



TOWNSHIP OF FRANKLIN
Planning Board
Agenda
Wednesday, June 3, 2026

CALL TO ORDER

SUNSHINE LAW

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES

Regular Meeting - April 15, 2026

APPROVED

[PLANNING BOARD - 04-15-2026.rtf](#)

RESOLUTION

IONNA, LLC / PLN-26-00002

APPROVED

[RESOLUTION.docx](#)

Odin Dhun, LLC / PLN-24-00007

APPROVED

[RESOLUTION.docx](#)

DISCUSSION

Ordinance:

Review of BI Zone -- #4507-26

APPROVED

[Tech Memo re BI Ord Master Plan Consistency 5-28-26.pdf](#)

[4507-26 - Amend Zoning Ordinance - B-I Zone - Warehouses.docx](#)

PUBLIC COMMENTS

HEARING

AP REALTY GROUP, LLC / PLN-26-00006

Minor Subdivision w/C Variance in which the applicant seeks to subdivide the property into three lots at 426 Ralph Street, Somerset; Block 227 Lots 15-18 in zone R-7

DL

08/23/2026

<https://www.franklintwpnj.org/committees-commissions/planning-board/application-material/ap-realty-group-llc-pln-26-00006/-fsiteid-1#!/>

APPROVE

[EC report 05.19.26 ng.docx](#)

[TRC report 05.21.26.pdf](#)

BOARD COMMENTS

WORK SESSION / NEW BUSINESS

ADJOURNMENT

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

**REGULAR MEETING
April 15, 2026**

The regular meeting of the Township of Franklin Planning Board was held at the Franklin Township Municipal 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, Robert LaCorte, Jennifer Rangnow, Meher Rafiq, Charles Brown, Robert Thomas, and Chairman Orsini

ABSENT: Marc Dancy and Sami Shaban

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

MINUTES:

- **Regular Meeting – March 4, 2026**

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

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

AGAINST: None

RESOLUTION:

- **789 Hamilton, LLC / PLN-20-00008 Extension of Time**

Chairman Orsini made a motion to approve the Extension of Time. Ms. Rafiq seconded the motion, and the roll was called as follows:

FOR: Councilman Anbarasan, Mr. LaCorte, Ms. Rangnow, Ms. Rafiq, Vice Chair Brown, Mr. Thomas, and Chairman Orsini

AGAINST: None

DISCUSSION:

There were no discussion items that evening.

PUBLIC COMMENTS:

Chairman Orsini made a motion to open the meeting to the public for any general Planning comments. Vice Chair Brown seconded the motion, and all were in favor. Seeing no one coming forward, Chairman Orsini made a motion to close the meeting to the public, Vice Chair Brown seconded the motion, and all were in favor.

HEARING:

- **CONCORE REALTY, LLC / PLN-23-00006**

Preliminary & Final Major Subdivision w/"C" Variances in which the Applicant seeks approval to construct a 15,425 sq. ft. warehouse at 403 Elizabeth Avenue, Somerset; Block 502.02, Lot 9.01, in the Business & Industry (B-I) Zone - **CARRIED TO OCTOBER 21, 2026 – with notification required.**

DL - 10/31/2026

- **COUNTY OF SOMERSET / PLN-26-00003**

Minor Subdivision w/"C" Variance in which the Applicant seeks to subdivide the property into two(2) lots. One(1) lot will be added to Franklin Township's Open Space inventory. The address is 1452 Canal Road, Somerset; Block 9, Lot 2.04, in the Canal Preservation (CP) Zone - **CARRIED TO MAY 6, 2026 - with no further notification required.**

DL - 06/19/2026

- **IONNA, LLC / PLN-26-00002**

Mr. Joe Paparo, Esq., Attorney, appeared before the Board on behalf of the Applicant, Ionna, LLC. Preliminary and Final Site Plan w/”C” Variance in which the Applicant sought to convert 13 existing parking stalls into 10 EV charging stalls, including two ADA compliant, at 607 Somerset Street, Somerset; Block 164, Lot 1.01, in the R-C Zone.

Mr. Paparo indicated that the subject property was the location of an existing Wawa fueling station and convenience store. He then told the Board that Ionna was proposing to convert existing parking spaces for EV charging, with a total of six (6) EV chargers would be installed in the parking area to service a total of 12 EV parking spaces. He went on to state that, associated with the EV chargers, there was related equipment switch gear that was needed to power the chargers. He added that they were proposing to install a canopy over those chargers for the convenience of those individuals who were charging their vehicles. He then indicated that there were some variances that they were seeking and would go into that in greater detail through their witness testimony. Mr. Paparo indicated that they did receive the Technical Review Committee (TRC) memo, dated March 11, 2026.

Chairman Orsini stated that there were four (4) staff reports, with three (3) of them basically saying they do not have any comments. He then stated that he felt that they would have no problem stipulating to agree to comments in the TRC report, #2 through #13. Mr. Paparo agreed with that statement. The Chairman then indicated that for the equipment, especially for the canopy, it may well extend higher than the 6 ft. fence that they have there. He added that they had pictures of the landscaping, that looked fairly dense, of what a neighbor would see and what the Applicant may do to mitigate that.

Mr. Paparo indicated that they have some clarifications regarding the Township’s EV Ordinance that they would like to make, for the record, which were consistent with the recommendations in the TRC report.

Mr. Joseph Ventura, Civil Engineer, employed with Kimley-Horn Associates, 301 Carnegie Center, Suite 202, Princeton, NJ 08540. The Board accepted his qualifications. Mr. Ventura then spoke about the location of the equipment, the canopy, any buffering they would like to address. He first entered into the record as Exhibit A-1, showing the existing conditions on the site to include the Wawa convenience store and gasoline service station. He then noted that the location of the proposed improvements was going to be along the rear of the property, along Myrtle Street, with Juliet Avenue on the east side of it. He added that while this was in the rear portion of the property, due to the layout of the property with the associated Myrtle Street there, this was being classified as what was considered a front yard setback (40 ft.). He went on to explain that the location of the chargers and the canopy and associated equipment was being located within the front yard setback as well as within the 20 ft. residential buffer across from Myrtle Street. He then added that there were two (2) existing fences that were located on-site to include a 6 ft. white vinyl fence and black, striped privacy fencing

along the property line itself. Mr. Ventura then mentioned that there was existing landscaping and buffering within this residential buffer area there. While they were proposing the improvements within both the buffer area and the front yard setback, they were not proposing any disturbance or changes to the actual buffering, i.e., trees and landscaping itself in that area and were not proposing to move the location of the fence. He noted that if there was any regrading, it would be reset in the location itself.

Chairman Orsini then asked if the grading would be lower or higher and would the 6 ft. fencing now only be, perhaps, 5 ft. or 7 ft. Mr. Ventura explained that they had done the grading in such a way that the gross footings right at that fence space and they would treat that fence as their limits of disturbance. So, the Chairman then stated that they could expect that anything that was six (6) ft. or less would be shielded. He noted that Figure 3 in the TRC report looked like there was fairly dense foliage there, which they would ask them to maintain.

Mr. Ventura then discussed the other setback variance that they were looking at was in regards to the side yard setback what was on the west side of the property. He then added that, again, due to the layout of the site with the streets going in their manner, that would be a side yard setback right there with a 40 ft. of side yard due to the proposed canopy in that location. As a result, they would need a proposed canopy side yard setback variance of the 24.4 ft. In discussing the site, Mr. Ventura indicated that he would classify the site as having a unique property characteristic with multiple frontages that would be considered a hardship. He then added that he felt that the setback relief requested was being mitigated by the existing vegetation and the fencing. He added that he did not see any negative impacts on neighboring properties based on his design and setback that was being provided.

Mr. Ventura then spoke to the signage that was being requested and another variance that they were seeking. He noted that there were actually signs that were being proposed on the canopy for Ionna as well as Wawa and provided a rendering of the same, entered it into the record as Exhibit A-2. Mr. Ventura then stated that the rendering was prepared by Ionna that was used for visualizing the proposed signage on the canopy and not directly akin to their site configuration with the fencing behind it and the grades there. The intent of the signs was to alert motorists coming on to the site to identify where they would have to go for their charging for quick access to it and also to distinguish Wawa's traditional gasoline fueling area and the area of the site for electric vehicle charging. He noted that the rendering was made to show Ionna's branding and colors. They discussed the fact that the signs faced into the site and the side of the property where motorists would enter and not towards the residential properties. He added that the signs were internally lit. He noted that his lighting plan incorporated the illumination coming off of those signs and canopy and would comply with the maximums allowed by Franklin Township.

Mr. Ventura spoke to a recommendation in the TRC report that they made sure to stripe the parking spaces for the electric vehicles with white striping, which they had agreed to even though the EV Ordinance of Franklin Township recommends using green. As

such, he stated that they would be requesting a design waiver from the ordinance to provide green striping.

Chairman Orsini asked that Mr. Ventura discuss the need of the canopy, the height of the canopy and how it would look to the residential area and what could potentially be done to mitigate, to the largest extent possible, its visibility to Myrtle Street. Mr. Ventura explained that the canopy over the EV charging stations were similar to a canopy over the gas pumps at a gas station to provide lighting, particularly at night, for security and safety and to provide shelter from the elements during all seasons of the year. He added that they would work with the Township Engineer as well to add additional landscaping, as needed.

Vice Chair Brown stated that he understood the importance of the canopy for patrons of the EV charging stations, but did not understand the importance of branding especially since Wawa already has a very strong brand. A discussion ensued, and the Chairman asked if they could agree to just the interior sign on the front towards the Wawa and not the side sign. Mr. Paparo indicated that that his client agreed that that would be a fair compromise.

Mr. Thomas opened a discussion with what the residents across the street from the site see now, before a canopy is added. Mr. Thomas indicated that it might be a bit of a positive addition of the canopy to break up the sight of a wall to the building. Mr. Healey indicated that the residents across the street see a landscaped buffer and at least a 6 ft. vinyl fence and maybe the top portion of the canopy. Mr. Ventura stated that the canopy was approximately 2 ft. thick atop two (2) posts and then cantilevers up a little bit slightly and would shield some of the view from the lighting.

Dr. Chase then opened a discussion regarding any landscaping along the Myrtle Street side of the fence. Mr. Ventura indicated that some of the landscaping was higher than the 6 ft. fence as shown in the photo in the TRC report.

Councilman Anbarasan asked if the EV chargers were the supercharger types that would complete charging in 15 minutes or so.

Mr. David Lane, Site Development Manager employed with Ionna, LLC, 4022 Stirrup Creek Drive, Suite 315, Durham, NC, came forward and was sworn in. Mr. Lane indicated that they were Level 3, fast DC charging and could be as quick as 15 minutes – 30 minutes depending on the type of battery and the amount of charge needed. He added that there were two (2) types of charging, including a CCS plug and an AX plug. He also indicated that the white parking spot striping was preferred. He then spoke about having signage on the ground in the individual parking spaces to indicate the type of plug port that the particular charging unit accommodated.

Vice Chair Brown inquired about the lighting on the canopy, asking if the lighting would be only underneath the canopy and only serve the EV charging patrons by only pointing

down, and Mr. Ventura concurred. The Chairman then mentioned that they had already stated that they would be submitting their updated lighting plan.

Mr. Paparo then gave his closing summation to include the fact that Wawa also allowed parking in any of the parking spaces on-site for anyone, even utilizing the EV charging spaces.

Chairman Orsini made a motion to open the meeting to the public and was seconded by Ms. Rafiq. All were in favor.

A member of the public asked about the EV charging stations and the ADA accessibility to them.

Mr. Ventura stated that two (2) of the 12 EV chargers were proposed as ADA accessible on the left side of the site, with an access aisle in between. He added that on their grading plan that was submitted showed the ADA accessibility from the striped aisle he was pointing to on the slide along the crosswalk and into the store. He noted that those parking spots were signed for ADA only.

Seeing no one further from the public wishing to speak, the Chairman made a motion to close the meeting to the public. The motion was seconded, and all were in favor.

Councilman Anbarasan asked for clarification on how many EV stations/chargers were going to be provided and how many ADA compliant EV charging stations/chargers there would be. Mr. Paparo indicated that the exhibit that they were showing was the most updated and included 12 EV charging spaces, to include two (2) ADA compliant charging spaces.

Mr. Healey stated that he did not have any issues with the waivers requested that were brought up that evening, noting that the green striping may have come from the model ordinance from the State perhaps to distinguish EV spaces from regular spaces that were co-mingled. He added that he did not think it matters in this case and there would be no need for green striping to point that out as it would be obvious.

Vice Chair Brown had a question related to snow and how that would be handled on the canopy in terms of maintenance, even though a portion would be pitched. Mr. Ventura stated that the canopy was pitched back to the rear and it also had internal trenching as well as PVC downspouts that would go down the columns themselves. Vice Chair Brown suggested that they had a snow maintenance plan that could be agreed to to protect landscaping and the fence behind it. Mr. Lane indicated that they have a licensing agreement with Wawa included maintenance and would work with Wawa to incorporate their canopy into their maintenance plan.

Chairman Orsini then made a motion to approve the Application, with the variances for front yard and side yard setbacks as well as the signage variance and design waivers for signage and the color of striping. Additionally, the Chairman added compliance with

the TRC report to redo the lighting plan and that none of the landscaping would be disturbed. Vice Chair Brown seconded the motion, and the roll was called as follows:

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

AGAINST: None

BOARD COMMENTS:

Mr. LaCorte then discussed the upcoming activities for Franklin 250 that included a cocktail affair with George and Martha Washington sponsored by the Meadows Foundations at the Hageman Barn. He then spoke about Patriots Day and free for everyone to step back into what childhood was like back in 1775 and play colonial games. He then spoke about training with some of the militia, send spy messages, learn what soldiers carried and how families survived when everything changed. He then reminded everyone that their second batch of coins were coming in and were shipped, pictures drawn would be sown together to be put in a 50-yr. time capsule along with signing a flag that would also be included.

The Chairman stated that he went to the Sealey's Run Stream Clean-up and met up with former Board member, Rebecca Hilbert. He indicated that there were a couple of issues related to some of the trash that they cleaned out of the stream and one had to do with the Stop & Shop, including shopping carts. A suggestion was made by the Environmental Commission as well as the Lower Raritan Watershed Partnership if they would put up a higher fence and the fence around Inman Park was brought up since it was quite high and has slanted barbed wire to the outside. The Chairman then asked Mr. Healey what the Stop & Shop site plan looked like and did they ever have a larger fence than what was currently there and see if they could put up a higher fence, at least on the buffer between them and the Sealey's Run bank.

On a related note, the Chairman indicated that they noticed that Franklin Green's trash/recycling enclosure was quite inadequate and overstuffed and may not have enough bins. He added that they picked out a fair amount of their recycling from the stream and simply put it back in their receptacle because it was very clear where it came from. He stated that they either needed to increase the number of dumpsters or probably more than that, they just need to make the enclosure better. Chairman Orsini stated that that should be easy to enforce because that had to have been on a site plan to begin with. He then told the Board that they pulled out 54 bags of trash and recycling

Dr. Chase indicated that Stop & Shop should want to retain their shopping carts, and a discussion ensued.

WORK SESSION / NEW BUSINESS:

There was no work session or new business to discuss.

EXECUTIVE SESSION:

The Board did not enter into Executive Session.

ADJOURNMENT:

A motion was made by Chairman Orsini to adjourn the meeting at 8:07 p.m., and was seconded by Ms. Rafiq. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
May 14, 2026

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF
FRANKLIN, SOMERSET COUNTY, NEW JERSEY,
GRANTING PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
WITH BULK VARIANCES AND DESIGN WAIVERS TO IONNA, LLC,
CONCERNING PROPERTY LOCATED
AT 607 SOMERSET STREET, SOMERSET, NEW JERSEY
AND DESIGNATED AS BLOCK 164, LOT 1.01**

Docket No. PLN-26-00002

WHEREAS, IONNA, 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 with bulk variances and design waivers, for the premises currently designated on the Tax Map of the Township of Franklin as Block 164, Lot 1.01 and located on what is commonly known as 607 Somerset Street, Somerset, New Jersey (hereinafter referred to as the “Subject Property”), and is located within the Renaissance Commercial (“R-C”) district of the Renaissance Redevelopment Area; 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 Joseph A. Paparo, Esq.; and

WHEREAS, a public hearing was held on the application on April 15, 2026, during which time the Applicant presented testimony, witnesses, reviewed the site plan and the case was opened for public comment; and

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

WHEREAS, the Applicant is seeking preliminary and final major site plan approval with bulk variances and design waivers to convert thirteen (13) existing parking stalls to twelve (12) electric vehicle (hereinafter “EV”) parking spaces serviced by six (6) EV charging stations on concrete pads, two of which will be ADA compliant, install a utility transformer and switchgear on concrete pads and to add a 15-foot-high, canopy structure with signage (hereinafter the “Applicant’s Project”) on the Subject Property; and

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

1. The following reports and/or correspondence were received and reviewed by the Board:
 - A. Application for preliminary and final major site plan approval;
 - B. Application for variance relief;
 - C. Site Plan entitled “Site Plan for Installation of Electric Vehicle Charging Infrastructure, Project Name: NJ-0036, Somerset, NJ, 607 Somerset Street, Somerset, NJ 08873, block 164, Lot 1.01,” prepared by Kimley-Horn and Associates, Inc., under the signature of Zhi

- H. Chow, P.E., dated January 28, 2026, last revised on February 26, 2026, consisting of twenty-three (23) sheets;
 - D. ALTA/NSPS Land Title Survey, prepared by Westwood Professional Services, Inc., dated November 18, 2025, containing no revisions, consisting of one (1) sheet;
 - E. Jurisdictional Determination from the Delaware and Raritan Canal Commission dated February 19, 2026;
 - F. Memorandum of the Technical Review Committee (hereinafter "TRC") dated March 11, 2026;
 - G. Memorandum of Franklin Township Environmental Commission dated March 17, 2026; and
 - H. Letter from the Somerset County Planning Board dated April 6, 2026.
2. The following exhibits were marked into evidence:
- Exhibit A-1 Aerial Photograph of Subject Property and Neighboring Properties.
 - Exhibit A-2 Rendering of Proposed Canopy Depicting Signage.
3. At the hearing, the following testimony was introduced:
- A. At the time of the hearing, the Applicant required preliminary and final major site plan approval together with bulk variances and design waivers related to the following conditions in connection with the Applicant's Project:
 - i. Residential Buffer (Myrtle Street) - 20 feet required and elements of the Applicant's Project (canopy, EV chargers and concrete pads, transformer on concrete pad and switchgear on concrete pad) located within the buffer;
 - ii. Minimum Front yard setback - where 40 feet is required and 16.1 is proposed (canopy Myrtle Street);
 - iii. Minimum Side yard setback - where 40 feet is required and 24.4 feet is proposed (canopy);
 - iv. Maximum Number of Signs - where 1 sign is required and 3 signs are proposed; and
 - v. Electric Vehicle Parking Space Striping Color – where green is required and white is proposed.
 - vi. Electric Vehicle Signage – reserving spaces for EV vehicles only where proposed signs allow use of spaces by EV and non-EV vehicles.
 - B. Mr. Joseph Paparo, Esq., Attorney, appeared before the Board on behalf of the Applicant. He indicated that the Applicant was seeking preliminary and final major site plan approval together with bulk variances and design waivers to construct the Applicant's Project on the Subject Property located in the R-C zone of the Renaissance Redevelopment Area.
 - C. Mr. Paparo indicated that the Subject Property was currently improved with a Wawa gasoline service station and convenience store. He stated that the Applicant proposed to convert thirteen (13) existing parking spaces to twelve (12) EV charging spaces. Mr. Paparo advised that a total of six (6) EV chargers would be installed in the parking area to service the twelve (12) EV parking spaces. He noted that switch gear equipment and a utility transformer were also required to power the EV chargers. Additionally, Mr. Paparo noted that a canopy was proposed over the EV chargers for the convenience of the

customers. He acknowledged that the Applicant required several variances in connection with the Applicant's Project; and indicated that the Applicant's witnesses would supply more specific testimony concerning same.

Mr. Paparo confirmed receipt of the TRC memorandum dated March 11, 2026. In response to an inquiry from the Board, he indicated that the Applicant can voluntarily agree to address Comments 2 through 13 from the TRC memorandum.

- D. The Board noted that the proposed EV chargers and canopy may extend higher than the existing six-foot-high fence. It acknowledged that the photographs of the area in the TRC memorandum seem to depict dense landscaping which might screen the view from neighboring properties along Myrtle Street; but questioned what additional measures the Applicant might propose to further mitigate the effects of the Applicant's Project.
- E. Mr. Joseph Ventura, P.E., the Applicant's Civil Engineer, came forward and was sworn in. The Board accepted his qualifications. Initially, he proffered Exhibit A-1, an aerial photograph of the Subject Property and neighboring properties; which was entered into the record by the Board. Referring to Exhibit A-1, Mr. Ventura reviewed the existing conditions on the Subject Property, as well as the location of the Applicant's Project; including the equipment, the canopy and buffering (at the rear of the Subject Property along Myrtle Street).

Mr. Ventura indicated that the Applicant's Project was located at the rear of the site; but that it was considered a front yard because the Subject Property had frontages on three (3) streets. He advised that, as a result, the portions of the Subject Property adjacent to Myrtle Street and Juliet Avenue were considered front yards requiring a minimum 40-foot setback. Mr. Ventura testified that the proposed canopy and charging equipment were located within the Myrtle Street front yard setback area, as well as within the 20-foot buffer required due to the residential use to the northwest across Myrtle Street. He advised that two (2) fences existed on the Subject Property; namely, a 6-foot-high, white vinyl fence in the vicinity of the Applicant's Project and a chain link fence with privacy slats along the property line adjacent to Myrtle Street.

Mr. Ventura testified that landscaping existed within the buffer along Myrtle Street. He stated that the Applicant's Project seeks to augment the screening within the 20-foot residential buffer and the front yard setback area along Myrtle Street. Mr. Ventura noted that the Applicant's Project does not propose to modify any of the existing improvements (landscaping or fencing) within the 20-foot residential buffer and the front yard setback area along Myrtle Street. He stated that if the Applicant's Project requires regrading which necessitates the removal of the fence, it will be re-set in the existing location on the Subject Property.

In response to a Board inquiry concerning the relative grade of the area of the existing fence in relation to the area of the Applicant's Project, Mr. Ventura explained that the Applicant's Project would meet the existing grade at the fence line. In light of this fact, the Board acknowledged that any portion of the Applicant's Project which is six feet or lower would be screened by the existing fence. The Board further noted that Figure 3 of the

TRC memorandum depicted dense foliage in the area; and that the Board would require that the Applicant maintain the foliage.

- F. Mr. Ventura then identified the side yard setback variance required for the Applicant's Project. He noted that the Applicant's Project would be setback 24.4 feet from the southwest property line; where a 40-foot side yard setback was required by the LDO. Mr. Ventura opined that the Subject Property was unique due to its multiple frontages; which would qualify as a hardship under the MLUL. He asserted that the setback relief requested by the Applicant's Project was being mitigated by the existing vegetation and fencing. Mr. Ventura indicated that there were no negative impacts on neighboring properties based on the design of the Applicant's Project, as well as the proposed setbacks being provided.

Mr. Ventura then reviewed the signage proposed by the Applicant's Project; noting another variance required for the signage. He proffered Exhibit A-2, a rendering of the proposed canopy signage; which was entered into the record by the Board. Referring to Exhibit A-2, Mr. Ventura noted that the rendering was designed to depict the proposed canopy signage and did not accurately represent other site conditions. He testified that the intent of the signs was to supply ready identification of the charging areas for motorists coming on to the site; and also, to distinguish Wawa's traditional gasoline fueling area from the area of the site for EV charging. Mr. Ventura advised that rendering in Exhibit A-2 was also designed to depict the Applicant's branding and colors. He indicated that the proposed signs faced the interior of the site and the northeasterly side of the property where motorists would enter the site; and not towards the residential properties. Mr. Ventura stated that the signs were internally lit. He confirmed that the Applicant's lighting plan incorporated the illumination from the signs and canopy; and would comply with the maximum light levels allowed by the Franklin Township LDO.

Mr. Ventura acknowledged a request in the TRC memorandum that the EV spaces be designated by white pavement striping; despite the requirement in the Township EV ordinance that green striping be used to identify the EV spaces. He confirmed that the Applicant was willing to use the white striping requested in the TRC memorandum; and indicated that the Applicant was requesting a design waiver from the requirements of the Township EV ordinance.

In response to a Board inquiry concerning the need for the canopy, its impact on the residential properties along Myrtle Street and any potential means to mitigate the impact on the residential properties, Mr. Ventura explained that the canopy over the EV charging stations was similar to the canopy over the pumps at a gasoline service station. He noted that the canopy supplies lighting for safety (especially at night), as well as protection from inclement weather during all seasons of the year. Mr. Ventura indicated that the Applicant would agree to work with the Board Professionals to supply additional landscaping to further screen the residential properties, as needed.

- G. In response to a Board concern over the need for the proposed signage, Mr. Paparo confirmed that the Applicant would voluntarily agree to eliminate the canopy sign on the side of the structure facing Juliet Avenue and only request the two (2) canopy signs facing the interior of the site.

- H. In response to a Board inquiry concerning the current view of the Subject Property from residential along Myrtle Street, Mr. Ventura advised that the view is the landscaping, fence and the wall of the existing building on the site. He opined that the addition of the canopy might provide a positive visual impact by breaking up the view of the wall of the structure. He stated that the canopy would be approximately two (2) feet thick atop two (2) posts. He noted that the canopy cantilevers up away from Myrtle Street; which would shield some of the lighting from view.

In response to a Board inquiry concerning landscaping along the side of the fence adjacent to Myrtle Street, Mr. Ventura indicated that some of the landscaping was higher than the 6-foot-high fence; as shown in the photo in the TRC memorandum.

- I. In response to a Board inquiry concerning the type of chargers proposed by the Applicant's Project, Mr. David Lane, the Applicant's Site Development Manager, came forward and was sworn in. He indicated that the proposed chargers would be Level 3, fast DC charging; which could charge a vehicle in as quick as 15–30 minutes depending on the type of battery and the amount of charge needed by the vehicles. Mr. Lane advised that two (2) types of charging were provided by each EV charger; namely, a CCS plug and an NACS plug. He also indicated that the Applicant preferred the white parking spot striping. Finally, Mr. Lane stated that signage would be supplied on the ground in the individual parking spaces to indicate the type of plug port that the particular charging unit accommodated and additional signs advise customers that EV spaces are open to all customers, not exclusively for EV customers as mandated by the Township's EV ordinance.
- J. In response to a Board inquiry concerning lighting location, Mr. Ventura confirmed that the proposed lighting would only be under the canopy for the convenience of patrons of the EV charging spaces. The Board acknowledged the Applicant's prior agreement to submit a revised lighting plan to the satisfaction of the Board Professionals as a condition of any Board approval.
- K. In response to a Board inquiry for confirmation of the number of EV charging spaces, including ADA compliant EV charging spaces, Mr. Paparo indicated that 12 EV charging spaces, including two (2) ADA compliant charging spaces, were proposed by the Applicant's Project.
- L. Mr. Healey advised that he had no issues with the waiver requested for the Applicant's Project with respect to the color of parking striping. He noted that the green pavement striping in the Township EV ordinance likely came from the NJ model ordinance; and that the color was designed to distinguish EV spaces from regular spaces in a co-mingled parking field. Mr. Healey opined that such a color difference was not necessary to distinguish the EV spaces from the regular spaces in the Applicant's Project due to its location, placement under the canopy and signage.
- M. In response to a Board inquiry concerning the impact of snow on the proposed canopy, Mr. Ventura stated that the canopy was pitched back to the rear property line which would direct any snow towards the landscape area. He further indicated that the canopy

structure includes internal trenching and PVC downspouts to direct drainage from the canopy.

- N. In response to a further Board concern over the protection of the rear landscaping and fence from snow and ice falling from the canopy, Mr. Lane stated that the Applicant has a licensing agreement with Wawa which includes maintenance. He advised that the Applicant would work with Wawa to incorporate the canopy into Wawa's maintenance plan.
4. At the hearing, the application was opened by the Board for public comment and the following public comment was received:
- A. A member of the public questioned the ADA accessibility to the EV charging stations. In response, Mr. Ventura stated that two (2) of the 12 EV chargers were proposed as ADA accessible on the left side of the site, with an access aisle in between. He added that on their grading plan that was submitted showed the ADA accessibility from the striped aisle he was pointing to on the slide along the crosswalk and into the store. He noted that those parking spots would contain signage designating them as for ADA use only.

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, **IONNA, LLC**, is the lessee of a portion of real property located at 607 Somerset Street Somerset, New Jersey, and currently designated on the Tax Map of the Township of Franklin as Block 164, Lot 1.01, same being located within the R-C zone of the Renaissance Redevelopment Area. The Subject Property is 1.720 acres in size and is currently improved with and existing building together with parking areas and other site improvements used as a Wawa gasoline service station and convenience store.
2. The Applicant is proposing to convert thirteen (13) existing parking stalls to twelve (12) EV parking spaces serviced by six (6) EV charging stations on concrete pads, two of which will be ADA compliant, install a utility transformer and switchgear on concrete pads and to add a 15-foot-high, canopy structure with 2 signs on the Subject Property. The Board notes that the Subject Property is compliant as to the bulk requirements of the R-C zone with the exception of residential buffering, minimum front yard setback, minimum side yard setback, and signage.
3. Specifically, the Applicant requires the following variance relief and design waivers:
 - A. Residential Buffer (Myrtle Street) - 20 feet required and elements of the Applicant's Project (canopy, EV chargers and concrete pads, transformer on concrete pad and switchgear on concrete pad) located within the buffer;
 - B. Minimum Front yard setback - where 40 feet is required and 16.1 is proposed (canopy Myrtle Street);
 - C. Minimum Side yard setback - where 40 feet is required and 24.4 feet is proposed (canopy);
 - D. Maximum Number of Signs - where 1 sign is permitted and 2 signs are proposed

- E. Electric Vehicle Parking Space Striping Color – where green is required and white is proposed.
 - F. Electric Vehicle Signage – reserving spaces for EV vehicles only where proposed signs allow use of spaces by EV and non-EV vehicles.
4. The Board is satisfied that pursuant to N.J.S.A. 40:55D-70(c)(1) and (c)(2) that the Applicant is entitled to the aforementioned variance relief. The hardship is due to the Subject Property's frontage on three roadways; resulting in the site having three (3) front yards with minimum setback requirements. With respect to the (c)(2) analysis, the benefit to the Township is the provision of EV charging stations to service electric vehicles, the supplying of a canopy for the safety of patrons and the inclusion of signage for ready identification of the EV charging location to the motoring public. 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 the provision EV charging stations to service electric vehicles, will benefit the public.
 7. The waivers requested for EV parking space striping color is reasonable as the EV spaces are located in a separate section of the parking lot which is identified by the canopy signage; and signage allowing the EV spaces to be used by all customers will help to better meet the overall parking needs for the site.
 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.

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

1. Preliminary and final site plan approval, is hereby granted to the Applicant to convert thirteen (13) existing parking stalls to twelve (12) EV parking spaces serviced by six (6) EV charging stations on concrete pads, two of which will be ADA compliant, install a utility transformer and switchgear on concrete pads and to add a 15-foot-high, canopy structure with 2 signs 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. Residential Buffer (Myrtle Street) - Elements of the Applicant's Project (canopy, EV chargers and concrete pads, transformer on concrete pad and switchgear on concrete pad) located within the buffer is approved;
 - B. Minimum Front yard setback (Myrtle Street) - 16.1 is approved;
 - C. Minimum Side yard setback - 24.4 feet is approved;
 - D. Maximum Signage - 2 signs are approved.
3. Design waivers are hereby granted to permit white EV parking space striping and signs permitting the use of EV spaces by all customers, not just EV customers.
4. The within preliminary and 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. Revision of the plans to eliminate the canopy sign facing Juliet Avenue.
 - ii. Revision of the site lighting to the satisfaction of the Board Professionals.
 - iii. Protection and retention of the landscaping on the Subject Property in the residential buffer and front yard setback area of the Subject Property adjacent to Myrtle Street. Further, the fence in this location of the site shall remain in its current location
 - iv. Coordination with the Wawa to incorporate the canopy in the maintenance plan for the Subject Property; including, but not limited to, snow removal.
 - B. The Applicant shall comply with all comments and conditions as set forth within the reports of the Board professionals and Township staff as provided to the Applicant except as may have been specifically modified or waived by the Board as specifically addressed within this Resolution.
 - C. The Applicant shall satisfy and post any and all escrows and pay any taxes as required by law or by ordinance.
 - D. The Applicant shall obtain any and all approvals required by any other governmental agency having jurisdiction over the development.
 - E. The development shall be subject to the payment of applicable affordable housing development fees.

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

1. All conditions contained in this Resolution and in the record of the proceedings in this matter, including any agreements made by the Applicant, were essential to the Board's decision to grant the approvals set forth herein. A breach of any such condition or a failure by the Applicant to adhere to the terms of any agreement within the time required may result

in appropriate action by the Township; including, but not limited to, the revocation of the within approval and termination of the right of the Applicant to obtain or continue work or occupancy under any construction permits, Certificates of Occupancy or any other governmental authorizations necessary in order to continue development and use of the project.

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

Christine Woodbury, Planning Board Secretary

VOTE ON MOTION 04/15/2026

FOR:

Councilman Sivaraman Anbarasan
Dr. Theodore Chase
Robert LaCorte
Jennifer Rangnow
Meher Rafiq
Robert Thomas
Vice-Chairman Charles Brown
Chairman Michael Orsini

AGAINST:

NONE

ABSTAIN:

NONE

VOTE OF RESOLUTION: 6/03/2026

FOR:

AGAINST:

NONE

ABSTAIN:

NONE

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF
FRANKLIN, SOMERSET COUNTY, NEW JERSEY,
GRANTING PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL
WITH BULK VARIANCES TO ODIN DHUN, LLC, CONCERNING PROPERTY
LOCATED AT 295 CEDAR GROVE LANE, SOMERSET,
NEW JERSEY AND DESIGNATED AS BLOCK 508.02, LOT 12.**

Docket No. PLN-24-00007

WHEREAS, ODIN DHUN, LLC (hereinafter referred to as “Applicant”), has applied to the Franklin Township Planning Board (hereinafter referred to as “Board”) for preliminary and final major subdivision approval with bulk variances, for the premises currently designated on the Tax Map of the Township of Franklin as Block 508.02, Lot 12 and located on what is commonly known as 295 Cedar Grove Lane, Somerset, New Jersey (hereinafter referred to as the “Subject Property”), and is located within the Residential (“R-40”) Zone District; and

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

WHEREAS, the Applicant was represented by Timothy M. Arch, Esq.; and

WHEREAS, public hearings were held on the Application on January 7, 2026; January 21, 2026; and March 4, 2026; during which time the Applicant presented testimony, witnesses, reviewed the subdivision 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; and

WHEREAS, the Applicant is seeking preliminary and final major subdivision with bulk variances to subdivide the Subject Property into 16 lots consisting of 14 buildable lots; 1 lot to be dedicated to stormwater management and 1 lot to consist of a private roadway and cul-de-sac; 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 subdivision approval dated April 24, 2024;
 - B. Application for variance relief dated April 24, 2024;

- C. Boundary & Topographic Survey, prepared by Control Layouts, Inc., dated January 9, 2023, containing no revisions, consisting of one (1) sheet;
- D. Subdivision Plan entitled "Preliminary/Final Site Plan for 295 Cedar Grove Lane, Township of Franklin, Somerset County, New Jersey, Block 508.02, Lot 12," prepared by Menlo Engineering Associates, Inc., under the signature of Gregory S. Oman, P.E., dated March 12, 2024, last revised on February 6, 2026, Consisting of thirty-seven (37) sheets;
- E. Final Map, prepared by Menlo Engineering Associates, Inc., dated September 18, 2024, last revised November 25, 2025, consisting of one (1) sheet;
- F. Stormwater Management Report, prepared by Menlo Engineering Associates, Inc., dated March 12, 2024, last revised February 6, 2026;
- G. Operation & Maintenance Manual, prepared by Menlo Engineering Associates, Inc., dated March 12, 2024, last revised December 18, 2024;
- H. Environmental Assessment, prepared by Menlo Engineering Associates, Inc., dated March 12, 2024, last revised February 6, 2026;
- I. Fire Truck Movement Plan, prepared by Menlo Engineering Associates, Inc., dated December 18, 2024, last revised November 25, 2025;
- J. Garbage Truck Movement Plan, prepared by Menlo Engineering Associates, Inc., dated December 18, 2024, last revised November 25, 2025;
- K. Passenger Vehicle Movement Plan, prepared by Menlo Engineering Associates, Inc., dated December 18, 2024, last revised November 25, 2025;
- L. SU-30 Truck Movement Plan, prepared by Menlo Engineering Associates, Inc., dated December 18, 2024, last revised November 25, 2025;
- M. Inventory of Trees at 295 Cedar Grove Lane, Somerset, NJ, prepared by SaveATree Consulting Group, dated December 17, 2025, containing no revisions;
- N. Memorandum of Ofc. Ryan Ellington of the Franklin Township Police Department dated March 3, 2025;
- O. Memorandum of the Franklin Township Sewerage Authority dated December 3, 2025;
- P. Memorandum of John Hauss, Director of the Franklin Township Office of Fire Prevention dated December 15, 2025;
- Q. Memorandum of Rashida Boima, REHS, MPH, of the Somerset County Health Department dated December 18, 2025;
- R. Memorandum of Mark Healey, P.P., A.I.C.P., Franklin Township Planner dated February 10, 2026;
- S. Memorandum of Darren Mazzei, P.E., C.M.E., Franklin Township Engineer's Office dated February 26, 2026; and
- T. Memorandum of the Franklin Township Environmental Commission dated March 3, 2026.

2. The following exhibits were marked into evidence:

Exhibit A-1 Aerial photograph of the Subject Property.

- Exhibit A-2 Colorized Rendering of the Site Plan.
- Exhibit A-3 Aerial photograph of the Subject Property with a rendering
superimposed
- Exhibit A-4 Overall Plan Exhibit

3. The following testimony was introduced at the January 7, 2026 hearing:

- A. Mr. Timonthy M. Arch, Esq., appeared before the Board on behalf of the Applicant. Mr. Arch confirmed that the Applicant was seeking preliminary and final major subdivision approval with bulk variances in order to subdivide the Subject Property into 16 lots; consisting of 14 buildable lots for single-family homes, a lot to contain stormwater management facilities; and a lot containing the private roadway and cul-de-sac (the "Applicant's Project").
- B. Mr. Arch indicated that the Applicant required very minor bulk variance relief; specifically, variances from the minimum lot frontage requirements for the two corner lots fronting on Cedar Grove Land and a variance from the maximum lot coverage requirement for the private roadway lot. He confirmed that the Applicant was not requesting variances for minimum lot area, maximum building coverage or maximum lot coverage for the lots upon which the proposed single-family dwellings would be constructed. Mr. Arch confirmed that all of the lots would conform to the overall area requirements and would be consistent with the zone standards. He acknowledged comments contained in Mr. Healey's Planning Report regarding tree preservation and the architectural plans previously submitted. Mr. Arch addressed comments in Mr. Healey's Planning Report asserting that the proposed dwellings were too large; preventing future owners from constructing any other improvements on the lots (such as a shed or other accessory structure). He advised that the Applicant was not seeking variance relief regarding the design, size or height of the proposed dwellings; confirming that any future dwellings constructed on the lots would conform to the bulk requirements of the R-40 Zone District.
- C. Mr. Healey advised that both he and the Township Engineer had questions following their review of the initial application. He advised that some plans depicted lot coverage and building coverage over the maximum coverages allowed by the Land Development Ordinance ("LDO").
- D. In response, Mr. Arch reiterated that the Applicant was not seeking variance relief for any of the proposed homes. He advised that the homeowners would need obtain permits and approvals from the Township Building Department and, if necessary, variance relief from the appropriate land use board, in order to build a home on one of the subdivided lots.

- E. Mr. Christopher Szalay, P.E., the Applicant's Engineer, came forward and was sworn in. The Board accepted his qualifications. He proffered Exhibit A-1, an aerial photo exhibit depicting existing conditions of the site; and Exhibit A-2, a colorized rendering of the site plan; each of which was entered into the record by the Board. Mr. Szalay indicated that the Subject Property was a long, rectangular lot containing 16.54 acres with approximately 451 feet of frontage along the westerly side of Cedar Grove Lane; with a depth extending about 1,600 feet to the west. He stated that the Subject Property was approximately 1,300 feet north of the intersection of Cedar Grove Lane with Como Drive.

Mr. Szalay testified that the properties to the north and west of the Subject Property consisted of open space with some wooded areas; and that single-family homes were located to the south and east. He advised that the Subject Property was partially developed with a single-family home set back approximately 240 feet from Cedar Grove Lane with a gravel driveway. Mr. Szalay added that the Subject Property also contains multiple sheds and remnants of old buildings from the prior commercial and agricultural use. He advised that the rear of the site contained open space which cleared about 20 years ago to accommodate the prior agricultural use. Mr. Szalay stated that the Subject Property contained some larger mature trees. He indicated that the property sloped from the northwest corner towards the south to the adjacent property, as well as to the southeast towards Cedar Grove Lane. Mr. Szalay advised that there were no wetlands or any other environmental constraints encumbering the Subject Property.

Referring to Exhibit A-2, Mr. Szalay reviewed design for the Applicant's Project. He advised that the lots varied in size ranging from 40,044 square feet to approximately 45,638 square feet. Mr. Szalay noted that the basin lot was oversized (containing 1.62 acres) and that the private roadway would consist of a 50-foot-wide right-of-way containing 1.88 acres. He indicated that the Applicant required lot frontage variances for the two (2) lots fronting on Cedar Grove Lane and a lot coverage variance for the private roadway. Mr. Szalay indicated that proposed Lot 12.01 (the most northeast lot) had a proposed frontage of 167.32 feet and proposed Lot 12.15 (the proposed basin lot to the southeast) had a frontage of 133.68 feet; where 200 feet was required by the Land Development Ordinance. He stated that the frontage variances were a result of the radius of the intersection of the private roadway with Cedar Grove Lane. Mr. Szalay noted that lot coverage variance for the proposed roadway (proposed Lot 12.16) was the result of the lot being held to the single-family standards of the R-40 Zone District.

Mr. Szalay indicated that the Applicant was seeking approval for the Applicant's Project; consisting of 14 buildable lots for single-family homes; a lot to contain stormwater management facilities; and a lot containing the private roadway and cul-de-sac, as well as other associated site improvements. He noted that access

to the Subject Property would be provided by a 30-foot-wide, curbed, private roadway from Cedar Grove Lane. Mr. Szalay stated that the roadway would extend approximately 1,510 linear feet and end in a cul-de-sac with a 90-foot diameter bulb, complying with the Residential Site Improvement Standards (RSIS). He indicated that concrete sidewalks that would run along the Cedar Grove Lane frontage and also within the proposed 50-foot right-of-way of proposed Lot 12.16. Mr. Szalay advised the entrance to the development would be a full access boulevard style roadway with an island containing landscaping and separating ingress and egress to the site. He testified that the community would have a two-laned, gated entrance; one for residents and one for visitors. Mr. Szalay stated that the gate would be setback about 100 feet from the right-of-way to provide space for queuing. He advised that beyond the gate and entry, a decorative fence was proposed extending to the north and south with a crossing at the sidewalk towards the property line. He then indicated that an access gate was proposed near the sidewalk with the decorative fence connected to a six-foot-high decorative brick wall running along the Cedar Grove Lane frontage of the Subject Property. He added that the wall would extend to the northerly and southerly property lines where a six-foot-high solid fence and would run the entire perimeter of the Subject Property.

Mr. Szalay stated that the Applicant's Project was proposed as a private community; providing a sense of security for the residents. He noted that the homes would likely vary in size and contain an attached garage. Mr. Szalay stated that the homes would be accessed by a 20-foot-wide paved driveway extending about 35 feet in order to provide ample room for maneuvering and parking. He noted that a walkway would be provided from the driveway to the front door of the home; and there would be optional decks and patios in the rear. Mr. Szalay advised that the stormwater management system proposed by the Applicant's Project is designed to accommodate the maximum building coverage and maximum lot coverage for each proposed lot. He noted that this would alleviate any need for additional stormwater management improvements in the event the original development did not build to the maximum building and lot coverages; and then later sought to construct improvements on the lot increasing the building coverage and/or lot coverage up to and including the maximum permitted. He advised that each home would comply with the required setbacks; the maximum height and stories; maximum building coverage and maximum lot coverage.

Mr. Szalay indicated that turning templates were provided by the Applicant to address the comments from the Fire Official and Township Engineer. Mr. Szalay confirmed that the largest fire/ladder trucks, small delivery trucks and refuse trucks would be able to safely maneuver through the site. He reviewed the function of the proposed gate; stating that that each resident would have a PIN Code or a key fob for access. Mr. Szalay noted that a PIN code could be supplied to delivery

services for access. He advised that the gate would be siren activated to allow for police, fire and other emergency services to enter when necessary.

Mr. Szalay confirmed that all of the common and private amenities throughout the site would be maintained by a homeowner's association ("HOA"); and the Applicant consents to the maintenance requirement by the HOA as a condition of any Board approval.

- F. Mr. Szalay advised that the Applicant's Project includes a conventional stormwater system, with underground pipes and inlets that would convey runoff to a sand infiltration basin located on proposed Lot 12.15. He stated that the basin was proposed at the lowest point of the Subject Property to maintain the existing drainage patterns to the maximum extent possible. Mr. Szalay thereafter examined the use of green infrastructure on the Subject Property to address all stormwater management requirements. He noted that ground water quality would be achieved by utilizing five aquaponic structures; consisting of small structures that would provide media soil filters to filter stormwater runoff and to comply with the 80% TSS removal rate required by NJDEP. Mr. Szalay indicated that runoff would be conveyed downstream to the proposed infiltration basin which was designed to handle peak runoff from the Subject Property; confirming that all reductions would comply with the Township, state and local agency regulations. He advised that groundwater recharge would be addressed by providing soil testing and infiltration rates of the existing driveways; which he indicated would result in portions of the proposed driveways containing porous pavement and subgrade chambers. Mr. Szalay stated that the porous pavement and subgrade chambers would provide additional storage and allow for runoff from the roofs of the single-family homes and driveways to infiltrate into the ground; thereby meeting the groundwater recharge requirements.

In response to a Board inquiry concerning the ability of the Applicant to comply with the stormwater comments in Mr. Mazzei's Engineering Report, Mr. Szalay confirmed that the Applicant could comply with the stormwater comments and advised that he could supply additional testimony concerning same.

- G. Mr. Mazzei confirmed that, in October 2025, he reviewed the stormwater management system with Mr. Szalay; specifically reviewing the definition of a BMP and the subgrade chamber underneath the porous pavement. He indicated that the current design would not be approved by his office; but that, if reviewed as two separate systems, it could be approved. Mr. Mazzei advised that if the stormwater management report was revised to show two separate BMP's, it would be acceptable from the Township's perspective.

- H. Mr. Mazzei and the Board expressed concern for the ability of a delivery service to access the development using the proposed gate system and questioned the necessity for the gate system.
- I. Mr. Arch advised that delivery services would have the ability to enter an access code; and that the proposed gate access product was used in many communities throughout the United States. He added that the system was programmable. Mr. Szalay advised that the use of a manned gate was explored by the Applicant but was determined to be infeasible in light of the size and scope of the Applicant's Project.
- J. In response to an inquiry from the Board concerning the Applicant's motivation for the privacy features of the subdivision, Mr. Arch indicated that the features are a selling feature to certain buyers. He stated that more information regarding the rationale for the privacy features would be supplied at a future hearing on the Application.
- K. The Board acknowledged that the Applicant would return on a future date to continue the hearing; and reiterated its desire that the Applicant consider pursuing the cluster development option. The Board noted that the cluster development option would preserve more open space and trees and supply enhanced buffering; while still providing the desired 14 lots (albeit with smaller lot areas). The Board noted examples of cluster developments along Cedar Grove Lane contained in Mr. Healey's Report; and acknowledged the Applicant's obligation to comply with the Township Tree Replacement Ordinance. Finally, the Board requested that the Applicant supply an explanation for pursuing the Applicant's Project in lieu of a cluster development option.
- L. In response to the Board's comments, Mr. Arch advised that the Applicant may be able to address the reason for not pursuing a cluster development option during planning testimony. He noted that the Applicant was being directed to request variance relief from the ordinance for a cluster development option in lieu of seeking a permitted use.
- M. In response to comments from Mr. Szalay concerning the variance relief necessitated by pursuing the cluster development option, Mr. Healey indicated that theoretically the only variance the Applicant would require would be the use of the cluster development option. He noted that the cluster development option would save additional forested area on the Subject Property; and that the Board had granted such variance relief before under a (c)(2) rational as a better zoning alternative.

- N. The Board advised that the cluster development option had been used multiple times on Cedar Grove Lane; and that, other than age-restricted communities, the Applicant's Project would likely be the only gated community in Franklin Township. The Board noted that it had previously discouraged applicants from pursuing gated communities.
- O. Mr. Arch confirmed that the elimination of the gate would be reviewed by Applicant; and that the Applicant would consider the cluster development option. However, he noted that the cluster development option was not as profitable a product as the Applicant's Project. Mr. Arch reiterated that the Applicant was proposing a permitted use versus requesting new variances for a cluster development.

In response to a Board concern over tree preservation, Mr. Arch indicated that the Applicant engaged an arborist who plotted and surveyed trees on the Subject Property. He confirmed that the Applicant would continue to work with the Township Professionals, the arborist and Applicant's Engineer to maximize tree preservation on the Subject Property.

In response to a Board comment concerning the economic savings from pursuing a cluster development, Mr. Arch advised that Applicant was not proposing a high density, condensed community or a floor area ratio consolidation; rather, the Applicant was pursuing a luxurious, high impact community.

- P. In response, the Board noted many questions needed to be addressed prior to considering a vote on the Application.
- Q. In response to a Board request, Mr. Healey confirmed that the Board Professionals could provide the Applicant with guidance and suggestions related to the overall site plan and width of buffering, etc. without compromising the Applicant's vision. He advised that Applicant's Arborist prepared a report that was informative; noting that trees in the rear of the Subject Property were successional growth as opposed to old growth forest; and that many larger trees were located around the perimeter of the Subject Property and in the interior part of the Subject Property as well. Mr. Healey opined that the Applicant could preserve a lot more trees with modifications to grading, limits of disturbance and possibly through modifications to the stormwater plan in terms of piping through the site to drain to a larger basin.
- R. In response, Mr. Szalay indicated that stormwater management green infrastructure requirements created by using BMP's impacted the site disturbance. He stated that the stormwater management system contains elevation drops to reach the basin at the low portion in the front of the Subject Property. Mr. Szalay stated the elevation drops were created through disturbance, clearance and infill on the Subject Property; which would not change if the cluster development option

were pursued by the Applicant. He advised that the plans show the trees that need to be removed in red and the trees to be saved in blue. Mr. Szalay noted that the trees to be saved were primarily located along the perimeter of the Subject Property. He noted that the Applicant could save about 44 of the 16-inch trees.

- S. The Board acknowledged that the Applicant's Project could be more easily achieved if the Subject Property were wider and larger; and questioned the design of the long private roadway in light of the high-end product which the Applicant asserted it intended to construct.
 - T. In response to a Board concern over the design and potential development of the Applicant's Project, Mr. Arch confirmed that the Applicant would meet with the Board's Professionals to review the design and that final plans for the Applicant's Project would not be signed by the Board until the Applicant had secured all other necessary agency and governmental approvals.
 - U. The Board suggested that the Applicant go to Princeton Highlands, Barberry Court or Princeton Ridings to see examples of high-end housing previously developed in the Township.
4. At the hearing on January 7, 2026, the Application was opened by the Board for public comment and the following public comment was received:
- A. Mr. Ernie Leves, 21 Como Drive, Somerset, NJ came forward and was sworn in. Mr. Leves expressed concern due the fact that his property and the surrounding properties were serviced by well water. He questioned whether the Applicant's development would be connecting to public water and sewer; and was advised that the development would be serviced by public water and sewer. Mr. Leves questioned the proposed white vinyl fence proposed for the perimeter of the development; and suggested that a heavy duty five-foot-high chain link fence be used in its place. He indicated that a chain link fence would deter dumping from the Subject Property onto surrounding properties; and children of the development from playing on adjacent properties. Mr. Leves then inquired who would be responsible for the maintenance and replacement any boundary fence installed.
- Mr. Arch responded that a HOA would be created and would be responsible for the maintenance and/or replacement of any boundary fence. He asserted that the proposed solid fence would be more secure than an open, chain link fence; a sentiment which was concurred with by the Board.
5. At the conclusion of the public comment period, due to the late hour, the Board and Applicant agreed to carry the hearing on the Application to the Board's meeting of January 21, 2026.

6. The following testimony was introduced at the January 21, 2026 hearing:

- A. Mr. Arch confirmed that the Applicant was before the Board two weeks prior on January 7, 2026. He noted that as a result of the overwhelming amount of feedback received, the Applicant met with Mr. Healey and Mr. Mazzei to discuss ways to modify and amend the plan in order to provide additional tree preservation. Mr. Arch advised that the Applicant had a revised concept plan (anticipated as Exhibit A-3) resulting from the meeting. He indicated the Applicant's Engineer would prepare full grading plan to make sure the proposed buffers were attainable.
- B. Mr. Matthew Weibel, the Applicant's Arborist came forward and was sworn in. The Board accepted his qualifications. Mr. Weibel advised that he conducted a site survey and compiled a report concerning the Subject Property and the trees thereon. He reviewed the manner in which the report was prepared; including several site visits, identification and tagging of all trees with a caliper of 16-inches or larger, collection of information regarding each tree (species, diameter, condition) and undertaking of a general assessment of the wooded areas on the Subject Property. Mr. Weibel noted that the culmination of the work was the report summarizing his findings of the tree inventory and his opinion of the wooded areas on the Subject Property. He advised that 140 trees over 16 inches were tagged and identified, as well as many areas of tree clusters and plants that were less than 16 inches. Mr. Weibel noted that 12.9% of the trees were in such poor condition that in his opinion they should be removed. He further advised that there were trees that were either standing dead trees or trees with very little foliage remaining or had significant decay. Mr. Weibel also indicated that that an additional 12.1% of the trees were invasive and, in his opinion, should be removed on that basis. He advised that of the 140 trees that were 16 inches or larger only four were found to be in good condition in his opinion.

Mr. Weibel reviewed the background of the Subject Property; noting a residential portion at the front of the site, a number of small trees in a few areas that were formally woodland, a former farmland that had been regenerated over time, a buffer around the perimeter of the property and a windbreak between the two farm plots containing most of the larger trees. He advised that most of the larger growth was located around the perimeter of the Subject Property because it was former woodland and farmland that had been cleared. Mr. Weibel advised the Board that his analysis and report were supplied to the Applicant's Engineer who utilized it to prepare an exhibit. He thereafter proffered Exhibit A-3, an aerial photograph of the Subject Property with the rendering superimposed thereon.

- C. In response to an inquiry from the Board Attorney concerning the preparation of Exhibit A-3 by the Applicant's Engineer, it was agreed that Exhibit A-3 would only

be marked for identification; and would be entered into the record at next hearing when the Applicant's Engineer was present.

- D. Mr. Weibel stated that the current conditions exhibit proffered at the last meeting had a 15-foot buffer around the perimeter of the Subject Property. He advised that after speaking with Township Professionals that buffer along the north and south had been increased to 40 feet and that the buffer on the western side of the perimeter had been increased to 25 feet. Mr. Weibel indicated that a middle area along the westerly side of the site also had a bump out of additional trees that were being preserved. He testified that there were significantly more trees that were being preserved than the original proposal.
- E. In response to a Board inquiry, Mr. Weibel advised that his site survey was conducted on December 12, 2025 and December 15, 2025. In response to a further Board inquiry concerning the most high-value areas on the Subject Property for tree preservation, Mr. Weibel advised that the buffer around the perimeter was where the larger mature trees were located, as well as one windbreak down the middle containing a decent number of large trees as well. He noted that the trees at the rear of the Subject Property included a younger section containing primarily black cherry and some eastern red cedar; which he asserted were common early successional species for that area. Mr. Weibel added that a lot of the trees in that area were between 6-inches and 8-inches in diameter; and that there was also a high density of smaller trees in generally fair condition. He stated that if left undisturbed the area might regenerate into a habitat work preserving; but noted that with the number of invasive species present, there was a chance that one or more of those would take over the area.
- F. In response to a Board inquiry concerning the number of trees 16-inches or more in the buffer, Mr. Weibel indicated that there were 42 such trees in the old plan and 51 trees in the present plan that were 16 inches or larger. He also noted that there were also numerous trees between 4 and 16 inches within the buffer area.
- G. Mr. Arch acknowledged the Board preference for the cluster development option; but reiterated that the Board could not mandate that the Applicant pursue same (as the Applicant is providing a conforming subdivision in the R-40 Zone District). He noted that, in the absence of a cluster development, the Township Tree Removal Ordinance mandates that reasonable efforts be made to try to preserve as many trees as practicable. Mr. Arch asserted that the Township professionals were the most important arbiters of the Applicant's attempts to preserve a large number and density of trees, while also the addressing the visual impact onsite and on the surrounding properties. He advised that the Applicant would defer to the Township Professionals; but asserted that the proposed 40-foot-buffer met the spirit and goal of the Township Tree Removal Ordinance.

- H. The Board noted that the Township Tree Removal Ordinances required tree preservation to the greatest extent possible; thereby mitigating in favor of the pursuit of the cluster development option with a similar lot yield. It noted that tree preservation and development of 14 building lots on the Subject Property were not mutually exclusive.
- I. In response to a Board inquiry concerning tree preservation within the interior of the Subject Property, including the area between the proposed dwellings, Mr. Weibel testified that the trees between the homes would all be newly planted as there are no plans to preserve trees between the buildings.
- J. Mr. Arch advised that what was being presented to the Board in Exhibit A-3 depicted the spirit of the replanting plan. He added the Applicant's Engineer could provide greater detail at the hearing on March 4, 2026; but that Exhibit A-3 was the proposed replanting plan, not just an artistic rendering of what was believed to be plotted. In addition, Mr. Arch indicated that a plan note provided that Applicant would also agree to work with Township Professionals to provide supplemental plantings for any sparse areas and remove any trees in poor health within the 40-foot buffer area.
- K. In response to a Board inquiry concerning the buffer width, Mr. Arch indicated that the buffer was 40 feet wide along the northerly and southerly property lines and 25 feet wide along the westerly property line. He noted that the smaller buffer along the westerly property line was required in order to preserve the westerly building lots. Mr. Arch stated that an additional area was being preserved at the end of the cul-de-sac to maintain the bulk of the forest between the lots; while still maintaining some yard for the lots.
- L. In response to an inquiry from Mr. Healey, Mr. Arch confirmed that revised plans would be provided in advance of the March 4, 2026 hearing with sufficient time to obtain feedback from the Township Professionals. He confirmed that the trees would be plotted on the revised plans; and any supplemental plantings also identified. Mr. Arch noted that the revised plans would so address the stormwater management system, utilities and grading.
- M. Mr. Healey confirmed that the Applicant's revised proposal preserved many more trees around the perimeter than the original plan. He emphasized that the Applicant's wished to pursue a subdivision under the R-40 Zone District bulk standards; and that the Applicant had a vision for style of development to be constructed, while also cognizant of the need for drainage and grading. Mr. Healey indicated that, taking all factors into consideration, the 40-foot buffer proposed

seemed like a feasible solution to increase the number of trees preserved in the Applicant's Project.

- N. The Board requested that, at the next hearing, the Applicant supply the original plan from the January 7, 2026 hearing; so that the Board can identify the changes made to the plan and do a comparison. The Board further requested that a "clean" aerial exhibit be supplied at the next hearing on the Application depicting the limits of disturbance and the trees to be removed; but not the improvements proposed by the Applicant's Project.
- O. Allison Coffin, P.P., A.I.C.P., the Applicant's Professional Planner came forward and was sworn in. The Board accepted her qualifications. Ms. Coffin reviewed the bulk variances for the frontages of the two corner lots and the lot coverage of the private roadway required for the Applicant's Project. She indicated bulk variances can be granted under two (2) avenues under the Municipal Land Use Law ("MLUL"). She noted that the first was the hardship theory which is applicable when a lot's unique shape, topographic conditions or pre-existing structures create a situation where the strict application of the ordinance results in a hardship. She indicated that the second standard is a (c)(2) "better zoning alternative" theory; which is appropriate if the purposes of the MLUL would be advanced by the deviation from the ordinance requirements and if the benefits of that deviation outweigh any detriments.

Ms. Coffin opined that the bulk variances for minimum lot frontage could be granted both under a hardship rationale and (c)(2) rationale. She advised that the lot frontage variances could be granted under the hardship theory due to the existing lot width and the angle along the lot frontage. Mr. Coffin stated that these factors combined with the required 200-foot frontage requirement, 50-foot right-of-way for the road and the curb needed at the intersection, it was not possible for conforming lot frontages for the proposed corner lots. She advised that the two lots were conforming in all other aspects.

Alternatively, Ms. Coffin asserted that the proposed variances advanced the following Purposes (a), (c), (e) and (g) of the MLUL. She noted that the benefit of the frontage and lot coverage variances was to allow the subdivision of the Subject Property in a manner providing for appropriate and permitted population density. She acknowledged a potential detriment related to the creation of driveways which were too close together; but noted that the Applicant's Project did not propose direct access to Cedar Grove Lane. Ms. Coffin advised that the lots would have significant landscaping along the Cedar Grove Lane frontage, so there would be no harm to the visual character of the neighborhood. She concluded that the variances requested did not impair the intent and purpose of the Master Plan, Zone Plan or Zoning Ordinance.

In response to an inquiry from the Board, Ms. Coffin advised that the minimum frontage requirement along Cedar Grove Lane was 200 feet. She indicated that with the proposed curb, the single-family home lot would have a frontage of 133 feet and the lot containing the stormwater basin would have a frontage 167 feet. Ms. Coffin indicated that the proposed gate did not expand the 50 feet that was included in the right-of-way; and its presence would not increase the width of the roadway or the required curbing.

In response to a Board inquiry questioning the effect of the elimination of one of the ingress lanes on the lot frontage variance relief, Ms. Coffin indicated that doing so would not eliminate the lot frontage variance relief. In response to further inquiry concerning the reduction of the relief by the ingress lane elimination, Ms. Coffin opined that such removal would have no effect. Mr. Arch noted that the Applicant's Engineer could discuss any engineering analysis of the ingress lane elimination at the March 4, 2026 hearing, if necessary.

- P. In response to a Board inquiry, Mr. Mazzei confirmed that sidewalks are proposed along Cedar Grove Lane by the Applicant's Project. He noted that the was the reason for the easement along the roadway requested by Somerset County.
 - Q. In response to a Board inquiry concerning the provision of additional landscaping along the Cedar Grove Lane frontage, Mr. Arch deferred to the Applicant's Engineer but believed that plantings were proposed within the basin as part of the green infrastructure. In response, Mr. Mazzei indicated that landscaping cannot be provided within the sand in the basin.
 - R. At the conclusion of the meeting, the Board confirmed that the Applicant received feedback and that the Board would continue to favor the cluster development option.
- 7. At the hearing on January 21, 2026, the Application was opened by the Board for public comment and no public comment was received.
 - 8. At the conclusion of the hearing on January 21, 2026, the Board and the Applicant agreed to carry the hearing on the Application to March 4, 2026.
 - 9. The following testimony was introduced at the March 4, 2026 hearing:
 - A. Mr. Arch indicated that the Applicant had previously appeared twice before the Board, the last hearing taking place in January of 2026. He noted that the Applicant's Engineer was not present at the last hearing; and that he would supply the Board with additional information that evening. Mr. Arch acknowledged receipt

of revised reports from Mr. Healey and Mr. Mazzei; and indicated that the Applicant had significantly reduced the number of trees proposed to be removed by the Applicant's Project. He noted that the Township Environmental Commission had expressed its appreciation for the Applicant's reduction in tree removal from the prior iterations of the plans for the Applicant's Project.

- B. Mr. Greg Oman, P.E., the Applicant's Engineer, came forward and was sworn in. The Board accepted his qualifications. Mr. Oman confirmed that he had reviewed the prior two (2) hearing held by the Board on the Application. He then reviewed two (2) exhibits showing the existing conditions and the conditions proposed by the Applicant's Project. Mr. Oman indicated that the first exhibit was an aerial photograph that was about a year or two old with the property outline superimposed; depicting current conditions on the Subject Property (single-family house with access to Cedar Grove Lane together the rear wooded areas). He then reviewed the next exhibit, entitled Limit of Disturbance; consisting of the same aerial photograph with a red line delineating the limit of disturbance and following the 40-foot landscape buffer on the north and south sides, as well as the 25-foot buffer on the westerly side. Mr. Oman indicated that the exhibit also depicted the trees of 16-inches or greater identified by the Applicant's Arborist. He stated that the trees within the red line would be removed; while the trees outside the red line, along the buffer and property lines, would remain.

Mr. Oman advised that the plans were updated following the January 21, 2026 hearing in order to expand the buffer from 15 to 40 feet; and to include the data from the report of the Applicant's arborist. He noted that the arborist's report identified additional 16-inch trees which were not identified in the original survey. Mr. Oman stated that a re-analysis of the trees on-site revealed 2,649 trees on-site; 95% of which were 4-inches to 15-inches with the remaining 140 (about 5%) being 16 inches or larger. He testified that 1,597 trees within the red limit of disturbance area (approximately 60% of the existing trees) would be removed by the Applicant's Project. Mr. Oman indicated that the previous plans showed an 82.4% removal rate (almost 2,200 trees); and that the revised plans reduced the number of trees being removed by approximately 600 trees. He stated that 1,230 replacement trees were required to be planted in light of the proposed tree removal. Mr. Oman advised that after revising the plans to identify trees within the 40-foot-buffer which would now remain, a large number of gaps in the tree canopy were discovered in the buffer area – especially along the northerly property line. He testified that the Applicant's landscaping plan provides for the planting of an additional 75 evergreen trees address the gaps and enhance the buffer in order to supply a full 40-foot-buffer along the northerly and southerly sides of the Subject Property.

Mr. Oman indicated that the Applicant's landscaping plan provides for a total of

895 trees; noting that 30 of the trees are being supplied based on the Township ordinance (requiring two (2) trees per lot). As a result, he stated that only 865 of the trees being supplied count towards the tree replacement requirement. Mr. Oman then indicated that the replacement trees being supplied are a mixture of deciduous trees (upsized to 2-1/2 inches in caliper), evergreen trees (6 to 7 feet tall) and the flowering trees (upsized to a planting height of 12 to 14 feet tall). He advised that 365 trees cannot be accommodated on the Subject Property; and that the Applicant would make a contribution to the Township Tree Fund to address the deficiency.

- C. The Board Attorney advised that the aerial photographs reviewed by Mr. Oman did not need to be marked into evidence; as they had been submitted to the Board in advance of the hearing.
- D. Mr. Oman then proffered Exhibit A-4, Overall Plan Exhibit; which was entered into the record by the Board. He noted that a similar exhibit had been proffered at a prior hearing but that the current exhibit (dated February 12, 2026) was an updated aerial photo and development plan that changed the 15-foot-buffer to the full 40-foot-buffer.

In response to a Board inquiry concerning the lack of additional landscaping proposed within the southerly buffer, Mr. Oman advised that the southerly side of the Subject Property contained dense existing landscaping without any gaps which required supplemental landscaping.

Mr. Oman stated that landscaping was proposed between the lots alleviating the need for fencing between the homes. He stated that evergreen plantings were proposed including Norway Spruce, East Red Cedars, etc. In total, he indicated that 895 trees, 392 shrubs and 939 ground cover plantings, with a combination of day lilies and grasses, were proposed by the Applicant. Mr. Oman noted that most of the shrubs and ground cover are being installed along the right-of-way along Cedar Grove Lane to give a provide an aesthetically pleasing view at the entry point of the development.

Mr. Oman advised that the Applicant had secured approvals from the Township Police Department, the Board of Health and the Township Department of Fire Prevention. He noted that the Applicant still needed approvals from Somerset County Planning Board, Somerset Union Soil Conservation District and the Delaware & Raritan Canal Commission. Mr. Oman advised that the Applicant had two available options to connect sewer service to the Applicant's Project; specifically, the Amwell Pump Station and Wilson Road Pump Station. He indicated that connecting to the Amwell Pump Station would not require a NJDEP Permit; while connecting to the Wilson Road Pump Station would require a

treatment works approval from NJDEP.

- E. Mr. Arch confirmed that no site work, including clearing and grading, would be performed at the Subject Property until the Applicant secures all necessary outside approvals. He confirmed that the Applicant would voluntarily agree to any such requirement as a condition of any Board approval.

In response to a Board comment concerning sewer service for the Applicant's Project, Mr. Arch confirmed that utilization of the Amwell Pump Station would require an upgrade to the pump station.

- F. Mr. Oman confirmed receipt of Mr. Healey report of February 10, 2026, as well as Mr. Mazzei's report dated February 26, 2026. He advised that the Applicant would comply with the comments contained in the reports; and that revised plans would be submitted as needed to address same.
- G. Mr. Healey thereafter reviewed several items from his February 10, 2026 report. Under the title of Tree Replacement, he suggested installing a fence around the trees in the field; which was agreed to by the Applicant. Mr. Healey further acknowledged the testimony concerning the trees to be planted on each lot; and stated that those trees would need to be depicted on the plan; and the trees to be preserved would similarly need to be show on the plan. Mr. Oman confirmed that the plans would be revised to depict those trees as a condition of any Board approval. Mr. Healey further recommended a conservation easement be prepared and recorded for the perimeter buffer proposed by the Applicant's Project. Mr. Oman indicated that the Applicant would be happy to supply such a conservation easement. Finally, Mr. Healey reviewed the Board concern about the size of the homes and the lot and building coverages. He noted that the Applicant's intention seems to be to construct larger homes on the individual lots; and suggested that a deed restriction be recorded for each lot once the dwelling and improvements were constructed confirming the building and lot coverages, the maximum permitted building and lot coverages and the potential need for land use board approval to exceed the maximum permitted building and/or lot coverages.
- H. In response, Mr. Arch expressed concern over a deed restriction limiting development to the maximum building and lot coverages at the time the deed restriction is filed; as the standards might change in the future. The Board Attorney noted that a deed notice advising future owners of the coverages, the standards and the potential need for relief in the standards were exceeded in the future would be acceptable.
- I. The Board reviewed the potential for coverage issues being handled by the HOA; and determined that such review would not be advisably or necessary.

- J. Mr. Arch acknowledged that each individual purchaser would be advised of the coverage standards at the time they choose the dwelling for a lot; and that a deed notice would be recorded reflecting the coverages, the standards and potential need for relief from the standards. He noted that the Applicant would agree to a condition of approval requiring a deed notice for each lot.
- K. Mr. Healey advised that the remainder of the comments in his report were detailed in nature; and could be addressed as conditions of any approval.
- L. In response to a Board inquiry concerning the proposed fencing, Mr. Oman advised that trees would be planted between the homes and perimeter fencing would be provided along the rear line of each lot. In response to a further Board inquiry, Mr. Oman stated that the fence would be located behind the 40-foot perimeter buffer. In response to a Board concern over the style, durability and color of the fence, Mr. Oman suggested a black coated chain link fence; which the Board indicated was acceptable. It was further agreed that the exact location of the fence would be identified in the field at the time of installation in order to maximize the preservation of trees in the buffer area.
- M. Mr. Mazzei reviewed the wall by the Applicant's Project; and stated that a fence or guard of some kind would be required by code due to the fact that the wall is over 30-inches in certain areas. He confirmed that the guard did not have to be a fence, and that the Applicant would have to work with the Building Department to supply an appropriate guard.

Mr. Mazzei thereafter reviewed several items from his February 26, 2026 report; noting that the Applicant's Planner confirmed that any rear patios would be constructed at grade. He indicated that the Site Plan still depicted the rear patios to be constructed below grade. Mr. Oman confirmed that the Site Plan would be revised to reflect patios at grade. Mr. Mazzei stated that, should the Board act favorably on the Application, all approvals (including Franklin Township Sewerage Authority) would be required before the signing of any plats (to make sure that the subdivision was not perfected until the Applicant was sure that the Applicant's Project could be constructed). Mr. Oman stated that the Applicant would agree to such a condition of any Board approval. Finally, related to the redesign of the Applicants Project and the revision of the basin, Mr. Mazzei stated that the mounding analysis changed. He acknowledged that it would be a minor revision.
- N. In response, Mr. Oman stated that the Applicant would either get the Geotech back out there to perform the required testing; or basin would be reconfigured to remove the locations from the basin area. He added that the mounding analysis would need to be addressed to comply with NJDEP regulations.

- O. In response to a Board request that the Applicant demonstrate that the enhanced perimeter buffer accomplished the same tree preservation as a cluster development, Mr. Arch noted that the Applicant Project would address tree preservation in a more comprehensive way than a cluster development. He indicated that the Applicant proposed to plot the individual trees; and field inspections with the Board Professionals to make individual site modifications to save individual trees. Mr. Arch noted that a cluster development would essentially carve out a large swath of the Subject Property for preservation; while the Applicant's proposed plan would provide for the analysis of individual trees for preservation.
- P. Mr. Oman advised that based upon the report prepared by the Applicant's arborist, 50% to 60% of the mature, healthy trees are located at the front of the Subject Property. He indicated that these mature, health trees would need to be removed in order to pursue the cluster development option; as the development would extend from the northerly property line to the southerly property line in the easterly portion of the Subject Property. Mr. Oman noted that the rear portion of the Subject Property would be preserved by pursuing the cluster development option; but indicated that the center portion of the rear of the Subject Property contains the highest number of dead trees, critical trees, and really poor trees. He noted that most of the healthy trees are located along the northerly and westerly property lines; and would be preserved by the Applicant's Project.

Mr. Oman thereafter examined the other cluster developments identified in Mr. Healey's Report; indicated that all of the developments were approved prior to 2002/2003. He advised that the BMP Manual that was released by the NJDEP in April of 2004, by the NJDEP significantly modified stormwater regulations. Mr. Oman further advised that the DRCC updated their regulations in 2009. He stated that none of the cluster developments from Mr. Healey's report would comply with the new NJDEP and DRCC regulations. Mr. Oman testified that pursuing a cluster development would be contrary to the green infrastructure regulations implemented by the NJDEP in 2021 and 2023 by compressing stormwater management improvements into a small area of the Subject Property. He advised that NJDEP wants stormwater management measures to be distributed throughout a site; so that one portion can continue to operate if another portion fails. Mr. Oman further stated that the NJDEP wants extended time of concentration, as well as swales on the site; each of which is supplied in the Applicant's Project. He concluded by acknowledging that a cluster development is possible; but that the lots would likely need to be 0.75 acres and the development not much different than the Applicant's Project.

- Q. In response to a Board inquiry concerning the use of porous driveways, Mr. Oman

stated that there were five (5) or six (6) driveways incorporating a porous area and those would be paver driveways. He indicated that the porous area would permit water to percolate into the ground. Mr. Oman confirmed that the maintenance of the porous driveways would be performed by the HOA.

- R. In response to a Board inquiry concerning potential conflicts between on-street parking and deliveries and emergency vehicles, Mr. Oman explained that the driveways supplied sufficient parking for guests and other parking requirements. He added that the Applicant's Project proposes an oversized cartway width; where 28 feet is required and 30 feet is proposed. Mr. Oman indicated that this would facilitate on-street parking for guests.
- S. In response to a Board concern over a potential conflict between the driveways on proposed Lots 12.01 and 12.02, Mr. Oman advised that the design of proposed Lot 12.02 would be flipped in order to address any potential conflict.
- T. Messrs. Akshay Joshi and Vijay Raju, the principals of the Applicant, came forward and were sworn in.
- U. Mr. Joshi described the signature housing product envisioned by the Applicant for the Subject Property in light of the R-40 zoning, as well as the great access along Cedar Grove Lane. He stated that the 40,000 SF lots which would contain dwellings ranging from 5,000 SF to 5,500 SF would be a development to be proud of. Mr. Joshi asserted that the gate was an essential part of the vision; as it would supply a sense of safety and security to the residents. He indicated their appreciation for the comments and suggestions supplied by the Board. Mr. Joshi advised that they reviewed the proposed gate operation with a number of delivery companies (UPS, Amazon, Federal Express, Door Dash, etc.) and also examined how unmanned gates operated at over 55 active communities in order to determine how to maximize functionality. He asserted that the gate was a desirable feature for the subdivision and future residents; and explained that the gate vendor supplied gates to multiple Township properties and properties in other states. Mr. Joshi stated that the gate could provide a failsafe operation. Based upon all of these factors, the Applicant was asking the Board members to reconsider an unmanned gate for the proposed development on the Subject Property.
- V. Mr. Raju reiterated that he and Mr. Joshi are both long-time Franklin Township residents; and advised that he was the victim of a carjacking at his home. He asserted that the proposed gate would supply the proposed residents of the development with a sense of security; and that the gate would add value to the development which proposes large dwellings. Mr. Raju indicated that the development would be one of the Applicant's signature products for the Township; and expressed his hope that the Board would appreciate the value added by the

proposed gate.

- W. Mr. Arch added the gate includes failsafe measures which address operation in the event of a power loss. He noted that under such circumstances the gate would remain open; permitting both ingress and egress.

Mr. Arch advised that the Applicant would agree to a condition requiring the gate to remain open during the day and be closed at night; or to a condition providing control and power to Franklin Township to dictate the operating of the gate if any issues arose after installation. He stated that the Applicant desired an opportunity to demonstrate to the Township that the gate would work.

- X. In response to a Board inquiry concerning studies of crime in the area, Mr. Raju indicated that no study had been performed; but participate on calls with the Township Police Department regarding concerns in their community with the Township. He asserted that crime becomes rampant in September, October and November of each for the past 3-4 years.
- Y. In response to a further inquiry concerning studies of crime in the area of other non-gated communities of equivalently sized, larger homes along Route 27 (such as Princeton Highlands), Mr. Arch advised that no such studies were performed. He added that the Applicant's assertion of crime as the reason for the proposed gate was more experiential and anecdotal evidence based upon the experiences of Messrs. Joshi and Raju.
- Z. Mr. Thomas discussed the lack of crimes in the Cedar Grove Lane area. He expressed his concern that the Applicant's position presented a bad image of the area; and noted that, historically, gated communities have been discouraged in Franklin Township.
- AA. Mr. Arch wanted the record to show that the Applicant was not proposing a chain link fence with barbed wire. He further stated the Applicant could set the gate to operate only after 10 p.m.; or any other parameters acceptable to the Board.
- BB. Mr. Shaban advised that his car was stolen from his driveway in Princeton Highlands. He indicated that he is on the Board of the homeowners' association; and stated that the association is contemplating the installation of a similar security system for their community containing 500 homes. Mr. Shaban suggested that the gate operation be limited to 10 p.m. to morning hours in order to avoid any queuing on Cedar Grove Lane. Mr. Arch stated that they would be agreeable to that time frame and thanked him for sharing his story.
- CC. Vice Chair Brown expressed that the gate was necessary and not a good look

for the Township; especially since the Applicant failed to supply any evidence of crime within the vicinity of the Subject Property.

- DD. Chairman Orsini confirmed that the LDO did not contain a residential development for a gate; and, as a result, the Board was not required to approve the gate.
 - EE. In response to a Board inquiry, Mr. Healey confirmed that the proposed roadway would be a private roadway. He stated that, just like any other development application, the design and the layout of that roadway/gate was subject to the Board's approval. Mr. Healey reiterated that the provision of the gate was within the jurisdiction of the Board. He added that if the gate prevented sufficient access by emergency vehicles or created queuing onto Cedar Grove Lane during parties, these were both concerns, notwithstanding that it was a private road.
 - FF. Mr. Arch acknowledged the Board's right to not approve the gate; and noted that the Applicant merely wished to present the reasons for the gate and conditions which could be imposed by the Board if it permitted the gate. He requested the ability for the gate to be included in the approval; so that its efficacy could be demonstrated. Mr. Arch indicated that the Applicant would agree to a condition which would allow the Township to require the removal of the gate if it became an issue after it was installed. He reiterated that the gate would include a siren sensor which would automatically open the gate for emergency vehicles.
 - GG. In response to a Board inquiry concerning the benefit to the community from the proposed gate, Mr. Joshi explained that he and Mr. Raju both came to Franklin Township 20 years ago and love the community. He stated that they had made many friends within the Township; and that their analysis revealed that the proposed gate was a product desired by many residents. Mr. Joshi confirmed that the Applicant would limit the gate closure to 10 p.m. to 6 a.m. if that would make the gate more acceptable to the Board. He asserted that the proposed gate was similar to Somerset Run; where, during overnight hours, the gate is not manned and remains closed. Mr. Raju asserted that the construction of the proposed development would add value to the community.
 - HH. In response, several Board members expressed their objection to the gate; and indicated that the gate would only benefit the residents of the proposed development and not the entire community.
10. At the hearing on March 4, 2026, the Application was opened by the Board for public comment and no public comment was received.

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

1. Applicant, **ODIN DHUN, LLC**, is the owner of real property located at 295 Cedar Grove Lane, Somerset, New Jersey, and currently designated on the Tax Map of the Township of Franklin as Block 508.02, Lot 12, same being located within the R-40 Zone District. The Subject Property is 16.54 acres in size and is partially developed with a single-family home with a gravel driveway. The Subject Property also contains multiple sheds and remnants of old buildings from the prior commercial and agricultural use. The rear of the Subject Property contains open space which cleared to accommodate the prior agricultural use.
2. The Applicant is proposing to demolish the existing site improvements and subdivide the Subject Property into 16 lots; consisting of 14 buildable lots for single-family homes, a lot to contain stormwater management facilities; and a lot containing the private roadway and cul-de-sac; as depicted on the Applicant's subdivision plan. The Board notes that the Subject Property is compliant as to the bulk requirements of the R-40 Zone District with the exception of the minimum lot frontage for two of the proposed lots and maximum lot coverage for one of the proposed lots.
3. Specifically, the Applicant requires the following variance relief:
 - a. Minimum Lot Frontage – 200 feet required and 167.32 feet proposed for Proposed Lot 12.01 and 133.68 feet proposed for Proposed Lot 12.15; and
 - b. Maximum Lot Coverage – 20% required and 82.4% proposed for Proposed Lot 12.16.
4. The Board finds credible the Applicant's professional testimony to grant preliminary and final major subdivision approval, as well as all of the variance relief.
5. The Board is satisfied that pursuant to N.J.S.A. 40:55D-70(c)(1) that the Applicant is entitled to the aforementioned variance relief for the lot frontages. The Subject Property only has an existing lot frontage of 451 feet which runs at an angle. As opined by the Applicant's Planner, these factors combined with the required 200-foot frontage requirement, 50-foot right-of-way for the road and the curb needed at the intersection, make it impossible for conforming lot frontages to be supplied for the proposed corner lots.
6. The Board concludes that the Applicant has met its burden of proof pursuant to N.J.S.A. 40:55D-70(c)(2) so as to grant the variances from the minimum lot frontage and maximum lot coverage requirements. In so concluding, the Board has engaged

in the weighing process required for granting of a (c)(2) variance. In particular, the Board finds that the following benefits from the overall project will accrue to the Township: (a) preservation and protection of the existing trees on the Subject Property; and (b) advancement of several of the purposes of zoning set forth in the MLUL; namely, purposes (a), (c), (e) and (g) as testified to by the Applicant's Professional Planner.

7. Continuing the weighing analysis as required, the Board further finds that there are limited, if any, detriments from granting each of the requested lot frontage and lot coverage variances. This permits the Board to reach its final conclusion that, on balance, the benefits substantially outweigh any detriment, of which little or none is seen. Stated differently, the Board reaches the conclusion that the Applicant's proposed subdivision represents a better zoning alternative than compliant development.
8. 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.
9. 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.
10. The Board is satisfied that the Applicant has provided sufficient evidence and testimony and has met the requirements for preliminary and final subdivision 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 and preservation of existing trees 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. Preliminary and final major subdivision plan approval, as well as conditional use approval is hereby granted to the Applicant to subdivide the Subject Property into 16 lots; consisting of 14 buildable lots for single-family homes, a lot to contain stormwater management facilities; and a lot containing the private roadway and cul-de-sac; as presented to the Board and detailed on the preliminary and final subdivision 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. Minimum Lot Frontage – 200 feet required and 167.32 feet (Proposed Lot 12.01) and 133.68 feet (Proposed Lot 12.15) approved; and
 - B. Maximum Lot Coverage – 20% required and 82.4% (Proposed Lot 12.16) approved.
3. The within preliminary and final major subdivision approval; and associated 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 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 a 6-foot-high, black-coated, chain link fence around the perimeter of the subdivision to be located based upon field conditions to maximize the preservation of existing trees on the Subject Property to the satisfaction of the Township Professionals;
 - ii. Provision of supplemental plantings for any sparse areas within the perimeter buffer, as well as removal of any trees in poor health in the perimeter buffer; to the satisfaction of the Township Professionals;
 - iii. Switching the location of the dwelling and driveway on Proposed Lot 12.02 in order to move the driveway to the westerly side of the proposed lot;
 - iv. Preparation and recording of a conservation easement for the buffer area, including maintenance by the proposed HOA, with the Somerset County Clerk to the satisfaction of the Board Professionals;
 - v. Maintenance of all common and private amenities, including the porous pavement on all individual lot driveways, shall be the responsibility of a homeowner's association to be created by the Applicant;
 - vi. Preparation and recording of a deed notice for each building lot following the construction of the initial improvements thereon confirming the existing building and lot coverages, the maximum permitted building and lot coverages and the potential need for variance relief for any future site improvements exceeding the building or lot coverages at the time of said improvements, with the Somerset County Clerk to the satisfaction of the Board Professionals;
 - vii. Applicant shall not commence any site work, including but not limited to grading and site clearing, nor shall any final subdivision plat be signed, until the Applicant has secured all outside approvals necessary for the development of the Applicant's Project, including but not limited to approval from the Franklin Township Sewerage Authority;

- viii. Reduction of the private roadway to a two-lane roadway of a standard width for its entire length; including at its intersection with Cedar Grove Lane; with the exception of the cul-de-sac at the westerly end of the roadway;
 - ix. Elimination of the guard house and/or gate on the private roadway;
 - x. Provision of a fence or satisfactory guard on the wall for any portion over 30-inches in height to the satisfaction of the Township Building Department;
 - xi. Identification of the trees to be planted on each individual lot to the satisfaction of the Township Professionals; plans submitted for individual home construction shall propose the equivalent amount of tree plantings, on each lot, as reflected on the plans presented to the Board.
 - xii. Contribution to the Township Tree Fund, prior to signing of the final subdivision plat, for any trees required by the LDO or Tree Removal Ordinance which cannot be accommodated on the Subject Property.
- B. The Applicant shall comply with all comments and conditions as set forth within the reports of the Board professionals and Township staff as provided to the Applicant except as may have been specifically modified or waived by the Board as specifically addressed within this Resolution.
- C. The Applicant shall satisfy and post any and all escrows and pay any taxes as required by law or by ordinance.
- D. The Applicant shall obtain any and all approvals required by any other governmental agency having jurisdiction over the development.
- E. The Applicant shall comply with the assignment of new lot numbers as indicated by the Township Engineer and/or the Township Tax Assessor.
- F. The Applicant shall comply with the provision of street addresses for any new dwellings pertaining to proposed lots, subject to the review and approval of the Franklin Township 911 coordinator.
- G. The Applicant shall comply with the provisions of the map filing law P.L. 1916, c. 141 as amended by P.L.197, c..211 or filing of a deed clearly describing the approved major subdivision. Said deed shall be subject to the review and approval of the Township Engineer and Planning Board Attorney. The plat or deed shall be filed with the county recording officer within 190 days from the date of this approval. All subdivision deeds shall include metes and bounds descriptions, which shall be reviewed and approved by the Planning Board Attorney and the Engineering Department prior to the filing with the Somerset County Clerk's Office.

- H. At the time of the final submission of the subdivision plat or subdivision deeds, the Applicant shall provide a CAD generated data file prepared by a New Jersey licensed land surveyor that is directly translatable into an identical image of the filed map or subdivided parcel per the requirements of Section 112-329 of the Franklin Township Land Development Ordinance, to the extent same is necessary.
- I. The development shall be subject to the payment of any 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 03/04/2026

FOR:

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

AGAINST:

NONE

ABSTAIN:

NONE

VOTE OF RESOLUTION: 05/06/2026

FOR:

AGAINST:

NONE

ABSTAIN:

NONE



TECHNICAL MEMORANDUM

TO: Mark Healey, AICP/PP, Township and Planning Board Planner

FROM: David Glynn Roberts, AICP/PP, LLA, LEED AP ND

DATE: May 28, 2026

SUBJECT: MASTER PLAN CONSISTENCY REVIEW
B-I Zone Ordinance Amendments and B-I Zone Master Plan
Reexamination Report and Master Plan Update

BACKGROUND

This Technical Memorandum is provided per your request to review the ordinance referred to the Planning Board by Township Council regarding amendments to the Business and Industry (B-I) Zone regulations within the Franklin Township Municipal Code.

The Franklin Township Planning Board adopted the Master Plan Reexamination & Update, Business and Industry (B-I) Zone, on January 14, 2026. The public hearing was noticed pursuant to statutory requirements for the adoption or amendment of a master plan, and the document specifically amended the Land Use Element and Circulation Plan Element of the Franklin Township Master Plan.

PURPOSE AND INTENT OF B-I ZONE MASTER PLAN UPDATE

The B-I Zone Master Plan Update amended the second goal of the Land Use Element to read as follows:

“Goal: Encourage commercial and light industrial development in areas with access to major regional highways (I-287) and in established light industrial areas.

- Locate major employment and traffic-drawing uses in areas where they will least impact residential neighborhoods and where truck routes can be established for access to I-287 using non-residential streets.*
- Maintain size of industrial districts to ensure space for light industry and warehousing that is appropriate given the capacity of the roadway network.*
- Regulate the location and type of light industrial uses, including warehouse development, by the intensity of the use.*



- *High intensity warehouse types, such as fulfillment centers and postal hubs should not be permitted in the B-I Zone where most of the roadway network is shared by passenger vehicles and is vital to existing residential neighborhoods.*
- *Low to medium intensity light industrial and warehouse development should be permitted in the B-I Zone and medium intensity uses should be restricted to within one mile of an interchange with I-287 to minimize the number of heavy trucks sharing the road network with passenger vehicles and aggravating congestion at key intersections throughout the B-I Zone.*

The overall summarizing recommendation in the B-I Zone Master Plan Update was “to provide a framework to minimize traffic, noise and air quality impacts of light industrial uses, including certain types of warehouses by applying reasonable standards as to size, location and intensity so as to preserve the quality of life of residential zones adjacent to the B-I Zone”. In the portion of the Reexamination Report (Report) that addresses the B-I Zone regulations, the Report stated:

“Rather than using a traditional zoning approach based on the creation of new zoning districts, the recommended ordinance amendments set forth herein define light industrial and warehouse development by the intensity of their use, measured by both the overall size of the building and the ratio of high dock and low dock loading bays per gross floor area. The maximum size parameters for the low and medium intensity definitions correlate to daily trips and daily heavy vehicle (large trucks) trips generated per thousand gross square feet of floor area based on guidance by the Institute of Transportation Engineers (ITE)...”.

The recommended approach restricted warehouses larger than 150,000 SF and/or with a loading dock ratio less than one loading dock per 10,000 gross square feet of building area to within one mile driving distance of an interchange with Interstate 287. Warehouses up to 150,000 SF and/or a loading dock ratio of 10,000 GSF or more per loading dock would be allowed in the B-I Zone farther than one mile from an interchange, but with significant conditional use standards to protect adjacent residential zones.

PROPOSED B-I ZONING AMENDMENT – CONSISTENCY ANALYSIS

The ordinance referred to the Board by Council is entitled, “An Ordinance Amending The Code Of The Township Of Franklin, County of Somerset, State Of New Jersey, More Particularly Chapter 112, Development, Intended Primarily To Address Light Industrial Development, Including Warehouses, In The Business And Industry (B-I) Zone And To Make Associated Amendments To The Land Development Ordinance”. The ordinance incorporates many of the recommendations in the Master Plan Reexamination Report, including, but not limited to



definitions and Conditional Use standards. However, the ordinance introduced by Township Council is more restrictive than the B-I amendments recommended in the Master Plan Reexamination Report. The most significant difference between the ordinance referred to the Board for consistency determination and the ordinance recommendations adopted by the Board in the Reexamination Report are that warehouses of any size are prohibited within 500 feet of a residential zone and warehouses up to 150,000 SF are permitted only within one road mile of an interchange with I-287. The adopted Report recommends that warehouses over 150,000 SF to a maximum of 400,000 SF be restricted to the portion of the B-I Zone within one road mile of an I-287 interchange and increased the building setback for a warehouse to 200 feet from a residential zone. The referred ordinance also prohibits data centers from the B-I Zone, while the recommended ordinance amendments in the Reexamination Report did not address data centers as a permitted or conditional use.

MLUL STANDARD FOR A CONSISTENCY DETERMINATION

The referral of an ordinance or amendment by a governing body to a planning board regarding zoning and land use regulations for a consistency determination is outlined in the Municipal Land Use Law as follows:

“N.J.S.A. 40:55D-26. Referral powers

a. Prior to the adoption of a development regulation, revision, or amendment thereto, the planning board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the planning board deems appropriate.”

It is important to note that the statutory provision does not require the Board to identify provisions in the referred ordinance that are inconsistent with the recommendations in a periodic reexamination of the master plan and land development regulations, but only those that are inconsistent with the master plan, as amended/updated. Thus, the differences between the regulations for the B-I Zone recommended in the Master Plan Reexamination Report for the B-I Zone and those in the ordinance referred by Council are not part of the Board’s consistency determination regarding the Master Plan. The Board need only determine whether the referred ordinance is consistent with the amendments to the Land Use Element as adopted in the Master Plan Update portion of the Reexamination Report.



To assist the Board in that regard, the following tabular comparison of the amended goal and objectives in the Land Use Element regarding light industrial and warehouse uses is offered below.

Goal	Objective	Ordinance Provision	Consistency Comparison	Y/N
<i>Encourage commercial and light industrial development in areas with access to major regional highways (I-287) and in established light industrial areas.</i>	<i>Locate major employment and traffic-drawing uses in areas where they will least impact residential neighborhoods and where truck routes can be established for access to I-287 using non-residential streets.</i>	<p>§112-50</p> <p>A. Said use must be located within one road mile of an interchange with Interstate 287 as indicated in Attachment 32.</p> <p>B. Said use shall not be located on a property located within 500 feet of a property in a residential zone (i.e., zones in which residential uses are a principal permitted use), including the A, CP, RR, R, PAC, SCV, CMMR, MFIZ, and C-R Zones, except when separated by an interstate highway.</p> <p>D. Said use will have direct access to a minor collector or higher order street via direct frontage or via interior access road or non-residential street.</p> <p>§ 112-33.6</p> <p>M. The applicant shall submit and comply with a truck route plan identifying anticipated routes to and from the facility to the nearest highway interchange and outlining how truck drivers will be instructed as to the acceptable travel routes (relative to the class of vehicle) that serve to prohibit and keep semi-trailers away from roads which traverse residential areas of the Township neighborhoods.</p>	<p>The referred ordinance restricts warehouses to one road-mile from an I-287 interchange and keeps them at least 500 feet away from residential zones. It requires access to higher order (non-residential) streets and requires submission of a truck route plan as part of a site plan application.</p>	Y

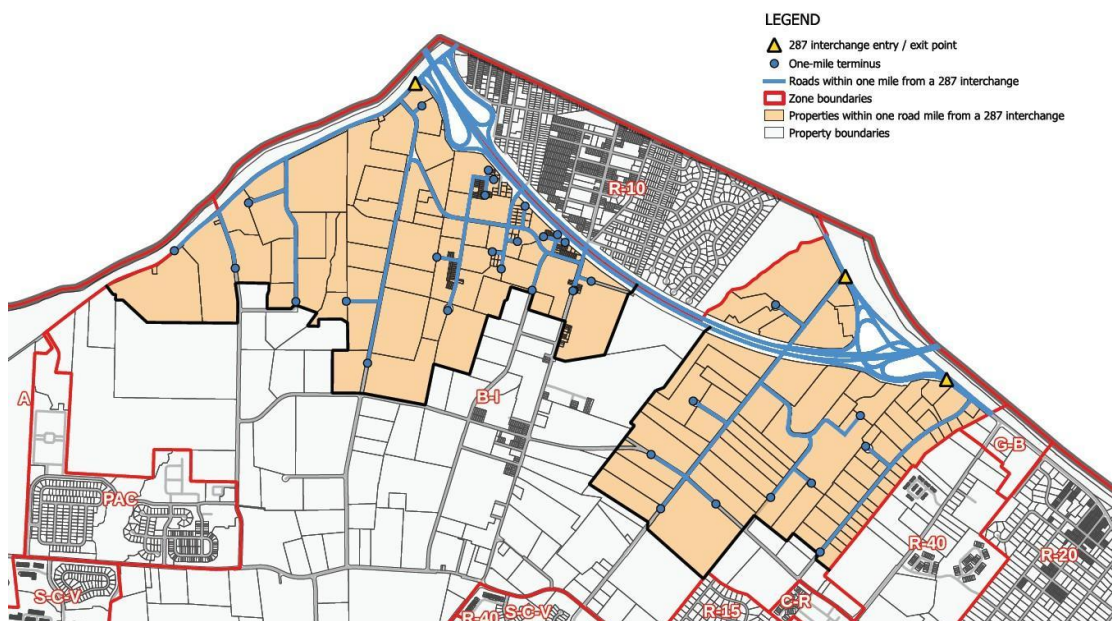


Goal	Objective	Ordinance Provision	Consistency Comparison	Y/N
<i>Encourage commercial and light industrial development in areas with access to major regional highways (I-287) and in established light industrial areas.</i>	<i>Maintain size of industrial districts to ensure space for light industry and warehousing that is appropriate given the capacity of the roadway network.</i>	SEE EXHIBIT 32 OF REFERRED ORDINANCE BELOW THIS TABLE	The restriction of warehouses to within one road-mile of an interchange with I-287 captures a sizable portion of the B-I Zone where warehouses have already been located.	Y
	<i>Regulate the location and type of light industrial uses, including warehouse development, by the intensity of the use.</i>	<p>§112-4 Definitions “Warehouses: are limited to a gross floor area of 150,000 square feet or less; contain no more than 1.0 high loading docks per 5,000 square feet of gross floor area; and contain no more than 1.0 low loading docks per 50,000 square feet of gross floor area. Compliance with all three standards is required to meet this definition and any warehouse use that exceeds any one of them is prohibited.”</p> <p>§112-50 Warehouses C. Total Floor Area Ratio (FAR) for any development parcel shall not exceed 0.362.</p>	<p>In addition to Conditional Use standards that require location of warehouses within one road mile of an I-287 interchange and 500 feet or more from a residential zone, the definition of “Warehouse” limits them to not more than 150,000 SF in size and regulates the number of loading docks.</p> <p>The FAR restriction in the Conditional Use standards also controls the intensity by guarding against subdividing a parcel to circumvent the maximum size restriction.</p>	Y
	<i>High intensity warehouse types, such as fulfillment centers and postal hubs should not be permitted in the B-I Zone where most of the roadway network is shared by passenger vehicles and is vital to existing residential neighborhoods</i>	<p>§112-4 Definitions</p> <p>FULFILLMENT CENTER Fulfillment centers, commonly known as “last-mile” facilities, pick and pack items from shelves for individual delivery to “fulfill” online orders. and focus on quickly delivering goods to individual customers and offer an array of services to help with this goal. They typically receive, pick, pack, kit, label, and deliver products to people’s doorstep in delivery vans.</p> <p>POSTAL HUB A Postal Hub (also known as Regional Processing and</p>	Fulfillment Centers and Postal Hubs are defined as separate uses in the referred ordinance, as recommended in the adopted Reexamination Report, and are neither listed as a Permitted Use or Conditional Use in the B-I Zone. “Warehouses”, as defined in Section 4 of Chapter 112, are included as a Conditional Use.	Y



Goal	Objective	Ordinance Provision	Consistency Comparison	Y/N
Encourage commercial and light industrial development in areas with access to major regional highways (I-287) and in established light industrial areas.		Distribution Centers (RPDCs) or Sorting and Delivery Centers (S&DCs) is a facility where mail and/or packages are sorted and processed for distribution to various destinations.		
	Low to medium intensity light industrial and warehouse development should be permitted in the B-I Zone and medium intensity uses should be restricted to within one mile of an interchange with I-287 to minimize the number of heavy trucks sharing the road network with passenger vehicles and aggravating congestion at key intersections throughout the B-I Zone.	The referred ordinance restricts all warehouse development to within one road mile of an I-287 interchange and the definition of “warehouse” in the referred ordinance limits the size of a warehouse to a maximum of 150,000 SF, which was the maximum size of a “low intensity” light manufacturing use in the Reexamination Report and Master Plan Update.	The referred ordinance goes further than was recommended in this Land Use Element objective in that it does not permit a warehouse of over 150,000 SF (low intensity), while the Land Use Element objective included “medium intensity” uses (which were defined as between 150,000 SF and 400,000 SF). However, the ordinance is consistent with the objective to minimize heavy trucks sharing the road network with passenger vehicles and aggravating congestion at key intersections throughout the B-I Zone.	Y

Exhibit 32: Properties in the B-I zone located within one road mile of an I-287 interchange





CONCLUSIONS

The tabular comparison of the referred ordinance shows that it is consistent with the principal goal and associated objectives as relevant to the B-I Zone in the Land Use Element of the Master Plan amended as part of the Master Plan Reexamination Report and Update for B-I Zone adopted by the Board in January of this year. By extension, the same consistency can be concluded for the language added to the Land Use Plan Element:

“to provide a framework to minimize traffic, noise and air quality impacts of light industrial uses, including certain types of warehouses by applying reasonable standards as to size, location and intensity so as to preserve the quality of life of residential zones adjacent to the B-I Zone.”

The ordinance referred by Township Council, while not a mirror image of the ordinance amendments recommended in the adopted Reexamination Report for the B-I Zone, incorporates many of the Board’s recommended provisions and does provide the framework referenced above in the Land Use Plan Element of the Master Plan by regulating the “size, location and intensity” of warehouse development.

Based on the above, I believe that the Board can determine that there are no provisions in the ordinance referred by Council for the B-I Zone that are inconsistent with the Master Plan.

TOWNSHIP OF FRANKLIN, SOMERSET COUNTY
ORDINANCE NO. 4507-26

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, INTENDED PRIMARILY TO ADDRESS LIGHT INDUSTRIAL DEVELOPMENT, INCLUDING WAREHOUSES, IN THE BUSINESS AND INDUSTRY (B-I) ZONE AND TO MAKE ASSOCIATED AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE.

SUMMARY

The Township's Business and Industry (B-I) is a commercial zone which permits a variety of commercial uses including but not limited to light manufacturing, office buildings, and hotels. The B-I zone exists in two areas of the Township. The larger area is located in the northwest portion of the Township in the general proximity of the Township's two I-287 interchanges while the smaller area is located in the northeast portion of the Township in an area located between Hamilton Street and Bennetts Lane.

Franklin Township has experienced exponential growth in the amount of development applications for warehouses in the form of more than two dozen such applications for the development of new or expanded warehouses since 2018 which total several million square feet. It is anticipated that this exponential growth in warehouse development will create significant impacts to the quality of life in Franklin Township including but not limited to traffic impacts related to the capacity of the Township's roadway network to handle the significant increase in truck traffic and additional negative impacts to sensitive land uses including noise and air pollution.

As a result of these concerns, the Township hired a consultant to prepare a planning evaluation of the B-I zone focusing on these issues. The consultant worked with Township staff as well as an ad-hoc Steering Committee. This effort included a total of 4 Steering Committee meetings, two Community Meetings and two meetings before the Planning Board including a public hearing noticed as required by law. All materials associated with this effort, including the videos of the Community Meetings and the proceedings before the Planning Board, were provided on the Township website for public review. The project-specific webpage also included a comment function which permitted interested parties to provide comments. This effort, which lasted well over a year, resulted in the preparation of the Master Plan Reexamination addressing the B-I zone which consisted of a comprehensive evaluation of the B-I zone and recommended zoning amendments related to it including: permitted uses, bulk requirements, design standards and buffer requirements, other related zoning (e.g., definition of terms), and to specifically evaluate the manner in which light industrial development, including warehouses, could be permitted in the zone.

The evaluation took into consideration the differing nature of warehouse development (e.g., distribution facilities, fulfillment centers and last mile fulfillment facilities) and evaluated whether the different types of warehouses could/ should be permitted/ regulated differently due to differences in their impacts (including but not necessarily limited to traffic, air quality, noise, proximity to the residential areas, and location within the Township/ proximity to I-287). It also evaluated other permitted uses in the zone (e.g., light manufacturing) and made recommendations regarding the extent that such uses could result in impacts similar to certain and/or all warehouse development.

The Master Plan Reexamination considered the potential impacts related to noise and air quality and made recommendations related to the mitigation of such impacts, to the degree appropriate to address in a municipal zoning ordinance, including: permitting certain uses in certain areas but not in others (e.g., in proximity to residential zones); setbacks or buffering

requirements; or design-related measures.

Finally, the ordinance also eliminates data centers as a permitted principal use in the B-I zone due to noise and air quality impacts associated with such uses as well as the disproportionate impact of such uses on electric and public water infrastructure systems.

BE IT ORDAINED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that the Code of the Township of Franklin is hereby amended as follows:

SECTION I

Chapter 112, Land Development, is hereby amended to amend Section 112-4, Definitions, in Article II, General Provisions, as follows:

LOADING DOCK, HIGH

Loading docks designed at such a height to match the standard height of freight truck beds and semi-trailers typically around 48 inches (4 feet) from the ground which allows for a straight, level passage between the warehouse floor and the truck bed, enabling the use of forklifts, pallet jacks, and other equipment without the need for ramps or additional lifting.

LOADING DOCK, LOW

Loading docks designed to facilitate the loading of trucks, usually involved in local deliveries and short-haul transportation, with a lower bed height (approximately 24 inches or lower) requiring a lower docking height than a high loading dock.

FULFILLMENT CENTER

Fulfillment centers, commonly known as "last-mile" facilities, pick and pack items from shelves for individual delivery to "fulfill" online orders. and focus on quickly delivering goods to individual customers and offer an array of services to help with this goal. They typically receive, pick, pack, kit, label, and deliver products to people's doorstep in delivery vans.

LIGHT MANUFACTURING

A land use where the only activity involved is one of the fabrication, maintenance, alteration, repairing, finishing, or assembling of standardized parts including manufacturing and fabrication of wire, sheet and related strip, wood and paper products, toys, bags, book binding, boxes and packaging materials, office supplies, pharmaceuticals, bottling of food and beverage, food and cereal mixing and milling food processing, food sundry manufacturing, ice cream manufacturing, manufacturing of spirituous liquors, other uses of the same nature and type, and including accessory office space. Light manufacturing shall not be considered to consist of a processing activity which would involve a physical or chemical process that would change the nature or character of the product or raw material. Any and all manufacturing, fabrication, maintenance, alteration, repairing, finishing, or assembling shall be carried on within and confined to an enclosed structure or structures. No light manufacturing use shall devote more than 49% of the total building floor area for storage use inclusive of: raw material staging; work-in-process buffering; finished-goods storage; packaging and outbound staging nor shall the area of the building devoted to storage use constitute more floor area than that devoted to manufacturing. Further, no light manufacturing use shall have high-dock loading in excess of one loading space per 10,000 square feet of total building floor area. Any building with a higher percentage of storage use and/or ratio of loading docks shall be considered a warehouse, subject to the requirements for such use.

POSTAL HUB

A Postal Hub (also known as Regional Processing and Distribution Centers (RPDCs) or Sorting and Delivery Centers (S&DCs) is a facility where mail and/or packages are sorted and processed for distribution to various destinations.

WAREHOUSE

A fully enclosed building, the principal use of which is for the storage of merchandise or commodities on a short- or long-term basis, along with facilities designed to store, deposit or hold merchandise on a temporary basis for further shipment or distribution, and including accessory office space. This term shall be inclusive of wholesale business. Warehouses: are limited to a gross floor area of 150,000 square feet or less; contain no more than 1.0 high loading docks per 5,000 square feet of gross floor area; and contain no more than 1.0 low loading docks per 50,000 square feet of gross floor area. Compliance with all three standards is required to meet this definition and any warehouse use that exceeds any one of them is prohibited. Warehouse uses are not inclusive of truck terminals, postal hubs and fulfillment centers, which are prohibited. Warehouses uses are not inclusive of data centers.

SECTION II

Chapter 112, Land Development – Article III, General Zoning Regulations, Schedule 1, Permitted Uses, is amended to add “warehouse” as a conditional permitted use in the B-I zone, to eliminate “data center” as a permitted use in the B-I zone and to make associated editorial changes in the description of permitted accessory uses, as follows:

DISTRICT CATEGORY	PRINCIPAL USES	ACCESSORY USES	CONDITIONAL USES
B-I Business and Industry	<ul style="list-style-type: none">• General and professional office• Laboratory• Banquet facility• Hotel• Data center• Light manufacturing• Self-storage facility• Indoor recreation• Child-care center• Administrative and dispatch services excluding the idling, parking, storage, service, fueling or repair of vehicles used in such service or site• Class 1 cannabis cultivator• Class 2 cannabis manufacturer• Class 3 cannabis wholesaler• Class 4 cannabis distributor• Class 6 cannabis delivery service	<ul style="list-style-type: none">• Buildings customary and incidental to the operation of the principal use• Signs (See Article XII.)• Retail sales as part of a <u>warehouse or</u> light manufacturing operation provided the items offered for sale are those manufactured <u>and/or distributed</u> by the <u>warehouse or</u> light manufacturing operator; parking is provided per the requirements for retail use; such space occupies no more than 10% of the floor area of the principal use	<ul style="list-style-type: none">• Public utility installations (See § 112-48.)• Wireless communications antennas per Article VI• Billboards on property fronting I-287 per § 112-53.1• <u>Warehouse as defined in §112-4, per §112-50</u>

SECTION III

Chapter 112, Land Development – Article V, Conditional Uses, shall be revised to provide Section 112-50, as follows, to contain conditional use standards for “warehouse” uses in the B-I zone:

§112-50 Warehouse

Warehouses shall be permitted in the B-I zone upon authorization by the Planning Board in accordance with respective conditional use standards outlined below and site plan review.

- A. Said use must be located within one road mile of an interchange with Interstate 287 as indicated in Attachment 32.
- B. Said use shall not be located on a property located within 500 feet of a property in a residential zone (i.e., zones in which residential uses are a principal permitted use), including the A, CP, RR, R, PAC, SCV, CMMR, MFIZ, and C-R Zones, except when separated by an interstate highway.
- C. Total Floor Area Ratio (FAR) for any development parcel shall not exceed 0.362.
- D. Said use will have direct access to a minor collector or higher order street via direct frontage or via interior access road or non-residential street.
- E. No such use shall be located on a parcel having frontage on a scenic roadway, as identified in the Franklin Township Master Plan.
- F. The facility shall be served by public water and public sewer.

SECTION IV

Chapter 112, Land Development – Article III, General Zoning Regulations, Schedule 6, Landscaping and Buffer Requirements, is revised to delete lesser buffer requirements, to retain and enhance the buffer requirements required in the B-I zone and to increase the tree planting requirement of the B-I zone, as follows:

DISTRICT CATEGORY	BUFFER REQUIREMENT	LANDSCAPING REQUIREMENTS
RR3 and RR5	<p><u>Refer to the buffer requirements of the respective business or commercial zone (e.g., N-B, G-B, B-I)</u></p> <p>Installation, planting and maintenance of a buffer zone between all residential and industrial uses which abut each other. The buffer zone shall consist of the following requirements:</p> <p>1. The buffer zone shall consist of a strip of land to be landscaped which is 15 feet wide along the property line which abuts a residential zone.</p> <p>2. The buffer zone shall contain plantings of shrubs or trees, installed in the following manner: Three feet on center row, and the row shall be located between three and six feet from the adjoining property line. Shrubs shall be at least three feet in height at the time of planting and at least six feet</p>	<ul style="list-style-type: none">• Two trees of at least 1-3/4 inches caliper measured at a point one foot above the ground shall be planted in the front yard area except that the code enforcement office may waive this requirement if trees exist on the lot.• For flag lots see Article IX, § 112-68 et seq

DISTRICT CATEGORY	BUFFER REQUIREMENT	LANDSCAPING REQUIREMENTS
	<p>in height after three years.</p> <p>3. Shrubs are expected to produce a year-round dense screen, and shall consist of the following plant material or equal:</p> <p>(a) Juniperus chinensis (Chinese Juniper).</p> <p>(b) Juniperus virginiana (Red Cedar).</p> <p>(c) Taxus cuspidata (Japanese Yew).</p> <p>4. Trees that are planted for the purpose of screening shall be planted in a single row not less than four feet from the lot line, and shall be spaced six to eight feet on center, each tree having a minimum caliper of two inches, or as approved by the Planning Board assisted by the applicant's landscape architect.</p> <p>5. Trees are expected to produce a year-round dense screen, and shall consist of the following plant material or as approved by the Planning Board assisted by the applicant's landscape architect:</p> <p>(a) Abies concolor (white pine).</p> <p>(b) Picea canadensis (white spruce).</p> <p>(c) Pinus strobus (white pine).</p> <p>(d) Pinus nigra (Austrian pine).</p> <p>(e) Tsuga canadensis (Canadian Hemlock).</p> <p>6. No access driveways, loading areas, outdoor storage nor any principal or accessory structures shall be permitted within the buffer zone.</p> <p>7. Underground utility easements may be permitted, when deemed necessary by the Planning Board.</p> <p>8. In areas where a residential zone borders an industrial use, but the immediate contiguous land is to be used for parking, the buffer zone may be reduced to 10 feet, provided that a fence be erected, not less than one foot from the property line, which fulfills the following requirements:</p> <p>(a) The fence shall be of semitransparent design using either board and batten, solid picket, staggered board, or louver panel format.</p> <p>(b) The fence shall be at least five feet high and not more than six feet high.</p> <p>(c) Both sides of the fence shall be treated with an exterior stain and preservative.</p> <p>9. Special uses screened. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures within 25 feet of a residentially zoned property shall be subject to screening. The screening shall consist of a fence or shrub row along the side facing the residential zone.</p>	

DISTRICT CATEGORY	BUFFER REQUIREMENT	LANDSCAPING REQUIREMENTS
	<p>10.— Maintenance. It shall be the responsibility of the owner to assure the continued viability of plant materials and to maintain the area, including fences.</p> <p>11.— Lighting. Lighting of parking areas or other areas on the industrial property shall be screened from adjoining residential properties.</p>	
B-I	<p>Buffer zone area not less than 50 feet in width and consisting of mass evergreen plantings and a solid 6-foot-high fence shall be required along and abutting all residential zone boundaries (i.e., zones in which residential uses are a principal permitted use), including the A, CP, RR, R, PAC, SCV, CMMR and C-R Zones, except that no buffer shall be required where an interstate highway is located between the B-I Zone and such residential zone. Such buffer area shall increase to 75 feet for sites containing a building taller than 50 feet in building height. Refer to Schedule 2, Lot and Yard Requirements, for applicable building setbacks.</p> <p>With the exception of necessary access drive(s), <u>sidewalks</u> and fencing or other screening approved as part of development application, no improvements (e.g., stormwater basin <u>or facilities of any kind, utilities, loading areas,</u> parking lots <u>or drive aisles or any portion thereof,</u> etc.) may be permitted within such buffer areas</p> <p><u>The buffer zone shall contain plantings of shrubs and trees installed in such type, manner and spacing to provide a dense year-round screen in the following manner: shrubs shall be at least 3 feet in height at planting, such type that would be at least six feet in height after three years and planted 3-feet on-center; deciduous trees shall be at least 2½ inches caliper at planting and evergreen trees shall be at least 6 feet in height; trees shall be spaced six to eight feet on center. The entire width and length of the buffer shall be planted with trees and shrubs. The ratio of trees to shrubs shall be at least 2 trees for every 1 shrub.</u></p> <p><u>The buffer yard shall be landscaped with a minimum of 50% native plant materials of types resistant to draught and disease.</u></p> <p><u>Drip irrigation systems shall be utilized in buffer area and shall be maintained in working order for at least three years from issuance of a certificate of</u></p>	<ul style="list-style-type: none"> • Evergreen and deciduous trees shall be required in all side and/or rear yard areas which abut residential zone boundary lines. One tree shall be required for each five-foot length of side and/or rear yard area. Evergreen trees shall be at least six feet in height at the time of planting, and deciduous trees shall be at least 2 ½ inches caliper. • The approving authority may waive all or a portion of the required landscaping if adequate numbers of trees exist or for reason of topographical change. • Landscaping on site, <u>exclusive of required buffer plantings,</u> shall include one tree (deciduous trees at least 2½ inches caliper and evergreens at least 6 feet in height) for each <u>1,000 2,000</u> square feet of paved area. • <u>All land not covered by buildings, storage areas, parking, sidewalks, emergency access, driveways, and loading areas or as may be required by Township ordinances, circulation plans, or fire or safety regulations shall be landscaped.</u> • <u>Only nursery-grown plant materials shall be acceptable; and all trees, shrubs, and</u>

DISTRICT CATEGORY	BUFFER REQUIREMENT	LANDSCAPING REQUIREMENTS
	<u>occupancy. Water-efficient irrigation systems are encouraged, including systems that minimize the use of potable water and systems that recycle rooftop runoff.</u>	<u>ground covers shall be planted according to accepted horticultural standards. Dead or dying plants shall be replaced during the following planting season.</u>

SECTION V

Chapter 112, Land Development – Article IV, Supplementary Zoning Regulations, Section 112-33.6, Design of Business and Industry Uses, is revised to new and updated standards as outlined below:

§ 112-33.6 Design of business and industry uses.

Laboratories, warehouses, self-storage facilities and light manufacturing uses, and other such light industrial uses exempt from Article XXVIA, Commercial Design Standards, shall still be designed to present an attractive appearance to adjoining roadways and adjoining properties (particularly where adjoining residential zones), provide effective buffering and screening of adjoining uses as required by Schedule 6, and appropriately provide for alternative modes of transportation. These design standards are supplemental to other applicable standards (e.g., conditional use standards for warehouses per § 112-50). Development applications for such uses shall take such matters into consideration including but not necessarily limited to the following:

- A. The front yard should be attractively landscaped. The landscaping in the front yard should include the planting of street trees planted no greater than 40 feet on center. Additional landscaping in the front yard should consist of ornamental landscaping to provide an attractive streetscape and/or functional landscaping as necessary to screen parking, loading, or service areas located beyond the front yard.
- B. There should be an emphasis on providing a portion of the required landscaping required in Schedule 6 (i.e., one tree/~~2,000~~1,000 square feet of pavement) within the interior of the site in the form of landscape islands, i.e., this requirement should not be met solely by placing trees around the perimeter of the site.
- C. Loading docks, truck parking, outdoor storage, trash collection/compaction, and other service functions should be located in a manner than minimizes their view, and associated noise, from adjoining roadways, from adjoining properties occupied by hotels, schools, places of worship or childcare facilities, and from adjoining residential properties. Where such placement is unavoidable, such areas should be screened to the maximum degree practicable through the use of landscaping, fences and/or walls.
- D. Where the subject site is immediately adjacent to or across a street (with the exception of an interstate highway) from a residential zone, any land use approval granted by the Township shall be conditioned upon the following: loading and unloading; loading, unloading, opening, closing or other handling of boxes, crates, containers, equipment, building materials, liquids, or the loading and unloading of bulk materials in liquid, gaseous, powder or pellet form is prohibited between the hours of 10:00 p.m. and 7:00 a.m., on weekdays and between the hours of 8:00 p.m. and 9:00 a.m. on weekends or federal holidays; truck access to loading and

unloading facilities covered by this section shall be restricted during the time outlined herein by the installation of fence and a gate; and, said gate shall remain closed during these prohibited hours to keep trucks out of the facility.

- E. The applicant shall consider a variety of architectural elements, styles, textures, colors, shapes and materials to articulate and break up the building's monotony and line of site in a manner that reduces both visual and environmental impacts. Blank facades or walls exceeding 100 feet in length shall not be permitted. To mitigate the appearance and perception of a large monolithic building developers shall consider elements such as decorative patterns on exterior finishes, metal or synthetic paneling, fenestration, horizontal banding, columns, awnings, and vegetated "green" walls or espaliers, or a combination thereof. In addition: building articulation and fenestration shall also be provided for warehouses with an accessory office component and in the areas of the facility related to employee entrances. Such areas shall maximize natural lighting. The minimum area of window opening on facades of office spaces and employee entrances shall be 40%. Vertical and horizontal building offsets are encouraged. The side(s) of the building facing and visible from adjoining roadway(s) should be designed and finished in an attractive manner and should present architecturally as the front of the building. Particular attention should be paid to any building façade which faces a residential zone.
- F. Mechanical equipment, whether on the roof, sides of the building, or mounted on the ground, should be screened from view from adjoining roadways, from adjoining properties occupied by hotels, schools, places of worship or childcare facilities, and residential districts. In such instances, screening should be architecturally integrated with the building through materials, color, texture, shape, size, and with design features, such as facade parapets.
- G. Development applications for such uses should appropriately take into consideration nonautomotive modes of transportation. Site plans should provide convenient and safe interconnection of sidewalks between parking areas and building entrances within the site and extending to the street. Sidewalks should be provided along the site frontage. Site plans should incorporate bicycle parking, a bicycle repair station, as well as electric vehicle charging stations.
- H. For larger sites and/or sites where a significant portion of the employees are not expected to commute by their own automobiles, there should be appropriate accommodation for pick-up/drop-off area(s) for ride hailing services, bus and/or shuttle.
- I. The site plan shall demonstrate measures to address compliance with applicable Township (§112-114.2) and state laws pertaining to idling of gasoline and diesel fueled motor vehicles, including N.J.A.C. 7:27-14 ("Control and Prohibition of Air Pollution from Diesel-Powered Motor Vehicles") and N.J.A.C. 7:27-15 ("Control and Prohibition of Air Pollution from Gasoline-Fueled Motor Vehicles"), including, but not necessarily limited to, the posting of signage on the site.
- J. All newly constructed buildings shall be solar-ready.
- K. Driveways, walkways, and parking, staging, and loading areas shall be designed to minimize potential conflicts between cars, trucks, bicyclists, and pedestrians internal to the site and at access points to adjacent roadways. Crosswalks shall be striped across driveways and entrance and exit ramps to, from, and within the site for visitors and employees who are walking from parking areas to building entrances.

- L. The applicant shall prepare a construction traffic control plan prior to starting site work, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and shall design the plan to minimize impacts on roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.
- M. The applicant shall submit and comply with a truck route plan identifying anticipated routes to and from the facility to the nearest highway interchange and outlining how truck drivers will be instructed as to the acceptable travel routes (relative to the class of vehicle) that serve to prohibit and keep semi-trailers away from roads which traverse residential areas of the Township, neighborhoods.
- N. A gate management plan (e.g., off-peak goods movement and staggered shifts) shall be provided as a condition of approval, demonstrating how queuing will be avoided on adjoining roads. Where guard shack, checkpoints or gates are proposed at the entrance(s) to such facilities, adequate queuing space shall be provided within the property boundaries to prevent stacking of tractor-trailers on or along public streets. The applicant shall prepare a plan, subject to Township approval, ensuring access at all times to the site and building by public safety personnel.
- O. On-street parking, queuing and vehicle loading is not permitted. Provisions shall be made on each site for any necessary vehicle loading.
- P. Driveways, internal drive aisles and curb cuts to adjoining roadways shall be designed with adequate widths and turning radii allowing anticipated vehicle types (including tractor trailers in those areas to be traversed by such vehicles) to complete turning maneuvers while remaining within their designated travel lanes. Turning templates demonstrating this shall be provided for all anticipated vehicle types and routes.
- Q. Sustainability measures are highly encouraged including but not necessarily limited to: use of reflective light colored or TPO roofing materials; vegetated "green" roofs; use of "cool pavement," permeable pavement, or some other heat island mitigative measure to the greatest extent possible to mitigate heat island effects; use of non-glare energy efficient light fixtures; use of "green" building design and materials; green stormwater infrastructure (i.e., bioswales, cisterns, rain gardens, and porous pavements), xeriscaping or native vegetation to reduce irrigation needs, and design features or vegetation that helps to modulate microclimate and lower summer cooling loads; and use of low carbon concrete is highly encouraged under this plan.
- R. Where the subject site is immediately adjacent to or across a street (with the exception of an interstate highway) from a residential zone, an applicant shall have an appropriately accredited professional conduct a noise impact analysis ("NIA"). The scope of the NIA shall include: consideration of all reasonably foreseeable project noise impacts to nearby properties from both construction and operations, including stationary, on-site, and off-site noise sources; and the applicant's planned mitigative measures, if necessary, to reduce noise impacts off-site during construction and during operation such as prohibiting loading and other outdoor activities during certain hours, installation of densely vegetated berms, installation of sound walls, limiting hours of operation.
- S. All applications for site plan approval shall include a narrative statement addressing

compliance or non-compliance with each of the design standards above. If the applicant believes a design standard, or portion thereof, is not applicable the narrative statement shall explain why the applicant believes it is not applicable to the application. To the degree that the applicant seeks a waiver from a design standard, in whole or in part, the narrative statement shall provide the applicant's justification for such waiver by the Board.

SECTION VI

Chapter 112, Land Development – Article III, General Zoning Regulations, Schedule 2, Lot and Yard Requirements, is amended to increase the required side and rear yards in the B-I zone and to amend footnote 16 to refer to the conditional use standards for warehouses, as follows:

Zone	MINIMUM LOT SIZE				MINIMUM REQUIRED YARD DEPTH							
	INTERIOR LOT		CORNER LOTS		PRINCIPAL BUILDING				ACCESSORY BUILDING		GARDEN SHED	
	AREA (square feet or acres)	FRONT AGE (feet)	AREA (square feet or acres)	FRONT AGE (feet)	FRONT YARD	ANY ONE SIDE YARD	TOTAL OF TWO SIDE YARDS	REAR YARD	SIDE YARD	REAR YARD	SIDE YARD	REAR YARD
B-I ^{15,16}	2 AC	150	2 AC	150	50	40-25	50	25-50	20	25		

16. The minimum setback(s) for principal and accessory buildings shall increase to 100 feet ~~of an~~ from any property line abutting a property located within a residential district (i.e., zones in which residential uses are a principal permitted use), including the A, CP, RR, R, PAC, SCV, CMMR and C-R Zones. Such setback(s) shall increase to 150 feet for buildings taller than 50 feet in building height. Such supplemental setbacks shall apply where the residentially zoned property is across the street from the subject property, except that no such supplemental setback shall apply when an interstate highway is located between the B-I Zone and such residentially zoned property.

SECTION VII

Chapter 112, Land Development – Article III, General Zoning Regulations, Schedule 3, Height, Coverage and Building Requirements, is amended to add a footnote referring to the conditional use standards for warehouses, as follows:

Zone	MAXIMUM HEIGHT		MAXIMUM PERCENT LOT COVERAGE	MAXIMUM PERCENT IMPERVIOUS COVERAGE	MAXIMUM FLOOR AREA RATIO (FAR)
	(stories)	(feet)			
B-I	5 ¹	50 ^{1,2}	50%	60%	0.5 ³

3. For warehouse uses refer to §112-50.

SECTION VIII

Chapter 112, Land Development – Article III, General Zoning Regulations, Schedule 4, Parking Requirements, is amended to add parking requirements for “warehouse” uses and to provide the clarification in proposed footnote 5 for the calculation of required parking, as follows:

TYPE OF USE	REQUIRED NUMBER OF SPACES	ADDITIONAL REQUIREMENTS
<u>Warehouse</u> ⁵	<u>1 space for each 1,000 square feet of gross floor area for the first 5,000 square feet and 1 space for each 2,500 square feet thereafter</u>	<u>See note 2</u>

5. Where office space is accessory to the principal use at no more than 10% of the total floor area, the above off-street parking requirements shall be inclusive of both uses. Where the amount of office space exceeds 10% of the total floor area, the parking requirement for office use shall be applied to the office space floor area which exceeds 10% of the total floor area.

SECTION IX

Chapter 112, Land Development – Article XI, Off-Street Parking and Loading, Section 112-102.G., pertaining to required setbacks for parking and loading areas in the B-I zone is amended to provide clarifying language, as follows:

G. B-I: No portion of a parking area, drive aisle or driveway (other than that necessary to provide access to the property) shall be located in the required 50-foot wide front yard area nor closer than five feet from a side or rear property line. Ingress and egress shall be provided by not more than two driveways, each not less than 20 feet nor more than 36 feet in width. No portion of a parking area, parking lot drive aisle or driveway may be located within buffer zone areas required in Schedule 6.

SECTION X

Schedule 9, Site Plan Submission Checklist, shall be amended to require an applicant to submit a narrative statement justifying non-submittal of required site plan elements and to provide written statements addressing non-compliance with applicable conditional use standards and design standards.

		Preliminary and/or Major Site Plan	Applicant Use (1)(3)	Official Use		
				Accepted	Not Applicable	Waived (Initials)
61	Demonstration of compliance/noncompliance with any applicable conditional use requirements (4)	X				
62	As applicable, demonstration of compliance/ noncompliance with applicable design standards §112-33.6, Design of business and industry uses (4)	X				
63	Geotechnical soil testing report in accordance with Chapter 12 of the NJ Stormwater Best Management Practices Manual	X				
<u>64</u>	<u>As applicable, noise impact analysis per §112-33.6.R.</u>	<u>X</u>				

- (3) Where the applicant believes a submittal item is not applicable or requests a waiver for submittal of an item, a letter providing justification for non-submittal of the item(s) shall be provided.
- (4) A narrative statement addressing compliance or non-compliance with each of the standards shall be provided. If the applicant believes a standard, or portion thereof, is not applicable the narrative statement shall explain why the applicant believes it is not applicable to the application. To the degree that the applicant seeks relief from a standard, in whole or in part, the narrative statement shall provide the applicant's justification for such relief from the Board.

SECTION XI

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

SECTION XII

This ordinance shall take effect immediately upon adoption and publication according to law.

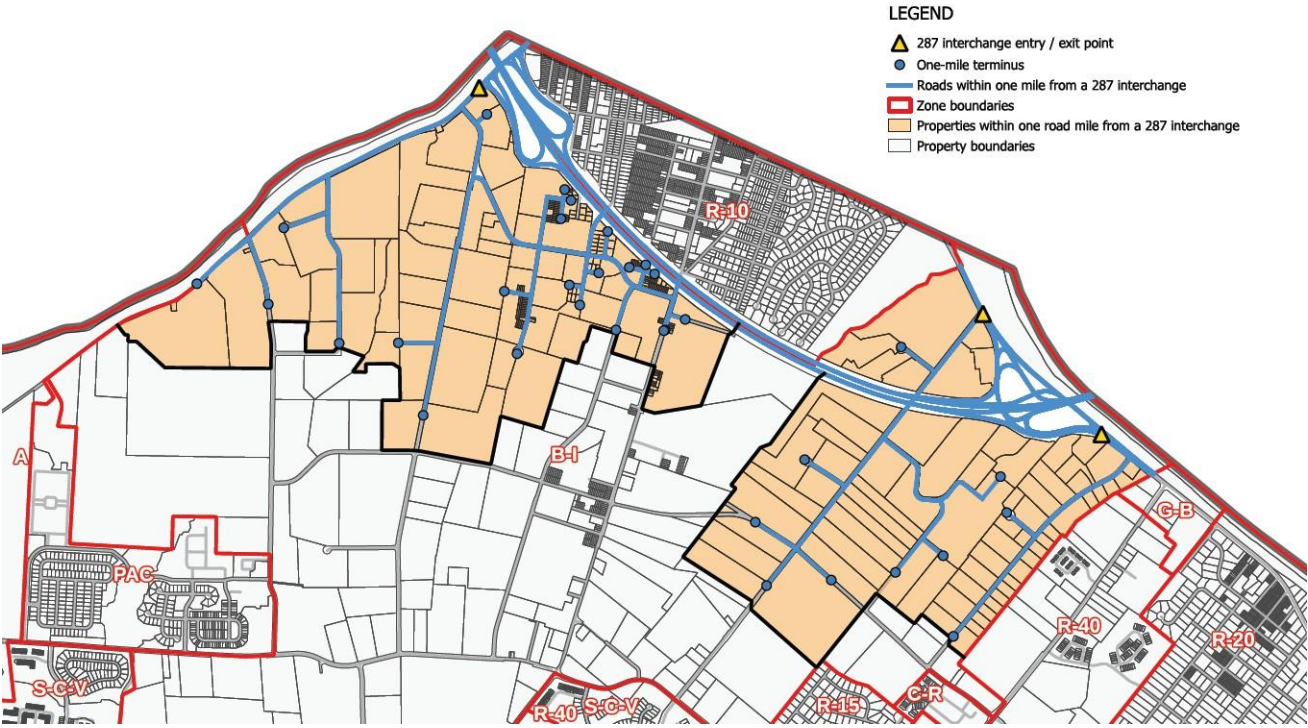
ORDINANCE NO. 4507-26

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

Introduced: May 12, 2026
Published: May 15, 2026
Public Hearing: June 9, 2026
Adoption:
Published:
Effective:

Ann Marie McCarthy, Township Clerk

Exhibit 32: Properties in the B-I zone located within one road mile of an I-287 interchange



memo



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

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

DATE: May 19, 2026

RE: Comments from Franklin Township Environmental Commission
AP Realty Group, LLC
426 Ralph Street, Somerset
(Block 227; Lots 15-18)
File #: PLN-26-00006

At its regularly scheduled meeting of May 18, 2026, the Franklin Township Environmental Commission ("EC") resubmitted reviewed plans and documents for the above-referenced project.

- The EC recommends the planting of additional trees and shrubs, beyond the required replacement of 13 trees. This area is in need of additional trees, and the site allows for space to do so.
- The EC recommends the use of native and/or pollinator plants that also provide stormwater runoff management when choosing landscaping materials. These plants provide important environmental services, offer habitat and food resources for pollinators, and are very attractive in a neighborhood setting.

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

Franklin Township

Somerset County, New Jersey

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

Township Technical Review Committee (TRC)

MEMORANDUM

To: Planning Board

From: Technical Review Committee (TRC)

Date: May 21, 2026

Re: AP Realty Group, LLC – Minor Subdivision w/ C Variance (PLN-26-00006)
426 Ralph Street (Block 227, Lots 15-18)

Site and Project Description:

The subject site is located on the southerly side of Ralph Street approximately 650' west of Matilda Avenue. It is located within the R-7 (Residential) Zone which permits single-family and two-family dwellings on minimum 7,500 square foot lots. Block 227, Lots 15, 16, 17 & 18 is 40,000 square feet in size and contains a single-family dwelling. The majority of the property is lawn area along with a large concrete patio area. A storm drainage easement crosses the property as does a Franklin Township Sewerage Authority sewer main easement.

In support of their application the applicant has submitted:

- A one-sheet plan entitled "Minor Subdivision Plan Prepared for 426 Ralph Street, Lots 15-18 in Block 277", prepared by Fletcher Engineering, Inc. dated July 8, 2025.
- A two-sheet plan entitled "Site Improvement Plan Prepared for 426 Ralph Street, Lots 15-18 in Block 277", prepared by Fletcher Engineering, Inc. dated July 8, 2025.
- A two-sheet plan entitled "Soil Erosion and Sediment Control Plan Prepared for 426 Ralph Street, Lots 15-18 in Block 277", prepared by Fletcher Engineering, Inc. dated February 3, 2026.
- Layout plans for the two proposed new dwellings prepared by Roger C. Winkle, Architect.

Project Information:

The subject 40,000 square foot site is located along the southerly side of Ralph Street within the R-7 Residential Zone. The site contains an existing 1-1/2 story frame dwelling.

The applicant seeks Minor Subdivision Approval and the following "C" variances:

- Lot Frontage: 75 feet min. required – 50 feet proposed (Lot 15.01)
- Effective Square: 55' x 55' required – 30' x 55' proposed (Lot 15.01)

The homes to be built on proposed Lots 15.01 & 17.01 would be served by public water and sewer. Utility connections are not shown for the existing dwelling.

Proposed Lots 15.01 (10,000 s.f.), 16.01 (15,000 s.f.) and 17.01 (15,000 s.f.) would all exceed the minimum 7,500 square feet area required in the zone.

Review Comments:

1. With respect to the requested 'c' variances, the applicant needs to demonstrate, to the Board's satisfaction, whether each would satisfy the c-1 (hardship) and/or c-2 (advancement of the MLUL) criteria (the "positive criteria"). With respect to the negative criteria, the applicant must demonstrate that the variances would not result in substantial detriment to the public good ("1st prong" of negative criteria) and will not substantially impair the intent and purpose of the zone plan and zoning ordinance ("2nd prong of negative criteria). Finally, the applicant must prove that benefits of granting the variances would substantially outweigh any detriments resulting from grant of the variances.

Upon initial review it is unclear how the requested variances for proposed lot 15.01 (e.g., 50 feet where 75 feet of frontage is required) represents either a hardship uniquely affecting the property (c-1) or a better zoning alternative (c-2).

2. Should the Board act favorable on the application, the new lot numbering shall be as follows:
 - Existing Tax Lot 15 = New Lot 15.01
 - Existing Tax Lot 17 = New Lots 17.01 (25' wide) & 17.02 (25' Wide)
 - Existing Tax Lot 16 + New Lot 17.01 = New Lot 16.01
 - New Lot 17.02 + Tax Lot 18 = New Lot 18.01
3. Subdivision and Consolidation deeds shall be supplied for review and approval prior to filing with the Somerset County Clerk's Office should the applicant opt to perfect the subdivision by deed. A subdivision plat would be required if the applicant prefers to file by map.
4. Minor Subdivision Plan:
 - Update the proposed lot numbering in accordance with Comment #1.

- Provide bearing and distances for the existing storm drainage and Franklin Township Sewerage Authority sewer easements. Provide existing filed easement deeds or provide new deeds for review and approval prior to filing with the Somerset County Clerk's Office.
- Provide dimensions for existing Lots 15, 16, 17 & 18.
- Provide the survey bearing base on which the map is based (deed?).
- Concrete monuments shall be set at the points where the exterior property line intersects with Ralph Street. The monuments shall either be set or bonded for prior to the perfection of the subdivision.

5. Site Improvement Plan:

- Update the proposed lot numbering in accordance with Comment #1.
- Remove the existing patio and asphalt driveways (as indicated on plan) prior to the perfection of the subdivision.
- Relocate proposed street tree located over sewer line.
- Remove all proposed improvements (i.e. underground roof leaders) within the FTSA sewer easement.
- Remove existing improvements within drainage easement prior to the perfection of the subdivision (and indicate removal on plan).
- Modify roof leader detail to remove sump pump connection. Sump pumps may not discharge directly into the proposed seepage pits.
- A proposed 8" PVC pipe is shown crossing from near the northeasterly corner of the property and tying into the existing storm drainage. It appears that the proposed invert of the pipe is slightly higher than the existing storm drainage structure. Invert elevations will need to be shown for the existing storm structures on the site and in the street. Approval from the FTSA will need to be acquired to cross their easement with the piping. A lawn inlet should be constructed to better collect the water along the property line.
- Add a concrete curb and gutter detail. Add note that entire sections of existing curb & gutter must be removed and replaced. Saw cutting is not permitted.
- A concrete sidewalk detail is shown but there is no proposed sidewalk on the plan. Is the applicant proposing to construct the sidewalk or will they be requesting a waiver? If a waiver is granted, a payment in-lieu-of construction will be required.
- Proposed basement floor elevations are shown. Note that a minimum 2' separation between the seasonal high water table elevation and the basement floor is required. SHWT elevation will be required at time of building permit application.
- Show location of existing water, sewer and gas connections including shutoffs and cleanouts to ensure that they do not cross the proposed new property lines.
- Water meter pits are required for the new domestic water connections. A water meter pit detail shall be added to the plan.
- The plan shows an existing 6' PVC fence located within the Township right-of-way. This shall be removed prior to the perfection of the subdivision. A zoning permit is required if it is to be reconstructed.

- Aerial photography appears to show the shed just along the southerly property line as belonging to the applicant. If so, it must be removed. If it belongs to the neighbor, it must be removed or relocated onto their property at the correct minimum setback.
 - On Sheet #1 on the set, "Water Demand" text is overwriting sewer demand text.
6. Soil Erosion and Sediment Control Plan:
 - Update the proposed lot numbering in accordance with Comment #1.
 7. Official street addresses shall be obtained from the Township 911 Coordinator.
 8. Note: At the time of the building permit application, a final review will be completed on the existing and proposed grading (showing current topography and improvements), geotechnical information, seasonal high ground water elevation, drywell information (if required), soil erosion details, and Franklin Township site construction details/notes, etc., as applicable. If necessary, a Stormwater Maintenance Agreement for the stormwater system to ensure future maintenance shall be supplied. A sample agreement is available from the Engineering Department. Applicant shall address the requirements of Article 222: Trees.
 9. Note: Applicant shall contact the Franklin Township Sewerage Authority for approval. Approval is required prior to the issuance of a zoning permit for the new dwelling.
 - The lateral pipe and cleanouts are to consist of Schedule 40 PVC.
 - The Cast Iron Wye Saddle (GENECO Model 4EB-E40) is to be utilized and concrete encased upon installation.
 - All proposed sanitary cleanouts are to have a cast-iron protection box (Campbell Model 1000) labeled "SEWER" per the Authority's Standard Construction Details. Provide a typical notation on the drawing for all cleanouts.
 - No connection of sump pumps, roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a Building or Building Drain which is in turn connected directly or indirectly to the FTSA's system will be permitted.
 - Changes in the direction of flow of the sanitary laterals should be made utilizing a sanitary sewer cleanout.
 - Maximum spacing between sanitary sewer cleanouts is to follow the Local Plumbing Subcode. Provide additional cleanouts on the Plans, if and where necessary.
 - All sanitary sewer construction related methods are to comply with the FTSA's Standard Construction Details.
 - A minimum depth of cover of four (4') feet must be maintained over top of the proposed sanitary sewer lateral.
 - Completion an Application for Sewerage Service form along with payment of the required FTSA Connection Fee.
 - 48-Hour Advanced Notice to the FTSA prior to making physical connection to the Authority's sewer main.

- 48-Hour Advanced Notice to the FTSA for Final Inspection prior to sign-off to the Township for issuance of the C.O.
10. All fees shall be paid by the applicant at the time of adoption of a resolution of site plan approval for the cost of making upgrades and modifications to the Tax Maps and geographic information system (GIS) (Section 112-329).
 11. 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 Section 112-329.

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

Outside Agencies:

- Somerset County Planning Board
- Somerset-Union Soil Conservation District

Township Departments:

- Franklin Township Fire Department
- Franklin Township Police Department
- Somerset County Health Department
- Franklin Township Public Works Department

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

Figure 1: Site Location

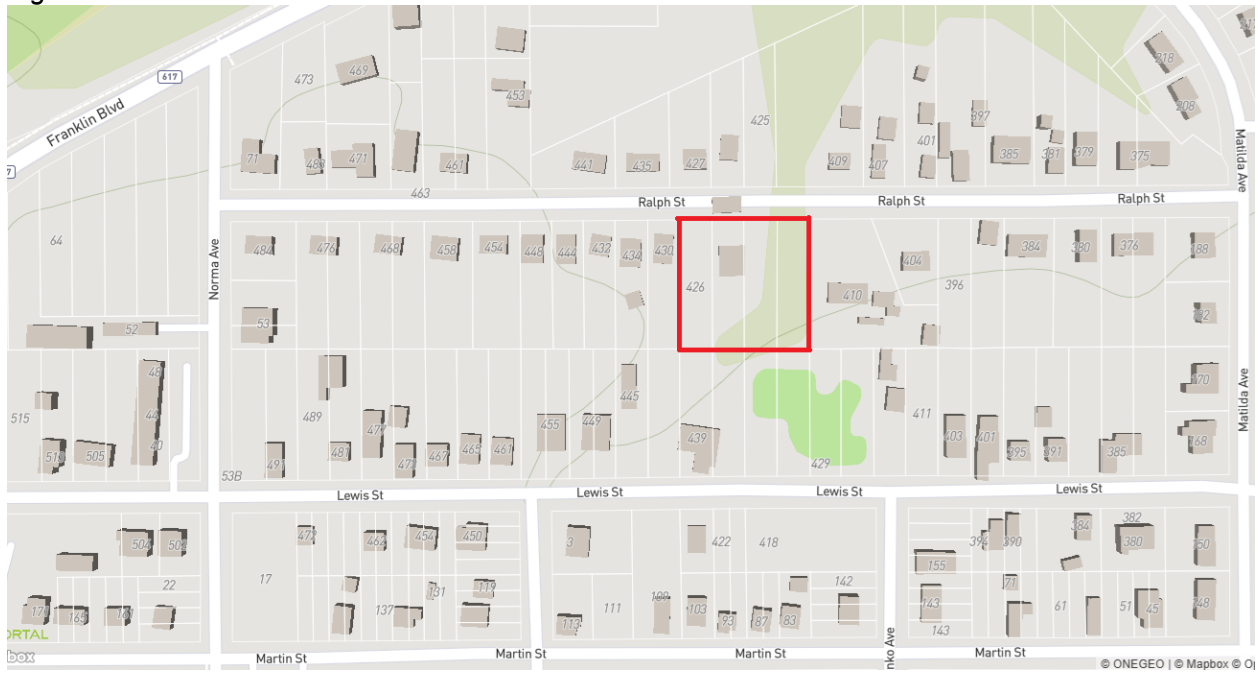


Figure 2: Site Aerial

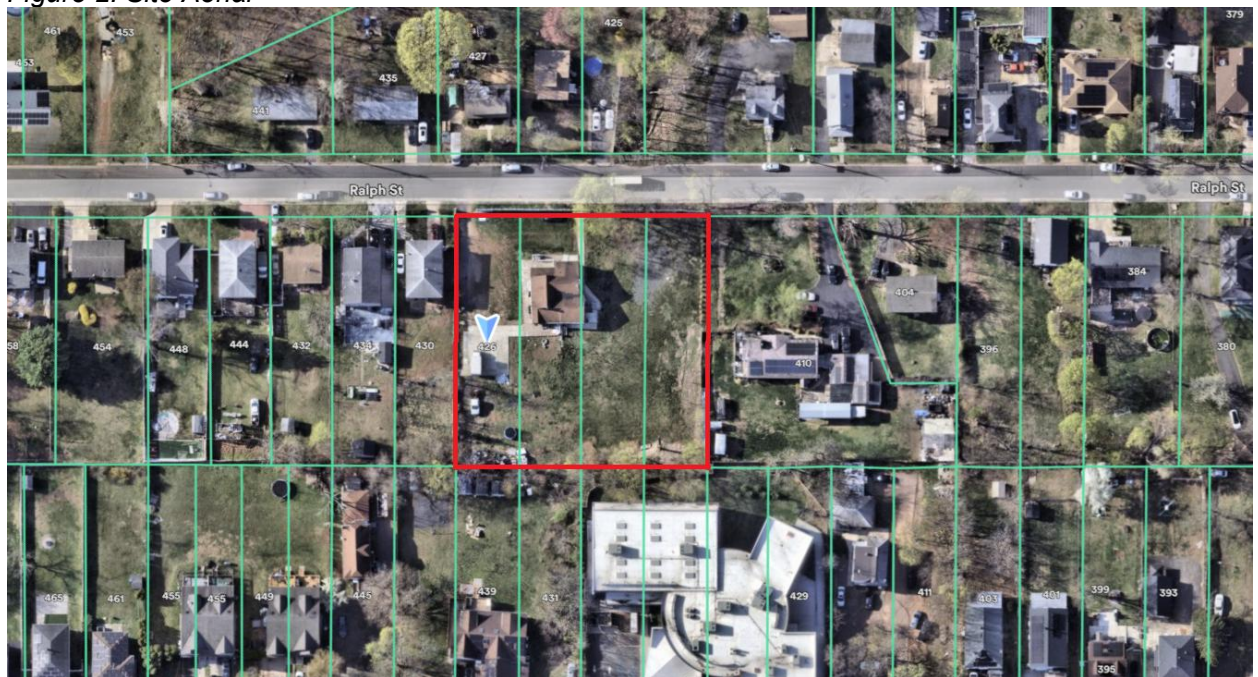


Figure 3: Proposed Subdivision

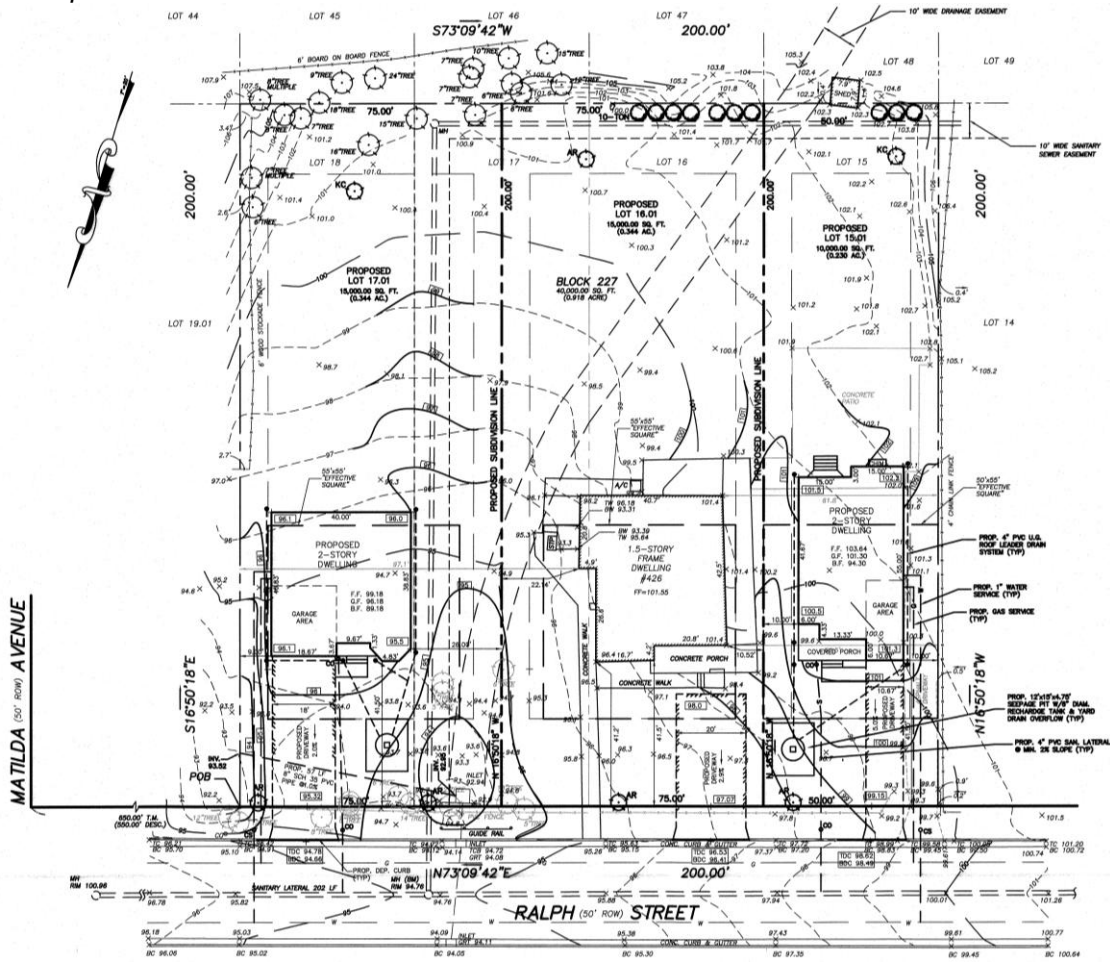


Figure 4: Proposed Subdivision

