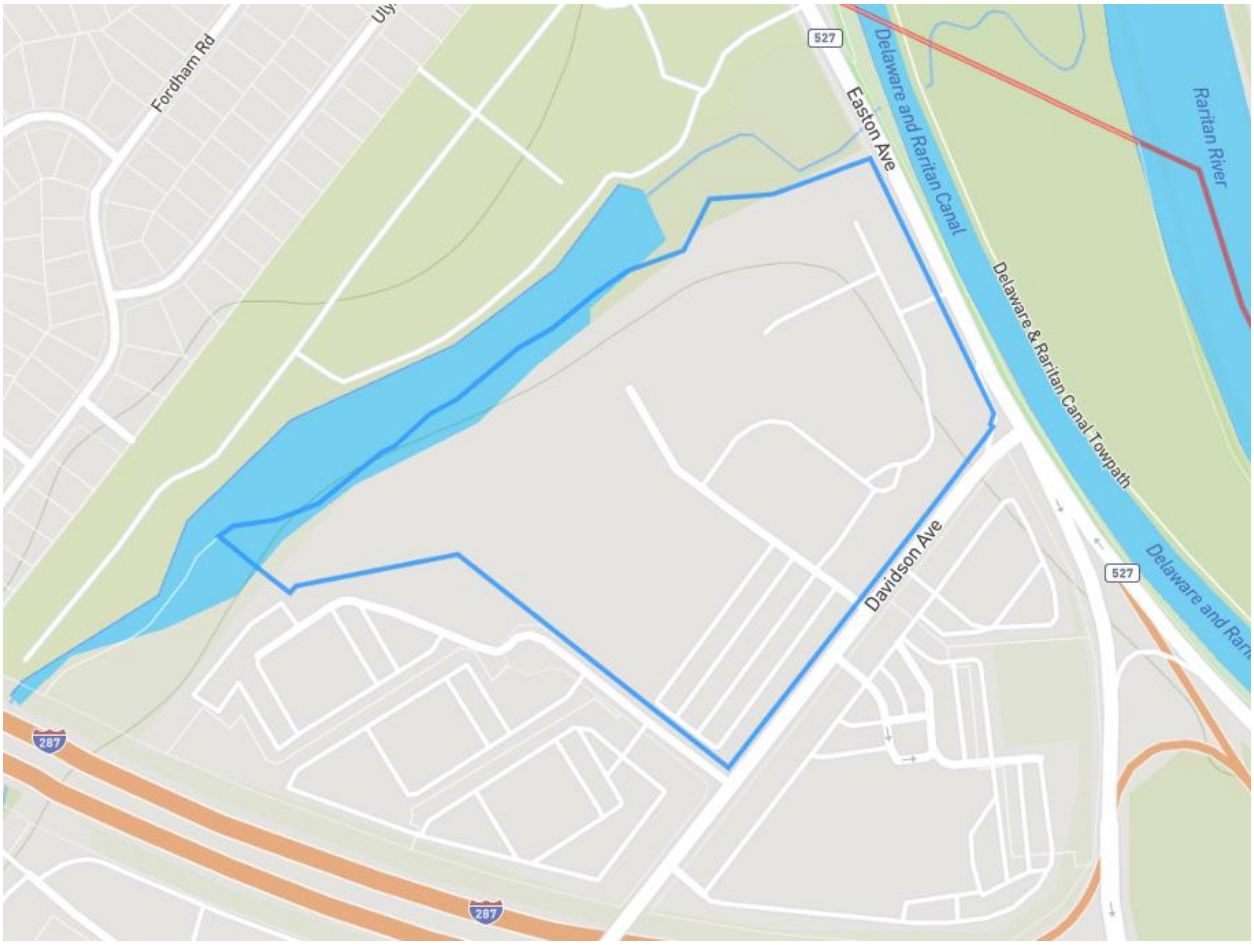


Figure 2: FEMA Special Flood Hazard Area along stream and in roadway

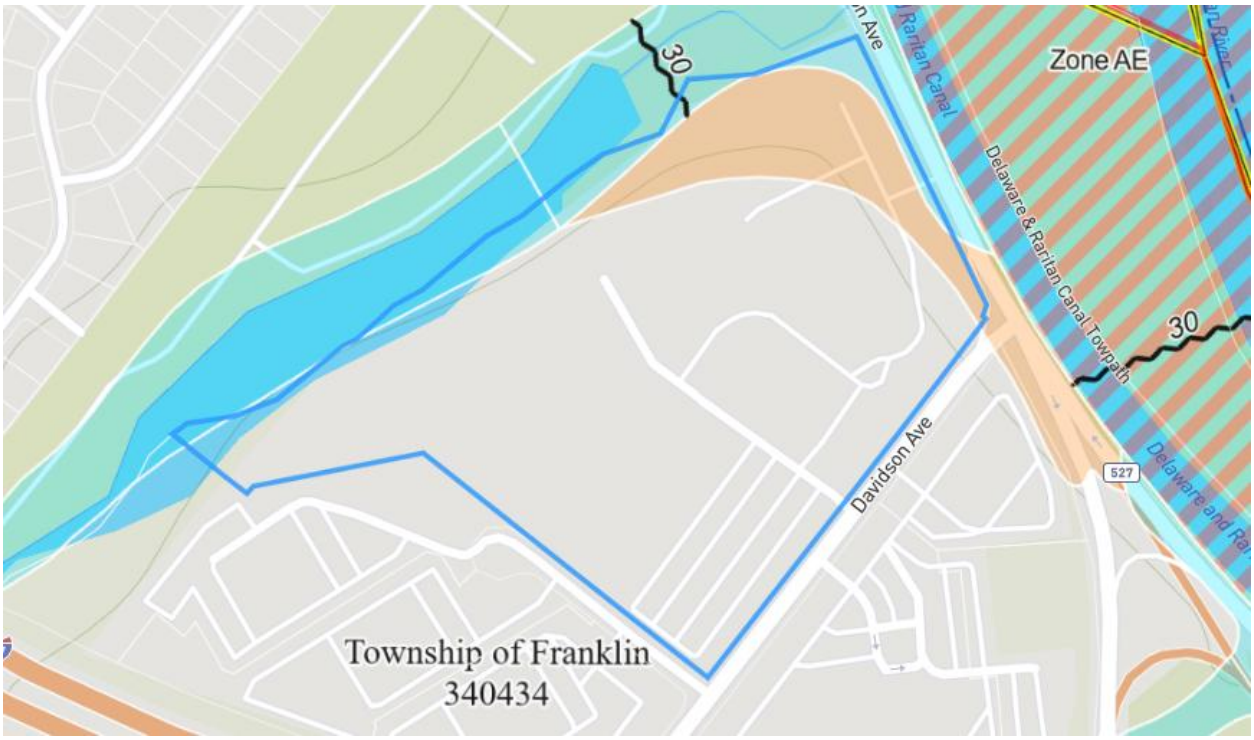


Figure 3: Potential Wetlands per NJDEP GIS information

Figure 4: Site Aerial

FRANKLIN TOWNSHIP POLICE
TRAFFIC SAFETY BUREAU

TO: F.T. Zoning Board

FROM: Ofc. Ryan Ellington

DATE: June 17th, 2025

SUBJECT: **ZBA-25-00008 Ukrainian Orthodox**

1950 Easton Ave, Somerset NJ

BLOCK: 469 LOT(S): 1.06

I have reviewed the above captioned subject plans dated January 31st, 2025 and have no comments at this time.

This office reserves the right to make additional comments based on future submissions and/or testimony before the Board.

Franklin Township

Somerset County, New Jersey

DEPARTMENT OF PLANNING AND ZONING
Planning – Zoning – Affordable Housing
Planning Board – Zoning Board of Adjustment

Municipal Building
475 DeMott Lane
Somerset, NJ 08873
732.873.2500
Fax: 732.873.0844
www.franklintwpnj.org

MEMORANDUM

To: Zoning Board of Adjustment

From: Mark Healey, PP, AICP
Director of Planning/ Senior Zoning Officer

Date: May 27, 2025

RE: Ukranian Orthodox Church of USA (ZBA-25-00008)
Minor Subdivision, D(2) Use Variance;
135 Davidson Avenue; Block 469, Lot 1.06[1]

As requested, I have reviewed the application materials listed below and issue the following report for the Board's consideration:

- 2-sheet set of subdivision plans prepared by Langan Engineering NJ. LLC last revised 1/23/25
- 6-sheet survey prepared by Langan Engineering NJ. LLC last revised 11/24/24

Site Description

The overall project site is located along the westerly side of Davidson Avenue and is bounded by Executive Drive to the south and Easton Avenue to the north. The site is currently occupied by the national headquarters of the Ukrainian Orthodox Church of the USA which includes the Ukrainian History and Education Center, Saint Sophia Seminary and Library and administrative offices. The westerly portion of the site contains a stream, wetlands and associated regulated buffers. A buckeye pipeline also traverses this portion of the site. The site is located within the B-I (Business & Industry) zone.

Figures at the end of this memorandum show the location of the site as well as the nature of the surrounding area which consists of:

- *North (on the opposite side of Easton Avenue):* Delaware and Raritan (D&R) Canal State Park and the Raritan River

[1] Applicants represented by attorneys, engineers and/or architects (or other such professionals) are expected to use the video display system available in Council Chambers to project hearing exhibits. Use of the video display systems greatly improves visibility of these exhibits for the Board, the public and the Township's video broadcast of the hearing. In order to use the video display system, please bring a computing device capable of utilizing a HDMI connection. A cable is provided, however adapters are not so please make sure you have the required adaptors to connect to HDMI if necessary.

- *East (on the opposite side of Davidson Avenue*): Office building and multi-story hotel
- *South (on the opposite side of Executive Drive*): Three vacant multi-story office buildings; side of IDI Logistics LLC (ZBA-24-00010) which proposes construction of a 212,500 square foot warehouse (access proposed via Executive Drive, beyond that is I-287 and warehouse, office and light industrial uses along Davidson Avenue
- *West:* St. Andrew Ukrainian Orthodox Cemetery, beyond that is a large single-family residential neighborhood

Associated Applications

The overall project site is the subject of three applications (refer to figures at the end of this memorandum for location/context):

- *ZBA-25-00009 (Warehouse Site Plan)*: Demolition of the Ukrainian Cultural Center and associated parking lot and redevelopment of the site with a 258,150 square foot warehouse, 162-space car parking area, a 17-space trailer parking area to the rear of the warehouse, a 35-berth loading area with access via Executive Drive. That application also involves proposed intersection and traffic signal improvements at the Davidson Avenue/ Executive Drive intersection. Review of that application is contained in another memorandum.

- *ZBA-25-00007 (Church Site Plan)*: Site modifications (including parking lot and access modifications) associated with retention of the certain exiting church facilities (existing church and seminary). Review of that application is contained in another memorandum.

- *ZBA-25-00007 (Church Site Plan)*: See description below.

Project Description

Subdivision of the current 32.6 site into two lots:

- *Proposed lot 1.08* (17.7 acres) upon which is proposed construction of a new warehouse under ZBA-25-00009 and
- *Proposed lot 1.09* (14.9 acres) which would contain certain existing church facilities to remain (ZBA-25-00007.

Requested/ Required Approvals

- *D(2) Use Variance*: Expansion of a Non-Conforming Use[2]
- Minor Subdivision Approval

[2] Places of worship are not a permitted use in the B-I zone. By law, the proposed reduction of the church site by virtue of the proposed subdivision constitutes an expansion of this non-conforming use necessitating a D(2) variance.

Review Comments[3]

1. The proposed subdivision plan reflects two proposed lots that significantly exceed minimal lot area and frontage requirements and comply with all applicable bulk requirements based on the existing facilities on the site. No bulk variances are required.

2. The application should address necessary coordination between the two proposed lots both with and without the proposed construction reflected on the site plans. This would include, as necessary, easements related to parking, access, utilities and/or drainage.

[3] It is requested that subsequent plan submittals be accompanied by a written description of the changes made compared to the prior submission. Preferably, this would be accomplished by providing a response to each of the review comments with a description of the plan changes and where the plan changes can be found (e.g., sheet number). If the plans have not been revised in response to a comment, the reason should be provided. The number of copies of this written description should be commensurate with the number of revised plans.

Figure 1: Site Location

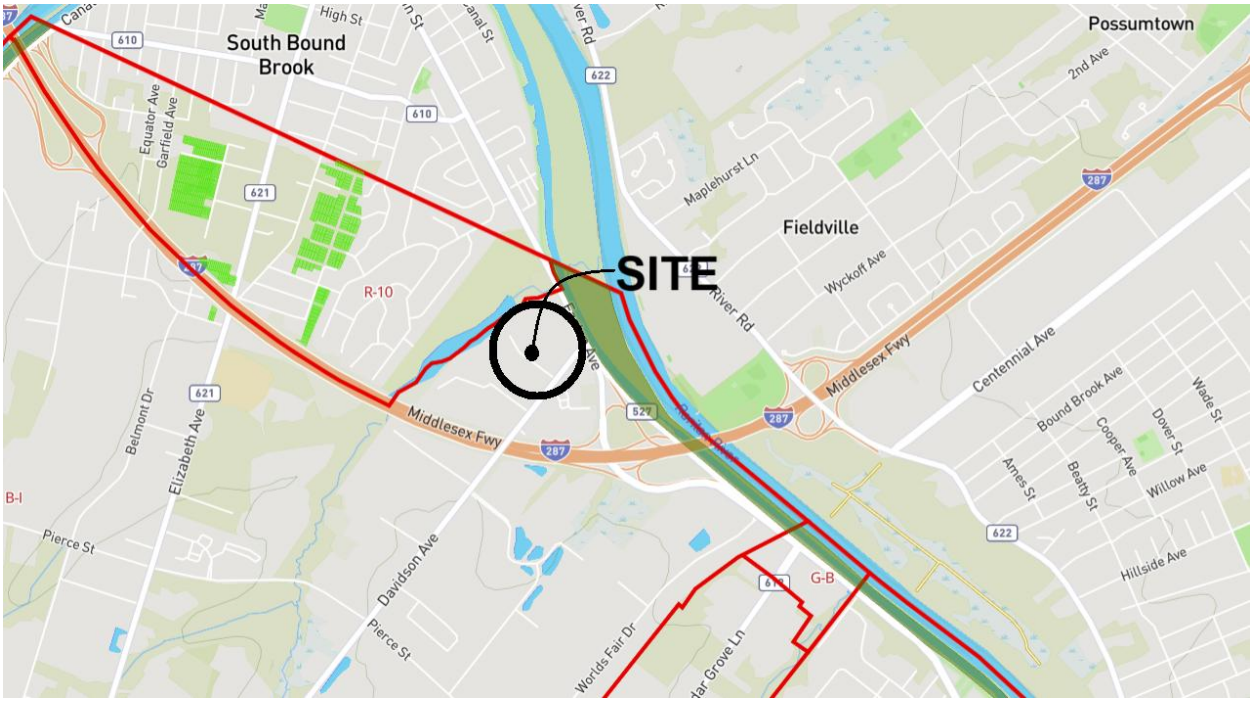


Figure 2: Site and Surrounding Area

Figure 3: Project Site and Adjoining Applications

Figure 4: Project Site and Adjoining Applications

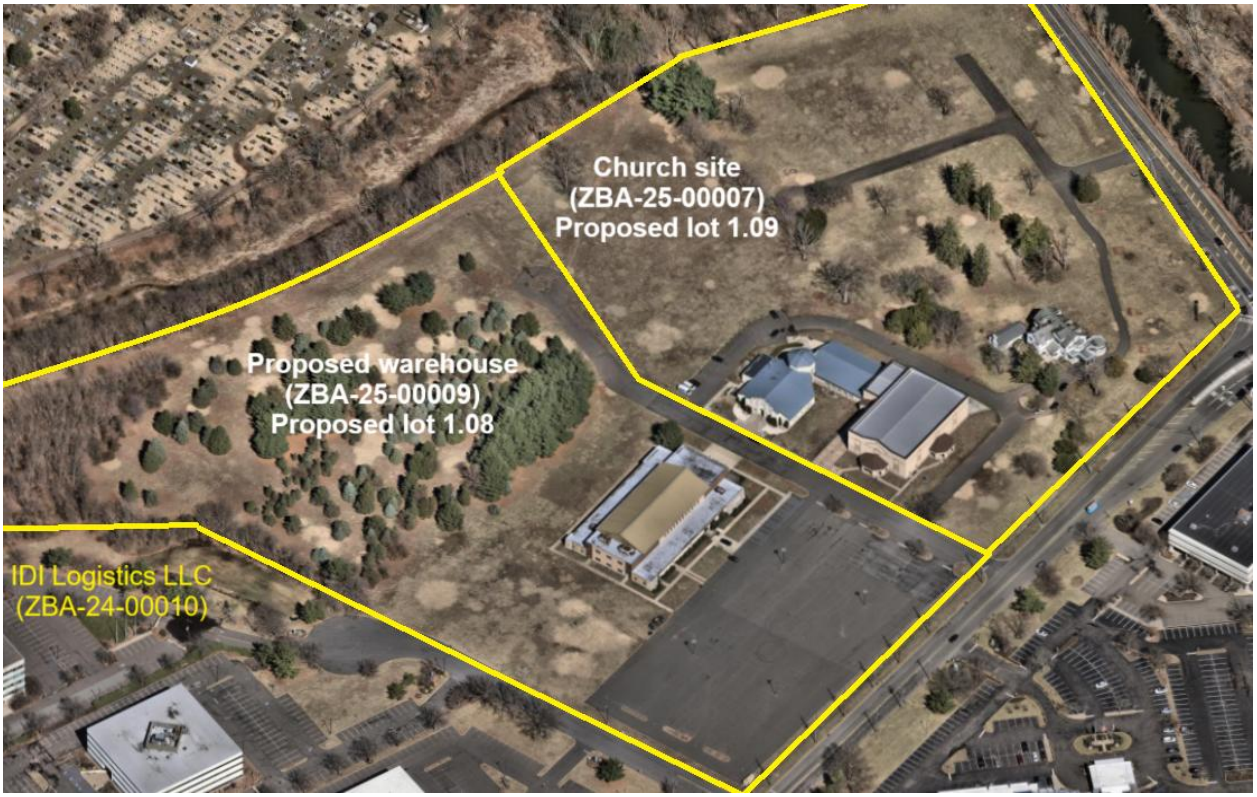
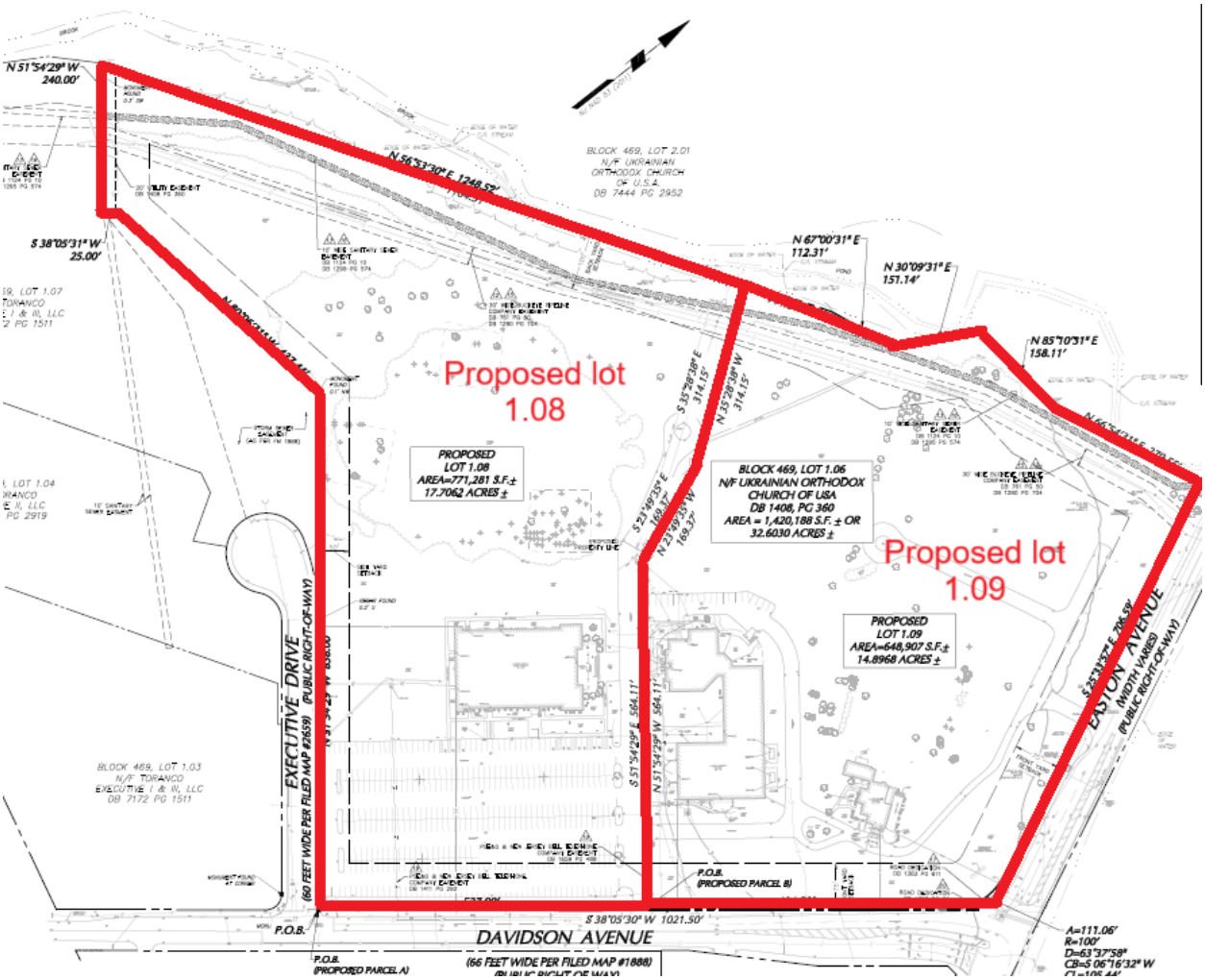


Figure 5: Proposed Subdivision (ZBA-25-00008)



Franklin Township

In Somerset County

OFFICE OF FIRE PREVENTION

Municipal Building
475 DeMott Lane, Somerset, NJ 08873-6704

Phone: 732-873-2500 Ext. 6303 Fax: 732-873-0804

May 15, 2025

To: Board of Adjustment

From: John Hauss, Director
Fire Prevention

Re: Docket # ZBA 25-00008
Ukrainian Orthodox Church of U.S.A.
1950 Easton Avenue
Block: 469 Lot: 1.06

Fire Prevention has no objections to this application.

We reserve the right to make additional comments based upon the submission of revised plans or testimony presented to the Board.

COUNTY OF SOMERSET
DEPARTMENT OF
PUBLIC HEALTH & SAFETY

DEPARTMENT OF HEALTH

Director / Health Officer
HIMANSHI BHATT, MPH, MS, REHS
bhatt@co.somerset.nj.us

27 Warren Street
P.O. Box 3000
Somerville, New Jersey 08876-1262
(908) 231-7155
Fax (908) 704-8042
www.somersetcountynj.gov/health
healthdept@co.somerset.nj.us

Deputy Director
MICHAEL T. McCARTY
mccarty@co.somerset.nj.us

Memorandum

To: Planning/Zoning Department

From: Rashida Boima, REHS, MPH-Consumer Health Coordinator

Date: May 9, 2025

Re: ZBA-25-00008-Ukranian Orthodox Church of U.S.A.-Easton Avenue, Somerset

Block: 469, Lot: 1.06

The Health Department has no objection to this application.

memo

TO: Christine Woodbury – Secretary to Franklin Township Planning and Zoning Boards

FROM: Tara Kenyon, AICP/PP – Sustainability Coordinator, Franklin Township

DATE: April 8, 2025

RE: Comments from Franklin Township Environmental Commission
Ukrainian Orthodox Church of the USA
1950 Easton Avenue, Somerset
(Block 469 – Portion of Existing Lot 1.06/Proposed Lot 1.09)
File #: ZBA-25-00008

At its regularly scheduled meeting of May 5, 2025, the Franklin Township Environmental Commission ("EC') reviewed plans and documents for the above-referenced project. The following comments are submitted for consideration by the Franklin Township Zoning Board of Adjustment:

- The FTEC recommends that the applicant replace the proposed White Pines in the bioretention basins with River Birch (Betula Negra) trees. These trees are better suited to bioretention basins and native to the Eastern United States.

- Pervious pavement is recommended to the maximum extent possible. This will reduce the amount of stormwater runoff and non-point source pollution loading, while also improving safety through the reduction of ponding and icing conditions created by increased stormwater runoff.

- The EC requests that the applicant provide a list of amendments made to plans and supporting documents with all future resubmissions. This will assist the EC's Site Plan Committee in its required review.

Please contact me with any questions at Tara.Kenyon@franklinnj.gov or 848-203.1857. Thank you!

FRANKLIN TOWNSHIP SEWERAGE AUTHORITY
70 Commerce Drive, Somerset, NJ 08873-3470
Tel: (732) 873-2121 • Fax: (732) 873-2038 • www.ftsa-nj.org

May 8, 2025

Project Applicant: Ukrainian Orthodox Church of U.S.A.
Project Location: 135 Davidson Avenue, Township of Franklin, NJ
Block: 469; Lot: 1.06
Docket #: ZBA-25-00007
Plan Type: Preliminary & Final Major Site Plan

The Applicant is proposing to service an existing church/cultural center building. The Project site occupies Lot 1.06 of Block 469 and is located west of the intersection of Davidson Avenue and Easton Avenue. The property currently consists of an existing church building, cultural center, and single family dwelling.

The Applicant is proposing to service the existing building with a 6" diameter gravity sanitary sewer lateral connecting to the existing on-site sanitary sewerage facilities that ultimately discharge to the Authority's existing gravity collection system located west of the subject property.

The estimated Average Daily Flow to be generated by the proposed facility has not yet been provided by the Applicant.

The following Preliminary documents have been received with respect to the proposed Project:

- Preliminary and Final Major Site Plan, as prepared by Langan Engineering and Environmental Services, LLC, dated January 17, 2025;

Based upon our preliminary review of the submitted documents, the Applicant is to provide the following items required for submission of an Application and subsequent approval for connection to the Authority's sanitary sewerage system:

- Applicant is to submit a complete Application for Approval of Sewerage Facilities in accordance with the FTSA Rates, Rules and Regulations (Appendix A-5 thru A-6).
- Application Fee to be posted in the amount of $500.00 in accordance with Appendix F.
- The formal Application submission is to be accompanied with sufficient Application Initial Review Escrow in accordance with Application Section 14. The FTSA's review process will not commence until such time that sufficient escrow is posted with the Authority.
- Applicant is to submit a complete Impact Fee Determination Request Form in accordance with the FTSA Rates, Rules and Regulations (Appendix A-8).
- Impact Determination Fee to be posted in the amount of $500.00 in accordance with Appendix F.
- All Application Fees and Review Escrow shall be submitted (via separate checks) made payable to "The Franklin Township Sewerage Authority".
- The Application is to include a Signed and Sealed Engineer's Report in support of the proposed sanitary sewer improvements including, but not limited to, a summary of the sanitary improvements, existing flow conditions, proposed average daily flow

calculation, proposed peak flow calculation, sewage velocity calculation, pipe capacity analysis, etc.

- Application to include Signed and Sealed Sanitary Sewer Construction Specs in accordance with Appendix C.
- Please provide a Signed and Sealed Sanitary Sewer Construction Cost Estimate reflecting all proposed sanitary sewer improvements for the Project utilizing, at a minimum, all applicable items and unit prices listed in Appendix F of the Authority's Rates, Rules and Regulations.
- Application to include a full set of Signed and Sealed Plans including all applicable FTSA Standard Construction Details in accordance with Appendix D.
- Submission of an electronic version (PDF) of the Site Plan, Sanitary Sewer Analysis, Engineers Report and Sanitary Sewer Specification to: Staffengineer@ftsa-nj.org.

A full review of the proposed sanitary facilities will be performed upon receipt of the above referenced documents. The Applicant is required to maintain full compliance with the FTSA's Rates, Rules and Regulations throughout the duration of the Application process. The Authority reserves the right to make additional comments based upon the submission of any revised plans and/or documents.

Should you have any questions, please do not hesitate to contact our Office.

Very Truly Yours,

William E. Korosec, PE
Consulting Engineer's Office

WK/tc

cc: Joseph Danielsen – FTSA Executive Director / Special Project Manager
Scott Nocero – FTSA Operations Manager / Licensed Operator

FRANKLIN TOWNSHIP POLICE
TRAFFIC SAFETY BUREAU

TO: F.T. Zoning Board

FROM: Ofc. Ryan Ellington

DATE: September 22nd, 2025

SUBJECT: **ZBA-25-00007 Ukrainian Orthodox**

Easton Ave, Somerset NJ

BLOCK: 469 LOT(S): 1.09

I have reviewed the above captioned subject plans and have no comments at this time.

This office reserves the right to make additional comments based on future submissions and/or testimony before the Board.

COUNTY OF SOMERSET
DEPARTMENT OF
PUBLIC HEALTH & SAFETY

DEPARTMENT OF HEALTH

Director / Health Officer
HIMANSHI BHATT, MPH, MS, REHS
bhatt@co.somerset.nj.us

27 Warren Street
P.O. Box 3000
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www.somersetcountynj.gov/health
healthdept@co.somerset.nj.us

Deputy Director
MICHAEL T. McCARTY
mccarty@co.somerset.nj.us

Memorandum

To: Planning/Zoning Department

From: Rashida Boima, REHS, MPH-Consumer Health Program Coordinator

Date: September 2, 2025

Re: ZBA-25-00007-Ukrainian Orthodox Church-Easton Ave.

Block: 469, Lot: 1.09

The Health Department has no objection to this application.

Franklin Township
In Somerset County

OFFICE OF FIRE PREVENTION

Municipal Building
475 DeMott Lane, Somerset, NJ 08873-6704
Phone: 732-873-2500 Ext. 6303 Fax: 732-873-0804

August 25, 2025

To: Board of Adjustment

From: John Hauss, Director
Fire Prevention

Re: Docket # ZBA 25-00007
Ukrainian Orthodox Church of U.S.A.
Easton Avenue
Block: 469 Lot: proposed 1.09

The revised plans satisfactorily address our previous comments.

We reserve the right to make additional comments based upon the submission of revised plans or testimony presented to the Board.

Franklin Township

Somerset County, New Jersey

DEPARTMENT OF PLANNING AND ZONING
Planning – Zoning – Affordable Housing
Planning Board – Zoning Board of Adjustment

Municipal Building
475 DeMott Lane
Somerset, NJ 08873
732.873.2500
Fax: 732.873.0844
www.franklintwpnj.org

MEMORANDUM

To: Zoning Board of Adjustment

From: Mark Healey, PP, AICP
Director of Planning/ Senior Zoning Officer

Date: August 14, 2025

RE: Ukrainian Orthodox Church of USA (ZBA-25-00007)
D(2) Use Variance; Preliminary and Final Site Plan, "c" Variances
135 Davidson Avenue; Block 469, Lot 1.06 (proposed lot 1.09)[1]

As requested, I have reviewed the application materials listed below and issue the following report for the Board's consideration:

- 25-sheet set of site plans prepared by Langan Engineering NJ. LLC revised 7/18/25
- 6-sheet survey prepared by Langan Engineering NJ. LLC last revised 11/24/24
- Letter from Langan Engineering dated 3/15/25 regarding required parking
- Letter from Savo Schalk dated 3/26/25 regarding required parking
- Letter from Langan Engineering dated 7/31/25 addressing prior review comments

Site Description

The overall project site is located along the westerly side of Davidson Avenue and is bounded by Executive Drive to the south and Easton Avenue to the north. The site is currently occupied by the national headquarters of the Ukrainian Orthodox Church of the USA which includes the Ukrainian History and Education Center, Saint Sophia Seminary and Library and administrative offices. The westerly portion of the site contains a stream, wetlands and associated regulated buffers. A buckeye pipeline also traverses this portion of the site. The site is located within the B-I (Business & Industry) zone.

[1] Applicants represented by attorneys, engineers and/or architects (or other such professionals) are expected to use the video display system available in Council Chambers to project hearing exhibits. Use of the video display systems greatly improves visibility of these exhibits for the Board, the public and the Township's video broadcast of the hearing. In order to use the video display system, please bring a computing device capable of utilizing a HDMI connection. A cable is provided, however adapters are not so please make sure you have the required adaptors to connect to HDMI if necessary.

Figures at the end of this memorandum show the location of the site as well as the nature of the surrounding area which consists of:

- *North (on the opposite side of Easton Avenue):* Delaware and Raritan (D&R) Canal State Park and the Raritan River
- *East (on the opposite side of Davidson Avenue*): Office building and multi-story hotel
- *South (on the opposite side of Executive Drive*): Three vacant multi-story office buildings; side of IDI Logistics LLC (ZBA-24-00010) which proposes construction of a 212,500 square foot warehouse (access proposed via Executive Drive, beyond that is I-287 and warehouse, office and light industrial uses along Davidson Avenue
- *West:* St. Andrew Ukrainian Orthodox Cemetery, beyond that is a large single-family residential neighborhood

Associated Applications

The overall project site is the subject of three applications (refer to figures at the end of this memorandum for location/context):

- *ZBA-25-00008 (Subdivision)*: Subdivision of the current 32.6 site into two lots: proposed lot 1.08 (17.7 acres) upon which is proposed construction of a new warehouse under ZBA-25-00009 and proposed lot 1.09 (14.9 acres) which would contain certain existing church facilities to remain (ZBA-25-00007. Review of that application is contained in another memorandum.

- *ZBA-25-00009 (Warehouse Site Plan)*: Demolition of the Ukrainian Cultural Center and associated parking lot and redevelopment of the site with a 258,150 square foot warehouse, 151-space car parking area, a 17-space trailer parking area to the rear of the warehouse, a 35-berth loading area with access via Executive Drive. That application also involves proposed intersection and traffic signal improvements at the Davidson Avenue/ Executive Drive intersection. Review of that application is contained in another memorandum.

- *ZBA-25-00007 (Church Site Plan)*: See description below.

Project Description

The proposal consists of site modifications (including parking lot and access modifications including 82 parking spaces) associated with retention of the certain exiting church facilities (existing church and seminary). Associated site modifications include proposed area lighting, landscaping, grading and drainage modifications (including construction of two small-scale infiltration basins). A sidewalk is proposed along the site's Davidson Avenue frontage.

Requested/ Required Approvals

- *D(2) Use Variance*: Expansion of a Non-Conforming Use[2]
- Preliminary and Final Site Plan Approval

Review Comments[3]

1. *Required Parking*. I offer the following:

   a. The site plan indicates a *total parking requirement of 12 spaces* based on 35 seats in the worship area of the chapel which is proposed to remain. However, as reflected on the site plan and addressed in the 3/26/25 letter from the applicant's attorney, Savo Schalk, and the 3/15/25 letter from the project engineer: the site will continue to contain a museum, which is currently under construction, that will be open for educational programs cultural events, or exhibits and which can *accommodate 300 people*.[4] The Langan Engineering letter indicates the need for parking for 10 full-time employees.

      The Savo Schalk letter indicates that the museum was previously-approved "with no specific parking requirements." Assuming this true it was likely determined at that time that the museum was accessory to the significantly larger cultural center which was served by a nearly 400-space parking lot.

      However, with the removal of the cultural center and the nearly 400 space parking lot associated with it, it is not reasonable or appropriate to base the parking requirement for the site moving forward *solely* based on the 510 square foot chapel (particularly when the museum can accommodate many times more people than the chapel).

[2] Places of worship are not a permitted use in the B-I zone. By law, the proposed reduction of the church site by virtue of the proposed subdivision constitutes an expansion of this non-conforming use necessitating a D(2) variance.

[3] It is requested that subsequent plan submittals be accompanied by a written description of the changes made compared to the prior submission. Preferably, this would be accomplished by providing a response to each of the review comments with a description of the plan changes and where the plan changes can be found (e.g., sheet number). If the plans have not been revised in response to a comment, the reason should be provided. The number of copies of this written description should be commensurate with the number of revised plans.

[4] Schedule 4 of the Township ordinance would require 100 spaces (1 per 3 persons of occupancy) for similar uses (auditoriums and theaters).

In light of the above, the applicant has indicated in the 7/31/25 Langan letter that they intend to address this by requesting that the Board establish a parking require4ments for the use. The following is noted:

- *The Board <u>can</u> establish a parking requirement for the site*. Footnotes 3 and 4 of Schedule 4, Parking Requirements, allow the Board to establish parking requirements for uses not specifically indicated in the Schedule.

  Note 3: In the case of a use not specifically mentioned in the parking schedule, the requirements of off-street parking facilities for a use most similar, compatible or consistent with the use that is mentioned shall apply.

  Note 4: In the event that there is no similar, compatible or consistent use, off-street parking requirements shall be determined by the Board, based upon accepted industry standards.

  In my opinion, the bottom line is that the applicant needs to sufficiently address the practical parking demand for the site and demonstrate that the site plan will satisfy those demands.

b. The Savo Schalk letter indicates that there is "additional parking located adjacent to the main church, which will be connected to the museum and Chapel by a footbridge, which was destroyed by hurricane Ida, and which will be rebuilt prior to the completion of the museum." The site plan does not address this thus I am not aware of the location of this footbridge or path nor the proximity of the parking lot adjacent to the main bridge (is it reasonable to assume that anyone would park at the main church and walk over to the museum?). Would re-construction of the footbridge require certain environmental permitting? The applicant should address the above through testimony and appropriate exhibits.

2. *Historic Preservation Corridor*. The property is located along Easton Avenue – across the street from the D&R Canal thus review by the Township Historic Commission is required. The applicant should testify to the proceedings before the Historic Commission and what, if any, recommendations the Historic Commission made with respect to this application. Similarly, the applicant should address whether a review has been conducted by the staff of the D&R Canal Commission and whether their staff has made any recommendations regarding the application.

3. *Tree Planting/ Replacement Requirements.* The plan complies with Schedule 6 (which requires 1 tree for every 2,000 square feet of paved surface) and the tree replacement requirements of Chapter 222.

4. As a place of worship, the development is exempt from collection of Non-Residential Development Fees.

Figure 1: Site Location

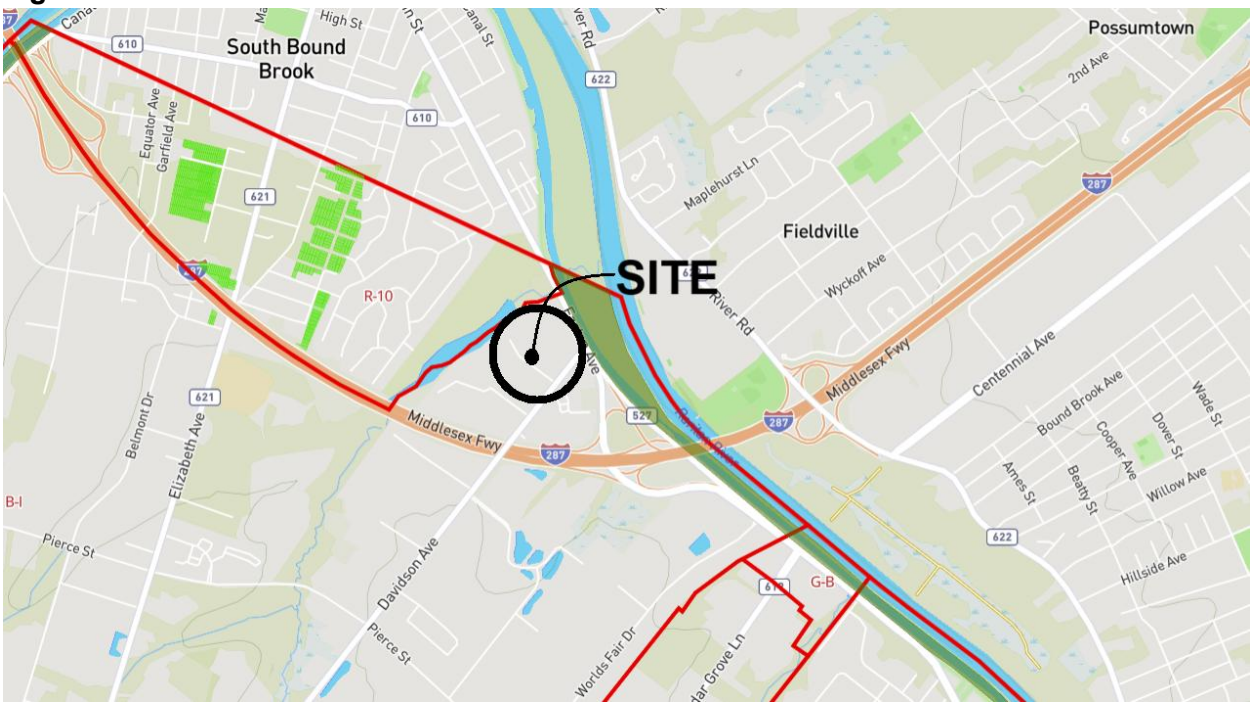


Figure 2: Site and Surrounding Area

Figure 3: Project Site and Adjoining Applications

Figure 4: Project Site and Adjoining Applications

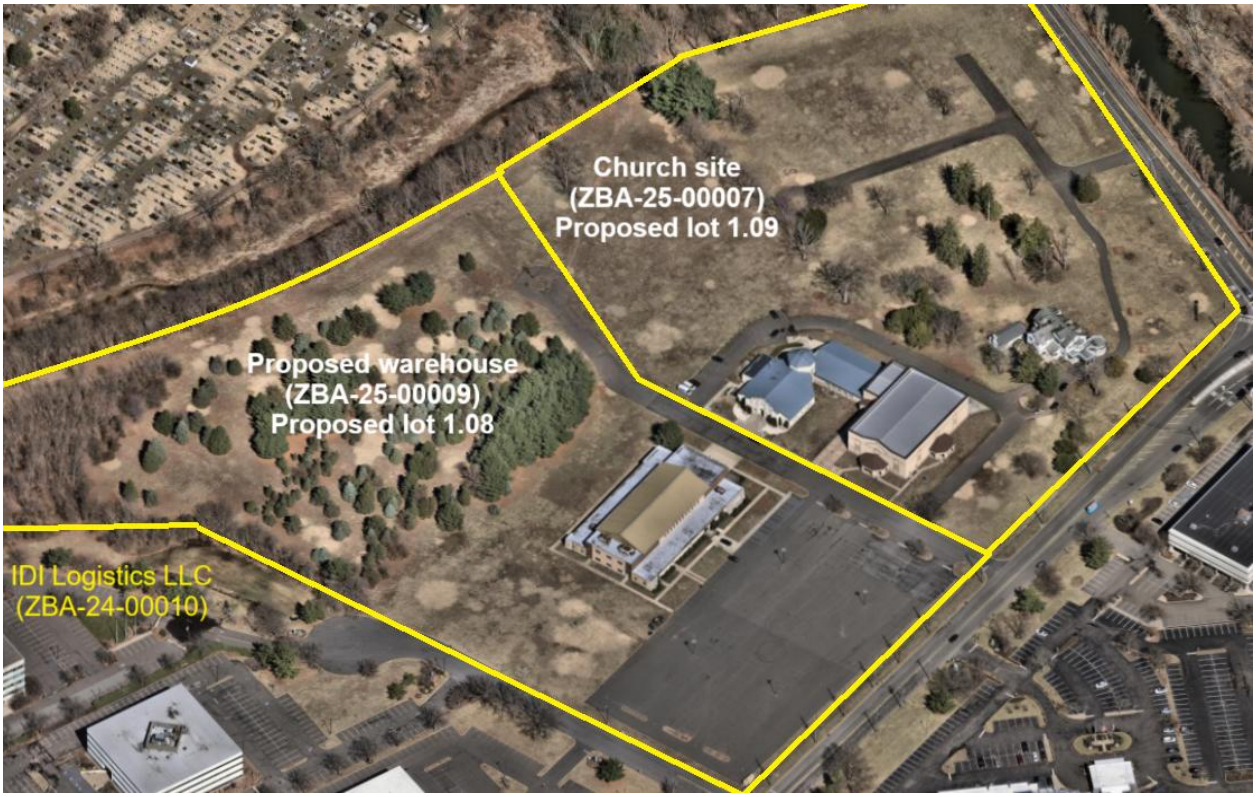
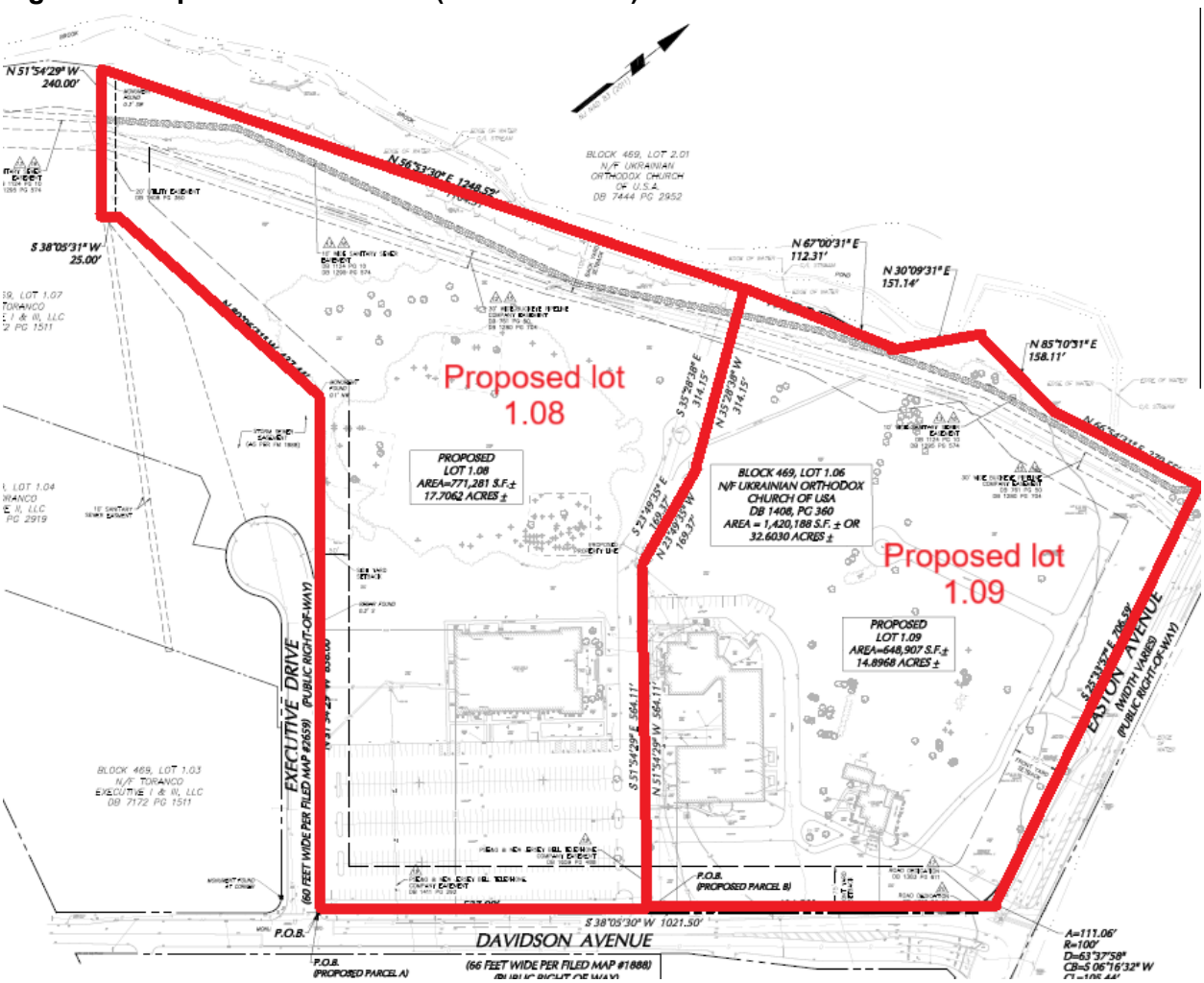


Figure 5: Proposed Subdivision (ZBA-25-00008)



STAFF REPORT

PLEASE REFER TO DRCC # WHEN SUBMITTING ADDITIONAL DOCUMENTS

DELAWARE AND RARITAN CANAL COMMISSION

DRCC #: 25-2429C
DATE: September 18, 2025
PROJECT NAME: 1950 Easton Avenue -- Ukrainian Orthodox Church Improvements
Latest Submission Received: August 20, 2025

Applicant:
Ukrainian Orthodox Church of the U.S.A.
135 Davidson Avenue
Somerset, NJ 08873
uocofusa@aol.com

Engineer:
Daniel Miola, P.E.
Langan Engineering and Environmental Services, LLC
300 Kimball Avenue
Parsippany, NJ 07054
dmiola@langan.com

Project Location:

Road	Municipality	County	Block(s)	Lot(s)
1950 Easton Avenue (Somerset County Route No. 527)	Franklin Township	Somerset	469	1.06

Jurisdictional Determination:

Zone A	Major	Nongovernmental

Subject to Review for:

Drainage	Visual	Traffic	Stream Corridors
X	X	X	X

THIS STAFF REPORT IS ISSUED AS A GUIDE TO APPLICANTS IN COMPLYING WITH DRCC REGULATIONS. IT IS NOT AN APPROVAL. NO CONSTRUCTION SHALL BEGIN UNTIL A CERTIFICATE OF APPROVAL HAS BEEN ISSUED.

Documents Received: Site Plans (24 sheets) dated January 17, 2025, last revised July 8, 2025; Stormwater Management Report dated January 17, 2025, last revised July 18, 2025; Stream Corridor Impact Plan (1 sheet) dated February 14, 2025; Stream Corridor Use Plan (1 sheet) dated July 8, 2025; Traffic Impact Study dated January 17, 2025, last revised April 17, 2025; ALTA/NSPS Land Title Survey dated July 12, 2024, last revised February 25, 2025.

Staff comments continued below.

The application is incomplete. It is staff's opinion that the proposed project has been designed in compliance with the Commission's technical requirements. However, notice of county and municipal approvals must be submitted before the application can be deemed complete and presented to the Commission for their decision:

Existing Conditions: The project area is an approximate 1.42 million square-foot (32.76 acre) lot located west of Easton Avenue in Franklin Township, Somerset County, approximately 75 feet south and west of the Delaware and Raritan Canal and within Commission Review Zone A.

The project area is located partly in Review Zone A, with the balance of the site being located in Review Zone B. Pursuant to the definition of "Review Zone" at N.J.A.C. 7:45-1.3, if any part of a project site is within Zone A, then the entire project shall be considered to be in Zone A.

The project site is bounded by Easton Avenue followed by the Delaware and Raritan Canal to the north, Davidson Avenue to the east, the Somerset Executive Center office development that is presently proposed to be demolished and replaced by a warehouse development (See DRCC #24-6190) followed by Interstate Highway Route No. 287 to the south, and a tributary of the Raritan River followed by a large cemetery development to the west.

In the existing condition, the project site is improved with the Ukrainian Cultural Center and the Ukrainian History and Education Center of New Jersey buildings, along with associated parking areas, landscaping, underground utility and stormwater infrastructure, and associated site amenities. In the existing condition, impervious surface coverage totals approximately 7.21 acres. Historic aerial imagery shows the cultural center under construction in 1979, while the history/education center first appears on imagery dating to 1987.

The project area lot is also the location of the Hendrick Fisher Homestead, a circa 1688 residence that is reputed to be the oldest structure in Somerset County.

The Commission received plans for a project to expand the cemetery development onto the project area lot in 2000; however, it appears that no application was submitted for the project, and no Commission staff report or approval was ever issued. Subsequently, a project application was approved by the Commission in 2001 to expand the adjacent cemetery and create 3,774 additional grave sites on the lot (DRCC #00-2429A). From the absence of any burials, it would appear this project was never implemented. In 2005, the Commission issued a certificate of approval for a project to construct an expansion to the Ukrainian History and Education Center, which resulted in the creation of approximately 1.0 acre of new impervious surface coverage (DRCC #04-2429B).

Proposed Project: The applicant proposes to subdivide the Lot 1.06 into two new lots:

Proposed Lot 1.09: This lot would be 648,907 square feet (14.9 acres) in size and encompass the existing the Ukrainian History and Education Center of New Jersey buildings and the Fisher Homestead located at the northern portion of the existing lot.

The applicant further proposes to construct additional parking for 45 passenger vehicle parking spaces to the north of the existing building and 35 passenger vehicle parking spaces to the east of the existing building, a widened access driveway from Easton Avenue, and stormwater management infrastructure on proposed Lot 1.09. Based upon the submitted application, impervious surface coverage in the proposed condition would total 7.78 acres, or an increase of 0.57 acre when compared to the existing condition. The project would also result in the disturbance of 5.13 acres of land.

Proposed Lot 1.08: This lot would be 771,281 square feet (17.7 acres) in size and encompass the existing Ukrainian Cultural Center building and associated parking area located at the southern portion of the existing lot.

Commission staff notes that a project application has been submitted by a different applicant to demolish the Ukrainian Cultural Center building and associated site improvements on proposed Lot 1.08 and construct a 258,150 square-foot warehouse building development is pending before the Commission as project DRCC #25-2429D.

Stream Corridor: The site is located within the Raritan River Lower watershed. The site bordered to the west by a tributary to the Raritan River, which is located north of the Delaware and Raritan Canal. The Raritan River does not flow into the canal. FEMA has

delineated the 100-year floodplain for the Raritan River, and by engineering judgment, the Raritan River's floodplain is the controlling regulatory floodplain along the tributary adjacent to the site. The applicant has delineated the stream corridor as a 100-foot offset from a plotted flood hazard area design flood elevation limit. Commission staff has determined the stream corridor limit is compliant with the submission requirements of N.J.A.C. 7:45-9.2.

Most of the site's stream corridor, totaling 216,847 square feet (4.98 acres) is actively disturbed, and consists of maintained lawn along with some trees, access driveways, and parking areas. The applicant proposes to construct a sidewalk along west side of Davidson Avenue, just south of the intersection with Easton Avenue located within the stream corridor. N.J.A.C. 7:45-9.4(a)4 provides that recreational paths and road improvements along an existing access drive are a conditional use within a stream corridor of a watercourse that does not directly enter the Delaware and Raritan Canal.

Therefore, the project has been designed in accordance with the specific stream corridor impact standards of N.J.A.C. 7:45-9.

Stormwater Outfall: The project plans to discharge stormwater generated from the site toward an existing drainage system located within Easton Avenue. This system is tributary to the Delaware and Raritan Canal. Therefore, the applicant is subject to the specific requirements for an outfall at N.J.A.C. 7:45-8.3. This includes, but is not limited to, prohibiting new sources of stormwater that tie into the drainage systems discharging into the canal and providing 95 percent (%) total suspended solids (TSS) removal for the water quality design storm as described at N.J.A.C. 7:45-8.7.

Stormwater Runoff Quantity: Runoff from the developed portions of the site and undisturbed areas, totaling approximately 7.8 acres, will discharge to either Easton Avenue or the tributary to the Raritan River. The stormwater management measures have been evaluated at two points-of-analysis (POAs).

POA 1: Includes the northern portion of the development adjacent to Easton Avenue. This area includes 4.15 acres identified as A-2 and A-3. In the post-development condition, the site and stormwater management design will reduce the total drainage area tributary to the POA to 3.71 acres. The stormwater runoff created by the proposed activities will be mitigated by the construction of a permeable paving system. The applicant has provided engineering calculations verifying that for stormwater leaving the site, post-construction peak runoff rates and volumes for the 2-, 10- and 100-year storm events do not exceed the pre-construction runoff rates and volumes for the same storm events.

POA-2: Includes the area draining to the existing conveyance pipe that drains to the tributary to the Raritan River. This section of the stormwater management system will include a surface infiltration basin and a surface bio-retention system with an underdrain. The storm sewer system for each BMP will be equipped with an outlet control structure. The applicant has provided engineering calculations verifying that for stormwater leaving the site within the drainage area at the POA, the post-construction peak runoff rates for the

2-, 10- and 100-year storm events will be no greater than 50, 75, and 80%, respectively, of the pre-construction peak runoff rates.

The submitted calculations utilized the Natural Resource Conservation Service (NRCS) Technical Release No. 55 (TR-55) hydrologic methodology, NOAA Region C unit hydrograph rainfall distribution, Standard Unit peak rate factor, and current New Jersey 24-hour rainfall frequency data for Somerset County to compute peak runoff flow rates and volumes. The post-developed peak flows were calculated by creating separate pervious and impervious hydrographs for post-developed conditions and combining to develop total post-developed hydrographs.

Based upon a review of the submitted calculations, it has been determined that the proposed stormwater management measures will provide enough peak flow attenuation to meet the specific runoff quantity standards at N.J.A.C. 7:45-8.6 and the specific outfall standards at N.J.A.C. 7:45-8.3.

Water Quality: The Commission requires that all proposed full-depth pavement, including newly constructed and reconstructed parking and access drives that are being renewed, in addition to new collection systems for existing impervious surfaces where stormwater is not currently collected, shall meet water quality standards at N.J.A.C. 7:45-8.7. This includes reduction of the post-construction load of TSS in stormwater runoff generated from the water quality design storm by a rate of 95% for POA-1 and 80% for POA-2 of the anticipated load from the developed site, expressed as an annual average.

POA-1 is tributary to the Delaware and Raritan Canal. The applicant proposes to reduce the proposed pavement area discharging toward the canal by 0.38 acre. As a result, no additional water quality is required for this analysis point.

POA-2 will discharge to the tributary to the Raritan River. Based upon the submitted application, approximately 0.81 acre of new motor vehicle surfaces is proposed onsite. The submitted stormwater report notes that the design proposes to treat for water quality by incorporating several stormwater best management practices (BMPs), which include a surface bio-retention basin and a surface infiltration basin.

Small-scale bio-retention basin systems are stormwater management facilities used to address the stormwater quality and quantity impacts of land development. The system consists of a soil bed planted with vegetation; it can be underdrained or runoff can infiltrate into the subsoil. Pollutants are treated through the processes of settling, plus uptake and filtration by the vegetation. Pollutants are also treated within the soil bed through infiltration. The TSS removal rate is 80% to 90% and dependent upon the depth of the soil bed and the type of vegetation selected.

Small-scale infiltration basin systems are stormwater management systems constructed with highly permeable components designed to both maximize the removal of pollutants from stormwater and to promote groundwater recharge. Pollutants are treated through settling, filtration of the runoff through, and biological and chemical activity within the

components. The TSS removal rate of a small-scale infiltration basin that is designed in accordance with the NJ Stormwater BMP Manual is 80%.

Therefore, Commission staff has determined the proposed stormwater quality design is in compliance with the requirements at N.J.A.C. 7:45-8.7.

Groundwater Recharge: The Commission regulations require that stormwater management measures maintain 100% of the average annual pre-construction groundwater recharge volume for the site, or that any increase of stormwater runoff volume from pre-construction to post-construction for the two-year storm is infiltrated. The submitted groundwater recharge analysis calculation (NJDEP GSR-32 spreadsheet) demonstrates that the annual groundwater recharge deficit for the entire site is 28,819 cubic feet. To infiltrate the post-development recharge deficit, a surface infiltration basin is proposed. According to the spreadsheet, this BMP will meet the annual groundwater recharge requirement.

Therefore, Commission staff has determined the proposed stormwater quality design is compliant with the groundwater recharge requirements at N.J.A.C. 7:45-8.5.

Non-Structural Methods: To determine if the development includes sufficient non-structural stormwater management strategies have been incorporated into the project site design "to the maximum extent practical," the Nonstructural Strategies Point System (NSPS) spreadsheet has been completed for this project. The NSPS results indicate that the ratio of proposed to existing site points (116%) exceeds the required site points ratio (80%).

Therefore, the project's proposed non-structural measures are adequate and the project is designed in accordance with N.J.A.C. 7:45-8.4.

Stormwater Management Maintenance Plan: The applicant has submitted a stormwater management maintenance plan for the site. The submitted plan has been prepared in accordance with the specific requirements at N.J.A.C. 7:45-8.8.

Visual, Historic and Natural Quality Impact: N.J.A.C. 7:45-10.2 directs the Commission shall review all projects in Zone A to determine if the project is in accord with the goals for the Delaware and Raritan Canal State Park as defined in the park's Master Plan. The visual, historic and natural quality impact review is intended to assure that development within Zone A is not harmful to the character of the environmental types identified in the Master Plan as comprising the park.

The proposed project is located in an Urban canal environment as described in the Master Plan. The Urban canal environment is characterized at N.J.A.C. 7:45-10.2(a) by the enclosure of the canal by dense development. The Master Plan at Page 28 notes that this section of the park, which covers an area along the western crossing of Interstate Highway Route No. 287, consists mostly of the Borough of South Bound Brook, which is enclosed in the loop made by the Raritan River and mirrored by the canal.

The plan notes that the Lock No. 11 is the central feature of this area and provides access as well as historic interest. The Raritan River is quite close to the multiuse trail for this entire section, while homes, roads, and industry in South Bound Brook are quite close -- sometimes intrusively close -- to the canal embankment. The plan calls for improving access at both the Lock No. 11 in South Bound Brook and at Five Mile Lock, for the construction of the sanitary facilities at South Bound Brook, and for multiuse trail improvement between Main Street in South Bound Brook and Five Mile Lock. Nothing with respect to the proposed project site improvements is inconsistent with these goals. Therefore, the project is in compliance with this requirement.

The provisions of N.J.A.C. 7:45-10.3(a), which discourage major projects from certain canal environments in Zone A, and authorize the Commission to require specific compensatory measures that mitigate the project's potential for harmful impact on the park, are inapplicable to the project, which is located in an Urban canal environment.

The provisions of N.J.A.C. 7:45-10.3(b), which discourage minor projects from certain canal environments in Zone A, and authorize the Commission to require specific compensatory measures that mitigate the project's potential for harmful impact on the park, are inapplicable to the project, which is a major project.

N.J.A.C. 7:45-10.4(a) directs that projects in Zone A shall be set back from the Delaware and Raritan Canal State Park sufficiently far so that the winter visual and natural quality of the park are not adversely affected. In the Urban canal environment, there are no minimum setbacks except as may be prescribed by municipal ordinances. Therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(b) directs that projects in Zone A shall maintain a reasonable height and scale relationship to nearby structures or vegetation. For urban canal environments, the height of structures may vary according to the height of existing structures that have a visual relationship to the proposed structure. The project consists of roadway and stormwater management infrastructure improvements that do not propose the erection of any structures. Therefore, this requirement is inapplicable to the proposed project.

N.J.A.C. 7:45-10.4(c) directs that for projects in Zone A, the exterior appearances of a project shall be in keeping with the character of the Delaware and Raritan Canal State Park's individual environments. Specifically, colors used shall harmonize with the man-made or natural surroundings of the project and shall be typical of colors found in the park environment, and building materials and textures shall harmonize with the surrounding manmade and natural materials. The applicant does not propose the construction of any buildings. Therefore, this requirement is inapplicable to the proposed project.

The provisions of N.J.A.C. 7:45-10.4(d)1, which direct that electric, telephone, cable television, and other such lines and equipment shall be underground or otherwise not visible from the Delaware and Raritan Canal State Park, are inapplicable to the proposed project.

The provisions of N.J.A.C. 7:45-10.4(d)2, which direct that exposed storage areas, out-buildings, exposed machinery service areas, parking lots, loading areas, utility buildings, and similar ancillary areas and structures shall either be completely concealed from view from the Delaware and Raritan Canal State Park or designed to minimize their visual impact on the park, are inapplicable to the proposed project.

The provisions of N.J.A.C. 7:45-10.4(d)3 and 4, respectively, which regulate the dimensions and location of commercial signs or outdoor advertising structures, are inapplicable to the proposed project, which proposes no signage.

N.J.A.C. 7:45-10.4(d)5 directs that wherever possible, natural terrains, soils, stones, and vegetation should be preserved. New vegetation, stones, and soils should be native to the environment in which they are placed. The applicant's submission indicates that a total of 35 trees are proposed to be removed, and proposes planting of 164 trees and shrubs, exclusive of those proposed for the bio-retention basin, consisting of the following species:

Scientific name	Common name	Quantity	Native
Shade Trees:			
Acer rubrum	Red Maple	10	DRCC
Acer sacharum	Sugar Maple	5	DRCC
Liriodendron tulipifera	Tulip Poplar	3	DRCC
Quercus phellos	Willow Oak	11	USDA
Ornamental Trees:			
Amelanchier canadensis	Canadian Serviceberry	19	DRCC
Betula nigra	River Birch	9	DRCC
Magnolia virginiana	Sweetbay magnolia	3	DRCC
Cornus Florida	Dogwood	7	DRCC
Evergreen Trees:			
Juniperus virginiana	Eastern Red Cedar	37	DRCC
Pinus rigida	Pitch pine	39	USDA
Pinus strobus	Eastern white pine	34	USDA
Deciduous Shrubs:			
Clethra alnifolia	Coastal sweetpepperbush	21	DRCC
Clethra alnifolia 'Hummingbird'	Summersweet	15	DRCC
Cornus sericea	Red Twig Dogwood	14	USDA
Hydrangea arborescens	Annabelle Hydrangea	57	No*
Myrica pensylvanica	Northern bayberry	6	USDA
Viburnum dentatum	Arrowwood viburnum	15	DRCC
Evergreen shrubs:			
Ilex glabra	Inkberry Holly	46	DRCC
Kalmia latifolia	Mountain Laurel	26	DRCC

Hydrangea arborescens, or smooth hydrangea, is generally considered native to the Eastern United States, although it is more commonly found in the Delaware River Valley and in the Appalachian Mountains. However, the New Jersey Agriculture Experiment Station does consider it native to New Jersey, and it is a ubiquitous landscape planting found throughout central New Jersey. Commission staff recommends that it be permitted in this case.

Therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(d)6 directs that projects that are located in any officially designated Federal, State, or local historic district or site shall be assessed for their impact upon that district or site. Recommendations to avoid, minimize, and/or mitigate the impacts of a project on a listed property shall be made in consultation with the New Jersey Historic Preservation Office (SHPO) and based upon the United States Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

A portion of the project site, consisting of the driveway from Easton Avenue that is proposed to be widened, is located within the boundaries of the Delaware and Raritan Canal Historic District, which encompasses the canal bed and all structures within 300 feet of the centerline of the canal. The proposed expanded parking areas and stormwater management infrastructure lie outside the district boundary.

Historical background: As noted above, the project area lot also contains the Hendrick Fisher Homestead, a circa 1688 residence that is reputed to be the oldest structure in Somerset County. The Hendrick Fisher House was built by William Dockwra and later came into the possession of a Dutch immigrant Hendrick Fisher (Anglicized from Visscher in 1721) (1697-1788). Fisher was a farmer who held several civic offices during his lifetime, first representing Somerset County in the New Jersey Colonial Assembly. He was later one of three delegates representing New Jersey at the Stamp Act Congress in New York in 1765, was elected to New Jersey's Committee of Correspondence, served as a member of the Committee of Safety, was President of the Colonial Assembly, and was the first President of the Provincial Congress of New Jersey.

By 1775, his support of American independence caused him to be labeled an arch traitor and "Enemy of the Crown." He was conspicuously excluded from a proclamation of amnesty made by British Commander-in-Chief Viscount Howe in 1776, and British troops raided and looted his farm in 1777 hoping to capture him; however, he was not at the house at the time. Fisher was present in Philadelphia at the signing of the Declaration of Independence. On July 7, 1776, Fisher read the Declaration of Independence to the inhabitants of Bound Brook, New Jersey, at the Frelinghuysen Tavern. He was also a founder and first President of the board of trustees of Queen's College (now Rutgers University).

Architectural background: Commission staff notes that the 17th century portions of the home still remain. However, the original structure has been enveloped by subsequent

Colonial Revival additions and alterations undertaken in the early 20th century by then owner Claude Goodsell.

(undated)

(present day)

Commission staff notes that the project does not propose any alterations to the Fisher homestead but, rather, proposes to widen an existing roadway which curves around the front and side of the residence. Therefore, Commission staff determines that the project proposes no adverse impact upon the residence, and that consultation with SHPO is not warranted in this case.

Traffic Impact: N.J.A.C. 7:45-111.1 directs that the Commission shall review major projects in Zone A for their traffic impact on roads that enter the Delaware and Raritan Canal State Park or any part of Zone A. The applicant shall submit a traffic impact study that shows the amount of additional traffic generated by the project and the directions in which this traffic will move. If the Commission determines that the additional traffic will have an adverse impact on the park, the applicant shall use any feasible planning techniques that will direct any additional traffic away from the park. If the Commission is satisfied that there are no feasible planning techniques other than as set forth in the project proposal that can direct any additional traffic away from the park, the project shall be approved for traffic impact review.

The applicant has submitted the required traffic impact study, which primarily addresses the traffic impacts arising from the proposed demolition of the existing Ukrainian Cultural Center and the construction of a 258,150 square-foot warehouse building development (DRCC #25- 2429D). However, the study does include information on the traffic entering and exiting the proposed widened driveway (designated as "site driveway") from Easton Avenue.

For the purposes of the study, the applicant assumed that all the traffic presently entering the site from Davidson Avenue was related to the Ukrainian History and Education Center of New Jersey/Fisher Homestead buildings. This traffic was rerouted to enter and exit the site from Easton Avenue. The total rerouted traffic would consist of 16 morning peak hour trips entering the site and 5 evening peak hour trips. As this is rerouted, but not additional traffic that under existing conditions enters Davidson Avenue from Easton Avenue, the proposed project would not result in additional traffic that will have an adverse impact on the park. Therefore, Commission staff determines that the project is in compliance with this requirement.

Additional Information Required:

1. Staff notes that the applicant is required to submit two copies of the Commission's Conservation and Maintenance Agreement, with original signatures on both copies. This document is available on the Commission website: https://www.nj.gov/dep/drcc/pdf/DRCC%20C&M%20Agreement%20(2020).pdf

2. The Commission requires notice of county and municipal approvals.

Staff Recommendation: Staff does not recommend approval at this time.

DRCC#: 25-2429C
DATE: September 18, 2025
PROJECT NAME: 1950 Easton Avenue -- Ukrainian Orthodox Church Improvements

Sincerely,

John Hutchison
Executive Director

c. Somerset County Planning Board
Franklin Township Planning Board
Peter U. Lanfrit, Esq. (lanfrit@centraljerseylaw.com) (erin@landuseconsultants.net)

COUNTY OF SOMERSET PLANNING BOARD

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Pradeep Lamba
1st Alternate
Vacant
2nd Alternate
Adam Slutsky
County Engineer Alternate

STAFF
Samantha De Andrea
Director of Planning
Joseph DeMarco, Esq.
County Counsel
Sheli Daniels
Office Manager

July 14, 2025

Mr. Robert Thomas, Chairman
Franklin Township Zoning Board of Adjustment
475 DeMott Lane
Somerset, NJ 08873

RE: UKRAINIAN ORTHODOX CHURCH – PARKING EXPANSION
BLOCK 469 – LOT 1.09, 1.06 (portion)
FL 618:010-25S
EASTON AVENUE, COUNTY ROUTE 527

Dear Mr. Thomas:

This office and the office of the County Engineer have reviewed information submitted for the above-referenced project. The reviewed information consists of the following documents:

- "Preliminary and Final Major Site Plan Application for Proposed Church Improvements, 135 Davidson Avenue, Block 469, Lot 1.06, Township of Franklin, Somerset County, NJ" dated January 17, 2025, and prepared by Langan Engineering.
- "ALTA/NSPS Land Title Survey, 135 Davidson Ave, Block 469, Lot 1.06, Township of Franklin, Somerset County, NJ" dated July 12, 2024, last revised November 19, 2024, and prepared by Langan Engineering.
- "Environmental Assessment for 135 Davidson Avenue, Block 469, Lot 1.06, Franklin, Somerset County, NJ, prepared for Syracuse 1950 Easton Avenue Owner" dated January 17, 2025 and prepared by Langan Engineering.
- "Stormwater Management Report for 135 Davidson Avenue – Church Improvements, Block 469, Lot 1.06, Franklin, Somerset County, NJ, prepared for Syracuse 1950 Easton Avenue Owner" dated January 17, 2025 and prepared by Langan Engineering.
- "Stormwater Management Facilities Operation and Maintenance Manual for 135 Davidson Avenue – Church Improvements, Block 469, Lot 1.06, Franklin, Somerset County, NJ, prepared for Syracuse 1950 Easton Avenue Owner" dated January 17, 2025 and prepared by Langan Engineering.
- "Final Geotechnical Engineering Study Report for 135 Davidson Avenue Redevelopment, Township of Franklin, Somerset County, NJ, prepared for Syracuse 1950 Easton Avenue Owner" dated January 10, 2025 and prepared by Langan Engineering.
- "Traffic Impact Study for 135 Davidson Avenue, Township of Franklin, Somerset County, NJ, prepared for Ukrainian Orthodox Church of USA" dated January 17, 2025 and prepared by Langan Engineering.

The applicant proposes to expand the parking area and widen portions of the driveways. The plan includes the construction of 45 parking spaces to the north of the existing building and 35 spaces to the east.

The comments contained in this letter shall pertain to the site plan application for Lot 1.09 only. A site plan for proposed Lot 1.08 has been submitted as a separate application and a review letter for the site plan application will be issued under separate cover.

The Somerset County Planning Board deems this application incomplete until the following requirement has been satisfactorily addressed:

Title Sheet Requirements

The Somerset County Engineering Acceptance block shall be added to title sheet. The acceptance block detail is attached for your reference. The detail shall include the following note under the block:

"These plans are NOT ACCEPTED FOR CONSTRUCTION unless this block has an acceptance stamp and is initialed by a staff member of the County Engineering Division. The acceptance of these plans expires two (2) years from the date of acceptance."

Stormwater Management Requirements

It appears that runoff from the site ultimately drains to County Bridge No. K0701 and runoff from the proposed impervious cover will potentially affect County facilities.

Since the applicant has stated they will need to apply for a Flood Hazard Area (FHA) Individual Permit with the NJDEP, copies of all correspondence from the NJDEP, including all review reports and approval letters associated with the approval of the proposed stormwater management plan are to be forwarded to this office. The County intends to perform its stormwater management review once confirmation is received from NJDEP indicating that the stormwater management plan for this application is acceptable to the State. However, should the County have Stormwater Management review comments prior to the NJDEP permit approval, they will be provided to the applicant.

All review reports and approval letters from the Delaware and Raritan Canal Commission (DRCC) associated with the approval of the proposed stormwater management plan are also to be forwarded to this office.

Performance Guarantee and Inspection Fee

Pending the finalization of the plans, the applicant's engineer shall submit a cost estimate for all work to be performed within the County right-of-way. The estimate must reflect the County's unit price list. The performance guarantee and inspection fee will be calculated from the estimate.

Pre-construction Requirements

Prior to the commencement of any construction or disturbance in the County right-of-way, the following issues must be addressed.

1. The performance guarantee and inspection fee for the improvements under County jurisdiction must be submitted.

2. Two complete sets of construction plans that have been embossed with the County's acceptance stamp must be on file in the County Engineer's office. The County's acceptance stamp must be on the title page.

3. The contractor must be in possession of a Road Opening Permit issued by the County Department of Public Works. In the event that the County road in the area of the proposed improvements has been resurfaced and/or reconstructed, the applicable moratorium for road openings will be enforced by Somerset County. It is solely the applicant's responsibility to properly coordinate the installation of utilities, roadway improvements and road closures with any pending County projects.

4. A separate road-opening permit is required for the utility connections in the County right-of-way.

5. A pre-construction meeting must be arranged with the County Department of Public Works.

6. The acceptance of traffic control plans and detour plans is not included as part of the County Planning Board processing of this application. All traffic control measures to be implemented in connection with improvements under County jurisdiction must be reviewed and accepted by the appropriate entities prior to construction.

This report reflects comments from the County Planning Board and the office of the County Engineer (908) 231-7024. Should you have any questions, please contact the appropriate individual listed below.

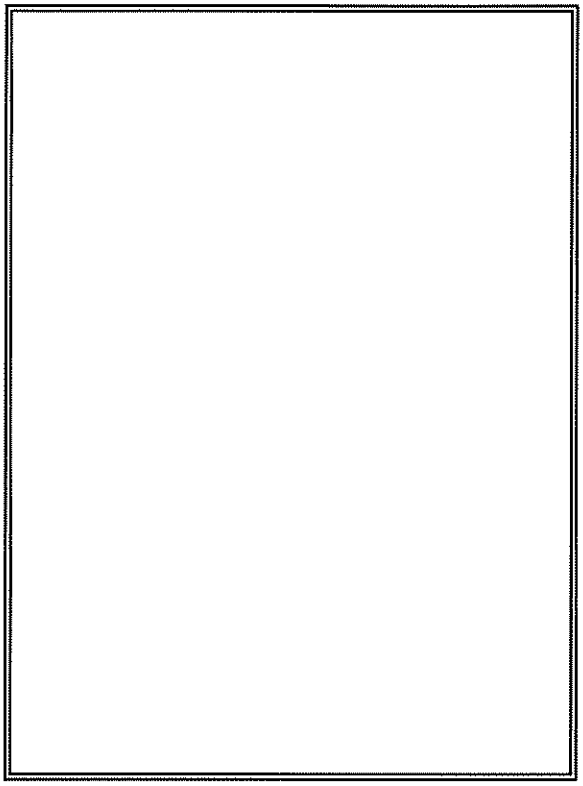
Sincerely,

Nora Fekete
Supervising Planner

Philip Kao
Principal Engineer, Land Development Section

cc: Christine Woodbury, Board Secretary via email
Franklin Township Engineer via email
Ukrainian Orthodox Church of the USA, PO Box 495, South Bound Brook, NJ 08880 via US mail
Langan Engineering & Environmental Services, LLC, via email (jfalcetano@langan.com, dmiola@langan.com) (with attachment)
Peter U. Lanfrit, Esq., Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, PA via email
Erin Santora – LaGrua, Land Use Consultants via email

SOMERSET COUNTY
ACCEPTANCE STAMP



THESE PLANS ARE NOT ACCEPTED FOR CONSTRUCTION UNLESS THIS BLOCK IS STAMPED "ACCEPTED AS SUBMITTED" BY A STAFF MEMBER OF THE SOMERSET COUNTY ENGINEERING DIVISION. BIDS FOR CONSTRUCTION SHOULD NOT BE BASED ON THESE PLANS UNTIL THE PLANS ARE ACCEPTED BY THE COUNTY.

ACCEPTANCE OF THESE PLANS EXPIRE TWO (2) YEARS FROM THE STAMPED DATE.

NOTE: THIS BLOCK SHALL BE A MINIMUM OF 4" X 3"

memo

TO: Christine Woodbury – Secretary to Franklin Township Planning and Zoning Boards

FROM: Tara Kenyon, AICP/PP – Sustainability Coordinator, Franklin Township

DATE: April 8, 2025

RE: Comments from Franklin Township Environmental Commission
Ukrainian Orthodox Church of the USA
1950 Easton Avenue, Somerset
(Block 469 – Portion of Existing Lot 1.06/Proposed Lot 1.09)
File #: ZBA-25-00007

At its regularly scheduled meeting of May 5, 2025, the Franklin Township Environmental Commission ("EC') reviewed plans and documents for the above-referenced project. The following comments are submitted for consideration by the Franklin Township Zoning Board of Adjustment:

- The FTEC recommends that the applicant consider implementing a solar canopy for the parking lot. This will not impact parking but will provide a significant amount of solar energy generation on the property.
- It is recommended that EV Charging Stations and Make-Ready parking spaces alternate by one parking space throughout the parking lot (example: parking space #1, #3, and #5 are prepared as Make-Ready parking spaces, or have an EV Charging Station installed. Parking spaces #2, #4, and #6 are not prepared for EV charging). This will allow multiple users to easily use the chargers without having to wait for a long period of time.
- Pervious pavement is recommended to the maximum extent possible. This will reduce the amount of stormwater runoff and non-point source pollution loading, while also improving safety through the reduction of ponding and icing conditions created by increased stormwater runoff.
- The EC requests that the applicant provide a list of amendments made to plans and supporting documents with all future resubmissions. This will assist the EC's Site Plan Committee in its required review.

Please contact me with any questions at Tara.Kenyon@franklinnj.gov or 848-203.1857. Thank you!

CENTER STATE ENGINEERING
481 Spotswood Englishtown Road, Monroe Township, New Jersey 08831
T 732.605.9440 F 732.605.9444

MEMO TO: Township of Franklin
Zoning Board of Adjustment

FROM: Darren Mazzei, PE, CME
Township Engineer's Office

DATE: March 2, 2026

RE: ***Ukrainian Orthodox Church of U.S.A.***
Parking Lot Improvements
Preliminary & Final Major Site Plan
Report #3
Engineering
Block 469, Proposed Lot 1.09
135 Davidson Avenue
Franklin, New Jersey
Our File: MFRZ0469.03/600.01
Application # ZBA-25-00007

As per your request, this office has reviewed the following documents relative to the above referenced preliminary and final site plan application:

- Preliminary and Final Site Plan, as prepared by Langan Engineering and Environmental Services, LLC, dated January 17, 2025, with a latest revision date of July 18, 2025;
- ALTA/NSPS Land Title Survey, as prepared by Langan Engineering and Environmental Services, LLC, dated July 12, 2024, with a latest revision date of July 17, 2025;
- Stormwater Management Report, as prepared by Langan Engineering and Environmental Services, LLC, dated January 17, 2025, with a latest revision date of July 18, 2025;
- Stormwater Management Facilities Operation and Maintenance Manual, as prepared by Langan Engineering and Environmental Services, LLC, dated January 17, 2025, with a latest revision date of July 31, 2025;
- Traffic Impact Study, as prepared by Langan Engineering and Environmental Services, LLC, dated January 17, 2025, with a latest revision date of July 23, 2025;
- Environmental Assessment, as prepared by Langan Engineering and Environmental Services, LLC, dated January 17, 2025, with a latest revision date of July 31, 2025;;
- Final Geotechnical Engineering Study Report, as prepared by Langan Engineering and Environmental Services, LLC, dated January 10, 2025, with a latest revision date of January 12, 2026;
- Application Forms.

The following comments are offered with regard to same:

A. PROJECT OVERVIEW

The site is located along the southeast corner of the intersection of Davidson Avenue and Easton Avenue (C.R. 527). The applicant is also before the Board to subdivide this property as part of Docket ZBA-25-00008. The proposed lot after subdivision will be 14.90 acres and is located in the B-I (Business and Industry) zone. After the subdivision, the only site driveway will be along Easton Avenue approximately 330' south of its intersection with Davidson Avenue. The subdivided site will contain an existing three (3) story frame dwelling/ existing seminary and the Ukrainian Orthodox Church of the U.S.A. The applicant is proposing to expand the existing parking lot and widen the access driveway. The existing parking lot adjacent to the Church currently contains twenty (20) parking spaces and the applicant is proposing eighty-two (82) parking spaces. The applicant is proposing the following site improvements including but not limited to one (1) bioretention basin and one (1)

infiltration basin to address NJDEP stormwater management rules, two (2) hot mix asphalt parking areas, concrete curb, sidewalk, utilities, grading, lighting and landscaping.

We defer the review of the zoning related issues to the Board Planner except where they may pertain to engineering issues.

B. GENERAL SITE IMPROVEMENTS

1. Official street address shall be obtained from the Franklin Township 911 Coordinator, if required.

2. An Engineering Cost Estimate will be required once final plans are signed-off on by the Board. Upon approval, applicant shall provide appropriate bonds and Engineering inspection fees and attend a pre-construction meeting, prior to the continuation of any site work.

3. Note: A preconstruction meeting will not be scheduled until the developer/ site contractor provides a Fire Safety During Construction Plan Demonstrating Compliance with Chapter 33 of the International Fire Code. Should the Board act favorably on this application a copy of the Township's, 'Steps to a Construction Project' will be provided.

4. All fees shall be paid by the applicant at the time of adoption of a resolution of site plan approval for the cost of making upgrades and modifications to the Tax Maps and geographic information system (GIS) (§112-329)

5. At the time the final plans are submitted for signature of the municipal officials, the applicant shall submit CAD-generated data files, prepared by a New Jersey licensed land surveyor, directly translatable into an identical image of the plan per the requirements of Ordinance §112-329.

6. Note: No soil can be imported to or removed from the site until a Soil Importation or Exportation Permit has been obtained from the Township as required by the Ordinance. Soil removal shall be in accordance with §206 of the Ordinance. Please note same on the site plan.

7. Note: An As-Built Plan prepared by a licensed Land Surveyor is to be submitted to the Township prior to any Certificate of Occupancy inspection or the release of performance bonds. Please note same on the site plan.

8. Copies of any easements, exceptions, deviations, or liens on the property should be presented to the Board.

9. In accordance with Ordinance §112-33.6.F, Bicycle parking should be incorporated into the project.

10. The applicant provided parking calculations on sheet no. 2 in accordance with Ordinance §112 – Schedule 4. The calculations note that there are 35 existing seats in the Church and twelve (12) parking spaces are required. Subsequent letters provided by the applicant's professionals indicate the church would require 34 parking spaces per the ordinance and the museum can accommodate 300 people. The site currently contains 398 spaces (this figure includes the Cultural Center, which is to be demolished). The applicant is proposing 82 parking spaces, as part of this application, for the Church's use. This office cannot confirm the parking requirements required for the project at this time. This office defers to the Board Planner with regard to the parking requirements for this application.

11. Based on the eighty-two (82) total parking spaces, four (4) barrier free spaces including one (1) van accessible parking stall is required. The applicant is proposing four (4) barrier free spaces with two (2) van accessible parking spaces. It should be noted that Accessible EVSE spaces cannot be used to address the general (UCC) accessible parking requirements. The applicant's Engineer should revise the plans for ADA parking demand compliance.

12. The site plan has complied with S-3223 (P.L. 2021, c. 171), regarding the provision of EVSE and Make-Ready parking spaces. Three (3) make ready spaces are required and three (3) are proposed.

    However, site plan should be revised to delineate the proposed EVSE equipment and signage, including details, for further review. Further review of this comment will be performed after the parking requirement is finalized to the Board Planner's satisfaction.

13. This office defers to the Fire Prevention Officer as to the appropriate number of Fire Hydrants, Fire Department Connections, and their location. We defer to the Fire Prevention Officer regarding the need of 'No Parking' fire lane signage and striping.

14. In a letter from the applicant's attorney dated March 26, 2025, it is indicated that there is additional parking located adjacent to the main church, which will be connected to museum and Chapel by a footbridge, which was destroyed by hurricane Ida, and will be rebuilt prior to the completion of the museum.' The site plan does not show any footbridge improvements, and it is unclear if same will require permitting. Clarification is required.

15. The proposed sidewalk should be realigned from the Existing Seminary and create a path and ADA crossing to the 35 car parking lot. The sidewalk should continue through the ramp in the rear of the Church.

16. The applicant's engineer has responded that the existing lighting along the property line between proposed lots 1.08 and 1.09 are to be removed. Same should be clearly noted on the demolition plan.

17. A permanent access and maintenance agreement between Lots 1.08 and 1.09 is required, providing access from the Church property through the warehouse property to Davidson Avenue.

18. Portions of the proposed sidewalk along Davidson Avenue are outside of the right-of-way. A sidewalk access easement must be provided.

19. Provide a 5'x5' passing area every 200' o.c. along the Davidson Avenue sidewalk in accordance with PROWAG requirements.

20. The dumpster should be relocated to avoid being over a storm pipe. In addition, setting the pad at a location where the driveway is approximately 8% will negatively impact the use of the pad.

21. The driveway between the 3-story building and Church appears to be too narrow. By ordinance §112-90, the minimum driveway width should be 12'. A circulation plan should be provided demonstrating the proposed largest sized design vehicle can navigate the curvature. Testimony should be provided to the Board regarding the use of this driveway.

C. GRADING AND UTILITY COMMENTS

1. Show the existing service line sizes.

2. The water meter pit should be moved as close as possible to the Davidson Avenue right-of-way. The applicant's engineer should evaluate adding 45 degree bends to the existing line. No couplings or valves will be permitted before the meter pit. The size of the existing water service should be noted.

3. Should the Board act favorably, final approval from the Township Water Department is required.

4. Construction access easements will be required for proposed Lot 1.08, due to the removal of drainage, sanitary sewer and potential water services.

5. Utility access and maintenance easements will be required for the proposed storm sewer and sanitary improvements on proposed Lot 1.08.

6. The applicant should address the following general grading comments:

    a. The applicant has provided Blowup Insets for ADA Ramps. We have the following comments:
        - ADA Inset A – A minimum slope of 0.50% is required. There is less than 0.50% slope between spot elevations 44.66 and 44.68;
        - ADA Inset B:
            (1) A maximum cross slope of 2% is permitted in ADA parking areas. It is noted that the cross slope of both ADA spaces are 3.4%. Plan revision is required;
            (2) Provide additional spot elevations for along the curb line. Provide both top and bottom of curb elevations. It is unclear which sections of curb are flush. Please clarify;
            (3) Provide addition spot elevations for all sidewalk adjacent to the ADA parking areas so that landings and turnaround areas can be verified for ADA compliance;
            (4) The running slope from the proposed 49' to 50' is approximately 25% and unacceptable. Revise the running slope to a maximum running slope of 5%.
        - ADA Inset C:
            (1) Approval should be obtained from the Somerset County Engineer's office for this ramps;

b. Label all top and bottom of curb elevations at all pc's and pt's including the driveway at the 3-story frame dwelling;
c. An ADA ramp and crossing should be installed near CB-209;
d. Label all top and bottom of wall elevations at all pc's and pt's;
e. A maximum slope of 1:3 is permitted in all lawn areas. It appears the lawn grading in the rear of the Church near the back drive-in area is steeper than 1:3;
f. Provide tie-in elevations for all curb, sidewalk and pavement;
g. The sidewalk located at the parking lot high point (BC 44.11; assumed TC 44.61 and back of sidewalk 45.00) demonstrates that the cross slope of the sidewalk exceeds 2% and is not ADA compliant;
h. The electric pad that is being reset on the west side of the building has proposed 48' contours on both sides; however, the spot elevation provided indicates it is at proposed elevation 49.0'. Clarification is required;
i. Provide spot elevations at all 90 degree turns along the building ramp on the west side of the Church;

The grading will be reviewed further in its entirety when the above has been addressed.

D. LANDSCAPING AND LIGHTING

1. Applicant provided a tree removal plan to satisfy the requirements of Ordinance §222- Trees. This office defers to the Board Planner as to the adequacy of the tree replacement plan, as well as the adequacy of the proposed landscaping and buffering to adjacent properties, respectively.

E. STORM WATER MANAGEMENT

General

1. The Applicant proposes constructing one (1) Bioretention Basin, one (1) Infiltration Basin, and two (2) Porous pavement areas to address stormwater quantity management, water quality, and recharge.

2. The reference project has been reviewed in accordance with the Stormwater Management Rules NJAC 7:8 as amended July 17, 2023.

3. The property in question is located within the Delaware and Raritan Canal Commission (DRCC) Review zone and is subject to DRCC regulations. The work is being proposed in the DRCC stream corridor easement. Approval from DRCC will be required. A copy of the DRCC approval must be provided to this office.

4. The Applicant proposes to work in a regulated flood hazard area. A flood hazard area disturbance permit has been obtained from NJDEP for the regulated activity. A copy of the approved plans must be provided to this office. A note indicating the NJDEP file number and date of approval should be added to the overall site plan sheet (sheet CS100).

5. The applicant has received a NJDEP Letter of Interpretation (LOI) for wetlands presence/absence. A copy of the NJDEP stamped approved plan must be provided to this office.

6. The Applicant must obtain a Soil Erosion and Sediment Control Plan Certification from the Somerset-Union Soil Conservation District. A copy of the certification must be provided to this office.

7. The proposed development proposes more than 1 acre of land disturbance and must obtain a General Permit for Construction Activities from the NJDEP. A copy of the permit must be provided to this office.

8. An executed Major Development Stormwater Summary (Attachment D of the Tier A MS4 NJPDES Permit) has been submitted to this office for review and approval. This is be reviewed upon completion of all geotechnical testing.

9. Provide a Stormwater Maintenance Agreement for the stormwater system to ensure future maintenance. A sample agreement is available from the Engineering Department.

10. A Conservation/Preservation Area shall be created in accordance with Ordinance §112-147 of the Franklin Township Land Development regulations. The Township preservation area boundary line shall be established using the most restrictive of the Stream Preservation Corridor and Wetlands Buffer. A map shall be supplied delineating the limits of the Conservation/Preservation Area with bearings and distances, and proposed

Preservation Area Marker locations. The Conservation/Preservation Area shown on sheet no. CS100 will be further reviewed once item no. E4 is addressed.

11. Provide a Conservation/Preservation Area Easement Deed, with a metes and bounds description, of the Township preservation area boundary line created by satisfying Comment #10. The deed shall be submitted for review and approval prior to filing with the Somerset County Clerk's Office.

12. Preservation Area Markers shall either be set or bonded prior to the application sign-off.

Stormwater

13. The drainage report should be updated to include a summary table listing the following for each BMP: area of BMP, depth of BMP, the number of test pits/boring/soil profiles performed for the BMP, depth of soil investigation, number of infiltration tests performed, minimum tested permeability rates, seasonal high-water table established; and the number of soil investigations required per Chapter 12 of BMP Manual.

14. The location of all test pits excavated within the limits of the proposed BMPs has been shown on the Grading and Drainage Plan. The applicant's engineer should provide the label for all test pits and the SHWT elevation on the Grading and Drainage Plan, as well.

15. The stormwater report should be updated to include a summary table of design parameters for the infiltration basin, such as inflow area, water quality volume, basin area, filtration rate of soil media, infiltration rates, separation from seasonal high groundwater table, and drain time and demonstrate compliance with NJ BMP design standards in chapter 9.8.

16. A site-specific Infiltration Basin cross-section has been provided on the plans. The section must show the elevation of the bottom of the soil bed, the elevation of the bottom of the infiltration basin, the elevation of the season-high groundwater table, the maximum water elevation for the WQ storm, 2-yr, 10-yr, 100-yr, emergency storm event, and top of berm elevation. **The SHWT elevation shown on the Infiltration Basin detail does not match the SHWT from the geotechnical data for LTP-8.**

17. Basin drain time should be noted on the subsurface infiltration basin detail. **The basin drain time has been provided but cannot be confirmed until after the permeability testing that has been performed at the most hydraulically restrictive layer is added to the drainage report.**

18. As per BMP Manual requirements, no standing water may remain in an infiltration basin 72 hours after a rain event. The drainage report should be revised to document compliance with this requirement. **The basin drain time has been provided but cannot be confirmed until after the permeability testing that has been performed at the most hydraulically restrictive layer is added to the drainage report.**

19. An access road 18 ft wide at a maximum slope of 1:4 should be provided for maintenance purposes in the infiltration basin. Construction details of the access road should be provided.

20. The infiltration basin must be equipped with an emergency spillway and should be designed to pass the 100-yr storm event, assuming the principal spillways are not working. A minimum of one ft. freeboard between the spillway design storm (100yr) water elevation and the top of the berm is required.

21. The stormwater report should be updated to include a summary table of design parameters for each bioretention basin, such as inflow area, water quality volume, basin area, filtration rate of soil media, design infiltration rates, separation from seasonal high groundwater table, drain time and demonstrate compliance with BMP design standards in NJ BMP Manual Chapter 9.7. This will be reviewed further once the BMP require soil testing has been completed in its entirety.

22. Site-specific construction detail for the bioretention basin has been provided in the plans. The detail should clearly depict all basin layers' specifications and corresponding elevations. Additionally, the detail should include the elevation of the seasonal high groundwater table, the soil bed permeability rate, and the proposed vegetation type (e.g., forested or grassed). The SHWT table noted does not match the geotechnical data.

23. As indicated in NJ BMP Manual, Plans should include inspection ports at the upstream and downstream end of the Bioretention Basin underdrain system.

24. The bioretention basin must be equipped with an emergency spillway and should be designed to pass the 100-yr storm event, assuming the principal spillways are not working. A minimum of one ft. freeboard between the spillway design storm (100yr) water elevation and the top of the berm is required.

25. In accordance with BMP Manual requirements, post-construction testing must be performed on the as-built Bioretention basins to ensure that the installed BMP functions as designed. Whereas-built testing shows a longer drain time than design drain time; corrective action must be taken, and the basin should be retested. Post-construction testing must include a determination of the permeability rates of the soil bed. A note should be included in the site plan stating this requirement. Add the note to the construction detail, similar to the Infiltration Basin detail.

26. The infiltration basin and bioretention basin both discharge to the same outfall pipe, and their water levels are likely to influence each other. Therefore, they should be routed as interconnected basins.

27. Trash rack details should be provided for all outlet devices (orifices, weirs, overflow grates, etc.) shown on the proposed outlet structure. The trash rack should be in accordance with NJAC 7:8-5.7 and 7:8-6.2.

28. The groundwater mounding analysis indicates an 8-foot mound at the center of the infiltration basin. A single test pit, LTP-8, is located near this area. The interpreted seasonal high water elevation, measured as the end of excavation, is 37.4 feet, while the basin bottom is 35.0 feet. This suggests that the groundwater mound is higher than the basin bottom. This will be reviewed further once the additional geotechnical boring information is added to the stormwater report.

29. The site's groundwater recharge requirement is proposed to be met through the infiltration basin. An NJDEP Recharge Spreadsheet has been included in the report; however, it will be re-evaluated once the outstanding comments related to the infiltration basin design and groundwater mounding analysis have been addressed.

30. In accordance with Township ordinance §330-7.T.10, all storm sewer structures, piping, basin and BMPs shall be offset a minimum of 10' from all property and right of way lines. CB-202 is approximately nine and a half feet (9.5') deep proposed approximately 2' off of the proposed subdivision property line between Lots 1.08 and 1.09. This office would not recommend waiving this requirement without a Maintenance and Utility Easement/Agreement between proposed Lots 1.08 and 1.09.

31. MH-223 the 24" HDPE pipe run tying into Ex CB-224 will require an excavation of approximately 10' deep. While construction means and methods are ultimately to the contractor's discretion, these improvements are approximately 5' off of the Buckeye Pipeline easement. The drainage design plan sheet should provide strict guidance regarding whether excavation within the easement will be permitted, or if shoring will need to be installed to avoid disturbance in the Buckeye Pipeline Easement.

32. The Infiltration Basin Detail on drawing no. CS504 the hatched area underneath the sand layer is unnamed. Further information is required.

Operation and Maintenance Manual (O&MM)

33. As per NJDEP BMP Manual Ch. 8, the maintenance plan should include approved disposal and recycling sites and procedures for sediment, trash, debris, and other material removed from stormwater management measures during maintenance operations. This information should be added to the plan.

34. As per NJDEP BMP Manual Ch. 8, maintenance plans should include procedures and equipment required to protect the safety of inspection and maintenance personnel. This information should be added to the O&MM plan.

35. The O&MM should be revised to include a summary of design parameters for the bioretention basin, porous pavement, and infiltration basin. The information should include design detention time, drain time, and elevation of the seasonal high water table. In addition, provide the type, size, and invert elevation for each outflow device in the outlet structure. Please refer to the link below for the NJDEP template:
https://www.nj.gov/dep/stormwater/maintenance_guidance.htm

    This will be further reviewed upon acceptance of the stormwater design.

Environmental Impact Statement

36. EIS should be updated to include the following documents in the appendix:

    a. A copy of the wetlands LOI and approved plan;
    b. A copy of the Flood Hazard Area Permit and approved plan.

F. MISCELLANOUS

1. Revise/Add the following details based on Franklin Township standard details:

   a. Township Water Meter Pit detail is not legible on sheet no. CS502;
   b. All sanitary sewer details shall be submitted directly to the Franklin Township Sewerage Authority for review and approval – Comment Only

The Applicant is required to obtain either approvals or letter of no interest from the following agencies:

Outside Agencies:

- Delaware Raritan Canal Commission
- Somerset County Planning Board
- Somerset-Union Soil Conservation District
- New Jersey Department of Environmental Protection **– Permits issued on 2025.09.11 & 2025.09.30**
- Buckeye Pipeline

Township Departments:

- Franklin Township Fire Department
- Franklin Township Police Department
- Franklin Township Sewerage Authority
- Somerset County Health Department

Resubmittal of Application Materials. ***As required by the Zoning Board of Adjustment By-laws, resubmittal of application materials (e.g., plans, reports, etc.) made in response to Board and/or staff reviews and/or comments, shall be accompanied by a written description of the changes made compared to the prior submission. In the case of staff reports, this shall be accomplished by providing a response to each of the review comments with a description of the plan changes and where the plan changes can be found (e.g., sheet or page number). If the application materials have not been revised in response to any such comment, the reason for the non-change shall be provided. The number of copies of this written description should be commensurate with the number of revised plans and shall be provided in digital form (in .pdf format). The Engineering Department reserves the right to make additional comments based upon the submission of revised plans or testimony presented to the Board.***

Should you have any questions regarding this matter, please do not hesitate to contact this office.

DM/dm
cc: Zoning Board Secretary

STAFF REPORT

PLEASE REFER TO DRCC # WHEN SUBMITTING ADDITIONAL DOCUMENTS

DELAWARE AND RARITAN CANAL COMMISSION

DRCC #: 25-2429D
DATE: September 15, 2025
PROJECT NAME: 1950 Easton Avenue -- Proposed Warehouse
Latest Submission Received: May 16, 2025

Applicant:
Syracuse 1950 Easton Avenue Owner LLC
1200 North 52nd Street
Phoenix, AZ 85008
joshz@creationequity.com

Engineer:
Daniel Miola, P.E.
Langan Engineering and Environmental Services, LLC
300 Kimball Drive
Parsippany, NJ 07054
dmiola@langan.com

Project Location:

Road	Municipality	County	Block(s)	Lot(s)
1950 Easton Avenue (Somerset County Route No. 527)	Franklin Township	Somerset	469	1.06

Jurisdictional Determination:

Zone A	Major	Nongovernmental

Subject to Review for:

Drainage	Visual	Traffic	Stream Corridors
X	X	X	X

THIS STAFF REPORT IS ISSUED AS A GUIDE TO APPLICANTS IN COMPLYING WITH DRCC REGULATIONS. IT IS NOT AN APPROVAL. NO CONSTRUCTION SHALL BEGIN UNTIL A CERTIFICATE OF APPROVAL HAS BEEN ISSUED.

DRCC#: 25-2429D
DATE: September 15, 2025
PROJECT NAME: 1950 Easton Avenue -- Proposed Warehouse

Documents Received: Site Plans (30 sheets) dated January 17, 2025, last revised July 18, 2025; Stormwater Management Report dated January 17, 2025, last revised February 14, 2025; Stream Corridor Impact Plan (1 sheet) dated May 14, 2025; Stream Corridor Use Plan dated July 8, 2025; Traffic Impact Study dated January 17, 2025, last revised April 17, 2025; prepared by Langan Engineering and Environmental Services, LLC; Architectural Plans (3 sheets) dated May 15, 2025; prepared by Nelson Architecture & Interiors Inc. and Premier Design & Build Group.

Staff comments continued below.

The application is incomplete. It is staff's opinion that the proposed project has been designed in compliance with the Commission's technical requirements. However, notice of county and municipal approvals must be submitted before the application can be deemed complete and presented to the Commission for their decision.

Existing Conditions: The project area is an approximate 1.42 million square-foot (32.76 acre) lot located west of Easton Avenue in Franklin Township, Somerset County, approximately 75 feet south and west of the Delaware and Raritan Canal and within Commission Review Zone A.

The project area lot is located partly in Review Zone A, with the balance of the site being located in Review Zone B. Pursuant to the definition of "Review Zone" at N.J.A.C. 7:45-1.3, if any part of a project site is within Zone A, then the entire project shall be considered to be in Zone A.

The project site is bounded by Easton Avenue followed by the Delaware and Raritan Canal to the north, Davidson Avenue to the east, the Somerset Executive Center office development that is presently proposed to be demolished and replaced by a warehouse development (See DRCC #24-6190) followed by Interstate Highway Route No. 287 to the

south, and a tributary of the Raritan River followed by a large cemetery development to the west.

In the existing condition, the project site is improved with the Ukrainian Cultural Center and the Ukrainian History and Education Center of New Jersey buildings, along with associated parking areas, landscaping, underground utility and stormwater infrastructure, and associated site amenities. In the existing condition, impervious surface coverage totals approximately 7.21 acres. Historic aerial imagery shows the cultural center under construction in 1979, while the history/education center first appears on imagery dating to 1987.

The project area lot is also the location of the Hendrick Fisher Homestead, a circa 1688 residence that is reputed to be the oldest structure in Somerset County.

The Commission received plans for a project to expand the cemetery development onto the project area lot in 2000; however, it appears that no application was submitted for the project, and no Commission staff report or approval was ever issued. Subsequently, a project application was approved by the Commission in 2001 to expand the adjacent cemetery and create 3,774 additional grave sites on the lot (DRCC #00-2429A). From the absence of any burials, it would appear this project was never implemented. In 2005, the Commission issued a certificate of approval for a project to construct an expansion to the Ukrainian History and Education Center, which resulted in the creation of approximately 1.0 acre of new impervious surface coverage (DRCC #04-2429B).

Proposed Project: The applicant proposes to subdivide the Lot 1.06 into two new lots:

Proposed Lot 1.08: This lot would be 771,281 square feet (17.7 acres) in size and encompass the existing Ukrainian Cultural Center building and associated parking area located at the southern portion of the existing lot (See "project area" denoted in red in the aerial image below):

The applicant proposes to demolish the Ukrainian Cultural Center building and associated site improvements on proposed Lot 1.08 and construct a 258,150 square-foot warehouse building development, along with 162 car parking spaces, 35 loading docks and 17 trailer parking spaces, access driveway, a stormwater management facility, and other associated infrastructure. Based upon the submitted application, the total proposed impervious surface area coverage onsite will increase by 5.7 acres to 11.39 acres in the proposed condition. The project would also result in the disturbance of 13.67 acres of land.

Proposed Lot 1.09: This lot would be 648,907 square feet (14.9 acres) in size and encompass the existing Ukrainian History and Education Center of New Jersey buildings and the Fisher Homestead located at the northern portion of the existing lot. Commission staff notes that a project application has been submitted by a different applicant to construct 45 passenger vehicle parking spaces to the north of the existing building and 35 passenger vehicle parking spaces to the east of the existing building, a widened access driveway from Easton Avenue, and stormwater management infrastructure (See project DRCC #25-2429C).

Stream Corridor: The site is located within the Raritan River Lower watershed. The site is bordered to the west by a tributary to the Raritan River, which is located north of the Delaware and Raritan Canal. The Raritan River does not flow into the canal. FEMA has delineated the 100-year floodplain for the Raritan River, and by engineering judgment, the Raritan River's floodplain is the controlling regulatory floodplain along the tributary adjacent to the site. The applicant has delineated the stream corridor as a 100-foot offset from a plotted flood hazard area design flood elevation limit. Commission staff has determined the stream corridor limit is conservative when compared to the submission requirements of N.J.A.C. 7:45-9.2.

The onsite stream corridor consists of a mixture of woods and actively disturbed lawn, with some trees. The applicant proposes to reconstruct one outfall and construct a new outfall parallel to the existing one located along the tributary to the Raritan River. Pursuant to N.J.A.C. 7:45-9.4(a)6., an outfall structure associated with a stormwater management facility is considered to be a conditional use within a stream corridor of a watercourse that does not directly enter the Delaware and Raritan Canal. Therefore, the project has been designed in accordance with the specific stream corridor impact standards at N.J.A.C. 7:45-9.

Stormwater Outfall: The project proposes to discharge stormwater generated from the site toward an existing drainage system within Davidson Avenue, which is tributary to the Delaware and Raritan Canal. Therefore, the applicant is subject to the specific requirements for an outfall set forth at N.J.A.C. 7:45-8.3. This includes, but is not limited to, prohibiting new sources of stormwater that tie into the drainage systems discharging into the canal and providing 95 percent (%) total suspended solids (TSS) removal for the water quality design storm as described at N.J.A.C. 7:45-8.7.

Stormwater Runoff Quantity: Runoff from the developed portions of the site and undisturbed areas, totaling approximately 13.67 acres, will discharge to either Davidson

Avenue or the aforementioned tributary to the Raritan River. The stormwater management measures have been evaluated at two points-of-analysis (POAs).

POA-1: Includes the eastern portion of the development adjacent to Davidson Avenue. This area includes 0.66 acres identified as A-1 and A-4. In the post-development condition, the site and stormwater management design will reduce the total drainage area tributary to the POA to 0.44 acres. The applicant has provided engineering calculations verifying that for stormwater leaving the site, post-construction peak runoff rates and volumes for the 2-, 10- and 100-year storm events do not exceed the pre-construction runoff rates and volumes for the same storm events.

POA-2: Includes the area draining to the existing conveyance pipe that drains to the tributary to the Raritan River. This section of the stormwater management system will include five surface bio-retention systems with underdrains and multiple pervious paving systems. The storm sewer system for each best management practice (BMP) measure will be equipped with an outlet control structure. The applicant has provided engineering calculations noted in the table below verifying that for stormwater leaving the site within the drainage area at the POA, the post-construction peak runoff rates for the 2-, 10- and 100-year storm events will be no greater than 50, 75 and 80%, respectively, of the pre-construction peak runoff rates.

The submitted calculations utilized the Natural Resource Conservation Service (NRCS) Technical Release No. 55 (TR-55) hydrologic methodology, NOAA Region C unit hydrograph rainfall distribution, Standard Unit peak rate factor, and current New Jersey 24-hour rainfall frequency data for Somerset County to compute peak runoff flow rates and volumes. The post-developed peak flows were calculated by creating separate pervious and impervious hydrographs for post-developed conditions and combining to develop total post-developed hydrographs. Based upon a review of the submitted calculations, it has been determined that the proposed stormwater management measures will provide enough peak flow attenuation to comply with the specific runoff quantity standards at N.J.A.C. 7:45-8.6 and the specific outfall standards at N.J.A.C. 7:45-8.3.

Water Quality: The Commission requires that all proposed full-depth pavement, including newly constructed and reconstructed parking and access drives that are being renewed, in addition to new collection systems for existing impervious surfaces where stormwater is not currently collected, shall comply with water quality standards at N.J.A.C. 7:45-8.7. This includes reduction of the post-construction load of TSS in stormwater runoff generated from the water quality design storm by a rate of 95% for POA-1 and 80% for POA-2 of the anticipated load from the developed site, expressed as an annual average.

POA-1 is tributary to the Delaware and Raritan Canal. The applicant proposes to reduce the proposed pavement area discharging toward the canal by 0.15 acre. As a result, no additional water quality is required for this analysis point.

POA-2 will discharge to the tributary to the Raritan River. Based upon the submitted application, approximately 2.86 acres of new motor vehicle surfaces are being proposed onsite. The submitted stormwater report notes that the design proposes to treat for water

quality by incorporating several stormwater BMP measures, which consist of five surface bio-retention basins and multiple pervious paving systems.

A pervious paving system is a stormwater management facility used to address the impacts of land development. The system consists of a durable, permeable surface course, which allows stormwater runoff to move through it; this surface course is placed over a transition layer and a storage bed of open-graded (i.e., devoid of fine particles) aggregate. There are two types of systems: underdrained systems and systems designed to infiltrate into the subsoil. When designed in accordance with this chapter, the TSS removal rate is 80%.

Small-scale bio-retention basin systems are stormwater management facilities used to address the stormwater quality and quantity impacts of land development. The system consists of a soil bed planted with vegetation; it can be underdrained or runoff can infiltrate into the subsoil. Pollutants are treated through the processes of settling, plus uptake and filtration by the vegetation. Pollutants are also treated within the soil bed through infiltration. The TSS removal rate is 80% to 90%, and dependent upon the depth of the soil bed and the type of vegetation selected.

Therefore, Commission staff has determined the proposed stormwater quality design is in compliance with the requirements at N.J.A.C. 7:45-8.7.

Groundwater Recharge: The Commission regulations require that stormwater management measures maintain 100% of the average annual pre-construction groundwater recharge volume for the site, or that any increase of stormwater runoff volume from pre-construction to post-construction for the two-year storm is infiltrated.

A groundwater recharge analysis calculation (NJDEP GSR-32 spreadsheet) has been submitted, which demonstrates that the annual groundwater recharge deficit for the entire site is 165,521 cubic feet. To infiltrate the post-development recharge deficit, 25,000 square feet of pervious pavement is proposed between the proposed warehouse and the most northerly surface bio-retention basin. According to the spreadsheet, this BMP will exceed the annual groundwater recharge requirement.

Therefore, Commission staff has determined the proposed stormwater quality design is compliant with the groundwater recharge requirements at N.J.A.C. 7:45-8.5.

Non-Structural Methods: To determine if the development includes sufficient non-structural stormwater management strategies have been incorporated into the project site design "to the maximum extent practicable," the Nonstructural Strategies Point System (NSPS) spreadsheet has been completed for this project. The NSPS results indicate that the ratio of proposed to existing site points (118%) exceeds the required site points ratio (80%). Therefore, the project's proposed non-structural measures are adequate, and the project is designed in accordance with N.J.A.C. 7:45-8.4.

Stormwater Management Maintenance Plan: The applicant has submitted a stormwater management maintenance plan for the site. The submitted plan has been prepared in accordance with the specific requirements at N.J.A.C. 7:45-8.8.

Visual, Historic & Natural Quality Impact: N.J.A.C. 7:45-10.2 directs the Commission shall review all projects in Zone A to determine if the project is in accord with the goals for the Delaware and Raritan Canal State Park as defined in the park's Master Plan. The visual, historic, and natural quality impact review is intended to assure that development within Zone A is not harmful to the character of the environmental types identified in the Master Plan as comprising the park.

The proposed project is located in an Urban canal environment as described in the Master Plan. The Urban canal environment is characterized at N.J.A.C. 7:45-10.2(a) by the enclosure of the canal by dense development. The Master Plan at Page 28 notes that this section of the park, which covers an area along the western crossing of Interstate Highway Route No. 287, consists mostly of the Borough of South Bound Brook, which is enclosed in the loop made by the Raritan River and mirrored by the canal.

The plan notes that the Lock No. 11 is the central feature of this area and provides access as well as historic interest. The Raritan River is quite close to the multiuse trail for this entire section, while homes, roads, and industry in South Bound Brook are quite close -- sometimes intrusively close -- to the canal embankment. The plan calls for improving access at both the Lock No. 11 in South Bound Brook and at Five Mile Lock, for the construction of the sanitary facilities at South Bound Brook, and for multiuse trail improvement between Main Street in South Bound Brook and Five Mile Lock. Nothing with respect to the proposed project site improvements is inconsistent with these goals. Therefore, the project is in compliance with this requirement.

The provisions of N.J.A.C. 7:45-10.3(a), which discourage major projects from certain canal environments in Zone A, and authorize the Commission to require specific compensatory measures that mitigate the project's potential for harmful impact on the park, are inapplicable to the project, which is located in an Urban canal environment.

The provisions of N.J.A.C. 7:45-10.3(b), which discourage minor projects from certain canal environments in Zone A, and authorize the Commission to require specific compensatory measures that mitigate the project's potential for harmful impact on the park, are inapplicable to the project, which is a major project.

N.J.A.C. 7:45-10.4(a) directs that projects in Zone A shall be set back from the Delaware and Raritan Canal State Park sufficiently far so that the winter visual and natural quality of the park are not adversely affected. In the Urban canal environment, there are no minimum setbacks except as may be prescribed by municipal ordinances. The project is located approximately 688 feet from the Delaware and Raritan Canal. Therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(b) directs that projects in Zone A shall maintain a reasonable height and scale relationship to nearby structures or vegetation. For urban canal environments, the height of structures may vary according to the height of existing structures that have a visual relationship to the proposed structure. The applicant has submitted architectural

plans which indicate that the maximum height of the proposed warehouse building would be 44 feet above existing grade.

Commission staff observes that the proposed warehouse development at 1-3 Executive Drive (DRCC #24-6190), adjacent to and south of the project area, would be 45 feet in height. Commission staff further observes that the existing hotel development located on Block 467, Lot 1.04, and approximately 200 feet from the project site is 120 feet in height (See DRCC #98-2437). Additionally, the office building located on Block 467, Lot 1.02, is three stories in height. Commission staff, therefore, determines that the proposed warehouse building height is similar to the heights of nearby buildings that have a visual relationship to the proposed building, and that the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(c) directs that for projects in Zone A, the exterior appearances of a project shall be in keeping with the character of the Delaware and Raritan Canal State Park's individual environments. Specifically, colors used shall harmonize with the man-made or natural surroundings of the project and shall be typical of colors found in the park environment, and building materials and textures shall harmonize with the surrounding man-made and natural materials.

The applicant has submitted architectural plans which indicate that the proposed warehouse building would be constructed of precast concrete panels with aluminum storefront framed glass windows, while the building canopies would be constructed from steel. Additionally, the building features Trespa® high pressure laminate soffit panels at the corners of the east and west elevations. With regard to colors, the building exterior panels would be a combination of several shades of Sherwin-Williams® gray paint, with some white, yellow and black accents. The anodized aluminum storefront windows would be black in color with "solar blue" glazing. The proposed soffit panels would be brown in color.

Commission staff determines that the proposed materials and colors are typical of other warehouse projects located in the Review Zone and that they harmonize with the man-

made or natural surroundings. Therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(d)1 directs that electric, telephone, cable television, and other such lines and equipment shall be underground or otherwise not visible from the Delaware and Raritan Canal State Park. The project area is located approximately 710 feet from the nearest boundary of the park, and is screened by vegetation, Easton Avenue, and the existing Ukrainian History and Education Center of New Jersey buildings. Therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(d)2 directs that exposed storage areas, out-buildings, exposed machinery service areas, parking lots, loading areas, utility buildings, and similar ancillary areas and structures shall either be completely concealed from view from the Delaware and Raritan Canal State Park or designed to minimize their visual impact on the park. As noted above, the project area is located approximately 710 feet from the nearest boundary of the park, and is screened by vegetation, Easton Avenue, and the existing Ukrainian History and Education Center of New Jersey buildings. Therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(d)3 and 4, respectively, regulate the dimensions and location of commercial signs or outdoor advertising structures. The applicant proposes to construct a 100-square-foot monument sign at the entrance to the project site from Davidson Avenue. The monument sign would rest upon a 3.0-foot-high aboveground concrete base and would be 10 feet in height.

The provisions of N.J.A.C. 7:45-10.4(d)3 direct that no commercial signs or outdoor advertising structures in excess of 80 square feet surface area shall be visible from the Delaware and Raritan Canal State Park. As noted above, the project area is located approximately 710 feet from the nearest boundary of the park, and is screened by vegetation, Easton Avenue, and the existing Ukrainian History and Education Center of New Jersey buildings. Therefore, the project is in compliance with this requirement.

The provisions of N.J.A.C. 7:45-10.4(d)4.i. direct that all commercial signs and outdoor advertising structures in excess of 6.0 square feet surface area shall comply with certain standards. In the Urban canal environment, no freestanding signs shall be erected within 200 feet of the park boundary. As noted above, the project area is located approximately 710 feet from the nearest boundary of the park. Therefore, the project is in compliance with this requirement.

The provisions of N.J.A.C. 7:45-10.4(d)4.ii. regarding commercial signs located in Natural or Rural canal environments are inapplicable to the proposed project.

The provisions of N.J.A.C. 7:45-10.4(d)4.iii. which prohibit the erection of signs or other advertising devices of any size with moving or moveable parts or with flashing, animated, or intermittent illumination, are inapplicable to the proposed project.

N.J.A.C. 7:45-10.4(d)iv. directs that in the Urban canal environment no freestanding sign or other advertising devices or parts thereof visible from the park shall be more than 100 feet above ground level. As noted above, the sign, inclusive of the concrete base, would be 13 feet in height. Therefore, the project is in compliance with this requirement.

The provisions of N.J.A.C. 7:45-10.4(d)4.v., regarding the height of commercial signs in the Suburban and Transportation canal environments, are inapplicable to the proposed project.

N.J.A.C. 7:45-10.4(d)5 directs that wherever possible, natural terrains, soils, stones, and vegetation should be preserved. New vegetation, stones, and soils should be native to the environment in which they are placed. The applicant has submitted a landscaping plan consisting of the following species:

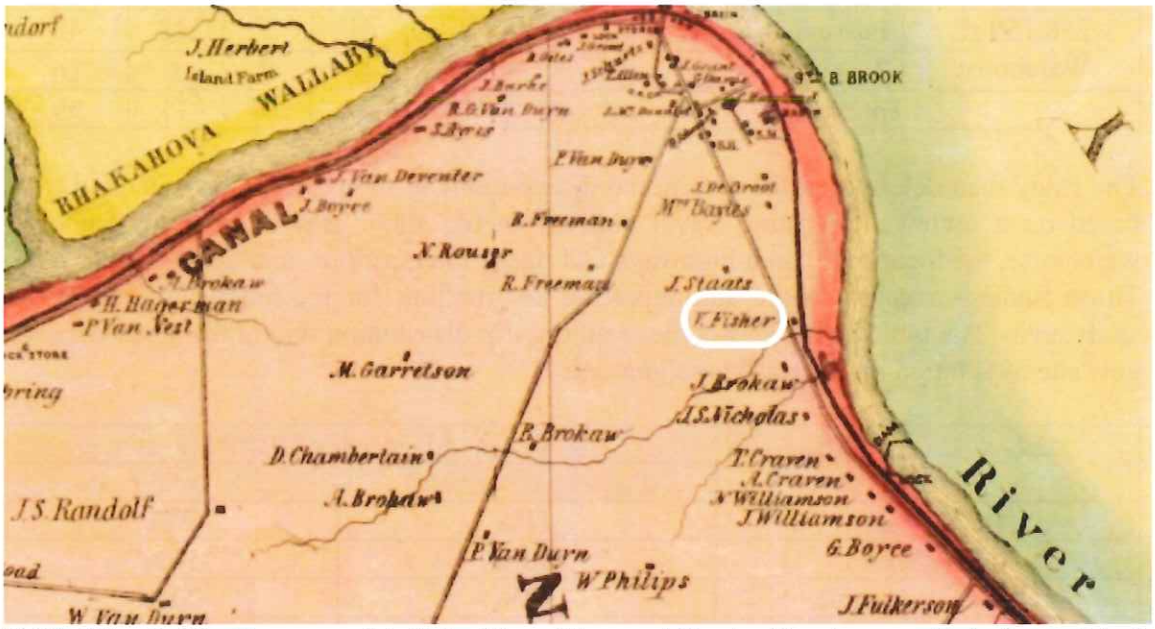
Scientific name	Common name	Quantity	Native
Shade trees:			
Acer rubrum	Red Maple	12	DRCC
Acer saccharum	Sugar Maple	9	DRCC
Liquidambar styraciflua	Sweetgum	12	DRCC
Liriodendron tulipifera	Tulip Poplar	1	DRCC
Quercus palustris	Pin Oak	4	USDA
Taxodium distichum	Bald Cypress	16	USDA
Ornamental trees:			
Betula nigra	River Birch	26	DRCC
Cercis canadensis	Eastern redbud	17	DRCC
Magnolia virginiana	Sweetbay Magnolia	10	DRCC
Evergreen trees:			
Juniperus virginiana	Eastern redcedar	56	USDA
Ilex opaca	American Holly	43	DRCC
Pinus strobus	Eastern White Pine	25	DRCC
Deciduous shrubs:			
Clethra alnifolia	Summer sweet	29	DRCC
Clethra americanus	New Jersey Tea	27	DRCC
Cornus sericea	Dogwood	46	DRCC
Hamamelis virginiana	Witch Hazel	20	DRCC
Hydrangea arborescens	Wild hydrangea	14	USDA
Ilex verticillata	Common winterberry	29	DRCC
Morella pensylvanica	Northern bayberry	50	USDA
Viburnum dentatum	Arrowwood viburnum	30	DRCC

Therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(d)6 directs that projects that are located in any officially designated Federal, State, or local historic district or site shall be assessed for their impact upon that district or site. Recommendations to avoid, minimize, and/or mitigate the impacts of a project on a listed property shall be made in consultation with the New Jersey Historic Preservation Office (SHPO) and based upon the United States Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

The project area lot is located within the boundaries of the Delaware and Raritan Canal Historic District, which encompasses the canal bed and all structures within 300 feet of the centerline of the canal. However, the proposed project area is located approximately 435 feet beyond the boundaries of the district.

Historical background: Before being acquired by the Ukrainian Orthodox Church in 1951, the project site appears to have been a 51-acre portion of the farmstead associated with the adjacent Hendrick Fisher Homestead, a circa 1688 residence that is reputed to be the oldest structure in Somerset County. The Hendrick Fisher House was built by William Dockwra and later came into the possession of a Dutch immigrant Hendrick Fisher (Anglicized from Visscher in 1721) (1697-1788). Fisher was a farmer who held several civic offices during his lifetime, first representing Somerset County in the New Jersey Colonial Assembly. He was later one of three delegates representing New Jersey at the Stamp Act Congress in New York in 1765, was elected to New Jersey's Committee of Correspondence, served as a member of the Committee of Safety, was President of the Colonial Assembly, and was the first President of the Provincial Congress of New Jersey.



(J. W. Otley, L. Van Derveer, and J. Keily. Map of Somerset County, New Jersey: entirely from original surveys. 1850)

Commission staff observes that the project does not propose any alterations to the Fisher homestead. Since there are no other listed historic districts or properties on the project site,

Commission staff determines that the project is in compliance with this requirement, and that consultation with the SHPO is not warranted in this case.

Traffic Impact: N.J.A.C. 7:45-111.1 directs that the Commission shall review major projects in Zone A for their traffic impact on roads that enter the Delaware and Raritan Canal State Park or any part of Zone A. The applicant shall submit a traffic impact study that shows the amount of additional traffic generated by the project and the directions in which this traffic will move. If the Commission determines that the additional traffic will have an adverse impact on the park, the applicant shall use any feasible planning techniques that will direct any additional traffic away from the park. If the Commission is satisfied that there are no feasible planning techniques other than as set forth in the project proposal that can direct any additional traffic away from the park, the project shall be approved for traffic impact review.

The applicant has submitted the required traffic impact study, which estimated the number of trips the project will generate based on data compiled for Land Use Code 150 (Warehousing) by the Institute of Transportation Engineers (ITE) as contained in the publication Trip Generation, 11th Edition. The study estimates that the warehouse development would generate approximately 57 total trips (38 entering, and 19 exiting) during the weekday morning peak hour and 59 total trips (14 entering, and 45 exiting) during the weekday evening peak hour as indicated in the table below:

Use		Weekday Morning Peak Hour			Weekday Evening Peak Hour		
		In	Out	Total	In	Out	Total
258,150 sf. Warehouse	Passenger vehicles	33	8	41	6	37	43
	Trucks	5	11	16	8	8	16
Total		38	19	57	14	45	59

The study then determined the directional distributions of the project site-generated trips based on a review of existing travel patterns in the study area around the proposed warehouse, the location of area highways and major intersections, and demographic data. Those findings created arrival and departure distributions for the redevelopment in the study area. The table below shows the resulting trip distribution within the study area for new site trips based on the traffic assignment:

Direction (To/From)	Arrival and Departure Distributions	
	Passenger Vehicles	Trucks
I-287 (East)	41%	50%
I-287 (West)	40%	30%
Davidson Avenue	12%	20%
Easton Avenue (North)	3%	--
Easton Avenue (South)	4%	--
Total	100%	100%

As the above table indicates, 7% of the arrival and departure trips associated with the proposed warehouse development would travel onto Easton Avenue via Davidson Avenue,

and thereby enter Review Zone A, while 93% of the trips would proceed onto I-287 or onto Davidson Avenue and out of the Review Zone. All of the trips traveling onto Easton Avenue would be passenger vehicles, rather than trucks, 80% of which the study indicates would proceed onto I-287 with the remaining 20% proceeding onto Davidson Avenue and out of the Review Zone.

Commission staff observes that the number of new vehicle trips falls below the industry accepted standard of a significant increase in traffic of 100 trips. Based on Transportation Impact Analysis for Site Development, published by the ITE "it is suggested that a transportation impact study be conducted whenever a proposed development will generate 100 or more added (new) trips during the adjacent roadways' peak hour or the development's peak hour." Additionally, the New Jersey Department of Transportation has determined that the same 100 vehicle threshold is considered a "significant increase in traffic." Therefore, the study contends that the project is not anticipated to pose any perceptible impact on the traffic operation of the adjacent Franklin Township roadway network, which includes those roads which provide access to the Delaware and Raritan Canal State Park.

Given the foregoing and cognizant that there would be no feasible planning technique that would direct the estimated 7% of total trips generated by the project away from the Delaware and Raritan Canal State Park, Commission staff determines that the project is in compliance with this requirement.

Additional Information Required:

1. Staff notes that the applicant is required to submit two copies of the Commission's Conservation and Maintenance Agreement, with original signatures on both copies. This document is available on the Commission website: https://www.nj.gov/dep/drcc/pdf/DRCC%20C&M%20Agreement%20(2020).pdf

2. The Commission requires notice of county and municipal approvals.

Staff Recommendation: Staff does not recommend approval at this time.

Sincerely,

John Hutchison
Executive Director

c. Somerset County Planning Board
Franklin Township Planning Board
Peter U. Lanfrit, Esq. (lanfrit@centraljerseylaw.com) (erin@landuseconsultants.net)

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June 24, 2025

Mr. Michael Orsini, Chairman
Franklin Township Planning Board
475 DeMott Lane
Somerset, NJ 08873

RE: SYRACUSE 1950 EASTON AVENUE OWNER, LLC - WAREHOUSE
BLOCK 469 – LOT 1.08, 1.06 (portion)
FL 618:011-25S
DAVIDSON AVENUE

Dear Mr. Orsini:

This office and the office of the County Engineer have reviewed information submitted for the above-referenced project. The 17.71 acre tract is located on Davidson Avenue. The reviewed information consists of the following documents:

- "Preliminary and Final Major Site Plan Application for Proposed Warehouse Development, 135 Davidson Avenue, Block 469, Lot 1.06, Township of Franklin, Somerset County, NJ" dated January 17, 2025, and prepared by Langan Engineering.
- "ALTA/NSPS Land Title Survey, 135 Davidson Ave, Block 469, Lot 1.06, Township of Franklin, Somerset County, NJ" dated July 12, 2024, last revised November 19, 2024, and prepared by Langan Engineering.
- "Environmental Assessment for 135 Davidson Avenue, Block 469, Lot 1.06, Franklin, Somerset County, NJ, prepared for Syracuse 1950 Easton Avenue Owner" dated January 17, 2025 and prepared by Langan Engineering.
- "Stormwater Management Report for 135 Davidson Avenue – Proposed Warehouse, Block 469, Lot 1.06, Franklin, Somerset County, NJ, prepared for Syracuse 1950 Easton Avenue Owner" dated January 17, 2025 and prepared by Langan Engineering.
- "Stormwater Management Facilities Operation and Maintenance Manual for 135 Davidson Avenue – Proposed Warehouse, Block 469, Lot 1.06, Franklin, Somerset County, NJ, prepared for Syracuse 1950 Easton Avenue Owner" dated January 17, 2025 and prepared by Langan Engineering.
- "Final Geotechnical Engineering Study Report for 135 Davidson Avenue Redevelopment, Township of Franklin, Somerset County, NJ, prepared for Syracuse 1950 Easton Avenue Owner" dated January 10, 2025 and prepared by Langan Engineering.
- "Traffic Impact Study for 135 Davidson Avenue, Township of Franklin, Somerset County, NJ, prepared for Ukrainian Orthodox Church of USA" dated January 17, 2025 and prepared by Langan Engineering.

The applicant is applying to the Zoning Board of Adjustment for a D1 use variance and Preliminary and Final Site Plan approval for Block 469, proposed Lot 1.08. The applicant proposes to raze the

current improvements on the site and construct a 258,150 square foot warehouse and associated improvements. Associated site improvements include landscaping areas, site lighting, underground utility and stormwater infrastructure.

The comments contained in this letter shall pertain to the site plan application for Lot 1.08 only. A site plan for proposed Lot 1.09 has been submitted as a separate application and a review letter for the site plan application will be issued under separate cover.

The Somerset County Planning Board deems this application incomplete until the following requirement has been satisfactorily addressed:

Title Sheet Requirements

The Somerset County Engineering Acceptance block shall be added to title sheet. The acceptance block detail is attached for your reference. The detail shall include the following note under the block:

"These plans are NOT ACCEPTED FOR CONSTRUCTION unless this block has an acceptance stamp and is initialed by a staff member of the County Engineering Division. The acceptance of these plans expires two (2) years from the date of acceptance."

Stormwater Management Requirements

It appears that runoff from the site ultimately drains to County Bridge No. K0701 and runoff from the proposed impervious cover will potentially affect County facilities.

Since the applicant has stated they will need to apply for a Flood Hazard Area (FHA) Individual Permit with the NJDEP, copies of all correspondence from the NJDEP, including all review reports and approval letters associated with the approval of the proposed stormwater management plan are to be forwarded to this office. The County intends to perform its stormwater management review once confirmation is received from NJDEP indicating that the stormwater management plan for this application is acceptable to the State. However, should the County have Stormwater Management review comments prior to the NJDEP permit approval, they will be provided to the applicant.

This report reflects comments from the County Planning Board and the office of the County Engineer (908) 231-7024. Should you have any questions, please contact the appropriate individual listed below.

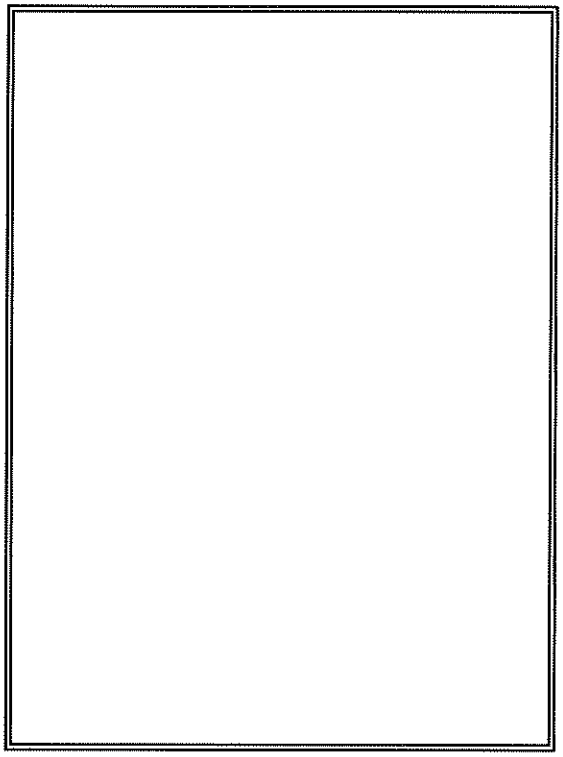
Sincerely,

Nora Fekete
Supervising Planner

Philip Kao
Principal Engineer, Land Development Section

cc: Christine Woodbury, Board Secretary via email
Franklin Township Engineer via email
Syracuse 1950 Easton Avenue Owner, LLC, c/o Josh Zemon, Creation RE, LLC, via email (joshz@creationequity.com)
Langan Engineering & Environmental Services, LLC, via email (jfalcetano@langan.com, dmiola@langan.com) (with attachment)
Peter U. Lanfrit, Esq., Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, PA via email

SOMERSET COUNTY
ACCEPTANCE STAMP



THESE PLANS ARE NOT ACCEPTED FOR CONSTRUCTION UNLESS THIS BLOCK IS STAMPED "ACCEPTED AS SUBMITTED" BY A STAFF MEMBER OF THE SOMERSET COUNTY ENGINEERING DIVISION. BIDS FOR CONSTRUCTION SHOULD NOT BE BASED ON THESE PLANS UNTIL THE PLANS ARE ACCEPTED BY THE COUNTY.

ACCEPTANCE OF THESE PLANS EXPIRE TWO (2) YEARS FROM THE STAMPED DATE.

NOTE: THIS BLOCK SHALL BE A MINIMUM OF 4" X 3"

FRANKLIN TOWNSHIP POLICE
TRAFFIC SAFETY BUREAU

TO: F.T. Zoning Board

FROM: Ofc. Ryan Ellington

DATE: September 22, 2025

SUBJECT: **ZBA-25-00009 Ukrainian Orthodox**

1950 Easton Ave, Somerset NJ

BLOCK: 469 LOT(S): 1.08

I have reviewed the above captioned subject plans and have no comments at this time.

This office reserves the right to make additional comments based on future submissions and/or testimony before the Board.

COUNTY OF SOMERSET
DEPARTMENT OF
PUBLIC HEALTH & SAFETY

DEPARTMENT OF HEALTH

Director / Health Officer
HIMANSHI BHATT, MPH, MS, REHS
bhatt@co.somerset.nj.us

27 Warren Street
P.O. Box 3000
Somerville, New Jersey 08876-1262
(908) 231-7155
Fax (908) 704-8042
www.somersetcountynj.gov/health
healthdept@co.somerset.nj.us

Deputy Director
MICHAEL T. McCARTY
mccarty@co.somerset.nj.us

Memorandum

To: Planning/Zoning Department

From: Rashida Boima, REHS, MPH-Consumer Health Program Coordinator

Date: September 2, 2025

Re: ZBA-25-00009-Syracuse 1950 Easton Ave. Owner, LLC-Davidson Ave. (warehouse)
Block: 469, Lot: 1.08

As per the applicant, the trash will be managed by using a compactor located within one of the dock positions to be confirmed once a tenant is identified. Tenant must ensure the compactor is of sufficient size and properly maintained.

The Health Department has no objection to this proposal or application.

Franklin Township
In Somerset County

OFFICE OF FIRE PREVENTION

Municipal Building
475 DeMott Lane, Somerset, NJ 08873-6704
Phone: 732-873-2500 Ext. 6303 Fax: 732-873-0804

August 25, 2025

To: Board of Adjustment

From: John Hauss, Director
Fire Prevention

Re: Docket # ZBA 25-00009
Syracuse 1950 Easton Avenue Owner LLC
Ukrainian Orthodox Church of U.S.A.
Davidson Avenue
Block: 469 Lot: proposed 1.08

The revised plans satisfactorily address our previous comments.

We reserve the right to make additional comments based upon the submission of revised plans or testimony presented to the Board.

Franklin Township

Somerset County, New Jersey

DEPARTMENT OF PLANNING AND ZONING
Planning – Zoning – Affordable Housing
Planning Board – Zoning Board of Adjustment

Municipal Building
475 DeMott Lane
Somerset, NJ 08873
732.873.2500
Fax: 732.873.0844
www.franklintwpnj.org

MEMORANDUM

To: Zoning Board of Adjustment

From: Mark Healey, PP, AICP
Director of Planning/ Senior Zoning Officer

Date: August 15, 2025

RE: Syracuse 1950 Easton Avenue Owner, LLC (ZBA-25-00009)
D(1) Use Variance; Preliminary and Final Site Plan, "c" Variances
135 Davidson Avenue; Block 469, Lot 1.06 (proposed lot 1.08)[1]

As requested, I have reviewed the application materials listed below and issue the following report for the Board's consideration:

- 30-sheet set of site plans prepared by Langan Engineering NJ. LLC last revised 7/18/25
- 19-sheet set of Intersection and Traffic Signal Improvements prepared by Langan Engineering NJ. LLC revised 7/23/25
- 2-sheet set of architectural drawings prepared by Nelco Architecture, Inc. dated 1/8/25 and 1/15/25
- 6-sheet survey prepared by Langan Engineering NJ. LLC last revised 7/17/25
- Letter from Langan Engineering dated 7/31/25 addressing prior review comments

Site Description

The overall project site is located along the westerly side of Davidson Avenue and is bounded by Executive Drive to the south and Easton Avenue to the north. The site is currently occupied by the national headquarters of the Ukrainian Orthodox Church of the USA which includes the Ukrainian History and Education Center, Saint Sophia Seminary and Library and administrative offices. The westerly portion of the site contains a stream, wetlands and associated regulated buffers. A buckeye pipeline also traverses this portion of the site. The site is located within the B-I (Business & Industry) zone.

[1] Applicants represented by attorneys, engineers and/or architects (or other such professionals) are expected to use the video display system available in Council Chambers to project hearing exhibits. Use of the video display systems greatly improves visibility of these exhibits for the Board, the public and the Township's video broadcast of the hearing. In order to use the video display system, please bring a computing device capable of utilizing a HDMI connection. A cable is provided, however adapters are not so please make sure you have the required adaptors to connect to HDMI if necessary.

Figures at the end of this memorandum show the location of the site as well as the nature of the surrounding area which consists of:

- *North (on the opposite side of Easton Avenue):* Delaware and Raritan (D&R) Canal State Park and the Raritan River
- *East (on the opposite side of Davidson Avenue*): Office building and multi-story hotel
- *South (on the opposite side of Executive Drive*): Three vacant multi-story office buildings; side of IDI Logistics LLC (ZBA-24-00010) which proposes construction of a 212,500 square foot warehouse (access proposed via Executive Drive, beyond that is I-287 and warehouse, office and light industrial uses along Davidson Avenue. That application was recently approved by the ZBA.
- *West:* St. Andrew Ukrainian Orthodox Cemetery, beyond that is a large single-family residential neighborhood

Associated Applications

The overall project site is the subject of three applications (refer to figures at the end of this memorandum for location/context):

- *ZBA-25-00008 (Subdivision)*: Subdivision of the current 32.6 site into two lots: proposed lot 1.08 (17.7 acres) upon which is proposed construction of a new warehouse under ZBA-25-00009 and proposed lot 1.09 (14.9 acres) which would contain certain existing church facilities to remain (ZBA-25-00007. Review of that application is contained in another memorandum.

- *ZBA-25-00007 (Church Site Plan)*: Site modifications (including parking lot and access modifications) associated with retention of the certain exiting church facilities (existing church and seminary). Review of that application is contained in another memorandum.

- *ZBA-25-00009 (Warehouse Site Plan)*: see description below

Project Description

The proposal consists of:

- demolition of the Ukrainian Cultural Center and associated parking lot and redevelopment of the site with a 258,150 square foot warehouse.
- a 151-space car parking area would be located to the north of the proposed warehouse with access proposed via Davidson Avenue.
- a 35-berth loading area is proposed on the southerly side of the building and would be accessed via Executive Drive.
- two (2) drive-in doors into the warehouse to “provide convenient access for vehicles, such as forklifts and pickup trucks, to move between the truck court and the warehouse floor”
- a 17-space trailer parking is proposed to the rear of the warehouse space.
- additional associated site modifications would include stormwater facilities, grading, lighting, landscaping and utility modifications.

- intersection and traffic signal improvements at the Davidson Avenue/ Executive Drive intersection

Requested/ Required Approvals

- *D(1) Use Variance*: Warehouses are not a permitted use in the B-1 zone[2]
- Preliminary and Final Site Plan Approval
- *"C" Variances*:
  - *Front Yard (No Loading Permitted)* – Loading area proposed in required 50-foot front yard facing Executive Drive – Front yard along Executive Drive is proposed at 20-feet in width (where 50 feet is required)
  - *Max. Driveway Width*: 36 feet permitted – 66 feet proposed (truck driveway on Executive Drive)
  - *Min. Loading Area Depth:* 147 feet required – 130 feet proposed

Review Comments[3]

1. D(1) Use Variance. As a D(1) use variance, the applicant would need to demonstrate to the Board's satisfaction that the use would advance a purpose of zoning (e.g., promotion of the general welfare) or that refusal of the project would impose an undue hardship on the applicant. If the applicant seeks to address the matter as a hardship issue, the applicant would need to prove that the site cannot reasonably be developed with a conforming use. In order to address the general welfare issue, the applicant must demonstrate that the proposed site is particularly suited for the proposed use.

   With respect to the negative criteria, the applicant must prove that the variance can be granted without substantial detriment to the public good including consistency with the character of the surrounding area. In addition, the applicant must prove that grant of the variance would not be inconsistent with the intent and purpose of the master plan and zoning ordinance (e.g., they must reconcile the proposed use variance with the zoning ordinance's omission of the use from those permitted in the zoning district).

2. "C" Variances.

   a. *Front Yard Setback (Parking and Loading)*. As addressed above, the site plan proposes portions of the loading areas within the required 50-foot wide front yard along Executive Drive. It is further noted §112-33.6.C, Design of business and industry uses, indicates that

[2] A complete application was submitted after the effective date of Ordinance No. 4391-22 which eliminated warehouse use as a conditionally permitted use in the B-I zone. Therefore, a D(1) use variance is required (for a use not permitted in the zone).

[3] It is requested that subsequent plan submittals be accompanied by a written description of the changes made compared to the prior submission. Preferably, this would be accomplished by providing a response to each of the review comments with a description of the plan changes and where the plan changes can be found (e.g., sheet number). If the plans have not been revised in response to a comment, the reason should be provided. The number of copies of this written description should be commensurate with the number of revised plans.

loading docks, truck parking and other service functions should be located in a manner that minimizes their view from adjoining roadways.

Thus, contrary to applicable design standards, the application proposes a loading area facing a public roadway (Executive Drive) and proposes less than the required front yard area (20 feet where 50 feet is required) which area could be used to screen the loading area from the public street.

b. *Loading Area Depth and Driveway Width Variances.* I defer to the reviewing engineer regarding these variances.

3. Site Plan Comments.

a. *Executive Drive/ Pending Application to the South*. As indicated above, the ZBA recently approved an application for a warehouse on the property to the south of Executive Drive, IDI Logistics LLC, ZBA-24-00010, which proposes construction of a 212,500 square foot warehouse). Like this application the loading area for that development would be accessed solely via Executive Drive. If both developments are approved then these developments would be the only sites accessing this roadway with the Township remaining responsible for maintenance and snow removal of the road. Similar to that required for ZBA-24-00010, if this application is approved, it is recommended that the Board condition the approval upon evaluation of vacating the road (and making the one or both of the property owners responsible for its maintenance, etc.). Other issues that might need to addressed include proper coordination between the plans (e.g., alignment of the curb cuts, sidewalks, intersection/ signal improvements, etc.). Further, if the road is vacated, perhaps the portion of the roadway beyond the curb cuts (including the cul-de-sac) could be removed thereby reducing impervious coverage

b. *Design of Business and Industry Uses*.

1) Section 112-33.6.A. indicates that the front yard should be attractively landscaped.

Executive Drive
This design standard is not satisfied along Executive Drive where variance relief is required for placement of the loading area within the 50-foot front yard (20-feet proposed).

Davidson Avenue
While the site plan complies with the minimal 50-foot front yard along Davidson Avenue with landscaping proposed in the required front yard, it is noted that the application proposed on the opposite side of Executive Drive (IDI Logistics LLC, ZBA-24-00010) proposes a very large landscaped front yard which significantly exceeds that proposed in this application. That application proposes a front yard which ranges from 149-feet to 224-feet (compared to 50 feet with this application). A comparison of the relative setbacks (and landscaped front yards) between the two applications is

provided in Figure 5. If the Board is inclined to consider approval of the application (including the request D(1) use variance) I would suggest that the Board require similar along the site's Davidson Avenue frontage.

2) In my opinion, the site plan partially complies with Section 112-33.6.B which recommends providing landscaping within the interior of the site in the form of landscape islands since several such islands are proposed. However, in order to fully comply, each island should contain a shade tree. The Langan letter indicates that "to the extent practical, the landscape islands provide shade trees. Landscape islands above underground basins do not include trees because these areas have minimal depth for root growth due to the underlying structure." However it is noted that: (1) not one island contains a tree (whether about the underground basin or not); and (2) the applicant has chosen to place the underground basin in the parking lot which has created this limitation in the first place.

3) Section 112-33.6.C indicates that loading docks, truck parking and other service functions should be located in a manner that minimizes their view from adjoining roadways.

   Executive Drive
   The site plan does not comply with this design standard with respect to Executive Drive since the loading area faces this roadway and is located within the required 50-foot front yard (20 foot front yard proposed along Executive Drive).

   Davidson Avenue
   While respect to Davidson Avenue, it is recommended that the application present exhibit(s) demonstrating the visibility (or lack thereof) of the loading area from Davidson Avenue. It is noted that that the applicant proposes to wrap the building around the loading area equal to the 60-foot depth of the loading stalls which should reduce visibility and has proposed an 8-foot tall screen wall to the southeast of the loading area.

4) At the hearing the applicant should address Section 112-33.6.D which indicates that the side of the building facing and visible from adjoining roadway(s) should be designed and finished in an attractive manner and should present architecturally as the front of the building.

5) At the hearing the applicant should address Section 112-33.6.E which indicates that mechanical equipment should be screened from view from adjoining roadways. In such instances, screening should be architecturally integrated with the building through materials, color, texture, shape, size, and with design features, such as facade parapets.

6) At the hearing the applicant should provide testimony addressing compliance with Section 112-33.6.F indicates that applications should take into consideration

nonautomotive modes of transportation (e.g., bicycle parking and sidewalks within the site and along the street).

7) At the hearing the applicant should provide testimony addressing compliance with Section 112-33.6.I which requires that the building be solar-ready.

c. *Stream Corridor Preservation Ordinance*. The site plan proposes disturbance in the stream corridor preservation area in the form of stormwater piping and discharge. This disturbance requires a waiver from Section 112-228.D., Hardship Waiver. The applicant needs to justify the waiver per Section 112-228.D(1) (e.g., the explanation provided in the 7/31/25 Langan letter).

d. *Tree Planting Requirement.* The plan complies with Schedule 6 which requires 1 tree for every 2,000 square feet of paved surface (87 trees required – 231 trees of qualifying size proposed).

e. *Tree Replacement Requirements*. Per Chapter 222 the site plan calculates a tree replacement requirement of 577 trees. With 231 trees of qualifying replacement size proposed, the remaining replacement value would be 346. If additional trees cannot be placed on site the amount would need to be addressed via payment-in-lieu per the ordinance.

f. *Other Site Plan Comments*.

1) The property is within 1000-feet of the D&R Canal thus review by the Township Historic Commission is required. The applicant should testify to the proceedings before the Historic Commission and what, if any, recommendations the Historic Commission made with respect to this application.

Similarly, the applicant should address whether a review has been conducted by the staff of the D&R Canal Commission and whether their staff has made any recommendations regarding the application.

2) The plans propose to cross the Buckeye gas transmission line[4] easement for the construction of stormwater piping. The applicant needs to provide proof of necessary approval from Buckeye.

3) I defer to the reviewing engineer regarding the sufficiency of the signage prohibiting trucks from traversing the car parking lot/ curb cut.

4) The development will be subject to the collection of Non-Residential Development Fees equal to 2.5% of equalized assessed value.

[4] The site plan shows a proposed compliant setback of 123 feet to the pipeline where 100 feet minimum is required.

Figure 1: Site Location

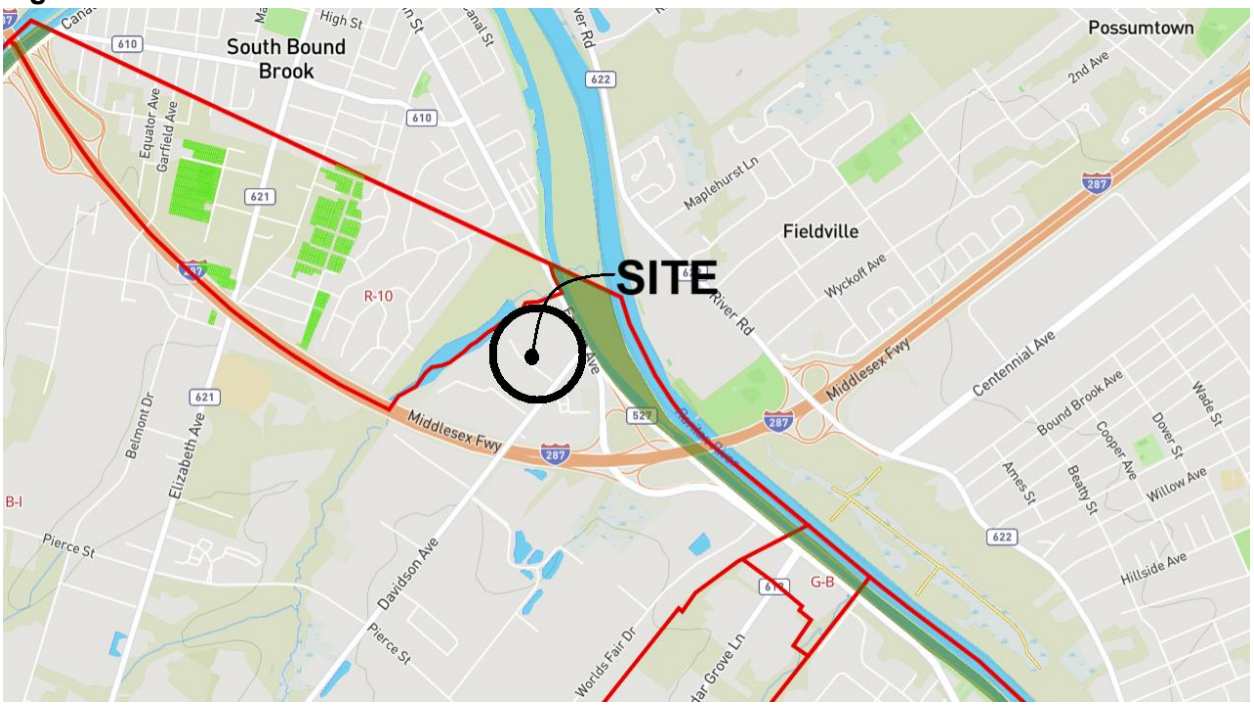


Figure 2: Site and Surrounding Area

Figure 3: Project Site and Adjoining Applications

Figure 4: Project Site and Adjoining Applications

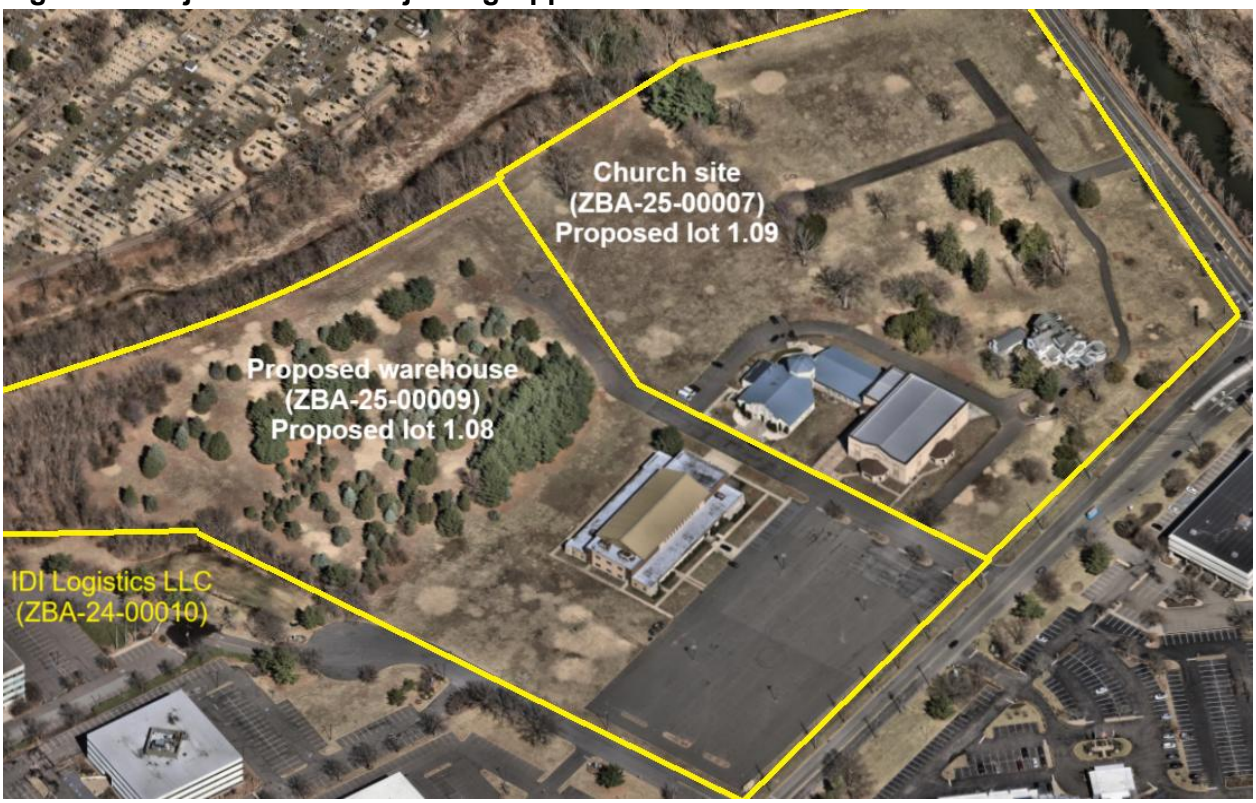


Figure 5: Davidson Avenue Frontage

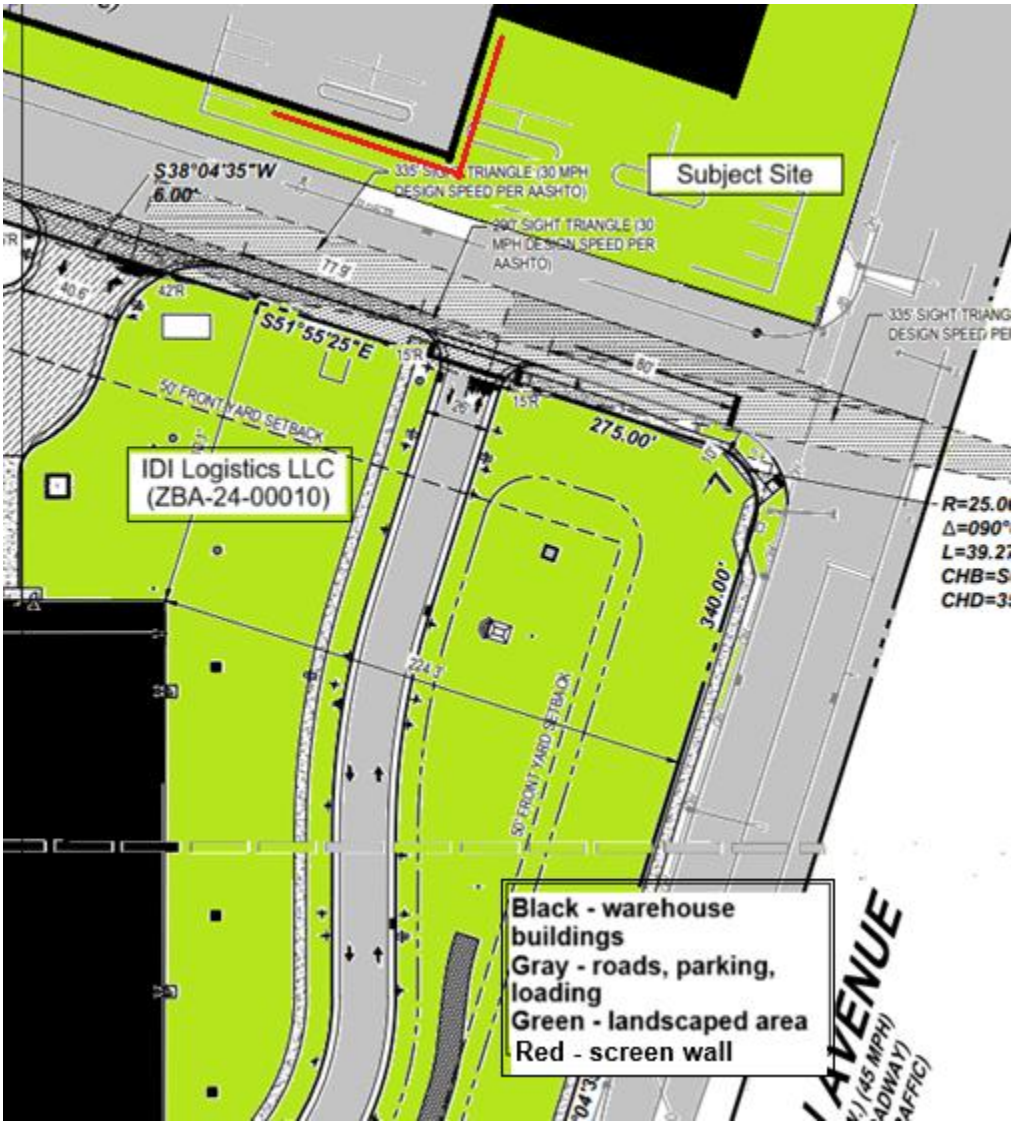
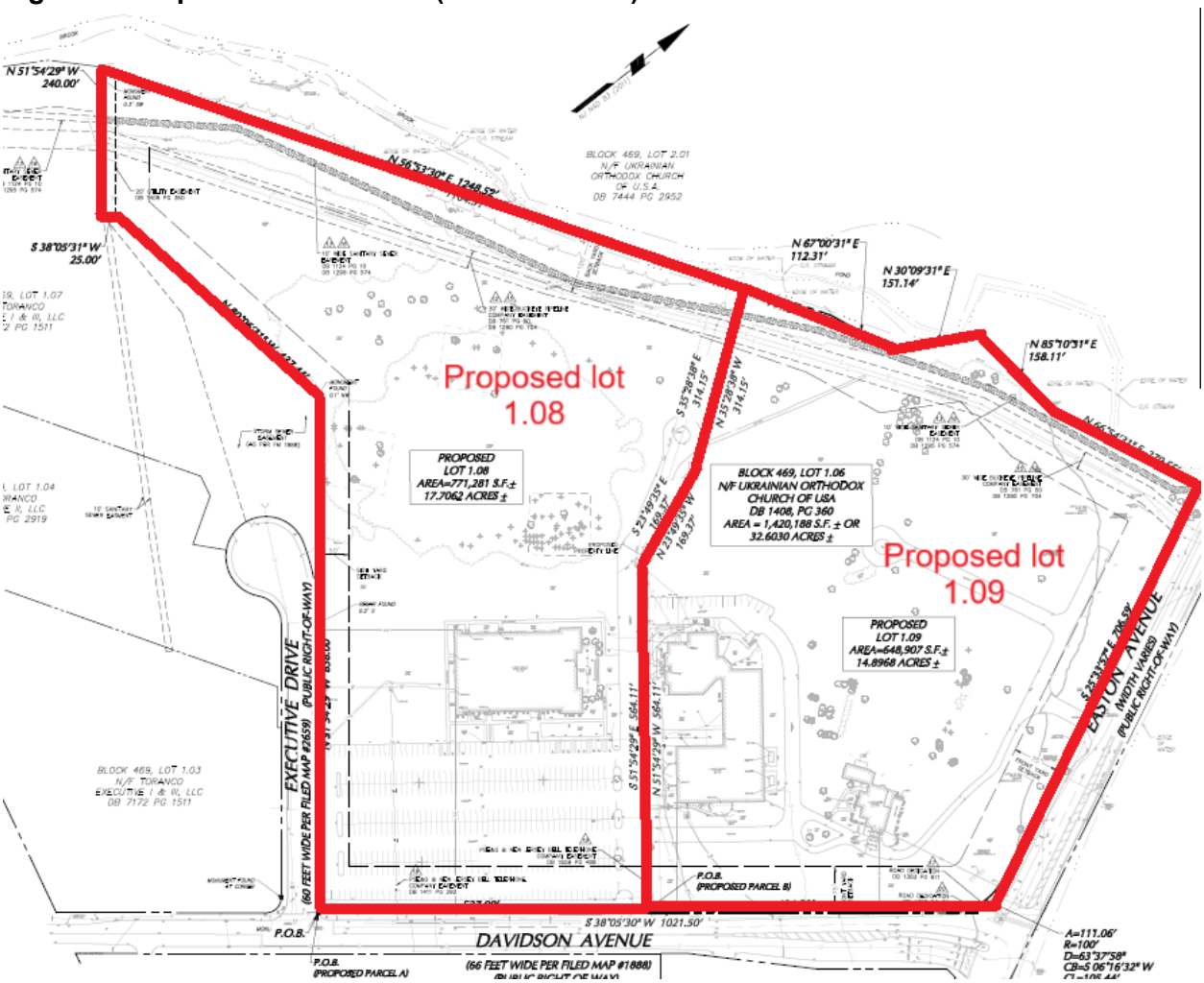


Figure 6: Proposed Subdivision (ZBA-25-00008)



FRANKLIN TOWNSHIP SEWERAGE AUTHORITY
70 Commerce Drive, Somerset, NJ 08873-3470
Tel: (732) 873-2121 • Fax: (732) 873-2038 • www.ftsa-nj.org

May 8, 2025

Project Applicant: Syracuse 1950 Easton Avenue Owner, LLC
Project Location: 135 Davidson Avenue, Township of Franklin, NJ
Block: 469; Lot: 1.06
Docket #: ZBA-25-00009
Plan Type: Preliminary & Final Major Site Plan

The Applicant is proposing to construct a 258,150 square-foot warehouse building. The Project site occupies Lot 1.06 of Block 469 and is located west of the intersection of Davidson Avenue and Easton Avenue. The property currently consists of an existing church building, cultural center, and single family dwelling.

The Applicant is proposing to service the proposed warehouse with a 6" diameter gravity sanitary sewer lateral connecting to the existing on-site sanitary sewerage facilities that ultimately discharges to the Authority's existing gravity collection system located west of the subject property.

The estimated Average Daily Flow to be generated by the proposed warehouse building and existing facilities has not yet been provided by the Applicant.

The following Preliminary documents have been received with respect to the proposed Project:

- Preliminary and Final Major Site Plan, as prepared by Langan Engineering and Environmental Services, LLC, dated January 17, 2025;

Based upon our preliminary review of the submitted documents, the Applicant is to provide the following items required for submission of an Application and subsequent approval for connection to the Authority's sanitary sewerage system:

- Applicant is to submit a complete Application for Approval of Sewerage Facilities in accordance with the FTSA Rates, Rules and Regulations (Appendix A-5 thru A-6).
- Application Fee to be posted in the amount of $500.00 in accordance with Appendix F.
- The formal Application submission is to be accompanied with sufficient Application Initial Review Escrow in accordance with Application Section 14. The FTSA's review process will not commence until such time that sufficient escrow is posted with the Authority.
- Applicant is to submit a complete Impact Fee Determination Request Form in accordance with the FTSA Rates, Rules and Regulations (Appendix A-8).
- Impact Determination Fee to be posted in the amount of $500.00 in accordance with Appendix F.
- All Application Fees and Review Escrow shall be submitted (via separate checks) made payable to "The Franklin Township Sewerage Authority".
- The Application is to include a Signed and Sealed Engineer's Report in support of the proposed sanitary sewer improvements including, but not limited to, a summary of the

sanitary improvements, existing flow conditions, proposed average daily flow calculation, proposed peak flow calculation, sewage velocity calculation, pipe capacity analysis, etc.

- Application to include Signed and Sealed Sanitary Sewer Construction Specs in accordance with Appendix C.
- Please provide a Signed and Sealed Sanitary Sewer Construction Cost Estimate reflecting all proposed sanitary sewer improvements for the Project utilizing, at a minimum, all applicable items and unit prices listed in Appendix F of the Authority's Rates, Rules and Regulations.
- Application to include a full set of Signed and Sealed Plans including all applicable FTSA Standard Construction Details in accordance with Appendix D.
- Submission of an electronic version (PDF) of the Site Plan, Sanitary Sewer Analysis, Engineers Report and Sanitary Sewer Specification to: Staffengineer@ftsa-nj.org.

A full review of the proposed sanitary facilities will be performed upon receipt of the above referenced documents. The Applicant is required to maintain full compliance with the FTSA's Rates, Rules and Regulations throughout the duration of the Application process. The Authority reserves the right to make additional comments based upon the submission of any revised plans and/or documents.

Should you have any questions, please do not hesitate to contact our Office.

Very Truly Yours,

William E. Korosec, PE
Consulting Engineer's Office

WK/tc

cc: Joseph Danielsen – FTSA Executive Director / Special Project Manager
Scott Nocero – FTSA Operations Manager / Licensed Operator

memo

TO: Christine Woodbury – Secretary to Franklin Township Planning and Zoning Boards

FROM: Tara Kenyon, AICP/PP – Sustainability Coordinator, Franklin Township

DATE: April 8, 2025

RE: Comments from Franklin Township Environmental Commission
Syracuse 1950 Easton Avenue Owner, LLC
1950 Easton Avenue, Somerset
(Block 469 – Lot 1.08)
File #: ZBA-25-00009

At its regularly scheduled meeting of March 17, 2025, the Franklin Township Environmental Commission ("EC') reviewed plans and documents for the above-referenced project. The following comments are submitted for consideration by the Franklin Township Zoning Board of Adjustment:

- According to the Solar Ready Warehouses Law (*NJSA 52:27D-123.19*), effective July 1, 2022, all warehouses composed of 100,000 square-feet or greater are to be constructed as solar-ready buildings. To comply, a warehouse must set aside a minimum of 40% of its proposed roof area for future installation of solar photovoltaic or solar thermal system. As such, the applicant must set aside a minimum 40% of its roof area (**approximately 103,260 square feet**) and depict that clearly on the plans.

- It is recommended that EV Charging Stations and Make-Ready parking spaces alternate by one parking space throughout the parking lot (example: parking space #1, #3, and #5 are prepared as Make-Ready parking spaces, or have an EV Charging Station installed. Parking spaces #2, #4, and #6 are not prepared for EV charging). This will allow multiple users to easily use the chargers without having to wait for a long period of time.

- The EC recommends that the site be prepared for future electrified trucks and tractor trailers by installing 200-kilowatt EV charging capacity per bay. In the future, this will allow the warehouse to meet the needs of electrified trucks, thereby attracting occupants who choose to incorporate sustainable practices into their operations.

- Because of the proximity to the Ukrainian Church, the EC recommends that the applicant consider allowing the EV Charging Stations installed be made available for use by the staff and congregation, especially when religious services are in session. This may require investigation of safe access from the Ukrainian Church to the subject site, as well as consideration about promotion and fees related to the EV Charging Stations. This potential partnership will allow for the extension of the EV charging network, ultimately promoting the use of electric vehicles and reducing greenhouse gas emissions.

- The application shows that all 362 trees existing on the site will be removed from the property. The applicant then proposes to replace 407 of the required 542 trees on the site, leaving a deficit of 135 replacement trees to be mitigated through a contribution to the Franklin Township Shade Tree Fund. The EC recommends that more trees be preserved and/or replanted onsite. Any trees replaced onsite should be replaced with tree species that are native to New Jersey.

- Anti-idling signs should be placed at various locations around the site, specifically at the entrance and exits of the site, at every 4th loading dock, and on the door and/or window of the office. Signage should also be placed in consistent increments across the parking spaces

- The EC requests that the applicant provide a list of amendments made to plans and supporting documents with all future resubmissions. This will assist the EC's Site Plan Committee in its required review.

Please contact me with any questions at Tara.Kenyon@franklinnj.gov or 848-203.1857. Thank you!

CENTER STATE ENGINEERING
481 Spotswood Englishtown Road, Monroe Township, New Jersey 08831
T 732.605.9440 F 732.605.9444

MEMO TO: Township of Franklin
Zoning Board of Adjustment

FROM: Darren Mazzei, PE, CME
Township Engineer's Office

DATE: March 2, 2026

RE: ***Syracuse 1950 Easton Avenue Owner, LLC***
Preliminary & Final Major Site Plan
Report #3
Engineering
Block 469, Proposed Lot 1.08
Davidson Avenue
Franklin, New Jersey
Our File: MFRZ0469.05/600.01
Application # ZBA-25-00009

As per your request, this office has reviewed the following documents relative to the above referenced preliminary and final site plan application:

- Preliminary and Final Major Site Plan, as prepared by Langan Engineering and Environmental Services, LLC, dated January 18, 2025, with a latest revision date of July 18, 2025;
- ALTA/NSPS Land Title Survey, as prepared by Langan Engineering and Environmental Services, LLC, dated July 12, 2024, with a latest revision date of November 19, 2024;
- Proposed Facility Architectural Floor Plan, as prepared by Nelco Architecture, Inc., dated January 8, 2025, with no revisions;
- Building Elevations Plan, as prepared by Nelco Architecture, Inc., dated January 15, 2025, with no revisions;
- Stormwater Management Report, as prepared by Langan Engineering and Environmental Services, LLC, dated January 17, 2025, with a latest revision date of July 18, 2025;
- Stormwater Management Facilities Operation and Maintenance Manual, as prepared by Langan Engineering and Environmental Services, LLC, dated January 17, 2025, with a latest revision date of July 29, 2025;
- Intersection and Traffic Signal Improvements Davidson Avenue and Executive Drive plan, as prepared by Langan Engineering and Environmental Services, LLC, dated January 17, 2025, with a latest revision date of July 23, 2025;
- Final Geotechnical Engineering Study Report, as prepared by Langan Engineering and Environmental Services, LLC, dated January 10, 2025, with a latest revision date of January 12, 2026;
- Traffic Impact Study, as prepared by Langan Engineering and Environmental Services, LLC, dated January 17, 2025, with a latest revision date of July 23, 2025;
- Environmental Assessment, as prepared by Langan Engineering and Environmental Services, LLC, dated January 17, 2025, with a latest revision date of July 31, 2025;
- Application Forms.

The following comments are offered with regard to same:

A. PROJECT OVERVIEW

The site is located in the northwest corner of the tee intersection of Davidson Avenue and Executive Drive. The applicant is also before the Board to subdivide this property as part of Docket ZBA-25-00008. The proposed lot after subdivision will be 17.71 acres and is located in the B-I (Business and Industry) zone. The proposed lot contains the Ukrainian Cultural Center and 398 vehicle parking lot. The Cultural Center, parking lot and all site features are proposed to be removed. This application is currently proposing to construct a 258,150 sf building (253,150 sf warehouse and 5,000 sf office space), with 35 truck docks and truck court to the south, 17 trailer parking spaces, and a parking lot totaling 162 spaces, with a passenger car access driveway along Davidson Avenue and a truck driveway entrance along Executive Drive. The applicant is proposing the following site improvements including but not limited to three (3) small-scale Bioretention Basins, two (2) large-scale Bioretention Basins, two (2) Pervious pavement areas with underdrain, and one (1) Pervious pavement area with infiltration to address NJDEP stormwater management rules, one (1) hot mix asphalt parking area, concrete curb, sidewalk, utilities, grading, lighting and landscaping.

We defer the review of the zoning related issues to the Board Planner except where they may pertain to engineering issues.

B. GENERAL SITE IMPROVEMENTS

1. Official street address shall be obtained from the Franklin Township 911 Coordinator.

2. An Engineering Cost Estimate will be required once final plans are signed-off on by the Board. Upon approval, applicant shall provide appropriate bonds and Engineering inspection fees and attend a pre-construction meeting, prior to the continuation of any site work.

3. Note: A preconstruction meeting will not be scheduled until the developer/ site contractor provides a Fire Safety During Construction Plan Demonstrating Compliance with Chapter 33 of the International Fire Code. Should the Board act favorably on this application a copy of the Township's, 'Steps to a Construction Project' will be provided.

4. All fees shall be paid by the applicant at the time of adoption of a resolution of site plan approval for the cost of making upgrades and modifications to the Tax Maps and geographic information system (GIS) (§112-329)

5. At the time the final plans are submitted for signature of the municipal officials, the applicant shall submit CAD-generated data files, prepared by a New Jersey licensed land surveyor, directly translatable into an identical image of the plan per the requirements of Ordinance §112-329.

6. Note: No soil can be imported to or removed from the site until a Soil Importation or Exportation Permit has been obtained from the Township as required by the Ordinance. Soil removal shall be in accordance with §206 of the Ordinance. Same should be noted on the site plan.

7. Note: An As-Built Plan prepared by a licensed Land Surveyor is to be submitted to the Township prior to any Certificate of Occupancy inspection or the release of performance bonds. Same should be noted on the site plan.

8. Copies of any easements, exceptions, deviations, or liens on the property should be presented to the Board.

9. Warehouses are not a permitted use withing the B-I zone. The applicant is before the Zoning Board for a use variance.

10. In accordance with Ordinance §112-104.A, the length of the loading berth shall be at least 48 feet or shall be a length such that the horizontal distance from the front of a dock for back-in parking to the limiting boundary of the loading and unloading area shall not be less than twice the overall length of the longest vehicle expected to use the facility. The applicant's engineer indicated a Tractor Trailer WB-67, which has a length of 73.5 feet, is proposed for use at the facility; therefore, the length of the loading berth shall be 147 feet. The applicant is proposing a length of 130 feet. A variance is required for same.

    The applicant provided a circulation plan demonstrating NJ Title 39 vehicle can make the turning movements without crossing over the adjacent dock parking stalls. The detail for the NJ Title 39 vehicle should be revised to indicate the length of the vehicle.

The Board has previously granted this variance on other applications; however, past applications did not include a driveway that enters the truck court head-on. The throat of the driveway is only approximately 30' so if trucks are utilizing the truck court this leaves the potential of trucks queuing in the Executive Drive right-of-way. This office recommends that Executive Drive be vacated since the driveway will only be servicing this warehouse application and IDI Logistics, LLC, Docket ZBA-24-00010. A shared driveway between the two applications is recommended. This will eliminate any concerns of trucks queuing within the public right-of-way.

11. A variance is required for the truck court being in the 50' wide front yard area. The applicant is proposing the truck court 20' off of the front yard setback. The driveway lack of depth for the access driveway is due to the truck court (which requires a variance for length from 147' to 130', as noted in comment no. 11) being located in the front yard in conjunction with this variance request.

12. A variance is required for the maximum width of the driveway. The maximum driveway width permitted is 36'; the applicant is proposing a 66' wide driveway.

13. This office defers to the Fire Prevention Officer as to the appropriate number of Fire Hydrants, Fire Department Connections, and their location. We defer to the Fire Prevention Officer regarding the need of 'No Parking' fire lane signage and striping.

14. Sidewalk should be provided connecting the proposed ADA accessible ramps at the signalized intersection of Executive Drive and Davidson Avenue. The proposed 1:3 slope proposed in the northwest corner of the intersection is unacceptable because it will prevent the installation of a sidewalk. **The retaining wall around the bioretention basin should be raised further to a minimum of the first floor elevation of the proposed warehouse. The Township does not want such a severe 'bowl' in this area.**

15. The applicant should perform a guide rail warrant analysis along the proposed retaining north of the warehouse, head on parking area to the north where the grade is 3:1, and the driveway aisle and basin to the west, to confirm clear zone requirements are satisfied.

16. Revise the site plan to show the parking lot improvements proposed on the neighboring property, being proposed as part of Docket No. ZBA-25-00007, as this application's site driveways are based upon the coordinated projects.

17. A permanent access and maintenance agreement between Lots 1.08 and 1.09 is required, providing access from the Church property through the warehouse property to Davidson Avenue.

18. Provide a guide rail for the head-on vehicle parking at the proposed retaining wall.

C. <u>GRADING AND UTILITY COMMENTS</u>

1. Existing Stormwater Management System within Executive Drive should be removed.

2. The fire service and water service should be split directly after the meter pit. In addition, valves should be supplied just after the split so both lines can operate independently.

3. Should the Board act favorably, final approval from the Township Water Department is required.

4. The traffic signal plan should be reviewed with the Township Water Department as the proposed traffic signal equipment/ foundations are proposed over an existing water main along the Davidson Avenue right-of-way.

5. The applicant is proposing a utility room with a booster pump. It is unclear if the fire service line will be fed off of this pump. Clarification is required. Typically, the Fire Prevention Director does not permit fire service lines being fed by a pump due to excessive pressure. Clarification and approval from the Fire Prevention Director will be required. This comment will be considered satisfied once approval from the Fire Prevention Director is obtained.

6. The applicant is proposing a 4' wall around Basin B2E with a top of wall elevation of 52'. The slopes to the basin from the intersection is 3:1 creating a 'bowl' with a proposed grade differential in excess 9'. **<u>The top of wall elevation should be raised. Should the applicant's engineer not intend to comply with this request then testimony should be provided to the Board justifying their position.</u>**

7. The utility pole relocation in the northwest corner of Executive Drive and Davidson Avenue shown on Drawing No. CU101 is unacceptable. The pole should be offset from the back of curb to avoid potential conflicts with trucks turning right into Executive Drive while traveling south along Executive Drive. **While this office defers to PSE&G for final location, typically 18" minimum separation is provided.**

8. Additional separation is required between parallel water lines entering the building. Revise plans as required.

9. The Grading & Drainage Plan and Utility Plan should be revised to provide a utility crossing table. The applicant should provide in table format all sewer mains/ utility crossings (including lateral crossings) with corresponding clearances to reflect the avoidance of conflicts with other underground utilities. If the applicant's engineer chooses to display this information on the profiles, then dimensions should be provided noting the clearances and should indicate whether concrete cradles are required.

10. Construction access easements will be required for proposed Lot 1.09, due to the removal of drainage, sanitary sewer and potential water services.

11. Utility access and maintenance easements will be required for the proposed storm sewer and sanitary improvements on proposed Lot 1.09.

12. The applicant should address the following general grading comments:

    a. The applicant has provided Blowup Insets for ADA Ramps. We have the following comments:
        - Inset B
            1) Provide top of curb elevations. The curb transitions should be further reviewed by the applicant's engineer. If the proposed dark line represents flush curb then the sidewalks at the ADA parking spaces are not ADA compliant, i.e. back of sidewalk is G 54.97, TDC? 54.42 makes the cross slope 9.17%. Additional information is required;
            2) Delineate all signage and EV station.
        - Inset C
            1) Delineate all signage.
        - Inset D
            1) Provide top of curb elevations. The curb transitions should be further reviewed by the applicant's engineer. If the proposed dark line represents flush curb then the sidewalks at the ADA parking spaces are not ADA compliant, i.e. back of sidewalk is G 54.97, TDC? 54.42 makes the cross slope 9.17%. Additional information is required;
            2) Delineate all signage.
        - Inset E
            1) Handrails should be provided for the proposed steps and for the proposed ramp due to the proposed slope of 7.50%;
            2) Provide the dimension of the ramp. It is unclear if curb is proposed on the outside of the ramp;
            3) 5' x 5' turning areas exclusive of handrails shall be provided.
        - Inset F
            1) Drainage arrows at the turning space from the on-site walkway are point in the wrong direction;
            2) Cast-in-place detectable warning surfaces are required at the driveway curb ramps at Davidson Avenue;
            3) Provide additional spot elevations along the curb line for further tie-in review;
            4) Label spot elevations at each corner of the 5' x 5' landings required at the top and bottom of each ramp;
            5) Curb ramps should start at the back of curb, where the detectable warning surface will be proposed in accordance with PROWAG guidelines.
    b. Label all top and bottom of wall elevations at all pc's and pt's;
    c. Provide tie-in elevations for all curb, sidewalk and pavement;
    d. Show existing spot elevations, delineated on the Title Survey, on the grading plan;
    e. Delineate the existing contours on Lot 1.07 so that the proposed grading contour tie-ins can be confirmed;
    f. ADA Ramp Detail A shown on Drawing No. KT103 0102, notes that the cross slope of the proposed of the ramp along Davidson Avenue 2.5% which is not ADA compliant. The cross slope should be reduced to a maximum slope of 2.0%; Revise the design accordingly;
    g. ADA Ramp Detail F shown on Drawing No. KT103 0102, notes that the cross slope of the proposed of the ramp along Davidson Avenue 3.2% which is not ADA compliant. The cross slope should be reduced to a maximum slope of 2.0%; Revise the design accordingly;
    h. All ADA Ramp Details on Drawing No. KT103 0102 should be revised to show existing grading contours spot elevations so grading tie-ins can be further reviewed. The site plan for the warehouse proposes a 1:3 slope which should be delineated on the intersection improvement plan, for further review;

i. Proposed grading contours are missing along the sidewalk tying into the existing grading along Davidson Avenue.

The grading will be reviewed further in its entirety when the above has been addressed.

D. LANDSCAPING AND LIGHTING

1. Applicant provided a tree removal plan to satisfy the requirements of Ordinance §222- Trees. This office defers to the Board Planner as to the adequacy of the tree replacement plan, as well as the adequacy of the proposed landscaping and buffering to adjacent properties, respectively.

E. TRAFFIC

1. The Applicant's Engineer indicated that the Overall Levels of Service for the existing signalized intersection of Easton Avenue and Davidson Avenue are expected to be C or better for both the AM and PM Peak Hours under the No-Build and Build Conditions.

2. The Applicant's Engineer indicated that the Overall Levels of Service for the existing signalized intersection of Davidson Avenue and Executive Drive are expected to be C or better for both the AM and PM Peak Hours under the No-Build and Build Conditions.

3. The Applicant's Engineer indicated that the Levels of Service for the existing unsignalized intersection of Easton Avenue and the eastern site driveway are expected to be C or better for both the AM and PM Peak Hours under the No-Build and Build Conditions.

4. The Applicant's Engineer indicated that the Level of Service for the southbound site driveway at the unsignalized intersection of Davidson Avenue and the south site driveway is expected to be an E under Build Conditions during the PM Peak Hour. The Applicant's Engineer should provide testimony on this issue.

5. The Applicant's Engineer proposes to construct improvements at the signalized intersection of Davidson Avenue and Executive Drive. It should be noted that approval and implementation of improvements at this signalized intersection should be a prerequisite condition prior to obtaining a Certificate of Occupancy for the proposed warehouse.

6. The Applicant's Engineer calculates 150 parking spaces are required per ordinance § 112 Attachment 4. The applicant proposes 151 physical parking spaces are proposed; therefore, the parking demand has been met.

   The Applicant's Engineer requires 6 ADA parking spaces with 1 of the 6 being van accessible, and 6 ADA parking spaces with 1 of the 6 being van accessible are shown. The ADA Parking demand has been met.

   The Applicant's Engineer indicates that 7 make-ready parking spaces (including 1 accessible space) are required and that 7 are provided (including 1 accessible space). The EVSE parking demand has been met. However, locations of the EVSE equipment and signage should be provided demonstrating that the sidewalks will not be blocked. Details for the EVSE equipment, pavement markings and signage should be provided.

7. The Applicant's Engineer proposes a traffic signal easement on the construction plans for the intersection of Davidson Avenue and Executive Drive, but there appears to be work proposed outside of that easement. The Applicant's Engineer should pursue additional easements as necessary for that work.

8. The Applicant's Engineer indicates a W9-2(L) sign lane is a Left Lane Ends sign. The description notes that the sign is 'Lane Ends Merge Left'. Coordination is required. The signage should comply with the latest edition of the MUTCD.

9. The Applicant's Engineer does not propose pedestrian pushbuttons or pedestrian pushbutton signs for the crosswalk across Executive Drive. The Applicant's Engineer should confirm that the walk symbol activates on every Davidson Avenue green phase.

10. The Applicant's Engineer should review the lateral distance between proposed traffic signal heads 1 and 2 and the lateral distance between proposed traffic signal heads 4 and 5 as these distances appear to be shorter than 8 feet. The lateral distance between each of these traffic signal heads should be at least 8 feet as specified in the current MUTCD. The Applicant's Engineer should review the lateral distances of the

proposed traffic signal heads and revise the plans, as necessary. Provide additional dimensions for the renumbered traffic signal heads.

11. The design and placement of all traffic signs and striping shall follow the requirements specified in the latest "Manual on Uniform Traffic Control Devices for Streets and Highways," (MUTCD) published by the U.S. Department of Transportation and adopted by the N.J. Department of Transportation.

12. Fire lanes and striping are subject to the approval of the Fire Subcode Official.

13. Preemption should be included in the traffic signal design. Equipment will be specified by the Township. Should the Board act favorably on this application then Township Staff will review the preemption system specified for compliance with Township standards.

14. Add a stop bar and stop sign at the driveways where the Church traffic intersects with the warehouse traffic.

15. Relocate the 'No Parking – Fire Lane' signage on the other side of the staircase along the western side of the building.

16. Should the Board act favorably, final approval from the Township Department of Public Works is required for the Davidson Avenue and Executive Drive traffic signal improvements.

F. STORM WATER MANAGEMENT

General

1. The Applicant proposes constructing three (3) small-scale Bioretention Basins, two (2) large-scale Bioretention Basins, two (2) Pervious pavement areas with underdrain, and one (1) Pervious pavement area with infiltration to address stormwater quantity management, water quality, and recharge.

2. The reference project has been reviewed in accordance with the Stormwater Management Rules NJAC 7:8 as amended July 17, 2023.

3. The property in question is located within the Delaware and Raritan Canal Commission (DRCC) Review zone and is subject to DRCC regulations. The work is being proposed in the DRCC stream corridor easement. Approval from DRCC will be required. A copy of the DRCC approval must be provided to this office.

4. The Applicant proposes to work in a regulated flood hazard area. A flood hazard area disturbance permit has been obtained from NJDEP for the regulated activity. A copy of the approved plans must be provided to this office. A note indicating the NJDEP file number and date of approval should be added to the overall site plan sheet (sheet CS100).

5. The applicant has received a NJDEP Letter of Interpretation (LOI) for wetlands presence/absence. A copy of the NJDEP stamped approved plan must be provided to this office.

6. A NJDEP Freshwater Wetlands permit has been obtained for the proposed disturbance. A copy of the NJDEP Approved Stamped plans must be provided to this office.

7. The Applicant must obtain a Soil Erosion and Sediment Control Plan Certification from the Somerset-Union Soil Conservation District. A copy of the certification must be provided to this office.

8. The proposed development proposes more than 1 acre of land disturbance and must obtain a General Permit for Construction Activities from the NJDEP. A copy of the permit must be provided to this office.

9. An executed Major Development Stormwater Summary (Attachment D of the Tier A MS4 NJPDES Permit) has been submitted to this office for review and approval. This will be reviewed upon completion of all geotechnical testing.

10. Provide a Stormwater Maintenance Agreement for the stormwater system to ensure future maintenance. A sample agreement is available from the Engineering Department.

11. A Conservation/Preservation Area shall be created in accordance with Ordinance §112-147 of the Franklin Township Land Development regulations. The Township preservation area boundary line shall be established using the most restrictive of the Stream Preservation Corridor and Wetlands Buffer. A map shall be supplied delineating the limits of the Conservation/Preservation Area with bearings and distances, and proposed

Preservation Area Marker locations. The Conservation/Preservation Area shown on sheet no. CS100 will be further reviewed once item no. E4 is addressed.

12. Provide a Conservation/Preservation Area Easement Deed, with a metes and bounds description, of the Township preservation area boundary line created by satisfying Comment #11. The deed shall be submitted for review and approval prior to filing with the Somerset County Clerk's Office.

13. Preservation Area Markers shall either be set or bonded prior to the application sign-off.

14. According to ordinance §330-7.T.(10), all storm sewer structures, including piping, basins, scour holes, rip-rap, and best management practices (BMPs), must be located at least 10 feet away from all property lines and right-of-way lines. **TD-101 and CB-102 must be relocated to comply with the ordinance.** Improvements between proposed Lots 1.08 and 1.09 will be permitted contingent on a 20' wide maintenance and access easement being provided benefitting both properties.

Stormwater

15. The location of all test pits excavated within the limits of the proposed BMPs should be shown on the Grading and Drainage Plan. The applicant's engineer should provide the label for all test pits and the SHWT elevation on the Grading and Drainage Plan, as well.

16. The construction detail for Pervious pavement on sheet CS503 must be revised to be site-specific and indicate the thickness of all layers and the size of the underdrains.

17. Each Pervious pavement area must include at least two inspection ports, with a removable cap, in the storage bed, with its location shown on the plan. The inspection ports must be placed at least three feet from any edge and extend down 4 – 6 inches into the subsoil, and the depth of runoff for the water quality design storm must be marked upon each structure and its level included in the drainage report and the maintenance manual. The locations of inspection ports must be shown on the Drainage plan.

18. Details of Pervious pavement inspection ports must be provided on construction plans and be traffic-rated.

19. Per BMP Manual requirements, no standing water may remain in a Pervious pavement area 72 hours after a rain event. **The basin drain time has been provided but cannot be confirmed until after the permeability testing that has been performed at the most hydraulically restrictive layer is added to the drainage report.**

20. Pervious pavement basin B2C utilizes a design infiltration rate of 0.5 inches per hour. To justify the use of this rate, permeability testing must be conducted within the proposed footprint of the basin, and the test results must be provided for review.

21. The stormwater report has been updated to include a summary table of design parameters for each Bioretention Basin, such as inflow area, water quality volume, basin area, filtration rate of soil media, separation from seasonal high groundwater table, drain time and demonstrate compliance with BMP design standards in NJ BMP Manual Chapter 9.7 or 10.1. **This table should be updated once additional geotechnical testing has occurred demonstrating compliance with Chapter 12 of the BMP.**

22. Site-specific construction detail for all Bioretention Basins has been provided in the plans. The detail should clearly depict all basin layers' specifications and corresponding elevations. Additionally, the detail should include the elevation of the seasonal high groundwater table, the soil bed permeability rate, and the proposed vegetation type (e.g., forested or grassed). The detail should be revised to include the SHWT determined in accordance with Chapter 12 of the BMP. As previously noted, a calculated SHWT will not be accepted. In addition, the underdrain invert elevation and bottom of stone elevation appear to be incorrect for all Bioretention Basins. Revise accordingly.

23. NJ BMP Manual indicates that plans should include inspection ports at the upstream and downstream end of the Bioretention Basin underdrain system.

24. The Bioretention Basin must be equipped with an emergency spillway and should be designed to pass the 100- year storm event, assuming the principal spillways are not working. A minimum of one ft. freeboard between the spillway design storm (100-year) water elevation and the top of the berm is required. **The spillway calculations could not be found in the stormwater report.**

25. In accordance with BMP Manual requirements, post-construction testing must be performed on the as-built Bioretention basins to ensure that the installed BMP functions as designed. Where as-built testing shows a

longer drain time than design drain time; corrective action must be taken, and the basin should be retested. Post- construction testing must include a determination of the permeability rates of the soil bed. A note should be included in the site plan stating this requirement.

26. The basin routings for Bioretention basin B1A should account for tailwater from the Unknown tributary of the Raritan River located west of the property. **Remove all warnings from the routings for Bioretention basin B1A. This comment will be reviewed further upon the comment above being resolved.**

27. Trash rack details should be provided for all outlet devices (orifices, weirs, overflow grates, etc.) shown on the proposed outlet structure. The trash rack should be in accordance with NJAC 7:8-5.7 and 7:8-6.2.

28. The retaining wall around the Bioretention Basin must be waterproof. Same is noted on the construction detail. There is a note on the detail stating that there are additional details in the Geotechnical Report regarding the waterproofing. Our office did not find additional information in the Geotechnical Report regarding same. Please clarify.

29. The stormwater conveyance system profiles should be revised to show the proposed retaining wall around the Bioretention Basins.

30. The submitted groundwater mounding analysis indicates an 8-foot groundwater mound at the center of the porous pavement. Seven (7) test pits (LTP-1, FTP-11, FTP-12, FTP-13, FTP-14, LTP-3 and LTP-4), located within this area show interpreted seasonal high water elevations based on the excavation depth elevation between 40.8 feet and 45.8 feet, respectively, while the proposed porous pavement bottom elevation is 43.00 feet. These elevations suggest that the modeled groundwater mound extends above the basin bottom. Additional geotechnical borings and supporting data have been performed. This office will evaluate same once the additional information is added to the site plan and drainage report.

31. The site's groundwater recharge requirement is proposed to be met through the infiltration basin. An NJDEP Recharge Spreadsheet has been included in the report; however, it will be re-evaluated once the outstanding comments related to the infiltration basin design and groundwater mounding analysis have been addressed.

32. In accordance with Township ordinance §330-7.T.10, all storm sewer structures, piping, basin and BMPs shall be offset a minimum of 10' from all property and right of way lines. **Trench drain TD-101 should be relocated outside of the Davidson Avenue right-of-way. Council approval would be required for this structure; which will not be recommended by this office.**

33. Approval from Buckeye pipeline is required for the 36" HDPE that is crossing the 16" Buckeye Petroleum Transmission Pipe Line and the 20" Buckeye Petroleum Transmission Pipe Line, respectively.

34. Revise the Pervious Paver System With Infiltration detail on sheet no. CS506 to eliminate the impermeable liner around all sides. Filter fabric should be installed in accordance with the BMP requirements.

35. The applicant submitted a Pervious Paver System With Infiltration detail. The projected 10 year storm WSE appears to be incorrect. A full site specification detail is required including thickness of pervious asphalt, thickness of choker stone, top/bottom elevations of choker stone, top elevation of pervious asphalt. Per the BMP filter fabric is permitted along the sides of the storage bed; however, fabric is not permitted along the bottom of the storage bed. List the range of the storage bed thickness on the detail.

36. The water quality storm elevations listed on the porous pavement details are inconsistent with the stormwater report. Document coordination is required.

37. The grate elevation for OCS-209, OCS-219, OCS-223 and OCS-231 are not consistent between the drainage plan, construction detail and stormwater report. Plan coordination is required.

Operation and Maintenance Manual (O&MM)

38. As per NJDEP BMP Manual Ch. 8, the maintenance plan should include approved disposal and recycling sites and procedures for sediment, trash, debris, and other material removed from stormwater management measures during maintenance operations. This information should be added to the plan.

39. As per NJDEP BMP Manual Ch. 8, maintenance plans should include procedures and equipment required to protect the safety of inspection and maintenance personnel. This information should be added to the O&MM plan.

Environmental Impact Statement

40. EIS should be updated to include the following documents in the appendix.
    a. A copy of the wetlands LOI and approved plan;
    b. A copy of the Flood Hazard Area Permit and approved plan.

G. MISCELLANOUS

1. Revise/Add the following details based on Franklin Township standard details:

    a. Township Water Meter Pit detail is not legible on sheet no. CS505;
    b. The ADA Accessible Ramp detail is noted as a 'Franklin Township Detail'. It is not a standard Township detail. In addition, the detectable warning surface should be installed adjacent to the flush curb;
    c. Revise the Accessible Parking Stall Detail to indicate whether a bollard mounted sign is proposed. If a bollard mounted sign is not proposed then a concrete bumper block protecting the signage is required;
    d. All sanitary sewer details shall be submitted directly to the Franklin Township Sewerage Authority for review and approval – Comment Only

The Applicant is required to obtain either approvals or letter of no interest from the following agencies:

Outside Agencies:
- Delaware Raritan Canal Commission
- Somerset County Planning Board
- Somerset-Union Soil Conservation District
- New Jersey Department of Environmental Protection **– Permits issued on 2025.09.11 & 2025.09.30**
- Buckeye Pipeline

Township Departments:
- Franklin Township Fire Department
- Franklin Township Police Department
- Franklin Township Sewerage Authority
- Somerset County Health Department

Resubmittal of Application Materials. ***As required by the Zoning Board of Adjustment By-laws, resubmittal of application materials (e.g., plans, reports, etc.) made in response to Board and/or staff reviews and/or comments, shall be accompanied by a written description of the changes made compared to the prior submission. In the case of staff reports, this shall be accomplished by providing a response to each of the review comments with a description of the plan changes and where the plan changes can be found (e.g., sheet or page number). If the application materials have not been revised in response to any such comment, the reason for the non-change shall be provided. The number of copies of this written description should be commensurate with the number of revised plans and shall be provided in digital form (in .pdf format). The Engineering Department reserves the right to make additional comments based upon the submission of revised plans or testimony presented to the Board.***

Should you have any questions regarding this matter, please do not hesitate to contact this office.

DM/dm
cc: Zoning Board Secretary