



TOWNSHIP OF FRANKLIN
Planning Board
Agenda
Wednesday, February 18, 2026

CALL TO ORDER

SUNSHINE LAW

PLEDGE OF ALLEGIANCE

OATH OF OFFICE

Sami Shaban

ROLL CALL

MINUTES

Regular Minutes - January 07, 2026

[PLANNING BOARD - 01-07-26.rtf](#)

RESOLUTION

Davidson Properties, LLC / PLN-23-00007

[RESOLUTION.docx](#)

50 Atrium Drive, LLC / PLN-22-00005 ext of time

[RESOLUTION ext of time 02.18.26.docx](#)

Macedonia Church of God in Christ International / PLN-21-000022

[RESOLUTION elim cond 02.18.26.docx](#)

DISCUSSION

Ordinance #4496-26 - affordable housing development fees

[ordinance 4496-26.pdf](#)

PUBLIC COMMENTS

HEARING

Housing Plan Element and Fair Share Plan Addendum Fourth Round (2025-2035)

<https://www.franklintwpnj.org/home/showpublisheddocument/31783/63905915103567000>

Reexamination of Master Plan and Development Regulations

<https://www.franklintwpnj.org/home/showpublisheddocument/31787/639059168958100000>

COMMITTEE REPORTS

WORK SESSION / NEW BUSINESS

ADJOURNMENT

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

**REGULAR MEETING
January 7, 2026**

The regular meeting of the Township of Franklin Planning Board was held at the Board of Education Building, located at 475 DeMott Lane, Somerset, NJ, and was called to order by Chairman Orsini, at 7:30 p.m. The Sunshine Law was read, the Pledge of Allegiance said, and the roll was taken as follows:

PRESENT: Theodore Chase, Robert LaCorte, Marc Dancy, Jennifer Rangnow, Meher Rafiq, Charles Brown, Robert Thomas, and Chairman Orsini

ABSENT: Councilman Anbarasan

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

OATH OF OFFICE:

- Robert Thomas
- Councilman Ram Anbarasan
- Robert LaCorte
- Michael Orsini
- Theodore Chase

REORGANIZATION:

Nomination/Selection of Chairperson

Mr. LaCorte nominated Dr. Michael Orsini as Planning Board Chairman. Mr. Thomas seconded. No other nominations were brought forward, so Chairman Orsini made a motion to close the nominations, and all were in favor. The roll for nominating Dr. Michael Orsini was called as follows:

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

AGAINST: None

Nomination/Selection of Vice Chairperson

Ms. Rafiq nominated Mr. Charles Brown as Vice Chairman. Mr. LaCorte seconded the motion. No other nominations were brought forward, so Chairman Orsini made a motion to close the nominations, and all were in favor. The roll was called as follows:

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

AGAINST: None

Board Attorney Interviews

Chairman Orsini indicated that there were two (2) applications for Planning Board Counsel

- **Clarkin & Vignuolo**

Mr. Peter Vignuolo then gave a very brief summation of his qualifications for Planning Board Counsel.

Appointment of Board Attorney

Chairman Orsini nominated the firm of Clarkin & Vignuolo as Counsel for the Planning Board for 2026. Mr. Thomas seconded the motion and the roll was called as follows:

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

AGAINST: None

Witness Oath – Director of Planning, Mark Healey

Mr. Peter Vignuolo, Board Attorney, administered the Witness Oath to Mr. Healey for 2026.

Witness Oath - Township Engineer, Darren Mazzei

Mr. Peter Vignuolo, Board Attorney, administered the Witness Oath to Mr. Mazzei for 2026.

DISCUSSIONS:

- **Appointment of Minor Subdivision Committee**

Seeing no other Board members stepping up to become a member, Chairman Orsini made a motion to nominate Meher Rafiq, Robert Thomas and himself. Vice Chair Brown seconded the motion, and the roll was called as follows:

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

AGAINST: None

Extension of Time:

- **Baldwas Realty, LLC / PLN-22-00009**

Mr. Matt Flynn, Esq., Attorney, appeared before the Board on behalf of Baldwas Realty, LLC. He then stated that the Applicant was granted Preliminary & Final Site Plan approval with Variances on January 23, 2024. As the Board was aware, under Section 52 of the Municipal Land Use Law, the final site plan approval becomes valid for two (2) years after the entry of a Resolution, subject to the Applicant making up to three (3) one (1)-year extension of time request which he indicated that they have put in with the Board back in December, 2025. He then asked for an extension of time through January 3, 2027, with the basis for extension under subsection D of that same statute is that they remained outstanding with their water department approval and need approval from Franklin Township Water because they did not have access to water on the site yet, so they were negotiating with them and ask for a one (1)-year extension of time to accomplish that.

Chairman Orsini made a motion to approve and Extension of Time to January 3, 2027, and Mr. LaCorte seconded the motion. The roll was called as follows:

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

AGAINST: None

PUBLIC COMMENTS:

Chairman Orsini then made a motion to open the meeting to the public for any general planning comments other than the two (2) hearings being held that evening. The motion was seconded, and all were in favor. Seeing no public coming forward, Chairman Orsini made a motion to close the meeting to the public, the motion was seconded, and all were in favor.

MINUTES:

- **Regular Meeting –December 3, 2025**

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

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

AGAINST: None

HEARINGS:

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

Mr. Matt Flynn, Esq., Attorney, appeared before the Board on behalf of the Applicant, Davidson Properties, LLC. Preliminary & Final Major Site Plan, Conditional Use Approval, w/"C" Variances in which applicant seeks to construct a 35,510 sq. ft. warehouse at the rear of the existing building at 230 Davidson Avenue, Somerset; Block 468.01, Lot 20.01, in the Business & Industry (B-I) Zone - **CARRIED FROM NOVEMBER 5, 2025 – with notification required**

Mr. Flynn stated that the Application was deemed complete prior to the passage of Ordinance 439122 and, thus, was considered a permitted conditional use in the Business & Industry (B-I) Zone. Because they could confirm in testimony that the project was at least 500 ft. from residential and served by public water and sewer, the Application was a permitted use. He then noted that limited variance relief from the bulk standards of the zone is required, which he indicated that they would outline in their testimony. Mr. Flynn then stated that the site already housed an existing light manufacturing use closer to Davidson Avenue, with the use unrelated and largely unchanged by the Application. He indicated that the Application would be dealing with the building addition to the rear of what was existing.

Mr. Joe Holzapfel, Engineer, employed with Boler Engineering, 125 Half Mile Road, Red Bank, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Holzapfel then entered into the record as Exhibit A-1, an aerial exhibit, dated January 7,

2026. He then detailed some of the existing conditions on the site and some of the sites surrounding the site. He then stated that the site was approximately 4.82 acres and were surrounded by uses such as general office and industrial outdoor storage-type use. He then noted that they did have a full movement access off of Davidson Avenue and would generally stay in the northwest, but would move slightly west or southwest. Mr. Holzapfel stated that the existing building was approximately 13,000 sq. ft. He noted that a lot of the circulation of the site was fairly inefficient, stating that there were some one (1)-way circulation aisles around the sides and the rear of the building, a larger parking field in the front, with several parking spaces for the use and some additional impaired areas with some wooded area in the rear. Mr. Holzapfel then introduced some of the proposed conditions, marking the next exhibit into the record as Exhibit A-2. He stated that what they were looking at was exactly the overall site layout plan that was part of the package that the Board should have received, but was now colorized and superimposed some landscaping on it for that night's presentation. He added that the date of the exhibit was that night's date of January 7, 2026. He also indicated that he would be speaking about the front of the site or north of the site and that the existing building largely remains in the same area going forward. He told the Board that they were looking to enhance and make the parking in that area more efficient and have included all the aisles that were now two (2)-way and were providing six (6) ft. of curbing and grass area and sidewalks in between the parking and the building. In doing all of these improvements, Mr. Holzapfel indicated that they were also able to increase the area between the property line and the initial row of parking on the north side. He stated that it was originally less than 30 ft., but now they were looking at 75.5 ft. from the property line to that first curbed area. He then added that they were proposing a new warehouse building to the south/southeast, with gross floor area of 37,461 sq. ft., with the breakdown of warehouse and office being 35,511 sq. ft. of warehouse and 1,950 sq. ft. of office, which was a conditional use in the zone. Mr. Holzapfel then told the Board that the warehouse building would be constructed behind the existing building and that they were looking to maintain much of the rear tree area as well as add a substantial amount of trees to that area.

He went on to state that they were proposing to be in compliance with setbacks from both Atrium Drive and from Davidson Avenue. He noted that the setback from Davidson Avenue was from the existing building and approximately 145 ft., with the rear yard setback a little over 540 ft. from Atrium Drive. He noted that they were proposing the need for a variance for the side yard setback, indicating that each side yard needed to be at least 10 ft. that they were complying with. Mr. Holzapfel then stated that there was also a need for a combined side yard setback of 50 ft., and they were proposing 44.65 ft. when the two (2) side yards (10.15 ft. and 34.5 ft.) were added together.

Mr. Holzapfel then indicated that, from a site circulation perspective, they were favoring the southwest property line in terms of having the building closer to that property line due to the fact that they were showing the drive aisle along the eastern side which would be continuous and allowed access to both buildings as well as truck circulation at the rear near the loading docks. He then stated that despite the need for the variance, they were proposing to be well within the lot coverage of the building coverage of the

site of about 23% where 50% was permitted. He then told the Board that they were proposing 0.27 FAR where 0.5 was permitted.

Chairman Orsini asked Mr. Holzapfel asked that he address comments 3 and 4 in Mr. Healey's Planning report about the setbacks and why he thinks the Applicant could comply with them. Mr. Flynn indicated that the issues that related to the drive aisles and the parking Mr. Holzapfel could discuss. As far as the side yard setback and the way the building was laid out, Mr. Flynn noted that that was very specifically a question that their architect and planner would address and had to do with the internal racking of the building. He added that they would be providing a justification under the C2 criteria that it was a better zoning alternative as opposed to changing the currently building layout. Chairman Orsini then brought up the variance requested for the loading zone width. Mr. Holzapfel stated that the loading zone width variance had actually been eliminated because they were showing a 60 ft. loading bay with a 70 ft. aisle (130 ft.). which was compliant. He told the Board that part of the latest updates to the plans was that they were proposing WB50 access only and the loading area was a function of the largest truck. He added that when you do that, the requirement was only 110 ft., plus or minus, so the 130 ft. would comply. He then discussed what would be required for a WB67 truck, which he believed was 147 ft. Mr. Flynn indicated that they would eliminate that variance and accept it as a condition of approval.

Mr. Flynn indicated that their traffic engineer would address the 24 ft. vs. the 26 ft. wide drive aisle.

Mr. Holzapfel then stated that they were generally maintaining the approximate locations in the northwest corner of the property. He added that the driveway coming into the site was 30 ft. wide and they were requesting a variance for 24 ft. internal drive aisles vs. the code required 26 ft. He then told the Board that they were proposing 70 parking spaces, and were compliant with the electric vehicle charging ordinance as well as ADA in terms of the number of required parking stalls. When it came to the side yard setback, 5 ft. was required per the Township code, and Mr. Holzapfel indicated that they were proposing a 2.1 ft. setback on the northeast property line. He added that it was worth noting that, under existing conditions, it was essentially zero (0), with the curb essentially on the property line. He told the Board that that was the reason that they were requesting the 24 ft. drive aisles, which was very common, and that they were trying to make the setback as close to what was required as they can. He noted that the second setback was a 2.5 ft. setback and was specifically for the EV spaces along the southwest property line. He then told the Board that they were having those EV spaces be constructed a little bit larger to help with accessibility to the EV that were near the ADA and provided the ability for the EV per the State code as well as providing access to the ramps and getting to the larger building. Mr. Holzapfel then testified that that in addition to the 2.1 ft. setback, when one would get to the portion of the site that was going to house the warehouse, the drive aisle actually moved further away from that side yard. Mr. Holzapfel then spoke about the proposed five (5) loading bays at the rear and talked about the ability to not need that variance in terms of the width. He then spoke about the trash enclosure that they were proposing along the northwest corner of

the site for the existing building and that they were anticipating that trash and recycling for the warehouse building would be handled internal to the building and then carried off by a private hauler.

Mr. Holzapfel then drew the Board's attention to the signage, he noted that there was an existing, free-standing sign along Davidson Avenue, which he showed on Exhibit A-2 and was straddling the property line and a bit over. He then indicated that they were proposing to relocate that sign more to the northern corner of the site and would remain the same in terms of size and in compliance when it came to the setback from the front property line.

Mr. Holzapfel then directed the Board's attention the utilities and storm water management system for the site. He noted that utilities would be coming from Davidson Avenue and in terms of the storm water management system, he testified that they would be compliant with the Delaware & Raritan Canal Commission (DRCC) and the NJDEP reviews.

From a landscaping and lighting perspective, Mr. Holzapfel indicated that they were proposing 277 total new plantings, with 177 of them which were trees. He added that they were looking to enhance the area in front of the site along Davidson Avenue by adding new trees and allowing for that are between the property line and that initial curb line. He then stated that they were looking to enhance the first existing building with additional grasses, lawns, etc., in front of the building, and accenting some of the sidewalks along that building without parking being head on to the building. They also planned to have a line of evergreens along the southwest property line and also enhancing that rear tree-laden area. He stated that it was the intent of the Applicant that they would comply with the Tree Replacement Ordinance by planting as much as they could and also making a contribution in lieu and would accept that as a condition of approval.

Mr. Holzapfel stated that he was in receipt of the Township Engineer's (CME – Mr. Darren Mazzei) report, dated December 31, 2025, and, as a condition of approval, he indicated that they would agree to comply with each and every recommendation contained in that report. He then indicated that they were in receipt of the updated review from the Fire Prevention Dept. and would be able to comply with that report as well.

Mr. Flynn then told the Board that they would submit that they would be asking for a waiver from providing sidewalks, per Mr. Healey's Township Planning Report. He noted that it was not particularly walkable along Davidson Avenue and Atrium Drive. Mr. Flynn then stated that he believed that there were three (3) out of four (4) applications that were granted waivers for sidewalks, but they were willing to address that.

Chairman Orsini then stated that he was getting different numbers from Mr. Healey's Planning report for the tree replacement, but asked the Applicant to make them

consistent and noted on the plans. He indicated that he believed the Applicant might have the latest updates on those totals.

Mr. Mazzei indicated that he had no further questions, and stated that he spoke to the site engineer yesterday and went through a high-level review on his comments and agreed to satisfy him for what he was looking for.

Mr. Healey stated he had no questions or comments at that time for the site engineer on his response to his questions/comments in his Planning report.

Dr. Chase then stated that he was concerned that their landscape plan showed that there were a whole lot of trees being planted in the rear portion of the property where there were already some trees. He wondered if the Applicant would be able to respect the existing trees that were already there. He also noted that there were two (2) pipelines going through that part and they were not able to plant directly over them. He noted that one was a drain from the retention basin, but did not know what the other one was. Mr. Holzapfel indicated that Dr. Chase might be seeing a water line, and testified that they would be speaking with the water department and the fire department, but that it was currently being asked to be removed so there would be a likelihood that there would not be a water line through there. A discussion ensued. Mr. Holzapfel then told Dr. Chase and the Board that it was intended to maintain the existing trees because they were already established and would be the contractor and Applicant's responsibility to keep those alive for a certain period, as required, and would be replanted should they die. Dr. Chase then brought up the No Idling signs that were confirmed in Mr. Healey's report, however, they were not exactly where the Environmental Commission asked for them to be placed. Dr. Chase stated that they had asked for one (1) on the wall where the loading docks were, above the middle loading dock. Mr. Holzapfel indicated that they could comply with that request. Dr. Chase also added that their No Idling sign was too simple and that there was a State specified No Idling sign and offered to give the Applicant the information the Environmental Commission collected related to that (SKU:K2-1294-NJ) and was more specific about not idling and the possible penalties if it occurred. Mr. Flynn indicated that they would be happy to look into that. Dr. Chase then drew the Board's and the Applicant's attention to not wanting trees planted on the floor of a detention basin, but that chionanthus was specifically endorsed specifically for planting on the floor of detention basins.

Mr. Thomas then brought up having mixed feelings regarding the sidewalk issue, and added that they were a property or two from a restaurant and close neighbors to a potentially affordable housing project. He noted that there were people walking in the roadway because the road offers bus service and thought it was time they started insisting on including sidewalks on at least one side of Davidson Avenue. Chairman Orsini stated that he had come to appreciate what Mr. Thomas was saying and were sometimes left with "buyer's remorse" by not insisting on sidewalks. The Chairman then asked Mr. Flynn and Mr. Holzapfel if sidewalks could be provided and not substantially change the plans being presented to the Board. Mr. Flynn indicated that the Applicant stated that they could provide them without substantially changing their plans, and Mr.

Holzapfel indicated that they were way under impervious coverage, so it would not create any variances. A discussion ensued, with Mr. Holzapfel stating that the one (1) application that did require sidewalks was across the street, and Chairman Orsini stated that they were not opposed to sidewalks on both sides of the street and asked that they provide them with this Application.

Dr. Chase remembered hearing in previous testimony that the warehouse use would not have any connection to the existing building, but if there was a sign in front he wondered which use would be advertised. Mr. Holzapfel stated that the current sign had two (2) panels and that they could work with the same sign with the paneling to include both. A discussion ensued.

Mr. Healey stated that he had some questions about the rear of the site and wanted to know what area of the site there was going to be preserved in terms of trees as well as planting trees in the area where they were preserving trees and how would those trees be maintained if it was basically a forested area. Mr. Holzapfel stated that there was an "untouched" area, so they would preserve what they could and plant where they could with the 177 trees that they had with a requirement to keep them alive. He added that right now there was no plan for irrigation there, but that they would be a native species and that it would be during construction that they would be finding the viable locations to plant the 177 and keep them alive during construction and through the next 1-2 year span. He asked that what was depicted was consistent with the revised plans.

Vice Chair Brown then stated that since they were now proposing sidewalks along Davidson Avenue, they should also have a sidewalk from the roadway to the front of the building. Mr. Holzapfel stated that they could look at that on the site and how that would affect the impervious coverage and how it worked with the design. He added that they could work with the engineer on that and see how they could accommodate that.

Mr. John Mannino, Architect and Principal of Serminara Architects, 224 Courtyard Drive, Hillsborough, NJ, came forward and was sworn in. The board accepted his qualifications. Mr. Mannino then showed the floor plan that was submitted with the Application and was representative of the proposed building floor plan as well as a building cross-section. He indicated that they were looking at a single-story warehouse building of approximately 37,000 sq. ft. and designed to accommodate 36 ft. clear height interior, which he stated was what the market demanded for warehouse storage type capabilities. He then added that it would accommodate five (5) loading docks at one (1) end of the building and one (1) drive-in door. Mr. Mannino then noted that the footprint of the building was 318 ft long x 118 ft. deep. He then stated that the height of the building on the high side was approximately 44 ft. above finished floor to the top of the parapet.

Chairman Orsini stated that what he thought the Board would want to see was a colorized rendering of what things would look like on the outside and if he would address anything brought up in Mr. Healey's comment # 5, design of B-I uses that included attractive landscaping. Mr. Mannino was in agreement, but was in the process

of discussing the recent comment related to racking and layout inside the building with respect to the side yard setbacks. He noted that the building footprint was looked at in a number of ways when it was first laid out on the very narrow and long site. He then explained that it was a balance to find a building footprint that did not get too long since the loading docks were at one end of the building to be able to feed a racked storage warehouse. Mr. Mannino then stated that the 5-1/2 ft. of difference that had been spoken about regarding the combined side yard setbacks would actually equate to over 600 pallet positions. He then noted that the reduction of the width of the building would increase the length of the building probably by 25 to 30 ft. to make up the same kind of yield that the Applicant was looking for and they were wanting to avoid growing the building any longer which would impact more landscaping. Mr. Mannino then stated that he felt it would be a better zoning alternative while still maintaining certain criteria that needed to be met to meet the market.

Mr. Mannino then showed the rendering of the building that he prepared and marked it into evidence as Exhibit A-3, north corner of the building. He noted that after construction, what was being shown would visually match what was currently on the screen. He described the building as having three (3) to four (4) color tones with stone accent veneer on the front façade that would face towards Davidson Avenue. He then also stated that the exhibit captured the side of the building showing that they were continuing clear story windows, the paint pattern and aesthetic of joints around the building that was continuous around all four (4) sides. Mr. Mannino then noted that they were standing between the existing building on the property and the proposed building.

Mr. Mannino then spoke about the mechanicals for the building, noting the transformer located at the front of the proposed building. He noted that there was not much in terms of rooftop units, with one Cambridge unit and a small unit for any accessory office space that was being considered. He then spoke about the building being designed to be solar ready.

Chairman Orsini then paraphrased their side yard setback argument by saying that if they were to comply and to get the square footage and the racking that they wanted, it would make the building longer, but would comply. Mr. Flynn added that it would extend the entire development further into the rear, undeveloped area by about 25 or 30 ft. Chairman Orsini then stated that it would then create a longer, narrower building that would potentially be less attractive to a client. Mr. Flynn added that it would also be less functional and would affect the existing conditions of the site. Mr. Healey stated that it would also slightly increase the impervious coverage on the site since the driveway would get longer in addition to the width by a few percentage points. Mr. Flynn then stated that it was important to note as well that the side yard setback was compliant to the closest neighbor on the southerly lot, but it was the issue of combining the two (2) side yards that created the need for a variance.

Ms. Elizabeth Dolan, Traffic Engineer and Principal of Dolan & Dean Consulting Engineers, 181 High Street, Somerville, NJ, came forward and was sworn in. The Board accepted her qualifications. Ms. Dolan then provided the benefit of her Traffic

Report and its conclusions. She noted that the proposed warehouse was not a high trip generator with 14 trips in the morning peak hour and 17 in the evening peak hour and well below the level that was considered significant which was defined as 100 trip or more in a peak hour. She then testified that it would not have a negative traffic impact on the adjacent roadway system. Ms. Dolan then stated that they did a review of the site plan as well, touching upon the 24 ft. circulation aisle, noting that it was the ITE's recommended width, particularly where there was perpendicular parking, and that 26 ft. drive aisle widths just added more impervious coverage to the site and was not needed to accommodate the circulation or the parking maneuvers. She then stated that she had testified in support of the 24 ft. width in other applications and that she was confident that the site could be safely circulated by trucks as well as passenger vehicles. Ms. Dolan then stated that she knew that Boler Engineering had specifically designed the site with a focus on the WB50 truck. She added that with the turning templates and geometry that was shown, there would be safe and efficient circulation for the various vehicle sizes that would visit the site.

Chairman Orsini then brought up his assumption that there would be a full movement driveway and in the existing access to Davidson Avenue the traffic pattern would be to enter from and exit to Davidson Avenue and then head towards Rte. 287. Ms. Dolan agreed and echoed Mr. Holzapfel's testimony regarding the driveway redesign and parking lot redesign that there was going to be a much longer driveway throat before that first on-site intersection than under the existing conditions. She stated that she felt that it was an improved driveway configuration.

Mr. Paul Ricci, Planner, 177 Monmouth Avenue, Atlantic Highlands, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Ricci then took the Board through the positive and negative criteria and burden of proof for the "C" variance relief the Applicant was requesting. He mentioned that the site was a somewhat unusual property, and while conforming to the zone plan in terms of its width exceeding 150 ft., the depth of the property exceeded a quarter mile. Mr. Ricci indicated that a property like the subject property did create some inefficiencies on how it could be developed moving forward. He added that the things he looks for initially when seeking variances was whether the Applicant exceeded the building height or the building coverage or impervious coverage and if that occurs there was the potential that the applicant was overutilizing the property. He noted that that was not occurring and stated that it could not be further from the truth with the proposed being about a half of what was permitted on the site. He noted that the Applicant was trying to make the best use of the property in a meaningful way. He then indicated that there was a compliant 10 ft. side yard that was being buffered to shield their property from what was next door to make their property attractive to potential tenants. Mr. Ricci stated that they were in compliance with the conditional use standards and they were not proposing a large warehouse. He then noted other developments that had undersized setbacks, so that they were not proposing a condition that was out of character with the neighborhood. In relation to the setback variances for the subject property, Mr. Ricci stated that it was their position that the benefits of the variance outweigh any detriments and that their Architect stated that it resulted in the creation of a more efficient building by reducing any additional

disturbances on the property, less impervious coverage, will help retain and maximize the number of existing trees in the rear of the site, and, overall and looking at the totality of the Application that met the front yard setback, they were actually pulling that parking field in the front further from the street and providing additional curb appeal and landscaping. Despite needing the variance, Mr. Ricci indicated that they were substantially compliant with the zone plan and would not result in a substantial departure from the zone plan. He also then added that the public good was not being impacted because they meet or exceed existing requirements or the existing conditions of the building on the northerly property line. Mr. Ricci then discussed the fact that the Application met several purposes of the Municipal Land Use Law (MLUL), in purpose A, purpose G, and purpose M. He then told the Board that the variances could be granted without a substantial detriment to the public good or a substantial impairment to the zone plan. He added that he believed it was a positive Application that resulted in significant improvements to the existing building, the frontage, and having the site re-laid out by Boler Engineering included increased storm water management improvements

Chairman Orsini then asked if the variances could be granted under C-2 criteria and that the benefits substantially outweigh any detriments. Mr. Ricci answered in the affirmative.

Chairman Orsini then opened the meeting to the public, and Vice Chair Brown seconded the motion. All were in favor. Seeing no one coming forward, the meeting was closed to the public. Vice chair seconded the motion, and all were in favor.

Mr. Flynn gave his closing summation.

Chairman Orsini made a motion to approve the Application for Preliminary & Final Major Site Plan, Conditional Use Approval, w/"C" Variances, to include Total Side Yard Setback, Drive Aisle Width, Parking Lot Drive and Parking Lot Setback, but not Loading Zone Width under the C-2 criteria. The Board asked that the Applicant look into the No Idling sign, revise Tree Plan to make sure that the numbers all agree, comply with all comments in the staff reports and outside reports as well as the inclusion of sidewalks. Additionally, there would be a limitation to the size of trucks utilizing the site to the WB50 size. Mr. Thomas seconded the motion, and the roll was called as follows:

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

AGAINST": None

- **ODIN DHUN, LLC / PLN-24-00007**

Mr. Tim Arch, Esq., Attorney, appearing before the Board on behalf of the Applicant, Odin Dhun, LLC. Preliminary & Final Major Subdivision w/”C” Variances in which the Applicant sought approval for the construction of a 16-lot subdivision consisting of 14 buildable lots for single-family homes at 295 Cedar Grove Lane, Somerset; Block 508.02, Lot 12, in an R-40 Zone – **CARRIED FROM DECEMBER 3, 2025, with no further notification required.**

Mr. Arch indicated that they were proposing a 16-lot subdivision that consisted of 14 buildable lots as well as one (1) that was dedicated to storm water management facilities and one (1) lot that consisted of a private roadway and cul-de-sac. He then told the Board that they did require some very minor bulk variance relief, namely from frontage requirements for two (2) of the corner lots. Mr. Arch then noted that one was for the basin lot and a single technical impervious coverage variance for the roadway lot. Mr. Arch then indicated that there was a mention of a coverage variance for one of the single-family home lots; however, he told the Board that they were not seeking that now, but that it was in a previous iteration. He stated that they were not seeking variance relief when it came to the coverage of the homes, size of the homes, area of the lots, or anything beyond what was just mentioned there. Mr. Arch went on to state that all of the lots would conform to the overall area requirements and were consistent with the zone standards. He addressed Mr. Healy’s comments where one dealt with tree preservation on the lots and the other had to do, broadly, with the architectural plans that they submitted. He added that they were not seeking site plan approval as well as not seeing any variance on the homes, but Boards typically like to see what type of homes could be built on the lots. He noted that the architect had the building area defined and showed a home that fit into the limits of those buildable areas. Mr. Arch then spoke directly to Mr. Healey’s comments about the proposed homes and that he felt the homes looked rather large and potential owners would not be able to build anything else on the site in the future, such as a shed or other accessory structure because they would then be over their coverage limit. Because of that, Mr. Arch wanted the Board to know that that was no necessarily representative of the homes that would be built there, stating that the purpose of the lots was that each individual owner was going to be able to custom design their home on the lot. Mr. Arch then emphasized that they were not asking the Board to grant any variance relief as to the designs of the homes, size of the homes, heights of the homes, etc. He followed up by saying that those would all be conforming and handled through the building department when a building permit was applied for and those architectural plans would be put in to determine if the homes were compliant. A discussion ensued related to whether there would be 14 different site plans, and Mr. Healey explained the process of showing representative homes and when the subdivision was being built out, they would have to submit building permit plans and permit plans for individual homes that were reviewed administratively by the Township staff for conformance with the subdivision as well as with zoning and applicable building codes. Mr. Thomas wanted to make sure that there would be a single person or entity who would be an intermediary between the potential

homeowner and the Township so that any conditions that were put into the potential approval were universally applied.

Mr. Healey then discussed that the original Application chose to include very specific architectural plans, thereby raising a number of questions from him and from Mr. Mazzei, Township Engineer. He then noted that some of the plans shown were over the impervious coverage and building coverage allowed. Mr. Arch reminded Mr. Healey that when they spoke in October that the architectural plans shown were representative plans and that they were not seeking any variance relief for the homes that would be built. He added that, ultimately, they were going to have to go through that Building Dept. process and review, and someone would have to go in front of a board with a request for variance relief in order to build a home such as that. Chairman Orsini stated that the building envelopes would have to be complied with and thought that they may have shown the plans to that detail to demonstrate that they could build to those building envelopes and were compliant with storm water and runoff.

Mr. Arch then detailed the Township reports that they had received, including the Planning report, dated December 23, 2025, a Health Dept. memo, dated December 18, 2025, stating “no comments”, a Fire Prevention Dept. memo, dated December 15, 2025, indicating that they were satisfied, a Police Dept. report, dated March 3, 2025, indicating that they did not have any comments, the Environmental Commission report, dated February 4, 2025, the Engineering report as well as a letter from the Franklin Township Sewerage Authority.

Mr. Arch stated that they had the Civil Engineer who would be reviewing the overall site, describing the proposed plan, and addressing any report comments.

Mr. Christopher Szalay, Engineer, employed with Menlo Engineering Associates, 261 Cleveland Avenue, Highland Park, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Szalay then introduced Exhibit A-1, which was an aerial photo exhibit of the site depicting the existing conditions of the site, with the property boundary of the site highlighted and showing a bit of the surrounding area. He went on to state that the Exhibit was dated January 7, 2026. He then entered into the record as Exhibit A-2, which was a colorized rendering of the submitted Site Plan, over the same aerial background, showing the property with landscaping, and dated January 7, 2026. Mr. Szalay then indicated that the subject property was a long, rectangular lot, comprised of approximately 16.54 acres in area, with approximately 451 linear feet of frontage along the west side of Cedar Grove Lane designated as County Road 619. He then told the Board that the property extended about 1,600 ft. to the west, away from Cedar Grove Lane. He then told the Board that the property was about 1,300 linear feet north of the intersection with Como Drive, located entirely within the R-40 Zone, which is a residential zone. Mr. Szalay stated that the property to the north and west was mostly open space with some slim wooded areas and single-family homes to the north and east. He then told the Board that the property was currently partially developed as a single-family home set back about 240 ft. from Cedar Grove Lane with a gravel driveway. He added that there were multiple sheds and remnants of old buildings per

the previous use which was mostly commercial and agricultural. He then noted that the rear of the property was a mix of open space and a relatively young wooded area as it was mostly cleared about 20 years ago to accommodate an agricultural use. He did add that there were some larger, mature trees included as well. Mr. Szalay then testified that the property sloped from the northwest corner towards the south to the adjacent property as well as to the southeast towards Cedar Grove Lane. He then testified that there were really no wetlands or other environmental constraints on the property.

Mr. Szalay then drew the Board's attention to Exhibit A-2, showing a 16-lot subdivision to include 14 single-family home sites and a lot located at the southeast corner to be occupied by an infiltration basin, with the last lot to encompass a private roadway to provide access to the site from Cedar Grove Lane. He noted that being located in the R-40 Zone required 40,000 sq. ft. lots, with those proposed varying in size from about 40,044 sq. ft. to roughly 45,638 sq. ft., and roughly a 200 ft. x 200 ft. lot. Mr. Szalay did note that the basin lot was oversized at 1.62 acres and that the private road was contained within a 50 ft. right-of-way, comprised of 1.88 acres. He then stated that the creation of the lots by the subdivision plan created only two (2) variances, both lot frontage variances for the corner lots adjacent to Cedar Grove Lane. He then indicated that Lot 12.01, the most northeast lot, had a lot frontage of 167.32 ft. and Lot 12.15, the basin lot to the southeast, had a frontage of 133.68 ft., where 200 ft. was required for all frontages. He then explained that these variances were a result of the creation of the roadway lot and the 50 ft. right-of-way and radius of the roadway that reduced the frontage of the two corner lots along Cedar Grove Lane. He noted that the only other variance that they were seeking was for impervious coverage for the roadway within Lot 12.16 because it was being held to the single-family home standards.

Regarding the subdivision and design, they were seeking approval for a community that included 14 single-family homes, the private access roadway and storm water basins as well as other associated improvements. As stated earlier, access to the property was from Cedar Grove Lane via the private access road, which was a 30 ft. wide paved road with curb running along both sides of the road. Mr. Szalay then stated that the road extended about 1,510 linear ft. and ends in a cul-de-sac with a 90 ft. diameter bulb which was all in accordance and compliance with Residential Site Improvement Standards (RSIS). He went on to state that they were proposing concrete sidewalks that would run along the perimeter of the road on both sides and connect to a sidewalk that would run along the Cedar Grove Lane frontage and would all be contained within that 50 ft. right-of-way of Lot 12.16. Mr. Szalay testified that the entrance to the development would be a full access roadway, and the entry would be a boulevard style with an island at the entryway to include landscaping, which separated the ingress and egress to the site. He noted that it would be a private community so that the entrance would be a gated entrance that would contain two (2) lanes, one (1) for residents and one for visitors. He then noted that the gate would be set back about 100 ft. from the right-of-way to provide space for queuing. Mr. Szalay then continued by stating that beyond the gate and entryway would be a decorative fence that would extend to the north and south with a crossing at the sidewalk and towards the property lines. He then

went on to state that there would be a gate that allowed access at the sidewalks with that decorative fence connecting to a six (6) ft. high decorative brick wall that would run along the frontage of the site along Cedar Grove Lane. He added that the wall would extend to the northerly and southerly property lines where a six (6) ft. high solid fence would run the perimeter of the site for its entirety. Mr. Szalay then discussed the idea of the site being a private community where the Applicant was seeking a sense of security for lots/homes of the size they were proposing for a market they were looking to address. Mr. Szalay then spoke about the homes being proposed that would vary in size, but for representative purposes, they showed a 50 ft. x 80 ft. box, totaling 4,000 sq. ft. that complied with the 10% building coverage requirement. He then stated that the homes would be accessed by a 20 ft. wide paved driveway, with a sideloaded garage, and driveways extending about 35 ft. to provide ample room for maneuverability and parking. He noted that walkways would also be provided from the driveways to the front doors of the homes as well as optional decks and patios in the rear. As discussed, Mr. Szalay again stated that they designed the site to max out what was compliant with the ordinance as far as building coverage, lot coverage, and impervious coverage and be consistent with the storm water management design to be able to handle the storm water runoff should each lot be built out to its maximum ability even though the homes and coverages may not be built to the maximum extent that was approved. He noted that it also gave the homeowner the opportunity to come back in the future and add features that would continue to comply with the ordinance and not have to worry about the storm water management in the future.

He then spoke about each home complying with the required 40 ft. setback, 25 ft. side yard setback, and 50 ft. rear yard setback, with the homes complying with the maximum 2-1/2 story or 35 ft. height, maximum building coverage of 10% and maximum impervious coverage of 20% on each lot. He then discussed that turning templates had been provided as well to address the Fire Prevention Official's comments as well as Engineering comments to show that the largest fire/ladder truck could enter the site through the gated entrance, maneuver the site and cul-de-sac, and exit the site safely. Providing that ability, he noted that smaller delivery trucks and refuse trucks would be able to maneuver the site as well. Also discussed with the Fire Official, Engineer and Planner was how that entry gate would function, noting that it would be an electronic entry gate whereby each resident would have a PIN Code to enter into the gate, alternatively, a key fob that would be recognized as they drove up, thereby opening the gate. Mr. Szalay then added that they could provide the PIN Code to visitors to use the visitor gate as well as providing the PIN Code to UPS, FEDEX, refuse pickup providers. He noted that the Applicant reached out to a number of delivery services and confirmed that it was an acceptable way of handling the gate entrance and deliveries and something that they were familiar and comfortable with. He then added that the gate would also be siren activated to allow for Police, Fire and Emergency Services to enter, with their sirens automatically activating it, at the request of the Fire Official.

Mr. Szalay stated that they all agree that the common amenities just discussed as well as some of the private amenities throughout the site would be maintained by an HOA and agree to make that a condition of any approval.

Mr. Szalay then testified that they were proposing to construct a conventional storm water system, underground pipes and inlets that would convey runoff to a sand infiltration basin that would be located on Lot 12.15 along with the existing grading patterns of the site that go towards the south and the east and, therefore, located the basin at the lowest point of the site to maintain those existing drainage patterns to the maximum extent that they could. Mr. Szalay then discussed utilizing green infrastructure on the site to address all storm water management requirements, such as groundwater recharge, water quality requirements and water quantity requirements. He noted that ground water quality was achieved by utilizing five (5) aquaponic structures which were smaller structures that provided media soil filters to filter storm water runoff, comply with the 80% TSS removal rate that was required by the NJDEP with NJDEP certified BMP structures. He added that runoff would then be conveyed downstream to the infiltration basin which was designed to handle peak runoff from the site and make all required reductions in accordance with the Township, State, and local agencies to meet any required reductions before runoff was discharged downstream. Mr. Szalay then explained that to handle groundwater recharge, which was essentially the amount of water that was infiltrated into the ground in existing conditions, they must then match that under the proposed conditions. He then told the Board that the way that they were handling that was by providing soil testing portions of the existing driveways and performing soil testing and infiltration rates. Mr. Szalay then explained that as a result, portions of the existing driveways would be made up of porous pavement and have subgrade cold tech chambers that would provide additional storage and allow for runoff from the roofs of the single-family homes and some of the driveways to infiltrate into the ground and, therefore, meet the groundwater recharge requirements for the site.

Chairman Orsini then interjected at that point that there were certain things that he was very concerned about that he wanted to be addressed from the staff reports. He asked about the comments in Mr. Mazzei's Engineering report related to storm water management that he wanted to understand if the Applicant could comply with those. Mr. Szalay then went through the comments in the Engineering report from December 31, 2025, and indicated that they had no objections to any comments and felt that they could comply with all of the comments in the report. He then added that he could provide some additional testimony related to those comments.

Mr. Mazzei indicated that he and Mr. Szalay spoke back in October of 2025, and noted that there was just more of a definition on a BMP when you have the cold tech chamber underneath the porous pavement. He stated that the way it was presented it would not be approved, but if you look at it as two separate systems, it could be and was asking Mr. Szalay to revise his report to show it as two (2) separate BMP's and at that point would be acceptable from a Township perspective. Mr. Mazzei then indicated that the bigger question he had was about the gate if someone comes to deliver from Uber Eats and how they would get that code. The Chairman then expressed his concern that the way the gate would operate was just not practical and did not understand the need for all that type of "bells and whistles" for a 14-home subdivision. He explained that he knows that it occurs with other developments, however, those included a manned gatehouse. He added that he thought that they would need to have a way for Amazon,

FEDEX, trash collection, etc. to access the development and did not see that practically working. Mr. Ash then discussed how Amazon did have the ability to put in codes and different directions for the drivers, and noted that it was a commercially available product that was used in many communities throughout the United States. He added that the system was programmable; for example, during daylight hours, it could be programmed so that the gate was always in the raised position and only closed at night for safety/security purposes. He then discussed pedestrian access and a question arose regarding making sure that if there was an emergency, people could exit from the site. He explained that the system was set p so that there was no locking from the inside and could always exit; however, there would only be a locking mechanism from people entering into the site and could also be controlled on a timer system so that it only engages during nighttime hours or programmed to be on a schedule. Mr. Ash went on to explain that the systems default so that if there was ever any issue, glitch or power outage, it would always allow access and not restricting access. He then stated that they could provide much more information as to the specifics of the system, but that from his understanding, it was a very widely used system, successfully used in many communities and it was very flexible to be able to allow for all different kinds of use cases. A discussion ensued. Mr. Szalay jumped in by stating that they did look into the manned gate idea, but for just 14 single-family homes, they felt that a manned guard house seemed like "overkill".

Vice Chair Brown asked why they wanted this type of private community, and Mr. Ash indicated that it was the style of development that the Applicant wanted to go for and a feature to have of a private gated community that would be a selling feature to certain buyers. Mr. Ash stated that if they did not get to a vote that evening, they could provide more information in answer to any Board questions at a future hearing.

Chairman Orsini was thinking along the same lines that the Applicant would have to come back before the Board at a future date to continue the Application presentation, and asked Mr. Ash to focus on Mr. Healey's report. The Chairman added that they had repeatedly asked them to consider the cluster option and had provided evidence that there was ample Planning, from a C-2 criteria positive things, and were not talking about old growth forest that they would be trying to preserve. That being said, the Chairman stated that they could preserve some more open space and more trees while still providing for 14 lots that might not be as large as is being proposed. He added that he believed that the overall development would be more enhanced and better buffered. He then stated that he believed that Mr. Healey presented in his report a lot of very positive criteria that the Board would be very willing to consider and did not believe it required variances so much if they took care of the cluster. The Chairman then also stated that Mr. Healey also provided examples along Cedar Grove Lane in which that was used and used successfully. He also brought up the Tree Replacement ordinance. He then stated that the response from the Applicant that they just do not want to do that did not work for him; however, he would accept an explanation from the Applicant that described why they believed what they were proposing was a better planning alternative when the Board had shown them a path that they favored.

Mr. Ash responded by stating that they may be able to address that during their Planning testimony, but he also indicated that they did not believe that it applied to their site. He added that there were very specific criteria as to when the cluster option in the ordinance applied. Chairman Orsini then indicated that they had done that elsewhere on Cedar Grove Lane where it did not apply, and successfully. Mr. Ash stated that they were being asked to request relief from the ordinance for a cluster option that did not apply in lieu of a permitted use that did apply that was by right by ordinance. A discussion ensued, and Chairman Orsini indicated that the Applicant did not present them with an optional plan to consider and would rather see evidence rather than what he saw in the staff report that indicated that the Applicant had not engaged to actually show, demonstrate and testify to the Board as to why they did not think it was a better planning alternative. Mr. Healey's Planning report noted multiple projects that have done the cluster option successfully.

Mr. Szalay then explained that each lot was required to have a 200 ft. frontage, so each lot now was just about exactly at the 200 ft. He added that if they did the cluster option, they would need at least 14 variances just for the lot frontages. Mr. Healey stated that Mr. Szalay was going down the wrong path because that was not how the cluster ordinance worked. He stated that they were in the R-40 Zone, but if they made the lots 20,000 sq. ft., then the bulk requirements of the R-20 Zone would apply. Mr. Healey indicated that, theoretically, the only variance that they would need would be the use of the cluster ordinance and explained how that would work in order to save additional forested area. He noted that the Board had done that and it would be a C-2 variance because it would be a better zoning alternative and the reason that he had recommended that that be considered.

Mr. Thomas then discussed the multiple times that option had been used on the same roadway. He added that besides the age restricted developments, this project might be the only gated community in Franklin Township. Mr. Thomas explained that when it had come up in the past, the Board had frowned upon it and discouraged developers from doing them. A discussion ensued regarding the why they felt they needed that secure a gate and a wall along the street in the area where they were proposing he development.

Mr. Ash then stated that he could discuss with his client if the gated portion of the proposed community be relinquished. He then commented as to the cluster option, and he stated that it was not what they were presenting, but did consider it. He added that it was an economic and business decision not to propose that because there would be smaller lots and smaller homes and not as profitable as an option. Mr. Ash then stated that what they were proposing was a permitted use versus asking them to request new variances and have that be a better planning alternative. A discussion ensued concerning the development of a more conservationist minded proposal. Mr. Ash stated that they have considered that and have a conservationist/tree expert who had plotted and surveyed the trees on the lot and were happy to continue to work with the Township with their tree expert and civil engineer to maximize the amount of tree preservation that were on that property. Mr. Thomas discussed the idea that developers in the past would normally jump at the chance to cluster a development to save money and

consolidate services. Mr. Ash stated that they were not proposing a high density, close together community or a floor area ratio consolidation. Rather, he stated that they were going for a luxurious, high impact community. Chairman Orsini stated that the proposal that they had brought before the Board had a lot of questions that needed to be addressed before it could ever come to a vote. He believed that Mr. Healey could have given some guidance that would have been better discussed in an informal session first.

Mr. Healey discussed the fact that part of a Board's review of a subdivision application was akin to a site plan review. He added that they had to have the Township Engineer look at the storm water to make sure it would function appropriately in accordance with applicable rules and engineering practices. Similarly, Mr. Healey stated that the roadway and the access to the community needed to function appropriately that would include how visitors and delivery people were going to access this site. He mentioned that if they could not access the site appropriately, it could cause issues like queuing and turnaround on the site. Chairman Orsini indicated that he thought Mr. Healey could give guidance and suggestions related to the overall site plan and width of the buffering, etc., without compromising the Applicant's "vision" they might have. Mr. Healey stated that he felt that all of that was already outlined in his comment #2 in his planning report regarding tree preservation and encouraging clustering. Mr. Healey then stated that the Applicant's tree expert prepared a report that was informative noting that the trees in the rear of the property were successional growth as opposed to old growth forest and that many of the larger trees were around the perimeter of the property, but that there were larger trees in the interior part of the property as well. Mr. Healey stated that he believed that they could preserve a lot more trees with modifications to the grading, the limits of disturbance, and possibly some modifications to the storm water plan in terms of the piping going through the site to drain to the larger basin.

Mr. Szalay responded by stating that per what was required for storm water management, there were a lot of things that the green infrastructure specifically created by using the BMP's that were required by the green infrastructure. He added that there was a lot of elevation drop throughout the storm water management system, and by having that drop and having to have the basin at the front of the site, the low point of the site, it was creating a lot of fill on the site. Mr. Szalay then noted that in order to manage the storm water, they had to disturb and clear the site and looking at the site, he said that that would not change. He stated that he did show the trees that had to be removed in red and the trees that would be saved in blue and were mainly along the perimeter of the site. He noted that he believed that they could save about 44 of the 16-inch trees that were located. He then spoke about meeting with Township staff and working with the arborist to improve the plans based on how many trees were being removed and how many trees were being planted.

Mr. Thomas then stated that it would be easier for the Applicant to achieve what they were proposing and incorporate some of the Board's suggestions if the site were wider or if it were bigger. He indicated that he felt that there were things like the front to back roadway into the site that looked more like a racetrack due to the constraints of the site and no character for the kind of high-end housing that the Applicant says they were

trying to create with too many bells and whistles and not enough space to do it in the right way. A discussion ensued. Chairman Orsini suggested that the Applicant meet with Mr. Healey to discuss things that can be done on the site and present an analysis of other alternatives. As far as the letter from the Sewerage Authority regarding sewerage capacity, Mr. Mazzei, Township Engineer, stated that final plats will not be signed off on without all outside agency approvals were obtained and a condition of approval that he would recommend. Chairman Orsini stated that no clearing of the site could be done until they received sewerage tie ins to either Treptow Rd. or Amwell Rd., and Mr. Ash agreed to that condition and to meet with Mr. Healey. A discussion ensued for the Applicant to show different options to consider.

Ms. Rafiq suggested that the Applicant take a ride down to Princeton Highlands' Barberry Court or Princeton Ridings as examples of what to do to develop a high-end housing proposal.

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

Mr. Ernie Leves, 21 Como Drive, Somerset, NJ, came forward. Mr. Leves indicated that he was a 55-year resident on Como Drive, and his and his neighbors concern was that they were on well water and asked if the Applicant would be tying into municipal water/sewer and were given an affirmative answer. He then asked about the proposal on the plans for a white plastic fence on the common border at the back of their properties. Mr. Leves stated that they would request a heavy duty 5 ft. high chain link fence to deter dumping on their properties and preventing children playing back there and being hurt by any cut glass, etc. He then asked who would be responsible for maintaining the fence or replacing it when it is damaged. Mr. Ash responded that the HOA (Homeowner's Association) would be responsible for those types of things. He added that he believed that a solid fence would be more secure than an open, chain link fence. Chairman Orsini suggested that they propose a solid fence that makes it more secure from entire panels from falling down.

Seeing no one else coming forward, Chairman Orsini made a motion to close the meeting to the public. Vice Chair Brown seconded the motion, and all were in favor.

Due to the late hour, the Board and Applicant agreed to carry the hearing - **CARRIED TO JANUARY 21, 2026, with no further notice required.**

DL – 1/31/2026

Chairman Orsini then suggested that they remove the Committee Meeting title from their agendas because they do get reports from these entities and replace it with something such as a 10-minute discussion for things that come up from time to time that need to be discussed with the Planning Board.

Mr. Healey then discussed the first draft report and e-mail that was sent by him that evening regarding the work that the Planning Board will be doing in the next few months related to the 10-year re-examination of the Master Plan and development regulations which was last done in March of 2016. He asked the Board members to review the draft document and that they would be scheduling a work session for January 21st. He stated that he would then prepare a revised draft, incorporating what the Board discussed, and review it at another work session meeting. Afterwards, he indicated that they would schedule a public hearing on it on February 18, 2026. He noted that the Board would be meeting on January 14, 2026 to discuss the B-I Zone Study at a public hearing.

COMMITTEE REPORTS:

There were no committee reports to discuss.

WORK SESSION / NEW BUSINESS:

No work session or new business conducted.

EXECUTIVE SESSION:

The Board did not enter into Executive Session.

ADJOURNMENT:

A motion was made by Chairman Orsini to adjourn the meeting at 10:06 p.m., and was seconded. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
February 5, 2026

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF
FRANKLIN, SOMERSET COUNTY, NEW JERSEY,
GRANTING PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL AND
CONDITIONAL USE APPROVAL WITH VARIANCES TO
DAVIDSON PROPERTIES, LLC, CONCERNING PROPERTY LOCATED
AT 500 ATRIUM DRIVE, SOMERSET, NEW JERSEY
AND DESIGNATED AS BLOCK 468.01, LOT 20.01**

Docket No. PLN-23-00007

WHEREAS, DAVIDSON PROPERTIES, LLC (hereinafter referred to as “Applicant”), has applied to the Franklin Township Planning Board (hereinafter referred to as “Board”) for preliminary and final major site plan approval and conditional use approval with variances, for the premises currently designated on the Tax Map of the Township of Franklin as Block 468.01, Lot 20.01 and located on what is commonly known as 230 Davidson Avenue, Somerset, New Jersey (hereinafter referred to as the “Subject Property”), and is located within the Business and Industry (“B-I”) zone; and

WHEREAS, this application falls under the jurisdiction of the Board for approval pursuant to N.J.S.A. 40:55D-1 et seq.; and

WHEREAS, the Applicant was represented by Matthew R. Flynn, Esq.; and

WHEREAS, a public hearing was held on the application on January 7, 2026, during which time the Applicant presented testimony, witnesses, reviewed the site plan and the case was opened for public comment; and

WHEREAS, the Applicant provided proof of service and publication of all proper notices and advertisements as required pursuant to the Municipal Land Use Law (“MLUL”), N.J.S.A. 40:55D-1, et seq.; and

WHEREAS, the Applicant is seeking preliminary and final major site plan approval and conditional use approval with variances to construct a 37,460 square foot (hereinafter “SF”) warehouse, with one (1) potential office area (1,950 SF), five (5) loading docks, one (1) drive in ramp, a nine (9) space trailer parking area and associated site improvements (hereinafter the “Applicant’s Project”) on the Subject Property; and

WHEREAS, the Board heard testimony, reviewed exhibits and reports, and established a record that may be characterized as follows:

1. The following reports and/or correspondence were received and reviewed by the Board:
 - A. Application for preliminary and final major site plan approval;
 - B. Applicant for variance relief;
 - C. Site Plan entitled “Preliminary/Final Major Site Plan for Davidson Properties, LLC, Proposed Warehouse, Map: 88, Block 468.01, Lot 20.01, 230 Davidson Avenue, Township of Franklin, Somerset County, New Jersey,” prepared by Bohler Engineering NJ, LLC, under the signature of J.A., Holzapfel, P.E., dated January 20, 2023, last revised on December 15, 2025, consisting of thirty-nine (39) sheets;

- D. Architectural Plans prepared by Cerminara Architect, dated January 20, 2023, last revised December 19, 2025, consisting of three (3) sheets;
 - E. ALTA/NSPS Land Title Survey, prepared by Brunswick Surveying Incorporated, dated January 13, 2023, containing no revisions, consisting of one (1) sheet;
 - F. Stormwater Management Report, prepared by Bohler Engineering NJ, LLC, dated October 2023, last revised October 2025;
 - G. Stormwater Management Facilities Operations & Maintenance Manual, prepared by Bohler Engineering NJ, LLC, dated January 2023, last revised October 2025;
 - H. Environmental Impact Statement, prepared by Bohler Engineering NJ, LLC, dated January 2023, last revised October 2025;
 - I. Sanitary Sewer Design Report, prepared by Bohler Engineering NJ, LLC, dated January 2023, last revised October 2023;
 - J. Traffic & Parking Study for Davidson Properties, LLC, prepared by Dolan & Dean Consulting Engineers, LLC dated October 21, 2025, containing no revisions;
 - K. Report from the Delaware and Raritan Canal Commission dated June 5, 2025;
 - L. Somerset Union Soil Conservation Approval Letter, dated June 5, 2025;
 - M. Report of the Somerset County Planning Board dated July 16, 2025;
 - N. Memorandum of the Franklin Township Sewerage Authority dated July 21, 2025;
 - O. Memorandum of John Hauss, Director of the Franklin Township Office of Fire Prevention dated August 25, 2025;
 - P. Memorandum of Mark Healey, P.P., A.I.C.P., Franklin Township Planner dated October 28, 2025;
 - Q. Memorandum of Rashida Boima, REHS, MPH, of the Somerset County Health Department dated November 10, 2025;
 - R. Memorandum of Ofc. Ryan Ellington of the Franklin Township Police Department dated December 9, 2025;
 - S. Memorandum of Franklin Township Environmental Commission dated December 16, 2025; and
 - T. Memorandum of Darren Mazzei, P.E., C.M.E., Franklin Township Engineer's Office dated December 31, 2025.
2. The following exhibits were marked into evidence:
- Exhibit A-1 Aerial Photograph of the Subject Property.
 - Exhibit A-2 Color Site Plan (including Landscape Plan).
 - Exhibit A-3 Color Façade Rendering North Corner of Proposed Building.
3. At the hearing on January 7, 2026, the following testimony was introduced:
- A. Mr. Matthew R. Flynn, Esq., Attorney, appeared before the Board on behalf of the Applicant. He indicated that the Applicant was seeking preliminary and final major site plan approval together with conditional use approval and variances to construct the Applicant's Project on the Subject Property located in the B-I zone.
- Mr. Flynn stated that the Application is a permitted conditional use in the B-I zone; as the project is at least 500 feet from a residential zone and served by public water and sewer. He acknowledged that limited bulk variance relief from the standards of the B-I zone is required for the Applicant's Project. Mr. Flynn advised

that the site already contains an existing light manufacturing use located closer to Davidson Avenue which would remain largely unchanged by the Applicant's Project. He indicated that the Application concerns the portion of the Subject Property to the rear of the existing improvements on the site.

- B. At the time of the hearing, the Applicant required preliminary and final major site plan approval, conditional use approval and variances related to the following conditions in connection with the Applicant's Project:
- i. Minimum Combined Side Yard Setback – 50 feet required and 44.65 feet proposed;
 - ii. Minimum Drive Aisle Setback – 5 feet required and 2.1 feet proposed;
 - iii. Minimum Drive Aisle Width – 26 feet required and 24 feet proposed;
 - iv. Minimum Parking Lot Setback – 5 feet required and 2.1 feet proposed; and
 - v. Minimum Loading Zone Width – 147 feet required and 130 feet proposed.
- C. Mr. Joseph Holzapfel, P.E., the Applicant's Site Engineer, came forward and was sworn in. The Board accepted his qualifications. Mr. Holzapfel proffered Exhibit A-1, an aerial photograph of the Subject Property; which was entered into the record by the Board. Referring to Exhibit A-1, he reviewed the existing conditions on the Subject Property and the neighboring properties; stating that the site contained approximately 4.82 acres and was surrounded by general office uses and an industrial outdoor storage use. Mr. Holzapfel stated that the Subject Property is currently serviced by a full movement access off of Davidson Avenue. He indicated that the Applicant's Project proposed that the location of driveway remain in the northwesterly portion of the Subject Property; but move slightly west or southwest. Mr. Holzapfel stated that the existing building on the Subject Property contains approximately 13,000 SF. He asserted that the existing site circulation is fairly inefficient; consisting of one-way circulation aisles around the sides and the rear of the building; and a larger parking field in the front of the building. Mr. Holzapfel indicated that the rear of the Subject Property contains a wooded area.

Mr. Holzapfel then proffered Exhibit A-2, a color site plan including the landscape plan; which was entered into the record by the Board. He noted that the existing building on the Subject Property would remain unchanged. Mr. Holzapfel advised that the Applicant's Project would enhance and increase the efficiency of the parking area servicing the existing building. He noted that two-way drive aisles would be supplied, as well as a 6-foot buffer between the parking and the existing building (containing curbing, sidewalk and grass). Mr. Holzapfel indicated that proposed parking area improvements would also result in an increase of the setback between Davidson Avenue and the parking area serving the existing building. He stated that the existing setback is less than 30 feet and the proposed setback will be approximately 75.5 feet from Davidson Avenue to the first curbed parking area.

Mr. Holzapfel stated the Applicant's Project proposed a 37,461 SF new warehouse building on the south/southeast portion of the Subject Property. He stated that the

structure would consist of 35,511 SF of warehouse space; and 1,950 SF of office space. Mr. Holzapfel confirmed that that warehouse use was a permitted conditional use at the time the Applicant filed its application for development. He stated that the warehouse building would be constructed behind the existing building. Mr. Holzapfel advised that the Applicant wished to maintain much of the rear tree area, as well as add a substantial number of trees to that area.

Mr. Holzapfel testified that the Applicant's Project complied with the setback requirements from both Davidson Avenue and Atrium Drive. He noted that the existing building is setback 145 feet from Davidson Avenue; and the proposed warehouse will be setback approximately 540 feet from Atrium Drive. Mr. Holzapfel indicated that the Applicant's Project meets the minimum side yard setback requirement for each side yard; but requires a minimum combined side yard setback variance (where required is 50 feet and proposed is 44.65 feet).

Mr. Holzapfel testified that the Applicant's Project proposed the new building closer to the southwesterly property line in order to provide for a drive aisle along the easterly property line to service both buildings on the site. He noted that the drive aisle would be continuous and provide access to both buildings, as well as truck circulation at the rear of the new building near the loading docks. Mr. Holzapfel indicated that despite the need for the variance, the Applicant's Project was well within the maximum building coverage requirement (23% proposed where 50% required), as well as the maximum floor area ratio (0.27 proposed where 0.5 required).

- D. In response to a Board inquiry concerning the inability to meet the setback requirements (identified as comments 3 and 4 in Mr. Healey's Planning report), Mr. Flynn noted that Mr. Holzapfel would address the setbacks from a drive aisle and parking perspective. He stated that the setbacks resulting from the design and layout of the building would be addressed by the Applicant's Architect and the Applicant's Planner as the design and layout of the building are a function of the internal racking systems proposed within the warehouse building. Mr. Flynn indicated that the Applicant would present testimony that the variance relief can be granted under a (c)(2) rationale.
- E. In response to a Board inquiry concerning the loading zone width, Mr. Holzapfel stated that the loading zone width variance had been eliminated. He stated that the Applicant Project proposes a 60-foot loading bay with a 70-foot aisle (130 feet total) which he indicated complied with the Township Land Development Ordinance (hereinafter the "LDO"). Mr. Holzapfel advised that the Applicant proposed to limit the maximum vehicle accessing the site to a WB50. He stated that, as a result, the maximum loading zone width requirement was only 110 feet; so, the proposed 130 would be compliant.
- F. Mr. Flynn confirmed that the Applicant no longer required the maximum loading area width variance and that the Applicant would limit access to a maximum vehicle size of a WB50 as a condition of any Board approval. He further advised

the Applicant's Traffic Engineer would address the variance required for drive aisle width.

- G. Mr. Holzapfel then reviewed the proposed modifications to the site access from Davidson Avenue. He indicated the Applicant's Project generally maintained the location of the current driveway in the northwesterly corner of the Subject Property. Mr. Holzapfel stated that the entrance driveway is 30 feet wide but reduces to a width of 24 feet for the on-site drive aisles. He acknowledged that the 24-foot-width requires variance relief as the LDO requires a minimum drive aisle width of 26 feet. Mr. Holzapfel stated that the Applicant's Project proposes 70 parking spaces and complies with electric vehicle and ADA parking requirements.

Mr. Holzapfel thereafter reviewed the variance relief required for the setbacks of the parking areas and drive aisles. He acknowledged that the minimum setback under the LDO is 5 feet for both the parking lot and the drive aisle. Mr. Holzapfel advised that a 2.1-foot setback for the drive aisle is proposed along the northeasterly property line; noting that the existing drive aisle setback is 0 feet. He advised that the ability to supply a greater setback for the drive aisles was the basis for the 24-foot drive aisles. Mr. Holzapfel asserted that the 24-foot aisle width is very common and allows the Applicant to provide a setback closer to the 5-foot required setback. He indicated that the 2.1-foot setback is limited to the portion of the site adjacent to the existing building. Mr. Holzapfel stated that a conforming setback is proposed adjacent to the new building and for the proposed loading area. He further identified a 2.5-foot setback for the electric vehicle parking spaces along the southwesterly property line. Mr. Holzapfel stated that the dimensions of the proposed electric vehicle spaces are larger in order to provide for greater accessibility to the electric vehicle spaces closer to the ADA parking spaces.

Mr. Holzapfel stated that a trash enclosure is proposed in the northwest corner of the Subject Property for the existing building. He indicated that the Applicant anticipated that trash and recycling for the new warehouse building would be handled within the building and then removed by a private hauler.

Referring to Exhibit A-2, Mr. Holzapfel identified an existing, free-standing sign along Davidson Avenue straddling the property line (and extending into the right-of-way). He indicated that the Applicant proposed to relocate that sign to the northern corner of the site. Mr. Holzapfel stated that the sign would remain the same in terms of size; and would comply with the minimum setback requirement from the front property line.

Mr. Holzapfel then reviewed the utilities and storm water management system for the Applicant's Project. He advised that utilities would come from Davidson Avenue. Mr. Holzapfel stated that the stormwater management system would comply with Township requirements, as well as with the reviews from Delaware & Raritan Canal Commission (DRCC) and the New Jersey Department of Environmental Protection.

Mr. Holzapfel next reviewed the landscaping and lighting proposed for the Applicant's Project. He advised that the Applicant's Project includes 277 total new plantings (177 of which are trees). Mr. Holzapfel stated that the Applicant's Project includes the enhancement of the area in front of the site along Davidson Avenue through the addition of new trees between the right-of-way and parking area. He further advised that the landscaping plan includes the enhancement of the existing building through the provision of landscaping in front of the building and accenting some of the sidewalks along the building. Mr. Holzapfel stated that the Applicant's Project proposes a line of evergreens along the southwest property line, as well as the enhancement of the rear tree-laden area. He stated that the Applicant would comply with the Tree Replacement Ordinance by providing as many plantings as possible on site; and making a contribution to the Tree Fund for any plantings which could not be accommodated on the Subject Property.

Mr. Holzapfel confirmed receipt of the Township Engineer's (Center State Engineering/Mr. Darren Mazzei) report dated December 31, 2025. He confirmed that the Applicant would voluntarily comply with the recommendations contained in the report as a condition of any Board approval. Mr. Holzapfel further confirmed receipt of the review from the Township Office of Fire Prevention and similarly confirmed that the Applicant would comply with the terms of that review as condition of any Board approval.

- H. Mr. Flynn advised that the Applicant requested a waiver from providing sidewalks in the right-of-way.
- I. The Board noted an inconsistency in the tree replacement numbers and required that the Applicant provide consistent tree replacement figures on the plans to the satisfaction of the Board Professionals.
- J. Mr. Mazzei confirmed that he had spoken with Mr. Holzapfel who had confirmed that the Applicant would address the comments in Mr. Mazzei's report to his satisfaction.
- K. The Board thereafter expressed concern over the proposal to plant new trees in the area of existing trees at the rear of the Subject Property; questioning whether the existing trees could be maintained in lieu of new plantings. Mr. Holzapfel indicated that the Applicant intended to maintain the existing trees because they were already established. He noted that it would be the obligation of the Applicant and its contractor to maintain the viability of the existing trees during construction and for a period thereafter. Mr. Holzapfel confirmed that any trees that died during this period would need to be replaced.

The Board further questioned the ability to plant trees in the rear of the site in light of the two (2) pipelines shown on the plans; a drain from a water detention basin and a water line. In response, Mr. Holzapfel indicated that the Applicant intends to confirm with the water department and Fire Prevention Office that the water line can be removed; thereby, alleviating any concern over the installation of new plantings in that area.

The Board next questioned the location and design of the “No Idling” signage proposed by the Applicant’s Project; noting that the signage was not in the location requested by the Township Environmental Commission. The Board further indicated that the signage was not consistent with the New Jersey State specification for “No Idling” signage. In response, Mr. Holzapfel confirmed that the Applicant would supply the “No Idling” signage in the locations identified by the Township Environmental Commission; and Mr. Flynn stated that the Applicant would provide “No Idling” signage meeting the New Jersey State specification.

- L. In response to an inquiry from the Board concerning the provision of sidewalks, Mr. Flynn confirmed that sidewalks could be supplied in the right-of-way without substantially changing the plans being considered by the Board. Mr. Holzapfel advised that the Applicant’s Project is significantly below the lot coverage requirements of the B-I zone; so the provision of the sidewalk could be accomplished without needing variance relief.
- M. In response to a Board inquiry concerning signage, Mr. Holzapfel advised that the existing sign contains two (2) panels. He confirmed that the existing building and the proposed warehouse could each have a panel on the sign.
- N. In response to an inquiry from Mr. Healey concerning the preservation and maintenance of existing trees, as well as the planning of new trees in the rear area of the Subject Property, Mr. Holzapfel stated that the Applicant’s Project “untouched” area at the rear of the Subject Property. He stated that the Applicant would preserve existing trees whenever possible and plant new trees to supplement the existing trees. Mr. Holzapfel confirmed that the Applicant would be required to keep the preserved trees and the new trees alive. He advised that the Applicant’s Project does not include a plan for irrigating the rear area; but noted that the plantings supplied would be a native species. Mr. Holzapfel stated that viable planting areas would be identified during construction; and that the Applicant would be required to keep the plantings alive for a 1–2-year span. He confirmed that the plans would be revised to identify the areas for clearing, preservation and planting.

In response to an inquiry from the Board concerning a sidewalk from the right-of-way to the building, Mr. Holzapfel confirmed that the Applicant would supply a sidewalk to the satisfaction of the Board Engineer.

- O. Mr. John Mannino, A.I.A., the Applicant’s Architect, came forward and was sworn in. The Board accepted his qualifications. Mr. Mannino reviewed the floor plan of the proposed building floor plan, as well as a building cross-section. He indicated that the Applicant proposed a single-story warehouse building of approximately 37,000 SF; designed to accommodate a 36-foot clear height interior. Mr. Mannino advised that the 36-foot clear height met market demand for warehouse storage capabilities. He stated that the building included five (5) loading docks at one end of the building and one (1) drive-in door. Mr. Mannino noted that the proposed building is 318 feet long by 118 feet deep. Mr. Mannino stated that maximum

height of the building was approximately 44 feet above finished floor to the top of the parapet.

Mr. Mannino reviewed the racking and layout inside the building and their impact on the side yard setbacks. He noted that several options were reviewed when the building was designed as the Subject Property is a very narrow and long site. Mr. Mannino explained that the building depth was critical in the design of the structure; as the loading docks are only proposed at one end of the building. He noted that excessive length would make it logistically difficult to efficiently use the racked storage system at the opposite end from the loading docks. Mr. Mannino stated that the 5.35-foot deviation from the combined side yard setback equates to over 600 pallet positions. He advised that the reduction of the width of the building would increase the length of the building by 25 to 30 feet to accomplish the same yield desired by the Applicant. Mr. Mannino testified that the Applicant did not wish to extend the building as it would create a greater impact on the existing landscaping. He asserted that the proposed design was a better zoning alternative while still maintaining certain criteria necessary to satisfy the market.

Mr. Mannino next proffered Exhibit A-3, an exterior rendering of the north corner of the building; which was entered into the record by the Board. He confirmed that Exhibit A-3 was representative of the warehouse to be constructed. Mr. Mannino described the building as having three (3) to four (4) color tones with stone accent veneer on the front façade facing Davidson Avenue. He noted that Exhibit A-3 also depicted the side of the building. Mr. Mannino stated that the clerestory story windows, the paint pattern and aesthetic of joints would continue around all sides of the building.

Mr. Mannino reviewed the mechanical equipment proposed for the building; noting a transformer located at the front of the building. He stated that a primary mechanical unit for the building would be located on the rooftop; and that a smaller unit would be supplied on the rooftop for any accessory office space. Mr. Mannino confirmed that the building would be solar ready.

- P. In response to an inquiry from the Board concerning the impact of providing a compliant side yard setback, Mr. Flynn advised that meeting the requirement would result in the building extending approximately 25 to 30 feet further to the rear of the property in order to provide the same square footage within the building. He acknowledged that the structure would be longer and narrower; and potentially less attractive to a potential tenant. Mr. Flynn stated that the site would likely be less functional and there would be greater impacts on the existing site conditions. He further confirmed Mr. Healey's statement that the extension of the building would also slightly increase the impervious coverage on the site; as the driveway would be longer to access the rear of the extended building. Finally, Mr. Flynn noted that the side yard setback was compliant to the closest neighbor on the southerly lot; but it was the issue of combining the two (2) side yards that created the need for a variance.

- Q. Ms. Elizabeth Dolan, P.E., the Applicant's Traffic Engineer, came forward and was sworn in. The Board accepted her qualifications. Ms. Dolan reviewed the Traffic and Parking Study prepared by her office; and its conclusions. She noted that the proposed warehouse was not a high trip generator; advising that 14 trips were anticipated in the morning peak hour and 17 in the evening peak hour. Ms. Dolan advised that these numbers were below the 100 trips or more in a peak hour which are required for a traffic impact to be considered significant; and concluded that the Applicant's Project would not have a negative traffic impact on the adjacent roadway system.

Ms. Dolan next reviewed the proposed site plan; focusing upon the proposed 24-foot circulation aisle. She advised that the proposed 24-foot circulation aisle was consistent with the Institute of Transportation Engineers' recommended width; particularly where perpendicular parking is proposed. Ms. Dolan asserted that 26-foot-wide aisle widths add more impervious coverage to the site; and are not necessary to accommodate the circulation or the parking maneuvers. She advised that she had previously testified in support of the 24-foot width in other applications; and that she was confident that the site could be safely circulated by trucks and passenger vehicles. Ms. Dolan stated that Boler Engineering had specifically designed the site with a focus on the WB50 truck. She added that with the turning templates and geometry being depicted, there would be safe and efficient circulation for the various vehicle sizes anticipated to visit the site.

In response to a Board comment, Ms. Dolan confirmed that it was anticipated that traffic would utilize nearby Route 287 to access the Subject Property. She noted Mr. Holzapfel's prior testimony regarding the driveway and parking lot redesign; and indicated the Applicant's Project would supply a much longer driveway throat before the first on-site intersection than under the existing conditions. Ms. Dolan opined that the Applicant's Project proposed an improved driveway configuration.

- R. Mr. Paul Ricci, P.P., A.I.C.P., the Applicant's Professional Planner, came forward and was sworn in. The Board accepted his qualifications. Mr. Ricci reviewed the positive and negative criteria, as well as the burden of proof for the (c) variance relief required for the Applicant's Project. Initially, he noted that the Subject Property is unusually shaped; indicating that while the 150-foot width conforms to the bulk requirements of the B-I zone, the lot depth exceeds a quarter mile. Mr. Ricci stated that the lot dimensions create some inefficiencies affecting the development of the Subject Property.

Mr. Ricci advised that his initial analysis typically focuses on whether an applicant's development exceeds building height, building coverage or lot coverage; as such deviations usually are a result of overutilization of a site. He stated that the Applicant's Project is not an overutilization of the Subject Property; as the coverages are approximately 50% of the maximum permitted in the B-I zone. Mr. Ricci asserted that the Applicant is attempting to make the best use of the Subject Property.

Mr. Ricci noted a compliant 10-foot buffered side yard which would shield the Subject Property from the neighboring property to the south, thereby making the site more attractive to potential tenants. He confirmed that the Applicant's Project complied with the conditional use standards; and asserted that the proposed warehouse was not large. Mr. Ricci identified other neighboring developments with undersized setbacks; and indicated that the Applicant's Project was not proposing a condition which would be out of character with the neighborhood.

With respect to the setback variances, Mr. Ricci opined that the benefits of the variances outweigh any detriments from the granting of the variances. He asserted that the Applicant's Project would result in the creation of a more efficient building by reducing additional disturbances on the property; minimizing additional impervious coverage; and maximizing the retention of existing trees in the rear of the site. Mr. Ricci stated that the Applicant's Project would provide a conforming front yard setback and pull the parking field further from Davidson Avenue; providing additional curb appeal and landscaping. Despite needing the variances, he indicated that the Applicant's Project was substantially compliant with the zone plan; and would not result in a substantial departure from the zone plan. Mr. Ricci also added that the public good was not being impacted because the Applicant's Project met or exceeded the conditions of the existing building along the northerly property line.

Mr. Ricci opined that the Application met several of the purposes of zoning in the MLUL; specifically, purpose (a), purpose (g) and purpose (m). He confirmed that the variances could be granted without a substantial detriment to the public good; and without substantial impairment to the zone plan and zoning ordinance. Mr. Ricci stated that the Applicant's Project would result in significant improvements to the existing building and Davidson Avenue frontage; and provide new storm water management improvements (including stormwater treatment).

In response to a Board inquiry, Mr. Ricci confirmed that the variance relief needed for the Applicant's Project could be granted under a (c)(2) analysis; as the benefits from the granting of the variance relief substantially outweigh any detriments.

4. At the hearing on January 7, 2026, the application was opened by the Board for public comment and no public comment was received.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Franklin, that it does hereby make the following findings of fact and conclusions of law based upon the testimony given in the matter, and reports, documents and materials provided to the Board:

1. Applicant, **DAVIDSON PROPERTIES, LLC**, is the owner of real property located at 230 Davidson Avenue, Somerset, New Jersey, and currently designated on the Tax Map of the Township of Franklin as Block 468.01, Lot 20.01, same being located within the B-I zone. The Subject Property is 4.82 acres in size and is currently improved with and existing building together with parking areas and other site improvements.

2. The Applicant is proposing to demolish the existing site improvements and construct a 37,460 SF warehouse, with one (1) potential office area (1,950 SF), five (5) loading docks, one (1) drive-in ramp, a nine (9) space trailer parking area and associated site improvements on the Subject Property; as depicted on the Applicant's site plan. The Board notes that the Subject Property is compliant as to the bulk requirements of the B-I zone district with the exception of minimum combined side yard setback, minimum drive aisle setback, minimum parking aisle width and minimum parking lot setback.
3. Specifically, the Applicant requires the following variance relief:
 - A. Minimum Combined Side Yard Setback – 50 feet required and 44.65 feet proposed;
 - B. Minimum Drive Aisle Setback – 5 feet required and 2.1 feet proposed;
 - C. Minimum Drive Aisle Width – 26 feet required and 24 feet proposed; and
 - D. Minimum Parking Lot Setback – 5 feet required and 2.1 feet proposed.
4. The Board is satisfied that pursuant to N.J.S.A. 40:55D-70(c)(2) that the Applicant is entitled to the aforementioned variance relief. The benefit to the Township is the advancement of the purposes of zoning; as outlined by the Applicant's Planner. The Board perceives little, if any, detriment from the granting of the variances. Based upon the forgoing, the Board concludes that the benefits from the granting of the variances substantially outweigh any detriments.
5. Provided all of the conditions of the approval are met, the variances can be granted without substantial impairment to the intent and purpose of the LDO of the Township of Franklin. The Board also finds that granting the variances will not be inconsistent with the character of the surrounding area.
6. The variances can also be granted without substantial detriment to the public good, as the traditional Municipal Land Use Law goals of light, air and open space will not be compromised by the granting of the variances. The proposed improvements, including increase in the setback of the front parking area, stormwater management and landscaping, will benefit the public.
7. The Board is satisfied that the Applicant has provided sufficient evidence and testimony and has met the requirements for preliminary and final site plan approval. In this regard, the Board is satisfied that the Applicant has made adequate provision for ingress and egress from the site, has accounted for appropriate landscaping on the Subject Property as testified and presented to the Board.
8. The Board is satisfied that the Applicant has supplied sufficient evidence and testimony and has met the requirements for approval of the Applicant's Project as a conditional use. In this regard, the Board is satisfied that the Subject Property is located 500 feet or more from a residential zone; and that public water and public sewer are available to service the Subject Property.

BE IT FURTHER RESOLVED, by the Planning Board of the Township of Franklin as follows:

1. Preliminary and final major site plan approval, as well as conditional use approval is hereby granted to the Applicant to construct a to a 37,460 SF warehouse, with one (1) potential office area (1,950 SF), five (5) loading docks, one (1) drive in ramp, a nine (9) space trailer parking area and associated site improvements on the Subject Property; as presented to the Board and detailed on the preliminary and final site plan drawings which the Applicant will revise in accordance with the requirements of this resolution.
2. Variance relief pursuant to N.J.S.A. 40:55D-70(c)(2) is hereby granted to Applicant so as to permit the following:
 - A. Maximum Minimum Combined Side Yard Setback – 50 feet required and 44.65 feet approved;
 - B. Minimum Drive Aisle Setback – 5 feet required and 2.1 feet approved;
 - C. Minimum Drive Aisle Width – 26 feet required and 24 feet approved; and
 - D. Minimum Parking Lot Setback – 5 feet required and 2.1 feet approved.
3. The within preliminary and final major site plan approval; associated variance relief and design waivers granted herein are expressly based upon the plans, reports and testimony submitted to the Planning Board. These approvals are subject to and upon the following conditions:
 - A. The Applicant shall comply with any and all conditions, requirements, and agreements as set forth within this Resolution, as well as any and all representations made to the Board, both orally and in writing, whether contained in this Resolution or not including but not necessarily limited to (and revision of plans as applicable to reflect same):
 - i. Provision of “No Idling” signage in the locations identified by the Township Environmental Commission in a form meeting the New Jersey State Specification for same.
 - ii. Limitation of on the length of the vehicles accessing the Subject Property to vehicles of a WB50 size or less.
 - iii. Revision of the landscaping plan to identify the trees being removed, the trees being preserved and the trees being planted on the Subject Property to the satisfaction of the Board Professionals.
 - iv. Replacement of any trees which are preserved as part of the Applicant’s Project which do not survive for a two (2) year period after the completion of the Applicant’s Project.
 - v. Applicant will comply with the Tree Replacement Ordinance by providing as many plantings as possible on site; and making a contribution to the Tree Fund for any plantings which could not be accommodated on the Subject Property, per ordinance requirements. Any inconsistencies in related calculations will be resolved to the satisfaction of staff. Lastly, the Applicant shall confirm with the water department and Fire Prevention Office that the water line can be removed to alleviate any concern over the installation of new plantings in that area.

- vi. Provision of sidewalks in the right-of-way on Davidson Avenue, as well as a sidewalk connecting the building on the Subject Property to the right-of-way on Davidson Avenue to the satisfaction of the Board Professionals.
- B. The Applicant shall comply with all comments and conditions as set forth within the reports of the Board professionals and Township staff as provided to the Applicant except as may have been specifically modified or waived by the Board as specifically addressed within this Resolution.
- C. The Applicant shall satisfy and post any and all escrows and pay any taxes as required by law or by ordinance.
- D. The Applicant shall obtain any and all approvals required by any other governmental agency having jurisdiction over the development.
- E. The development shall be subject to the payment of applicable affordable housing development fees.

BE IT FURTHER RESOLVED, by the Township of Franklin Planning Board, that:

1. All conditions contained in this Resolution and in the record of the proceedings in this matter, including any agreements made by the Applicant, were essential to the Board's decision to grant the approvals set forth herein. A breach of any such condition or a failure by the Applicant to adhere to the terms of any agreement within the time required may result in appropriate action by the Township; including, but not limited to, the revocation of the within approval and termination of the right of the Applicant to obtain or continue work or occupancy under any construction permits, Certificates of Occupancy or any other governmental authorizations necessary in order to continue development and use of the project.
2. The development of this property shall be implemented in accordance with the plans submitted and as approved. In the event that the Applicant shall make or propose any changes to the project or structures on the property from those shown on the revised and approved plans and exhibits approved for this Application, whether such changes in voluntarily undertaken or required by any other regulatory agency, Applicant shall resubmit any such changes to this Board for review and determination.

Christine Woodbury, Planning Board Secretary

VOTE ON MOTION: 01/07/2026

FOR:

Dr. Theodore Chase
Robert LaCorte
Marc Dancy
Meher Rafiq
Jennifer Rangnow
Robert Thomas
Vice-Chairman Charles Brown
Chairman Michael Orsini

AGAINST:

NONE

ABSTAIN:

NONE

VOTE OF RESOLUTION: 02/18/2026

FOR:

AGAINST:

NONE

ABSTAIN:

NONE

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF
FRANKLIN, SOMERSET COUNTY, NEW JERSEY,
GRANTING AN EXTENSION OF AMENDED PRELIMINARY AND FINAL MAJOR
SITE PLAN APPROVAL WITH ASSOCIATED VARIANCE RELIEF
TO 50 ATRIUM DRIVE, LLC
CONCERNING PROPERTY LOCATED AT
50 ATRIUM DRIVE, SOMERSET, NEW JERSEY
AND DESIGNATED AS BLOCK 468.01, LOT 24.01.**

Docket No. PLN-22-00005

WHEREAS, 50 ATRIUM DRIVE, LLC (hereinafter referred to as “Applicant”), has applied to the Franklin Township Planning Board (hereinafter referred to as “Board”) for an extension of amended preliminary and final major site plan approval with associated variance relief for the premises currently designated on the Tax Map of the Township of Franklin as Block 468.01, Lot 24.01 and located on what is commonly known as 50 Atrium Drive, Somerset, New Jersey (hereinafter referred to as the “Subject Property”), and is located within a Business and Industry B-I zone district; and

WHEREAS, the Applicant was granted amended preliminary and final major site plan approval and associated variance relief (hereinafter the “Approvals”) on August 3, 2022, and a memorializing Resolution was adopted by this Board on November 9, 2022; and

WHEREAS, at the Board’s meeting of January 21, 2026 the Applicant was represented by Peter U. Lanfrit, Esq. who requested an extension of the Approvals; and

WHEREAS, the zoning of the Subject Property has not changed since the original date of the Approvals, nor have any Township Land Development Ordinances been adopted which would affect the development of the Subject Property as approved; and

WHEREAS, good cause has been shown for the granting of an extension of the Approvals, in that Applicant has pursued the satisfaction of the conditions of the Approval.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Franklin, that it does grant an extension of the amended preliminary and major final site plan approval and associated variance relief until December 31, 2026.

BE IT FURTHER RESOLVED, by the Township of Franklin Planning Board, that:

1. All conditions contained in this Resolution and in the record of the proceedings in this matter, including any agreements made by the Applicant, were essential to the

Board's decision to grant the approvals set forth herein. A breach of any such condition or a failure by the Applicant to adhere to the terms of any agreement within the time required shall result in appropriate action by the Township; including, but not limited to, the revocation of the within approval and termination of the right of the Applicant to obtain or continue work or occupancy under any construction permits, Certificates of Occupancy or any other governmental authorizations necessary in order to continue development and use of the project.

2. The development of this property shall be implemented in accordance with the plans submitted and as approved. In the event that the Applicant shall make or propose any changes to the project or structures on the property from those shown on the revised and approved plans and exhibits approved for this Application, whether such changes in voluntarily undertaken or required by any other regulatory agency, Applicant shall resubmit any such changes to this Board for review and determination.

Christine Woodbury, Planning Board Secretary

VOTE ON MOTION: 1/21/2026

FOR:

Michael Orsini
Robert Thomas
Robert Lacorte
Theodore Chase
Mahir Rafiq

VOTE OF RESOLUTION: 02/18/2026

FOR:

AGAINST:
NONE

ABSTAIN:
NONE

AGAINST:
NONE

ABSTAIN:
NONE

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF
FRANKLIN, SOMERSET COUNTY, NEW JERSEY,
ELIMINATING CONDITION 3ii. IN THE RESOLUTION GRANTING PRELIMINARY
AND FINAL SITE PLAN APPROVAL WITH ASSOCIATED C VARIANCES TO
MACEDONIA CHURCH OF GOD IN CHRIST INTERNATIONAL, CONCERNING
PROPERTY LOCATED AT
127, 131 and 133 FULLER STREET, SOMERSET, NEW JERSEY AND DESIGNATED
AS BLOCK 123, LOTS 13-22**

Docket No. PLN-21-00022

WHEREAS, MACEDONIA CHURCH OF GOD IN CHRIST INTERNATIONAL (hereinafter referred to as “Applicant”), has applied to the Franklin Township Planning Board (hereinafter referred to as “Board”) for elimination of condition 3ii. in the resolution granting preliminary and final site plan approval, with associated C variances, for the premises currently designated on the Tax Map of the Township of Franklin as Block 123, Lots 13-22 and located on what is commonly known as 127, 131 and 133 Fuller Street, Somerset, New Jersey (hereinafter referred to as the “Subject Property”), and is located within a Residential Infill (R-F) zone district; and

WHEREAS, this application falls under the jurisdiction of the Board for approval pursuant to N.J.S.A. 40:55D-1 et seq.; and

WHEREAS, the Applicant was represented by Peter U. Lanfrit, Esq.; and

WHEREAS, Applicant presented its rationale for eliminating condition 3ii.; and

WHEREAS, the Applicant provided proof of service and publication of all proper notices and advertisements as required pursuant to the Municipal Land Use Law; and

1. The following presentation was introduced at the hearing:

- A. Peter U. Lanfrit, Esq., appeared on behalf of the Applicant. He stated that the condition was no longer needed because the Applicant had downsized the church by eliminating second floor seating in the balcony and therefore there was adequate parking without having to reach an agreement with PNC Bank.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Franklin, that it does hereby make the following findings of fact and conclusions of law based upon the above presentation provided to the Board:

1. The elimination of the second floor balcony seating substantially reduces the parking demand required under the Township's ordinance and therefore eliminates the need for the parking arrangement required by condition 3ii.

BE IT FURTHER RESOLVED, by the Planning Board of the Township of Franklin as follows:

1. Elimination of condition of 3ii. of the resolution of approval granted on November 6, 2024 is hereby granted.

BE IT FURTHER RESOLVED, by the Planning Board of the Township of Franklin as follows:

1. All conditions contained in this Resolution and in the record of the proceedings in this matter, including any agreements made by the Applicant, were essential to the Board's decision to grant the approvals set forth herein. A breach of any such condition or a failure by the Applicant to adhere to the terms of any agreement within the time required shall result in appropriate action by the Township; including, but not limited to, the revocation of the within approval and termination of the right of the Applicant to obtain or continue work or occupancy under any construction permits, Certificates of Occupancy or any other governmental authorizations necessary in order to continue development and use of the project.
2. The development of this property shall be implemented in accordance with the plans submitted and as approved. In the event that the Applicant shall make or propose any changes to the project or structures on the property from those shown on the revised and approved plans and exhibits approved for this Application, whether such changes in voluntarily undertaken or required by any other regulatory agency, Applicant shall resubmit any such changes to this Board for review and determination.

Christine Woodbury, Planning Board Secretary

VOTE ON MOTION: 01/21/2026

FOR:

Michael Orsini
Robert Thomas
Theodore Chase
Mahir Rafiq

AGAINST:

NONE

ABSTAIN:

NONE

VOTE OF RESOLUTION: 02/18/2026

FOR:

AGAINST:

NONE

ABSTAIN:

NONE

**ORDINANCE NO. 4496-26
DEVELOPMENT FEE ORDINANCE
TOWNSHIP OF FRANKLIN, SOMERSET COUNTY**

AN ORDINANCE REPLACING ARTICLE XXXIII -AFFORDABLE HOUSING DEVELOPMENT FEES OF THE LAND USE ORDINANCE OF THE TOWNSHIP OF FRANKLIN (SOMERSET COUNTY) TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT (FHA) AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE FRANKLIN'S AFFORDABLE HOUSING OBLIGATIONS

SUMMARY

Chapter 112-252 , Article XXXIII of the Code of the Township of Franklin is hereby amended to include provisions addressing Franklin's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:99, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide development fee ordinance in accordance with the Fair Housing Act (P.L.2024, c.2) and N.J.A.C. 5:99, as most recently amended. Existing Article XXXIII shall be deleted in its entirety and replaced.

BE IT ORDAINED by the MAYOR AND COUNCIL of the Township of Franklin, Somerset County, New Jersey, that Chapter 112-252 , Article XXXIII of the Code of the Township of Franklin is hereby amended to include provisions addressing Franklin's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:99, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide development fee ordinance in accordance with the Fair Housing Act (P.L.2024, c.2) and N.J.A.C. 5:99, as most recently amended. Existing Article XXXIII shall be deleted in its entirety and replaced with the following.

Article XXXIII- Affordable Housing Development Fees

§112-252 Development Fees.

A. Purpose

- (1). This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

§112-253 Basic Requirements

- A. The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.
- B. The municipality shall not spend development fees until the court has approved a plan for spending such fees.

§112-254 Basic Requirements

"Affordable Housing Trust Fund" or "AHTF" means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the "Neighborhood Preservation Nonlapsing Revolving Fund" and "Balanced Housing" mean the AHTF.

"Barrier-free escrow" means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

"Development fee" means money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

"Emergent opportunity" means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

"HMFA" or "the Agency" means the New Jersey Housing and Mortgage Finance Agency established pursuant to P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

"Municipal affordable housing trust fund" means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

"Municipal development fee ordinance" means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

"Non-residential development" means:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and

The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

"Non-residential development fee" means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

§112-255 Residential Development Fees

A. Imposed fees

- (1). Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
- (2). When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage of 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

B. Eligible exactions, ineligible exactions and exemptions for residential development

- (1). Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.
- (2). Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.
- (3). Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

- (4). No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.

§ 112-256 Non-Residential Development Fees

A. Imposition of fees

- (1). Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- (2). Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- (3). Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for non-residential development

- (1). The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
- (2). The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

C. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.

D. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

E. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of

the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

§112-257 Collection Procedures

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
- D. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
- E. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
- H. Hundred percent (100%) of the development fee shall be collected at the time of issuance of the certificate of occupancy.

§112-258 Appeal of development fees

- A. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

- B. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 112-259 Affordable Housing Trust Fund

- A. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
- (1). Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
 - (2). Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - (3). Rental income from municipally operated units;
 - (4). Repayments from affordable housing program loans;
 - (5). Recapture funds;
 - (6). Proceeds from the sale of affordable units; and
 - (7). Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
- C. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.
- D. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:
- (1). Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
 - (2). Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;
 - (3). Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
 - (4). Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
 - (5). Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
 - (6). Revocation of compliance certification or a judgment of compliance and repose;

- (7). Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;
- (8). Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.

- E. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

§ 112-260 Use of Funds

- A. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.
- B. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
- C. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.
 - (1). Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
 - (2). Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
- D. No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing

Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

§112-261 Monitoring

On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

§112-262 Ongoing Collection of Fees

- A. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
- B. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).

§112-263 Emergent Affordable Housing Opportunities.

Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.

Repealer

All ordinances or code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Severability

If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Effective Date

This ordinance shall take effect upon its passage and publication, as required by law.

ORDINANCE NO. 4496-26

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, New Jersey.

Introduced: February 10, 2026

Published:

Public Hearing: February 24, 2026

Adoption:

Published:

Effective:

Ann Marie McCarthy, RMC, MMC
Township Clerk

