



**TOWNSHIP OF FRANKLIN
Board of Adjustment
Agenda
Thursday, April 16, 2026**

SUNSHINE LAW

ROLL CALL

MINUTES

RESOLUTION

DISCUSSION

HEARINGS

TAWHEED DAHWAH CENTER / ZBA-24-00017

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

DL 04/16/2026

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

CARRIED to JULY 02, 2026 – no further notification required

D&R 03.17.26.pdf

EC report 02.17.26 ng.docx

Engineer report 09.30.25 ng.pdf

Health Department report 09.26.25 ng.docx

TRC report 09.23.25 ng.pdf

STAFF REPORT

PLEASE REFER TO DRCC # WHEN SUBMITTING
ADDITIONAL DOCUMENTS



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@reynoldsgroup.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
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Subject to Review for:

Drainage	Visual	Traffic	Stream Corridors
X			

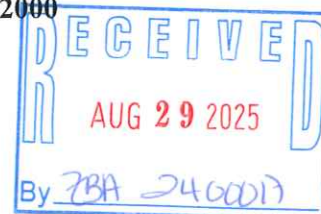
THIS STAFF REPORT IS ISSUED AS A GUIDE TO APPLICANTS IN
COMPLYING WITH DRCC REGULATIONS. IT IS NOT AN APPROVAL. NO

PO BOX 539

STOCKTON, NJ 08559

609-397-2000

www.nj.gov/dep/drcc/



DRCC#: 25-5486A

2

DATE: March 17, 2025

PROJECT NAME: 630 South Middlebush Road -- Tawheed Dawah Center

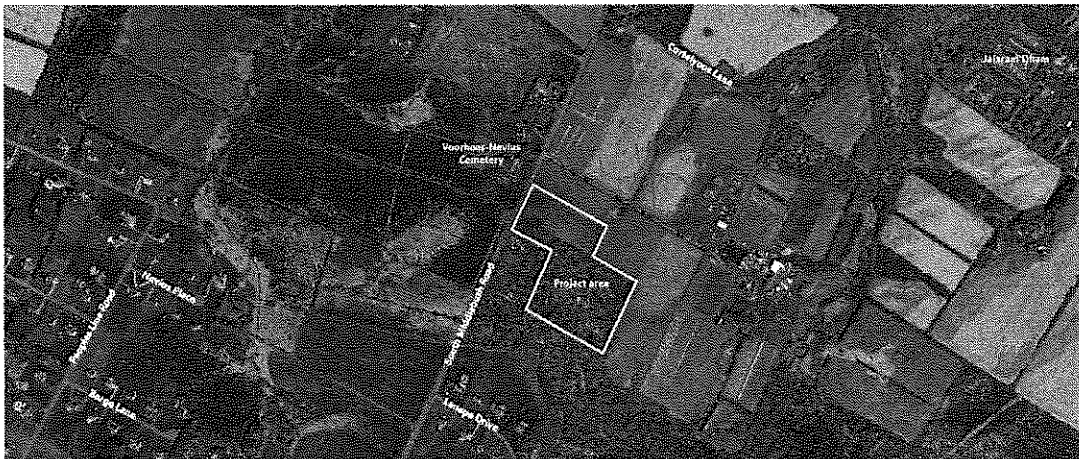
CONSTRUCTION SHALL BEGIN UNTIL A CERTIFICATE OF APPROVAL HAS BEEN ISSUED.

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.

DRCC#: 25-5486A

3

DATE: March 17, 2025

PROJECT NAME: 630 South Middlebush Road -- Tawheed Dawah Center

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.

DRCC#: 25-5486A

4

DATE: March 17, 2025

PROJECT NAME: 630 South Middlebush Road -- Tawheed Dawah Center

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.

DRCC#: 25-5486A

5

DATE: March 17, 2025

PROJECT NAME: 630 South Middlebush Road -- Tawheed Dawah Center

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](https://www.nj.gov/dep/drcc/pdf/DRCC%20C&M%20Agreement%20(2020).pdf)
2. The Commission requires notice of municipal and county approvals.

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

Sincerely,



John Hutchison
Executive Director

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

memo



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

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

DATE: October 8, 2025

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

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

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

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

- Cool Roof technology or implementation of a Green Roof should be investigated by the developer. Large roof spaces are ideal for this type of green infrastructure, which significantly reduces indoor temperatures and peak electricity demands, slows the formation of smog and air pollution, and lessens the effects of urban heat islands.
- 88 trees onsite are proposed for removal, producing the requirement of 430 trees for replacement. The applicant proposed to replace 238 of those replacement trees onsite. The EC recommends that more of the existing trees be preserved, or that more replacement trees be replanted, onsite. Any trees replaced onsite should be replaced with tree species that are native to New Jersey.
- Pervious pavement is recommended for the parking areas and interior accessways. Pervious pavement allows rainwater to infiltrate through the surface to underlying soil, stone, and gravel. Additionally, pervious pavement melts now quickly, meaning that less intervention (salt, brine) is needed.
- Anti-idling signs should be placed at various locations around the site, specifically in consistent increments across the parking lot, and on the door and/or window of the office.

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

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

CENTER STATE ENGINEERING

481 Spotswood Englishtown Road, Monroe Township, New Jersey 08831

T 732.605.9440 F 732.605.9444

MEMO TO: Township of Franklin
Zoning Board of Adjustment

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

DATE: September 30, 2025

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

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

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

The following comments are offered with regard to same:

A. PROJECT OVERVIEW

The site is located on the east side of South Middlebush Road (C.R. 615) approximately fifteen hundred feet north of its intersection of Lenape Drive. The property is approximately 15.96 acres and is located in the Agricultural Zone. Churches and other similar places of worship are a conditional use in this zone and subject to the requirements of §112-37 of the Ordinance. The project is also located within the Township's Scenic Corridor. The applicant received Board approval in 2021, as part of Docket No. ZBA-19-00040. The applicant is proposing to construct a new one (1)-story, ~~24,083~~ 19,350 sf house of worship, ~~2,533~~ 2,890 sf partial basement and a 1,728 sf Porte Cochere with 157 parking spaces. The applicant is also proposing site improvements including but not limited to, construction of concrete curb, sidewalk, hot mix asphalt driveway and parking lot, stormwater facilities, utilities, septic system, potable and fire suppression water well, grading, lighting and landscaping.

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

B. GENERAL SITE IMPROVEMENTS

1. Official street address shall be obtained from the Franklin Township 911 Coordinator.
2. An Engineering Cost Estimate will be required once final plans are signed-off on by the Board. Upon approval, applicant shall provide appropriate bonds and Engineering inspection fees and attend a pre-construction meeting, prior to any site work.

3. All fees shall be paid by the applicant at the time of adoption of a resolution of site plan approval for the cost of making upgrades and modifications to the geographic information system (GIS) (§112-329).
4. At the time the final plans are submitted for signature of the municipal officials, the applicant shall submit CAD-generated data files, prepared by a New Jersey licensed land surveyor, directly translatable into an identical image of the plan per the requirements of Ordinance §112-329.
5. Copies of any easements, exceptions, deviations, or liens on the property should be presented to the Board.
6. This office defers to the Fire Prevention Officer as to the appropriate number of Fire Hydrants, Fire Department Connections, and their location. In addition, we defer to the Fire Prevention Officer regarding the need of 'No Parking' fire lane signage and striping.
7. The applicant is proposing to install a well to supply domestic & fire suppression water for the site. We defer review to the Somerset County Health Department and the Township Fire Prevention Director and/or the Township Plumbing Sub-code Official.
8. The applicant is proposing to abandon an existing septic disposal system and install a septic disposal system to service the site. We defer review to the Somerset County Health Department.
9. Label the horizontal and vertical datum, respectively, utilized on the site plan.
10. Add a 'Do Not Enter' marking to supplement the proposed signage near the Porte Cochere.
11. The limit of disturbance on sheet no. 3 should be revised to include the removal of the existing gravel driveway.
12. It should be noted that the existing gravel driveway servicing the 2 ½ story frame dwelling which previously connected to the main drive aisle has been removed. The driveway servicing the dwelling has been connected to the eastern driveway.
13. It appears staircases are missing in the rear of the proposed house of worship. Revise the plan accordingly.
14. Revise the plan for consistency between the use of detectable warning surfaces at all ADA ramp locations.
15. Revise the proposed painted crosswalk width, in accordance with the standard NJDOT details.
16. Add 'Stop to Pedestrian' signage at all crosswalks within the parking, in accordance with the latest edition of the MUTCD.
17. The amended plan has removed the proposed trash enclosure. The plan should be revised to include the trash enclosure.
18. A fence/ guard is required by the wall in the rear of the building near the basement entrance.

C. GRADING AND UTILITY COMMENTS

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

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

D. LANDSCAPING AND LIGHTING

1. Applicant provided a tree removal and replacement plan to satisfy the requirements of Ordinance §222-Trees. This office defers to the Board Planner as to the adequacy of the tree replacement plan, as well as the adequacy of the proposed landscaping and buffering to adjacent properties, respectively.
2. Review layout of proposed trees at the stop bar locations for the parking lots. Providing a sight triangle at these locations will provide further clarity.
3. It appears a site triangle easement is required from the neighboring property (Block 37.02, 46.04) for the exit driveway.
4. The proposed sanitary force main should be coordinated with the landscaping plan to avoid putting the force main directly under the proposed trees.

E. ENVIRONMENTAL IMPACT COMMENTS

1. A Conservation/Preservation Area shall be created in accordance with Ordinance §112-147 of the Franklin Township Land Development regulations. The Township preservation area boundary line shall be established using the most restrictive of the Stream Preservation Corridor and Wetlands Buffer. A map shall be supplied delineating the limits of the Conservation/Preservation Area with bearings and distances and proposed Preservation Area Marker locations. The LOI should be updated as noted above.
2. Provide a Conservation/Preservation Area Easement Deed, with a metes and bounds description, of the Township preservation area boundary line created by satisfying Comment #1. The deed shall be submitted for review and approval prior to filing with the Somerset County Clerk's Office.
3. Preservation Area Markers shall either be set or bonded for prior to application sign-off.

F. STORM WATER MANAGEMENT

1. The property in question; Block 37.02, Lot 46.03 consists of approximately 15.96 acres and is currently wooded undeveloped land. The entire property drains to the Delaware and Raritan Canal tributary.
2. The project site is located within the review zone of the Delaware and Raritan Canal Commission and the applicant should obtain a certificate of approval or exception from the Commission. A copy of the permit should be provided to this office.
3. The Applicant provided a copy of the approved NJDEP Wetlands Delineation Plan. The NJDEP Letter of Interpretation dated December 11, 2019, submitted under the original application has expired. It appears the LOI needs to be extended. The applicant's engineer should clarify.
4. The proposed residential development will disturb approximately 6.21 acres of land and will create 2.88 acres of additional impervious surface. The project exceeds the threshold of 1 acre of disturbance and creates more than ¼ acre of impervious surface, therefore, it is classified as a major development for stormwater management purposes. In accordance with the Township Ordinance, major projects must comply with water quantity control, water quality and groundwater recharge standards. The project was previously approved under the old stormwater management rules and have been grandfathered in. Any major revisions to the stormwater management design will require revising the plan to the current stormwater management rules.
5. The proposed development proposes more than 1 acre of land disturbance and must obtain a General Permit for Construction Activities from NJDEP. A copy of the permit must be provided to this office prior to construction.
6. The proposed development proposes disturbance of more than 5,000 sf of land and the Applicant must obtain Soil Erosion and Sediment Control Plan Certification from the Somerset-Union Soil Conservation District. A copy of the permit must be provided to this office prior to construction.
7. Stormwater Maintenance Agreement for the stormwater system should be provided to insure future maintenance. A sample agreement is available from the Engineering Department.
8. An executed Major Development Stormwater Summary (Attachment D of the Tier A MS4 NJPDES Permit) for the amended application should be submitted to this office for review and approval.
9. The Stormwater Maintenance Manual (SMM) should be revised for the amended site plan.

10. Revise the maximum water surface elevations in the proposed detention/ infiltration basin on sheet no. 5 of the site plan to match the updated Stormwater Impact Report.
11. Update all post construction testing notes for the basin to replace Appendix E with Chapter 12 of the BMP Manual.
12. The top of grate and invert out elevations of the Outlet Structure is different between the stormwater report and the site plan. Plan coordination, including the construction details, is required.
13. An 8" RCP pipe is proposed exiting the trench drain. That is not a typical size for RCP pipe. The applicant's engineer should review this further.

G. MISCELLANEOUS

1. Revise/Add the following details based on Franklin Township standard details:
 - a. Add a 'Do Not Enter' pavement marking detail.

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

Outside Agencies:

- Delaware Raritan Canal Commission
- Somerset County Planning Board
- Somerset-Union Soil Conservation District
- New Jersey Department of Environmental Protection

Township Departments:

- Township TRC

It is requested that subsequent plan submittals be accompanied by a written description of the changes made compared to the prior submission. Preferably, this would be accomplished by providing a response to each of the review comments with a description of the plan changes and where the plan changes can be found (e.g., sheet number). If the plans have not been revised in response to a comment, the reason should be provided. The number of copies of this written description should be commensurate with the number of revised plans. The Engineering Department reserves the right to make additional comments based upon the submission of revised plans or testimony presented to the Board.

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

RJR/DM

cc: Zoning Board Secretary



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

**COUNTY OF SOMERSET
DEPARTMENT OF
PUBLIC HEALTH & SAFETY
DEPARTMENT OF HEALTH**

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Deputy Director
MICHAEL T. McCARTY
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Memorandum

To: Planning/Zoning Department

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

Date: September 26, 2025

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

Block: 37.02, Lot: 46.03

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

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

- Mission Statement -

The County of Somerset is committed to excellence and innovation in public service, promoting the well-being of all residents and communities by providing effective, efficient and responsive leadership.

Somerset County Is An Equal Opportunity Employer

Franklin Township

Somerset County, New Jersey

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

Township Technical Review Committee (TRC)

MEMORANDUM

To: Zoning Board of Adjustment

From: Technical Review Committee (TRC)

Date: September 23, 2025

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

Site and Project History/ Description

The site is currently occupied by a single-family dwelling and is located within the A (Agricultural) zoning district. The southerly two-thirds of the site is forested while the northerly one-third of the site is open field. A wetlands area exists in the far southeasterly portion 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 adapters 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 front 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 association with the Preliminary Site Plan approval. **A new variance, however, is required for parking due to the increase in the size of the worship area (and the resulting increase in required parking):**

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

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

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

Status - Conditions of Current Approval

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

4. *Compliance with the staff and consultant reports which includes conditions of the approval granted by the BOARD herein, except as specifically modified or waived herein. Refer to separate reports from the Board engineer and the County Health Dept.. Compliance with other staff reports previously satisfied or addressed herein.*
5. *The plan shall incorporate the changes reflected in Exhibit A-7, Exhibit Overall Plan Option A, last revised 02/02/21 prepared by The Reynolds group, Inc, Exhibit A-9, “Colorized Dimension Plan Sheet 4 of Site Plan” prepared by The Reynolds Group Inc. dated October 21, 2021 and Exhibit A-10, Colorized rendering of the Landscape Plan Sheet 6 of the Site*

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

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

6. *The House of worship shall be shifted to be 130 feet from the rear property line. In that setback area shall be provided a 10-foot 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 property 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

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

27. *No more than 458 people may occupy the building throughout the course of a day (consistent with the limitation imposed by the site's septic system approval).*
- **Staff offers the same caution offered with respect to condition #26, above – 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 outside speakers or other amplified sound.*
31. *The applicant shall submit for a Special Event Permit for each of the high holy days events for review by Township events including a determination of whether traffic safety would need to be provided by the Township Police. The applicant has not requested any*

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

32. *There shall be no outside events, festivals, etc. with the exception of the procession during the two (2) high holy days events. The “Statement of Proposed Use of Property” indicates that the applicant will “apply for a Special Event Permit for high holy days... that will draw a larger than normal crowd” but provides no further clarification.*
33. *The spiritual leader of [the house of worship] shall be allowed to stay at the house on the Site when he visits the country and house of worship, but no one else shall be permitted to stay there. The applicant has not requested any modification to this condition. The “Statement of Proposed Use of Property” indicates that the spiritual leader (Imam) will be the only person to reside in the house. Condition should be repeated in any subsequent resolution of Board approval.*
34. *No parking shall be permitted anywhere on the Site except in the parking lot provided. Staff further recommends that fire lane striping be added to the plan supplementing the proposed ‘No Parking Lane Signage’. Condition should be repeated (as amended) in any subsequent resolution of Board approval.*
35. *The color of the building for the house of worship should be painted in earth tones on all four sides of the façade. The following comments are offered with respect to the new architectural plans:*
 - **Architectural plans do not identify building colors so compliance with condition #35 (use of earth tone colors) cannot be confirmed. The applicant needs to address in testimony and revise the plans accordingly.**
 - **The applicant should present testimony and exhibits (at a minimum color rendered building elevations but preferably 3D renderings) demonstrating the appearance of the building and should address consistency with the intent of the Scenic Corridor Ordinance.**
 - **The applicant needs to address the use of the large glass fiber reinforced concrete (GFRC) element on the top of the building (on the front and sides). Internet research suggests that this material is used to allow backlighting and/or ambient glow from internal lights to shine outward from the building. It is noted that the Board imposed the condition for earth tone colors in order to have the building blend with its environs (as per the Scenic Corridor Ordinance). Use of this element could work against that intent.**



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

Additional Comments

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

LEGEND

KEY	QTY.	SCIENTIFIC NAME
A	19	<i>Quercus dentata</i>
C	21	<i>Amelanchier canadensis</i>
E	16	<i>Hamamelis virginica</i>
F	11	<i>Cornus sericea</i>