TOWNSHIP OF FRANKLIN
Planning Board
Agenda
Wednesday, December 3, 2025

CALL TO ORDER

SUNSHINE LAW

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES

Regular Meeting - October 15, 2025
PLANNING BOARD - 10-15-25.rtf

RESOLUTION

Hamilton Street Management, LLC / PLN-24-00002
Final Resolution 12.03.25.docx

500 Atrium, LLC / PLN-23-00005
RESOLUTION.docx

DISCUSSION

By Laws
Planning Board rules amended_Nov25.pdf

2026 Calendar
2026 Calendar.doc

PUBLIC COMMENTS

HEARING

ODIN DHUN, LLC / PLN-24-00007

Preliminary & Final Major Subdivision w/C Variances in which applicant seeks approval for the construction of a 16-lot subdivision consisting of 14 buildable lots for single-family homes at 295 Cedar Grove Lane; Block 508.02 Lot 12 in zone R-40

https://www.franklintwpnj.org/committees-commissions/planning-

board/application-material/odin-dhun-llc-pln-24-00007/-fsiteid-1#!/

CARRIED to JANUARY 07, 2026 – no further notification needed

NPH REAL ESTATE, LLC / PLN-24-00005

Preliminary & Final Major Site Plan w/C Variances in which applicant seeks to construct a 24,670sqft shopping center at 390 Davidson Avenue, Somerset; Block 502.01 Lot 57.01 in zone B-I & RDO

DL 12/31/2025

https://www.franklintwpnj.org/committees-commissions/planning-board/application-material/nph-real-estate-llc-pln-24-00005/-fsiteid-1#!/

CARRIED from NOVEMBER 05, 2025 – notification needed

FTSA report #3 11.19.25 ng.pdf
Planner report #5 11.13.25 ng.pdf
Fire Prevention report #4 11.13.25 ng.docx
Engineer report (DM) #4 11.11.25.pdf
EC report 10.08.25 ng.docx
Police report #3 08.19.25 ok.pdf
Health Department report #2 11.10.25 ng.docx
NPH D&R.pdf
NPH SCPB.pdf

COMMITTEE REPORTS

WORK SESSION / NEW BUSINESS

ADJOURNMENT

TOWNSHIP OF FRANKLIN
PLANNING BOARD
COUNTY OF SOMERSET, NEW JERSEY

REGULAR MEETING
October 15, 2025

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

PRESENT: Councilman Anbarasan, Theodore Chase, Shaw Keller, Jennifer Rangnow, Charles Brown, Robert Thomas, and Chairman Orsini

ABSENT: Robert LaCorte, Meher Rafiq, Charles Brown, and Marc Dancy

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

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MINUTES:

- **Regular Meeting - September 3, 2025**

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

FOR: Dr. Chase, Mr. Keller, Mr. Thomas, Mr. Dancy, and Chairman Orsini

AGAINST": None

- **Regular Meeting - September 17, 2025**

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

FOR: Dr. Chase, Mr. Keller, Mr. Thomas, and Chairman Orsini

AGAINST": None

RESOLUTIONS:

- **B9 Schoolhouse Owner LLC / PLN-22-00011**

Chairman Orsini made a motion to approve the Resolution, as submitted. Councilman Anbarasan seconded the motion, and the roll was called as follows:

FOR: Councilman Anbarasan, Dr. Chase, and Chairman Orsini

AGAINST: None

- **Temple Beth El of Somerset / PLN-25-00004**

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

FOR: Dr. Chase, Mr. Keller, Mr. Thomas, and Chairman Orsini

AGAINST: None

PUBLIC COMMENTS:

Chairman Orsini then made a motion to open the meeting to the public for any general planning comments. The motion was seconded by Councilman Anbarasan, and all were in favor. Seeing no public coming forward, Chairman Orsini made a motion to close the meeting to the public, the motion was seconded, and all were in favor.

HEARINGS:

- **500 ATRIUM LLC / PLN-23-00005**

Mr. Matt Flynn, Esq., Attorney, appeared before the Board on behalf of the Applicant, 500 Atrium, LLC. He indicated that they were there that evening seeking Preliminary & Final Major Site Plan, as well as Minor Subdivision w/"C" Variance in which the Applicant sought to demolish the existing office building and construct two (2) warehouses totaling 161,000 sq. ft. at 500 Atrium Drive, Somerset; Block 468.01, Lot 21.07, in the Business & Industry (BI) Zone - **CARRIED FROM JULY 16, 2025 – with no further notification required.**

Mr. Flynn reminded the Board that they had last heard testimony from the engineer and architect and took feedback from the Board and professionals. He added that he was happy to report the following changes that they were happy to outline in testimony that evening. The first change Mr. Flynn described was that they reduced the square

footage of the buildings, for a total now of 139,000 sq. ft. He then spoke about how they had reduced the impervious coverage to 69.85%, down from 75%, which was below the 70% that the Board had recommended. Finally, Mr. Flynn stated that they had reconfigured the drive aisles and added some landscaping, such that they no longer needed a variance for the parking lot in the front yard setback for the parking lot in the front yard.

Mr. Flynn then discussed the memos they had received from the various Board consultants and Township professionals and testified that they would be able to comply with all of the recommendations in those memos.

Mr. Craig Stires, Engineer, 43 West High Street, Somerville, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Stires then took the Board through the changes that were made to the Site Plan since he was last before the Board. As Mr. Flynn described, they tried to get the impervious coverage below 70% per the Board's comments and were successful at 69.85%. He then discussed the changes made to the parking lot to the north and was into the setbacks and roughly 22 to 23 ft. from the setbacks in the right of way. He noted that they shifted the parking lot back, lost some of the building to accommodate that and took the driveway that was to the parking lot and combined it with the emergency access drive. Mr. Stires indicated that the parking lot access would be off of the cul-de-sac, with the emergency access continuing off of that, saving some square footage. Mr. Stires then brought up the Board's concern regarding the landscaping in the front yard and saving some of the trees along Atrium Drive. He then explained that they did save some of the trees along Atrium Drive and supplemented the landscaping in the front of the building along Atrium Drive and along the Atrium Drive cul-de-sac. He added that eliminating that driveway allowed them to fill in the landscaping a little bit more. Mr. Stires then pointed out the berm that would remain unchanged and would be supplemented as well.

Mr. Stires then stated that they had two (2) buildings at 69,252 sq. ft. each, for a total square footage of approximately 130,000 sq. ft. and the front yard setback for the parking lot on the cul-de-sac side was no longer required. Additionally, they had eliminated one of the driveways, so they only had three (3) now, with two (2) off of Atrium Drive and one (1) off of the Atrium Drive cul-de-sac, 62 parking spaces (to include two (2) EV spaces) instead of 71, lowering the impervious coverage to 69.85%. He then noted that they reduced the impervious coverage by 15,322 sq. ft., a 25,252 sq. ft. reduction from what was on the property presently. Mr. Stires then noted that they had added 105 trees along Atrium Drive, 21 along Atrium Drive cul-de-sac, as well as 315 shrubs.

Mr. Stires then addressed Mr. Mazzei's October 6, 2025 engineering memorandum where they took no exception to any of the recommended plan cleanups that he requested.

Mr. Thomas then asked if there was any chance to be able to see what the site plan included beyond the building on the left. Mr. Stires indicated that the slide did not show

that. Mr. Thomas then mentioned that across the street from one (1) of the warehouse buildings is what would be an affordable housing complex. Mr. Thomas was happy that the landscaping along that side of the property was increased. He added that they could address any additional issues with the affordable housing project when it came up before the Board. Mr. Stires stated that the landscaping was increased in that area to buffer that future development.

Dr. Chase then discussed saving of trees along the Atrium Drive cul-de-sac but felt that there were a few more that were still shown on the demolition plan that were not in the parking lot. He then added that up front by the truck entrance there were nice big areas there for planting but also noted that there were a few trees there that had been X'd off the plan just on the south side of the entrance. Mr. Stires explained that there were some trees that had to come down in the areas where the utilities went through, and they were using existing utilities and tying into those so the route was already determined. He added that the grading and the removal of the existing building also determined what other trees needed to be removed as well along Atrium Drive. He then told the Board that he tried to save all the trees that he could along both roads.

Dr. Chase then brought up the topic of "no idling signs", noting that there was only one (1) located at the entrance and wondered if there could also be other signs in the area of the loading docks, affixed to the buildings, as a reminder. Dr. Chase also stated that there should also be a sign at the entrance to the car parking area.

Mr. Healey then chimed in, stating that the Applicant had agreed to comply with the staff reports, so that was spelled out in the Environmental Commission report. A discussion ensued. Mr. Flynn indicated that it was called out in Mr. Healey's Planning report on Page 4, paragraph 4, and would work with him to make sure that that was complied with.

Ms. Rangnow then asked about the connection between the two (2) lots, and Mr.Flynn indicated that there would be a cross-easement access between the two (2) lots. He then noted that the sculpture that was there would be removed and if the stairs had to be repaired, either party could do it and charge the other party half of the cost. He added that if the stairs had to be repaired, they would do so. Mr. Stires stated that the plans show to remove the existing stairs and they would replace them if they were required and are shown on the plans and work into the site plan. Mr. Stires then agreed to work it out to the satisfaction of Mr. Mazzei, Township Engineer (CME). Mr. Flynn stated that they sent certified letters that were received to try to engage in that dialogue and had been unsuccessful so far. Again, Mr. Flynn stated that the language of the easement stated that they could make the repairs unilaterally.

Mr. Flynn wanted to market the exhibit into the record as Exhibit A-7.

Mr. Brian Debarbieri, Architect, 97 Chestnut Street, Rutherford, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Debarbieri indicated the changes that had been made to the architectural plans since they were before the

Board in July, 2025. He added that the major change in the building was the reduction in the footprint of the buildings from 73,000 sq. ft. and 72,000 sq. ft. down to 69,25 sq. ft. he then noted that everything else was remaining the same, including the exterior design, the orientation of the front entrance and the truck loading areas, the construction type, the building safety features, the building height and the energy efficiency characteristics of the building. Mr. Debarbieri then indicated that he prepared updated renderings now showing the updated trees and landscaping along the front. He noted that the first rendering of the southern building should be entered into the record as Exhibit A-8, with the northern building rendering being marked as Exhibit A-9

Chairman Orsini then asked if they satisfied tree replacement on-site, and Mr. Flynn answered in the affirmative, and well in excess.

Ms. Elizabeth Dolan, Traffic Engineer, Doland & Dean Consulting Engineers, 181 High Street, Somerville, NJ, came forward and was sworn in. The Board accepted her qualifications. Ms. Dolan then discussed the Traffic Impact Statement that had been prepared, dated January 20, 2023, and the conclusions of that study. She noted that the study was prepared before the buildings were redesigned and made smaller. Ms. Dolan then discussed the trip generation and what she indicated was the most important in the Application. Based on the original 161,000 sq. ft., they were estimating 27 morning peak hour trips, 29 during the evening peak hour and then just under 300 over the course of a day. She noted that they broke that down into trucks and passenger vehicles, with five (5) total truck trips. Ms. Dolan then stated that, based on ITE data, the numbers would be a bit lower. She then stated that they compared the trip generation with the existing former office use, noting a reduction of 200+ peak hour trips, and a much lower trip generator.

Ms. Dolan then explained that the buildings were too small to accommodate an Amazon operation and read the Township Engineer's comment #14 stating that if it were to be some type of fulfillment operation that they would have to come back before the Board prior to CO, as a condition of approval. She then told the Board that it was her understanding that it was not the intended end user of the facility. She added that fulfillment centers are typically a minimum of 800,000 sq. ft. up to 2 million sq. ft.

Ms. Dolan then discussed the variance for the truck court, with 60 ft. bays and an 85 ft. two (2)-way travel aisle, so that got them to 145 ft. proposed and, technically, 147 ft. was required. She then noted that the plans did show tractor trailer turning paths, so it had been evaluated, and she thought that they've used that dimension in other applications where it has been accepted. Ms. Dolan added that the two (2) ft. difference, based on the turning templates, could be granted and the trucks could safely maneuver according to the templates that they provided.

Ms. Dolan then discussed the other variance that was needed regarding the need for three (3) driveways instead of two (2). She mentioned that there was the emergency driveway that was added along with the reduction of the building sizes and additional landscaping, so she believed that the variance could be granted.

Chairman Orsini asked how the warehouse use, in terms of intensity and impact, compare to the former office use. Ms. Dolan stated that there would be a substantial reduction in trip generation compared to an office use, where 200 additional peak hour trips above what the proposed warehouse would be generating and a much lower volume of traffic

Mr. John Taikina, Planner employed with All Things Planning & Development, 30 Newman Road, Kendall Park, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Taikina then discussed his planning analysis and took the Board through the variance relief that was required as part of the Application and why he believed, in his professional opinion, they meet their burden under the positive and negative criteria. Mr. Taikina then explained that they fell in between the ordinance changes/evolutions for the Business & Industry Zone. As a result, he stated that they were considered a permitted conditional use in the zone, with two (2) conditions that included were that they were located on a lot that was no closer than 500 ft. to the nearest residentially zoned property and that a warehouse distribution use shall be served by public water and sewer, and that they complied with both. He added that he believed that they met the other standards for the conditional use, to include that the operation was to be designed and located to be operated in a way that protected public health and safety. Additionally, Mr. Taikina stated that adequate landscaping and screening had been provided, adequate off-street parking and loading was provided, and the ingress and egress was designed to provide minimal interference to traffic on abutting streets, and that the use conforms to the applicable regulations governing the district. Mr. Taikina then testified that they believed that they met the standards of the Township's ordinance, both in terms of the specifics and the general conditional use standards.

Mr. Taikina then enumerated the variance relief they sought to include three (3) variances which were an impervious coverage variance, despite it being reduced from 76% existing to 69.85% proposed, with 60% being the maximum. He noted that they required a C1 Variance where he felt it was a bit of a hardship to continue to pull up pavement from an existing developed site. Mr. Taikina then described the use in question that it was appropriate to have the impervious cover to provide adequate fire access all the way around the building. He indicated that they had three (3) driveways, and the third driveway was on their second street, their cul-de-sac, and provided additional emergency access and believe it was a better plan having that access. He then noted that their loading zone had 145 ft. proposed and 147 ft. was required in the ordinance. Mr. Taikina indicated that he felt that the turning movements were safe and efficient, with 120 ft. often adequate. He noted that Mr. Stires showed all of the turning movements and felt that the movements would be safe and efficient and represented a better planning alternative, particularly when it can reduce impervious coverage. He then described how they were able to advance some purposes of zoning. Mr. Taikina then spoke about the negative criteria, expressing his opinion that there would be no substantial detriment to the public good with a substantial reduction in traffic from the previous use and would not impair the intent and purpose of the zone plan. He then

discussed how they were implementing the goals of the Township's Master Plan Re-examination from 2020 that created the Business & Industry Zone (B-I) and were adjacent to the goals of the 2025 Master Plan Re-examination where the Township modified the Business and Industry district to go away from strict warehousing and more into a light industrial industry, of which they would qualify as it related to size.

Chairman Orsini then asked, for the two (2) C2 variances, if he believed that the benefits substantially outweigh any detriments, and he answered in the affirmative. The Chairman then questioned the use of a C1 variance instead of a C2 variance because the argument could be that a commercially viable could not be done reducing the building size any further. Mr. Taikina stated that the site had a specific condition on the site in terms of impervious coverage and appropriate to utilize that resource in the most effective way and believe that they have done that. Mr. Taikina then gave other examples of purposes of zoning that were advanced by the Application to include efficient use of land, sufficient space for a variety of uses and that their impervious coverage was providing for adequate circulation on site that was specifically related to the use. He added that exceeding the maximum 60% impervious coverage in an industrial zone fit the positive criteria for the C2 Variance as well. He explained that they had an overall benefit there in that their impervious coverage was providing for adequate circulation that was specifically related to the use because they had loading requirements for the truck circulation, parking requirements for their employees as well as emergency access requirements for their emergency services. A discussion ensued.

Chairman Orsini then made a motion to open the meeting to the public for questions. Councilman Anbarasan seconded the motion, and all were in favor. Seeing no one coming forward, the Chairman then made a motion to close the meeting to the public. The motion was seconded, and all were in favor.

Mr. Flynn gave his closing summation.

Chairman Orsini then made a motion to approve the Application, with the condition that all of the minor comments that still need to be worked out were satisfied. Also, that the "no idling" signs include one (1) every four (4) spaces in the loading zone on the building there and one at the entrance. Mr. Keller seconded the motion, and the roll was called as follows:

FOR: Councilman Anbarasan, Dr. Chase, Mr. Keller, Ms. Rangnow, Mr. Thomas, Mr. Dancy, and Chairman Orsini

AGAINST: None

- **HAMILTON STREET MANAGEMENT, LLC / PLN-24-00002**

Mr. Francis P. Linnus, Esq., Attorney, appeared before the Board on behalf of the Applicant, Hamilton Street Management, LLC. He indicated that this is an Application only for Final Major Site Plan w"/"C Variance in which the Applicant sought approval for the proposed development which involved construction of a 4,605 sq. ft. three (3)-story mixed-use building at681-685 Hamilton Street; Somerset; Block 218, Lots 1-9, in the Hamilton Business District (HBD) Zone.

Mr. Linnus added that it was a 0.52 acre site located on the northern side of Hamilton Street between Baier Avenue and North Dover Avenue, and the site had frontage on all three (3) streets.. Mr. Linnus then added that it currently contained a one (1) story commercial building consisting of a barber shop, detached garage and a paved parking area., with surrounding uses containing commercial properties with paved parking areas as well as mixed use buildings with commercial on the first floor, apartments above, and paved parking areas along Hamilton Street. Additionally, he added that there were residential properties to the north of the subject site.

Mr. Linnus stated that they were granted Preliminary approval on February 18, 2025 and adopted a Resolution memorializing that approval on April 16, 2025. Since that time, the Applicant had been working with the Township staff/professionals with revising its engineering plans and architectural plans in accordance with the direction of the staff and incorporating the comments of the Board. He noted that the engineering plans they would be presenting that evening were revised on June 9, 2025 and the architectural plans were revised on April 19, 2025.

Mr. Linnus then stated that they would be reviewing the report of Mark Healey, Director of Planning, dated August 21, 2025, the report of Darrin Mazzei, Township Engineer (CME), dated August 27, 2025, as well as a review memorandum from John Hauss, Fire Prevention Director, dated August 25, 2025 and a revised report from the Franklin Township Sewerage Authority, dated September 3, 2025. Mr. Linnus then stated that they would be able to comply with all comments in every report.

Mr. Linnus then stated that the final plans did pick up a variance, at the request of the Board, as they wanted to see how towers would look on the buildings, creating a very de minimus increase in the lot coverage from 50%, the maximum allowed in the Zone, to 50.52%. He then added that the variance for lot coverage had been reviewed by Mr. Healey, stating that he could support a C2 variance for those towers, which was included in his report. Mr. Linnus indicated that Mr. Kareem Vajda, Architect and Mr. Ataj Dery, Principal and Managing Member of Hamilton Street Management, LLC would be available if any Board members had questions for them.

Mr. Adnan Khan, Site Engineer who previously testified, with AWZ Engineering, Inc., came forward and was sworn in. Mr. Khan stated that he had previously appeared and qualified as an expert in professional engineering before the Board. The Board accepted his qualifications.

Mr. Khan then indicated that he would be reviewing for the Board some of the changes that had been made with respect to the final Application that was before the Board that evening. He first showed the architectural plans because that was what had transpired to change the Site Plan as a result of comments made by some of the professionals. He showed some elements that were added to the architecture based on the comments from the Board in conjunction with working with the Township professionals to create towers at the ends of the elevation on Hamilton Street. He noted that the elevations, number of units and number of parking spaces stayed the same but caused an increase in lot coverage by 1.52%. He felt that the de minimus change was justified because now the building looked more pleasing and qualified as a C-2 Variance. He added that he believed it advanced a number of purposes of the Municipal Land Use Law (MLUL) to include: 52D-2C and Subsection I that included good visual design and arrangement. Mr. Khan also stated that the inclusion that required a variance was at the direction of the Board.

On the negative side, Mr. Khan indicated that if the Board granted approval of the variance that it would not have a detrimental effect on the zone plan and zone scheme and promoted what the Board requested and enhanced the overall look of the building. He added that it added a nicer visual appearance than previously presented and in comparison with the building next to it. He then told the Board that the benefits substantially outweighed any perceived detriments, of which he stated there were none in his opinion.

Mr. Khan then spoke about impervious coverage, and it was very close to the maximum allowable of 85% at 84.5%. He added that what they did was to change from a two (2)-way driveway to a one (1) way exit driveway onto North Dover Avenue. They did have a two (2)-way driveway from Baier Avenue. Mr. Khan explained that they did this to avoid having to ask for a lot coverage (impervious) variance. He added that they could return the North Dover Avenue to a two (2) way driveway, but it would create a very insignificant variance of approximately 0.5%.

Mr. Khan then reviewed the staff reports, starting with Mr. Healey's planning report from August 21, 2025, stating that the Applicant would comply with all comments in the planning report. Mr. Khan then referred to Mr. Mazzei's engineering report from August 24, 2025, noting that the Applicant would be able to comply with all comments in the engineering report. However, just for the Board's sake, Mr. Khan stated that he had a meeting that morning with Mr. Mazzei and Mr. Healey with them wanting him to discuss with the Board the fact that there was a slight light spillage in one corner of the building and that they would work towards eliminating that light spillage across the property. Additionally, they were going to remove trees along Baier Avenue but have now agreed to leave those trees in place.

Chairman Orsini opened a discussion that they should only be flowering trees and not shade trees along Baier Avenue because there was going to be utilities in that area. Mr. Healey agreed with that statement and told the Board that the Applicant agreed to work

with the Township as to the species of trees that would be the best ones to plant in that area. A discussion ensued.

Mr. Khan indicated that he reviewed the Fire Prevention report from August 25, 2025, and indicated that all of those comments would be addressed as they go to the design phase.

Finally, Mr. Khan discussed the Township Sewerage Authority report, dated September 23, 2025,and testified that they could and would comply with all comments in that report.

Mr. Khan then discussed the request of a Board member at the last meeting to have him speak to the County regarding tightening up the radius issue and what had been done since then. He noted that the radius in question was the one going from Hamilton Street and making a right onto Baier Avenue where the radius was very wide, which was not safe for pedestrians. He then explained that what they did, with the recommendation from the Board, was to submit a rough sketch to the County in early September showing how they could tighten the radius and how they could come up with a better solution. He noted that they received an e-mail from the County about a week later stating that the new design was under review and that they would get back to the Applicant since it was under the jurisdiction of the County. Mr. Khan stated that the new design was still under review, and as soon as they got a reply from the County they could implement what they wanted based on their response. A discussion ensued, and Mr. Healey asked Mr. Khan if the County knew that the new design that was submitted to them was what the Board was asking for. Mr. Khan then answered in the affirmative.

Mr. Healey then asked Mr. Linnus if they could go through the specific conditions of their initial Preliminary approval, many of which came from the Board and not directly from staff. Chairman Orsini then listed and they discussed each of the conditions noted in Mr. Healey's report that were included in the Preliminary approval. He started with number I, saying that they could have the Applicant just comply with that condition. Next was number II, which says it was satisfied and number III, which says it was satisfied. He then spoke of the issue of trees, where it said that item was partially satisfied and that they need to add trees. They then spoke about Mr. Mazzei wanted the Applicant to try and save some of the trees at the rear of the site and if they couldn't save them to add more trees back into that area to compensate. Chairman Orsini indicated that if they didn't have room for those trees, they would have to make a contribution in kind, per Chapter 222. He noted that the inclusion of EV charging space was satisfied and they had just spoken about the turning radius issue that the Applicant spoke to with the County. Chairman Orsini asked the Applicant to forward copies of e-mails to Mr. Healey that were sent to the County so the Board knows what was asked. The Chairman then brought up the light spillage issue, and Mr. Healey reminded the Board that the engineer just spoke about that in order to comply. They then spoke about refuse and recycling, and Mr. Khan indicated that they would comply. Mr. Khan indicated that they agreed to look into the dispersion of the EV charging stations throughout the parking area once they had meetings with the utility companies. Mr. Khan added that the

building was going to be solar ready, but that there was no date set aside for installation. They spoke about a condition related to side yard setbacks being 20 ft. for intersecting streets where they were abutting an existing one (1)- or two (2)- family home . Mr. Linnus indicated the condition was that the Site Plan and Zoning Table should be revised to reflect the setback. Finally, Mr. Linnus reiterated that they would comply with all of the comments in the staff reports.

Chairman Orsini then made a motion to open the meeting to the public for any question or comment on this Application. The motion was seconded, and all were in favor.

Seeing no one coming forward, Councilman Anbarasan then made a motion to close the public portion of the hearing. The motion was seconded by Chairman Orsini, and all were in favor.

Mr. Linnus gave a brief summation.

Mr. Healey then made sure the Board knew the reason for the variance requested, that the design standards of the Hamilton Street Business District (HBD) Zone spoke to having particular architectural emphasis on building corners, which had two (2) corners included in this site. Mr. Healey added that the towers on the corners significantly improved the aesthetics of the building and addressed the design standards of the HBD Zone. He noted that the 0.52% de minimus overage of building coverage significantly improved the aesthetics of the building. With respect to impervious surface, Mr. Healey indicated that staff recommended that both driveways stay two (2)-way because it was not a large enough variance to change the Site Plan. He recommended approving a variance for impervious coverage to up to 86% because it was an improvement to the Site Plan with the addition of the two (2) towers. A discussion ensued.

Chairman Orsini made a motion to approve the Final Site Plan, with the C-2 variance for building coverage of 50.52% where 50% was the maximum, C-2 variance for lot coverage of86% where 85% was the maximum, and compliance with all staff reports and revisions to staff reports as well as outside agency compliance as well. Mr. Keller seconded the motion, and the roll was called as follows:

FOR: Councilman Anbarasan, Dr. Chase, Mr. Keller, Ms. Rangnow, Mr. Thomas, Mr. Dancy, and Chairman Orsini

AGAINST: None

COMMITTEE REPORTS:

There were no committee reports to discuss.

WORK SESSION / NEW BUSINESS:

No work session or new business conducted.

EXECUTIVE SESSION:

The Board did not enter into Executive Session.

ADJOURNMENT:

A motion was made by Chairman Orsini to adjourn the meeting at 8:22 p.m., and seconded. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
November 24, 2025

RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, GRANTING FINAL MAJOR SITE PLAN WITH BULK VARIANCES TO HAMILTON STREET MANAGEMENT, LLC, CONCERNING PROPERTY LOCATED AT 681-685 HAMILTON STREET, SOMERSET, NEW JERSEY AND DESIGNATED AS BLOCK 218, LOTS 1-9

Docket No. PLN-24-00002

WHEREAS, HAMILTON STREET MANAGEMENT, LLC (hereinafter referred to as "Applicant"), has applied to the Franklin Township Planning Board (hereinafter referred to as "Board") for final major site plan approval with bulk variances, for the premises currently designated on the Tax Map of the Township of Franklin as Block 218, Lots 1-9 and located on what is commonly known as 681-685 Hamilton Street, Somerset, New Jersey (hereinafter referred to as the "Subject Property"), and is located within the Hamilton Street Business District (HBD) zone; and

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

WHEREAS, the Applicant was represented by Francis P. Linnus, Esq.; and

WHEREAS, a public hearing was held on the application on October 15, 2025, during which time the Applicant presented testimony, witnesses, reviewed the site plan and the case was opened for public comment; and

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

WHEREAS, the Applicant is seeking final major site plan approval and bulk variances to demolish the existing one-story masonry building, detached garage and paved parking area on the Subject Property; and construct a three-story, mixed-use structure containing 4,619 square feet ("SF") of commercial space on the first floor; 18 residential units on the upper four floors; and a parking area containing 38 parking spaces; and

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

1. The following reports and/or correspondence were received and reviewed by the Board:

   A. Application for final major site plan approval;
   B. Variance Application;
   C. Site Plan entitled "Preliminary and Final Site Plan 681-694 Hamilton Street, Tax Lots 1-9, Block 218, Township of Franklin, Somerset County, New Jersey," prepared by AWZ Engineering, Inc., under the signature of Adnan A. Khan, P.E., C.M.E., dated November 15, 2023, last revised on June 9, 2025, consisting of nineteen (19) sheets;

D. Architectural Plans entitled "Proposed Three-Story Mixed Use Building, 681-685 Hamilton Street, Somerset, New Jersey," prepared by AMRARCH Design Studio, under the signature of A.M. Ragab, A.I.A., dated May 8, 2023, last revised on April 19, 2025, consisting of five (5) sheets;
E. Boundary & Topographic Survey, prepared by Control Layouts, Inc., dated Marh 17, 2022, containing no revisions;
F. Environmental Impact Statement, prepared by AWZ Engineering, Inc., last revised June 19, 2025;
G. Stormwater Management Report, prepared by AWZ Engineering, Inc., dated November 15, 2023, last revised June 19, 2025;
H. Operation and Maintenance Plan for Stormwater Management Measures, prepared by AWZ Engineering, Inc., dated December 5, 2024, containing no revisions;
I. Traffic Impact Analysis, prepared by AWZ Engineering, Inc., dated December 4, 2023, containing no revisions;
J. Memorandum of Mark Healey, P.P., A.I.C.P., Franklin Township Planner dated August 21, 2025;
K. Memorandum of John Hauss, Director of the Franklin Township Office of Fire Prevention dated August 25, 2025;
L. Memorandum of Darren Mazzei, P.E., C.M.E., Franklin Township Engineer's Office dated August 27, 2025; and
M. Memorandum of the Franklin Township Sewerage Authority dated September 3, 2025.

2. No exhibits were marked into evidence:

3. The following testimony was introduced at the hearing:

A. Mr. Francis Linnus, Esq., Attorney, appeared before the Board on behalf of the Applicant, Hamilton Street Management, LLC. He explained that the Applicant was seeking final major site plan approval with a building coverage variance to construct a 4,619 SF three-story mixed-use building (hereinafter the "Applicant's Project") on the 0.52-acre Subject Property located in the Hamilton Street Business District (HBD) zone.

Mr. Linnus indicated that the Subject Property is located on the northern side of Hamilton Street between Baier Avenue and North Dover Avenue; with frontage on all three (3) streets. He noted that the site currently contains a one-story building (a barber shop), a detached garage, and a paved parking area. Mr. Linnus stated that surrounding properties include commercial uses and mixed-use buildings along Hamilton Street; and residential uses to the north (rear) of the Subject Property.

Mr. Linnus stated that the Applicant had previously received preliminary major site plan approval from the Board for the Applicant's Project. He noted that, since that time, the Applicant has been working with the Township staff/professionals to revise the plans to address the comments of the Board and Township

staff/professionals.

Mr. Linnus confirmed that the Applicant's presentation would review the reports of the Township Planner; the Township Engineer; John Hauss, Franklin Township Fire Prevention Director; and the Franklin Township Sewerage Authority. Mr. Linnus then stated that the Applicant would comply with all comments in every report.

Finally, Mr. Linnus advised that the final design of the project required a variance for building coverage. He noted that at the time of preliminary site plan approval, the Board requested that the corners of the building be accentuated. In response, Mr. Linnus indicated that towers were added to the corners of the building; resulting in a very de minimis increase in the building coverage from 50% (the maximum allowed in the Zone) to 50.52%. He asserted that the variance for building coverage had been reviewed by Mr. Healey; and he indicated in his report that the variance could be justified under a (c)(2) rationale.

B. Mr. Adnan A. Khan, P.E., C.M.E., the Applicant's Project Engineer, came forward and was sworn in. The Board accepted his qualifications. Initially, he reviewed the architectural plans; which were revised to address Board comments made at the time of preliminary site plan approval. Mr. Khan noted that the architectural plan revisions include towers at the corner of each end of the Hamilton Street elevation. He stated that the architectural plan revisions were the impetus for the revisions to the site plan.

Mr. Khan testified that the number of units and number of parking spaces stayed the same; but that the addition of the towers caused an increase in building coverage by 0.52% to 50.52%. He asserted that the de minimis increase in building coverage was justified because the towers made the structure more aesthetically pleasing which would support the granting of the variance under a (c)(2) rationale. Mr. Khan further stated that the Applicant's project advanced a number of purposes of zoning from the Municipal Land Use Law "(MLUL"); including purpose (c) and purpose (i). Finally, he noted that the variance was the result of the inclusion of the towers which were undertaken at the direction of the Board to address specific design standards of the Hamilton Street zone regarding buildings on corner lots.

With respect to the negative criteria for the variance relief, Mr. Khan indicated that the variance would not have a detrimental effect on the zone plan and zoning ordinance of the Township of Franklin and stated that the provision of the towers requested by the Board enhanced the overall look of the building. He added that the provision of the towers makes the structure more visually appealing than the structure previously proposed and that the towers further make the structure different from the building on the adjoining property. Mr. Khan concluded that the benefits from the granting of the variance substantially outweighed any perceived detriments which he asserted did not exist.

Mr. Khan next reviewed the impervious coverage for the Applicant's project; noting that the 84.5% proposed was very close to the 85% maximum impervious coverage permitted by the Township Land Development Ordinance. He advised that the provision of a compliant impervious coverage was accomplished by changing the North Dover Avenue driveway from a two-way driveway to an egress only driveway. Mr. Khan stated that the Baier Avenue driveway remained a two-way driveway. He reiterated that the modification of the North Dover Avenue driveway to egress only was undertaken to avoid the necessity of an impervious coverage variance. Mr. Khan advised that the North Dover Avenue driveway could be restored to a two-way driveway; but that the modification would result the impervious coverage exceeding the 85% maximum allowed by approximately 0.5%.

Mr. Khan then reviewed the staff reports from the Township Planner and the Township Engineer; confirming that the Applicant would comply with all comments contained therein. With respect to the Township Engineer's report, he noted that he met with Mr. Mazzei and Mr. Healey to review a slight light spillage in one corner of the building. Mr. Khan confirmed that the plans would be revised to address the light spillage. Finally, he noted that the Applicant initially proposed to remove the trees along Baier Avenue but that the Applicant would now leave those trees in place. In response to a Board inquiry concerning the type of trees proposed along Baier Avenue, Mr. Khan agreed that the Applicant would work with the Board Professionals and provide species of trees to the satisfaction of the Board Professionals.

C. Mr. Khan thereafter confirmed that the Applicant would address the comments contained in the reports of the Township Fire Prevention Director and the Township Sewerage Authority.

D. Mr. Khan then reviewed an issue raised at the time of preliminary site plan approval related to the tightening of the radius at the corner of Hamilton Street and Baier Avenue. Specifically, he stated that the radius in question was the corner making a right from northbound Hamilton Street onto Baier Avenue, noting that the radius was very wide and not ideal for pedestrians. Mr. Khan acknowledged that the Board had requested that the Applicant present the issue to the Somerset County (as Hamilton Street is a County roadway). He advised that the Applicant had prepared and submitted a rough sketch to Somerset County in early September 2025 depicting how the Applicant could tighten the radius to enhance safety at the corner. Mr. Khan indicated that, about a week later, Somerset County supplied a response stating that the new design was under review and that a response would be supplied upon completion of review. He stated that the new design remained under review with Somerset County and that when a response was received, it would be supplied to the Township and implemented by the Applicant. In response to an inquiry from Mr. Healey, Mr. Khan confirmed that Somerset County was aware that the Applicant's submittal was made at the direction of the Board and represented the Board's desire with respect to the radius at the corner of Hamilton Street and Baier Avenue.

E. Mr. Linnus and Mr. Khan thereafter reviewed the conditions from preliminary site plan approval (noted in Mr. Healey's report), specifically indicating:

i. Item (i): the plans will be revised to include the detail of the wall.
ii. Item (iv): the Applicant will preserve as many trees as possible; and add as many replacement trees as possible. Any deficiency will be addressed through a contribution to the Township Tree Fund.
iii. Item (viii): the Applicant will supply copies of all submittals to and responses from Somerset County; including prior submittals and responses.
iv. Item (x): the Applicant will supply a written refuse and recycling plan to the satisfaction of the Board Professionals as a condition of any Board approval.
v. Item (xii): the Applicant will examine the dispersal of the EV charging stations throughout the parking area; if permitted by the utility company.
vi. Item (xiii): the building will be solar ready; but no date has been established for any installation of a solar roof facility at the property.
vii. Item (xv): the Applicant will comply to the satisfaction of the Board Professionals as a condition of any Board approval
viii. Item (xvi): the Applicant will comply to the satisfaction of the Board Professionals as a condition of any Board approval
ix. Item (xviii): the Applicant will comply to the satisfaction of the Board Professionals as a condition of any Board approval

F. Mr. Linnus reiterated that they would comply with all of the comments in the staff reports.

G. At the conclusion of the Applicant's presentation, Mr. Healey reiterated the rationale behind the building coverage variance requested by the Applicant. He stated that the design standards of the HBD zone require architectural emphasis on building corners; noting that the Applicant's proposed building has two (2) corners. Mr. Healey asserted that the proposed towers on the corners significantly improved the aesthetics of the building and addressed the design standards of the HBD Zone. He opined that the 0.52% by which the building coverage exceeded the standards was de minimis; while allowing for the towers which significantly improved the aesthetics of the building.

Mr. Healey further stated that, with respect to maximum impervious coverage, the Township staff recommended that both driveways stay two -way. He indicated that an impervious coverage of 86% was necessary to supply a two-way driveway in both locations; which he stated was not significant enough to modify the site plan to make the North Dover Avenue driveway egress only. Mr. Healey recommended that the Board grant an impervious coverage variance of 86%; as he opined it was an improvement to the site plan.

H. Chairman Orsini made a motion to approve the Final Site Plan, with the C-2 variance for building coverage of 50.52% where 50% was the maximum, C-2

variance for lot coverage of 86% where 85% was the maximum, and compliance with all staff reports and revisions to staff reports as well as outside agency compliance as well. Mr. Keller seconded the motion, and the roll was called as follows:

4. The application was opened by the Board for public comment and no public comment was received.

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

1. Applicant, **HAMILTON STREET MANAGEMENT, LLC**, is the owner of real property located at 681-685 Hamilton Street, Somerset, New Jersey, and currently designated on the Tax Map of the Township of Franklin as Block 218, Lots 1-9, same being located within the HBD zone. The Subject Property is 0.516 acres in size and is currently improved with a one-story frame dwelling, a garage and an asphalt driveway.

2. The Applicant is proposing to construct a three-story mixed-use structure containing 4,619 SF feet of commercial space on the first floor; 18 total residential apartment units (6 one-bedroom units and 12 two-bedroom units) on the second floor and third floor; and a parking area for 38 parking spaces; as depicted on the Applicant's site plan. The Board notes that the Subject Property is compliant as to the bulk requirements of the HBD zone district with the exception of parking lot buffer, parking lot screen, parking space dimensions and sidewalk width.

3. Specifically, the Applicant requires the following variance relief:

   A. Maximum Building Coverage: 50% required and 50.52% proposed; and
   B. Maximum Lot Coverage: 85% required and 86% proposed.

4. The Board is satisfied that pursuant to N.J.S.A. 40:55D-70(c)(2) that the Applicant is entitled to the aforementioned variance relief. The benefit to the Township is promotion of the purposes of zoning from the Municipal Land Use Law; as outlined by the Applicant's Planner. The Board perceives little, if any, detriment from the granting of the variances. Based upon the forgoing, the Board concludes that the benefits from the granting of the variances substantially outweigh any detriments.

5. Provided all of the conditions of the approval are met, the variances can be granted without substantial impairment to the intent and purpose of the Land Development Ordinance of the Township of Franklin. The Board also finds that granting the variances will not be inconsistent with the character of the surrounding area.

6. The variances can also be granted without substantial detriment to the public good, as the traditional Municipal Land Use Law goals of light, air and open space will not be

compromised by the granting of the variances. The proposed improvements, including stormwater management, landscaping and public sidewalks, will benefit the public.

7. The Board is satisfied that the Applicant has provided sufficient evidence and testimony and has met the requirements for final site plan approval. In this regard, the Board is satisfied that the Applicant has made adequate provision for ingress and egress from the site, has accounted for appropriate landscaping on the Subject Property as testified and presented to the Board.

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

1. Final major site plan approval is hereby granted to the Applicant to demolish the existing site improvements and construct of a new three-story mixed-use structure containing 4,619 SF feet of commercial use on the first floor with a 38-space parking area and 18 residential apartments on the second floor and third floor; as presented to the Board and detailed on the final site plan drawings which the Applicant will revise in accordance with the requirements of this resolution.

2. Variance relief pursuant to N.J.S.A. 40:55D-70(c)(2) is hereby granted to Applicant so as to permit the following:

   A. Maximum Building Coverage: 50% required and 50.52% approved; and
   B. Maximum Lot Coverage: 85% required and 86% approved.

3. The within final site plan approval; and variance relief granted herein are expressly based upon the plans, reports and testimony submitted to the Planning Board. These approvals are subject to and upon the following conditions:

   A. The Applicant shall comply with all conditions imposed as part of the preliminary major site plan approval granted on February 19, 2025 (memorialized by written resolution adopted on April 16, 2025), including, but not limited to, the conditions articulated in this resolution; except as otherwise specifically modified or waived in in this Resolution.

   B. The Applicant shall comply with any and all conditions, requirements, and agreements as set forth within this Resolution, as well as any and all representations made to the Board, both orally and in writing, whether contained in this Resolution or not including but not necessarily limited to (and revision of plans as applicable to reflect same):

      i. Modification of the driveway on North Dover Avenue to provide both ingress and egress to the reasonable satisfaction of the Board Professionals
      ii. Modification of the site lighting to address the spillage to the satisfaction of the Board Professionals
      iii. Revision of the street tree species to be supplied along Baier Avenue to the reasonable satisfaction of the Board Professionals.

iv. The applicant shall submit proof of their correspondence with the County with respect to the tightening of the radius at the corner of Hamilton Street and Baier Avenue. Such correspondence from the applicant to the County shall indicate the Board's preference to have the radius tightened.

C. The Applicant shall comply with all comments and conditions as set forth within the reports of the Board professionals and Township staff as provided to the Applicant except as may have been specifically modified or waived by the Board as specifically addressed within this Resolution.

D. The Applicant shall satisfy and post any and all escrows and pay any taxes as required by law or by ordinance.

E. The Applicant shall obtain any and all approvals required by any other governmental agency having jurisdiction over the development.

F. The development shall be subject to the payment of applicable affordable housing development fees.

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

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

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

Christine Woodbury, Planning Board Secretary

VOTE ON MOTION 10/15/2025

FOR:
Councilman Anbarasan
Dr. Theodore Chase

VOTE OF RESOLUTION:

FOR:

Mr. Shaw Keller
Ms. Jennifer Rangnow
Mr. Marc Dancy
Mr. Robert Thomas
Chairman Orsini

AGAINST:
NONE

ABSTAIN:
NONE

AGAINST:
NONE

ABSTAIN:
NONE

RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, GRANTING PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL AND CONDITIONAL USE APPROAL WITH VARIANCES TO 500 ATRIUM, LLC, CONCERNING PROPERTY LOCATED AT 500 ATRIUM DRIVE, SOMERSET, NEW JERSEY AND DESIGNATED AS BLOCK 468.01, LOT 21.07

Docket No. PLN-23-00005

WHEREAS, 500 ATRIUM, LLC (hereinafter referred to as "Applicant"), has applied to the Franklin Township Planning Board (hereinafter referred to as "Board") for preliminary and final major site plan approval and conditional use approval with variances, for the premises currently designated on the Tax Map of the Township of Franklin as Block 468.01, Lot 21.07 and located on what is commonly known as 500 Atrium Drive, Somerset, New Jersey (hereinafter referred to as the "Subject Property"), and is located within the Business and Industry (B-I) zone; and

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

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

WHEREAS, public hearings were held on the application on July 16, 2025 and October 15, 2025, during which time the Applicant presented testimony, witnesses, reviewed the site plan and the case was opened for public comment; and

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

WHEREAS, the Applicant is seeking preliminary and final major site plan approval and conditional use approval with "c" variances to construct two (2) 69,252 square foot (hereinafter "SF") warehouses, each with one (1) potential office area, a shared truck court, two (2) parking areas and associated site improvements on the Subject Property; and

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

1. The following reports and/or correspondence were received and reviewed by the Board:

   A. Application for preliminary and final major site plan approval;
   B. Site Plan entitled "500 Atrium Drive, Preliminary & Final Site Major Plan, Lot 21.07, Block 468.01, Township of Franklin, Somerset County, New Jersey," prepared by Stires Associates, P.A., under the signature of Craig W. Stires, P.E., dated January 20, 2023, last revised on September 9, 2025, consisting of seventeen (17) sheets;
   C. Architectural Plans entitled "Proposed Warehouse Buildings, Lots 21.07, Block 468.01, 500 Atrium Drive, Franklin Twp., NJ," prepared by DeBarbieri Architects LLC, dated January 20, 2023, last revised September 8, 2025, consisting of four (4) sheets;

D. Topographic Survey, prepared by Stires Associates, P.A., dated January 20, 2023, containing no revisions, consisting of one (1) sheet;
E. Stormwater Management Report, prepared by Stires Associates, P.A., dated January 2023, with no revisions;
F. Supplemental Stormwater Management Report, prepared by Stires Associates, P.A., dated November 2023, last revised September 2025;
G. Stormwater Management Measures Maintenance Plan & Field Manuals, prepared by Stires Associates, P.A., dated January 2023, with no revisions;
H. Environmental Impact Statement, prepared by Stires Associates, P.A., dated January 2023, with no revisions;
I. Traffic Impact Analysis prepared by Dolan & Dean Consulting Engineers, LLC dated January 20, 2023, containing no revisions;
J. Memorandum of Ofc. Ryan Ellington of the Franklin Township Police Department dated July 14, 2023;
K. Memorandum of John Hauss, Director of the Franklin Township Office of Fire Prevention dated December 28, 2023;
L. Memorandum of Mark Healey, P.P., A.I.C.P., Franklin Township Planner dated September 18, 2025;
M. Memorandum of the Franklin Township Sewerage Authority dated September 22, 2025;
N. Memorandum of Rashida Boima, REHS, MPH, of the Somerset County Health Department dated September 26, 2025;
O. Memorandum of Franklin Township Environmental Commission dated September 30, 2025; and
P. Memorandum of Darren Mazzei, P.E., C.M.E., Franklin Township Engineer's Office dated October 6, 2025.

2. The following exhibits were marked into evidence:

Exhibit A-1	Aerial photograph of the Subject Property.
Exhibit A-2	Color site plan for the Applicant's Initial Project.
Exhibit A-3	Color floor plan of proposed Building A (73,460 SF footprint).
Exhibit A-4	Color floor plan of proposed Building B (72,213 SF footprint).
Exhibit A-5	Color rendering of Building A for the Applicant's Initial Project.
Exhibit A-6	Color rendering of Building B for the Applicant's Initial Project.
Exhibit A-7	Color site plan for the Applicant's Revised Project.
Exhibit A-5	Color rendering of Building A for the Applicant's Revised Project.
Exhibit A-6	Color rendering of Building B for the Applicant's Revised Project.

3. At the hearing on July 16, 2025, the following testimony was introduced:

A. Mr. Matthew R. Flynn, Esq., Attorney, appeared before the Board on behalf of the Applicant. He indicated that the Applicant was seeking preliminary and final major site plan approval with variances to demolish the existing structures and construct two (2) warehouses totaling 145,673 SF together with associated site amenities on the Subject Property located in the B-I Zone (hereinafter the "Applicant's Initial Project").

Mr. Flynn reiterated that the Subject Property is located within the B-I Zone; and stated that under the ordinance in effect at the time the application was deemed complete, the proposed warehouse use is a permitted conditional use. He confirmed that the Applicant's Initial Project met the conditions related to distance from residential zones and access to public water and sewer required for a warehouse; and that, as a result, the use is a permitted conditional use in the B-I Zone.

At the outset of the hearing, Mr. Flynn acknowledged that the last plan revisions were submitted in late 2023; and that, as a result, the Applicant wished to have its Site Engineer and Architect testimony in order to receive comments from the Board and the public on the Application. He noted that the Applicant would then review the feedback and return at a later date with revised plans addressing same and to conclude the hearing on the Application.

B. Mr. Craig Stires, P.E., the Applicant's Site Engineer, came forward and was sworn in. The Board accepted his qualifications. Initially, Mr. Stires reviewed the existing conditions on the Subject Property. He proffered Exhibit A-1, an aerial photograph of the Subject Property which was entered into the record by the Board. Mr. Stires then described the components of the Subject Property identifying the location of Atrium Drive and the Atrium Drive cul-de-sac (which he explained was a private road). He advised that the Subject Property was situated on the southeasterly side of Atrium Drive just north of its intersection with Pierce Street. Mr. Stires stated that the surrounding property uses included: a multiuse building on Pierce Street; a 450,000 SF warehouse space; an office building; two (2) hotels and other industrial sites.

Mr. Stires advised that the Subject Property contains approximately 8.5 acres; 7.53 acres excluding Atrium Drive. He identified four (4) driveways on Atrium Drive; noting that only two (2) driveways are permitted under the Land Development Ordinance (hereinafter the "LDO"). Mr. Stires stated that the impervious lot coverage at the Subject Property currently does not conform to the LDO; where 60% is permitted and 77.5% impervious coverage exists. He further noted that the current Floor Area Ratio (FAR) was similarly not conforming to the LDO requirements; where 0.50 is required and an FAR of 0.64 exists.

Mr. Stires advised that the Subject Property was part of the original 1982 Atrium at Somerset subdivision which created Atrium Drive. He identified the stormwater basins which were constructed in the 1980's as part of the original subdivision; indicating that the stormwater basins supplied stormwater management for the Subject Property and several surrounding properties. He reiterated that the Subject Property is located in the B-I Zone; and that the warehouse use was a permitted conditional use at the time the application was deemed complete (as outlined in the Memorandum of Mr. Healey).

Mr. Stires then proffered Exhibit A-2, a color site plan depicting the proposed warehouses which was entered into the record by the Board. Referring to Exhibit A-2, he identified the two (2) proposed warehouses containing 72,213 SF and 73,460 SF, respectively. Mr. Stires advised that parking was proposed on the north side of the smaller building and on the south side of the larger building. He identified the truck

court between the two buildings; stating that each building would contain nine (9) loading docks and one (1) drive-in ramp.

Mr. Stires identified a fire lane around the entirety of the two (2) buildings noting that the fire lane was added after the initial submittal at the request of the Fire Prevention Director.

Mr. Stires testified that the Applicant's Initial Project complies with the main building setbacks from Atrium Drive and northerly parking lot was set back 20 feet from Atrium Drive cul-de-sac. He indicated that the impervious coverage on the plans is listed as 74.55% which is a reduction of the existing 77.5% but more than the maximum permitted impervious coverage of 60%. Mr. Stires advised that the actual impervious coverage is 75.27%; resulting from the addition of the fire lane after the submittal of the plans reviewed by the Board Professionals. He stated that the Applicant's Initial Project supplied 71 physical parking spaces which included 2 electric vehicle spaces resulting in a total credit of 73 parking spaces.

Mr. Stires reviewed stormwater management for the Subject Property noting that this site was part of the original subdivision and no storm water management exists on the property. He advised that stormwater management was provided by two (2) basins in the immediate vicinity of the Subject Property. Mr. Stires confirmed that stormwater management from the Subject Property was currently collected and conveyed into those basins. He stated that the Applicant's Initial Project proposes to reconfigure and utilize the two (2) basins. Mr. Stires advised that the basins provided no stormwater recharge; and indicated that "D"-type soil which provides no recharge was encountered on the adjoining site currently under construction. He continued that a site to the north in the vicinity of the Subject Property also encountered "D"-type soil with no recharge.

Mr. Stires indicated that because the Applicant's Initial Project was reducing impervious coverage on the Subject Property; there was no requirement to address stormwater recharge. He stated that under State regulations, the Applicant was similarly not required to address water quality. However, Mr. Stires indicated that because the Subject Property drained into the Delaware & Raritan Canal, an elevated Total Suspended Solids ("TSS") removal requirement of 95% was mandated (instead of 80% TSS removal). He explained that as part of the site design, manufactured treatment devices have been incorporated into the stormwater management system; which, together with the basins, supply the 95% TSS removal required. So, in effect, Mr. Stires asserted that the Applicant's Initial Project was actually improving the water quality coming off the site. He confirmed that the Applicant's Initial Project required approval from the Delaware & Raritan Canal Commission.

Mr. Stires then reviewed the Landscaping Plan; noting that 24 street trees were proposed along Atrium Drive frontage and the Atrium Drive cul-de-sac. He added that other landscaping along the property line was proposed prior to the addition of the fire lane. Mr. Stires stated that as a result of the fire lane, there is a wall along the entire property line to accommodate that fire lane. He confirmed that the Applicant would add more plantings in the front yard (as requested by the Memorandum from Mr.

Healey); and opined that they would be move viable than stacking plantings along the wall adjacent to the fire lane.

C. The Board expressed a desire that the front yard be landscaped to the maximum extent possible in order to screen the warehouse use from the affordable housing development proposed across Atrium Drive. The Board further questioned why the Applicant could not provide a more compliant impervious coverage; as the existing improvements were being removed and the Subject Property was a clean slate.

D. Mr. Stires then reviewed the variance relief required, with impervious coverage at 75.27% where 60% was the maximum. He then noted the front yard variance for the northerly parking lot off of the Atrium Drive cul-de-sac. Mr. Stires stated that currently four (4) driveways exist; while only two (2) driveways are permitted. He noted that the Applicant's Initial Project proposes to reduce the number of driveways to two (2) off of the main Atrium Drive and one (1) off of the Atrium Drive cul-de-sac. Mr. Stires indicated that an emergency lane access would also be supplied off of the Atrium Drive cul-de-sac. Finally, he noted that the Applicant was seeking a waiver from the requirement that sidewalks be provided.

E. In response to an inquiry from Mr. Mazzei regarding the driveway width for the truck court, Mr. Stires indicated that the proposed width was 65 feet which exceeded the maximum width of 35 feet under the LDO. He opined that the width was necessary for proper circulation in and out of the truck court by larger trucks. Mr. Stires noted that the driveway in the truck court was the only driveway that was larger than a compliant width; and indicated that the other two (2) driveways were a compliant width of 26 feet. Mr. Stires noted that the parking adjacent to the main Atrium Drive was compliant; but that both main Atrium Drive and the Atrium Drive cul-de-sac were treated as a public roadway. Mr. Stires indicated that this was the origin of the variance for the parking adjacent to the Atrium Drive cul-de-sac.

F. In response to a request from Mr. Mazzei for an impervious coverage calculation for the fire lane area, Mr. Stires agreed to supply the requested information when the Applicant returns to the Board.

G. The Board acknowledged that the provision of the fire lane might result in an impervious coverage in excess of the maximum impervious coverage of 60% permitted by the LDO. However, the Board expressed its desire that the impervious coverage be reduced more than the 75.27% currently proposed by the Applicant's Initial Project.

H. In response to Board suggestion that pervious pavement be used for the passenger vehicle parking areas, Mr. Stires indicated that since there was no water recharge on the site due to the type of soils on the Subject Property, the use of pervious pavement would not make a difference.

I. In response to a Board inquiry concerning the construction of a single larger warehouse (in lieu of two (2) smaller warehouses), Mr. Flynn stated that the two (2) smaller warehouses are more marketable based upon discussions with the Applicant

and prospective buyers of the project. Mr. Stires indicated that a 340,000 SF facility and a 110,000 SF facility exist in the vicinity of the Subject Property; so, adding the two (2) proposed smaller warehouses would provide a variety rental space along the Atrium Drive corridor.

J. Mr. Mazzei then identified two (2) issues requiring the Board's attention. The first concerning Atrium Drive in general. He advised that other recent applications fronting on the roadway were required to obtain test cores to establish whether a milling of the entire roadway would be necessary; as it is a private roadway. Mr. Mazzei stated that a maintenance agreement exists between all of the building owners. He questioned whether the Applicant would be willing to supply the Township with the cores; noting that the rest of Atrium Drive has, so far, revealed thicker pavement. He opined that only a milling over-lay would be required, as well as reconstruction of forward curb returns just to make the trucks work.

Mr. Mazzei next inquired about the actual construction of the Applicant's Initial Project. He identified a sculpture and staircase at the rear of the building on the Subject Property; and questioned how that would impact construction. Mr. Mazzei questioned whether an easement would be required from the second property to the east (700 Atrium Avenue) in order to remove the sculpture and staircase.

K. Mr. Stires replied that his understanding was that the sculpture was a cross easement which could be terminated by either party. Conversely, he advised that the agreement of both parties was required to remove the staircase. Mr. Stires stated that counsel for the Applicant was communicating with the property owner of 700 Atrium Drive regarding the sculpture and staircase; but had not yet been successful in making contact. He noted the current design of the Applicant's Initial Project has the stairs meeting the curb line of the fire lane. Mr. Stires confirmed that the Applicant would continue to try to terminate the easement; but that the current design would permit the stairs to remain.

Mr. Stires testified that the Applicant had obtained a copy of the cores by Davidson Avenue and they did cores for the Woodmont project which seem to be consistent. He stated that it appears that in order for Atrium Drive to be potentially accepted as a public roadway by the Township, it was constructed in compliance with the Township requirements. Mr. Stires indicated that it seemed to be stable but the top surface, especially near the Woodmont project, had potholes that could be addressed by milling and paving.

L. Mr. Stires confirmed that the Applicant would comply with the terms and conditions contained in the Memorandum of the Township Engineer.

M. In response to a Board inquiry concerning sidewalks on the Subject Property and the adjacent sites, Mr. Stires stated that the application for the adjacent site included a sidewalk waiver; and he had been involved in four (4) applications in the vicinity of the Subject Property and only the hotel was required to supply sidewalks. In response to an assertion by Mr. Mazzei that the applicant for the adjoining site was required to

include a grass path, Mr. Stires indicated that that the grass path was on the north side of the smaller building around the bio-retention basins.

N. Mr. Mazzei indicated that the Applicant should maintain a 2% slope along Atrium Drive.

O. In response to a Board desire to preserve the existing trees along the Atrium Drive frontage, Mr. Stires stated that the Applicant would examine the ability to preserve trees in that location as part of any plan revisions prior to an adjourned hearing.

P. Mr. Bryan DeBarbieri, R.A., the Applicant's Architect, came forward and was sworn in. The Board accepted his qualifications. Mr. DeBarbieri proffered Exhibit A-3, color floor plan of the larger building designated as Building A (73,460 SF footprint) and Exhibit A-4, color floor plan of the smaller building designated as Building B (72,213 SF footprint); both of which were entered into the record by the Board. Referring to Exhibits A-3 and A-4, he noted that both buildings were oriented so that their front entrances faced Atrium Drive.

Mr. DeBarbieri next proffered Exhibit A-5, a color rendering of Building A and Exhibit A-6, a color rendering of Building B; both of which were entered into the record by the Board. Referring to Exhibits A-5 and A-6, he testified that both building heights were just under 50 feet when calculated utilizing the average grade. Mr. DeBarbieri stated that the building heights were designed to provide an interior clear height of 40 feet to the bottom of the roof structure; which he advised was consistent with current market demands for these building types. He then reviewed some exterior design features; stated that the buildings would have a similar aesthetic; and present as sister buildings. Mr. DeBarbieri noted that the front entrances would face Atrium Drive and consist of glass storefronts with canopies. He identified ground level windows at the entrance corners of each building for possible reception and administrative areas. Mr. DeBarbieri stated that the balance of the perimeter would consist of clerestory windows to provide natural light into the warehouse space.

Mr. DeBarbieri stated that the Atrium Drive facades of each building would be painted with a cooler, Earth-tone color palette to present these facades as the front of each building. Mr. Debarbieri indicated that the building entrances would be highlighted through the use of accent colors; which would also be used along the base of the building and clerestory window lines to break up the height of each structure. He stated that both buildings would be constructed of pre-cast concrete panels, with recessed score lines to further break up the façade and the height.

Mr. DeBarbieri next reviewed the construction type and safety features of the buildings; noting that each would be state-of-the-art and in full compliance of all life, safety, energy codes and fire safety requirements. He indicated that the buildings would be constructed of all non-combustible materials and have a steel frame interior. Mr. DeBarbieri advised that the pre-cast wall panels can have a fire resistance of up to four (4) hours. He identified personnel doors around each building to allow access for the fire department at different points of the building.

Mr. DeBarbieri indicated that the buildings required minimal roof equipment; and that the larger footprint of the buildings would provide ample space to set the equipment back from the perimeter to avoid the equipment being visible from the ground. He confirmed that all of the equipment would be fully compliant with State and local noise requirements. Mr. DeBarbieri identified energy efficiency aspects such as exterior wall panels with an insulated core to provide high thermal resistance values. He stated that the roof would be insulated to conform with the latest energy codes and that the roof structure would be designed to support a future installation of solar panels. Mr. DeBarbieri noted that each building interior would contain LED lighting which would also be on occupancy and daylight sensors.

Q. The Board expressed its desire for landscaping along Atrium Drive to break up the continuous façade of the proposed structures. The Board further asserted that in light of the proposed demolition of the existing improvements, the Subject Property will be a blank canvas and that there is no justification for not meeting the requirements of the LDO.

R. At the conclusion of the hearing on July 16, 2026, Mr. Flynn requested that the application be carried to the Board's next available meeting in order for the Applicant to address the issues raised by the Board and its professionals.

4. At the hearing on July 16, 2025, the application was opened by the Board for public comment and no public comment was received.

5. At the hearing on October 15, 2025, the following testimony was introduced:

A. Initially, Mr. Flynn reminded the Board that, at the July 16, 2025 meeting, the Applicant supplied testimony from its Site Engineer and Architect; and received feedback from the Board and the Board Professionals. He indicated that modifications were made to the Applicant's Initial Project in response to the comments received from the Board and the Board Professionals. Mr. Flynn thereafter reviewed the modifications to the plans; specifically noting:

i. Reduction of the square footage of the buildings to a total 138,504 SF (69,252 SF each);
ii. Reduction of the impervious coverage from 75% to 69.85% (below the maximum impervious coverage of 70% requested by the Board); and
iii. Redesign of the drive aisles and addition of landscaping; resulting in the elimination of the front yard parking variance for the northerly parking lot; and
iv. Reconfiguration of the three (3) driveways to eliminate the separate driveway for the emergency access lane on the Atrium Drive cul-de-sac.

(hereinafter the "Applicant's Revised Project"). Finally, Mr. Flynn confirmed receipt of the memoranda from the Board Professionals and Township Departments; and confirmed that the Applicant would comply with the recommendations contained in the memoranda.

B. Mr. Stires thereafter reviewed the modifications to the Applicant's Site Plan following the Board meeting on July 16, 2025. Initially, he proffered Exhibit A-7, a color site plan exhibit for the Applicant's Revised Project; which was entered into the record by the Board. Referring to Exhibit A-7, Mr. Stires advised that the Applicant attempted to reduce the impervious coverage below the 70% (as requested by the Board at the July 16, 2025 meeting); and indicated that the Applicant was successful – reducing the impervious coverage to 69.85% for the Applicant's Revised Project. He indicated that the northerly parking lot (adjacent to the Atrium Drive cul-de-sac) was moved away from the roadway and they combined the access to the northerly parking area with the emergency access driveway. Mr. Stires clarified that the northerly parking lot access would be from the Atrium Drive cul-de-sac, with the emergency access continuing off of that access point. He noted that the Applicant's Revised Project reduced impervious coverage.

Mr. Stires then reviewed the Board's concern regarding the front yard landscaping raised in the prior hearing; including the preservation of trees along Atrium Drive. He explained that the Applicant's Revised Project saves some of the trees along Atrium Drive; and supplemented the front yard landscaping along Atrium Drive and the Atrium Drive cul-de-sac. He added that eliminating the driveway allowed the Applicant to supply additional landscaping. Mr. Stires indicated that the berm would remain unchanged; and would also be supplemented with additional landscaping. He noted that the Applicant's Revised Project reflects an addition of 105 trees along Atrium Drive and 21 along Atrium Drive cul-de-sac, as well as 315 shrubs.

Mr. Stires stated that the Applicant's Revised Project now proposes two (2) buildings at 69,252 SF each; for a total square footage of approximately 139,000 SF. He advised that the front yard setback variance for the parking lot on the Atrium Drive cul-de-sac side was no longer required. Mr. Stires testified that the Applicant eliminated one (1) of the driveways from Applicant's initial Project (on the Atrium Drive cul-de-sac for the emergency access lane); so, only three (3) driveways are now proposed (two (2) driveways on Atrium Drive and one (1) driveway on the Atrium Drive cul-de-sac). He indicated that the revised plan now proposed 62 parking spaces (including two (2) EV spaces) instead of 71 parking spaces. Mr. Stires stated that an impervious coverage 69.85% is proposed for the Applicant's Revised Project. He advised that the impervious coverage in the revised plan reflected a reduction of 15,322 SF from the prior plan; and a total of reduction of 25,252 SF from the existing impervious coverage on the Subject Property.

Mr. Stires confirmed that the Applicant would supply the modifications to the plans contained in the October 6, 2025 memorandum of Mr. Mazzei, from the Township Engineer's Office.

In response to a Board inquiry concerning the augmentation of site landscaping in the vicinity of an anticipated affordable housing development across Atrium Drive, Mr. Stires advised that the revised plans in that area buffer the anticipated future development.

C. In response to a Board concern over the removal of trees not located in the new parking area, Mr. Stires advised that the trees identified to be removed on the plan are the result of (i) the need to tie into existing utilities; (ii) site grading; and (iii) the demolition of the existing site improvements. He confirmed that the Applicant's plans for the Applicant's Revised Project reflect the preservation of existing trees on the Subject Property to the greatest extent possible.

D. In response to a Board inquiry concerning the addition of "no idling signs" in the area of the loading docks (affixed to the buildings) and at the entrance to the car parking area, Mr. Flynn noted that the provision of additional "no idling" signage is addressed in the Memorandum from Mr. Healey; and that the Applicant would provide additional "no idling" signage to the satisfaction of the Board Professionals.

In response to an inquiry from the Board concerning the connection between the Subject Property and the adjoining lot (700 Atrium Avenue), Mr. Flynn advised that there is a cross-easement access between the two (2) lots. He indicated that the sculpture could be removed; and, if the stairs had to be repaired, either party could do it and charge the other party half of the cost. Mr. Stires testified that if the stairs had to be repaired, the Applicant would do so. He stated that the Applicant's revised plans show the removal the existing stairs; and confirmed that the Applicant would replace the stairs (if required). Mr. Stires confirmed that if the replacement of the stairs was required, the plans would be revised accordingly to the satisfaction of the Board Professionals.

Mr. Flynn stated that the Applicant had previously forwarded certified letters to the owner of the adjoining property in order to engage in a dialogue concerning the sculpture and stairs; and that no response had been received. He reiterated that the language of the easement permitted the Applicant to make the repairs unilaterally.

E. Mr. DeBarbieri identified the modifications to the architectural plans following the July 16, 2025 meeting. He advised that the major change to the buildings was the reduction in the footprint of the buildings from approximately 73,000 SF and 72,000 SF; down to 69,252 SF each. Mr. DeBarbieri noted that the remainder of the design of the buildings was remaining the same; including, but not limited to: the exterior design of the structures, the orientation of the front entrance, the orientation of the truck loading areas, the construction type of the buildings, the building safety features, the height of the buildings and the energy efficiency characteristics of the building. He then proffered Exhibit A-8, a rendering of the southern building, and Exhibit A-9, a rendering of the northern building; each of which was entered into the record by the Board. Referring to Exhibits A-8 and A-9, Mr. DeBarbieri identified the updated trees and landscaping along the frontage on Atrium Drive.

F. In response to a Board inquiry regarding whether the Applicant satisfied tree replacement on the Subject Property, Mr. Flynn confirmed that the Applicant's revised plans supply replacement trees well in excess of the tree replacement required by the LDO.

G. Ms. Elizabeth Dolan, P.E., the Applicant's Traffic Engineer, came forward and was sworn in. The Board accepted her qualifications. Ms. Dolan reviewed the Traffic Impact Statement prepared her office (dated January 20, 2023); and conclusions contained therein. She noted that the study was prepared before the reduction in the size of the buildings reflected in the Applicant's Revised Project. Ms. Dolan reviewed the trip generation from the proposed warehouse use proposed in the Applicant's Initial Project; and what she indicated was the most important in the Application. Based on the original 161,000 SF contained in the Applicant's Initial Project, she indicated that the Applicant was anticipating 27 morning peak hour trips, 29 evening peak hour trips; and just under 300 trips over the course of a day. Ms. Dolan noted that that the Traffic Impact Statement broke down the trips into trucks and passenger vehicles; and that only five (5) total truck trips were anticipated. Ms. Dolan then stated that, based on Institute of Transportation Engineers data, the numbers would be a bit lower. She then stated that the Traffic Impact Statement compared the trip generation for the proposed warehouse use with the former office use; noting a reduction of over 200 peak hour trips and a much lower trip generation.

Ms. Dolan next explained that the proposed warehouse buildings were too small to accommodate an Amazon type warehouse. She acknowledged comment number 14 from the Memorandum of the Township Engineer (concerning the use of the warehouses as fulfillment center operation); and confirmed that, if the Applicant wished to use the warehouses as a fulfillment center operation, the Applicant would return to the Board for amended approval prior to issuance of a certificate of occupancy, as a condition of approval. Ms. Dolan advised that fulfillment center was not the intended end user of the proposed facility. She added that fulfillment centers typically encompass a minimum of 800,000 SF; and can required to 2 million SF.

Ms. Dolan reviewed the variance for the length of the truck court. She indicated that the truck court contains 60-foot bays and an 85-foot, two (2)-way travel aisle, resulting in a proposed length of 145 feet. Ms. Dolan stated that a minimum width of 147 feet was required for a loading berth. She advised that the plans include adequate tractor trailer turning paths, so that the adequacy of the width of the truck court had been evaluated. Ms. Dolan further stated her belief that the 145-foot width had been accepted by the Board previously for other applications. She opined that, based upon the turning templates, the 2-foot difference could be granted; and trucks could safely maneuver the truck court.

Finally, Ms. Dolan reviewed the variance for the number of driveways; noting that while two (2) driveways are permitted three (3) driveways are proposed. She advised that the variance could be granted based upon the addition of the emergency driveway together with the reduction of the building sizes and provision of additional landscaping.

In response to a Board inquiry concerning the intensity and impact of the warehouse use compared to the former office use, Ms. Dolan stated that the warehouse use would result in a substantial reduction in overall trip generation compared to an office use. She indicated that the office use would result in 200 additional peak hour trips above

the proposed warehouse; and that the proposed warehouse would generate a much lower volume of traffic (compared to an office use).

H. Mr. John Taikina, P.P., A.I.C.P., the Applicant's Professional Planner, came forward and was sworn in. The Board accepted his qualifications. Mr. Taikina supplied a planning justification for the variance relief required for the Applicant's Revised Project; and asserted that the Applicant met its burden under the positive and negative criteria. He then explained that the Applicant's application was filed during a period in which the ordinances regulating warehouses in the B-I Zone were being revised. Mr. Taikina stated that at the time the application was filed, warehouses were a permitted conditional use within the B-I Zone. He indicated that there were two conditions for the warehouse conditional use; namely, (i) that the lot on which the warehouse was proposed was no closer than 500 feet to the nearest residentially zoned property and (ii) that a warehouse be served by public water and sewer. Mr. Taikina confirmed that the Applicant's Revised Project complied with both conditions. He testified that the Applicant's Revised Project met the other standards for the warehouse conditional use; specifically, that the operation was designed and located to be operated in a way that protected public health and safety.

Mr. Taikina further stated that the Applicant's Revised Project provides: (i) adequate landscaping and screening, (ii) sufficient off-street parking and loading and (iii) efficient access designed to provide minimal interference to traffic on abutting streets. He confirmed that the warehouse use proposed by Applicant's Revised Project conforms to the applicable regulations governing the B-I Zone. Mr. Taikina asserted that the Applicant's Revised Project met the standards of the Township's ordinance; including both the specific and general standards for warehouses as a conditional use.

Mr. Taikina the reviewed the three (3) variances required for the Applicant's Revised Project; namely, maximum impervious coverage, maximum number of driveways and minimum loading berth length. He confirmed that an impervious coverage variance was required, despite the reduction of impervious coverage from the 76% existing to the 69.85% proposed by the Applicant's Revised Project (60% maximum impervious coverage required). Mr. Taikina asserted that the impervious coverage variance could be justified under a (c)(1) analysis; as it would be a hardship to continue to pull up pavement from an existing developed site. He reviewed the warehouse use; and asserted that the impervious coverage was appropriate and necessary to provide adequate fire access around the building. Mr. Taikina confirmed that three (3) driveways were proposed. He reiterated that the third driveway was located on the secondary frontage on the Atrium Drive cul-de-sac and provided additional emergency access; which he asserted was a better plan. Mr. Taikina acknowledged that the loading berth had 145-foot length proposed and a length of 147 feet was required by the Land Development Ordinance. He opined that the turning movements were safe and efficient; and that length of 120 feet was often adequate. Mr. Taikina testified that Mr. Stires identified all of the turning movements. He asserted that the movements would be safe and efficient and represented a better planning alternative; particularly because the proposed loading berth length resulted in a reduction in impervious coverage.

Mr. Taikina further testified that the Applicant's Revised Project would advance some of the purposes of zoning from the Municipal Land Use Law; specifically:

i. Purpose (g): as the use is conditionally permitted in the B-I Zone and the warehouse is appropriately located away from adjacent residential areas;
ii. Purpose (i): as the parking has been moved out of the front yard setback and attractive new industrial warehouse buildings are proposed; and
iii. Purpose (m): through the redevelopment of an existing developed office site into a modern warehouse facility.

Mr. Taikina reviewed the negative criteria for the variance relief required for the Applicant's Revised Project; opining that there would be no substantial detriment to the public good. He noted that the Applicant's Revised Project would result in a substantial reduction in traffic from the previous office use. Mr. Taikina further asserted that the granting of the variances would not impair the intent and purpose of the zone plan and zoning ordinance. He advised that the Applicant's Revised Project implemented several of the goals of the Township's Master Plan Re-examination from 2020 which created the B-I Zone; and were adjacent to the goals of the 2025 Master Plan Re-examination modifying the B-I Zone away from strict warehousing into light industrial uses. Mr. Taikina stated that the Applicant's Revised Project was consistent with the sizing of light industrial facilities.

In response to a Board inquiry, Mr. Taikina confirmed that the benefits from the granting of the variances substantially outweighed any detriments. In response to a further inquiry from the Board concerning the ability to justify the variances under a (c)(1) hardship rationale, he stated that the Subject Property has a specific condition on the site relating to impervious coverage; and opined that it would be appropriate to utilize that resource in the most effective way. Mr. Taikina stated that the Applicant's Revised Project successfully uses the existing impervious coverage.

Mr. Taikina then reiterated several of the purposes of zoning from the Municipal Land Use Law that were advanced by the Applicant's Revised Project; including: the efficient use of land, provision of sufficient space for a variety of uses. He stated that the proposed impervious coverage provides for adequate circulation on site that was specifically related to the proposed use. Mr. Taikina stated that exceeding the maximum 60% impervious coverage in an industrial zone also supported the positive criteria for the granting of the variance under a (c)(2) rationale. He explained that the proposed impervious coverage provided for adequate circulation specifically related to the use; as the Applicant's Revised Project has loading requirements for the truck circulation, parking requirements for their employees and emergency access requirements for their emergency services.

6. At the hearing on October 15, 2025, the application was opened by the Board for public comment and no public comment was received.

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

upon the testimony given in the matter, and reports, documents and materials provided to the Board:

1. Applicant, **500 ATRIUM, LLC**, is the owner of real property located at 500 Atrium Drive, Somerset, New Jersey, and currently designated on the Tax Map of the Township of Franklin as Block 468.01, Lot 21.07, same being located within the B-I zone. The Subject Property is 8.5 acres in size, 7.53 acres excluding the Atrium Drive easement area, and is currently improved with one four-story office building and two (2) parking areas.

2. The Applicant is proposing to demolish the existing site improvements and construct two (2) 69,252 SF warehouses (each containing nine (9) loading spaces, one (1) drive-in ramp and one (1) potential office); two (2) parking areas containing a total of 60 parking spaces (including two (2) electric vehicles parking spaces and two (2) ADA parking spaces); a shared truck court area between the warehouses; and associated site improvements (curb, sidewalk, utilities, grading, lighting and landscaping) on the Subject Property; as depicted on the Applicant's site plan. The Board notes that the Subject Property is compliant as to the bulk requirements of the B-I zone district with the exception of maximum impervious coverage, maximum number of driveways and minimum loading berth length.

3. Specifically, the Revised Project requires the following variance relief:

   A. Maximum impervious coverage – 60% required and 69.85% proposed;
   B. Maximum number of driveways – 2 driveways required and 3 driveways proposed; and
   C. Minimum Loading Berth Length - 147 feet required and 145 feet proposed.

4. The Board is satisfied that pursuant to N.J.S.A. 40:55D-70(c)(2) that the Applicant is entitled to the aforementioned variance relief. The benefit to the Township is the advancement of the purposes of zoning; as outlined by the Applicant's Planner. The Board perceives little, if any, detriment from the granting of the variances. Based upon the forgoing, the Board concludes that the benefits from the granting of the variances substantially outweigh any detriments.

5. Provided all of the conditions of the approval are met, the variances can be granted without substantial impairment to the intent and purpose of the LDO of the Township of Franklin. The Board also finds that granting the variances will not be inconsistent with the character of the surrounding area.

6. The variances can also be granted without substantial detriment to the public good, as the traditional Municipal Land Use Law goals of light, air and open space will not be compromised by the granting of the variances. The proposed improvements, including stormwater management and landscaping, will benefit the public.

7. The waiver requested by the Applicant regarding the provision of a sidewalk along Atrium Drive frontage is reasonable and will not detrimentally affect public safety.

8. The Board is satisfied that the Applicant has provided sufficient evidence and testimony and has met the requirements for preliminary and final site plan approval. In this regard, the

Board is satisfied that the Applicant has made adequate provision for ingress and egress from the site, has accounted for appropriate landscaping on the Subject Property as testified and presented to the Board.

9. The Board is satisfied that the Applicant has supplied sufficient evidence and testimony and has met the requirements for approval of the Applicant's Revised Project as a conditional use. In this regard, the Board is satisfied that the Subject Property is located 500 feet or more from a residential zone; and that public water and public sewer are available to service the Subject Property.

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

1. Preliminary and final major site plan approval, as well as conditional use approval is hereby granted to the Applicant to construct two (2) 69,252 SF warehouses (each containing nine (9) loading spaces, one (1) drive-in ramp and one (1) potential office); two (2) parking areas containing a total of 60 parking spaces (including two (2) electric vehicles parking spaces and two (2) ADA parking spaces); a shared truck court area between the warehouses; and associated site improvements (curb, sidewalk, utilities, grading, lighting and landscaping) on the Subject Property; as presented to the Board and detailed on the preliminary and final site plan drawings which the Applicant will revise in accordance with the requirements of this resolution.

2. Variance relief pursuant to N.J.S.A. 40:55D-70(c)(2) is hereby granted to Applicant so as to permit the following:

   A. Maximum impervious coverage – 60% required and 69.85% approved;
   B. Maximum number of driveways – 2 driveways required and 3 driveways approved; and
   C. Minimum Loading Berth Length - 147 feet required and 145 feet approved.

3. Design waiver from the requirement that a sidewalk be provided along the Atrium Drive frontage of the Subject Property.

4. The within preliminary and final major site plan approval; associated variance relief and design waivers granted herein are expressly based upon the plans, reports and testimony submitted to the Planning Board. These approvals are subject to and upon the following conditions:

   A. The Applicant shall comply with any and all conditions, requirements, and agreements as set forth within this Resolution, as well as any and all representations made to the Board, both orally and in writing, whether contained in this Resolution or not including but not necessarily limited to (and revision of plans as applicable to reflect same):

      i. Provision of cores for Atrium Drive in the vicinity of the Subject Property to the satisfaction of the Board Professionals; and improvement of Atrium Drive was required by the Board Professionals.

ii. In the event that the Applicant wishes to utilize any portion of the approved warehouse space as a High-Cube Facility and/or fulfillment center operation, Applicant shall return to the Board for amended approval prior to issuance of a certificate of occupancy.

iii. Provision of the “no idling” signs as recommended in the memorandum of the Township Environmental Commission, to the satisfaction of the Board Professionals; and revision of the plans to reflect same.

iv. The existing staircases and water sculpture (located on the adjoining property to the east [700 Atrium Drive] shall be removed in its entirety to allow for the site plan improvements. Proper tie-in grades and final materials shall be shown on the plan and the cross access easement referenced shall be provided for further review, demonstrating the applicant has the rights to remove same. If full removal cannot be accomplished, the site plan shall appropriately address remaining portions of the staircases, subject to the approval of the Township Engineer.

v. Revision of plans as necessary (e.g., amendments to grading, implementation of tree preservation measures, etc.) to ensure the proposed retention of existing trees reflected on the Revised Project plans.

B. The Applicant shall comply with all comments and conditions as set forth within the reports of the Board professionals and Township staff as provided to the Applicant except as may have been specifically modified or waived by the Board as specifically addressed within this Resolution. This includes ensuring the proposed buildings shall be solar ready but, as outlined in testimony, full compliance with the memorandum of the Environmental Commission shall not be required.

C. The Applicant shall satisfy and post any and all escrows and pay any taxes as required by law or by ordinance.

D. The Applicant shall obtain any and all approvals required by any other governmental agency having jurisdiction over the development.

E. The development shall be subject to the payment of applicable affordable housing development fees.

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

1. All conditions contained in this Resolution and in the record of the proceedings in this matter, including any agreements made by the Applicant, were essential to the Board's decision to grant the approvals set forth herein. A breach of any such condition or a failure by the Applicant to adhere to the terms of any agreement within the time required may result in appropriate action by the Township; including, but not limited to, the revocation of the within approval and termination of the right of the Applicant to obtain or continue work or occupancy under any construction

permits, Certificates of Occupancy or any other governmental authorizations necessary in order to continue development and use of the project.

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

Christine Woodbury, Planning Board Secretary

VOTE ON MOTION 10/15/2025	**VOTE OF RESOLUTION:**
FOR: Councilman Anbarasan Dr. Theodore Chase Shaw Keller Jennifer Rangnow Robert Thomas Marc Dancy Chairman Michael Orsini	**FOR:**
AGAINST: **NONE**	**AGAINST:** **NONE**
ABSTAIN: **NONE**	**ABSTAIN:** **NONE**

THE PLANNING BOARD
OF
THE TOWNSHIP OF
FRANKLIN

SOMERSET COUNTY
NEW JERSEY

PLANNING BOARD RULES

PLANNING BOARD RULES
TABLE OF CONTENTS

I. Part 1 - Administration

A. Rule 1:1 - Organization, Officers, General Provisions

1. 1:1-1 - Title of the Board
2. 1:1-2 - Annual Meeting: Officers
3. 1:1-3 - Chairperson
4. 1:1-4 - Vice-Chairperson
5. 1:1-5 - Board Attorney
6. 1:1-6 - Alternate Members
7. 1:1-7 - Secretary

B. Rule 1:2 - Meetings

1. 1:2-1 - Regular Meetings
2. 1:2-2 - Special Meetings
3. 1:2-3 - Meetings Open to Public
4. 1:2-4 - Order of Business
5. 1:2-5 - Agenda
6. 1:2-6 - Time Limitations
7. 1:2-7 – Public Discussion
8. 1:2-8 – Public Hearings

C. Rule 1:3 - Quorum and Voting

1. 1:3-1 - Quorum
2. 1:3-2 - Voting

II. Part 2 - Rules of Practice

A. Rule 2:1 - Commencement of Action: Service and Filing of Papers

1. 2:1-1 - Filing
2. 2:1-2 - Assignment of Docket Numbers: Complete and Incomplete Applications
3. 2:1-3 - Fees

B. Rule 2:2 - Hearing Date

1. 2:2-1 - Assignment of Hearing Date: Notice
2. 2:2-2 - Adjournment
3. 2:2-3 - Bifurcation

C. Rule 2:3 - Notice: Upon Whom Served: Time

1. 2:3-1 - Notice: Upon Whom Served
2. 2:3-2 - List of Owners Supplied by Clerk
3. 2:3-3 - Proof of Service

D. Rule 2:4 - Applications and Appeals

1. 2:4-1 - By Whom Filed
2. 2:4-2 - ~~Assistance~~ (deleted)
3. 2:4-3 - Applications: Contents
4. 2:4-4 - Affidavit of Ownership
5. 2:4-5 - Applications by Corporation or Partnership, Disclosure Stockholders or Ownership Interests

E. Rule 2:5 - Hearings

1. 2:5-1 - Appearances
2. 2:5-2 - Oath
3. 2:5-3 - Order of Presentation
4. 2:5-4 - Examination by Board: Testimony
5. 2:5-5 - Closing of Hearing: Continuances

F. Rule 2:6 - Evidence

1. 2:6-1 - Competent Evidence
2. 2:6-2 - Documents and Exhibits
3. 2:6-3 - Official Notice (formerly Judicial Notice)
4. 2:6-4 - Burden of Proof

G. Rule 2:7 - Dismissal of Actions

1. 2:7-1 - Voluntary
2. 2:7-2 - Adjournment Request by Applicant
3. 2:7-3 - Nonappearance
4. 2:7-4 - Continued Hearings
5. 2:7-5 - Infraction of Rules
6. 2:7-6 - Preliminary Reports
7. 2:7-7 - Transfer of Actions

H. Rule 2:8 - Decision: Resolution of Board

1. 2:8-1 - Time
2. 2:8-2 - Form
3. 2:8-3 - Approval/Relief Granted
4. 2:8-4 - Conditions
5. 2:8-5 - Publishing Notices: Service of Copy of Resolution

I. Rule 2:9 - Motions

1. 2:9-1 - Rehearing
2. 2:9-2 - Vacation or Modification

J. Rule 2:10 - Qualification and Disqualification of Members of the Board: Abstentions

1. 2:10-1 - Qualification to Act

2. 2:10-2 - Disqualification of Member

3. 2:10-3 - Abstentions

K. Rule 2:11 - Record of Testimony

1. 2:11-1 - Stenographic or Other Records: Transcripts

2. 2:11-2 - Notes by Secretary

3. 2:11-2 – Televising Meetings

L. Rule 2:12 - Moot Questions: Advisory Opinions

1. 2:12-1 - Prohibition

2. 2:12-2 - Communications

M. Rule 2:13 - Subpoenas

1. 2:13-1 - Issuance

2. 2:13-2 - Service

3. 2:13-3 - Failure to Comply

N. Rule 2:14 - False Testimony

1. 2:14-1 - Perjury

III. Part 3 - Workings of the Board

A. Rule 3:1 - Removal of Member

1. 3:1-1 - Grounds: Recommendation

2. 3:1-2 - Removal

B. Rule 3:2 - Committees/Subcommittees

1. 3:2-1 - Establishing Committees/Subcommittees

2. 3:2-2 - Minor Subdivision Committee

IV. Part 4 - Miscellaneous Provisions

A. Rule 4:1 - Relaxation of Rules

1. 4:1-1 - Where Rules May Be Relaxed

B. Rule 4:2 - Meaning of Certain Terms

1. 4:2-1 - Person: Interested Person

C. Rule 4:3 - Application of Certain Laws

1. 4:3-1 - Laws Applicable

D. Rule 4:4 - Citation of Rules and Decisions

1. 4:4-1 - Citation

E. Rule 4:5 - Amendments

1. 4:5-1 - Amendments

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

PLANNING BOARD RULES

PART I

ADMINISTRATION

Rule 1:1 Organization, Officers, General Provisions

1:1-1 Title of the Board

The title of the Board shall be "The Planning Board of the Township of Franklin, Somerset County, New Jersey," hereinafter referred to as the Board.

1:1-2 Annual Meeting; Officers

The reorganization of the Board shall be held on the first meeting after January 1st of each year, at which time the Board shall elect from among its Class IV members a Chairperson and a Vice-Chairperson. The Board shall also appoint a Board Attorney, licensed to practice law in the State of New Jersey, and a Secretary, all of whom shall serve for one year and until their successors have been appointed. The Board may appoint such other officers or assistants and employ such experts or staff as it may deem necessary.

1:1-3 Chairperson

The Chairperson, subject to these rules, shall decide all points of order and matters of procedure governing the meetings, unless otherwise directed by a majority of the Board in session at the time. He shall have, subject to these rules and the governing statutes, all the powers and perform all the duties normally appertaining to his office. The Chairperson or designee shall swear all witnesses giving testimony before the Board. The Chairperson may modify the agenda with the consent of the Board.

1:1-4 Vice-Chairperson

The Vice-Chairperson shall preside at all Board meetings and hearings in the absence of the Chairperson. In the absence of both the Chairperson and Vice-Chairperson, the Class IV member with the most seniority may preside at the Board meeting.

1:1-5 Board Attorney

The attorney must be a member of the NJ Bar who is familiar with planning and zoning matters and shall pay such attorney such remuneration as agreed upon between the Board and such person. The attorney must be selected through the “fair and open process” every year and will serve for one fiscal year or until his successor has been appointed.

(a) Staff will prepare a Request for Qualifications (RFQ) packet that will be reviewed and approved by the Board.

(b) Advertising will be in accordance with 19:44A-20.7. The process of advertising may begin at any time but the process of selecting interviewees must be started in time for the Board to be able to appoint an attorney before the Township’s fiscal year begins on July 1.

(c) Every applicant who requests an RFQ will be sent one. Staff will review each RFQ that is

submitted and provide a summary of the submittals and a copy of each submittal to each member of the Board.

(d) Each member of the Board (including alternates) may select one applicant to be interviewed.

(e) Each selected applicant shall be interviewed by the Board at a Board meeting open to the public. Prior to conducting the interviews the public will be given an opportunity to speak. The interviewing process will be conducted even if only one name is submitted.

(f) After all the interviews have been conducted the Board will select their Board Attorney through their normal nominating and voting procedures. To be nominated the Board Attorney must have submitted a response to the RFQ and been interviewed by the Board.

1:1-6 Alternate Members

The two alternate members of the Board appointed by the Township Council shall be designated by the appointing authority as "Alternate No. 1" and "Alternate No. 2" respectively, and shall meet the qualifications of Class IV members. Each alternate shall retain said designation during the term for which he was appointed. Such alternate members shall participate in Board affairs subject to the following provisions:

(a) An alternate member may sit with the Board and participate in discussions of any Board business or hearings being held by the Board, but may not vote except as designated by the Chairperson to serve in place of a regular member who is absent or disqualified.

(b) A vote on any matter shall not be delayed by the Planning Board so that a regular member may vote instead of an alternate member, provided that where the alternate member is designated to serve in place of a regular member who is disqualified from participating in the hearing of a particular case, the alternate member shall be designated to serve only with respect to such case.

(c) An alternate member who has been designated to sit in place of a regular member and who has participated in any hearing or matter coming before the Board shall continue to act in the place of such regular member until the final disposition of said matter by the Board.

(d) In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

(e) When a regular member has been present and has participated in the first hearing on any matter, no alternate member shall be designated to serve during the absence of such regular member during any adjourned or continued hearing or hearings on the same matter unless said alternate member was present at such first hearing or any prior, adjourned or continued hearing on such matter.

(f) Any alternate member who has been designated to serve in the place of an absent or disqualified regular member shall, during the period of his service, enjoy all of the rights and privileges and shall be subject to all of the duties and responsibilities pertaining to regular members, but no alternate member shall be eligible to serve as Chairperson or Vice-Chairperson of the Board.

1:1-7 Secretary

The Secretary shall, under the direction of the Chairperson, perform the secretarial work of the Board, including, but not limited to the following:

(a) Conduct all official correspondence, compile the required records, keep and maintain, in order, the necessary files and indices with respect to the operation of the Board, prepare all resolutions, and give all notices of meetings required to be given by the Open Public Meetings Act, the Municipal Land Use Law or any other applicable law or ordinance.

(b) Attend all meetings of the Board, have custody and take care of all records, documents, maps, plans, and papers of the Board, and provide for the care and custody of items for which no other provision is made by statute; take roll call votes in alphabetical order, with the Chairperson being called last, and note the yea or nay of each member as he votes.

(c) Make a record of, and keep on file, the minutes of the proceedings at each meeting or hearing held by the Board and enter therein with the other proceedings, such resolutions and orders as are adopted and a copy of every report, application and other paper(s) presented.
(d) Publish the notice and serve copies of the Boards decisions and resolutions as provided in Rule 2:8-5 (herein).
(e) Perform such other duties as usually appertain to this office.

Rule 1:2 Meetings

1:2-1 Regular Meetings

The regular meetings of the Board shall be held at the Franklin Township Municipal Building, 475 DeMott Lane, Somerset, New Jersey at 7:30 p.m. on the first and third Wednesday of each month. If the regular meeting falls on a holiday, the meeting shall be held on the next succeeding secular day or such other day as the Board may select. The Secretary shall annually furnish a copy of the regular meeting dates for the year to the news media designated by the Township Council in accordance with the Open Public Meetings Law, N.J.S.A. 10:4-1 et seq. The first regular meeting after January 1st of each year shall constitute the annual organizational meeting of the Board. Whenever there are no matters to be considered at any regular meeting, other than the organizational meeting, the Chairperson may dispense with such meeting by notifying each member of the Board at least forty-eight (48) hours in advance of the time set for such meeting and by giving notice in accordance with the Open Public Meetings Act.

1:2-2 Special Meetings

Special meetings may be called by the Chairperson, or in his absence by the Vice-Chairperson, at any time or upon the written request of four members, provided notice thereof be mailed or given to each member of the Board at least two days prior thereto and to the public as required by the Open Public Meetings Law, N.J.S.A. 10:4-1 et seq.. An applicant may request, but is not entitled to a special meeting. Special meetings at the request of an applicant may be scheduled if authorized by the Board. The applicant shall be responsible for all fees and costs, including professional fees, incurred when the Board authorizes a Special Meeting at the request of an applicant.

1:2-3 Meetings Open to Public

All meetings shall be open to the public, except such executive sessions as authorized by N.J.S.A. 40:55D-9b and N.J.S.A. 10:4-1 et seq.

1:2-4 Order of Business

The agenda will provide the order of business for all meetings and may be changed at the hearing by a majority of the Board. The order of business at all meetings will generally be as follows:
(a) Statement of Compliance with Open Public Meetings Act
(b) Roll Call
(c) Approval of minutes of previous meeting(s)
(d) Approval of resolution(s)
(e) Public Discussion
(f) Discussion items to include, but not limited to amendment to Development Ordinance, referrals from the Township Council, etc.
(g) Listing of Vouchers Paid
(h) Announcement of adjournment of scheduled cases and other motions
(i) Hearings on applications
(j) Work Session/New Business
(k) Executive Session (if any)
(l) Adjournment

1:2-5 Agenda

No special resolution or discussion item shall be placed on the agenda without the Chairman's knowledge.

1:2-6 Time Limitations

The Board shall not consider new matters after 10:30 p.m. and will take no new testimony after 11:00 p.m. This rule may be waived by an affirmative vote of the Board members then present and qualified.

1:2-7 Public Discussion

All interested parties are invited to speak on any matter related to planning during the public discussion portion of a Planning Board Meeting. When the chair announces that the public discussion period of the meeting has been opened, raise your hand and wait to be recognized.

Once recognized, speakers are reminded of the following rules:

- Approach the podium at the front of the room and clearly state your name and address.
- All public comments should be addressed to the chair.
- Public comments can be of any matter of concern.
- There is a 5 minute time limit per speaker at Regular Meetings and a 2 minute time limit per speaker at Special Meetings.
- Speakers may speak only once during public comment, unused time may not be yielded.

Interested parties have one other opportunity for comment at Planning Board meetings, during the public hearing on an application. Rules for application hearings are as follows:

During a public hearing on an application, only the subject matter of the application can be discussed, questioned or commented on during this portion of the meeting. Those wishing to speak on an application are asked to speak then rather than during the general public session.

- As previously stated, any matter of concern can be discussed during the public discussion portion of the meeting.
- There is a 5 minute time limit per speaker
- All comments should be addressed to the chair.

1:2-8 Public Hearings

Overview:

Each application is reviewed in accordance with New Jersey Municipal Land Use Law (MLUL) procedures. The Board is quasi-judicial body and its procedures are similar to those used in a courtroom. The chairperson conducts the meeting as a judge might and the Board is comparable to a jury that votes to make a final decision. All members of the Board are resident volunteers and serve in the public interest without compensation. Each year Board members must file a financial disclosure statement which is required by the New Jersey Ethics Law with the Municipal Clerk.

The meetings are video-recorded and may be broadcast in a number of ways including via the Township's social media outlets including but not limited to youtube.com.

Residents Attending/Participating:

When an application is announced by the chairperson, the applicant or his/her attorney comes forward. If the applicant is to provide testimony, he/she introduces him/herself, affirms that his/her testimony will be truthful (while being sworn under oath by the Attorney) and then explains the nature of the application. If the applicant is represented by an attorney, the attorney presents the application and, where applicable, the order of the applicant's expert witnesses. If there are expert witnesses, they will be sworn in before presenting their testimony.

The public may ask questions and provide comments on applications before the Board at the meeting. The timing of such questions and comments depends on the complexity of the application. In general, less complex applications may only have one witness or property owner give testimony which in turn will allow the public to ask questions and comment of that sole witness. More complex applications have public question periods after each expert witness presents testimony, and in general the public may comment after the completion of the presentation of the application. That is generally up to the Board chairperson if public questions and/or comments will be at the end of the application or after every witness.

If a member of the public wishes to ask a question, they may raise their hand and will be called up by the Board chairman. When the chairperson calls on you, please walk to the microphone. All members of the public will be asked to state their name and address for the record before asking questions.

The public may be limited in the amount of time per person to ensure adequate time for all members of the public to get a chance to ask questions. The same rules will apply for when the public is asked for comments and all members of the public who wish to make a comment will then be sworn under oath by the Board Attorney.

When asking a question regarding a witness's testimony, the public may only ask a question only about that expert's testimony.

The public may comment on any aspect of the application during the public comment period at the close of the application or as indicated by the Board chairman.

Only the chairperson may decide who speaks at a given time. Comments called out from the audience will not be considered part of the record.

The Board and/or applicant have the right to cross-examine any members of the public who may make comments.

The chairperson has the right to close the public portion of a hearing if he/she feel the audience in unruly or is making comments that are not relevant to the application. The chairperson also has the right to have any member of the audience removed from the hearing room for unruly behavior.

Verbal & Written Statements:

Written statements or letters from individuals who are not present, petitions, or speaking on anyone else's behalf are not allowable according to the MLUL. Written statements from the public in favor of or opposing the application cannot be accepted as the Board and/or applicant cannot cross-examine written statements; however, a member of the public may provide the secretary with a written copy of his/her remarks after speaking.

Rule 1:3 Quorum and Voting

1:3-1 Quorum

At all meetings of the Board, a quorum for the conducting of business shall consist of five members. In the absence of a quorum, the members present may adjourn the meeting and the hearing on any motion or application to another date.

1:3-2 Voting

When voting on any matters, except on a motion for adjournment where a quorum is not present, the following number of votes are required so long as a quorum is present:

(a) In all matters, other than those referred to in subparagraph "b" below, any action may be authorized by a majority vote of the members present at the meeting.

(b) When voting on an application to permit a building or structure in the bed of any street, public drainage way, flood control basin or public area reserved on an Official Map, at least a majority of the full authorized membership of the Board must vote in favor of the relief sought.

(c) If a motion to approve an application for development does not receive the number of required votes, as herein before set forth, such failure shall be deemed an action denying the application. Those members voting against an application for development shall be required to provide reasons for their denial.

PART II

RULES OF PRACTICE

Rule 2:1 Commencement of Action; Service and Filing of Papers

2:1-1 Filing

An application for development or any other relief over which the Planning Board has jurisdiction shall be commenced by filing the appropriate application and required support as determined by the instructions and checklist and the Land Use Ordinance.

2:1-2 Assignment of Docket Numbers; Complete and Incomplete Applications

Administration of Applications; Completeness. The Board in accordance with the Land Use Ordinance shall consider applications for development. Upon receipt of an application by the Board Secretary, the application shall be assigned a docket number, which shall thereafter appear on all subsequent papers filed in the case. The original copy of the application, together with a copy of all other documents filed in the permanent case docket of the Board. The Board, or its designees, shall determine the completeness of the application in accordance with the Land Use Ordinance. Upon a determination of completeness, the Board Secretary shall so notify the applicant, and the application shall be determined to be complete as of the day it was so certified by the Secretary for purposes of commencement of the time period within which the Board must act upon an application.

The application form shall be filled out completely and, where necessary, supplemented by additional information in order to make it clear to the Board what is being sought. No application shall be considered complete until all applicable requirements mentioned in the foregoing have been complied with. The Director of Planning and/or his/her designee may grant waivers for the purposes of determining completeness of applications. The Board reserves the power to request additional information consistent with the checklist not shown on the application or plans at time of hearing. If the Secretary (or other designated official or committee) determines that an application is not complete, the applicant shall be advised of the specific deficiencies within 45 days, as per Section C 40:55D-10.3 of the Municipal Land Use Law. Such notification shall be in writing and shall set forth the reasons that the application has been found to be incomplete.

Upon failure to notify the applicant, in writing, that his/her application is incomplete within the forty-five-- (45) day period, the application shall be deemed to be complete.

2:1-3 Fees

Fees as established by ordinance shall be paid simultaneously with the filing of an application. In addition, the Board shall require the applicant to provide escrow deposits in accordance with the provisions of the Development Ordinance. Such escrows shall be utilized to pay the cost of any professional fees incurred for review of and/or testimony concerning an application for development.

2:1-4 Filing of Maps and Documents

At least ten (10) days prior to the time appointed for the hearing, the applicant must file the required maps and documents for approval with the Planning Board Secretary. This time requirement for the filing of documents applies to both first meetings and adjourned meetings.

Rule 2:2 Hearing Date

2:1-1 Assignment of Hearing Date; Notice

As soon as any complete application is filed with the Board in accordance with the appropriate ordinances and the aforementioned rules the case shall be placed on the calendar. The applicant shall be notified in writing of the time set for the hearing thereon. Any maps or documents for which approval is sought at a hearing which are submitted after the application has been deemed complete shall be on file and available for public inspection at least 10 days before the date of the hearing during normal business hours in the office of the Secretary of the Board. This filing shall be in addition to the maps and other documents required to be filed with the application, as set forth in the application form for completeness determination.

At each hearing the applications are listed in ascending order based upon the expiration date of the project. The Chairman may at any time during the hearing change the order of the applications to be heard.

2:2-2 Adjournment

The time for hearing may be adjourned for good cause from the time fixed therefore upon the motion of the applicant or other person interested in the action, or on the Board's own motion; provided, however, that where such adjournment would extend the statutory period within which the Board is required to act the consent of the applicant shall be evidenced in writing or shall be made on the record. Any adjournment pursuant to this Rule may be subject to the requirement that the applicant serve and publish notice for the adjourned hearing date as provided for by Rule 2:3-4.

2:2-3 Bifurcation

An applicant seeking a variance pursuant to N.J.S.A. 40:55D-70c may either simultaneously file an application for any required site plan or subdivision approval or may make a subsequent application to the Board for such approval. The Board may consider the variance request before dealing with the subdivision or site plan. However, the Board may require that the applicant submit an application for site plan and subdivision to be considered with the application for a variance pursuant to N.J.S.A. 40:55D-70c.

Rule 2:3 Notice; Upon Whom Served; Time

2:3-1 Notice: Upon Whom Served

Notice shall be given to all persons and officials entitled thereto by the requirements of N.J.S.A. 40:55D-12 or applicable Township Ordinance.

2:3-2 List of Owners Supplied by Clerk

Where the Clerk of the Township of Franklin (or other authorized official) has furnished the applicant with a list of the property owners entitled to notice pursuant to the provisions of N.J.S.A. 40:55D-12c, a copy of the official certification and list shall be annexed to applicant's proof of service.

2:3-3 Proof of Service

The service and publication of notices as herein above provided is a jurisdictional requirement, and proof of the service and publication of all required notices in accordance with these rules shall be made by affidavit of the person or persons who actually served or mailed said notices as required by law, and by the authorized official of the newspaper which published same. The affidavits of service and proof of publication shall be filed with the Secretary of the Board no later than the Friday prior to the hearing date.

2:3-4 Notice – Adjourned Hearings

In the event that the hearing on an application is adjourned to a subsequent meeting of the Board, the applicant shall be required to serve and publish notice as follows:

(a) If the applicant has served and published notice for a hearing date on an application, the applicant may request that the hearing be adjourned to a subsequent meeting of the Board without the necessity for the applicant to serve and publish notice of the adjourned hearing date. Announcement of the adjourned hearing date shall be made by the Board at the meeting. This section shall apply regardless of whether the adjournment request occurs prior to or after the commencement of the hearing of the application by the Board.

(b) If an application has been adjourned to a meeting of the Board and the applicant was not required to serve and publish notice for the adjourned hearing date, any adjournment of the adjourned hearing date shall require the applicant to serve and publish notice of the new meeting date.

Notwithstanding the foregoing, the Board shall be entitled to require an applicant to serve and publish notice of an adjourned hearing or waive the requirement that an applicant serve and publish notice of an adjourned hearing date for good cause shown and/or based upon other equitable factors considered by the Board.

Rule 2:4 Applications and Appeals

2:4-1 By Whom Filed

Every application and/or appeal (variance) must be signed by the owner of the lands and premises to be affected, or by his duly authorized agent, and may be signed by any other person having an interest in the action.

2:4-2 (Deleted 6.24.98)

2:4-3 Application: Contents

The applicant shall set forth in his application all facts upon which he will rely to establish his right to the approval sought and supply all information requested on the application form or otherwise required by law.

2:4-4 Affidavit of Ownership

The applicant shall set forth in his application all facts upon which he will rely to establish his right to approval sought and supply all information requested on the application form or otherwise required by law.

2:4-5 Applications by Corporation or Partnership, Disclosure of Stockholders or Ownership Interests

A corporation or partnership applying for approval from the Board for a major subdivision or site plan shall list the names and addresses of all stockholders including other corporations or individual partners owning at least 10 percent of the stock of any class or at least 10 percent of the interest in the partnership as the case may be in accordance with the requirements of the Development Ordinance and N.J.S.A. 40:55D-48.1.

Rule 2:5 Hearings

2:5-1 Appearances

At the hearing upon the application, the applicant or any other party shall appear in person or may be represented by an Attorney at Law of New Jersey. Every corporation shall be represented by an Attorney at Law of New Jersey.

2:5-2 Oath

At the hearing, the applicant and all witnesses shall be sworn by the Chairperson or his designee before giving testimony.

2:5-3 Order of Presentation

a) The applicant shall present by testimony and the testimony of witnesses, or by such documentary evidence or exhibits as he may submit, proof of all facts upon which he relies to establish his right to the approval and/or relief sought in the application.
b) Any other persons interested in the action shall be heard and may present any relevant testimony or evidence in support of the application.
c) Any other persons interested in the action shall then be heard and may present any relevant testimony or evidence tending to show why the relief sought by the applicant should or should not be granted.
d) Rebuttal testimony or evidence shall then be admitted in such order, as the Chairperson shall designate.
e) All shall be sworn and may be cross-examined by any member of the Board, the Board Attorney or any interested person.

2:5-4 Examination by Board; Testimony

(a) The applicant and every other person appearing and presenting testimony at any hearing may be examined by any member of the Board, the Board Attorney and/or the Board's experts for the purpose of eliciting any relevant information, which may assist the Board in deciding the issue. Any member of the Board may testify as to any relevant matter of which he has personal or official knowledge for the purpose of amplifying the record, including factors ascertained from a viewing of the premises in question and the general area.
(b) All applicants appearing before the Board and all public speakers during hearings provide a list of all expert witnesses, speakers and presentations planned for the specific hearing on the Friday prior to the scheduled meeting.

2:5-5 Closing of Hearing: Continuances

(a) When the applicant and all other interested persons have had an opportunity to be heard the Chairperson may declare the hearing to be closed. Thereafter, no further evidence will be received in the action unless the matter is reopened in accordance with these rules.

(b) Prior to the closing of the hearing the applicant or any other interested person may move the Board for a continuance of the hearing for the purpose of presenting further relevant evidence which the Board, acting in its sound discretion, may either grant or deny.

(c) In cases where the Board feels that testimony or other evidence should be received in the public interest from any municipal, county, or state official or from any other persons to assist in rendering a just decision, the Board may, on its own motion, continue the hearing to another day certain for such purposes.

Rule 2:6 Evidence

2:6-1 Competent Evidence

Although formal rules of evidence are not enforced before the Board, every fact indispensably necessary to establish the applicant's right to the approval sought shall be based upon the consideration of facts or matters which are in the record, unless they are such which the Board is entitled to take judicial notice. The Board, by direction of the Chair, may limit irrelevant, immaterial or redundant testimony.

2:6-2 Documents and Exhibits

When any papers, documents or exhibits are admitted into evidence during a hearing they shall be marked by the Secretary or designee and may be retained by the Board until the termination of the matter, at which time they shall be maintained by the Secretary in the Board's files. If a request is made for return of the exhibits upon completion of the application, the Board's Attorney will make the decision.

2:6-3 Official Notice

The Board may take judicial notice of the provisions of any ordinance of the municipality; any public statute of the State of New Jersey and any officially reported judicial decision.

2:6-4 Burden of Proof

The burden of proof is upon the applicant and it is the applicant's responsibility to supply competent and credible evidence in order that the Board may determine and assess the relief or approval sought by the applicant. The application must establish to the Board's satisfaction that the application has met the statutory and regulatory criteria governing the relief or approvals sought.

2:6-5 Letters and Petitions in Objection

Letters of objection and petitions shall not be admissible, but the writer of a letter or the signer of a petition may appear and testify.

2:6-6 Use of Technology

Every applicant represented by attorneys, engineers and/or architects (or other such professionals) shall be required to use the video display system available in Council Chambers to project application materials and/or hearing exhibits. Use of the video display system greatly improves visibility of such materials for the Board, the public and the Township's video broadcast of the hearing. In order to use the video display system, such Applicants shall bring a computing device to the hearing capable of utilizing a HDMI connection to access the video display system. Applicants who fail to comply with the above are subject to their hearings being adjourned to a subsequent date, subject to the discretion of the Board Chair.

Any other person interested in the application may be permitted to use the video display system, subject to the discretion of the Board Chair.

Rule 2:7 Dismissal of Actions

2:7-1 Voluntary

The applicant may at any time before the commencement of hearing voluntarily withdraw his application, in which case the action shall be dismissed without prejudice. The applicant shall confirm the withdrawal of his application in writing. The Township Council pursuant to Ordinance #387 governs a refund of fees paid. A refund for a withdrawn application is based upon the following:

a) Application withdrawn prior to staff review and determination of completeness - 90% refund is available.
b) Complete application withdrawn during any portion of staff review and not yet scheduled hearing date - 40% refund is available.
c) No refunds will be made for applications that have been reviewed by staff and subsequently scheduled for hearing.

2:7-2 Adjournment Request by Applicant

The applicant may at any time before the commencement of the hearing voluntarily request that the application be adjourned to another meeting, and shall be subject to additional fees as required by Section 112-38, Schedule VII of the Development Ordinance. Any adjournment pursuant to this Rule may be subject to the requirement that the applicant serve and publish notice for the adjourned hearing date as provided for by Rule 2:3-4.

2:7-3 Nonappearance

When at the time set for the hearing on any application neither the applicant nor any one on his behalf appears, and no adjournment has been previously requested, the action may be dismissed without prejudice and shall be subject to additional fees as required by required by Section 112-38, Schedule VII of the Development Ordinance.

2:7-4 Continued Hearings

The applicant may voluntarily request a continuance on a hearing and shall be subject to additional fees as required by Section 112-38, Schedule VII of the Development Ordinance.

2:7-5 Infraction of Rules

For failure to comply with the provisions of Rule 2:1, the Board shall, and for failure to comply with any other rule, the Board may dismiss the application.

2:7-6 Preliminary Reports

(a) In any case where prior to consideration of any appeal or application by the Zoning Board of Adjustment a report or recommendation is required by the terms of the Zoning Ordinance of the Township of Franklin to be made to the Zoning Board of Adjustment by the Board, such report shall have been forwarded at least 20 days prior to the time within which the Board must render its decision pursuant to Rule 2:7-1; otherwise, the appeal or application shall be dismissed without prejudice unless the applicant consents in writing to an extension of time.
(b) The Board may at any time request a written report on any particular matter from any officer, board or agency in connection with a pending case, provided however, that a copy of any such report shall be made available to the applicant, who shall, if requested, have an opportunity to question the maker of such report as to any fact or conclusion therein contained provided that the applicant gives reasonable notice to the maker of the report of his decision to question.
(c) The Board may arrange to take the testimony of any expert witness employed by it.

2:7-7 Transfer of Actions

When an application is filed with the Planning Board which, pursuant to the provisions of the Municipal Land Use Law ought to have been filed with the Zoning Board of Adjustment, the Planning Board may, by resolution, cause said application to be transferred to the Zoning Board of Adjustment making public announcement thereof at the meeting and causing notice of its action to be published as in all other cases. Likewise, the Zoning Board of Adjustment may cause appropriate applications to be transferred from it to this Board. In the case of such transferred actions, the Planning Board shall examine the application and notices given by the applicant and, if same are in proper form, shall proceed to hear the application as if it had been filed with this Board in the first instance.

Rule 2:8 Decision; Resolution of Board

2:8-1 Time

The Planning Board shall render a decision within the time frames established by N.J.S.A. 40:55D-1 et seq.

2:8-2 Form

The judgment of the Board shall be in the form of a written resolution containing findings and conclusions which shall be adopted either on the date of the meeting at which the Board granted or denied approval, or if the meeting at which such action was taken occurred within the final 45 days of such meeting by the adoption of a resolution of memorialization setting forth the decision and findings and conclusion of the Board. An action resulting from failure of a motion to approve an application shall likewise be memorialized by resolution regardless of the time at which such action occurs within the appropriate time frame for rendering a decision. When a resolution of memorialization is adopted in accordance with the provisions of N.J.S.A. 40:55D-10, the date of such adoption shall constitute the date of the decision for purposes of the mailings, filings and publications required by statute. A copy of the Board's resolution shall be furnished to the applicant or his attorney within 10 days from the date of adoption thereof and a copy of the resolution shall also be made available to any person who has requested it and paid the fee established therefore.

When a minor application or request (such as, but not limited to, minor subdivision, waiver of site plan, home occupation, or amendments to the Development Ordinance) is made, a resolution of approval may accompany the submission to the Board.

2:8-3 Approval/Relief Granted

Where an applicant has demonstrated his/her right to approval and/or relief, the Board may grant such as it may deem appropriate and in keeping with the intent and purpose of the zone plan and zoning ordinance, even though the approval and/or relief granted may be different in kind or degree from that asked for in the appeal or application.

2:8-4 Conditions

The resolution of the Board granting any approval and/or variance may subject such grant to such conditions as the Board may impose in the public interest for the purpose of furthering any of the purposes of zoning. The Board may, when deemed necessary in the public interest, specifically provide in its resolution for the retention of jurisdiction over the action for a reasonable time, as therein specified, for the purposes of enabling it to vary the terms of any condition therein imposed, or for the purpose of imposing additional conditions in the public interest in the light of then existing circumstances.

2:8-5 Publishing Notice; Service of Copy of Resolution

The Board Secretary shall cause notice of the Board's action to be published once in the official newspaper of the municipality in accordance with the provisions of N.J.S.A. 40:55D-10i, and shall

also serve copies of the Board's decision to the applicant and to all who have requested copies, pursuant to N.J.S.A. 40:55D-10h.

Rule 2:9 Motions

2:9-1 Rehearing

Any applicant or other interested person may, within 20 days after the publication of notice of the decision, move the Board for a rehearing of the matter by filing an application in the form of a letter addressed to the Board containing a brief statement on the grounds relied upon. If the Board grants the motion, it shall fix a date for rehearing and shall require the moving party to give notice to all persons who participated in the original hearing or hearings, upon such terms as the Board may deem adequate. The Board may grant a rehearing on its own motion when unusual circumstances so require in the interest of justice.

2:9-2 Vacation or Modification

At any time after the adoption of a resolution granting approval and/or variance, any person having an interest in such decision may move the Board for an order vacating or modifying any term or condition of said decision by filing with the Board a petition in the form of a letter setting forth the reasons therefore and the grounds relied upon. If the petition is granted, the Board shall fix a date for hearing and the movant shall give notice of such hearing in the same form and manner as required by Rules 2:3 in the case of original petitions. The Board on its own motion, may in a proper case similarly order all parties in interest to show cause at a time and place fixed in the notice why the terms or provisions of any approval and/or variance ought not to be vacated or modified.

Rule 2:10 Qualification and Disqualification of Members of the Board; Abstentions

2:10-1 Qualification to Act

(a) Whenever a hearing is continued over two or more sessions, or the Board has reserved decision on any matter, any member of the Board, even though he did not sit upon the hearing of the action, may, nevertheless, participate in the decision of the case if, but only if, he has read or listened to a recording of the entire record of the proceedings and has certified in writing that he has done so. This provision shall not apply if an alternate member has been assigned by the Chairperson to sit upon the hearing on the application.

(b) This rule shall in no way be construed as authorizing any hearing to be held before less than five members of the Board.

2:10-2 Disqualification of Member

(a) Any member of the Planning Board shall disqualify himself from sitting on the hearing of any matter in which he has a disqualifying interest, such as, but not limited to, the following situations:

[1] Where he owns property located within 200 feet of the property affected by the action.

[2] Where the applicant is related within the third degree of consanguinity to the member by blood or is the husband or wife of any person so related.

[3] Where the applicant or his attorney is the employer, employee or partner of the member, or is a corporation in which the member is a shareholder or has other financial interest.

[4] Where he has any other personal or pecuniary interest in the proceeding.

Any member so disqualifying himself shall not sit with the Board for participation in any executive session or conference, during the hearing, or determination of the case in

question. The Board member must disqualify himself prior to the start of the hearing or discussion. The Board member may sit with the public.

(b) When a member fails to disqualify himself, any interested party may move the Board for an order or determination that such member is or was disqualified to act and may, even after entry of judgment, seek the vacation of the judgment and rehearing or other appropriate relief. The motion shall contain a statement of the facts upon which it is based, and the Board may thereupon hold a hearing on the matter or take whatever action it may deem appropriate.

2:10-3 Abstentions

Abstentions are disfavored except for good cause. An abstention shall be regarded as an assent to the vote of the majority. Thus, if the majority of those voting would affirm a measure, abstentions would be counted toward affirmance; if the majority would defeat a measure, abstentions would be counted toward defeat. A disqualified member shall not be counted as an abstention and shall, instead, remove himself or herself from the panel and not be involved in the consideration of the application. If the Board is evenly split in its decision, no majority exists with whom an abstaining member can be said to vote and accordingly abstentions shall not be assigned to either bloc. A tie vote shall defeat an application, and abstentions shall not be construed to approve an application, nor shall abstentions be used to create a tie.

Rule 2:11 Record of Testimony

2:11-1 Stenographic or Other Records; Transcripts

In accordance with provisions of N.J.S.A. 40:55D-10f, the Board shall provide for the verbatim recording of all hearings by either a stenographer, or by mechanical or electronic means. A transcript or duplicate recording in lieu thereof shall be furnished to any interested party at his expense.

2:11-2 Notes by Secretary

The Board's Secretary or Assistant Secretary or other designated person, shall take as extensive notes as possible of all testimony and shall, as soon as possible after the hearing, prepare a copy of the minutes for distribution to the members of the Board. The minutes shall include a synopsis of each application or discussion item. If a transcript of the testimony has been filed with the Board, such transcript shall be filed in the case docket.

2:11-3 Televising Meetings

All meetings of the Board will be televised for broadcast on the local public access channel only. The official transcript of any meeting shall be the transcript created pursuant to Planning Board Rule 2:11-1 and not any reproduced copy of a televised meeting. The televising of meetings shall be subject to the following conditions:

(a) Executive or Closed Sessions of the Board shall not be televised.

(b) Work Sessions of the Board shall not be televised except under the following circumstances:

(1) Work Sessions of the Board will be televised if a public hearing on an issue has been scheduled and/or noticed for a Work Session.

(2) Work Sessions of the Board will be televised if the Board, by a simple majority vote of the Board members present sufficient to constitute a quorum, votes to televise all or part of a Work Session.

Rule 2:12 Moot Questions: Advisory Opinions

2:12-1 Prohibition

(a) The Board shall not hear an action based upon and presenting a question that is moot, or becomes moot or hypothetical or render any decision in such an action.
(b) The Board shall not render any advisory opinion to any person or persons; provided however, that this rule shall not be construed as prohibiting the Board from submitting recommendations or advice to the Township Council in accordance with the applicable provisions of the Zoning Ordinance or statute.

2:12-2 Communications

Any communication purporting to be a petition submitted as an objection to an application or asking for a modification or change for any other relief shall not be accepted. A formal application shall be filed as required by these rules.

Rule 2:13 Subpoenas

2:13-1 Issuance

The Board, by its subpoena issued under its seal and under the hand of its Chairperson or Vice-Chairperson and Secretary, as the case may be, may compel the attendance and testimony of witnesses, and the production of books, papers, documents or tangible things related to any matter or subject within the Board's powers of inquiry. The applicant or any other interested person may request the issuance of a subpoena.

2:13-2 Service

Any such subpoena may be served by the Sheriff, Under-Sheriff or Deputy, or any person eighteen or more years of age. Delivering a copy thereof to the person named or as otherwise permitted by law shall make Service of a subpoena.

2:13-3 Failure to Comply

If a person under such subpoena shall refuse or fail to appear or refuse to be examined or to answer any proper question or to produce any books, papers, documents or tangible things in accordance with the subpoena, the Board may apply to the Superior Court for an order to compel him to do so.

Rule 2:14 False Testimony

2:14-1 Perjury

Any person who shall willfully give false testimony under oath in the course of any hearing held before this Board, in accordance with the provisions of the County and Municipal Investigations Law (N.J.S.A. 2A: 67A-1 et seq.) is guilty of perjury. The Board shall submit a transcript of the testimony it believes may be perjurious to the county prosecutor for investigation.

Rule 2:15 Res Judicata

If the same parties or their privies seek the same relief in the same factual setting, the case may be dismissed on the ground that it has already been decided. However, if the first case was not a decision on the merits, there shall be no bar to the second application. If a second application seeks relief, which is entirely different or is of lesser proportions than in the first application, the second application shall not be barred. An applicant shall be given a fair opportunity to show that circumstances have changed significantly or that other good cause exists for reconsideration. This rule shall not be construed to disallow an application for modification or enlargement of an

approval or for the lifting or relaxation of conditions previously imposed in connection with an approval upon a proper showing of changed circumstances or other good cause warranting a reconsideration.

PART III

WORKINGS OF THE BOARD

Rule 3:1 Removal of Member

3:1-1 Grounds; Recommendation

Whenever a member of the Board shall miss three consecutive meetings or fail to attend at least 50% of the Board meetings over a six month period the Board may recommend in writing to the Township Council that such member be removed in accordance with the provisions of N.J.S.A. 40:55D-69. A member shall notify the Secretary of the Board of any scheduled absences or any planned absences at least 24 hours prior to the scheduled meeting except in cases of emergency.

3:1-2 Removal

A member of the Planning Board other than the mayor may be removed for cause by the Township Council upon written charges, and after a public hearing if requested pursuant to N.J.S.A. 40:55D-23. The Board in such cases shall make a written complaint to the Township Council to proceed in accordance with the statute.

Rule 3:2 Committees/Subcommittees

3:2-1 Establishing Committees/Subcommittees

The Chairman may establish any committee or subcommittee to aid in the internal working of the Board. These meetings shall be considered Work Sessions of the Board. All members of subcommittees and committees are to be established by resolution and appointed annually at reorganization.

3:2-2 Minor Subdivision Committee

The Minor Subdivision Committee of the Board is established consisting of three members of the Planning Board appointed by the Chairman of the Planning Board. An application for minor subdivision that does not require variance relief from the requirements of Chapter 112 and that is not accompanied by another application (e.g., site plan application) shall be reviewed by the Minor Subdivision Committee and the applicant shall not be required to provide public notice. Approval by the Minor Subdivision Committee shall be deemed to be final approval. The Minor Subdivision Committee shall subsequently report the results of their review to the Planning Board.

PART IV

MISCELLANEOUS PROVISIONS

Rule 4:1 Relaxation of Rules

4:1-1 Where Rules May Be Relaxed

For good cause shown or where the strict application of any rule would work surprise or injustice the Board may relax the requirement of such rule, except where the provisions of the rule are also statutory requirements.

Rule 4:2 Meaning of Certain Terms

4:2-1 Person; Interested Person

Whenever in these rules reference is made to "any person," "any interested person," "any person interested in the action" or the like such term refers to any "interested party" as defined in N.J.S.A. 40:55D-4.

Rule 4:3 Application of Certain Laws

4:3-1 Laws Applicable

The provisions of the County and Municipal Investigations Law shall be applicable to proceedings before the Board and the Board may exercise all of the powers conferred by said act. These rules are adopted pursuant to the provisions of N.J.S.A. 40:55D-8 subject generally to the provisions of Chapter 55D of Title 40 of the Revised Statutes of New Jersey.

Rule 4:4 Citation of Rules and Decisions

4:4-1 Citation

(a) These rules shall be cited as "Planning Board Rules 1:1-1" etc. indicating that the rule is a Planning Board Rule.
(b) Decisions of the Planning Board shall be cited as "Matter of X, Docket #…", X being the name of the principal applicant.

Rule 4:5 Amendments

4:5-1 Amendments

Amendments to these rules may be made by the Board at any regular meeting, provided notice of such amendment has been given in writing to each member of the Board at least three days prior to such meeting. In no case, however, shall any rule as amended be applicable to any action commenced prior to the adoption of such amendment where the application thereof to such action would result in surprise, hardship or injustice to the petitioner or other interested persons.

Rule 4:6 Listing of Vouchers Paid

The agenda shall contain a listing of the vouchers paid on behalf of the Planning Board from the Planning Board's annual budget. Prior to payment of such vouchers, the Director of Planning or his/ her designee shall notify the Chairperson of such payments.

Rule 4:7 Resubmittal of Application Materials

Resubmittal of application materials (e.g., plans, reports, etc.) made in response to Board and/or staff reviews and/or comments, shall be accompanied by a written description of the changes made compared to the prior submission. In the case of staff reports, this shall be accomplished by providing a response to each of the review comments with a description of the plan changes and where the plan changes can be found (e.g., sheet or page number). If the application materials have not been revised in response to any such comment, the reason for the non-change shall be provided. The number of copies of this written description should be commensurate with the number of revised plans and shall be provided in digital form (in .pdf format).

RESOLUTION
2026 Calendar

RESOLUTION OF
THE PLANNING BOARD OF THE TOWNSHIP OF
FRANKLIN, SOMERSET COUNTY, NEW JERSEY

WHEREAS, the Open Public Meeting Act, P.L. 1975, Chapter 231 of the Laws of the State of New Jersey, N.J.S.A. 10:4-18 thereof, requires the public body at least once a year within 7 days following the annual reorganization meeting, to provide notice of a schedule of regular meetings of said public body to be held during the succeeding year, and;

WHEREAS, said Act further requires in Section 3 (d) thereof, that adequate notice as required by said Act be mailed, telephoned, telegrammed or hand delivered to at least two newspapers, which newspapers shall be designated by the public likelihood of informing the public of such meetings, one of which shall be the official newspaper, and;

WHEREAS, N.J.S.A. 10:4-19 thereof, further provides that any person may request that a public body mail to him copies of any regular meeting schedule or revision and any advance written notice described in Section 3 (d) of said Act of any regular, special or rescheduled meeting of such body upon payment by such person of a reasonable sum if any has been fixed by resolution of the public body to cover the cost of providing such notice;

NOW, THEREFORE, BE IT RESOLVED, on this 03rd day of December, 2025 by the Planning Board of the Township of Franklin, Somerset County, New Jersey that the regular meeting of the Planning Board of the Township of Franklin, Somerset County, New Jersey during the year 2026 will be held at 475 DeMott Lane on the following dates at 7:30 p.m.:

February	04 18	**August**	05
March	04 18	**September**	02 16
April	01 15	**October**	07 21
May	06 20	**November**	04 18
June	03 17	**December**	02
July	01 15	**January 2027**	06 20

This 3rd day of December, 2025

Christine Woodbury, Secretary
Planning Board

VOTE ON MOTION/RESOLUTION:
FOR:

AGAINST: NONE

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

November 19, 2025

Project Applicant: NPH Real Estate, LLC
Project Location: 390 Davidson Avenue, Township of Franklin, NJ
Block: 502.01; Lot: 57.01
Docket #: PLN-24-00005
Plan Type: Preliminary & Final Site Plan

The Applicant is proposing the development and construction of a one (1) story 4,690 square foot retail building and a two (2) story 19,980 square foot mixed-use office/retail building. The Project site occupies Lot 57.01 of Block 502.01 and is located north of the intersection of Davidson Avenue and New Brunswick Road. The site is currently vacant.

The Applicant is proposing to service each building with 6" diameter gravity sanitary sewer laterals that will be conveyed by gravity to a proposed onsite Sanitary Manhole Structure. The combined flow will be conveyed by gravity through a common sewer line and connect to the Authority's existing gravity collection system located within Davidson Avenue.

The estimated Average Daily Flow (ADF) to be generated by the proposed Project is approximately 2,607 GPD.

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

- Preliminary/Final Site Plan, as prepared by Shrinath J. Kotdawala, dated February 1, 2024, last revised October 18, 2025;
- Architectural Drawings, as prepared by Feldman & Feldman Architects, dated February 7, 2024, last revised October 14, 2025.

Based upon our review of the above referenced documents, we offer the following comments with regard to the Application for Sewerage Facilities and subsequent approval for connection to the Authority's sanitary sewerage system:

Preliminary and Final Site Plan (Sanitary Facilities):

Utility Plan (Sheet 4 of 12):

- All proposed sanitary sewer cleanouts are to have cast iron protection boxes in accordance with the Authority's Rates, Rules and Regulations. Provide a notation on the plans.
- Concrete pier supports are to be utilized for storm sewer over sanitary sewer if clearance is less than 18 inches. Provide a notation on the plans.
- Provide rim and invert elevations for all existing and proposed sanitary cleanouts and manholes.
- The sanitary lateral proximate to the proposed two (2) story mixed use building appears to not meet adequate depth of cover. In accordance with the Authority's Rates, Rules and Regulations, four (4') foot minimum depth of cover is to be maintained above proposed sanitary sewer laterals. Revise plans as needed.

- Revise connection angle of proposed 6" diameter retail building sanitary sewer lateral to proposed SSMH to allow for a smooth transition of flow and adequate separation from the influent mixed-use lateral as shown on Plan Sheet 4 of 12. Said lateral can connect to SSMH perpendicular to the 6" diameter effluent sanitary line. Revise all other plan sheets to reflect the changes, as needed.
- Remove typographical error within proposed sewer connection note located on Plan Sheet 4 of 12. Revise all other plans sheets to reflect same, as needed.
- Label pipe length, material and proposed slope for all proposed sanitary sewer lateral segments. Revise plans as needed.
- A Cured-In-Place Lateral Connection Repair (LCR) is to be installed at the proposed saddle connection to the FTSA's existing sanitary sewer main located within Davidson Avenue. Provide a notation on the plans.

Sanitary Sewer Engineer's Report:

- The Applicant is to provide a Signed and Sealed Engineer's Report in support of the proposed sanitary sewer improvements including, but not limited to, a summary of the sanitary improvements, existing flow conditions, proposed average daily flow calculation, proposed peak flow calculation, sewage velocity calculation, pipe capacity analysis, etc.

Sanitary Sewer Construction Cost Estimate:

- The Applicant is to provide a Signed and Sealed Sanitary Sewer Construction Cost Estimate reflecting all proposed sanitary sewer improvements for the Project utilizing, at a minimum, all applicable items and unit prices listed in Appendix F of the Authority's Rates, Rules and Regulations.

Miscellaneous Comments, Escrow and/or Fees:

- Include all three (3) sheets of FTSA Standard Details in the Plan Set.
- In Accordance with the Authority Rates, Rules and Regulations, no trees are to be located within ten (10) feet of a sanitary sewer line. Review and revise Landscape Plan (Sheet 5 of 12), as needed.
- The Applicant is to confirm if any of the proposed mixed-use/retail units will contain food preparation or kitchen facilities and the potential need for grease separators.
- The Applicant is to obtain all necessary Local, County or State permits, where and as applicable, including but not limited to Plumbing, Local/County Road Opening Permit(s), and Somerset County Road Occupancy Permit(s).
- The Applicant is to submit a completed Impact Fee Determination Request Form (Appendix A-8) along with the applicable Impact Determination Fee in the amount of $500.00 in accordance with Appendix F. Check is to be made payable to "Franklin Township Sewerage Authority".
- The Applicant will be required to enter into a Developer's Agreement with the Authority following FTSA approval in accordance with Appendix E.
- The Applicant is required to maintain sufficient Engineering Review Escrow throughout the approval process.
- The Applicant is to submit hard copy and PDF electronic versions of revised Plans, Sanitary Sewer Analysis, Engineer's Report, and Sanitary Sewer Specifications during the approval process. Electronic versions are to be emailed to: Staffengineer@ftsa-nj.org.

The aforementioned items must be addressed and revised plans submitted for further review prior to moving forward with this Application.

The Applicant is required to maintain full compliance with the FTSA's Rates, Rules and Regulations throughout the duration of the Application process. The Authority reserves the right to make additional comments based upon the submission of any revised plans and/or documents.

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

Very Truly Yours,

William E. Korosec, PE
Consulting Engineer's Office

WK/JK/tc

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

Franklin Township

Somerset County, New Jersey

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

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

MEMORANDUM

TO: Planning Board

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

DATE: November 13, 2025

RE: *NPH Real Estate LLC* - Preliminary and Final Major Site Plan w/ "c" Variance(s) – 390 Davidson Avenue – Block 502.01 Lot 57.01 (PLN- 24-00005)[1]

As requested, I have reviewed the following documents relative to the above referenced application:

- 12-sheet set of site plans prepared by Shrinath J Kotdawaa, NJPA last revised ~~8/05/25~~10/18/25
- 4-sheet set of architectural plans ions prepared by Feldman & Feldman Architects last revised ~~8/22/25~~10/14/25

SITE AND PROJECT DESCRIPTION

The 2.46-acre site is located on the northwest corner of the New Brunswick Road/ Davidson Avenue intersection. The site is currently undeveloped with areas of open fields and trees. The site slopes back from Davidson Avenue (the high point of the site) back to the rear of the site which contains a stream with associated flood hazard area, wetlands and regulatory setbacks associated with those features. The site is located within the Business and Industry (B-I) zone and within the Retail District Overlay (RDO) zone.[2] Surrounding properties consist largely of commercial uses permitted in the B-I and RDO zone to the north of New Brunswick Road while the Somerset Run (age-restricted residential development) exists of the opposite side of New Brunswick Road.

The applicant is applying to the Planning Board for Preliminary and Final Major Site Plan approval with c(2) variance relief to construct a 24,670 square foot shopping center consisting of:

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[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.

[2] The B-I zone permits uses such as light manufacturing and offices while the RDO zone permits a variety of retail and personal service uses.

- Two buildings
  - 1-story 4,690 square foot building closer to Davidson Avenue (the "1-story building")
  - 2-story building totaling 19,980 square foot with 9,900 square feet on each floor to the rear (the "2-story building")
- One two-way entrance on each roadway (i.e., one each on Davidson Avenue and New Brunswick Road); the New Brunswick Road curb cut has been revised to limit exit movements to right-turns only
- Parking areas totaling 79 ~~82~~[3] actual spaces
- Associated site modifications including grading, stormwater facilities, utility connections, site lighting and landscaping, sidewalks along the site frontage (connecting to internal site sidewalks), benches, etc.

The proposal requires Preliminary and Final Site Plan approval and the following "c" variances:

- *Off-Street Parking*: 89 ~~90~~ parking space required – 83 ~~86~~ parking spaces proposed
- *Sign Setback*: 20-feet required – 10 feet proposed (both proposed freestanding signs)
- *Parking Drive Aisle Width*: 26 feet min. required – 25 feet proposed

Since the site plan proposes a development permitted in the Retail District Overlay (RDO) zone the use and bulk of Schedules 1, 2 and 3 applicable to the RDO zone apply.

REVIEW COMMENTS[4]

COMMERCIAL DESIGN STANDARDS

Article XXVIA contains design standards applicable to commercial retail development that are intended to "achieve a premium aesthetic appeal while discouraging less attractive layouts." These standards apply to development involving: retail goods and services stores; eating and drinking establishments; professional, medical and general offices; restaurants; child-care centers; banks; hotels; and other such commercial uses. It indicates that "designs should contribute to an attractive commercial center, creating a sound commercial community identity and inviting pedestrian interest and activity." Below I offer comments on the proposal's consistency with the most applicable standards.

Architectural Design (§112-206.5)

Summary of Standards

The standards encourage commercial architecture that:

- avoids the "box-like, bulky appearance of commercial buildings", contains "contrast in massing", uses varied materials, textures and/or colors, or provide visual breaks
- considers the character of the surrounding architecture and neighborhood/ incorporates design elements to further enhance community character/
- emphasize important corners and designate points of entry.

[3] With 4 space credit for EV spaces the parking count is technically 83. ~~86.~~

[4] 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.

Prior Review Comments

1. While compliant with the 20-foot front yard setback of the RDO zone, the proposed placement of the 2-story building is a concern since the rear of this building would be *very visible/ prominent*ly *placed* to drivers driving eastward on New Brunswick Road. The rear of the building would be in the approximate location of the word "Site" on Figure 6. I recommend that the applicant: (1) provide a 3-D rendering of the site from this vantage point for the Board's review; and (2) consider site plan changes to avoid this situation (e.g., flip the building and parking area in this area of the site).

2. At the hearing the applicant should address design standards which encourage that all visible sides of buildings be provided similar architectural treatments (which discourage visible side/rear of buildings appearing "unfinished" with a "lesser" treatment than the rest of the facades). In particular I mention this with respect to the 1-story building (the entirety of which would be visible from the adjoining road and from within the site).

3. The applicant should provide testimony and appropriate exhibits addressing compliance with the standards summarized above. Exhibits presented to the Board should include 3-D renderings of the buildings. Material sample boards may help as well.

Current status:

- The site plan has been revised to place the larger building 10+ feet further back with additional landscaping.
- It is my understanding that the applicant intends to address comment #1 via testimony and exhibits at the hearing including the suggested rendering.
- With respect to comment #2, the applicant should provide testimony addressing the revised elevations.

Building/ Parking Placement (§112-206.4 and §112-206.7)/ Screening of Parking Lots (§112-206.9)

Summary of Standards

- Section 112-206.7 which recommends "increased landscaping" when parking lots are placed in front of the site to screen view of parking areas from adjoining streets.
- With respect to perimeter landscaping §112-206.9 encourages site design that:
  - Provide trees and other landscape screening to shield large parking areas from adjacent lots and roadways
  - Provide an attractive landscape treatment along street frontages that screen views of parking lots, preserve neighborhood scale and character, consist of continuous landscaped hedge and/or low decorative masonry wall in combination with landscaping.

Prior Review Comments

4. Nearby developments in the RDO zone have complied with the perimeter landscaping standards addressed in §112-206.9 by providing large landscaped areas along road frontages with a significant amount of closely spaced shade trees along with additional lower level plantings (shrub/ hedge plantings). Figure 8 shows examples of two nearby developments at the intersection of Elizabeth Avenue/ Schoolhouse Road.

The applicant should present testimony and exhibits that prove, to the satisfaction of the Board, that this application would provide the same quality of landscape treatment along the road frontages as these nearby examples in the RDO zone.

Current status:

- The site plan has been revised to eliminate the parking spaces facing New Brunswick Road – providing a substantially widened landscaped frontage. The frontages along Davidson Avenue and New Brunswick Road are proposed to be planted with deciduous trees and shrub plantings.
- The applicant should provide testimony/ exhibits addressing this to the Board's satisfaction.

Additional Landscape Design Standards (§112-206.9.A)

Summary of Standards

- §112-206.9.A.(3)(c) encourages special landscape design that incorporate "corner features" at street intersections. Figure 9 provides a nearby example of how this was addressed per this standard

- §112-206.9.A.(3) encourages "entryway landscaping announces and highlights entries into the development for the visiting public"

- Figure 8 shows examples of two nearby developments at the intersection of Elizabeth Avenue/ Schoolhouse Road which each incorporate design features consistent with §112-206.9.A.(3)(c) – special design treatment near the intersection.

Prior Review Comments

5. The applicant should present testimony and exhibits that prove, to the satisfaction of the Board, that this application would provide the same quality of landscape treatment as these nearby examples in the RDO zone.

Current status:

- As indicated above, the site plan has been revised to eliminate the parking spaces facing New Brunswick Road - providing a substantially widened landscaped area. The frontages along Davidson Avenue and New Brunswick Road are proposed to be planted with deciduous trees and shrub plantings.
- Per input from the Board, evergreen screening has been added along the northerly property area to screen the adjoining residence
- The applicant should provide testimony/ exhibits addressing this to the Board's satisfaction.

Site Amenities (§112-206.8)

Summary of Standards

- This section encourages site amenities and pedestrian-scale features, such as outdoor plazas, sitting areas, street furniture, and other such features that offer attractive spaces for customer and visitor interaction and create an inviting image for both customers and employees. Such features should be designed and placed (e.g., proximity to building entrances and sidewalks) so as to encourage their use.
- Per this section at least 950 square feet shall be dedicated to amenity spaces (at the rate of 10 square feet per parking space).
- With respect to these features:
  - seating should be useable year-round, comfortable, attractive, durable and easy to maintain;
  - the amenity/area must be constructed of materials that are similar in quality to the principal materials of the primary buildings and landscape;
  - site furnishings include benches, waste receptacles, planters, railings and bollards should have visual consistency;
  - all components of outdoor site furniture should be low maintenance, highly durable and resistant to vandalism, graffiti and theft.
- To enhance pedestrian safety and attractiveness of the walkway, internal pedestrian walkways within a parking lot or drive area must be distinguished from the driving surface by use of pavers, bricks, integrally colored, scored concrete, or other acceptable methods as determined by the Township (§112-206.6.D(3))
- Figure 7 provides a nearby example of one such area built per these standards.

Prior Review Comments

6. The placement and design of the amenity areas (e.g., places tables right up next the curb at the New Brunswick Road curb cut) does not seem particularly well thought out (instead seems crammed into available areas to meet the square footage requirement). In my opinion, one more-appropriately located/ designed area may better meet the intent of the standard (even if not meeting the square footage requirement).

7. The site plan should label, and include a detail of, the internal crosswalks consistent with §112-206.6.D(3)

8. The site plan needs to provide a detail of the surface of these areas as well as the "lighting lope."

Current status:

- The amenity area has been relocated to an appropriate location internal to the site.
- The requested details have been added.
- The applicant should explore changes that would convert the paver area to the northeast of larger building to landscaping. I am not sure what purpose this area would serve/ seems to be unnecessary impervious surface,

Service, Delivery and Storage Areas (§112-206.9)

Summary of Standards

With respect to service, delivery and storage areas:

- Section 112-206.6.C. indicates that loading and delivery facilities should be "separate from customer parking and pedestrian areas."
- "Screening materials must be the same as, or of equal quality to, the materials used for the primary building and landscaping."
- "All mechanical equipment, whether on the roof, sides of the building, or mounted on the ground, should be screened from public view. Screening should be architecturally integrated with the building through materials, color, texture, shape, size, and with design features, such as facade parapets. Mechanical/utility screening must be an integral part of the building structure and architecture and not give the appearance of being "tacked on" to the exterior surfaces. The building parapet must be the primary means of screening roof top equipment."

Prior Review Comments

9. The site plan proposes no loading area(s) for the development. Thus, compliance with applicable standards summarized above cannot be evaluated. With no loading area, how would these building be serviced?

10. The applicant should provide testimony addressing consistency with the design standard addressing the screening of mechanical equipment. For example, would such equipment be placed on the roof of each building and would parapets be employed sufficient to screen view from off the property? Necessary revisions to the plans, demonstrating compliance, should be made.

11. In order to be consistent with the standards, the dumpster enclosure detail should be revised to reflect the use of the same textured concrete (of the same color) used on the building.

Current status:

- The applicant provided testimony indicating that no loading area is provided.
- I don't recall testimony addressing comment #10.
- Dumpster detail have been revised per comment #11.

Lighting (§112-206.10)

Summary of Standards

The standards encourage site lighting that:

- consists of a "unified exterior lighting design" in addition to promoting safe vehicular and pedestrian access to and within a development.
- minimizes impact to the surrounding area including minimizing of-site glare onto adjacent properties or right-of-way" through design including concealment of the light source

- is compatible with/ relate to the architectural design of the building.
- is provided at the minimum level to accommodate safe pedestrian and vehicle movements.

Prior Review Comments

12. The applicant should present testimony and exhibits that prove, to the satisfaction of the Board, that this application would provide a lighting plan consistent with the design standards.

13. The plan contains a freestanding light detail on Sheet 7 that differs substantially from those on Sheet 5.

Current status:

- I don't recall testimony addressing the comments.
- Comment #13 hasn't been addressed. This comment pertains to the 3-lantern light.

Sign Design (§112-206.11)

Summary of Standards

This section encourages signage that:

- is "subservient to the overall design and impression of the architecture" with signs that are "consistent with overall project design [and] subordinate to architectural and landscape elements"
- involves monument signs that "incorporate design and materials that match the architecture of the development".

Prior Review Comments

14. The applicant should provide testimony and appropriate exhibits addressing how the freestanding and building-mounted signage would be consistent with the standards summarized above.

15. The applicant should explain how both the building-mounted and freestanding signage would be illuminated (with necessary changes to the plan reflecting this).

16. See comment #18, below, regarding the requested setback variances for the freestanding signs.

Current status:

- I don't recall testimony and/or exhibits addressing the above.

ADDITIONAL REVIEW COMMENTS

17. Parking Variance. The applicant needs to provide sufficient evidence/ testimony in support of this variance. Preferably the traffic study would be appropriately updated for staff review/ comment prior to the hearing before the Board. As there would be no hardship (c-1) uniquely affecting this property, the applicant needs to address the required parking variance under the C-2 criteria (i.e., better zoning alternative).

Current status:

- I don't recall testimony addressing the above.

18. Freestanding Sign Variances – Minimum Setback

a. Since the site plan reflects retail and office uses in the proposed development, the zoning data table reflects the signage standards for both retail and office uses. However, this development is in fact a "shopping center" (with office and retail tenants being both permitted and likely to be changeable over time), the applicable signage requirements are those for "retail"[5]. Thus, the applicable requirements are: 100 square foot max. sign area; 20-foot max. height and 20-foot minimum setback. The zoning table should be revised to eliminate reference to separate requirements for retail and office use.

b. As proposed, the applicant is proposing signs at the sign area and height maximums, yet setback only ½ of the required 20-foot setback (10-foot setbacks are proposed). Thus, a variance is required for the setback of the proposed freestanding signs (10 feet proposed where 20 feet minimum is required).

Upon initial review I don't see how such a lesser setback would address a unique hardship (c-1) or be a better zoning alternative (c-2). I recommend that the applicant either:

- Revise the plan to provide compliant 20-foot setbacks for each of these signs (if they stay at the size/ height proposed); or
- If the applicant wishes to pursue the setback variance, provide signs that are reduced in size and area commensurate with the lesser setback. For example, office developments have a lesser setback requirement of 10-feet but have a *commensurate lower permitted height of 10-feet*

The plans are internally inconsistent. The site plan indicates a freestanding sign height of 10 feet in the zoning table and a sign detail showing a freestanding sign with a 10-foot height. However, the architectural plans propose a freestanding sign with a height of 18'-11" (with design which differs from the detail on the site plan.

The actual height/ design may also affect whether the signs comply with the 100 square foot sign area maximum (when the entire structure is taken into account).

Current status:

- Revised sign details have been added to the plan proposing 10-foot tall signs.

19. Chapter 222, Trees. With respect to Chapter 222:

- This chapter encourages the preservation of existing healthy trees when practicable. The

[5] This applies to both the freestanding and building-mounted signs.

applicant should evaluate whether any of the existing healthy trees along the site's Davidson Avenue frontage could be preserved via modifications to the site plan (e.g., grading).

- The plan needs to calculate the required tree replacement value following the methodology outlined in Chapter 222.
- However, based on the information provided thus far it would appear that the tree replacement value may approach 100 trees[6]. Thirty (30) of qualifying replacement size are proposed. The applicant needs to make necessary changes to comply, or much more nearly comply, with the replacement calculations.

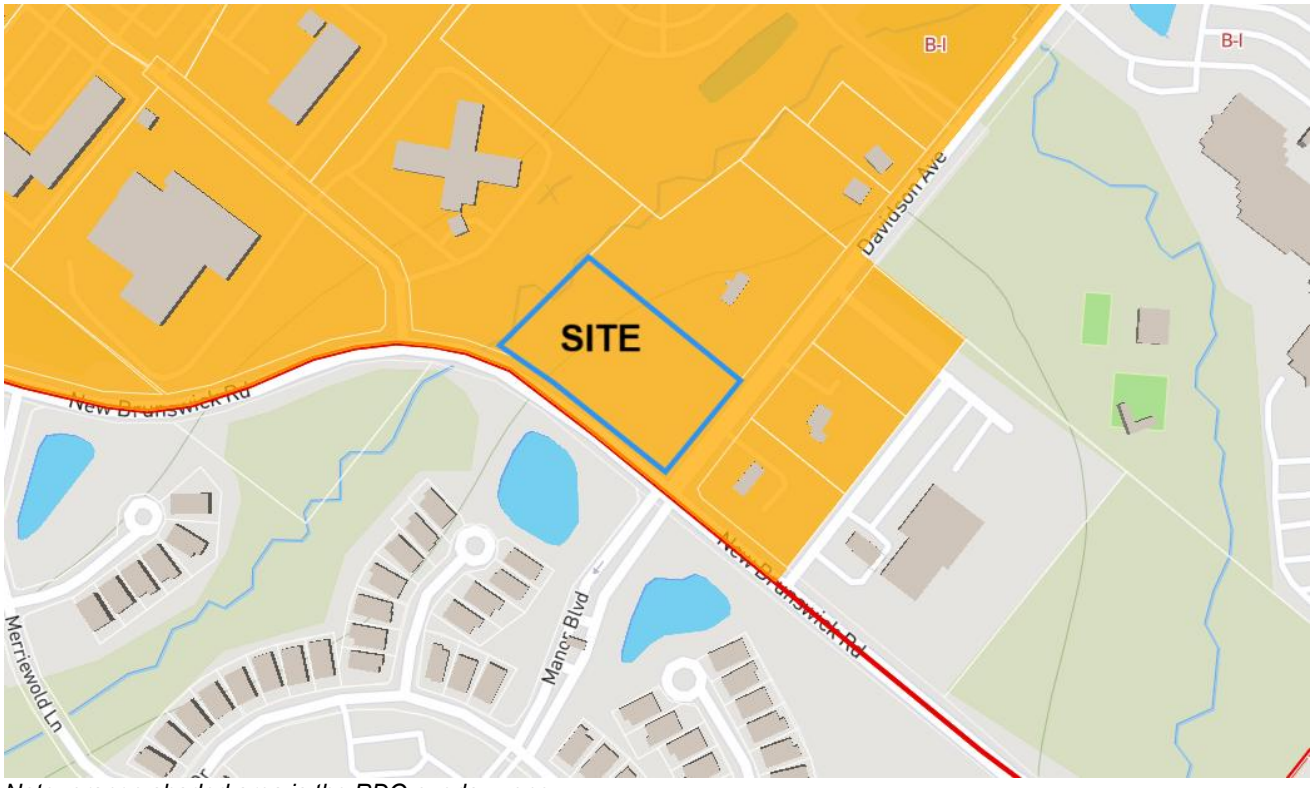
Current status:

- The applicant needs to address the first comment (trees along Davidson) to the Board's satisfaction. With respect to this – the plan now proposes to retain two trees however neither the grading or limit of disturbance seem to reflect this (how will the tree be preserved/ protected during construction?)
- Calculations per Chapter 222 not provided.

20. Variance for Parking Drive Aisle Width. I defer to the reviewing engineer.

21. The development is subject to the collection of Non-Residential Developments fee of 2.5% of the equalized assessed value of the development.

Figure 1: Site Location



Note: orange shaded area is the RDO overlay zone

[6] The tree replacement for those trees over 16" is 95 trees. Additional replacement trees will be required with respect to those trees to be removed between 4'-16".

Figure 2: Site and Surrounding Area

Figure 3: Site and Surrounding Area

Figure 4: Davidson Avenue frontage

Figure 5: New Brunswick Road frontage

Figure 6: New Brunswick Road frontage

Figure 7: Nearby Example of an Amenity Area

Figure 8: Nearby Examples of Landscaped Frontage and Corner Treatment

Franklin Township

In Somerset County

OFFICE OF FIRE PREVENTION

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

November 13, 2025

To: Planning Board

From: John Hauss, Director
Fire Prevention

Re: Docket # PLN 24-00005
NPH real Estate, LLC
390 Davidson Avenue
Block: 502.01 Lot: 57.01

Fire Prevention has the following comments on the revised plans.

1. An additional on-site fire hydrant is required; the applicant should contact Fire Prevention to discuss location.

2. All water mains must be a minimum of 8-inches. A non-looped water main cannot supply the fire hydrants and the sprinkler systems. A separate water main must supply the fire hydrants and separate water main must supply the sprinkler system. These water mains must be split in the “immediate vicinity” of the water meter pit.

3. The location of the Fire Department Connection(s) must be approved and shown on the plans. The FDC must be within 50 feet of a fire hydrant. The proposed FDC locations are not acceptable – they are blocked by parking, and the FDC for two story building is 70+ feet from fire hydrant.

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

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
Planning Board

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

DATE: November 11, 2025

RE: ***NPH Real Estate, LLC***
Preliminary & Final Major Site Plan
Report #4
Engineering
Block 502.01, Lot 57.01
390 Davidson Avenue
Franklin, New Jersey
Our File: MFRP0502.12/600.01
Application # PLN-24-00005

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

- Preliminary and Final Major Site Plan, as prepared by Kashi Consulting Company, Inc., dated February 1, 2024, with a latest revision date of October 18, 2025;
- Boundary & Topographic Survey, as prepared by Amertech Engineering, Inc., dated February 12, 2023, with a latest revision date of September 21, 2023;
- Architectural Plan, as prepared by Feldman & Feldman Architects, dated February 7, 2024, with a latest revision date of October 14, 2025;
- Stormwater Management Report, as prepared by Kashi Consulting Company, Inc., dated February 22, 2024, with a latest revision date of October 21, 2025;
- Operation and Maintenance Manual for the Stormwater Management System, as prepared by Kashi Consulting Company, Inc., dated January 15, 2025, with a latest revision date of August 5, 2025;
- Environmental Assessment Report, as prepared by Kashi Consulting Company, Inc., dated February 22, 2024, with a latest revision date of January 13, 2025;
- Traffic Impact Analysis, as prepared by Dolan & Dean Consulting Engineering, LLC, dated February 27, 2024, with no revisions;
- Application Forms.

The following comments are offered with regard to same:

A. PROJECT OVERVIEW

The project is located in the northwest corner of the intersection of New Brunswick Road and Davidson Avenue. The site is currently undeveloped with open fields and trees with a stream located to the west of the proposed development. The site is 2.46 acres and located within the Business and Industry (B-I) zone and within the Retail District Overlay (RDO) zone. The applicant is proposing to install a ~~21,374~~ ~~20,050~~ 19,980 square foot two-story mixed use building and a separate 4,690 square foot retail building. The applicant is also proposing site improvements including but not limited to, construction of a parking lot, ~~two (2)~~ three (3) underground basins, two (2) manufactured treatment devices, concrete curb, sidewalk, paver/ bench areas, utilities, grading, lighting and landscaping.

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

B. GENERAL SITE IMPROVEMENTS

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

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

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

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

7. The zoning schedule should be updated to note the requirements of Ordinance §112-88 Interior Driveways. Interior driveways shall be at least 26 feet wide for two-way traffic movements when ninety-degree angle parking is proposed in accordance with Ordinance §112-88. The applicant is proposing a 25-foot wide driveway aisle. The applicant is requesting a variance for same.

8. In accordance with Ordinance §112 – Schedule 4, 89 parking spaces are required for this proposed use; the applicant's engineer is proposing 79 physical parking spaces. The applicant is proposing 4 EVSE spaces which entitles the application to 2:1 credit. Therefore, from a planning perspective 83 parking spaces are provided. The applicant is requesting a variance. Please note, the parking calculation should be revised to account for the square footage shown on the proposed architectural plan.

9. Based on the 83 total parking spaces, four (4) barrier free parking stalls are required, one (1) of which is required to be van accessible. The applicant is proposing four (4) barrier free parking stalls, two (2) of which are van accessible spaces; therefore, the ADA parking demand has been met.

10. The site plan should be revised to comply with recently passed and signed S-3223 (P.L. 2021, c. 171) which the Governor signed into law on July 9, 2021, regarding the provision of EVSE and Make-Ready parking spaces. Three (3) make-ready/EVSE parking spaces are required. The site plan notes four (4) electric charging stations are proposed. The site plan is in compliance with the EVSE and Make-Ready parking spaces.

11. The site plan has been revised to delineate the existing crosswalks at the intersection of Davidson Avenue and New Brunswick Road. The applicant should review the layout of the ADA accessible ramps and pedestrian push button in the northwest corner of the intersection for compliance with the MUTCD. Upgrades to the signalized intersection for compliance with the MUTCD will be required. The sidewalk layout near the traffic signal pole in this location should be revised to minimize the offset to the pole. **The applicant has delineated the existing cross walks at the intersection of Davidson Avenue and New Brunswick Avenue and the northwest corner of the intersection is not ADA compliant. An ADA curb ramp should be added for the Davidson Avenue crossing or the crossing must be realigned. It appears a pedestrian standard with crossing warning may be required.**

12. The concrete island at the New Brunswick Road driveway should be revised to provide full faced curb on both sides of the crosswalk. Additional spot elevations should be provided demonstrating ADA compliance.

13. The applicant's engineer should supply testimony on how loading/ deliveries will occur for the site. Same should be noted on the site plan. This office defers to the Board Planner on conformance with Ordinance §112-206.9.

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

15. The applicant provided a WB-40 Truck Turning Template on sheet no. 9 of the site plan. Should the Board act favorably on this application, this office recommends that the resolution of approval contain a condition stating that the largest vehicle permitted on the site be a WB-40 Truck.

16. The applicant is proposing detectable warning surfaces at all ADA accessible parking stalls; however, detectable warning surfaces should be installed adjacent to the depressed curbline. The detectable warning layouts should be revised for compliance with ADA requirements.

17. All curbing in disrepair, as determined by the Township Engineering Office, along the property frontages should be removed and replaced. The note should be added to sheet number 2 of the Proposed Land Use Plan, so it does not get buried in the typical general notes. Point to the curb lines along the property frontages.

18. The site plan has been revised to delineate the western two-story Mixed Use Building accordance with the latest architectural plan; however, the applicant's engineer update the square footage breakdown per the latest architectural plan. Coordination with the architectural plan is required.

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

1. Provide water usage calculations. Final review and approval by the Water Department is required.

2. Review the grading at the meter pit location. The meter pit should be set in a relatively flat location.

3. 90 degree bends are not permitted for the water lines. Redesign, as required.

4. The applicant should provide detailed grades at all handicap ramps within the public right of way to ensure same are ADA compliant and meet current regulations. All landings should be delineated.

5. The notes that two 15" RCP pipes are proposed through the western wall. Additional information is required such as, is a concrete collar proposed or is a headwall after the retaining wall proposed. In addition, the southern pipe crossing linework is missing from the utility plan.

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

    - Provide spot elevations within the concrete walkways to demonstrate ADA compliance for the accessible ramps. The layout and detectable warning surfaces at the walkways servicing the ADA parking spaces does not appear ADA compliant. Spot elevations should delineate the proposed ramp slope and ADA compliant landings (maximum cross and running slopes of 2%, respectively);
    - Provide additional spot elevations so compliance with ADA design standards can be reviewed further for all proposed ADA parking spaces;
    - The applicant's engineer should revise the grading plan to provide back of sidewalk grades at all high and low points along all proposed curblines. The grading should be revised to demonstrate compliance with ADA sidewalk cross slope standards;
    - Label the tie-in elevations of all curbing at the site driveways;
    - A minimum of 0.50% slope is required in all paved areas. The pavement is flat between the proposed 74' contour and inlet no. 3;
    - The southern driveway aisle shows a bottom of curb elevation of 75.15 tying into the proposed 75' contour. Clarification is required;
    - Front and back of sidewalk grade elevations along both property frontages should be provided at 50' o.c. intervals.

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

D. <u>LANDSCAPING AND LIGHTING COMMENTS</u>

1. Applicant should update the tree replacement calculation to provide a summation of the total trees to be removed and include the proposed quantity of trees from the landscaping schedule in accordance with the requirements of Ordinance §222- Trees. Compliance with the tree replacement ordinance will be reviewed upon completion of the calculation. Final review of the tree replacement requirements will be deferred to the Township Planner.

2. Township staff recommended robust buffer along the New Brunswick Road buffer. The applicant's engineer has eliminated parking spaces along this frontage and added a lawn area. However, they have proposed underground basin no. 3 in this lawn area. **This office recommends that the basin be**

relocated outside of the lawn area and additional buffering planting should be added along the New Brunswick Road frontage.

3. Landscaping cannot be installed over proposed water service lines or storm sewer lines. Either the landscaping or utility pipe runs should be revised. **A tree is located directly above the water service line before it enters the water meter pit.**

4. The Post Lighting Detail shown on sheet no. 6 of the site plan does not appear to be proposed on the Lighting Plan. Please clarify.

E. STORM WATER MANAGEMENT

General

1. The referenced project was reviewed according to the Stormwater Management Rules NJAC 7:8, amended on July 17, 2023, and the Franklin Township Ordinances.

2. The property is located within the Delaware and Raritan Canal Commission Review zone and is subject to DRCC regulations. A copy of the DRCC approval or a letter of no interest must be provided to this office.

3. The applicant plans to disturb over 5,000 square feet of land. According to New Jersey Public Law Chapter 251, they are required to obtain a Soil Erosion and Sediment Control Certification from the Somerset-Union Soil Conservation District. A copy of this certificate must be submitted to our office.

4. The proposed development will disturb over 1 acre of land and must obtain a General Permit for Construction Activities from the NJDEP. A copy of the permit should be provided to this office.

5. 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 Flood Hazard Area, Stream Preservation Corridor, and Wetlands Buffer (post-transition area reduction and compensation) lines. A map shall be supplied delineating the limits of the Conservation/Preservation Area with bearings and distances and proposed Preservation Area Marker locations.

6. Please include a note on the cover sheet (sheet 1 of 7) indicating the NJDEP file number, the approval dates for both the wetlands Letter of Interpretation (LOI) and the flood hazard area verification permit, along with their respective expiration dates. **Please update note #14 on cover sheet based on new information from NJDEP. This will be reviewed further upon received of the NJDEP permitting.**

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

8. Provide a Stormwater Maintenance Agreement for the stormwater system to ensure future maintenance. The engineering department has a sample agreement available.

Stormwater

9. The drainage report needs to be updated to include a summary table of geotechnical investigations for each BMP (Best Management Practice). This table should list the following details: the area of the BMP, the depth of the BMP, the number of test pits, borings, or soil profiles performed for each BMP, the established seasonal high water table, the top of the bedrock, and the number of soil investigations required by Chapter 12 of the BMP Manual. **It appears that geotechnical soil investigations are required for the new underground basin no. 3.**

10. The subsurface infiltration Basin cross section on sheet no. 11 must be revised show the elevation of the bottom of the infiltration basin, the elevation of the season-high groundwater table, the maximum water elevation for the WQ storm, 2-yr, 10-yr, 100-yr, and minimum grade elevation at the top of subsurface infiltration basin. Basin drain time should also be noted on the infiltration basin cross section.

11. The stormwater report should be updated to include a summary table of design parameters for subsurface infiltration basin, such as inflow area, elevation of water quality storm, tested infiltration rate, design infiltration rate, separation from seasonal high groundwater table, and drain time and demonstrate compliance with BMP design standards in NJ BMP Manual Chapter 9.8.

12. In each subsurface infiltration basin area, two (2) inspection ports that extend into the subsoil must be provided. The maximum design depth of runoff must be marked on the structure. A note to this effect should be added to the subsurface infiltration basin detail. **Max design depth should be noted on the plan.**

13. As per BMP Manual requirements, no standing water may remain in an infiltration basin, 72 hours after a rain event. The drainage report should be revised to document compliance with this requirement. **Basin drain time calculations should consider all volume below the first orifice.**

14. The calculations for groundwater mounding are based on a saturated zone thickness of 10 feet. However, the geotechnical investigation indicates that the seasonal groundwater tables for infiltration basins UG1 and UG2 are at depths of 63.5 feet and 62.0 feet, respectively. Borehole data shows that the top of the most restrictive layer, or refusal, is found at depths of 60.5 feet for UG1 and 62.0 feet for UG2. Therefore, the thickness of the saturated zone cannot exceed the distance from the seasonal high-water table to the confining layer. **Groundwater mounding analysis has to be repeated in both X and Y direction.** Ground water mound for UG2 is above the bottom of the basin and has to be revised. The handwritten text on the mounding analysis is not legible.

15. Provide a construction detail for Outlet Control Structure No.3

16. Add soil log nos. 21 and 22 to the site plan.

17. The Water Quality Design Storm routing sheets for the basin are missing from the stormwater report.

18. Update Appendix B: Conveyance Capacity of Underground Stormwater Pipes and Scour Hole Sizing Computations. There is insufficient capacity for Line ID mtd#2 -os#2. In addition, pipe size and slope coordinate is required between the Appendix and Utility Plan.

O&M Manual

19. In accordance with NJAC 7:8-5.8(d), the maintenance of stormwater management facilities and any future revisions to it shall be recorded upon the deed of record for the property, O&MM should be updated to include this requirement.

20. The O&MM has been revised to include a summary of design parameters for the subsurface infiltration basin. The information should include design infiltration rates, drain time, and seasonal high water table elevation. In addition, provide the type, size, and invert elevation for each outflow device in the outlet structure. The information listed in the O&MM should match the site plan and drainage report.

21. The O&MM must be updated to include a schedule of regular inspections for all BMPS in one (1) summary table form. Only list BMPs proposed for this project.

F. <u>MISCELLANOUS</u>

1. Various details have drafting errors, and various symbols are shown and should be revised. All details should be revised, as required, including but not limited to the Detectable Warning Device Detail, Concrete Walk Detail, Curb Ramp Type 7 (Limited ROW) Detail and Retaining Wall Detail. **This comment has been noted four (4) times. The details below will not be reviewed until this comment has been addressed.**

2. <u>Revise/Add the following details based on Franklin Township standard details:</u>

    a. Remove the Concrete Vertical Curb detail and replace it with the Township Standard Concrete Vertical Curb detail;
    b. Break-a-way posts should be installed on all sign posts;
    c. Township Utility Pipe Bedding detail;
    d. Township Sign Posts detail;
    e. Add the full Township Preservation Area Markers standard detail;
    f. Township No Parking Fire Lane sign detail, if required;
    g. Remove the Hydrant Assembly Detail and replace it with the standard Township Typical Hydrant & Valve Installation detail;
    h. All storm sewer structures should include the installation of ladders rungs 12” o.c.;
    i. Township Water Meter Pit detail;
    j. Revise the Stop Sign detail to be 30” x 30”;
    k. Provide an explanation of who will have the authority to enforce the $100 penalty fine shown on the Electric Vehicle Parking Detail;

l. Add Cleanout Box & Cover detail for all storm cleanouts in sidewalk/pavement areas. Cannot be marked 'Sewer';
m. Revise the Retaining Wall Section detail to note that structural design calculations and shop drawings prepared by a licensed NJ professional engineer should be submitted to the Construction Department for review and approval;
n. All sanitary sewer details shall be submitted directly to the Franklin Township Sewerage Authority for review and approval – Comment Only.

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

Outside Agencies:

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

Township Departments:

- Franklin Township Fire Department
- Franklin Township Police Department – No comments, 08/19/2025.
- Franklin Township Sewerage Authority
- Somerset County Health Department – *No objection, 10/10/2024.*

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.

DM/dm
cc: Planning Board Secretary

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
NPH Real Estate, LLC
390 Davidson Avenue
Block 502.01 – Lot 57.01
File #: PLN-24-00005 (RESUBMITTAL)

At its regularly scheduled meeting of October 6, 2025, the Franklin Township Environmental Commission ("EC') reviewed the above-referenced project. The following comments are submitted for consideration by the Franklin Township Planning Board:

- The applicant considered the EC's original request to conserve the three trees along the northeast boundary are (12", 7", and 9" in diameter, respectively). In response, the applicant has stated that the roots will be too disturbed to conserve with the new paved area proposed for the development. The EC again requests that the applicant work to conserve all or at least some of these larger trees. This may require some reconfiguration; however, these mature trees are worth saving.

- The mixed-use building appears to have exterior walls comprised mainly of glass. The EC again requests information as to how the interior temperature will be mitigated, specifically in the winter and the summer. A sizeable overhang to shade the glass should be installed to prevent overheating and glare. Additionally, decals and/or patterns should be placed on the glass to prevent bird collisions with the glass walls, as recommended by the American Bird Conservancy.

- The resubmitted plans show only one larger "Amenity Area" instead of the two smaller "Amenity Areas" from the original plan. The EC feels that the original plan worked better and gives more opportunities for eating, resting, etc., providing the "Amenity Area" closest to New Brunswick Road is buffered with vegetation.

- While outside of the EC's typical scope for site plan review, it has been noted that the mixed-use building has only one set of exit doors for the offices at the northeast section of the building. An additional exit near the southwestern section of the building should be installed for safety in case of an emergency.

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

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

FRANKLIN TOWNSHIP POLICE
TRAFFIC SAFETY BUREAU

TO: F.T. Zoning Board

FROM: Ofc. Ryan J. Ellington

DATE: August 19th, 2025

SUBJECT: **PLN-24-00005** **NPH Real Estate, LLC**

390 Davidson Ave, Somerset NJ

BLOCK: 502.01 LOT(S): 57.01

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

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

COUNTY OF SOMERSET
DEPARTMENT OF
PUBLIC HEALTH & SAFETY

DEPARTMENT OF HEALTH

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

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

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

Memorandum

To: Planning/Zoning Department

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

Date: November 10, 2025

Re: PLN-24-00005-NPH Real Estate, LLC-390 Davidson Ave

Block: 502.01, Lot: 57.01

The Health Department has no objection to this application.

Please note the following:

- If any of the proposed retail spaces include food (i.e. restaurants, convenience stores, vending machines etc.), separate plans and permit applications must be submitted to the Health Department prior to final approval.
- Any proposed trash and recycling enclosure(s) must be sufficient to meet overall usage and demand.

STAFF REPORT

PLEASE REFER TO DRCC # WHEN SUBMITTING ADDITIONAL DOCUMENTS

DELAWARE AND RARITAN CANAL COMMISSION

DRCC #: 24-3384A
DATE: June 18, 2024
PROJECT NAME: 390 Davidson Avenue -- Retail Development
Latest Submission Received: May 29, 2024

Applicant:
Tirupati and Priyanka Bhatt
NPH Real Estate, LLC
42 Dickerson Lane
Old Bridge, NJ 08857
tirupatibhatt@gmail.com

Engineer:
Shrinath J. Kotdawala
Kashi Consulting Company, Inc.
54 Oakland Mills Road
Englishtown, NJ 07726
shri@kashiinc.com

Project Location:

Road	Municipality	County	Block(s)	Lot(s)
390 Davidson Avenue	Franklin Township	Somerset	502.01	57.01

Jurisdictional Determination:

Zone B	Major	Nongovernmental

Subject to Review for:

Drainage	Visual	Traffic	Stream Corridors
X			

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

DRCC#: 24-3384A
DATE: June 18, 2024
PROJECT NAME: 390 Davidson Avenue -- Retail Development

Documents Received: Site Plans (3 sheets) dated February 1, 2024; Stormwater Management Report dated February 22, 2024; prepared by Kashi Consulting Company, Inc.

……..
Staff comments continued below.

The application is incomplete. The following is a staff report and review of deficiencies:

Existing Conditions: The existing property is a 107,001 square-foot (2.456 acre) lot located at the northwesterly corner of Davidson Avenue and New Brunswick Road in Franklin Township, Somerset County, approximately 1.4 miles southwest of the Delaware and Raritan Canal and within Commission Review Zone B. The property is located north of the intersection of New Brunswick Road and Davidson Avenue with an unnamed tributary to the Raritan River flowing along the northern property border. Multiunit residential developments are located to the south and east, and commercial developments are located to the north and west of the site.

In the existing condition, the lot is vacant and covered with grass and a few trees. As of the date of this application, there is no existing impervious surface on the site. Historic aerial imagery indicates that a single-family residential dwelling and driveway previously existed on the site from approximately 1956 until about 2013 but have since been removed.

The project area lot was the subject of a prior Commission permit application for proposed retail development consisting of two buildings, access drives, parking areas (DRCC #06-3384). However, that project was deemed to be technically and administratively incomplete in several respects and was never considered by the Commission.

Proposed Project: The applicant proposes to construct a two-story, mixed-use, 21,374 (10,687 square-foot footprint) square-foot building, and one single-story, 4,690 square-foot retail building, parking areas, access drives, stormwater management system and other associated infrastructure. The proposed project would result in an increase of 1.24 acres of impervious surface coverage on the site and the disturbance of approximately 1.4 acres of land.

Stream Corridor: An unnamed tributary to the Raritan River is located along the northern property line of the site which flows underneath the Delaware and Raritan Canal and into the Raritan River. The drainage area to the stream is approximately 520 acres at the downstream property limit. This watercourse has not been studied by the Department of Environmental Protection or FEMA. However, the site received a flood hazard area verification (1808-04-0039.1 LUP210001) for this lot in 2021. This verification noted a flood hazard area design flood elevation of 58.6 feet (NAVD 1988) on the site. The proposed development is located more than 100 feet from the 100-year floodplain limit. Therefore, this project is not subject to stream corridor impact review pursuant to N.J.A.C. 7:45-9.1(a).

Stormwater Runoff Quantity: Under the existing conditions, runoff from the site flows overland toward the unnamed tributary to the Raritan River. The submitted application proposes to control stormwater runoff flow and volume increases by means of the construction of two subsurface infiltration basins with 3.0-foot diameter underground chambers encased in stone with a 40 percent (%) void space. Each best management practice (BMP) will have a drainage area of less than 2.5 acres and is, therefore, considered a small-scale infiltration basin.

The stormwater report states that the stormwater management measures have been designed so the post-construction peak runoff rates for the 2-, 10- and 100-year storm events will be no greater than 50, 75 and 80%, respectively, of the pre-construction peak runoff rates of the site.

The submitted calculations utilized the Natural Resource Conservation Service (NRCS) Technical Release No. 55 (TR-55) hydrologic methodology, Delmarva unit hydrograph rainfall distribution and current New Jersey 24-hour rainfall frequency data for Somerset County to compute peak runoff flow rates and volumes. The submitted analysis assumed a 3-inches-per-hour exfiltration rate and a groundwater mounding analysis. However, the applicant has not provided plan details of the proposed stormwater management system. As a result, Commission staff is unable to determine if the proposed stormwater management measures will provide enough peak flow attenuation to meet the specific runoff quantity standards at N.J.A.C. 7:45-8.6(a)2.

Water Quality: The Commission requires that all proposed full-depth pavement, including newly constructed and reconstructed parking and access drives that are being renewed, must meet water quality standards in accordance with Commission regulations (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 0.85 acre of new access driveway and parking area pavement is being proposed onsite. The submitted stormwater report notes that the design proposes to treat for water quality by incorporating two separate filtration manufactured treatment devices (MTDs). These BMPs would provide pretreatment for stormwater being directed into the subsurface infiltration basin. Each filtration MTD is certified to provide 80% TSS removal. Therefore, the proposed stormwater quality design will address the requirements at N.J.A.C. 7:45-8.7.

Groundwater Recharge: The Commission regulations require that stormwater management measures maintain 100% of the average annual pre-construction groundwater recharge volume for the site, or that any increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

The submitted groundwater recharge analysis calculation (NJDEP GSR-32 spreadsheet) demonstrates that the annual groundwater recharge deficit for the entire site is 56,750 cubic feet. To infiltrate the post-development recharge deficit, two subsurface small-scale infiltration basins are proposed. The submitted GSR-32 spreadsheet indicates that the proposed infiltration system will provide a sufficient annual BMP recharge volume by exceeding the required effective BMP height to meet the recharge requirement. Therefore, Commission staff has determined the groundwater recharge requirements at N.J.A.C. 7:45-8.5 have been addressed.

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," the NJDEP Nonstructural Strategies Point System (NSPS) spreadsheet has been completed for this project. The results indicate that the ratio of proposed to existing site points (79%) is greater than the required site points ratio (70%). Therefore, 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 not submitted a stormwater management maintenance plan for the site. As a result, Commission staff is unable to determine if the project is in compliance with the specific requirements at N.J.A.C. 7:45-8.8.

Additional Information Required:

1. The applicant shall provide plan details for all the proposed stormwater management BMPs and infrastructure to ensure the plans match the proposed design calculations. All BMP design details shall be consistent with the specifications noted in Chapter 9 in the NJ Stormwater BMP Manual.

2. The applicant shall identify each MTD design specification on the proposed plan set.

3. The applicant must comply with the specific stormwater management maintenance standards at N.J.A.C. 7:45-8.8 for all structural stormwater management facilities proposed onsite.

4. 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

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

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

Sincerely,

John Hutchison
Executive Director

c. Somerset County Planning Board
Franklin Township Planning Board
Peter U. Lanfrit, Esq. (peter@borrus.com) (erin@borrus.com)

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@co.somerset.nj.us
www.co.somerset.nj.us

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1st Alternate
Vacant
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Adam Slutsky
County Engineer Alternate

STAFF
Walter C. Lane, PP, AICP
Director of Planning
Joseph DeMarco, Esq.
County Counsel

July 16, 2024

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

RE: BHATT'S PLAZA
BLOCK 502.01 – LOT 57.01
FL 898:003-24S
390 DAVIDSON AVENUE

Dear Mr. Orsini:

This office and the office of the County Engineer have reviewed information submitted for the above-referenced project. The 1.63 acre tract is located on Davidson Avenue. The reviewed information consists of a plan entitled "Jain Center Driveway Realignment" dated July 12, 2012, with a most recent revision date of January 20, 2014. The Reynolds Group prepared the plan and the report.

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

The reviewed information consists of the following documents:

- A plan entitled "Preliminary and Final Site Plan for an Mixed Use Office/Retail and a Retail Building at 390 Davidson Avenue in Township of Franklin, Somerset County, NJ" dated February 1, 2024, last revised April 22, 2024, and prepared by Kashi Consulting Company.

- A plan entitled "Pre and Post Development Drainage Area Map, Block 502.01, Lot 57.01, Township of Franklin, Somerset County, NJ" dated February 1, 2024, prepared by Kashi Consulting Company.

- A letter entitled "Subject: Site Plan Approval request for an office and retail building at 390 Davidson Road in Franklin Township, Somerset, NJ" dated May 12, 2024, prepared by Kashi Consulting Company.

- A report entitled "Traffic Impact Analysis for NPH Real Estate LLC, Proposed Mixed-Use Development, 390 Davidson Avenue, Block 502.01, Lot 57.01, Franklin Township,

Somerset County, NJ" dated February 27, 2024, prepared by Dolan & Dean Consulting Engineers.

- A report entitled "Stormwater Management Report for Office and Retail Buildings at 390 Davidson Avenue (Block 502.01, Tax Lot 57.01) in Township of Franklin, Somerset County, NJ" dated February 22, 2024, prepared by Kashi Consulting Company.

The applicant proposes two buildings for office and retail use. The first building will have 4,690 square feet (SF) of retail use. The second building will have 21,374 SF of retail and office use. The plans include a parking lot and access driveways along New Brunswick Road and Davidson Avenue.

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

Title Sheet Requirements

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."

Recycling Requirement

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

Stormwater Management Requirements

The Site Plan shows stormwater runoff from proposed site improvements to drain predominantly westerly to the Raritan River tributary and downstream of County Bridge No. H0602.

As a result of the above, it is requested that the Township handle the review of the stormwater management plans.

County Bridge No. H0602 Requirements

1. Portions of County Bridge No. H0602 are located on the subject property. The plans shall be revised to label County Bridge No. H0602 on all plan sheets that show the bridge.

2. The plans shall be revised to dedicate a bridge easement to Somerset County at the western corner of the property along New Brunswick Road. The area being dedicated shall be clearly identified on the plan as "*Bridge Easement Dedicated to Somerset County*" and shall show all

bearings, distances, and curve data. The bridge easement shall extend 15 feet to the northeast and southeast from the end of the Bridge H0602 wingwall (see attached markup).

The bridge easement shall be recorded separately by deed in the County Clerk's Office as well as being shown on the site plan. A metes and bounds description of the bridge easement that is signed and sealed by a Professional Land Surveyor shall be submitted for review and acceptance to the Office of the County Engineer. Once accepted, the signed and sealed original metes and bounds description shall be incorporated into the executed deed that transfers the easement 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.

Review Fee

Check #5161 in the amount of $625 for the review fee, is being returned to the applicant. It has been replaced by check #1019 in the amount of $175.

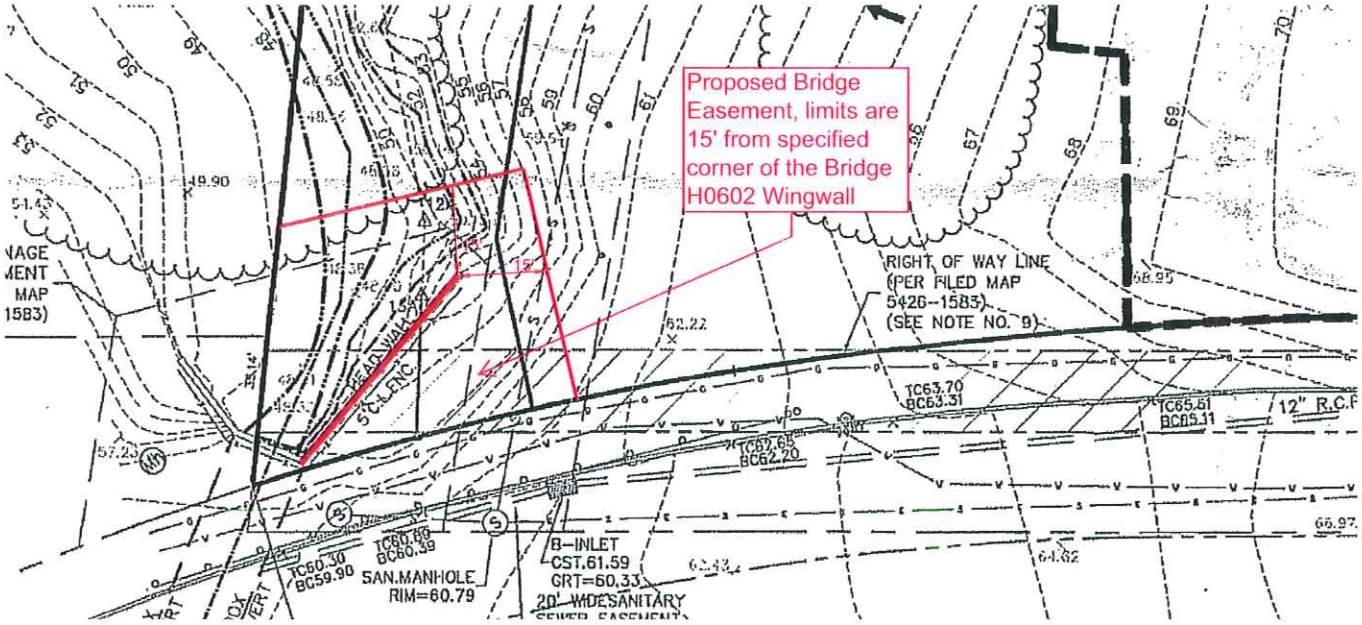
This report reflects comments from the County Planning Board and the office of the County Engineer (908) 231-7024. Should you have any questions, please contact the appropriate individual listed below.

Sincerely,

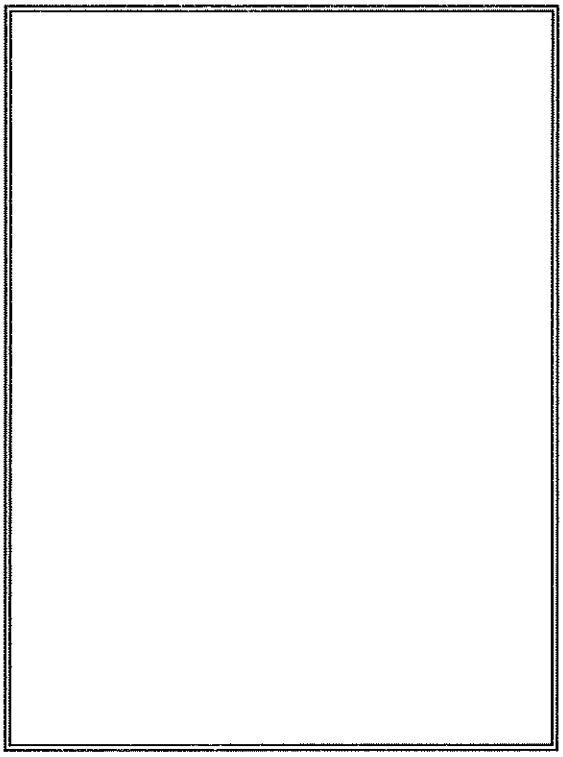
Nora Fekete
Planner

Philip Kao
Engineer, Land Development Section

cc: Christine Woodbury, Board Secretary via email
Franklin Township Engineer
Tirupati Bhatt & Priyanka Bhatt (NPH Real Estate, LLC) (tirupatibhatt@gmail.com) via email and US Mail (with enclosure)
Shrinath J. Kotdawala (Kashi Consulting Company, Inc.) (shri@kashiinc.com) via email (with attachments)
Peter U. Lanfrit, Esq., via email


Proposed Bridge Easement, limits are 15' from specified corner of the Bridge H0602 Wingwall
RIGHT OF WAY LINE (PER FILED MAP 5426--1583) (SEE NOTE NO. 9)
HEADWALL
5'CLFNC
TC63.70 BC63.31
TC65.61 BC65.31
12" R.C.P
TC67.65 BC62.20
TC60.65 BC60.59
TC60.30 BC59.90
SAN.MANHOLE RIM=60.79
B-INLET CST.61.59 GRT=60.33
20' WIDE SANITARY
49.90
62.22
64.82
68.95
66.97

SOMERSET COUNTY
ACCEPTANCE STAMP



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

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

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