TOWNSHIP OF FRANKLIN
Board of Adjustment
Agenda
Thursday, February 19, 2026

SUNSHINE LAW

OATH OF OFFICE

Michael Doughtery

Kunal Lakhia

ROLL CALL

MINUTES

Regular Meeting – November 20, 2025

APPROVED
BOA - 11-20-2025.doc

RESOLUTION

Ramkumar Venkataraman / ZBA-25-00023

APPROVED
RESOLUTION.docx

DISCUSSION

HEARINGS

TAWHEED DAHWAH CENTER / ZBA-24-00017

Amended Preliminary and Final Site Plan plus Relief of Condition in which the applicant is proposing construction of a 19,350sqft place of worship at 630 South Middlebush Road, Somerset; Block 37.02 Lot 46.03 in zone A

DL 02/19/2026

https://www.franklintwpnj.org/committees-commissions/zoning-board-of-adjustment/application-material/tawheed-dahwah-center-zba-24-00017/-fsiteid-1#!/

CARRIED to APRIL 16, 2026 – no further notification required

Report Checklist.docx
Engineer report 09.30.25 ng.pdf
Health Department report 09.26.25 ng.docx
TRC report 09.23.25 ng.pdf
DRCC 5486A.1 Tawheed Dawah Center 08.18.25.pdf
EC report 02.17.26 ng.docx

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

REGULAR MEETING
November 20, 2025

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

DISCUSSION:

- **By-Laws**

Mr.. Healey indicated that there were a number of editorial changes to the By-Laws, but there were two (2) substantive changes. He noted that the first one was regarding the adjournments of hearings and whether an applicant needed to re-notice that mimicked language that the Planning Board recently put into their By-Laws. He explained that if an applicant came before the Board and the meeting did not finish that evening, the Board would normally notice to a certain date, time and place, and that would satisfy the notice requirements and would not have to re-notice. Mr. Healey then stated that there were other times where an applicant notices for a hearing, but for whatever reason did not appear before the Board and the hearing kept being put off, the applicant would be required to re-notice.

Chairman Thomas then stated that the purpose was so the public did not lose track of when these hearings were rescheduled when they were drawn out over a period of time.

Mr. Healey stated that the other change was the use of technology where the four (2) screens in the Council chambers help the Board review the application and also helped the public as well as the viewing public see the application and materials that were being presented to the Board. He then added that they had a policy of asking applicants to bring laptops so it could be shown up on the screens, so what they were proposing for both the Zoning Board and Planning Board was to put this requirement in their By-Laws that if an applicant was being represented by professionals, come to the hearing prepared to have exhibits displayed on the screens so the Board and the public could see what was being presented. He then indicated that it allowed the Chairperson to send them away if they do not comply with that obligation. Mr. Healey then indicated to the Board that he and Ms. Woodbury had already been putting that requirement in their transmittals to the applicants, but that they were making it clear to

them that it was now a part of the Board By-Laws to give it even more strength than staff just saying that applicants should be doing this because it was the Board's requirements. He stated that it also gave them warning that if they did not comply, they would be sent away.

Vice Chair Shepherd made a motion that the Board accept the amended By-Laws that were included in their package that evening. Ms. Firdaus seconded the motion and all were in favor.

- **Extension of Time – Hawthorne Management, LLC**

Mr. Jim Stahl, Esq., Attorney, appeared before the Board on behalf of the Applicant, Hawthorne Management, LLC to ask for an Extension of Time until November, 2026. He noted that the approval was in 2022, but that they needed more time for resolution compliance to finish the bonding and some of the outside agency approvals. He noted that they would not be asking for another extension and had been working actively to get all actions completed.

Mr. Rich made a motion to grant the Extension of Time until November of 2026. Mr. Rosenthal seconded the motion, and the roll was called as follows:

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

AGAINST: None

HEARINGS:

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

D(1) Use Variance, Preliminary & Final Major Site Plan w/"C" Variances in which the Applicant is applying to develop the site with an outdoor storage facility at 945 Route #27, Somerset; Somerset: Block 88.01, Lot 7.01, in the Business & Industry (B-I) Zone - **CARRIED TO JANUARY 8, 2026 – with no further notification required.**

DL - 01/31/2026

- **655 MIZ, LLC / ZBA-24-00020**

Ms. Susan Rubright, Esq., Attorney, employed by Brock Eichler in Roseland, NJ, appeared before the Board on behalf of the Applicant, 655 MIZ, LLC. She stated that they were before the Board that evening for a D(2) Use Variance, Preliminary & Final Site Plan w/"C" Variances in which the Applicant was proposing construction of a 30,917 sq. ft. addition to the existing building at 655 Howard Avenue, Somerset; Block 528.04, Lots 161.03,162,163.01, in the Business & Industry (B-I) Zone - **CARRIED FROM SEPTEMBER 4, 2025 – with no further notification required.**

Ms. Rubright indicated they did re-notice for the hearing tonight and wanted to put that on the record. She then told the Board that the Tax Assessor's Office informed them that the lot should be consolidated and if the Board would consider approving the Application, they would do that. She then explained that the property was 7.57 acres and owned by the Applicant, 655 MIZ, LLC, c/o Bitech New York, Inc. Ms. Rubright then told the Board that there was an existing warehouse on the property, with related driveways and parking spaces. She went on to state that the Applicant proposed an additional 30,917 sq. ft. to the existing 74,755 sq. ft. already existing building, for a total of 105,672. Ms. Rubright then explained that the addition would include a 1,500 sq. ft. office space and loading spaces for four (4) trucks and that the addition would be connected to the existing building. She then added that the proposed additional would allow the owners to remove the trailers that were currently parked at the site which hold merchandise. Ms. Rubright then indicated that the site would also be re-configured to accommodate new green space and better circulation patterns. She then told the Board that the number of parking spaces on the site would be reduced from 133 to 77, which still exceeded the requirement of 67 spaces. She then testified that these changes would allow the impervious coverage to be reduced to be compliant with the ordinance, and it was currently at 60.4%, with a maximum of 60%, and would be reduced to 59.3%.

Ms. Rubright then told the Board that they were seeking the following relief to include Preliminary and Final Site Plan approval in connection with the addition, as well as a D(2) Use Variance now under Section 70 D2 because the existing warehouse that was located on the property was a permitted use at the time it was approved. She explained that since that time, the municipality had changed that, noting that the Master Plan stated that if the property in the B-I Zone was already developed with a warehouse, the use would become a legal pre-existing, non-conforming use. Additionally, it noted that the existing warehouse could remain in perpetuity at its existing size and that those wishing to expand an existing warehouse would have the right to apply to the Township Zoning Board of Adjustment for a D(2) Use Variance where they would need to provide proofs justification per requirements of the Municipal Land Use Law (MLUL). Ms. Rubright then went on to explain that they were also seeking a number of "C" variances, to include the parking aisle width for 24 ft. wide instead of the 26 ft. wide. She added that the loading area depth was undersized slightly, the maximum number of driveways of two (2) permitted where they were proposing three (3) and the southerly driveway proposed was approximately 50 ft. wide, where 36 ft. was permitted.

Mr. Ellie Mizrahi, Owner/Applicant, came forward and was sworn in. Mr. Mizrahi gave some history of the warehouse and included the reason why he was applying for approval for an addition to that warehouse. He then told the Board that the company, Bitech, was established in 1977 out of the basement of his mother's home, and was a small company with one (1) employee and that they had expanded over the years to a family-operated business that operated out of a storefront in Brooklyn, NY and grew out of that location in about 2007/2008 and started utilizing third-party logistic companies (3PL) for about 10 years that proved very costly and difficult to monitor the operation, so they rehabbed the current warehouse building in Somerset in about 2015 and have grown astronomically since that time. He did also indicate that there were environmental problems on the property and they were continually monitoring those issues. He added that they now have 30 employees but have outgrown the building and the trailers parked outside were giving them the ability to keep the flow of product going, but not necessarily in a timely and/or proper way. He then described their operations as a wholesale distributor business for tech products, health and wellness products, etc. and selling to retailers. He stated that they wanted to expand the current space to keep

everything in one (1)building, and it would help to keep product flow working efficiently and keeping inventory in one place. Mr. Mizrahi then added that they would also have to expand their employee base, adding at least a dozen more as a result of the expansion

Mr. Rich then asked what was wrong with the site that it needed to be cleaned up and monitored. Ms. Rubright stated that the site was environmentally cleaned up and that it was basically a monitoring task currently and nothing about the addition would affect that monitoring.

Mr. Healey asked about the trailers being parked on-site, and noted that the site plan did not provide an area for trailer storage. Mr. Mizrahi stated that the trailers storing product was supposed to be a temporary situation and they do not want to continue that for many reasons, cost to rent them and employees needing to go out to retrieve product from them. He did add that his brother was in charge of stopping this practice and that it had been cut down about 30% to 40% from what it peaked at. He stated that they have had to go back to relying upon third party logistics (3PL).

Chairman Thomas opened the meeting to the public for questions of Mr. Mizrahi and the business operations. Seeing no one coming forward, the meeting was then closed to the public.

Mr. James Ward, Site Engineer, came forward and was sworn in. Mr. Ward described the lot sizes, the zone and the existing building and the conditions on-site. Mr. Ward then drew the Board's attention to an existing conditions aerial photograph depicting the site conditions showing the containers at the back of the building. Mr. Ward then discussed the site as consisting of three (3) lots that they indicated would be consolidated should the Application be approved and would require a D(2) Conditional Use Variance and was setback about 150 ft. from the roadway with parking and office areas in the front with additional loading/parking areas in the back of the property. He added that the site had six (6) loading areas.

Mr. Ward then drew the Board's attention to the proposed plan that showed the 30,917 sq. ft. proposed addition in the front of the building, maintaining the two (2) driveways on either side of the property. He then noted that the driveway located in the middle would be re-located to the south and the employee parking area improved. He added that they would also be maintaining the loading docks and drive-in garage doors and would be removing the pavement where the product trailers were now located help them to improve the storm water management on the property. He then told the Board that the proposed addition would have four (4) additional loading docks and the site would be accessible by trucks from the northerly driveway which would have a one (1)-way in and exit through the southerly driveway that would be a one (1)-way out. He then noted that the driveway was larger than what was required, as previously stated, to allow for the proper truck turning movements.

Mr. Ward then indicated that they would be increasing the building size from 22.7% to 32%, with a maximum of 50% allowed. He then told the Board that they would be eliminating 56 parking spaces that were not needed and would be providing a total of 77 spaces that included three (3) EV spaces and four (4) handicap spaces. He noted that that would exceed the parking requirement of 67 parking spaces for the project.

Mr. Ward then drew the Board's attention to the utilities for the site utilizing the existing connections. He then spoke about providing a water quality bio-retention basin at the front of the property for storm water management.

Mr. Ward then spoke about the variances that were required, including the loading area depth which was supposed to be two (2) times the depth of the largest truck, which would be a WB50, which was about 55 ft. long, with the required loading depth of 110 ft. He then noted that the new ones were about 120 ft. and the ones where the drive-up doors were was about 100 ft., which is the one (1) that they would need a variance for. He added that they also required a variance for the drive aisle width, where the requirement was 26 ft. wide and they were providing 24 ft. in the parking areas, which was the industry standard and suitable for the operation. He then told the Board that the access drives would be 26 ft. wide or larger for the trucks. Next he drew the Board's attention to the fact that there was a limit of two (2) driveways, and since they already have three (3) driveways, they would like to maintain all three (3) of them for an operational standpoint. The three (3) driveways provide a truck circulation with a one (1)-way in on the northerly side and a one (1)-way out with trucks traversing the site in a clock-wise motion to exit out of the southerly driveway that had a larger curb cut for the trucks to get out of the site easily. He then added that the third driveway in the center was the employee driveway that allowed passenger cars to be kept separate from the truck travel. He then spoke of another variance needed for a drive aisle setback of 5 ft. from a property line that was required and they have a 0 ft. lot line setback that matches the existing conditions where it was already paved right up to the property line. Finally, there was a driveway width where 36 ft. maximum was required, and they were providing 50 ft. on that side, which he previously mentioned.

Mr. Lakhia asked how many employees there were on-site currently, and Mr. Ward stated it were 30 current employees, and they were going to be providing 77 parking spaces where 67 were required and included EV and handicap spaces..

Mr. Ward then drew the Board's attention to the site plan set, with the first one shown having 18 pages. These pages included the cover page that included the site location, the zoning information, existing conditions/demolition plan, site plan, grading plan that showed the bio-retention basin and area for trash storage, utility profiles and staging area that would be turned into green space, landscaping plan showing plantings within the bio-retention basin, street trees and a mixture of other trees, shrubs, throughout the site but particularly along the frontage to screen the proposed loading docks, and existing vegetative area along the side of the property, trees planted in the newly restored green space in the rear of the building, and sidewalks throughout the site, lighting plan with poles and building mounted lights, erosion plan, vehicle circulation plan and an agreement as a condition of approval to restrict the site to trucks no larger than a WB50 sized truck. He then added that the remaining sheets of the site plan consisted of construction details.

Mr. Ward then responded to the Vice Chair's question regarding the circulation of trucks to and from the new truck bays, and he explained the process and space available for the trucks to do a K-turn shown on Sheet 10 of the circulation plan.

Mr. Ward testified that they met with Board professionals prior to that night's hearing and revised the plans according to their comments and agreed to comply to all comments and would work with staff to iron out any further issues.

Mr. Darren Mazzei, Board Engineer (CME), stated that in their conversation with the applicant, they agreed to widen Howard Avenue and complete improvements there on the curbline. He also explained that they had many conversations regarding the three (3) driveways and the one (1)-way in and one (1)-way out, which was also done to restrict the impervious coverage on the site.

Mr. Healey then mentioned that his report included comments regarding how the Applicant would be substantially improving the aesthetics of the front of the site, but he did also ask if they could add street trees along the frontage, which Mr. Ward indicated that they agreed to do. Mr. Healey then brought up the design standard of how the loading area should be completely out of sight and the Applicant agreed to plant evergreen trees to screen it, but in other applications where loading docks were placed on the side of the building, they have asked for a screening wall to also be built and wanted to bring that to the Board's attention. He did add that it was not a roadway that would be traversed by the travelling public since it was a dead end to a cul-de-sac. Mr. Ward explained that they did think about putting a retaining wall in that area; however, there were various utilities that ran through that space and would preclude them from including that there. Ms. Rubright suggested that they pull up the landscape plan on the screen, but they would also give the board handouts related to how that area would look. They could also enter the handout into the record as Exhibit A-1 and have the architect testify to what the Board was looking at.

Mr. Healey then asked Mr. Ward if they were going to add anti-idling signs, which Mr. Ward stated that would comply with. Mr. Healey then asked about the specifics of what the DRCC asked for. Mr. Ward stated that the architect would address those items other than the anti-idling signs.

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

Mr. Charles P. Dietz, Architect, came forward and was sworn in. Mr. Dietz described his qualifications, and the Board accepted his credentials. Mr. Dietz then described the existing building, the layout and the materials that would be used. Additionally, he then spoke about the proposed addition and the purpose of that space, the materials being used, the layout, and how it would be integrated with the existing building. Mr. Dietz explained that the existing building was a one (1)-story building with the façade along the street frontage was a standing seam metal panel with a small strip of CMU block that was painted below it. He noted that they currently house approximately 24 ft. clear for shelving, racking and pallets. He then showed a photograph of the existing one (1)-story building and entered it into the record as Exhibit A-2. Mr. Dietz then indicated that the project was a dual expansion since they were not only adding 30,000 sq. ft. there and increase the height in the addition to 36 ft. clear, which would give them at least three (3) to four (4) more pallets high of stacking than they currently have by going vertical as well to eliminate the need to introduce the trailers for product storage. He then spoke about enhancing the aesthetics of the front of the building by going taller, to 44 ft. to the parapet where the existing building was in the high 20's to the parapet. Referring to Exhibit A-1, they showed the taller addition building that showed the current building entrance with the desire to maintain that building entrance, but that he added an architecture feature wall with a darker, gray color 90 degrees to that original building entrance with two (2) levels of storefront to build a small office mezzanine on the second level as well as more office employees as part of that and expand the existing office area. Mr.

Dietz then testified that they would be adding 16 ft. high of block at the base of the building to anchor it to the ground and proposing the balance of the height (another 20+ feet) in stucco to mimic a concrete panel or tilt wall utilizing the score lines to break up the monotony of a very long façade without any windows. He then stated that they were planning to paint the existing façade that would be visible at the front of the building where the office was and any piece on the far end to match the colors of the new addition along the front. Mr. Dietz then answered Mr. Healey's question related to solar panels with the response being that the structural engineer would make the roof solar capable and solar ready. The exhibit also showed the plantings that would be included in the actual landscape plan. A discussion ensued.

Mr. Mazzei stated that a lot of the landscaping in the front of the building would not be visible from the street because of the 3 ft. wall for the basin and the plantings would be below grade

Mr. Dietz then closed by stating that they would have parapets on the building rooftops, so even though the mechanicals would be very minimal in a warehouse because it was not being cooled, what would be on the rooftop would be very well screened by those parapets..

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

Mr. Tom Burke, Sr. Project Manager and licensed mediation professional, employed by Verdantis, an environmental consulting firm based in Somerville, NJ. He added that they were hired by the applicant to complete the environmental assessment for the property, which was required by the Township. The Board accepted his credentials. Mr. Burke stated that they completed the assessment and did not find any environmental impact from the proposed project but did mention that there was an ongoing environmental cleanup at the site. He noted that the site was historically used for manufacturing and contamination was found from the previous owner, and they agreed to remediate the contamination, utilizing a licensed site remediation professional working on the site. Mr. Burke indicated that he was working with the professional to make sure that she was aware of the proposed addition. He added that the proposed addition would not have any impact on their monitoring, and they would have to coordinate with the relocation of the monitoring wells in the area. Mr. Burke then stated that the relocation of the wells would not impact the monitoring. He then told the Board that there was an administrative consent order established with NJDEP that they were working with to clean up the site. He testified that, to date, they had cleaned up the soil contamination and there was still groundwater contamination which they were monitoring and the reason that there was a network of monitoring wells across the site

Mr. Procanik then stated that there was testimony from the site engineer indicating that there would be a bio-retention basin which, in essence, infiltrates the water. Mr. Ward indicated that the basin would be lined with and under drain. A discussion ensued.

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

Mr. Sean Moronski, Planner, employed with Langan Engineering and Environmental Services, Parsippany, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Moronski then entered into the record as Exhibit A-3, was an aerial photograph showing the project site, showing the context of the area that the site was located. He testified that along

Howard Avenue, there were similar uses in light industrial, office, and elements of warehouse uses. He indicated that the uses on Campus Drive and Cottontail Lane, there were similar uses. He then spoke of the B-I Zone which permitted general and professional offices, laboratories, data center, light manufacturing, self-storage and administrative and dispatching services. The entire area did not traverse through any residential neighborhoods such as north of I-287, which included the R-10 Zone.

He then went on to state that because warehouses were not specifically permitted in the B-I Zone, but in prior to the rezoning it was a principal permitted use, their use was grandfathered; However because they were proposing expansion of the use and the changes in the outlined in the previous testimony, they needed to have a D(2) variance granted. He then testified that he felt that the site was particularly suited as it could accommodate the project, particularly in light of the scale of the surrounding light industrial uses.

Mr. Moronski indicated that the site had convenient access to the local roadway and I-287 and could accommodate the improvements, permit the additional operations, whether is was raising of the roof for the additional building and for the trucks to have the 360 degree circulation with the one (1) with each driveway with one (1) way in and one (1) way out. He noted that the expansion reduced the number of parking spaces and still had adequate number of parking spaces to service the site and it reduced impervious coverage. He then explained that they furthered the purposes of zoning, with purpose A encouraging action that in a manner that promotes public health, safety, and general welfare, purpose D providing sufficient space and an appropriate location for a variety of uses according to their respective environmental needs. He then noted that they were improving the storm water management, reducing the impervious coverage, the testimony requiring the environmental monitoring and the inclusion of a lining in the detention basin in addition to the aesthetic improvements that Mr. Deitz outlined. Additionally, he mentioned purpose M, which was encouraging coordination of various public and private procedures shaping land development with a view of lessening the cost of such development and more efficient use of the land.

He then discussed addressing the negative criteria, and he testified that he believed that the benefits outweighed any detriments which he stated were minimal. He added that there would be no substantial detriment to the public good. He noted again that the trailers that were currently on the site would be removed and the additional space in the addition that was being proposed would accommodate that inventory.

He then spoke about the new circulation and parking layout addressing on-site parking needs and minimized the potential for conflict between car and truck parking. Also, he stated that the improvements on the site update it to include the storm water management system, the landscaping, the aesthetics, etc. He added that he also believed that there would be no detriment to the zoning ordinance or zone plan and would provide job creation and taking advantage of Franklin's location. Mr. Moronsky then soke about land use goal #2 which was carried forward in the 2016 re-examination of the Master Plan encouraging commercial and industrial development in areas with access to highways and established area.

Mr. Moronsky then detailed the "C" variances that were required. He stated that he believed that they could all be granted under the C(2) designation where the benefits of the overall project outweigh any detriments that might occur from the granting of the variance. He spoke of the loading area that was based upon the doubling of the size of the largest truck (WB50, m

drive aisle area, truck turning templates all benefiting the site access with the new circulation plan. He then noted the maximum number of driveways was two (2), noting that they currently had three (2) and wanted to retain all of them as the circulation plan works and it allows them to keep the car circulation away from the truck traffic and encouraged the employees to utilize the center driveway to access the employee parking lot directly.

Mr. Moronsky then discussed the negative criteria of the "C" variances, stating that the curb cuts did not hinder any through traffic and reduced potential for conflicts especially with regard to the loading docks. He again stated that he did not believe that there would be any substantial detriment to the zoning ordinance or zone plans and use the rationale with regard to the intent and purposes of the B-I ordinand and the land use goal #2 from the Municipal Land Use Law (MLUL). Based on that criteria, he asked that the Board grant the required variances.

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

Vice Chair Shepherd asked Mr. Mizrahi how the product that was delivered to the warehouse get to their customers. Mr. Mizrahi explained that there was a receiving team and a fulfillment team that work simultaneously to fulfill orders for product. He added that the fulfillment team palletizes items and those were staged so that the pickers and the packers can get the orders ready for their customers to pick up by their trucks (no larger than WB50's). The Vice Chair wanted to know where the trucks were coming from and going to once they pick up their orders from the subject site because the Township was having issues with trucks travelling along secondary and tertiary roadways that they were never intended to travel on and causing problems. The Vice Chair stated he would consider that a detriment, but Mr. Mizrahi indicated that the trucks do not leave their site to deliver to stores and were utilizing I287 to deliver to distribution centers.

Chairman Thomas then opened again to the public to make a comment. Seeing no one coming forward, the Chairman then closed the meeting to the public.

Ms. Rubright gave her closing statements.

Vice Chair Shepherd discussed a possible condition of approve might be that they were confined to receiving and distributing to distribution centers rather than retail sites so as to avoid the use of local roadways.

Vice Chair Shepherd made a motion to grant the Applicant a D(2) use Variance and "C" variances based on the plans submitted, the material submitted, the reports and the compliance with staff report and the agreement that no trucks larger than the WB50 would enter or leave the site and was seconded by Mr. Procanik. The roll was called as follows:

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

AGAINST: None

- **TAWHEED DAHWAH CENTER / ZBA-24-00017**

Mr. Brian Schwartz, Esq., Attorney, appeared before the Board on behalf of the Applicant, Tawheed Dahwah Center. He noted that they were there that evening in order to obtain Amended Preliminary and Final Site Plan plus Relief of Condition in which the Applicant was proposing construction of a 19,350 sq. ft. place of worship at 630 South Middlebush Road, Somerset; Block 37.02, Lot 46.03, in the Agricultural (A) Zone - **CARRIED TO FEBRUARY 19, 2026 -with no further notification required.**

Mr. Schwartz indicated that the Relief of Condition was primarily for parking and informed the Board that they had the same group of professionals as they did back in the hearings in 2019 through 2021. He then told the Board that they were going to limit their testimony that evening to what the changes were to the Amended Site Plan and address the parking issue. He gave some background about the hearing, noting that it was originally an approval of a conditional use, but the relief that they were looking for was from two (2) conditions in a Resolution and wanted to clarify that. He stated that they were asking for a modification related to parking.

Before getting started, Ms. Martina Bailey, Esq., with Mueller & Bailey, and was there that evening representing an objector/interested party, Ray & John Snyder, who own and operate the Snyder Farm which was directly next to the proposed site on the northeast side. Ms. Bailey reminded the Board that they participated in the hearing of the Dada Baghwan approval that sought to amend that previous approval. She then told the Board that she and her clients were instrumental in shaping those conditions, some of which the Applicant was seeking to modify with that night's application. She told the Board that her clients had a very vested interest in what happens that evening with the hearing that night and in essentially seeing those conditions preserved and respected to the extent possible since this application presented a new use, a different religion and believe that it quite significantly intensified the use on the property. She stated that they would be looking for additional conditions that we believe need to be put in place, both to preserve some of the existing conditions, but also to reflect the changed circumstances.

Ms . Bailey indicated that she submitted a letter, dated the day before the hearing (11/19/2025), to the Board that briefly outlined those concerns which, principally, was traffic where there was a lot of discussion about at the Dada Baghwan application. She added that the traffic report in this instance really did not acknowledge at all that there were two (2) other neighboring uses which also have public events, and that included the temple that was approved across the street, the Sidada Temple which was a much larger facility, but also had frequent visitors.

Chairman Thomas indicated that he did read Ms. Bailey's letter and was aware of what her comments were regarding, but that maybe the Board should let the hearing start and see what they needed to deal with and not have conjecture.

Ms. Bailey agreed but added that they would reserve the right to also present witnesses, assuming that the application would get carried that evening. The Chairman did indicate that the attorney was speaking about two changes out of 30, so he suggested that they listen and see what they were first.

Mr. Anjum Razi, Trustee/Co-Found of Tawheed Dahwah Center, came forward and indicated that he was authorized to speak on behalf of the Center. Mr. Razi indicated that they have 65 to 75 congregants of the mosque and have been gathering in Piscataway and Edison since 2019 and were religious centers just like Tawheed Dahwah Center. He added that their intention was to bring the community together for a place for the people who live in the Somerset area to participate in prayer meetings. Mr. Razi stated that the existing house on the property would remain and would be used for the Imam residence, and one (1) of the Imams was in attendance that evening. He then told the Board that they have two (2) Imams

Mr. Schwartz indicated that they sent in with the application a document that they called "Statement of Proposed Use of Property" and was part of the application submissionbut can mark it into the record as Exhibit A-1. Mr. Schwartz received agreement from Mr. Razi that they had worked on the document together before submission to the Township.. Mr. Schwartz then read off the items on the document related to the proposed use of the property by Tawheed Dahwah Center. It included the purpose of the center and that it was going to be limited to religious worship and indoor prayer meetings. He then stated that there would be no outside activities at that property and understood that they would have to apply for a special event permit if there was going to be any kind of high holy day events or wedding/funerals, but indicated that there would not be any large weddings or funerals held at the site and only doing prayers for weddings and funerals which was attended only by immediate family, with no music or food being served. Mr. Razi also understood that they could not rent out space or use for members or any other organizations and that the house would not be rented out either for a B&B, etc. He then indicated that they would not have any outdoor activities, music or processions. Mr. Schwartz then asked Mr. Razi if he was aware that due to the septic system design limitations that there could not be more than 458 people on the site during any 24-hour period and he agreed saying that they would be nowhere near that many people. They then discussed how many times a day they held prayer meetings, stating that they met at 6:00 am., 1:00 p.m., 5:00 p.m., 7:00 p.m., and 9:00 p.m., and Mr. Razi stated that they last for about 30 minutes each and was typically attended by 25-30 people per prayer service, except on Friday when there was a larger group of people and they expect 75 people. During Ramadan, which lasted 30 days, Mr. Razi stated that they receive more people, but for the larger event, he stated that they have another location in Piscataway, the Piscataway Holiday Inn and Suites that they rent the entire hall and where all services were held for the big EID event. Mr. Razi indicated also that they work with an Indian Temple and that they work with them to adjust the traffic in terms of the number when they hold their prayer meetings in Edison and split the square footage and share parking. He told the Board that they have been doing this practice for a long time with no issues whatsoever. Mr. Schwartz saw on the plans that there were small rooms around the perimeter of the main area, and Mr. Raji indicated that they invite other Imams from different States and they come to give different lectures to their congregants and use those rooms while they have their regular services going on.

Mr. Razi testified that they would not be running a school there or have special classes in addition to the prayer services. Mr. Schwartz told Mr. Razi that they have a building that could fit up to 450 prayer mats if they were 3 x 3 in size but asked him if that was realistic and if not, why do they have a building of such a large size. He stated that people stand up and down during prayer service and they provide the extra space for them around their mats to accommodate that prayer service. Mr. Schwartz then asked Mr. Razi if there was any significance of having a building of that size as to how much space they are requiring. Mr.

Razji stated that they just got through COVID and want to make sure if a similar event occurred again that they would have the space everyone needed.

Mr. Razi understood that they would have to get an event permit and would also have to pay off-duty officers to police such large events. He added that they have done so in the past and would do it again if it were needed.

Chairman Thomas stated that the size of the worship space for the building you want to construct also affects parking and wondered if they could cut back on the parking if it was not needed as testified to by Mr. Razi. Mr. Schwartz was referring to the Resolution for Dada Baghwan that was approved for a slightly larger building, but slightly smaller worship area for the same number of parking. Mr. Healey indicated that the previous applicant would be building 157 parking spaces in the previous approval of the property. Mr. Schwartz stated that they were going to build 127 and bank 30 parking spaces. A discussion ensued.

Mr. Healey then indicated that the Applicant needed to express their reasoning and intentions for the Board so they know what you are planning to do. They asked Mr. Razi if they were building for future expansion, and Mr. Razi stated that they were not. Mr. Schwartz stated that if that occurred in the future, they know they would have to come back before the Board.

Mr. Lakhia stated that the number of people who would be attending/size of the congregation compared to what was required for parking based on the ordinance did not make sense to him.

Chairman Thomas stated that the use that was testified to with the previous applicant was not the same as the use that is being discussed at this hearing. He added that the previous use was not being used five (5) times per day. He added that their use was five (5 times per month for 75-100 people. Mr. Schwartz stated that they were proposing fewer people, but the Chairman reminded him that they were using the facility five (5) times per day.

The Chairman then opened the meeting for questions of the Applicant.

Ms. Bailey asked Mr. Razi about his testimony of why they wanted a larger space when it was many times more than the congregants he stated would be attending prayer services. He discussed the luxury of having more space to prayer, particularly during COVID, and saw a beautiful mosque in Saudi Arabia that afforded the same prayer space for the congregants in the Somerset area to enjoy. He again testified that they would never come close to 458 people and indicated that they also had the mosques in Piscataway and Edison as well. Ms. Bailey asked Mr. Razi how they came up the number “60” as the maximum number of attendees, and Mr. Razi indicated that they looked at the people in the area, the families and collective numbers. He then told Ms. Bailey that they have other mosques in the area and that they were generating the same numbers there. A discussion ensued related to the numbers of congregants in the Somerset area currently and if they were looking into the future to project need. Mr. Razi indicated that the numbers were smaller at that time in Somerset than they were in Piscataway and Edison, but it was possible that it might grow over the next 10 years or so.

Mr. Shaak Mamawala, 20 yrs. Franklin Park, NJ resident, and said he researched the organization and stated that their future plans were a 60,000 sq. ft. Islamic Center in the

Somerset location. He added that the funding that was being requested on the site was for a gym and a community center, a 400-car parking lot, a boarding school for hips and alma program. He then indicated that South Middlebush Road was a high traffic area already and wanted to know the real number of people they expect at the mosque with the number of parking spaces they were asking for.

Mr. Steve Callahan, Franklin Park resident, came forward. Mr. Callahan asked, regardless of the numbers of congregants they were talking about, why did they need a 19,000 sq. ft. building. Mr. Razi then discussed the spiritual purpose of having a building that was larger than to just fit people inside of it to pray. Mr. Razi stated that it was a reasonable sized building and what was approved several years back and that they were just asking for the same size.

Mr. Procanik spoke to Mr. Schwartz, indicated that it might be beneficial to inform the public as to what witnesses he intended to call to give testimony so they could structure their questions to the appropriate individual. Mr. Schwartz stated that they were going to have Mr. Mistry testify who is the Architect on the project to explain the architectural features of the building, the design both outside and inside. He stated that he was also going to have Mr. Ardman, the Site Engineer on the project, and would talk about the engineering aspects and compliance with the conditions of approval since he was really the one who was involved in revising the plans to satisfy conditions. He then told the Board and public that they were going to have Elizabeth Dolan provide traffic testimony to include the adequacy of the parking as well as the safety of traffic leaving and entering the driveway at the times when there will be prayer meetings. At the end of all the other testimony, he would put on Mr. Kevin O'Brien, who is a professional Planner for the project, who would talk about satisfying the negative criteria for the two (2) parking variances that they need or relief from the conditions related to the parking variances that were previously approved.

Mr. Callahan asked the Board why they were just speaking about amending the previous application instead of being tasked with presenting their application since there were differences between the way each religion operated, perhaps. Mr. Procanik explained how that would work and reminded Mr. Callahan that the Board still had certain powers to approve or deny the Application. He went on to further state that if they were bringing forth an amendment of the previous application, the Board still had the right to deny the amendments, but the original applications would still hold true. Mr. Hak, Board Attorney stated that it was an application to seek relief from the conditions that were already placed by way of the previous approval, so there was no need to reopen it from scratch because they were seeking relief from certain conditions from that previous approval.

Mr. Schwartz then stated that the night's hearing was the product of a lot of communications and changes in the plans behind the scenes to try to satisfy what we think your Township professionals want from the Applicant.

Mr. Rajesh Sangui, Franklin Park resident, came forward. Mr. Sangui asked Mr. Razi if they planned to move the two (2) centers that they had today, Edison and Piscataway, to consolidate the congregants into the Somerset location. Mr. Razi indicated they were going to continue having the two other locations in Edison and Piscataway. Mr. Sangui then asked for confirmation that traffic would be coming from the local area and not from other

towns/counties, and Mr. Razi indicated that traffic for the Somerset site would be coming from the local area.

Ms. Shampa Shampachi, Franklin Park resident, asked how the limit for the facility was set, and wanted to know if it was for the 458 people that were allowed in the building or the 60 that Mr. Razi said was going to come there. Her second question was for how the Township holds the mosque accountable for the number that they were saying today (60). Mr. Schwartz indicated that they put on the record that they would have 60 people on-site at the most, and no one would ever see 400, but there were 150 people on the site, it would be an enforcement issue and there would be a violation issued of the Resolution that would be passed by the Board. He added that it was something that he knew, that his client knew and that the Board knew. Mr. Hak, Board Attorney, explained the difference between a fire code violation of a building and a zoning violation based upon a Resolution memorializing an approval of an application. A discussion ensued, with Mr. Healey also explaining that the 458 number was also a condition of the approval of their septic system, which would be an approval by the County Health Dept., so they would have jurisdiction over the number of people that were on that site throughout a day

Ms. Mega Sangui, Franklin Park resident, came forward. She then spoke about then number of cards per day that would impact the roadway based upon the number of prayer services held each day, even with the maximum of 60 per day. She then asked how the traffic on South Middlebush Road would be effected with that additional traffic.

Seeing no one further coming forward, Chairman Thomas then closed the meeting was closed to the public.

Vice Chair Shepherd wanted to ask a question of Mr. Hak, Board Attorney. He stated that he was just looking on the website of Tawheed Dahwah Center and he found the information on that site to be incredibly different than what was being proposed here that evening. He then asked if the information on the website relevant to the Board's analysis and understanding of what they're offering to the Board. He added that it would seem, from a credibility standpoint, that it is. The Vice Chair suggested that if it was credible, then the witness testifying here tonight should go home and read what it says. And be available for the next hearing to address that information. Mr. Razi was asked if it was his website, and when shown stated that it was. Mr. Lakhia stated that he should be prepared to discuss it at the next hearing.

Chairman Thomas suggested to Mr. Schwartz that when it came for the night that the testimony from the Traffic Expert was presented, it might be helpful if he had a statement from the County as to what improvements they might require, should the Applicant get an approval, with the intersection that would be established there.

The Board and Applicant agreed to carry the hearing – **CARRIED TO FEBRUARY 19, 2026 – with no further notification required.**

DL - 2/19/2026

Vice Chair Shepherd made a motion to adjourn the meeting at 10:11 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

_____
Kathleen Murphy, Recording Secretary
January 1, 2025

THE TOWNSHIP OF FRANKLIN BOARD OF ADJUSTMENT
SOMERSET COUNTY, NEW JERSEY
RAMKUMAR VENKATARAMAN (ZBA-25-00023)
171 SECOND STREET

WHEREAS, RAMKUMAR VENKATARAMAN (hereinafter referred to as "Applicant"), being the owner of the property located at 171 Second Street, in the Township of Franklin, County of Somerset, State of New Jersey, said premises also being known as, Block 424.02, Lot 29.11, (hereinafter referred to as the "Site"), as is indicated on the Tax Assessment Map for the Township of Franklin (hereinafter referred to as the "Township") has applied to the Township of Franklin Board of Adjustment (hereinafter referred to as the "BOARD") seeking a variance for minimum rear yard setback to construct a 414 square foot sunroom addition to the rear of to the existing home on the Site.

WHEREAS, the Applicant submitted an application packet with attachments, which were considered by BOARD, which included the following:

1. Application packet for variance relief with attachments, signed by the Applicant, dated October 10, 2025, consisting of seven (7) pages;

2. Plan of Survey, prepared by William P. Swift, P.L.S., dated April 3, 2015, consisting of one (1) sheet; and,

3. Architectural Plans, prepared by Cirangle Architects, undated, consisting of four (4) sheets.

WHEREAS, at the conclusion of the hearing, the Applicant seeks variance relief from the Township's ordinance as follows:

1. Section 112, Schedule 2 – To permit a rear yard setback of forty-five (45) feet, where a minimum rear yard setback of fifty (50) feet is required.

WHEREAS, the BOARD determined it had jurisdiction and upon due notice as required by law, a public hearing was conducted on January 8, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF FRANKLIN, the BOARD hereby makes the following findings of fact:

1. The Site is located in the R-20 Residential Zoning District. The Applicant seeks a variance for minimum rear yard setback to construct a 414 square foot sunroom addition to the rear of to the existing home on the Site.

2. 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.

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

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

5. 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.

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

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

8. 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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF FRANKLIN, the BOARD makes the following findings of fact and conclusions of law:

1. The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70c provides the Board with the power to grant variances from strict bulk and other non-use related issues when the applicant satisfies certain proofs which are enunciated in the statute. Specifically, an applicant may be entitled to relief if this specific parcel is limited by exceptional narrowness, shallowness or shape. An Applicant may show that exceptional topographic or physical features exist that uniquely affect a specific piece of property. Further, the applicant may also provide evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Those categories specifically enumerated above constitute the positive criteria necessary in order to obtain "bulk" or c(1) variance relief.

2. Moreover, the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70c(2) further provides the Board with the power to grant variances based on whether the Applicant's proofs advance the purposed of the MLUL by the deviation from the zoning ordinance requirements and if the benefits of the deviation from the zoning ordinance requirements substantially outweigh any detriment.

3. In addition, the applicant must show that the proposed variance relief sought will not have a substantial detriment to the public good and further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. See Jacoby v Englewood Cliffs Zon. Bd. Of Adjustment, 442 N.J. Super. 450, 471 (App. Div. 2015). This is the negative criteria. It is only in those instances when an applicant has satisfied both tests that a Board, acting pursuant to the statute and case law, can grant relief. The burden of proof rests upon the Applicant to establish these criteria.

4. After a review of the record evidence, presentation of testimony and public comment, the BOARD finds the strict application of the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the Applicant. The Applicant has also satisfied his burden of proof establishing that the positive criteria for granting the variance relief outweighs the negative criteria. The BOARD finds the required variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance.

5. The BOARD finds the testimony of the Applicant, Ramkumar Venkataraman, to be credible, persuasive and uncontroverted.

NOW, THEREFORE BE IT RESOLVED by the Board of Adjustment on the 19th day of February 2026, on the basis of the evidence and testimony presented, the BOARD does hereby grant the "c" variance relief requested, subject to the following conditions:

1. The granting of this relief shall not be construed or eliminate the satisfaction of any other requirements of the zoning ordinance or requirements of the agencies, boards, or authorities of the Township of Franklin, County of Somerset or State of New Jersey.

2. The Board specifically grants approval of the latest set of application materials submitted by the Applicant.

3. The Applicant shall comply with any recommendations made in Mr. Healey's Planning Report or in any reports from the Boards/Commissions who have sent in recommendations.

4. The Applicant shall obtain all other applicable permits and approvals from all applicable government boards and agencies prior to any construction.

5. This approval is subject to the Applicant's continuing obligation to pay all professional fees generated by this application prior to issuance of a building permit and/or the issuance of the Certificate of Occupancy, as applicable.

6. Any ambiguities regarding the interpretation of this Resolution shall be resolved by the BOARD upon due notice to the public.

_____
CHRISTINE WOODBURY
Board Secretary

VOTE ON MOTION: 01/08/2026
FOR:
Chairman Robert Thomas
Vice Chair Robert Shepard
Richard Procanik
Vaseem Firdaus
Gary Rosenthal
Michael Dougherty

AGAINST:
NONE

ABSTENTIONS:
NONE

VOTE ON RESOLUTION: 02/19/2026
FOR:

AGAINST:
NONE

ABSTENTIONS:
NONE

Report Checklist
Amended Preliminary & Final Major Site Plan

Applicant: **Tawheed Dahwah Center**

Docket: **ZBA-24-00017**

Location of Property: **630 South Middlebush Road, Somerset**

Block: **37.02** Lot(s): **46.03** Zone: **A**

Planner	See attached TRC report dated 09/23/2025
Engineer	See attached report dated 09/30/2025
Police	See attached TRC report dated 09/23/2025
Fire	See attached TRC report dated 09/23/2025
Sewerage Authority	See attached TRC report dated 09/23/2025
Health	See attached report dated 09/26/2025
Environmental Commission	See attached report dated 10/08/2025
Tax Collector	Will be addressed at time of secretary approval
Public Works	Comments will be addressed within the Engineer's report
Historic Commission	N/A
D&R Canal Commission	See attached report dated 03/17/2025
Somerset County Planning Board	No report to date
Somerset Union Soil Conservation	No report to date

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: September 30, 2025

RE: ***Tawheed Dahwah Center***
Amended Preliminary & Final Site Plan
Report #1
Engineering
Block 37.02; Lot 46.03
630 South Middlebush Road
Franklin, New Jersey
Our File: MFRZ0037.02
Application # ZBA-24-00017

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

- Amended Preliminary & Final Major Site Plan, as prepared by The Reynold Group, Inc., dated October 17, 2019, with a latest revision date of January 6, 2025;
- Architectural Plan, as prepared by Mistry Design, dated August 2, 2024, with revisions;
- Stormwater Impact Report, as prepared by The Reynold Group, Inc., dated October 2019, with a latest revision date of March 2025;
- Traffic Impact Study, as prepared by Dolan & Dolan Consulting Engineers, LLC, dated August 11, 2025, with no revisions;
- Application forms.

The following comments are offered with regard to same:

A. PROJECT OVERVIEW

The site is located on the east side of South Middlebush Road (C.R. 615) approximately fifteen hundred feet north of its intersection of Lenape Drive. The property is approximately 15.96 acres and is located in the Agricultural Zone. Churches and other similar places of worship are a conditional use in this zone and subject to the requirements of §112-37 of the Ordinance. The project is also located within the Township's Scenic Corridor. The applicant received Board approval in 2021, as part of Docket No. ZBA-19-00040. The applicant is proposing to construct a new one (1)-story, ~~21,083~~ 19,350 sf house of worship, ~~2,533~~ 2,890 sf partial basement and a 1,728 sf Porte Cochere with 157 parking spaces. The applicant is also proposing site improvements including but not limited to, construction of concrete curb, sidewalk, hot mix asphalt driveway and parking lot, stormwater facilities, utilities, septic system, potable and fire suppression water well, 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 any site work.

3. 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 geographic information system (GIS) (§112-329).

4. 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.

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

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

7. The applicant is proposing to install a well to supply domestic & fire suppression water for the site. We defer review to the Somerset County Health Department and the Township Fire Prevention Director and/or the Township Plumbing Sub-code Official.

8. The applicant is proposing to abandon an existing septic disposal system and install a septic disposal system to service the site. We defer review to the Somerset County Health Department.

9. Label the horizontal and vertical datum, respectively, utilized on the site plan.

10. Add a 'Do Not Enter' marking to supplement the proposed signage near the Porte Cochere.

11. The limit of disturbance on sheet no. 3 should be revised to include the removal of the existing gravel driveway.

12. It should be noted that the existing gravel driveway servicing the 2 ½ story frame dwelling which previously connected to the main drive aisle has been removed. The driveway servicing the dwelling has been connected to the eastern driveway.

13. It appears staircases are missing in the rear of the proposed house of worship. Revise the plan accordingly.

14. Revise the plan for consistency between the use of detectable warning surfaces at all ADA ramp locations.

15. Revise the proposed painted crosswalk width, in accordance with the standard NJDOT details.

16. Add 'Stop to Pedestrian' signage at all crosswalks within the parking, in accordance with the latest edition of the MUTCD.

17. The amended plan has removed the proposed trash enclosure. The plan should be revised to include the trash enclosure.

18. A fence/ guard is required by the wall in the rear of the building near the basement entrance.

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

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

    - Add project specific handicap ramp designs for the new proposed ADA ramps within the lower parking lot;
    - Label top of seat wall elevations. In addition, clarify how this area will drain;
    - Label wall elevations in the rear of the building;
    - Revise the grading of the berm in the rear of the property to be 3:1. The Township does not permit 2:1 grading;
    - Provide top of the clay core berm elevation, bottom of clay core elevation and the bottom of the key elevation;
    - Provide additional grading north of the proposed berm demonstrating a minimum of 2% slope at the toe of the berm.

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

D. LANDSCAPING AND LIGHTING

1. Applicant provided a tree removal and replacement 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.

2. Review layout of proposed trees at the stop bar locations for the parking lots. Providing a sight triangle at these locations will provide further clarity.

3. It appears a site triangle easement is required from the neighboring property (Block 37.02, 46.04) for the exit driveway.

4. The proposed sanitary force main should be coordinated with the landscaping plan to avoid putting the force main directly under the proposed trees.

E. ENVIRONMENTAL IMPACT COMMENTS

1. 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 LOI should be updated as noted above.

2. Provide a Conservation/Preservation Area Easement Deed, with a metes and bounds description, of the Township preservation area boundary line created by satisfying Comment #1. The deed shall be submitted for review and approval prior to filing with the Somerset County Clerk's Office.

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

F. STORM WATER MANAGEMENT

1. The property in question; Block 37.02, Lot 46.03 consists of approximately 15.96 acres and is currently wooded undeveloped land. The entire property drains to the Delaware and Raritan Canal tributary.

2. The project site is located within the review zone of the Delaware and Raritan Canal Commission and the applicant should obtain a certificate of approval or exception from the Commission. A copy of the permit should be provided to this office.

3. The Applicant provided a copy of the approved NJDEP Wetlands Delineation Plan. The NJDEP Letter of Interpretation dated December 11, 2019, submitted under the original application has expired. It appears the LOI needs to be extended. The applicant's engineer should clarify.

4. The proposed residential development will disturb approximately 6.21 acres of land and will create 2.88 acres of additional impervious surface. The project exceeds the threshold of 1 acre of disturbance and creates more than ¼ acre of impervious surface, therefore, it is classified as a major development for stormwater management purposes. In accordance with the Township Ordinance, major projects must comply with water quantity control, water quality and groundwater recharge standards. The project was previously approved under the old stormwater management rules and have been grandfathered in. Any major revisions to the stormwater management design will require revising the plan to the current stormwater management rules.

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

6. The proposed development proposes disturbance of more than 5,000 sf of land and the Applicant must obtain Soil Erosion and Sediment Control Plan Certification from the Somerset-Union Soil Conservation District. A copy of the permit must be provided to this office prior to construction.

7. Stormwater Maintenance Agreement for the stormwater system should be provided to insure future maintenance. A sample agreement is available from the Engineering Department.

8. An executed Major Development Stormwater Summary (Attachment D of the Tier A MS4 NJPDES Permit) for the amended application should be submitted to this office for review and approval.

9. The Stormwater Maintenance Manual (SMM) should be revised for the amended site plan.

10. Revise the maximum water surface elevations in the proposed detention/ infiltration basin on sheet no. 5 of the site plan to match the updated Stormwater Impact Report.

11. Update all post construction testing notes for the basin to replace Appendix E with Chapter 12 of the BMP Manual.

12. The top of grate and invert out elevations of the Outlet Structure is different between the stormwater report and the site plan. Plan coordination, including the construction details, is required.

13. An 8" RCP pipe is proposed exiting the trench drain. That is not a typical size for RCP pipe. The applicant's engineer should review this further.

G. MISCELLANEOUS

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

   a. Add a 'Do Not Enter' pavement marking detail.

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

Township Departments:
- Township TRC

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. 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.

RJR/DM
cc: Zoning Board Secretary

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
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Fax (908) 704-8042
www.somersetcountynj.gov/health
healthdept@co.somerset.nj.us

Deputy Director
MICHAEL T. McCARTY
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Memorandum

To: Planning/Zoning Department

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

Date: September 26, 2025

Re: ZBA-24-00017-Tawheed Dahwah Center-630 South Middlebush Rd.

Block: 37.02, Lot: 46.03

The following information and/or clarifications must be submitted to the Health Department prior to approval:

- Please specify where any trash and/or recycling dumpsters will be located.
- The plan indicates a proposed new well.
    - Permits must be obtained, and inspections must be scheduled with the Health Department prior to decommissioning the existing well and installing the new one.
    - Note: Well water testing may be required if existing well will be used and capped during construction.
- Per plan, the existing septic system will be abandoned.
    - Location of all existing septic system components must be shown on the plan.
    - New Septic plans are required.
        - Soil testing for the septic system must be scheduled by an Engineer with the Health Department at least 48 hours in advance.
        - Note: Soil testing conducted back in 2019 for the property has expired (only good for 2 years).
        - Upon completion of the soil testing, new septic plans must be submitted for review prior to installation.
    - Permits must be obtained, and inspections must be scheduled with the Health Department prior to abandoning the existing septic system and installing the new one.

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: September 23, 2025

Re: Tawheed Dahwah Center – Amended Preliminary and Final Site Plan + Relief of Condition (ZBA-24-00017)[1]
630 South Middlebush Road (B 37.02,0 Lot 46.03)

Site and Project History/ Description

The site is currently occupied by a single-family dwelling and is located within the A (Agricultural) zoning district. The southerly two- thirds of the site is forested while the northerly one-third of the site is open field. A wetlands area exists in the far southeasterly potion of the site. Surrounding land uses consist of preserved farmland to the north and east, single-family homes to the west fronting South Middlebush Road and Township open space to the south.

The 15.96-acre subject site is the location of an approval for *Dada Bhagwan Vignan Institute* (Docket ZBA-19-00040) for construction of a 21,083 square feet house of worship. By resolution memorialized on 1/20/2022 the application received "d(3)" Conditional Use and "c" Variance Relief along with Preliminary Site Plan Approval subject to a total of 39 conditions of approval. The approved application consists of the following:

[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.

- Construction of a 21,083 square foot place of worship including a 6,864 square foot worship area (as well as ancillary areas such as a warming kitchen, rest room, storage, 2,533 square foot basement, etc.).
- 157 parking spaces provided in two parking areas
- Access to South Middlebush Road is proposed via a proposed driveway (which was required to be re-located further north and away from a residential neighbor).
- Associated site modifications include utility extensions, grading and drainage modifications, and site lighting and perimeter site landscaping/ fencing.
- A 5-foot tall monument sign is proposed near the site's entrance on South Middlebush Road.
- The existing 2-1/2 story dwelling is proposed to remain.
- The development would be served by on-site well and septic

Places of worship are a permitted conditional use in the A zone. Applicable conditional use requirements are found in Section 112-37.

South Middlebush Road is a Township-designated Scenic Corridor.[2] The site is located within the Six Mile Run State and National Register historic district.[3]

The Board's 2022 resolution granted Preliminary Site Plan approval (i.e., which requires the applicant to return to the Board for Final Site Plan approval) along with the following variances:

- Section 112-37.D(1) - Number of Parking Spaces / 457 parking spaces required and 157 approved
- Section 112-37.E - Parking location / The majority of the parking shall be located at the rear of the main structure, with no more than 10% of the total parking located at the from entrance for handicapped accessibility, weddings and funeral services and parking is proposed to be located in front of the building
- Section 112-37.G - Building Setback-Rear / 200 feet is required - 130 feet approved
- Section 112-37.K(1) and (2) - Buffer / 15 feet of heavily landscaped buffer with six foot high board-on-board fence or 25 feet of heavily landscaped buffer or approved equivalent and buffer requirements not fully satisfied in certain areas including along rear property line.
- Section 112, Attachment 5:1 - Signage / Area of 25 square feet permitted and 67.5 feet proposed.

[2] Per Section 112-37.C, places of worship are limited to 5,000 square feet when located along a Township-designated scenic roadway unless such roadway is under state or county jurisdiction (i.e., a larger roadway). Since South Middlebush Road is under County jurisdiction, this application is not subject to the 5,000 square foot limitation.

[3] The site is not within a Township historic district thus the application is not subject to review by the Township Historic Preservation Advisory Commission.

The figures below show the location of the site as well as the surrounding area:

Amended Application

The revised submittal from Tahweed Dahwah Center, the current owner of the site, is described below:

- The building is in the same general location as the previous application (revised as required by the Board's resolution).
- The overall square footage of the building would be reduced from 21,082 square feet to 19,350 square feet, however the worship area would be increased in size from 6,864 square feet to 7,981 square feet worship area (which increases the proposed occupancy in the worship area and the required parking)
- The site plan has been updated in various respects to address conditions imposed by the Board including certain building setbacks required by the Board, alignment of the driveway and perimeter buffering.
- The building architecture has been modified to accommodate a different religious practice.

The applicant is applying for the following approvals from the Board:

- **Final Site Plan Approval -** See section of this report entitled *"Status - Conditions of Current Approval"* which addresses site plan related conditions of approvals as well as the report of the Board engineer.

- **Relief of Conditions** - See section of this report entitled *"Status - Conditions of Current Approval" which addresses conditions of approval related to site operations, number of congregants, etc.*
- **"C" Variance(s)** – see section of this report entitled *"'C' Variances"*

"C" Variances

Part D of the Site Plan Application indicates that "C" variances are being sought in association with the application for Final Site Plan approval. An attachment to that form appears to indicate required variances for: parking; size of the sign and rear yard setback. However, variances are *not* required for size of the sign and rear yard setback as these variances were granted in associated with the Preliminary Site Plan approval. **A new variance, however, is required for parking due to the increase in the size of the worship area (and the resulting increase in required parking):**

- ***Preliminary Site Plan Approval*: 6,864 square foot worship area = 457 required parking spaces (157 proposed)**
- ***Current Proposal*: 7,981 square foot worship area = 532 required parking space (157 proposed)**

If the applicant is seeking this variance then a Variance Application Form should be provided and, obviously, the hearing notice will need to identify the variance.

Staff notes that the applicant has provided no analysis of the sufficiency of the proposed parking in light of the increase in the size of the worship area and the resulting increase in required parking.

Status - Conditions of Current Approval

The condition of the Board's approval are identified in *italics*. Staff evaluation of the status of each condition is identified in **bold**.[4]

4. *Compliance with the staff and consultant reports which includes conditions of the approval granted by the BOARD herein, except as specifically modified or waived herein*. **Refer to separate reports from the Board engineer and the County Health Dept.. Compliance with other staff reports previously satisfied or addressed herein**.

5. *The plan shall incorporate the changes reflected in Exhibit A-7, Exhibit Overall Plan Option A, last revised 02/02/21 prepared by The Reynolds group, Inc, Exhibit A-9, "Colorized Dimension Plan Sheet 4 of Site Plan" prepared by The Reynolds Group Inc. dated October 21, 2021 and Exhibit A-10, Colorized rendering of the Landscape Plan Sheet 6 of the Site*

[4] Conditions 1, 2, 3, 36, 37 and 39 are general conditions of approval required of all applications and thus need not be addressed in this report. Those conditions should be repeated in subsequent resolution of Board approval.

Plan, prepared by The Reynolds Group Inc. dated October 21, 2021. **Satisfied. Submitted plans incorporate the changes reflected in the cited exhibits. For the Board's reference the exhibit provided at the end of this memo reflects the site layout and buffering conditions required by the Board.**

6. *The House of worship shall be shifted to be 130 feet from the rear property line. In that setback area shall be provided a 10-feet high berm with twenty-eight (28) 8-foot evergreen trees (in 2 staggered rows).* **Partially satisfied. Plans revised to comply. The grading of the berm should be revised per the engineer report.**

7. *The House of worship shall meet the 75-foot side yard setback requirement. The trees shall remain in the area specified at the house of worship/ Snyder property line with the tree removal plan updated accordingly. Additional evergreens shall be added where practicable to supplement the existing vegetation to remain*. **Satisfied. Plans revised to comply.**

8. *The site plan shall provide 6-foot high (deer fence style) fence along rear property line on two sides adjoining the building. The fence shall start along the rear property line at the edge of the wetlands buffer and extend along the side property line in the area of the building and parking lot (i.e., it would extend up to the location where the side property line makes a 90-degree bend to the north*) **Satisfied.**

9. *The proposed parking lot closest to the Warwick's properly shall be relocated to be at least 100 feet from their property line. Further, the site plan shall provide planted evergreen hedge at parking lot towards front neighbor on South Middlebush Road to further block the view of the cars and any headlight impact. All existing trees along the Warwick's property line shall be preserved and 6-8 foot tall evergreens shall be planted where there are gaps in between the existing trees which that the buffer would comply fully with the ordinance*. **Satisfied. Plans modified to comply.**

10. *The site plan shall propose to remove the current driveway to the property along with the pipe at the street. The driveway shall be over 300 feet from the Warwick's property line. The relocated driveway shall be posted for no parking*. **Satisfied. Plans modified to comply. Plans modified to comply.**

11. *Lighting along the re-located driveway shall be limited to the area of the curb cut at South Middlebush Road and at the internal intersections which provide access to the parking lots*. **Satisfied. However, one (1) light is also proposed in the bend in the access drive (which the staff would recommend).**

12. *Site lighting shall be revised to comply with the 15-foot height limitation and shall be LED*. **Satisfied.**

13. *The site plan shall identify the additional plantings (6-foot high evergreens) to be placed where the existing driveway will be removed*. **Satisfied. Plans modified to comply.**

14. *Proposed street trees shall be setback to ensure adequate sight distance along South Middlebush Road at proposed driveway*. **Satisfied.**

15. *The relocated driveway, only, shall be used as the construction entrance. The existing driveway shall never be used for construction access. Appropriate modifications to the plan shall demonstrate how this would be accomplished*. **Partially satisfied. Notes to this effect added to the plans. Condition should be repeated in any subsequent resolution of Board approval. The Soil Erosion & Sediment Control Plan should be revised to include notes demonstrating compliance with this condition.**

16. *The proposed parking lot lights shall be on a timer and separate circuits so that they will be lit only when necessary. Further, the parking lot and driveway lights shall not be used when the facility is not in use. When not in use, site lighting shall be limited to minimal necessary security lights. Appropriate details and notes shall be added to the plans*. **Notes to this effect added to lighting plan. Condition should be repeated in any subsequent resolution of Board approval.**

17. *Sign lighting shall be LED and shall only be lit when the facility is in use*. **Note to this effect added to lighting plan. Condition should be repeated in any subsequent resolution of Board approval.**

18. *The sign shall comply with the applicable setback*. **Satisfied.**

19. *Access to the existing house shall be from the proposed parking area closest to the house of worship*. **Satisfied.**

20. *Applicant shall abide by any standards imposed by the NJDEP regarding tree clearing limitations for time of year as they may apply to this site*. **Note to this effect added to plan. Condition should be repeated in any subsequent resolution of Board approval.**

21. *The applicant agrees to maintain the trees and buffer screening to ensure their long-term health and survival for at least five years and notwithstanding the expiration of any required bond for such maintenance*. **Note added to this effect added to the plan. Condition should be repeated in any subsequent resolution of Board approval.**

22. *The 30-space bank of spaces closest to the Warwicks shall be landbanked*. We offer the following comments:
    - **Based on the result of the traffic and parking testimony, the Board may wish to re-visit whether these spaces should continue to be landbanked.**
    - **If landbanking continues to be proposed, the site plan should be revised to delineate both the land banked condition (curb line should be revised, grading should be revised, and final material in the land banked condition should be provided) and full build out of the proposed improvements if the land banked**

parking is constructed including but not limited to striping and signage, grading, landscaping and lighting. In addition, the following note must be added to the plan, "The spaces identified as "prop. banked spaces" shall not be constructed unless authorization for such improvement is provided from the Township Zoning Officer, or unless the Township Zoning Officer requires that such spaces be constructed should conditions warrant, or by the Township's approval through the change of tenant. In the event that the Zoning Officer determines that conditions require improvement of all or a portion of these spaces, such spaces shall be constructed within 6 months of the Zoning Officer's determination weather permitting. In such an event, the Zoning Officer may consult with the appropriate Township staff with respect to related plan amendments."

23. *All utilities will be underground (no poles)*. **Note to this effect added to the site plan. Condition should be repeated in any subsequent resolution of Board approval.**

24. *The plans shall be revised to comply with the reports of the Township staff and engineering consultant*. **Duplicative with condition #4 above.**

25. *Applicant shall agree to Title 39 to allow Township enforcement of "no parking" along the site driveway and other areas outside of delineated parking spaces*. **Applicant should be required to make application, upon full build-out, for a Subtitle 1 Chapter 5 Title 39 enforcement ordinance to allow the Police Department to enforce chapter 4 of the State Motor Vehicle Code (moving violations). Condition should be repeated in any subsequent resolution of Board approval.**

26. Use and occupancy of the facility shall be consistent with that testified to by the applicant and as indicated in Exhibit A-8, "Schedule and attendee report":

- *Saturdays – 3 times/ month – 11a-8p – 75 to 100 attendees*
- *Sunday – once/ month – 10a-2p – 50 to 75 attendees*
- *Saturday – once/ month – 9a-9p – 125 to 140 attendees*

High holy days – twice a year spring/ summer

- *Friday – 6p-10p – 150 to 175 attendees*
- *Sunday – 9a-9p – 225 to 250 attendees*
- *Saturday – 9a-9p – 225 to 250 attendees*.

The submittals indicate that there will be five (5) daily sessions with between 50-60 people during typical services, up to *70-80* people during Ramadan) and up to *150* people during special events.

Staff questions these figures (particularly the number during the services): i<u>f no more than 80 people will attend services (even on Ramadan) – why does the proposed worship area have a proposed occupancy of *458* people?</u> This needs to be explained

since impacts of the proposal (including septic and traffic) may change significantly based on the actual number of congregants. See comments on condition #27, as well.

27. *No more than 458 people may occupy the building throughout the course of a day (consistent with the limitation imposed by the site's septic system approval).*

- **Staff offers the same caution offered with respect to condition #26, above – <u>if only 80 congregants are expected why does the worship area have an occupancy of 458 people?</u> As indicated, the 458-person capacity is not just the capacity at any one time – it is <u>the total number of people who may be in the building *throughout the course of the day*</u>. <u>With up to five (5) services a day and a proposed occupancy in the worship area of 458 people, staff has significant concerns that the building is being designed in a manner that would allow the 458-person daily occupancy to be significantly exceeded (which would exceed the design capacity of the septic system).</u>**

- **Further, the architectural plans have been revised to add two (2) classrooms (that were not on the prior approval). What are these classes for and when would they be used? For example, if these classes are intended to be used for religious education for children while the adults are praying how might that affect the occupancy limit?**

28. *No renting of the facility to member or outside parties may occur*. **The applicant has not requested any modification to this condition and the "Statement of Proposed Use of Property" reiterates that the facility "will not be rented out or used by outside organizations." Condition should be repeated in any subsequent resolution of Board approval.**

29. *No conduct of wedding, funerals, etc. may occur*. **The site plan notes that this condition "is to be reviewed with Board" and the "Statement of Proposed Use of Property" indicates that weddings and funerals would take place on site.**

30. *There shall be no use of outside speakers or other amplified sound.* **The applicant has not requested any modification to this condition. The "Statement of Proposed Use of Property" indicates that "there will be no outdoor activities that will involve loud music, loud noise or a large congregation of people." The applicant should clarify whether that statement includes no use of outsides speakers or other amplified sound.**

31. *The applicant shall submit for a Special Event Permit for each of the high holy days events for review by Township events including a determination of whether traffic safety would need to be provided by the Township Police*. **The applicant has not requested any**

modification to this condition. Condition should be repeated in any subsequent resolution of Board approval.

32. *There shall be no outside events, festivals, etc. with the exception of the procession during the two (2) high holy days events*. **The "Statement of Proposed Use of Property" indicates that the applicant will "apply for a Special Event Permit for high holy days… that will draw a larger than normal crowd" but provides no further clarification.**

33. *The spiritual leader of [the house of worship] shall be allowed to stay at the house on the Site when he visits the country and house of worship, but no one else shall be permitted to stay there*. **The applicant has not requested any modification to this condition. The "Statement of Proposed Use of Property" indicates that the spiritual leader (Imam) will be the only person to reside in the house. Condition should be repeated in any subsequent resolution of Board approval.**

34. No parking shall be permitted anywhere on the Site except in the parking lot provided. **Staff further recommends that fire lane striping be added to the plan supplementing the proposed 'No Parking Lane Signage'. Condition should be repeated (as amended) in any subsequent resolution of Board approval.**

35. *The color of the building for the house of worship should be painted in earth tones on all four sides of the façade*. **The following comments are offered with respect to the new architectural plans:**

- **Architectural plans do not identify building colors so compliance with condition #35 (use of earth tone colors) cannot be confirmed. The applicant needs to address in testimony and revise the plans accordingly.**

- **The applicant should present testimony and exhibits (at a minimum color rendered building elevations but preferably 3D renderings) demonstrating the appearance of the building and should address consistency with the intent of the Scenic Corridor Ordinance.**

- **The applicant needs to address the use of the large glass fiber reinforced concrete (GFRC) element on the top of the building (on the front and sides). Internet research suggests that this material is used to allow backlighting and/or ambient glow from internal lights to shine outward from the building. It is noted that the Board imposed the condition for earth tone colors in order to have the building blend with its environs (as per the Scenic Corridor Ordinance). Use of this element could work against that intent.**

38. *Applicant shall obtain final site plan approval from the BOARD prior to any construction.* **Applicant has applied for Final Site Plan approval in this submittal.**

Additional Comments

- **Staff recommends that the applicant consult with the Board Attorney with respect to the notice – specifically the degree to which the proposed relief of conditions should be addressed in the notice.**

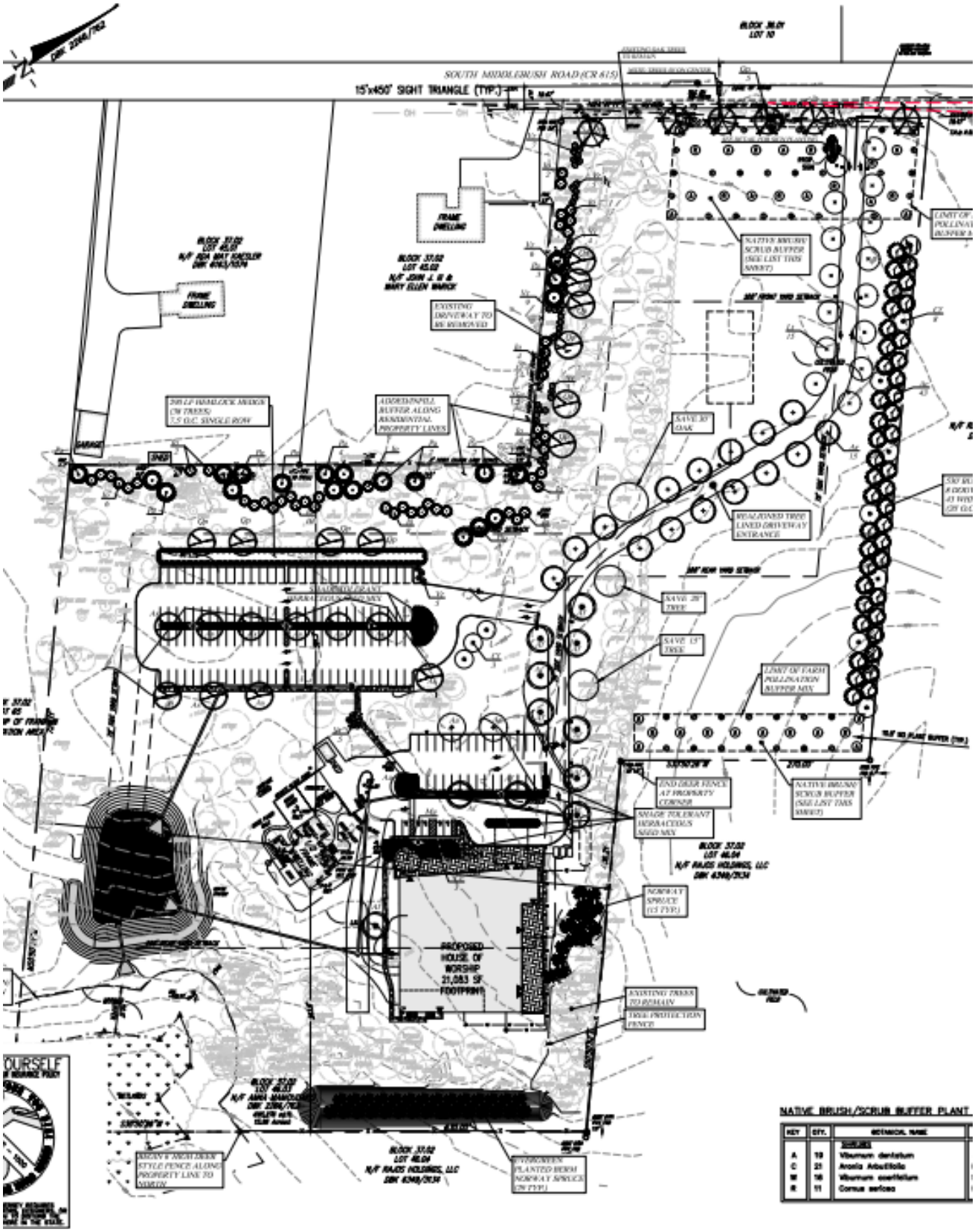
- **South Middlebush Road is under Country jurisdiction. In our opinion, it is imperative to receive the County review letter prior to the hearing.**

- **Per Chapter 222, Trees, the plans indicate a shortfall of 192 replacement trees. The payment-in-lieu will need to be provided prior to site plan sign off.**

- **The plan needs to demonstrate how building height was measured. Per the ordinance, "building height" is measured as the "vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof" and per Section 112-28.A building height does not include parapets extending above the roof that are 5 feet or less in height. Provide necessary calculations on the plan**

- **As a place of worship, the development is exempt from payment of the affordable housing development fee.**

Exhibit referenced in Resolution:



STAFF REPORT

PLEASE REFER TO DRCC # WHEN SUBMITTING ADDITIONAL DOCUMENTS

DELAWARE AND RARITAN CANAL COMMISSION

DRCC #: 25-5486A
DATE: March 17, 2025
PROJECT NAME: 630 South Middlebush Avenue -- Tawheed Dawah Center
Latest Submission Received: March 5, 2025

Applicant:
Tawheed Dawah Center
630 South Middlebush Road
Somerset, NJ 08873
raj_memon2003@yahoo.com

Engineer:
F. Mitchel Ardman, P.E.
The Reynolds Group, Inc.
575 Route 28
Raritan, NJ 08869
mardman@reynoldsgrp.com

Project Location:

Road	Municipality	County	Block(s)	Lot(s)
630 South Middlebush Road (Somerset County Route No. 615)	Franklin Township	Somerset	37.02	46.03

Jurisdictional Determination:

Zone B	Major	Nongovernmental

Subject to Review for:

Drainage	Visual	Traffic	Stream Corridors
X			

THIS STAFF REPORT IS ISSUED AS A GUIDE TO APPLICANTS IN COMPLYING WITH DRCC REGULATIONS. IT IS NOT AN APPROVAL. NO

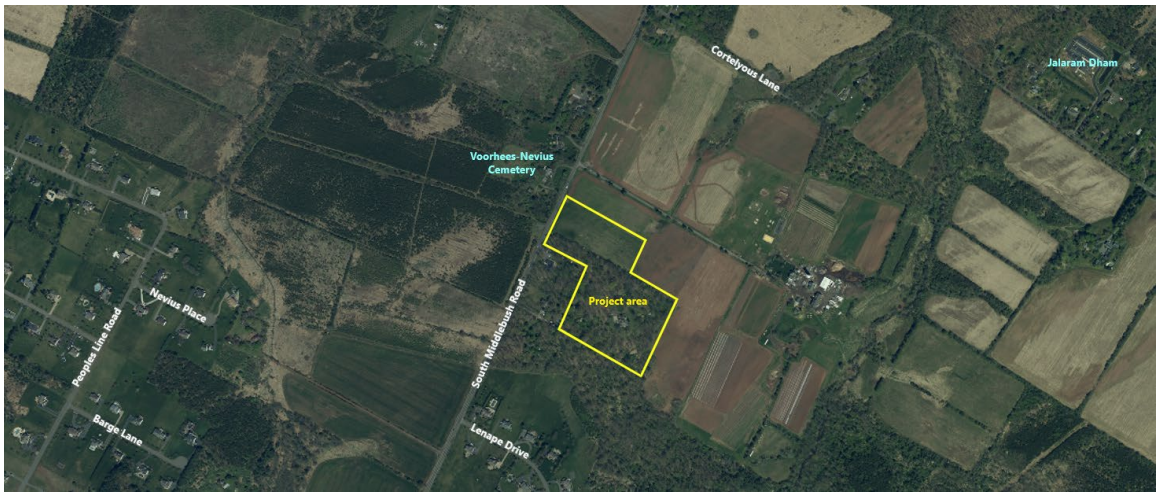
CONSTRUCTION SHALL BEGIN UNTIL A CERTIFICATE OF APPROVAL HAS BEEN ISSUED.

Documents Received: Site Plans (15 sheets) dated October 17, 2019, revised January 6, 2025; Stormwater Impact Report dated October 2019, last revised March 2025, prepared by The Reynolds Group, Inc.

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 site is a 15.96-acre lot located on the easterly side of South Middlebush Road in the Township of Franklin, Somerset County, approximately 1.93 miles east of the Delaware and Raritan Canal and within Commission Review Zone B.



The site is surrounded by farmland to the north, east, and west, as well as residential development to the south. In the existing condition, much of the site is forested with some cultivated areas. The site also contains an existing single-family residential dwelling, a shed, a gravel driveway, and a parking area, including 0.57 acres of impervious surface coverage.

Proposed Project: The applicant proposes to construct a 19,350 square-foot House of Worship, a septic system, an access drive, two parking areas, a stormwater management system, and associated infrastructure. The existing single-family dwelling and a small portion of the existing driveway will remain. The project will result in 2.88 acres of impervious surface coverage in the proposed condition and the disturbance of approximately 6.21 acres of land on the site**.**

Stream Corridor: The project site is located within the Millstone River (below Carnegie Lake) watershed area. Nine Mile Run is located approximately 1,624 feet east of the property line, and Cross Brook is located approximately 2,430 feet to the east. Both streams are tributary to Six Mile Run. Six Mile Run does not flow into the Delaware and Raritan Canal. Commission staff finds that the site is not located within 100 feet of a 100-year floodplain associated with a watercourse that drains more than 50 acres. Therefore, the project is not subject to a stream corridor review pursuant to N.J.A.C. 7:45-9.1.

Stormwater Quantity Runoff: Runoff from the developed portions of the site has been divided into three separate points of analysis:

- Drainage area 1: A 7.16-acre parcel and this area currently drains toward the southeast corner of the site and toward existing wetlands.

- Drainage area 2: A 4.70-acre parcel and this area drains northeast; and

- Drainage area 3: A 4.10-acre parcel and this area drains west toward South Middlebush Road.

Drainage area 1 will drain developed portions of the site (2.95 acres) toward a surface infiltration basin. The proposed system is designed to attenuate all storm events up to and including the 100-year storm event. This system and undeveloped portions of the 7.91-acre drainage area discharge toward the existing point of analysis.

Drainage area 2 will drain developed (1.03 acres) and undeveloped portions (3.58 acres) of the site toward the existing point of analysis. The applicant is proposing to revegetate portions of the cultivated land with native deciduous shrubs and grasses within the drainage area.

Drainage area 3 will drain developed (0.45 acres) and undeveloped portions (3.5 acres) of the site toward the existing point of analysis. The proposed system is designed to attenuate all storm events up to and including the 100-year storm. The applicant is proposing to revegetate portions of the cultivated land with native deciduous shrubs and grasses within the drainage area.

The applicant has provided engineering calculations verifying that for stormwater leaving the site within each drainage area, the post-construction peak runoff rates for the 2-, 10-, and 100-year storm events will be no greater than 50, 75, and 80 percent (%), 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, standard unit hydrograph, Type C rainfall distribution and current New Jersey 24-hour rainfall frequency data for Somerset County to compute peak runoff flow rates and volumes. The hydrology calculations include U.S. Department of Agriculture National Engineering Handbook methodology. Therefore, the Commission has determined this application is compliant with the specific stormwater runoff quantity standards of N.J.A.C. 7:45-8.

Water Quality: The Commission requires that all proposed impervious surfaces, both gravel and paved areas intended to carry vehicle traffic, shall comply with water quality standards in accordance with Commission regulations at N.J.A.C. 7:45-8.7. This includes reduction of the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm by a rate of 80% of the anticipated load from the developed site, expressed as an annual average.

Based upon the submitted application, approximately 1.59 acres of new and reconstructed pavement area will be created on site. Most of the pavement areas will be directed to a surface infiltration basin. The basin can provide a maximum of 80% TSS removal by completely infiltrating the volume of water generated during the water quality design storm through 6.0 inches of K-5 sand. The remaining pavement areas will be graded to sheet flow over existing wooded areas. This forested filter strip is classified to provide 80% TSS removal. As a result, the applicant is proposing to provide 80% TSS removal for all pavement areas.

Commission staff has confirmed the proposed basin is designed to the guidelines listed within the New Jersey Stormwater Best Management Practice (BMP) Manual, since the applicant has provided a groundwater mounding analysis for the basin that justifies the basin will infiltrate the water quality design storm volume within 72 hours. Therefore, Commission staff has determined this application is compliant with the specific water quality standards at N.J.A.C. 7:45-8.7.

Groundwater Recharge: The Commission's 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 107,463 cubic feet. To infiltrate the post-development recharge deficit, a surface infiltration basin is proposed. According to the spreadsheet, a BMP effective depth of 3.3 inches is required for the basin's 9,429 square-foot surface area. The proposed effective BMP depth is 10 inches. Therefore, the project is in compliance with the groundwater recharge requirements at N.J.A.C. 7:45-8.5.

Non-Structural Methods: The Commission requires that non-structural stormwater management strategies be incorporated into the stormwater design of a development project.

To assist in determining that sufficient non-structural stormwater management strategies have been incorporated into the project site design "to the maximum extent practical," a NJDEP 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 (107%) is greater than the required site points ratio (104%). Therefore, based upon the results of the NSPS spreadsheet analysis, the project has proposed non-structural measures that 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 of N.J.A.C. 7:45-8.8.

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 municipal and county 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
Brian D. Schwartz, Esq. (bschwartz@shotlaw.com)

memo

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

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

DATE: October 8, 2025

RE: Comments from Franklin Township Environmental Commission
Tawheed Dahwah Center
630 South Middlebush Road, Somerset
(Block 37.02 – Lot 46.03)
File #: ZBA-24-00017

At its regularly scheduled meeting of October 8, 2025, the Franklin Township Environmental Commission ("EC') reviewed the resubmission of the above-referenced project. The following comments are submitted for consideration by the Franklin Township Zoning Board of Adjustment:

- According to P.L. 2021, c.171 ("The Electric Vehicle Charging Station Act"), the EC finds that 7 EV Make-Ready parking spaces are required by the applicant for the proposed 158 parking spaces. Completed Electric Vehicle charging stations must be installed over a six-year period (1/3 at time completion of construction, 1/3 within 3 years of completion of construction, and the remaining 1/3 at within 6 years of completion of construction).

  It is further 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.

- Cool Roof technology or implementation of a Green Roof should be investigated by the developer. Large roof spaces are ideal for this type of green infrastructure, which significantly reduces indoor temperatures and peak electricity demands, slows the formation of smog and air pollution, and lessens the effects of urban heat islands.

- 88 trees onsite are proposed for removal, producing the requirement of 430 trees for replacement. The applicant proposed to replace 238 of those replacement trees onsite. The EC recommends that more of the existing trees be preserved, or that more replacement trees be replanted, onsite. Any trees replaced onsite should be replaced with tree species that are native to New Jersey.

- Pervious pavement is recommended for the parking areas and interior accessways. Pervious pavement allows rainwater to infiltrate through the surface to underlying soil, stone, and gravel. Additionally, pervious pavement melts now quickly, meaning that less intervention (salt, brine) is needed.

- Anti-idling signs should be placed at various locations around the site, specifically in consistent increments across the parking lot, and on the door and/or window of the office.

- 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!