TOWNSHIP OF FRANKLIN
Board of Adjustment
Agenda
Thursday, October 1, 2026

SUNSHINE LAW

ROLL CALL

MINUTES

Regular Meeting - August 06, 2026

APPROVED
BOA - 8-6-2026.doc

RESOLUTION

DISCUSSION

HEARINGS

ISLAMIC CIRCLE of NORTH AMERICA / ZBA-25-00024

D(1) Variance/Sit Plan in which the applicant seeks permission to renovate interior of existing commercial space to a prayer room/house of worship at 1320 Hamilton Street, Somerset; Block 90 Lot 3 in zone B-I

DL 11/30/2026

https://www.franklintwpnj.org/committees-commissions/zoning-board-of-adjustment/application-material/islamic-circle-of-north-america-n-j-inc-zba-25-00024/-fsiteid-1#!/

CARRIED to NOVEMBER 05, 2026 - with no further notification needed

TRC report 07.15.26.pdf
Health Department report 07.10.26 ng.docx
SCPB 05.29.26.pdf
EC report 03.03.26 ok.docx

TAWHEED DAHWAH CENTER / ZBA-24-00017

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

DL 10/01/2026

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

CARRIED to OCTOBER 15, 2026 – no further notification required

THIS MATTER WILL BE HEARD AT 6:30PM AT 475 DeMOTT LANE IN THE COUNCIL CHAMBERS
EC report 02.17.26 ng.docx
TRC REVISED report 09.10.26.pdf
SCPB 09.08.26.pdf
D&R 03.17.25.pdf

THE LIGHT OF CHRIST INTERNATIONAL FELLOWSHIP MINISTRIES, INC / ZBA-26-00018

D Variance in which the applicant is proposing to use vacant space as a place of worship at 60 Millstone Road, Somerset; Block 135.01 Lots 21-22, 26-28 in zone
HBD

DL 11/01/2026

https://www.franklintwpnj.org/committees-commissions/zoning-board-of-adjustment/application-material/the-light-of-christ-international-fellowship-ministries-usa-zba-26-00018/-fsiteid-1#!/

APPROVED
TRC revised 09.24.26.pdf
EC report 09.22.26 ng.docx

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

REGULAR MEETING
August 6, 2026

This Regular Meeting of the Township of Franklin Zoning Board of Adjustment was held at the Municipal Building, 495 DeMott Lane, Somerset, NJ. and was called to order by Chairman Thomas at 7:30 p.m. The Sunshine Law was read, and the roll was called as follows:

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

MINUTES:

- **Regular Meeting – June 4, 2026**

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

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

AGAINST: None

RESOLUTIONS:

- **PSE&G / ZBA-26-00003**

Mr. Rosenthal made a motion to approve the Resolution, as submitted. Ms. Firdaus seconded the motion, and the roll was called as follows:

FOR: Ms. Firdaus, Mr. Rosenthal, Mr. Dougherty, and Chairman Thomas

AGAINST: None

- **Art Heinrich / ZBA-26-00004**

Mr. Rosenthal made a motion to approve the Resolution, as submitted. Ms. Firdaus seconded the motion, and the roll was called as follows:

FOR: Ms. Firdaus, Mr. Rosenthal, Mr. Dougherty, and Chairman Thomas

AGAINST: None

DISCUSSION:

- **64 Casa Esencia, LLC / ZBA-21-00027 Relief of Condition**

The matter will be carried to September 17, 2026, with no further notification.

HEARINGS:

- **ISLAMIC CIRCLE OF NORTH AMERICA / ZBA-25-00024**

Mr. John DeLuca, Esq., Attorney, appeared before the Board on behalf of the Applicant, Islamic Circle of North America. D(1) Variance/Site Plan in which the Applicant sought permission to renovate the interior of an existing commercial space to a prayer room/house of worship at 1320 Hamilton Street, Somerset; Block 90, Lot 3, in the Business & Industry (B-I) Zone.

Mr. DeLuca indicated that the current existing conditions include a development as a two (2)-story office building that was approximately 9,500 sq. ft. with 36 parking spaces on-site. He noted that the Applicant owned and uses the property as its headquarters. Mr. DeLuca then indicated that it was an office space, a conference space and have two (2) tenants in the office building that include an accountant and a real estate agent. He then told the Board that those current uses will continue and that their proposal was to conduct some interior renovations to accommodate a new use for a house of worship, making the building a mixed-use building. The Islamic Circle of North America wants to use the building for their daily prayers, especially on Fridays when they have a series of calls to prayers throughout the day. Mr. DeLuca then explained that their community was growing and, in addition to their employees that they have on-site, they do expect foot traffic and potentially some people coming by car to pray on-site.

Mr. DeLuca then explained that they were proposing to re-stripe the parking lot to create 42 spaces, but were also seeking a parking variance. He added that if all of the uses were on-site at the same time, the Township ordinance required that they have 47 parking spaces. He then added that they would not be utilizing the entire facility simultaneously and that when the worship space was being used, the office space for this organization would not be used as all staff and employees would be in the prayer area.

Mr. DeLuca then summarized what they were seeking that evening, including D(1) Use Variance relief, amended Site Plan approval, and a parking variance. He stated he would be

calling five (5) witnesses that evening to testify and, for the record, that they did properly issue public notices in newspapers and certified mailings to all property owners within 200 ft. of the site.

Mr. Syed Haq, Volunteer with the Islamic Circle of North America, came forward and was sworn in. Mr. Haq then explained that the Islamic Circle of North America is a grassroot Islamic organization that focuses on Muslim community development, educational programs, social justice, interfaith outreach and humanity relief. He then noted that they had purchased in the building in 2006 and that there were two (2) tenants currently in the building. He then spoke about them holding prayer services since 2006 for employees who work in the building and that they were planning to use a specific space that they had earmarked for prayer purposes to allow for walk-ins and people from the community to also participate in the prayer services. A floor plan, that was already submitted with the plan, was being shown on the screen. He indicated that they anticipate that they might have 10-12 people at the most come in from the community and that the proposed space could accommodate 42 people in the marked spaces on the floor and praying on an angle. Mr. DeLuca indicate that the Township Code would allow 49 people in the building. He then entered into the record as Exhibit A-1, a photograph of the space as it exists today, pre-renovation. Mr. Haq indicated that the photograph was taken by himself that very day. Mr. Haq then explained the configuration of prayer spaces on the floor and the reason the spaces were on an angle in order to face the Cabba in the Islamic Faith. He explained that the Cabba was the main mosque in Saudi Arabia.

Chairman Thomas then asked Mr. Haq how they would be able to control how many people come to worship. Mr. Haq indicated that they have five (5) people who work on a regular basis in the office and about 20-25 people who come monthly for meetings and would have 30 people at prayer services in any given day at the most. He added that someone is at the door when there were prayer services going on to guide walk-ins from the community. Mr. Haq indicated that they had five (5) prayer services per day all days of the week, with the first starting before sunrise and the last one (1) was late at night. Mr. Haq then described the length of the prayer services and how the activity was conducted, with 15 minutes at the most for each prayer service, with the exception of the Friday afternoon prayer which took 30 minutes or so. He testified that maybe 20-25 people would come from the surrounding community on Friday afternoons and that the Friday afternoon prayer service is the only one conducted on that day and the rest people would pray at home.

Mr. Bernstein, Board Attorney, asked how long the room shown in the photo (Exhibit A-1) had been used, and Mr. Haq indicated that it was maybe 15 years now, but that the carpet had changed. He did note that the room was only used for employees who use the office space, however, over those years. Mr. Bernstein then asked when was the last time the prayer room was used for office space, and Mr. Haq stated that it was more than 10 years. Mr. Bernstein discussed the fact that Mr. Haq's testimony was not necessarily in accordance with what was requested in the Application that was submitted. Mr. DeLuca indicated that the Architect's testimony coming up would make it more clear that what they were asking for was more in line with what was requested in the Application paperwork.

Mr. Rubbie Jamshad, Operations Director for Islamic Circle of North America, New Jersey. came forward and was sworn in. Mr. Jamshad then described how the space was being used

currently and how they intend to use the prayer service space. He described where his office was and that there was a mailing/storage room next to it that houses items that are shipped out and packed in the other mailing room that was on the other side of the room that was used for prayer services. Next to that, he described an Islamic specialty book store that did not receive a lot of foot traffic, but that they do mostly online orders. He then explained that since they were a non-profit organization, they had a room that houses relief storage and a hygiene specialty pantry that included hygiene items, including diapers, that were given away to needy people within the community every Tuesday morning from 10:30 a.m. to 12:00 p.m. He noted that there were about 15-20 people a week coming for relief/hygiene items during the one (1) and a half hour period each week. He then explained what was included in the mechanical room and that it was unmanned. He explained that the first floor had the prayer room for prayer services, his office, two mail rooms that had one (1) employee working in both spaces, one employee for the specialty book store and one (1) tenant space for the accountant. He then noted that the second floor included another tenant space for the realtor who uses that space, a conference room for meetings for men and another conference room for women, a recording space to record videos, an audio video room that includes equipment and a women's office that is not currently occupied as well as a lunch room that was only accessible to the employees and only included a microwave and a sink. He added that there was a Relief Office on the second floor as well. He indicated that they currently have five (5) employees in the building. Mr. DeLuca stated that they were no proposing any signage at this time.

Chairman Thomas then asked if the specialty bookstore was ever opened to the public, and Mr. Jamshad indicated that the bookstore was open to the public. Mr. Jamshad also stated that on average, there was only one (1) person per day who would come to purchase or shop in the bookstore. They then discussed whether this bookstore was an additional use at the site, and Mr. Healey indicated that it was part of a religious organization and part of their operation where they only sell items related to their religion. He stated that he thought it could be argued that the library was an accessory to that use.

Ms. Firdaus asked if the books from the bookstore were for purchase or being given away, and Mr. Jamshad stated that they were for purchase, at cost.

Mr. Bernstein then asked what days of the week and what hours was the building open. Mr. Jamshad indicated that the building was only open on five (5) days of the week (Monday through Friday, from 9:00 a.m. until 6:00 p.m. and then locked. He noted that on Saturdays and Sundays, the building can be opened as needed, but he believed that the building was open from 9:00 a.m. to 3:00 p.m.

Mr. Berstein then asked if Mr. Jamshad could orient the Board as to where the front door was located. Mr. DeLuca indicated that they were looking at the proposed first floor floor plan exhibit. Mr. Jamshad then pointed out the location of the front door, noting that there was no other way to get to the prayer room other than through the front door.

Mr. Bernstein then asked if the tenants of the building, an account and a realtor, have access to the building outside of the building hours and do their customers have access to their offices other than at those times.

Mr. Jamshad indicated that the two tenants, the accounts and the realtor have a key card to access the building, but their customers do not have access.

Mr. Healey asked again how many employees were in the building, and Mr. Jamshad answered five (5) employees. They then discussed how many people had been using the prayer room for pray services all this time, and Mr. Jamshad indicated that it was just the five (5) employees other than when they had meetings where that number would increase to about 15-20 people.

Mr. Bernstein then asked who gets invited to the meetings, and Mr. Jamshad stated that the volunteers who are involved in upcoming events get invited to meetings.

Mr. Jamshade testified that there was no intention to rent out any additional space other than to the two (2) current tenants. He added that there were no other plans to host any banquets, events or festivals either. He then noted that the two tenants were unaffiliated with the organization.

Mr. Jamshad also indicated that there would be no food preparation at the site or brought to the site and that they only had a lunchroom that had a microwave, a sink and a refrigerator.

Chairman Thomas then opened the meeting to the public for questions of either of the two (2) witnesses who gave testimony. Seeing no one coming forward, the meeting was closed to the public.

Vice Chair Shepherd then opened a discussion regarding he requirements for houses of worship to conform with the conditional use standards set. Mr. Healey stated that the conditional standards did not apply in this case because these standards do not apply outside of a residential zone and they were located in a business and industry zone. He added that this Application was for a D (1) Use Variance because houses of worship were not permitted at all in business zones. A discussion ensued related to houses of worship being included in buildings with office/retail and why the discussion would include the parking requirements.

Mr. Ashra Ragab, Architect, and Principal of Amar Design Studio came forward and was sworn in. The Board accepted his qualifications. Mr. Ragab entered into the record as Exhibit A-2, prepared by himself and dated October 8, 2025. He then described the layout, stating that it was a religious outreach organization and included offices, a small bookstore for people coming in from the outside to purchase books and for mailing books through the mail room. He spoke about the pantry for packaging hygiene equipment and relief food. He then noted that most of the building was operated by IGNA Relief with the exception of those two tenants, with one on the first floor (accountant) and the other on the second floor (realtor). He stated that one of the office spaces had always been utilized as a prayer room for employees and meeting attendees, but that they had received numerous requests to allow people from the community to attend prayer services. He added that they decided to legally convert that office space into a house of worship so that anyone can walk in from the street and join them in prayer.

Mr. Ragab then discussed the renovations that were planned. The prayer room would not need any renovations because it was already being used as a prayer room, but there were two toilets across the hall from that room and were not ADA currently and were planning to

convert the two toilets into ADA compliant toilets for members of the public to use. He then spoke about having two main forms of egress, one facing Hamilton Street which was the main entrance, and the other was at the side of the building. He added that there were two (2) sets of stairs, one in the front and one in the back that both go to the second floor where there were mainly offices and meetings rooms along with a lunchroom and an audiovisual room and a recording studio that act as accessory uses to the structure. Mr. Ragab then indicated that there were no changes/renovations planned for the second floor or to the exterior of the building.

Chairman Thomas then opened the meeting to the public to ask questions of the Architect. Seeing no one coming forward, the Chairman closed the meeting to the public.

Mr. Ronald Sadowski, Site Engineer, 10 Edward Avenue, Edison, NJ, came forward and was sworn in. The Board accepted his qualifications. He entered into the record as Exhibit A-3, which was the Site Plan set prepared by himself, dated June 10, 2026. They then brought up the second sheet of the Site Plan set on the screen showing an existing conditions plan showing a two (2)-story building, with parking along Shirley Avenue and a parking lot along the rear of the building. He added that the circulation of the parking area was in a circular pattern and varies in aisle width with 36 parking spaces shown on the site currently. He then discussed that what they were proposing was to set up a second drive aisle on Shirley Avenue so that they could get circulation through the site so that if they could not find a parking space to park in, they could go back to Shirley Avenue and circle back into the site. Mr. Sadowski also showed that they proposed to extend the parking, the interior parking, to gain four (4) additional spaces to have a total of 42 parking spaces. In order to accomplish this, they had rearranged the striping of a few parking spaces along the southeast portion of the building to gain a few more additional spaces as well. Mr. Sadowski they spoke of two existing rollout dumpsters that they were proposing to move to the rear of the property. He then added that they were not proposing to increase any impervious coverage on the site, leaving the site generally as it is today. He then pointed out where the two (2) handicapped parking spaces were to be located as one would enter the rear parking lot and were ADA compliant with van accessible striping per the Technical Review Committee (TRC) and agree to revise the drawings as such.

Mr. Bernstein, Board Attorney then asked how close the ADA compliant handicapped spaces were to the building, and Mr. Sadowski indicated that they were along the back of the building that have two entrances along Shirley Avenue. A discussion ensued regarding the location of the entrances and stated that the entrance was on the other side of the building.

Mr. Healey indicated that the TRC brought up that same discussion regarding the location of the ADA compliant parking spaces to be near an entrance and would have to have Site Plan compliance. He then explained that handicapped parking spaces need to be the closest possible location to the front entrance. Mr. Sadowski indicated that they could relocate those ADA spaces off Shirley Avenue and then re-stripe and relocate them. Mr. Healey then added that he did not think they would figure it all out that evening because part of the decision was going to come from building code requirements and the Building Sub-Code official who would be part of this discussion was not present that evening. Mr. Healey then indicated that they would have to come back with a new proposal and that it would not result in a net loss of spaces. Mr. Sadowski then stated that he did not see that they would lose and parking spaces as a result.

Mr. Bernstein then asked if they were going to provide EV parking spaces, and Mr. Healey indicated that he did not believe that it would come into play here since it was an existing parking lot. He then added that he believed it would come into play when there was a certain number of parking spaces that were proposed and he did not think that they would trigger that need.

Mr. DeLuca stated that if they were required to move the ADA parking spaces they would do so as part of resolution compliance and would have to come back before the Board if they were to lose any parking spaces. A discussion ensued about the required 47 parking spaces if the use included the prayer services available to the community and would increase the parking requirement and Mr. Healey did not think the retail component of the bookstore would be a factor as it was strictly religious-based offerings at cost.

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

Mr. Sadowski stated that they could comply with all of the comments in the TRC report, however, he then had a question of the comments (3E) in the TRC report regarding the restriping of the interior parking spaces, adjacent to the four (4) new spaces, to meet the 18 ft. depth. He then explained that the reason that they're at 16 ft. depth was because there was a 4 ft. grass island between the parking spaces on opposite sides. He then stated that they physically could not get to the 18 ft. without taking out the grass strip so they would like to keep those spaces at the 16 ft. depth.

Mr. Healey indicated that Google Earth shows that 4 ft. area as pavement and not grass so it would just be a matter of restriping those interior parking spaces. Mr. Sadowski then indicated that they would agree to that restriping and so they were agreeable with all the comments in the TRC report.

Mr. Gary Dean, Traffic Consultant and Principal of Dolan & Dean Consulting Engineers, came forward and was sworn in. The Board accepted his qualifications. Mr. Dean then described the report that he had sent to the Township and stated that it set forth a summary of what was heard from the other witnesses that evening, describing the conditions on the property as a pre-developed site with an office building with off-street parking as was described by Mr. Sadowski, and remained on the exhibit before the Board. He then discussed the unique uses on the site and the desire to create an area of public assembly for worship services in an office space that was already there and would be similar to a realtor who might have for instruction or seminars, etc., that might be found in an office building. He added that it would introduce individuals from outside the building, members of the community.

As already discussed, Mr. Dean brought up the fact that there were six (6) new parking spaces that were proposed on the subject property. Mr. Dean then discussed that their observations while visiting the site at most showed 13 parking spaces utilized and would not use the parking that the Township ordinance would otherwise require due to the unique tenancy but for the two (2) non-affiliated tenants with the Islamic Circle. Mr. Dean then noted that they did take into consideration the parking that would be required for an occupancy of 49 individuals.

Mr. DeLuca then stated, according to building code, the occupancy for that prayer room was 49, but because of the prayer configuration they could only fit 42 praying individuals.

Mr. Dean then stated that they also did consider that some of the congregants work in the building already and was not attracting all new traffic. He then indicated that if they did assume traditional worship services, they might have 10 extra cars during a typical weekday worship service and, as such, was not considered a significant traffic generator. Considering the ancillary use of the bookstore, we've heard through testimony that it was not a retail use in the traditional sense, but specific to the occupancy by the Islamic Circle. He then stated that they would provide 42 parking spaces on-site and went through the calculations per the ordinance by assuming one (1) space for every three (3) seats in a place of assembly or the worship area would require 17 parking spaces. He added that for the remaining office area, it would require an additional 23 parking spaces, therefore, the aggregate requirement by zoning was 40 parking spaces and the site proposed 42 parking space and would comply under that calculation.

Mr. Dean then agreed with the Board regarding the ADA parking spaces and that they need to be as close as practicable to the front entrance. Regarding EV spaces, Mr. Healey was almost correct in that DCA had said that retail commercial uses with 25 or fewer spaces that EV spaces were not required. He added that it also said that existing developments that predate the standards do not need EV spaces, however, DCA, in a clarifying memo from January of 2024, said that if there was an expansion for parking, an EV trigger would be created. He added that it was not clear if "expansion" meant building. He then testified that, in his opinion, the addition of those six (6) spaces as well as taking it over the 25 threshold, could require one (1) EV space. He then stated that it was a code requirement and why Mr. Healey indicated at the Construction Code official would be helpful to clarify that and the Applicant would have to comply and would agree to put it in if, in fact, that was the Construction official's determination. He agreed that the parking lot design was certainly appropriate.

Mr. Healey stated that he just wanted to clarify one (1) thing and that is that the official parking requirement was as per the TRC report. He stated that it was not clear which calculation was appropriate, so in the absence of really clear direction, he determined the parking requirement for the office component, he subtracted the worship area and the total gross area of the office times 0.85, so that came out to 31 spaces for the office component and for the worship area it was based on the occupancy of 49 divided by 3 to get 16. He then indicated that the total parking requirement was 47 and was the relief that the Applicant was seeking.

Mr. Dean then stated that, based on the testimony and the description of the operation wherein, the congregants were also office employees, the strict application of the Township ordinance double-counts. A discussion ensued among the Board.

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

Mr. Kevin O'Brien, Planner, came forward and was sworn in. The Board accepted his qualifications.

Vice Chair Shepherd asked Mr. O'Brien if he wrote a report and submitted it to the Township prior to the night's hearing. Mr. O'Brien answered in the negative, and the Vice Chair spoke to him about requesting that previously from him in order to be able to review what he would be testifying to prior to the meeting. A discussion ensued, and Mr. DeLuca stated that he was not aware of any requirement of the Municipal Land Use Law or the Township ordinance of a witness needing to provide a report prior to testifying.

Mr. Bernstein suggested to the Board that they pass a resolution requiring that all experts testifying before the Board were required to provide an expert report at least 10 days in advance of their appearance before it. Chairman Thomas thought that the Board had done that awhile ago as part of their By-Laws. Mr. Healey repeated a Board member's statement that it was discussed but never adopted. Chairman Thomas stated that they would make sure that it gets taken care of.

Vice Chair Shepherd then offered up a motion that any experts who appear in front of the Zoning Board to testify need to provide a written report more than 10 days prior to their appearance to testify for any application the Board had not yet heard, including for single-family and two (2)-family homes. He added that if they fail to provide such report, they would be unable to testify. Chairman Thomas seconded the motion and the roll was called as follows:

FOR: Vice Chair Shepherd, and Chairman Thomas

ABSTAIN: Mr. Rosenthal,

AGAINST: Ms. Firdaus and Mr. Dougherty,

Mr. Bernstein announced that the motion failed.

Mr. Rich made a motion to approve the Application with variance. Ms. Firdaus seconded the motion, and the roll was called as follows:

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

AGAINST: None

Mr. O'Brien then discussed the Application, the testimony, the proposal, and how it stacked up against the Municipal Land Use Law. Mr. O'Brien then discussed the fact that this house of worship Application was different because it was a D1 Variance that was being requested for a house of worship in an office building in the Business & Industry (B-I) Zone with signage that was very non-descript. He noted that there were pre-existing bulk variances required for the undersized lot and the minimum front yard on Hamilton Street. He added the parking variance that was required, once the uses were combined, the uses of a worship area as well as the office space, overlapping them, then it increased the parking requirement to 49 parking spaces, and they were short. He then spoke about the three (3)-prong burden of proof that

included special reasons based on the purposes of zoning as shown in the Municipal Land Use Law (MLUL). As an inherently beneficial use, they did not have to do that.

Mr. Bernstein brought up a 1997 legislative act (Monarch Construction) that the Supreme Court had recently upheld in 2026, he would argue that inherently beneficial uses in and of itself was not sufficient under the Monarch Construction case to get over that hurdle.

Mr. O'Brien then stated that they could state special reasons, however, they do still have to meet the positive and negative criteria and that this use could be reconciled with the zone plan and the zoning ordinance.

Mr. Bernstein indicated that the seek a test no longer applies as it has been applied for the last three decades and discussed that Applicants had to meet the local requirements of the Master Plan and the zoning, irrespective of whether or not this was an inherently beneficial use. He added that that was what the legislature did when it amended that portion of the law back in 1997. He then spoke about that a planning report would assist the Board in addressing that provision because this is a D1 Use Variance and not a traditional D3 Conditional Use Variance, which may still be addressed under the inherently beneficial use clause which still needed to get beyond the inherently beneficial issue. A discussion ensued between Mr. Bernstein and Mr. O'Brien regarding the understanding of Monarch, giving each of their views regarding the Monarch decision.

Mr. O'Brien then stated that the B-I Zone provided for a mixture of office, laboratory, hotel, data processing, communication, indoor recreation, light industrial, manufacturing, etc. All the other acceptable uses potentially have a much greater intensity than what was proposed here.

Vice Chair Shepherd indicated that the testimony of the two (2) witnesses was that they now wanted to open up their prayer services to the general public who would frequent this type of service and a larger population than those who were currently working in the building. Mr. O'Brien then spoke about the conference members who attend the monthly meetings would be invited to worship as well as other members who would be invited, though undefined in numbers. He did add also that it had a limited audience and not a typical house of worship that unlocks its doors on worship day and anyone who knew about it could walk in and come in.

Ms. Firdaus opened a discussion regarding the fact that the prayer services were not the main focus or function of the building. Mr. Healey indicated that the Applicant was properly here before the Board for approval for what they were proposing, considering that it changed the use for employees only more of an official house of worship.

Chairman Thomas then announced an recess for three (3) minutes for Mr. DeLuca to confer to his client.

When everyone came back from their recess, Mr. DeLuca indicated that they were going to request to carry the hearing to be able to clarify the testimony for consistency and clear up some of the issues that were plaguing the Board such as the handicap parking concern and address who will be visiting the site and when in more definite terms.

The Board and the Applicant agreed to carry the hearing.

A motion was made by Mr. Rosenthal to **CARRY TO OCTOBER 1, 2026, with no further notification required.** The motion was seconded by Vice Chair Shepherd.

DL - 10/31/2026

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

AGAINST: None

Vice Chair Shepherd made a motion to adjourn the meeting at 9:33 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

_____
Kathleen Murphy, Recording Secretary
September 20, 2026

Franklin Township

Somerset County, New Jersey

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475 DeMott Lane
Somerset, NJ 08873
732.873.2500
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www.franklintwpnj.org

Township Technical Review Committee (TRC)

To: Zoning Board of Adjustment

From: Technical Review Committee (TRC)

Date: July 15, 2026

Re: Islamic Circle of North America, NJ, Inc. – D(1) Variance/ Site Plan (ZBA-25-00034)[1]
1320 Hamilton Street; Block 90 Lot 3

The applicant has submitted the application forms and the materials listed below:

- 1-sheet property survey prepared by Robert M. Horvath dated 9/18/25
- 2-sheet site plan prepared by Ronald J. Sadowski, PE revised 6/10/26
- 3-sheet architectural plan prepared by AMRARCH Design Studio revised 10/08/25
- Traffic & Parking Study prepared by Dolan & Dean revised 6/2/26

Site and Project Description

The subject site is a 32,870 square foot (0.75-acre) site located on the northeast corner of the Shirley Avenue/ Hamilton Street intersection within the Business and Industry (B-I) zone. The site is occupied by a 2-story, roughly 9,500 square foot, office building with 36-space parking spaces. The applicant currently occupies the building and uses it for office functions.

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

The applicant describes their application as follows:

> The applicant, Islamic Circle of North America, N.J., Inc., seeks D(1) Use Variance approval from the Zoning Board of Adjustment to permit interior renovations of an existing commercial space, specifically converting a portion of the premises from office use to a prayer room/house of worship, while all other tenant spaces will remain unchanged; the existing first-floor common toilet facilities will be redesigned for barrier-free accessibility, with no changes proposed to electrical lines, lighting, exterior walls, structural elements, or the roof.

The proposed worship area would be 502 square feet in area. The traffic report indicates that the "prayer area will be used by people who work in the building."

Associated site modifications[2] consist of:

- parking lot re-striping resulting in an increase in on-site parking supply up to 42 spaces; and
- modifications to the curbing along Shirley Avenue so as to provide two 2-way curb cuts aligned with the parking area drive aisles.

Review Comments[3]

1. Use. Variance. As a D(1) use variance, the applicant would need to demonstrate to the Board's satisfaction that the use would advance a purpose of zoning (e.g., promotion of the general welfare) or that refusal of the project would impose an undue hardship on the applicant. If the applicant seeks to address the matter as a hardship issue, the applicant would need to prove that the site cannot reasonably be developed with a conforming use. In order to address the general welfare issue, the applicant must demonstrate that the proposed site is particularly suited for the proposed use. With respect to the negative criteria, the applicant must prove that the variance can be granted without substantial detriment to the public good including consistency with the character of the surrounding area. In addition, the applicant must prove that grant of the variance would not be inconsistent with the intent and purpose of the master plan and zoning ordinance (e.g., they must reconcile the proposed use variance with the zoning ordinance's omission of the use from those permitted in the zoning district).

[2] The statement in the traffic report that "no changes are proposed to the driveway and parking lots" is incorrect.

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

2. Required Parking/ Variance. Below is the calculation of required parking per the Township ordinance.[4]

A parking variance is required (42 proposed – 47 required).

	Gross Floor Area in square feet	Required Parking	Total Required Parking
Office Use			
1st Floor (minus proposed worship area)	4,288		
2nd Floor	4,830		
Gross Floor Area (minus proposed worship area)	9,118		
Net Floor Area (85% of GFA minus worship area)	7,750	31	
Worship Area			
Worship area	*502*	16	*47*

3. Site plan comments

a. The area in front of the door should be striped for no-parking.

b. The applicant should confirm that the location of the HC spaces is consistent with the Barrier Free subcode (closest to the entrance). Related details need to be added to the plans (e.g., striping, signage, etc). Same must be van accessible (8-foot loading area; 8-foot spaces).

c. A bumper block or bollard should be provided in front of the eastern-most space in the row behind the building.

d. A STOP bar and signage should be provided at the curb cuts (with appropriate details added to the plans).

e. The spaces in the double parking row to the rear of the building should be restriped to be 18-feet in depth (consistent with the 4 new spaces proposed).

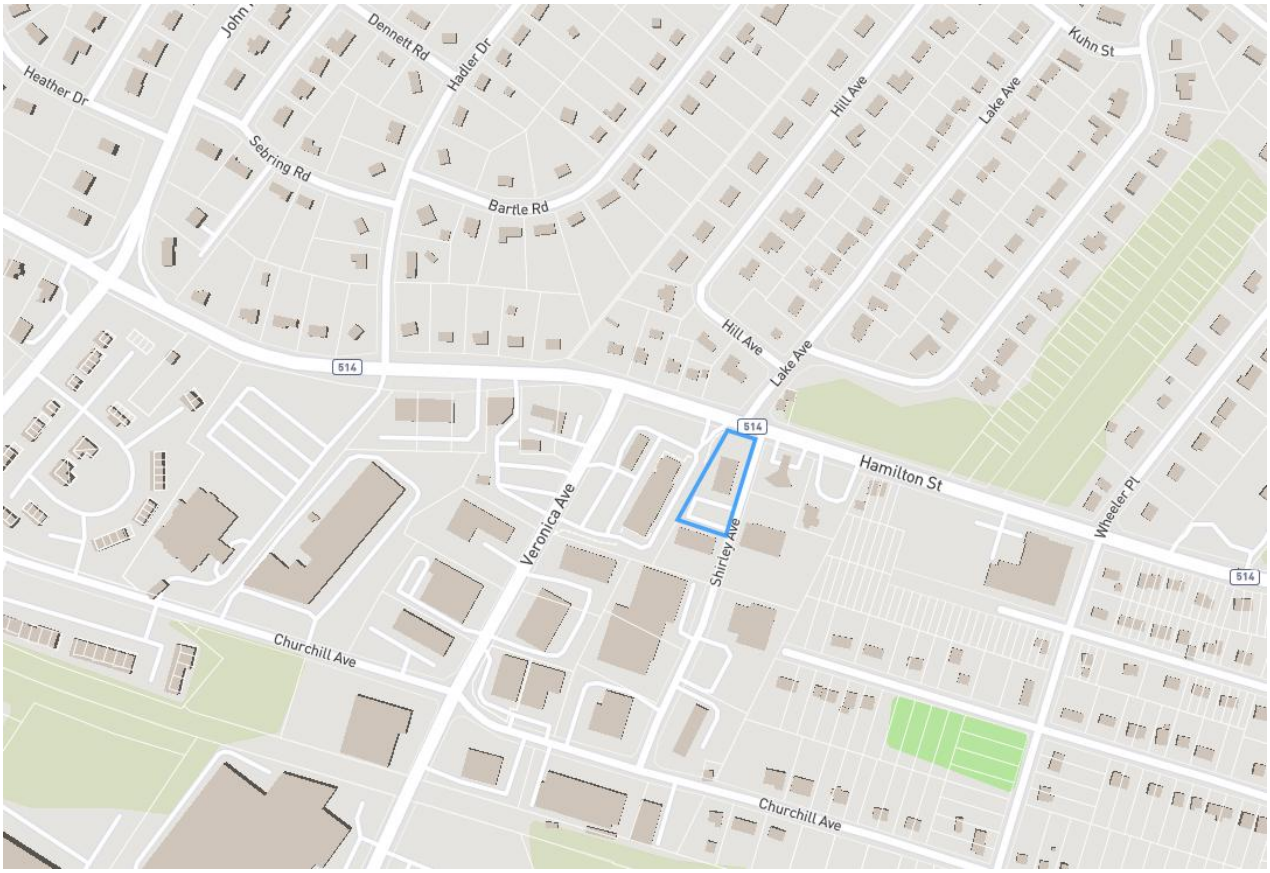
f. Township details for concrete curb and gutter and hot asphalt mix repair should be added to the plan,

g. The plan should show existing curb cut to be replaced with full face curb (with appropriate details - curb and gutter).

h. A few no parking signs should be provided along the edge of pavement in rear of site (with locations shown and detail provided).

i. The changes to the rear parking area (including restriping of existing spaces due to poor state of repair) should be a condition of approval (and required to be done prior to occupancy of the proposed use).

[4] The calculations in the application contain a number of inconsistencies with respect to the square footage figures and don't follow the calculation of required parking per the ordinance (including what constitutes "net floor area"). The calculations in this report are based on: (1) calculation of required parking for the office components based on the definition of "net floor area" per the ordinance (85% of gross floor area) subtracting out the 502 square feet of the worship area; and (2) calculates the parking requirement of the worship area based on the 49-person occupancy figure cited on the plan – however this figure needs to be confirmed by the applicant as the parking requirement is based on occupancy per applicable building code. The architectural and site plans shall be revised to reflect the calculations in this report.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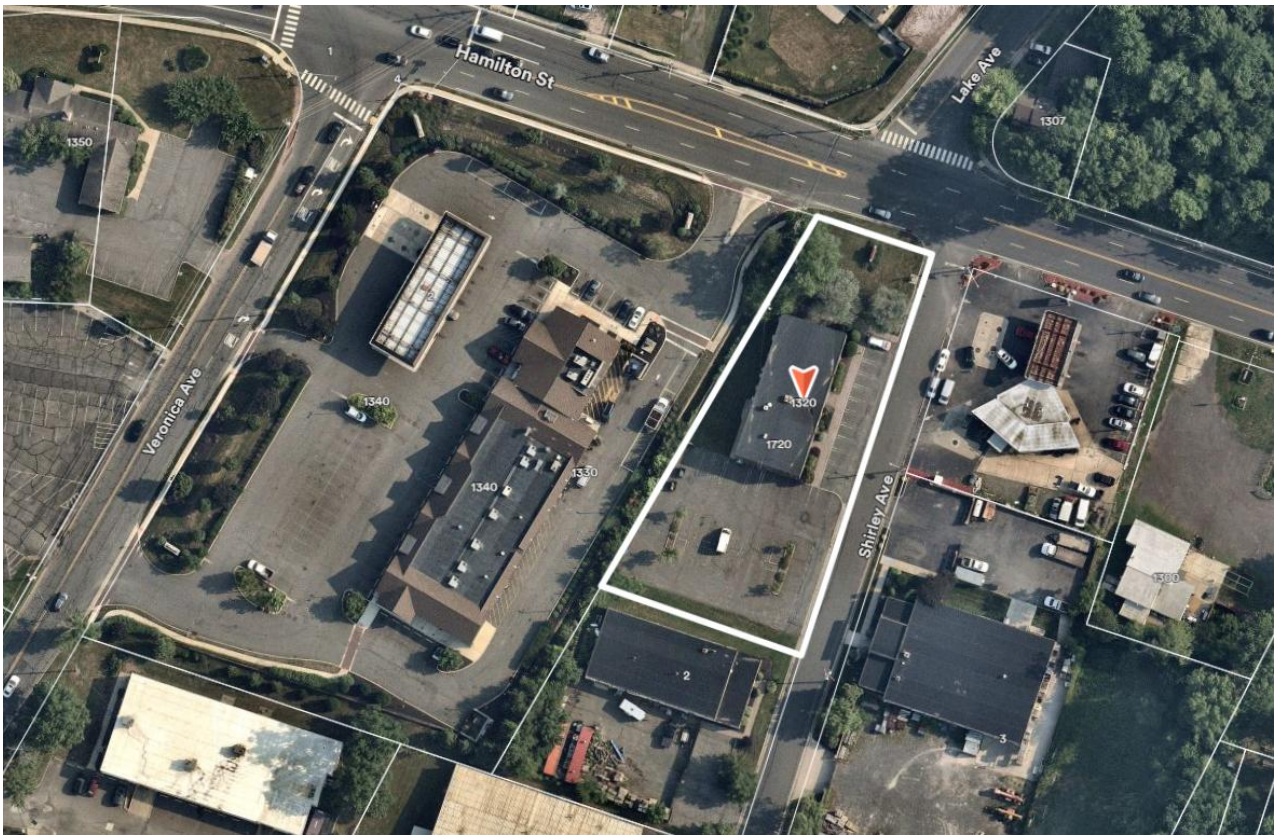
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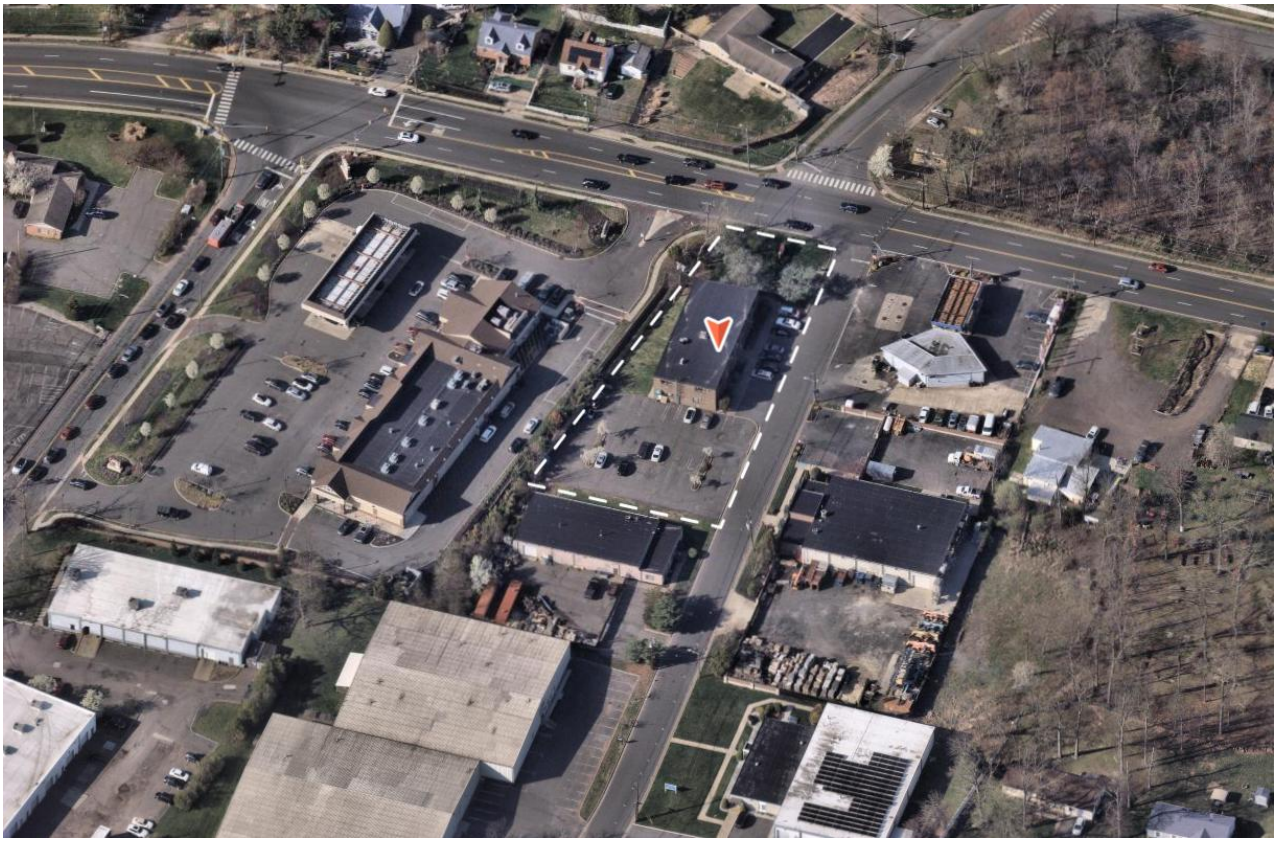

COUNTY OF SOMERSET
DEPARTMENT OF
PUBLIC HEALTH & SAFETY

DEPARTMENT OF HEALTH

Director / Health Officer
HIMANSHI BHATT, MPH, MS, REHS
bhatt@somersetcountynj.gov

27 Warren Street
P.O. Box 3000
Somerville, New Jersey 08876-1262
(908) 231-7155
Fax (908) 704-8042
SomersetCountyNJ.gov/Health
healthdept@somersetcountynj.gov

Deputy Director
MICHAEL T. McCARTY
mccarty@somersetcountynj.gov

Memorandum

To: Planning/Zoning Department

From: Rashida Hayes (formerly Boima), REHS, MPH-Consumer Health Coordinator

Date: July 10, 2026

Re: ZBA-25-00024-Islamic Circle of North America, N.J., Inc-1320 Hamilton St.

Block: 90, Lot: 3

The following information and clarifications must be submitted to the Somerset County Department of Health prior to final approval:

- **Food Operations & Facility Intent:** If any proposed rooms will involve food preparation, vending machines, or the distribution of food items (including pre-packaged snacks and beverages), separate retail food plans and permit applications must be submitted for review. To evaluate this requirement, please clarify the following:
  - What is the intended use of the designated "Lunchroom"?
  - What specific items will be stored within the "NJ Relief Storage & Hygiene Specialty Pantry"?

- **Waste Management:** Clearly identify the designated indoor or outdoor locations for all trash and recycling dumpsters on the plans.
  - Any proposed trash and recycling enclosure(s) must be sufficient to meet overall usage and demand.

COUNTY OF SOMERSET PLANNING BOARD

County Administration Building
20 Grove Street, P.O. Box 3000
Somerville, New Jersey 08876-1262
(908) 231-7021 • Fax (908) 707-1749
PlanningBd@somersetcountynj.gov
SomersetCountyNJ.gov

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Vacant
2nd Alternate
Adam Slutsky
County Engineer Alternate

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

May 29, 2026

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

RE: ISLAMIC CIRCLE OF NORTH AMERICA NJ, INC.
BLOCK 90 – LOT 3
FL 1165:000-25S

Dear Mr. Thomas:

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

- A survey entitled "Plan of Survey, 1320 Hamilton Street, Township of Franklin, Somerset County, NJ, Block 90, Lot 3" dated September 18, 2025, and prepared by Brunswick Surveying Incorporated.

- An architectural plan entitled "Change of Use of Existing Office Space, 1320 Hamilton Street, Somerset, NJ" dated March 11, 2025, last revised October 8, 2025, and prepared by AMRARCH.

The applicant seeks a D1 Use Variance approval from ZBOA to permit interior renovations of an existing commercial space, specifically converting a portion of the premises from office use to a prayer room/house of worship, while all other tenant spaces will remain unchanged; the existing first floor common toilet facilities will be redesigned for barrier free accessibility with no changes proposed to electrical lines, lighting, exterior walls, structural elements or the roof.

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

Title Sheet Requirements

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

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

Traffic Impact Study

A traffic impact analysis is to be included with the next submittal of this project. The traffic impact analysis shall analyze the affects the proposed development will have on the County Road system. The study shall be prepared in accordance with the criteria presented in the County's Public Works Handbook and the Land Development Review Resolution.

Clear Sight Requirements

1. The line of sight from Shirley Avenue looking to the west onto eastbound Hamilton Street (CR 514) shall be shown on the plan in accordance with the criteria presented in the County's *Public Works Handbook*. The plan shall note that all sight obstructions shall be cleared.

2. All existing features within the County right-of-way along the line of sight shall be shown on the plan; this shall include, but not limited to curbing, drainage, vegetation, signage and striping. In addition, the County right-of-way line along the line of sight shall be shown on the plans.

Right-of-Way Requirements

1. Hamilton Street (CR 514) is classified as a Minor Arterial in the County Master Plan with a right-of-way of 66 feet. The plans shall be revised to show the existing physical centerline of Hamilton Street (CR 514) and provide dimension labels from the physical centerline to the right-of-way to verify right-of-way half-width.

   If there is less than 33 feet from the physical centerline to the existing right-of-way line, a right-of-way dedication of 33 feet from the physical centerline of the road is to be shown along the entire frontage of the subject site. The area that is being dedicated must be clearly identified on the plan as "Area Dedicated to Somerset County for Roadway Purposes". Monuments are to be set at the new right-of-way line and shall be included in the cost estimate. The right-of-way dedication shall be recorded separately by deed in the County Clerk's Office as well as being shown on the Filed Map. A metes and bounds description of the dedication that is signed and sealed by a Professional Land Surveyor shall be submitted for review and acceptance to the Office of the County Engineer. The metes and bounds description must describe the dedicated area to the centerline of the County Road. Once accepted, the signed and sealed original metes and bounds description shall be incorporated into the executed deed that transfers the right-of-way to Somerset County. The original copy of the executed deed shall be returned to this office for filing with the County Clerk. All executed deeds shall be submitted with the applicable executed resident/nonresident tax forms and tax payment as required. Specifically, P.L. 2004 c.55 requires nonresident individuals, estates and trusts that sell New Jersey real property to make an estimated New Jersey gross income tax payment on the gain from such sale. Additional information and forms are available from the Division of Taxation’s website at www.state.nj.us/treasury/taxation.

Recycling

Somerset County does not collect from non residential use properties as part of Somerset County Solid Waste Management Program. As such, all recycling and garbage shall be picked up by a private hauler.

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

Sincerely,

Nora Fekete
Supervising Planner

Philip Kao
Principal Engineer, Land Development Section

cc: Christine Woodbury, Board Secretary
Franklin Township Engineer
Islamic Center of North America, NJ, Inc. (via email)
Ashraf M. Ragab, AIA, A M R A R C H Design Studio (via email)
Peter U. Lanfrit, Esq., Erin Santora-LaGrua (via email)

memo

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

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

DATE: March 3, 2026

RE: Comments from Franklin Township Environmental Commission
Islamic Circle of North America
1320 Hamilton Street, Somerset
(Block 90 – Lot 3)
File #: ZBA-25-00024

At its regularly scheduled meeting of March 2, 2026, the Franklin Township Environmental Commission ("EC') reviewed the submission of the above-referenced project.

This project requires changes only to the interior of the existing structure. As such, the EC has no comments to submit at this time.

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

memo

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

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

DATE: February 17, 2026

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

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

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

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

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

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

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

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

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

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

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

Franklin Township

Somerset County, New Jersey

Township Technical Review Committee (TRC)

MEMORANDUM

To: Zoning Board of Adjustment

From: Technical Review Committee (TRC)

Date: **September 10, 2026**

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

Site and Project History/ Description

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

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

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

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

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

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

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

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

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

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

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

Amended Application

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

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

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

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

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

"C" Variances

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

As part of Ordinance No. 4509-26 (effective August 6, 2026) the Township updated the parking requirements for places of worship as shown below

> ***One parking space per every three seats. One seat shall be considered 22 inches in calculating the capacity of pews or benches. In the event there is no fixed seating provided, parking shall be provided at one parking space for every three persons of permissible occupancy, per applicable code, of all proposed assembly areas (e.g., worship area, fellowship room, etc.). at the largest anticipated gathering or a minimum of one parking space for every 15 square feet of worship area. ~~at the largest anticipated gathering or a minimum of one parking space for every 15 square feet of worship area.~~***

The ordinance explains the reason for this update as follows:

> ***The parking requirement for places of worship is proposed to provide a more consistent requirement of 1 parking space for every 3 persons in proposed assembly areas. This is the standard parking requirement for places of worship in municipal zoning ordinances. The existing parking requirement of 1 parking space for every 15 square feet essentially equates to an occupancy level of 1 person for every 5 square feet where occupancy limits, per code, range from 1 person for every 15 square feet to 1 person for every 45 square feet (depending on the circumstances/ layout). In summary, the existing parking requirement of 1 parking spaces per 15 square feet is not in-line with occupancy codes and assumes occupancy levels many times more than permitted by code.***

Based on the *prior* parking requirement, the Preliminary Site Plan received a parking variance of 457 parking spaces required where 157 parking spaces were proposed based on a worship area of 6,864 square feet. Based on an increased worship area size of 7,891 square feet the *current* application for Final Site Plan Approval *originally* required a parking variance of 532 parking spaces where 157 parking spaces are proposed.

However, these figures change under the new ordinance as shown in the table below which shows

the required number of parking spaces under both the prior and current parking requirements for both the Preliminary Site Plan (with a 6,824 square foot worship area) and the Final Site Plan (with a 7,891 square foot worship area).

As shown in the table, under the *updated* parking requirements, the Preliminary Site Plan application would have complied with the new parking requirement (153 spaces required where 157 were proposed), while a variance is still required for the Final Site Plan application (177 spaces required where 157 are proposed). The variance for the Final Site Plan application is triggered solely by the increase in the size of the worship area from 6,864 square feet to 7,891 square feet.

	Worship Area (square feet)	Permitted Occupancy per Code (1 person/ 15 square feet)	Required Parking		Proposed Parking
			Previous Ordinance (1 space/ 15 SF)	Revised Ordinance (1 space per 3 people of permitted occupancy)	
Preliminary Approval	6,864	458	457	153	157
Current Proposal	7,981	532	532	177	157

While the updated parking requirement provides a more appropriate parking requirement (based on applicable occupancy codes for the assembly area), consistent with parking requirements for places of worship commonly found in municipal zoning ordinances, there remain a number of occupancy- and parking-related issues that the Board may wish to have resolved to their satisfaction:

- **As indicated above, the proposed increase in the size of the worship (from 6,864 to 7,891 square feet) actually triggers the need for a parking variance under the updated parking requirement (177 required – 157 proposed)**
- **The applicant has presented widely varying figures on the intended occupancy of the worship area – an early exhibit showed boxed-out areas representing occupancy totaling 458 (same as in the Preliminary application despite the now proposed increase in the size of the worship area) while a later exhibit showed only "150 rugs" in that same space.**
- **The larger place of worship, by Code, would permit a larger occupancy (532) at any one time than is permitted by the limits of the septic system (458 throughout the course of a day).**
- **The permitted occupancy of the worship area remains much larger than their stated congregation size.**
- **There remains the concern that if the applicant where to hold multiple services during the course of the day they could significantly exceed the limits of the septic (again - the limit is *not* 458 at any one time – it is no more than 458 *through the course of the day*).**

NOTE: Based upon staff review of prior places of worship, the parking requirement is calculated based upon on an understood occupancy limit of 1 person per 15 square feet in the worship area, per code. If the Applicant and/or the Objector wish to dispute this occupancy limit they would need to present information from a qualified professional. If so, they would need to do so in advance of the hearing

on 10/24/26 to provide staff the time/opportunity for review.

Status - Conditions of Current Approval

The condition of the Board's approval are identified in *italics*. Staff evaluation of the status of each condition is identified in **bold.** *(Note: Conditions 1, 2, 3, 36, 37 and 39 are general conditions of approval required of all applications and thus need not be addressed in this report.)*

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

5. *The plan shall incorporate the changes reflected in Exhibit A-7, Exhibit Overall Plan Option A, last revised 02/02/21 prepared by The Reynolds group, Inc, Exhibit A-9, "Colorized Dimension Plan Sheet 4 of Site Plan" prepared by The Reynolds Group Inc. dated October 21, 2021 and Exhibit A-10, Colorized rendering of the Landscape Plan Sheet 6 of the Site Plan, prepared by The Reynolds Group Inc. dated October 21, 2021*. **Satisfied. Submitted plans incorporate the changes reflected in the cited exhibits. For the Board's reference the exhibit provided at the end of this memo reflects the site layout and buffering conditions required by the Board.**

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

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

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

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

Plans modified to comply.

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

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

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

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

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

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

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

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

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

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

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

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

22. *The 30-space bank of spaces closest to the Warwicks shall be landbanked*. We offer the following comments:
    - **Based on the result of the traffic and parking testimony, the Board may wish to re-visit whether these spaces should continue to be landbanked.**
    - **If landbanking continues to be proposed, the site plan should be revised to delineate both the land banked condition (curb line should be revised, grading should be revised, and final material in the land banked condition should be provided) and full build out of the proposed improvements if the land banked parking is constructed including but not limited to striping and signage, grading, landscaping and lighting. In addition, the following note must be added to the plan, "The spaces identified as "prop. banked spaces" shall not be constructed unless authorization for such improvement is provided from the Township Zoning Officer, or unless the Township Zoning Officer requires that such spaces be constructed should conditions warrant, or by the Township's approval through the change of tenant. In the event that the Zoning Officer determines that conditions require improvement of all or a portion of these spaces, such spaces shall be constructed within 6 months of the Zoning Officer's determination weather permitting. In such an event, the Zoning Officer may consult with the appropriate Township staff with respect to related plan amendments."**

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

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

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

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

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

High holy days – twice a year spring/ summer
- *Friday – 6p-10p – 150 to 175 attendees*
- *Sunday – 9a-9p – 225 to 250 attendees*
- *Saturday – 9a-9p – 225 to 250 attendees*.

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

Staff questions these figures (particularly the number during the services): if no more than 80 people will attend services (even on Ramadan) – why does the proposed worship area have a proposed occupancy of *458* people? This needs to be explained ince impacts of the proposal (including septic and traffic) may change significantly based on the actual number of congregants. See comments on condition #27, as well.

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

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

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

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

29. *No conduct of wedding, funerals, etc. may occur*. **The site plan notes that this condition**

"is to be reviewed with Board" and the "Statement of Proposed Use of Property" indicates that weddings and funerals would take place on site.

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

31. *The applicant shall submit for a Special Event Permit for each of the high holy days events for review by Township events including a determination of whether traffic safety would need to be provided by the Township Police*. **The applicant has not requested any m odification to this condition. Condition should be repeated in any subsequent resolution of Board approval.**

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

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

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

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

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

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

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

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

Additional Comments

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

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

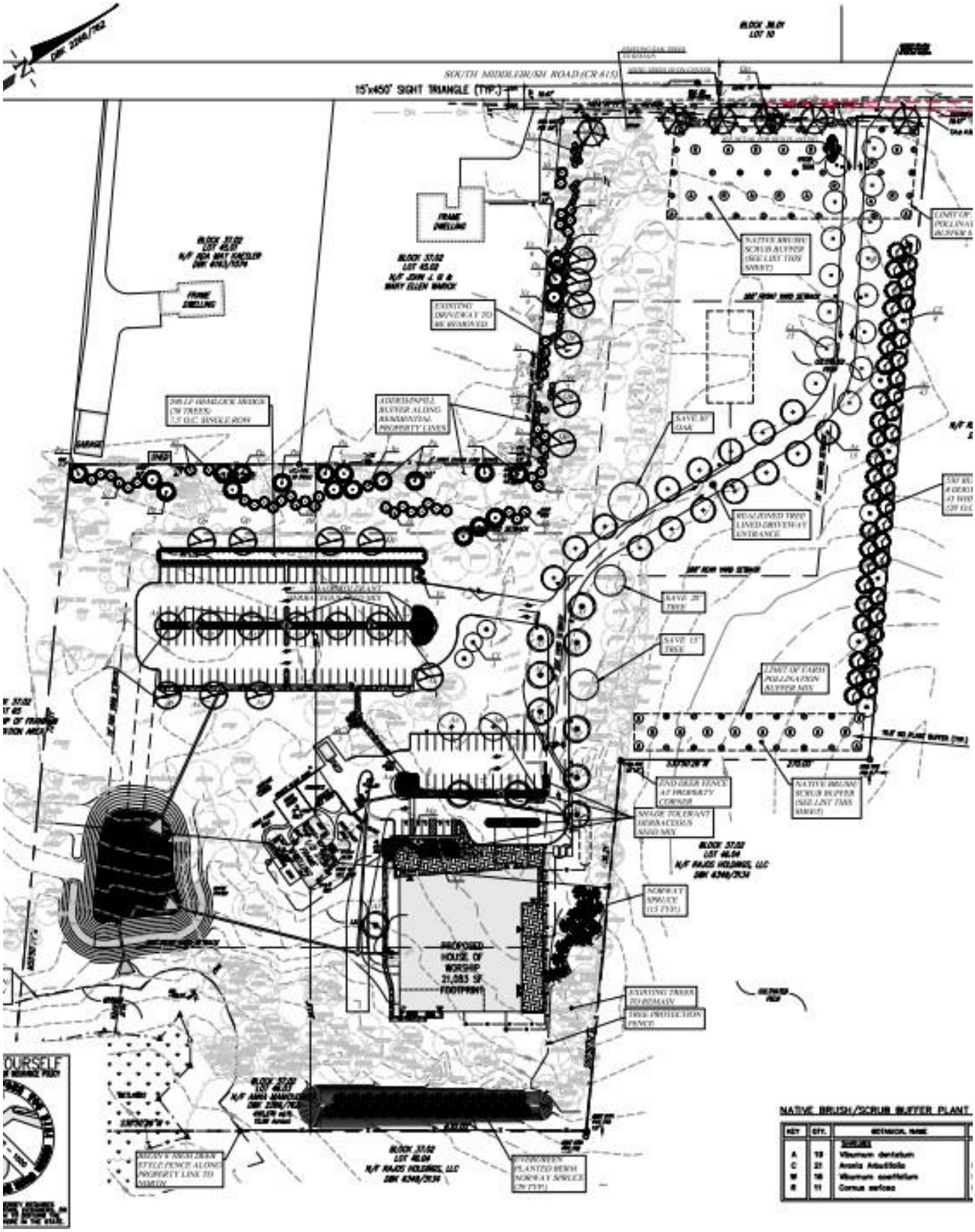
- **Per Chapter 222, Trees, the plans indicate a shortfall of 192 replacement trees. The payment-in-lieu will need to be provided prior to site plan sign off.**

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

calculations on the plan

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

Exhibit referenced in Resolution:



COUNTY OF SOMERSET PLANNING BOARD

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County Counsel
Sheli Daniels
Office Manager

September 8, 2026

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

RE: TAHWEED DAHWAH CENTER
BLOCK 37.02 – LOT 46.03
FL 1128:005-25S
FL 1128:006-25S
630 SOUTH MIDDLEBUSH ROAD, CR#615

Dear Mr. Thomas:

This office and the office of the County Engineer have reviewed the information submitted for the above referenced project. The 15.6 acre tract is located on South Middlebush Road, County Route #615. The reviewed information consists of the following documents:

- "Amended Preliminary/Final Site Plan for Proposed House of Worship, Block 37.02, Lot 46.03, 630 South Middlebush Road (CR 615), Township of Franklin, Somerset County, NJ" dated October 17, 2019 and last revised January 6, 2025, prepared by Reynolds Group.

- Cover letter entitled "Re: Tahweed Dahwah Center (TDC) (Formerly DBVI), Site Plan application, South Middlebush Road, County #FL 1128:004-21S, TRG #14-001-5" dated August 28, 2025, and prepared by Reynolds Group.

- "Traffic Impact Study for Tawheed Dahwah Center, Block 37.02, Lot 46.03, 630 South Middlebush Road (CR 615), Township of Franklin, Somerset County, NJ" dated August 11, 2025 and prepared by Dolan & Dean.

The project proposes a 19,350 square foot house of worship on a 15.96 acre tract on South Middlebush Road (CR 615) adjacent to the Snyder Farm. The previously proposed project consisted of the construction of a 21,083 square foot house of worship, known as the Dada Bhagwan Vignan Institute (DBVI). The hours of worship have changed, and the proposed driveway location has changed.

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

Traffic Impacts

The County Planning Board is currently awaiting a report from the County Engineer's office to determine if the proposed project will have any impact on traffic and site access along South Middlebush Road (CR 615); such report including any requirements pertaining thereto to offset the project's impact on the traffic and site access will be forthcoming as a supplemental County Planning Board report.

Title Sheet and Plan Requirements

The phone numbers of all applicable utility companies shall be added to the title sheet.

Access and Frontage Requirements

1. The plans shall include a detailed intersection-grading plan for the proposed driveway at the intersection of South Middlebush Road (CR 615). The grading plan shall be drawn at 1"=20'. The intersection grading plan shall include the following information:

    a) Bottom of curb elevations at the PC, PT, and midpoint of the curb return. A minimum cross slope of 2 percent is to be held between the existing edge of pavement and the PC of the curb return.

    b) Additional spot elevations shall be shown in the intersection area to ensure proper drainage of the intersection.

    c) Elevations are to be shown on the plan to illustrate the profile of the County road in the area of the proposed intersection. The elevations are to be used in conjunction with the profile of the proposed access road to ensure a smooth profile for the proposed curb returns.

    d) Bottom of curb elevations shall be provided at the midpoints of the curb returns of the proposed site driveway and at the right of way line in order to confirm that the slope of the driveway is less than 6% for the entire driveway apron for the portion within the County right-of-way.

2. A vehicle circulation plan must be submitted that shows a truck safely entering and exiting the site without hitting the curb or crossing into the opposing lane of traffic. The truck size for this analysis should be determined based on the maximum truck size that is anticipated at the proposed development. Please note that the minimum truck size that the access driveway must accommodate shall be a "Single Unit Truck" (SU-30) as defined in AASHTO *A Policy on Geometric Design of Highways and Streets*.

3. The following Somerset County construction details shall be added to the plans: Standard Construction Notes for Road Improvements, Square Tube Sign Support, Signage & Striping Notes.

4. Somerset County's Road Widening with Curb detail shall be added to the plans and a note shall be added indicating that the pavement specifications shown are to be used for the driveway in the County right-of-way.

Once the review of the Traffic Impacts is complete, additional Access & Frontage requirements may be set forth.

Clear Sight Requirements

1. The line of sight from the proposed access drive shown on Sheets 2 and 4 of the plans is inconsistent with the criteria presented in the County's *Public Works Handbook*. The length of the line of sight shall be revised to be shown for a minimum distance of 10 times the design speed. The speed limit on South Middlebush Road (CR 615) is indicated to be 45 MPH as per installed signage on the road. The design speed is typically 5 MPH greater than the posted speed limit. Therefore, the plans shall be revised to show a sight distance of 500 feet looking in both directions from the site driveway and to note that all sight obstructions shall be cleared.

2. The line of sight shall be determined by establishing a line between the following two points. The first point represents the location of the driver's eye for a vehicle stopped 15 feet from the edge of the traveled way within the egress lane of the proposed driveway. The traveled way is defined as the white edge line, curb line, or the edge of pavement. The second point is the center of the front bumper of an approaching vehicle on South Middlebush Road (CR 615) from the northbound and southbound directions.

3. If the lines of sight encroach onto an adjoining property, the applicant shall acquire the necessary easement(s). All property lines shall be shown within the area of the sight areas. The procedures presented in the County's Land Development Review Resolution are to be followed in the acquisition process.

4. The plans shall be revised to show all existing and proposed vegetation along South Middlebush Road (CR 615).

Right-of-Way Requirements

The plans shall be revised to show the physical centerline of South Middlebush Road (CR 615). South Middlebush Road (CR 615) is classified as a Minor Arterial in the County Master Plan with a right-of-way width of 66 feet. A right-of-way dedication of 33 feet from the physical centerline of the road is to be shown along the entire frontage of the subject site. The area that is being dedicated must be clearly identified on the plan as "Area Dedicated to Somerset County for Roadway Purposes". The right-of-way dedication shall be recorded separately by deed in the County Clerk's Office as well as being shown on the Filed Map.

A metes and bounds description of the dedication that is signed and sealed by a Professional Land Surveyor shall be submitted for review and acceptance to the Office of the County Engineer. The metes and bounds description must describe the dedicated area to the centerline

of the County Road. Once accepted, the signed and sealed original metes and bounds description shall be incorporated into the executed deed that transfers the right-of-way to Somerset County. The original copy of the executed deed shall be returned to this office for filing with the County Clerk. All executed deeds shall be submitted with the applicable executed resident/nonresident tax forms and tax payment as required. Specifically, P.L. 2004 c.55 requires nonresident individuals, estates and trusts that sell New Jersey real property to make an estimated New Jersey gross income tax payment on the gain from such sale. Additional information and forms are available from the Division of Taxation's website at www.state.nj.us/treasury/taxation.

The plans shall be revised to show monuments to be set along the new right-of-way line.

Historic Impact Review

The site is listed within the National and New Jersey Registers of Historic Places Six Mile Run Historic District. Details and requirements for the Historic Impact Review can be found in the County's Land Development Review Resolution.

The site is also located within the boundary of the Millstone Valley Scenic Corridor Byway.

Stormwater Management Requirements

Since the outfall pipe from the proposed infiltration / detention basin discharges toward the rear of the subject property near a wetlands area, it is requested that the Township handle the review of the stormwater management plans and the bonding and inspection of the stormwater management facility for this proposal.

Performance Guarantee and Inspection Fee

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

Pre-construction Requirements

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

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

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

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

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

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

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

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

Sincerely,

Nora Fekete
Supervising Planner

Philip Kao
Principal Engineer, Land Development Section

cc: Christine Woodbury, Franklin Township Board Secretary
Tahweed Dahwah Center via email
Brian D. Schwartz, Esq. via email
Dolan and Dean Consulting Engineers, LLC, via email
F. Mitchel Ardman, PE, The Reynolds Group via email
State Historic Preservation Office, Mail Code 501-04B, State of New Jersey, Dept. of Env. Protection, PO Box 420, Trenton, NJ 08625-0420 via US mail
Millstone Valley Preservation Coalition, PO Box 96, Rocky Hill, New Jersey 08553 via US mail
Raritan Millstone Heritage Alliance, Inc., PO Box 5583, Somerset, NJ 08875-5583 via US mail
DRCC via email

STAFF REPORT

PLEASE REFER TO DRCC # WHEN SUBMITTING ADDITIONAL DOCUMENTS

DELAWARE AND RARITAN CANAL COMMISSION

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

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

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

Project Location:

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

Jurisdictional Determination:

Zone B	Major	Nongovernmental

Subject to Review for:

Drainage	Visual	Traffic	Stream Corridors
X			

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

RECEIVED
AUG 29 2025
By ZBA 240017

DRCC#: 25-5486A
DATE: March 17, 2025
PROJECT NAME: 630 South Middlebush Road -- Tawheed Dawah Center

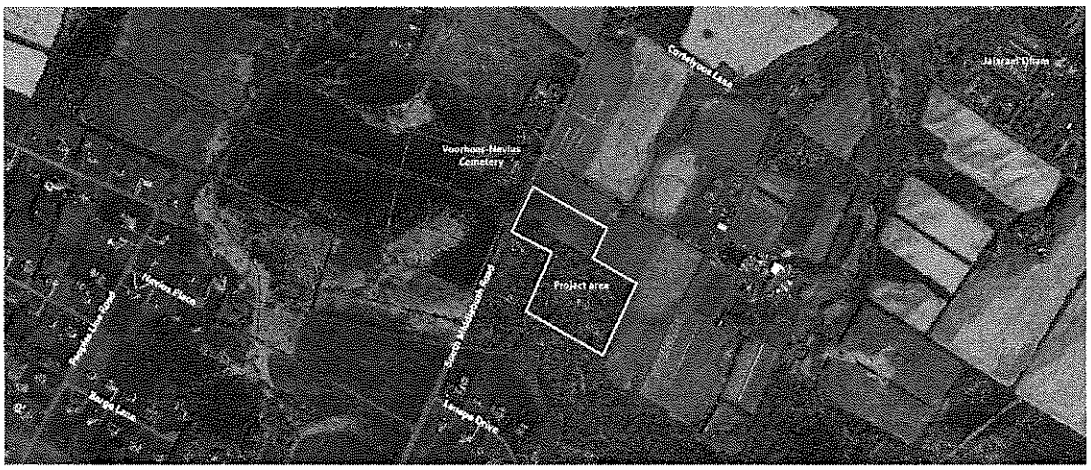
CONSTRUCTION SHALL BEGIN UNTIL A CERTIFICATE OF APPROVAL HAS BEEN ISSUED.

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

Staff comments continued below.

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

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



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

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

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

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

- Drainage area 1: A 7.16-acre parcel and this area currently drains toward the southeast corner of the site and toward existing wetlands.
- Drainage area 2: A 4.70-acre parcel and this area drains northeast; and
- Drainage area 3: A 4.10-acre parcel and this area drains west toward South Middlebush Road.

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

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

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

The applicant has provided engineering calculations verifying that for stormwater leaving the site within each drainage area, the post-construction peak runoff rates for the 2-, 10-, and 100-year storm events will be no greater than 50, 75, and 80 percent (%), respectively, of the pre-construction peak runoff rates. The submitted calculations utilized the Natural Resource Conservation Service (NRCS) Technical Release No. 55 (TR-55) hydrologic methodology, standard unit hydrograph, Type C rainfall distribution and current New Jersey 24-hour rainfall frequency data for Somerset County to compute peak runoff flow rates and volumes. The hydrology calculations include U.S. Department of Agriculture National Engineering Handbook methodology. Therefore, the Commission has determined this application is compliant with the specific stormwater runoff quantity standards of N.J.A.C. 7:45-8.

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

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

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

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

A groundwater recharge analysis calculation (NJDEP GSR-32 spreadsheet) has been submitted, which demonstrates that the annual groundwater recharge deficit for the entire site is 107,463 cubic feet. To infiltrate the post-development recharge deficit, a surface infiltration basin is proposed. According to the spreadsheet, a BMP effective depth of 3.3 inches is required for the basin's 9,429 square-foot surface area. The proposed effective BMP depth is 10 inches. Therefore, the project is in compliance with the groundwater recharge requirements at N.J.A.C. 7:45-8.5.

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

To assist in determining that sufficient non-structural stormwater management strategies have been incorporated into the project site design "to the maximum extent practical," a NJDEP Nonstructural Strategies Point System (NSPS) spreadsheet has been completed for this project. The NSPS results indicate that the ratio of proposed to existing site points (107%) is greater than the required site points ratio (104%). Therefore, based upon the results of the NSPS spreadsheet analysis, the project has proposed non-structural measures that are adequate, and the project is designed in accordance with N.J.A.C. 7:45-8.4.

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

Additional Information Required:

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

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

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

Sincerely,

John Hutchison
Executive Director

c. Somerset County Planning Board
Franklin Township Planning Board
Brian D. Schwartz, Esq. (bschwartz@shotlaw.com)

Franklin Township

Somerset County, New Jersey

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Township Technical Review Committee (TRC)

MEMORANDUM

TO: Zoning Board of Adjustment

FROM: Technical Review Committee (TRC)

DATE: September 24~~2~~, 2026

RE: *The Light of Christ International Fellowship Ministries (Pastor Kolleh Samura) - D Variance (ZBA-26-00018); Block 135.01, Lots 21-22, 26-28; 60 Millstone Road*

TRC has reviewed the following materials submitted in support of the application:

- Variance Application Form
- 2-sheet "Preliminary and Final Site Plan" prepared by EKA Associates, PA dated 7/1/26
- 2-sheet set of plans prepared by Richard J. Pierce, Architect, dated 8/19/26
- Traffic Impact Statement prepared by Dolan & Dean dated 8/14/26
- "Parking Lot Use Agreement"

Project Description

The existing 14,259 square foot L-shaped lot is located in proximity to the Millstone Road/ Battle Place intersection. The site wraps around a residential property at the corner and has frontage on both roads. The site is occupied by a roughly 3,500 square foot storage building which in the past had been occupied by the Franklin Food Bank. The site is located in the Hamilton Street Business (HBD) District.

The applicant seeks to use the building as a place of worship.

Places of worship are a permitted conditional use in the HBD zone subject to the requirements of Section 112-37. Since the application does not comply with several of the applicable conditional use standards (analysis below), the application requires D(3) conditional use variances.

The Application Form further indicates the following:

- "church activities will be conducted mostly on Sundays between the hours of 10am and 2pm"
- Many congregants "may arrive together as families or through shared transportation arrangement" with the traffic study indicating "potentially 4 to 5 attendees per vehicle"
- The church has a 15 passenger van to transport parishioners
- The applicant has provided a Parking Lot Use Agreement with the adjoining HOPES CAP Inc. building for the parking of up to 40 vehicles on Sundays only between 10am and 2 pm (use outside that day/ times would require prior written approval from HOPES CAP, Inc).

Review Comments

1. **Inconsistent Information.** The revised materials clarify that the number of removable seats in the worship area would be 62. ~~The application materials are inconsistent with respect to certain key figures. The applicant will need to clarify and application materials should be revised to be accurate and internally consistent~~.

   ~~*a. Number of proposed seats*:~~
   ~~- Engineer site plan - 30 seats~~
   ~~- Architectural floor plan - 62 seats~~
   ~~- Traffic Study - 67 seats~~

   ~~Staff comment(s):~~

   ~~1) The applicant needs to clarify the number of seats that are planned to be accommodated in the worship area as it speaks to the parking demand for the use and thus the requested parking variance.~~

   It is noted, however, that since these seats are moveable, the parking requirement per Township ordinance is determined based on the permitted Code occupancy of the worship area (addressed in comment #2, below) based on its area in square feet.

   The applicant has clarified their intent with respect to the Millstone Road parking lot – i.e., to restripe it back to compliant-sized spaces and to add the handicap space back. The applicant indicates that this would result in 8 spaces in the Millstone Road parking lot. However, upon examination of historic aerial photos it would appear that 9 spaces existed when the lot was properly striped.. The applicant needs to clarify.

   Off Battle Place, the applicant has clarified that two (2) "employee only" spaces are proposed in the existing driveway.

   With respect to returning the handicap space, this must include associated pavement markings and signage. The applicant must provide appropriate details of same to Township staff prior to installation.

~~*Number of parking spaces*~~:

- ~~Engineer site plan – 9 spaces total reflected on plan and in zoning table consisting of 9 spaces (all off Millstone Road); no spaces shown off of Battle Place~~
- ~~Architectural site plan – 9 spaces total consisting of 7 spaces off of Millstone Road and 2 off of Battle Place (1 existing and 1 additional space apparently[1] proposed)~~
- ~~Traffic Study – 12 spaces total consisting of 10 spaces off of Millstone Road and 2 spaces off Battle Place~~
- ~~Actual conditions: 11 spaces total (10 off Millstone Road and 1 off Battle Place[2]). However, it is noted that the Millstone Road parking lot was re-striped in 2020, without approvals, from 9 spaces (as previously approved) to 10 spaces. These spaces measure to a non-compliance width of about 8 feet (9 feet is the minimum required). Further, the handicap space and signage was removed.~~

~~Staff comment(s):~~

~~The applicant needs to clarify the number of existing and proposed parking spaces.~~

~~1) The applicant should clarify their intent with respect to the Millstone Road parking lot – e.g., is the intent to restripe it back to compliant-sized spaces (resulting in 9 spaces) or to leave in its current form (with 10 spaces) which would require a variance for parking space width (8 feet existing/ proposed where 9 feet is required)?~~

~~2) A handicap space (with associated pavement markings and signage) needs to be reflected on the plans and installed prior to occupancy.~~

~~3) Sheet A-2 of the architectural plan references a survey dated 6/27/23. It should be provided.~~

~~4) If site plan modifications are proposed then the applicant should submit a Site Plan Application Form and notice for site plan approval.~~

~~*b.*~~*a.* *Site Plan Information/ Site Changes.* ~~The applicant has submitted two "site plans" (one each from the engineer and architect). These plans show conflicting information, neither differentiate between existing vs. proposed features and both show certain features that were reflected on a previous site plan for the site (e.g., landscaping throughout the site and a sidewalk along the site's Battle Place frontage) that were either never put in place (e.g., sidewalk) or were subsequently removed (e.g., landscaping). The applicant needs to provide clarification and the application materials should be~~

~~[1] Since this plan does not differentiate between *existing* versus *proposed* features it is assumed that 1 additional space is proposed off Battle Place area since only 1 currently exists and the Traffic Study mentions 2 spaces in that location.~~

~~[2] The engineer's site plan appears to reflect 1 space to the right of the overhead door and a wheel stop is in that location.~~

~~revised to be internally consistent (or, preferably only one accurate "site plan" should be presented)~~.

~~c.~~b. *Signage Variances?* ~~The Variance Application Form mentions signage variances however no information regarding such variances has been provided.~~The plan now reflects a proposed 5-foot by 5-foot (25 square feet) which is within the square footage permitted. Thus, no signage variance is required.

~~d.~~c. *Building Modifications.* The Applicant attorney's 9/23/26 cover letter ~~It *appears* that that the~~confirms that the only external building modifications are the replacement of the overhead door with an alum/ glass storefront and 4 proposed windows along the westerly side of the building.~~.~~ ~~The applicant should confirm that such modifications are proposed and that they are the only external building modifications.~~

Typically, applications that involve building modifications are accompanied by exterior building elevations (it is a checklist item). Sheet A-2 of the architectural plans reference Proposed Building Elevations (Sheets A-7 and A-8). They should be provided

~~Sheet A-2 also references an Attic Plan (Sheet A-5) and several sheets reference a second floor (e.g., A-4, Proposed Second Floor Plan). Such plans must be provided~~ .

2. **Compliance with Conditional Use Standards (Section 112-37)**

a. Roadway location (112-37.C) No place of worship having a gross floor area over 5,000 square feet shall front or vehicular access on a scenic roadway.

Compliance status: Not applicable.

b. Parking requirement (112-37.D) The parking requirement is as follows:

> One parking space per every three seats. One seat shall be considered 22 inches in calculating the capacity of pews or benches. In the event there is no fixed seating provided, parking shall be provided at one parking space for every three persons of permissible occupancy, per applicable code, of all proposed assembly areas (e.g., worship area, fellowship room, etc.)

Compliance status: Variance required. Since the seats are not fixed the ordinance requires that the parking requirement be based on permissible occupancy of the worship area per applicable code (1 per 3 persons). Based other similar applications the permitted occupancy is expected to be 1 person per 15 square feet[3] resulting in a permitted occupancy of 94 persons which results in a parking requirement of 31 spaces.

Staff comment(s):

[3] The applicant is welcomed to suggest a different occupancy standard for the worship area for staff consideration in determining the parking requirement.

1) It is noted that the Parking Lot Use Agreement is blank with respect to the start date of the agreement (in both places). Is it in effect? If not, when will be in effect?

2) In prior applications involving off-site parking agreements, both Boards have raised concerns when the parties (particularly the owner of the external lot) can be terminated at any time simply by written notice. What would happen if this was to occur? It is strongly recommended that the Board require that the applicant address this to their satisfaction.

The Applicant attorney's 9/23/26 letter indicates "The parking agreement with Hopes provides for the use of 40 parking spaces and to address concerns over the potential cancellation of that agreement, Hopes's has agreed to amend the agreement to provide a minimum of 90 day notice in the event that the agreement is to be cancelled. Such a provision will allow time to secure additional parking should it become necessary." Staff continues to recommend that the Board require that the applicant address this to their satisfaction.

c. Parking location (112-37.E). The majority of the parking shall be located to the rear of the main structure, with no more than 10% of the total parking located at the front entrance for handicapped accessibility, weddings and funeral services.

Compliance status: Variance required. All existing/ proposed parking spaces are located in front of the building (i.e., between the building and the street).

Staff comment(s): The intent of this requirement is to minimize view of parking areas from the street. This requirement is particularly appropriate in purely residential areas (where the place of worship is the only non-residential use in the neighborhood). Since this is a mixed-use zone screening views of parking areas is not as important (particularly since some nearby parking areas are considerably larger). See other comments below about perimeter buffering where adjoining residences.

d. Parking setbacks and standards (112-37.F). Unless modified herein, the parking setbacks and standards contained in Article XI (§ 112-81 et seq.) for the applicable zone shall apply, provided that no parking or access driveways shall be permitted within any required buffer area identified in Subsection K below.

Compliance status: Variance required. All existing/ proposed parking spaces are located within required setbacks.

Staff comment(s): Same comment as offered above.

e. Building setbacks (112-37.G). Required setbacks: 50 foot front setback (20 feet existing/ proposed); 25 foot side/ rear setbacks (10 feet existing/ proposed). Does not comply – variance required.

Compliance status: Variance required. Existing/ proposed building within required setbacks.

Staff comment(s): Existing building complies with regular setbacks of the HBD zone. The variances result due to the applicability of the larger setbacks required in the conditional use standards. There is nothing inherently different about this use that necessitates larger building setbacks compared to uses occupied by other uses permitted in the zone.

f. Building height (112-37.H). The building shall not exceed the height restrictions of the zone.

Compliance status: Complies.

g. Impervious coverage (112-37.I). 85% permitted (site plan indicates 62%)

Compliance status: Complies.

h. Lot (Building) coverage (112-37.J) 50% permitted (site plan indicates 25%).

Compliance status: Complies.

i. Buffers (112-37.K (1) and (2)). Perimeter buffering shall be provided in one of two ways: (1) a 15 foot wide area with double-staggered row of 6-8 foot evergreen trees and a 6-foot high, solid, board-on-board fence; or (2) a 25-foot wide area with a triple-staggered row of 6-8 foot evergreen trees.

Compliance status: Variance required. Existing building and parking lot located within required buffer areas and provided buffering does not meet requirement.

Staff comment(s): Due to the location of the existing building and parking lot full compliance is not possible. Further, since the requirement is mostly intended to provide screening to residential uses no such buffer is necessary along the northerly property line (where it borders a commercial site).

However, the Board may wish to consider requiring the applicant to provide some form of additional screening between the subject site and the adjoining residential uses. In order to assist the Board in this determination it is recommended that the applicant provide exhibits demonstrating the nature of the buffering in these areas (e.g., photographs of existing fencing and vegetative screening).

j. Lighting (112-37.K (3)) Lighting shall be designed to minimize glare and spill-over onto adjacent property; light source shall be fully concealed; limited to 15 feet in height and 250 watts in power and shall not exceed 0.0 footcandles beyond the property line.

Compliance status: Unknown.

Staff comment(s): The submittals do not address compliance. The applicant should provide testimony and exhibits demonstrating compliance or testimony in support of any required variance.

k. Minimum lot area (112-37.L). 10,000 square feet required (14,259 square feet existing/ proposed

Compliance status: Complies.

l. Location on flag lot prohibited (112-37.M).

Compliance status: Not applicable.

3. **Additional Staff Review Comments**

a. Due to potential changes in water usage resulting from the change in use a water meter pit may be required. This will need to be addressed during permit review and installed prior to occupancy. Existing and proposed water usage calculations will be required and locations and size of the existing water service lines will need to be identified on the plans.

b. If the Board is inclined to approve the application, staff recommends that lot consolidation be a condition of approval. Block 135.01, Lots 21, 22, 26, 27 & 28 shall be consolidated into new Lot 21.01. The applicant needs to provide a draft Consolidation Deed for review and approval prior to filing with the Somerset County Clerk's Office.

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

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

e. The existing flood light above the garage should be rotated or replaced with a fixture that is pointed directly down.

site
Millstone Rd
Victor St
Mark St
Battle Pl
Davis Ave
Franklin Blvd
Norma Ave
Stothoff St
514
617
DL PORTAL

site

Battle Place frontage

Millstone Road frontage

memo

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

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

DATE: September 22, 2026

RE: Comments from Franklin Township Environmental Commission
Light of Christ International Fellowship Ministries USA
60 Millstone Road, Somerset
(Block 135.01; Lots 21, 22, 26-28)
File #: ZBA-26-00018

At its regularly scheduled meeting of September 21, 2026, the Franklin Township Environmental Commission ("EC") reviewed the site plan application for the above-referenced project:

- The EC recommends that the applicant investigate the potential for altering one of the existing parking spaces to be "Make Ready" for electric vehicle charging.

- Anti-idling signs should be placed at various locations around the site, specifically at the entrance and exit of the existing parking area.

- If the applicant installs outdoor lighting, the EC further recommends that the applicant review the guidelines for responsible outdoor lighting through the Dark Skies organization (https://darksky.org/what-we-do/advancing-responsible-outdoor-lighting/public-policy/) and comply with this guidance to the fullest extent possible. ***PLEASE NOTE*** *- this is in addition to, and after, all requirements of Franklin Township's Lighting Ordinance (§112.33-2, §112.94, §112.206-10) are satisfied.*

- The parking area should be significantly buffered along Millstone Road, using native vegetation to the maximum extent possible.

- The EC recommends the use of native and/or pollinator plants that also provide stormwater runoff management when choosing landscaping materials. These plants provide important environmental services, offer habitat and food resources for pollinators, and are very attractive in a neighborhood setting.

- A bicycle rack should be installed near the building to allow for the ability to use non-motorized transportation for those who choose to do so.

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

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