



TOWNSHIP OF FRANKLIN
Planning Board
Agenda
Wednesday, June 17, 2026

CALL TO ORDER

SUNSHINE LAW

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES

Regular Meeting - May 06, 2026

APPROVED

[PLANNING BOARD - 05-06-2026.rtf](#)

RESOLUTION

County of Somerset / PLN-26-00003

APPROVED

[RESOLUTION.docx](#)

Suydam Associates, FLP / PLN-26-00004

APPROVED

[RESOLUTION.docx](#)

DISCUSSION

Ordinance:

- Implement recommendations of the 2026 Reexamination - #4509-26

APPROVED

[4509-26 - Land Use Master Plan Recs - #1.docx](#)

Ordinance:

- Amending the code - #4510-26

APPROVED

[4510-26 - Amend Land Development - Update PI-Zn Fees Escrow Deposits.docx](#)

PUBLIC COMMENTS

HEARING

BOARD COMMENTS

WORK SESSION / NEW BUSINESS

Ordinance draft – cluster subdivisions and related ordinance updates

[PB ordinance recommended changes - ord no. 2 06.12.26.pdf](#)

ADJOURNMENT

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

**REGULAR MEETING
May 6, 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, Jennifer Rangnow, Meher Rafiq, Robert Thomas, and Chairman Orsini

ABSENT: Robert LaCorte, Charles Brown, 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 – April 1, 2026**

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

FOR: Councilman Anbarasan, Ms. Rangnow, Ms. Rafiq, Mr. Thomas, and Chairman Orsini

AGAINST: None

DISCUSSION:

Extension of Time:

- **IDIL Davidson LLC / PLN-23-00004**

Mr. Paul Conciatori, Esq., Attorney, appeared before the Board on behalf of the Applicant, IDIL Davidson, LLC. Mr. Conciatori indicated that he was there before the Board that evening to request a second one (1)-year extension of time of their final approval. He noted that the Board granted one (1) last year and that the project was

actually under construction as they speak and the intent of his client was to continue to conclusion; however, he indicated that there was still a lot of volatility as it related to supply chain items and other things that may cause some pause in construction that was beyond their ability to control. For that reason, Mr. Conciatori stated they would really like the one (1)-year extension in any event for any need to pause construction, to May 6, 2027.

Chairman Orsini made a motion to approve the Extension of Time to May 6, 2027. Mr. Thomas seconded the motion, and the roll was called as follows:

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

AGAINST: None

PUBLIC COMMENTS:

Chairman Orsini made a motion to open the meeting to the public for any general Planning comments not related to the one (1) hearing on the agenda that evening. Mr. Thomas 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, Mr. Thomas seconded the motion, and all were in favor.

HEARING:

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

Mr. Paul Conciatori, Esq., Attorney, appeared before the Board on behalf of County of Somerset. He explained that they were there for a Minor Subdivision w/"C" Variance in which the Applicant seeks to subdivide the property into two (2) lots and 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 FROM APRIL 15, 2026 - with no further notification required.**

Mr. Conciatori indicated that the property was currently comprised of 32 acres and included a residential structure. He continued by stating that it was the intent to subdivide the property, leaving 9 acres that included the residential structure and the balance of the structure to be deed restricted Open Space. He then noted that there were public funds utilized to acquire the property for Open Space.

Ms. Samantha DeAndrea, Director of Planning-Somerset County, 294 Long Hill Road, Hillsborough, NJ, came forward and was sworn in. Ms. DeAndrea then gave the Board the benefit of her analysis of the property, the proposed subdivision, the plan to include the sizes of the proposed properties, to include the public funds being utilized for the

deed restrictions. Ms. DeAndrea indicated that the County was under contract to purchase approximately 23.9 acres of the existing 32.9-acre property for permanent open space preservation. She then went on to state that the remaining 9 acres, which contained an existing single-family home and accessory structures, would remain with the owner as a separate residential lot. Ms. DeAndrea indicated that no new development was being proposed as part of the Application and was strictly a preservation-oriented subdivision intended to facilitate the acquisition and long-term preservation of the majority of the property. She stated that the proposed preserved parcel, identified as Lot 2.08, was contiguous to existing County owned open space to the north and east and would add approximately 23.9 acres to the County's open space inventory within the Millstone Valley Preservation Area. She went on to state that the property itself was located within the Canal Preservation Zone and currently contained an existing residence, driveway, barn, sheds, pool, and other accessory improvements. Ms. DeAndrea then indicated that the surrounding area was characterized by residential, agricultural, and conservation uses, with the proposed subdivision to maintain that character.

As part of the Application, they were requesting three (3) bulk variances, with the first for Lot Frontage where Lot 2.08 would provide approximately 297 ft. of frontage along Canal Road, where 400 ft. was required. She added that the second was for the creation of a through lot due to the existing configuration of the property and its frontage along both Canal Road and Old Georgetown Road. Ms. DeAndrea then stated that the third was for an existing accessory structure on the retained residential parcel, where the rear yard setback would become 129 ft. instead of the required 150 ft. She then told the Board that they believed that the variances were supported under the C2 criteria because the benefits of the Application substantially outweigh any detriment. She then added that, most importantly, the Application facilitates the permanent preservation of nearly 24 acres of land in the Canal Preservation Zone. Ms. DeAndrea then told the Board that the requested variances were largely driven by existing conditions with the goal of maximizing the amount of land that could be preserved. She then added that the Application did not create any new development impacts, and the retained residential lot would continue functioning as it did today using the existing driveway and improvements.

Mr. Healey then asked Ms. DeAndrea the portion of the land that the homeowner would retain as part of the Application utilizing the Site Plan shown on the screen. She then pointed out where the deficient frontage was along the proposed Open Space lot along Canal Road. Mr. Healey then mentioned that he would use the term, "technical variances" which meant that they were variances on paper, but really have no effect in real life and, technically, they did not want to create lots where the home was backing up to another street. He then indicated that that there was going to be a through lot created, but for all practical purposes, there's no impact. Mr. Healey then explained that the new lot that was going to retain the house had an old barn on it and the proposed property lines that were going to separate the house lot and the Open Space lot were a little bit closer to that barn than would otherwise be required.

Dr. Chase then noted that the Canal Road frontage was quite steep and you really would not enter the property from there, but enter the County lot from Old Georgetown Road. Ms. DeAndrea stated that there was a gate along Old Georgetown Road and that would be how they would anticipate accessing the lot. A discussion ensued regarding the Open Space preservation of 23.9 acres. Ms. DeAndrea then stated that the detriment of the variances outweighed these variances due to the Open Space preservation.

Chairman Orsini made a motion to open to the public. Mr. Thomas seconded the motion, and all were in favor. Seeing no one coming forward, the Chairman made a motion to close the meeting to the public. Mr. Thomas seconded the motion, and all were in favor.

Chairman Orsini made a motion to approve the subdivision Application with the three (3) listed variances. Mr. Thomas seconded the motion, and the roll was called as follows:

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

AGAINST: None

BOARD COMMENTS:

There were no Board comments that evening.

WORK SESSION / NEW BUSINESS:

Ordinance:

- **Implement Various Recommendations of the 2026 Reexamination of the Master Plan**

Mr. Healey explained that the Board had a lengthy list of things to do, but the direction of the Chair and the Board was to start on some of the easier ones as well as some of the easier higher priority ones.

Mr. Healey then started the review of the changes that were made and indicated that they were the ones shown in red up on the screen in the Council Chambers that evening. He stated that things that were to be removed from the ordinance had a strike out line through them and those changes that were underlined was language that would be going into the ordinance. He then explained to the Board that they looked at the permitted uses in various zones and looked for uses that did not make a lot of sense. He noted that golf courses were one of those permitted uses, with the exception of a golf course that was currently in the Agricultural (A) Zone and proposed to stay as a

permitted use so they would not be creating a new non-conformity. He did add that there were other zones where golf courses were permitted, essentially without any restrictions in residential zones, so those were proposed to be removed there. He then discussed the placement of hospitals, which could be extremely intensive commercial uses with lots of traffic and noise, and were currently permitted uses in a number of the low-density residential zones. He indicated that those were proposed to come out of the ordinance. Just like with the other items that he was discussing that were no longer going to be permitted in certain zones, someone could propose a hospital and could certainly make an application to be brought before the Board. Mr. Healey then discussed philanthropic and eleemosynary uses and there was a lodge in an R7 Zone currently and that was proposed to stay. Additionally, he pointed out that there was a use that included membership swimming pools and indicated that the zone where that existing use was located was proposed to keep that in the ordinance, again to not create a non-conforming use. Mr. Healey then stated that it was proposed to take out that use within the single-family zones, but would stay in the R-40 Zone where the existing use was already there. Other uses in the Township in our residential zones would include churches and other houses of worship were proposed to stay, according to Mr. Healey, except that those uses would continue to have very robust standards to protect the surrounding neighbors, such as buffering and lighting standards. He then spoke of community residences and thought that it was a very old remnant in the ordinance, but that the Municipal Land Use Law (MLUL) supersedes municipal ordinances in that regard and says that they had to permit certain types of group homes, with no additional standards, as they permit single-family homes. Since the ordinance included different standards than what was included in the MLUL concerning group homes, so that should come out for that reason. Mr. Healey then stated that there were the same changes through some of the other single-family residential zones by taking out the uses that he just described. Lastly, in the cluster residential zones where they do permit single-family homes, two (2)-family homes, garden apartments, and townhomes, that was where they find most of those such developments. He added that there was a use in the ordinance called residential cluster developments, but was not defined and did not know what that means, so it was probably better to take it out, particularly where the uses that do exist there were already in the ordinance and will remain permitted. Mr. Healey then told the Board that that was what was included in his review of Section 1 of the ordinance.

Dr. Chase then opened a discussion regarding the Spooky Brook Golf Course in Colonial Park, and Mr. Healey stated that that was a County facility and was not sure if they were subject to the Township's ordinance from a use perspective. Mr. Vignuolo, Board Attorney, indicated that the golf course there was just considered a County recreational space and not a private golf course that was a for profit entity. He added that they would have to come before the Board for a capital project review to inform the Township what they were going to do, but could not tell them that they could not proceed.

Ms. Rafiq then opened a discussion regarding the community/group homes that already exist in a residential area. Mr. Healey thought that there were not any outside of those

that exist by virtue of the fact that they were permitted under the MLUL group homes. The Chairman then asked what they mean by a "group home". Mr. Healey indicated that there were different categories, and the most typical one (1) are homes for people with developmental disabilities of which there were a number located within Franklin Township. He added that they were allowed to have a certain number of residents up to 15 residents who can live in that home, buy a single-family home, and convert it for group home use. Mr. Healey indicated that if they were licensed by the Dept. of Developmental Disabilities within the DCA of the State, the Township had to permit them in that way. Chairman Orsini then asked if the Center For Great Expectations was included in that description of a group home, and Mr. Healey agreed with that and that they fall within one of the categories of "group homes". A discussion ensued. Mr. Vignuolo stated that all they would be doing would be to remove a municipal regulation of something that was already been regulated by the State, and their State regulations would supersede anything the Township would have anyway.

Mr. Thomas then brought up the permitted use for farming operations in the R-40 Zones with multiple acreage. He wanted to know if there would be a minimum lot size because, technically, there could be a 40,000 sq. ft. lot with some kind of farming operation. Mr. Healey stated that the fact that it said "farming operations" is redundant to a degree because there was a separate section in our ordinance that says farming is permitted. As such, he did not think there was a minimal lot area, but did not know for sure. Mr. Healey then added that they did have a section in the ordinance that speaks to if you have a structure for the housing of animals, it has to be at least 100 ft. from a property line. He then said that the Township Council passed an ordinance a year or two (2) ago, that was outside the zoning ordinance, addressing having chickens in some of the smaller lots in residential zones. A discussion ensued, and Mr. Healey stated that the ordinance did not address the number of animals that could be on a residential property, it just indicated where the structures for housing those animals could be placed. Mr. Healey stated that they could look into the matter because he thought that it was a more complicated matter than he thought the purpose of the ordinance was about. Mr. Vignuolo added that he was not an expert on right-to-farm regulations and would need to look into that if the Board wanted input on that and Mr. Rainone might want to weigh in on it as it was ultimately a Township issue and not really a Board issue.

Chairman Orsini stated that they were not proposing to make any changes to farming operations and the smallest zone that those are allowed is R40. He realized that there were questions that needed answering and when those are obtained, they could revisit that topic in the future.

Mr. Healey stated that the next Sections (3 and 4) were really almost editorial in nature because they recodified our ordinance about 10-15 years ago and moved things around and put things in different sections, but put them in the wrong sections. He indicated that the previous section he just went over included permitted uses, accessory uses and conditional uses. He added that permitted uses did not have specific use-related requirements attached to them, but places of worship, churches and schools in residential zones had to meet a number of different particular requirements to be

located there. He added that garden apartments were permitted in our cluster residential zone as are townhomes and were considered permitted principal uses. Mr. Healey then stated that they had some design standards, and when they recodified it, they put it in our conditional use section and was confusing and in the wrong place. As such, they were just moving it into a section of the ordinance called Supplemental Zoning Requirements.

Mr. Healey then moved on to Section 5, which he stated was very technical in nature and related to R10A single-family development. He explained that in the R10A Zone, single-family homes were permitted principal uses and when they recodified it, they put it in the Conditional Use section, so the change was to put it into the right section of the ordinance. He then stated that the language that state, "conditional uses shall be public utilities installations" was redundant because it was already in Schedule 1 and did not want to have the same requirement addressed in two (2) different sections.

Mr. Healey then went on to discuss Section 6, stating that this was the same and the first change was moving this from 112.53 to 112.3311. He explained that this section was referring to two (2) shopping centers, one 1) being the Cedar Grove Shopping Center and the other was the other small shopping center on DeMott that included Café Amici. He noted that they were both technically in the Cluster Residential Zone and when the developments were constructed, a portion of it was permitted to have retail shopping center. He then added that this section of the ordinance addressed how those areas were permitted to be developed as retail, so changing it to 3311 was moving it to the correct place in the ordinance. He then discussed the proposed change in D where half of the retail spaces in the Cedar Grove Shopping Center was comprised of restaurants, with one (1) or two (2) restaurants in the Café Amici shopping center and technically, none of them were permitted. He indicated the same goes with health clubs, but Mr. Healey did not know why neither were permitted in a retail shopping center. The change here was to allow those restaurant uses that have been there for decades to be permitted.

Mr. Healey then opened a discussion for Section 7, which he indicated that he felt it included the first real substantive change that was proposed. He then spoke about houses of worship, and their parking needs requirement was based upon either having fixed seating or pews. He went on to state that in the event that there was no fixed seating, the requirement for parking was one (1) parking space per every 15 sq. ft. for the worship area. He added that the Township's typical parking requirement for houses of worship, restaurants and other assembly uses was one parking space for every three (3) people. What that really meant, according to Mr. Healey, was that it was really assuming that the occupancy was one (1) person for every five (5) sq. ft., which was three (3) to nine (9) times higher than the occupancy standard per the building code. Mr. Healey then discussed that whatever the code allows in terms of people, divided by three (3), to come up with the parking requirement, which made much more sense.

Mr. Healey then discussed Section 8 related to parkland dedication, with such requirements were thrown out about 10-15 years ago when you had a residential development, you could require them to provide a park or payment in lieu.

Section 9 included two (1) definitions defining the same thing to include indoor recreation and indoor recreation facilities, so Mr. Healey stated that he chose the more full definition and got rid of the one that was a little less robust. To the degree that it was adding roller rinks, pools, climbing walls, etc. it because those were cited in the definition that was going away.

Mr. Healey then indicated that Section 10 included the second substantive thing where they were proposing to add in the neighborhood business zones and the GB Zone and the Hamilton Business District (HBD) Zone which was indoor recreation in shopping centers over 25,000 sq. ft. He thought it made sense because there was plenty of parking in those large shopping centers as well as allowing appropriate uses in shopping centers to keep brick and mortar retail active.

Mr. Healey then discussed Section 11, and stated that it was also editorial. He indicated that there was a typo that stated that in the R7 Zone if you have a two (1)-family home, you have to have 15,000 sq. ft., and then the description of the purpose of the R7 Zone it cited 10,000 sq. ft. Mr. Healey stated that those typos were being eliminated.

Mr. Healey then discussed Section 12, where a few years ago they made a change relative to those properties in the Senior Citizen Village Zone (SCV) that was bound by Schoolhouse, Weston, Weston Canal, and Mettlers with that whole superblock being included in the Senior Citizen Village Zone. He then explained that not all of that zone was Canal Walk because there were about ten (10 random single-family homes that did not sell to the developer and yet they were still within the Senior Citizen Village Zone, making these existing homes non-conforming uses. He told the Board that they changed the ordinance and basically said that those smaller lots that were in the SCV Zone were subject to the use and bulk requirements of the R-40 Zone. Unfortunately, Mr. Healey stated, they left one (1) of the properties out on Schoolhouse Road. A discussion ensued.

Lastly, Mr. Healey explained that Section 13 included the third substantive change with sidewalks. He indicated that this section said that all applications before the Zoning Board or the Planning Board for Site Plan or Subdivision approval shall propose the construction of sidewalks along all road frontages of the subject property and that the plans presented for approval by the Board shall propose such sidewalks and provide convenience and safe interconnection of sidewalks between parking areas and building entrances within the site and extending to the sidewalks proposed along the roads. A discussion ensued. Should the Board find it appropriate to grant relief from "A" above due to unique circumstances, i.e., public safety, the application shall make an in-lieu contributions to a capital improvement fund dedicated by the Township for the purpose of constructing sidewalks along public roadways. Additionally, it included the statement

that the amount of such contribution shall be equivalent to the cost of constructing such sidewalks as confirmed by the Township Engineer and shall be paid to the Township prior to Township Site Plan sign-off/filing of the subdivision. A discussion ensued among the Board. Mr. Healey mentioned that some time in the future would be for the Township to consider changing the width of the travel lanes in parking lots. Currently, the Township had a standard of 26 ft., but the more typical standard was 24 ft.

Ms. Rafiq asked if they could revisit the community residence and group home section and discussed it again for clarification.

Chairman Orsini then told the Board that he wrote a letter on behalf of the Planning Board to Council recommending that the Township sidewalk monies be used to complete that space between NPH on Davidson Avenue and Somerset Woods on New Brunswick Road and possibly in front of Herrs. He added that it was agreed that it was a good thing to do and a perfect use for sidewalk funds.

Mr. Thomas then brought up the tree trimmers who he felt were ‘butchering’ trees and wanted to know if they had any accountability because what they were doing on Davidson Avenue, New Brunswick Road, Elizabeth Avenue and Cedar Grove Lane has no regard to whether that one (1) tree was about 100 years old, at least 50 to 75 ft. off the right-of-way. Chairman Orsini stated that they could check the Shade Tree Ordinance and it had since been amended and thought he remembered that there was a subsection in there that dealt with using licensed arborists for tree trimming in those areas. A discussion ensued.

EXECUTIVE SESSION:

The Board did not enter into Executive Session.

ADJOURNMENT:

A motion was made by Chairman Orsini to adjourn the meeting at 8:36 p.m., and was seconded by Ms. Rafiq. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
June 7, 2026

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF
FRANKLIN, SOMERSET COUNTY, NEW JERSEY,
GRANTING MINOR SUBDIVISION APPROVAL AND
ASSOCIATED BULK VARIANCE RELIEF
TO THE COUNTY OF SOMERSET CONCERNING PROPERTY LOCATED AT
1452 CANAL ROAD, SOMERSET, NEW JERSEY AND DESIGNATED AS
BLOCK 9, LOT 2.04**

Docket No. PLN-26-00003

WHEREAS, COUNTY OF SOMERSET (hereinafter referred to as “Applicant”), has applied to the Franklin Township Planning Board (hereinafter referred to as “Board”) for Minor Subdivision approval and associated variance relief, for the premises currently designated on the Tax Map of the Township of Franklin as Block 9, Lot 2.04 located on what is commonly known as 1452 Canal Road, Somerset, New Jersey, and is located within the CP-Canal Preservation Zone District (hereinafter referred to as “Subject Property”); 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 Paul A. Conciatori, Esq.; and

WHEREAS, a public hearing was held on the application on May 6, 2026 during which time the Applicant presented testimony, witnesses, reviewed the minor 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 minor subdivision approval and associated variance relief in order to subdivide the Subject Property to create two (2) lots; and

WHEREAS, the Board heard the testimony, reviewed the 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. Minor Subdivision Application dated January 15, 2026;
 - B. Application for Variance dated January 15, 2026;
 - C. Plans entitled “Minor Subdivision for Block 9, Lot 2.04, situated in Franklin Township, Somerset County, New Jersey,” prepared by Pamela Mathews, P.E., L.S., of Van Cleef Engineering Associates, LLC, consisting of one (1) sheet, dated October 20, 2025, last revised on February 5, 2026;

- D. Jurisdictional Determination from Delaware and Raritan Canal Commission dated February 10, 2026;
 - E. Memorandum of Franklin Township Environmental Commission dated March 3, 2026;
 - F. Memorandum of the Franklin Township Technical Review Committee dated March 10, 2026; and
 - G. Correspondence from the County of Somerset Planning Board dated March 26, 2026.
2. No exhibits were marked into evidence:
3. The following testimony was introduced at the hearing:
- A. The Applicant's attorney, Paul A. Conciatori, Esq., appeared before the Board on behalf of the Applicant. He indicated that the Applicant was seeking a minor subdivision with bulk variances in order to subdivide the Subject Property, located at 1452 Canal Road within the CP Zone District, into two (2) lots. Mr. Conciatori advised that one of the lots (Proposed Lot 2.08) would be added to the Applicant's open space inventory; and the remaining lot (Proposed Lot 2.09) would be retained by the owner of the Subject Property.

Mr. Conciatori indicated that the Subject Property currently consists of approximately 33 acres; and contains a residential structure. He stated that the Applicant wishes to subdivide the Subject Property into two (2) lots; a roughly 9-acre lot (Proposed Lot 2.09) to contain the existing dwelling and be retained by the current owner of the Subject Property and the balance of the site containing roughly 24 acres (Proposed Lot 2.08) to be acquired by the Applicant as deed restricted open space. Mr. Conciatori advised that public funds would be used to acquire Proposed Lot 2.08 as open space.
 - B. Ms. Samantha DeAndrea, P.P., A.I.C.P., the Somerset County Director of Planning, came forward and was sworn in. She reviewed the Subject Property and the proposed subdivision plan; including, the sizes of the proposed properties and that fact that public funds would be utilized for the deed restrictions. Ms. DeAndrea indicated that the Applicant was under contract to purchase approximately 23.9 acres of the existing 32.9-acre property for permanent open space preservation. She stated that the remaining 9 acres, containing the existing single-family home and accessory structures, would remain with the owner as a separate residential lot.

Ms. DeAndrea indicated that no new development was being proposed as part of the Application. She confirmed that the Applicant was strictly a

preservation-oriented subdivision intended to facilitate the acquisition and long-term preservation of the majority of the Subject Property. She stated that the proposed preserved parcel, identified as Proposed Lot 2.08, was contiguous to existing County owned open space to the north and east. Ms. DeAndrea advised that the subdivision will add approximately 23.9 acres to the County's open space inventory within the Millstone Valley Preservation Area. She noted that the Subject Property is located within the Canal Preservation Zone District; and currently contains a residence, driveway, barn, sheds, pool, and other accessory improvements. Ms. DeAndrea indicated that the surrounding area was characterized by residential, agricultural, and conservation uses; and asserted that the proposed subdivision would be consistent with and maintain the character of the neighborhood.

Ms. DeAndrea stated that the Applicant required three (3) bulk variances in connection with the minor subdivision; namely,

- i. Minimum Lot Frontage – Canal Road (Proposed Lot 2.08): approximately 297 feet of frontage along Canal Road proposed - where 400 feet of frontage required;
- ii. Prohibition on Through Lots (Proposed Lot 2.08): the existing configuration of the Subject Property has frontages along both Canal Road and Old Georgetown Road which will be maintained for Proposed Lot 2.08 (thereby creating a through lot) – where through lots are not permitted; and
- iii. Minimum Accessory Structure Setback (Proposed Lot 2.09): an existing accessory structure on the retained residential parcel would become 129 feet – where required is 150 feet.

Ms. DeAndrea thereafter proffered testimony in support of the variances required for the minor subdivision. She opined that the variances could be granted under a (c)(2) rationale; as the benefits of the Application substantially outweigh any detriment. Ms. DeAndrea reiterated that the Application provides a significant benefit through the permanent preservation of nearly 24 acres of land in the Canal Preservation Zone. She noted that the requested variances were largely driven by existing conditions, as well as by the goal of maximizing the amount of land that could be preserved. Ms. DeAndrea confirmed that the Application does not create any new development impacts. Finally, she stated that the retained residential lot (Proposed Lot 2.09) will continue to function as it does today; using the existing driveway and improvements.

- C. In response to an inquiry from Mark Healey, the Township Director of Planning, Ms. DeAndrea identified the portion of the Subject Property to

be retained by the owner on the subdivision plan. She also pointed out the location of the deficient frontage on Canal Road for Proposed Lot 2.08.

- D. Mr. Healey further opined that the relief could be characterized as “technical variances;” meaning that they were variances on paper, but really have no effect on the Subject Property or improvements thereon. He noted that the through lot prohibition was to prevent the creation of lots on which a home backed-up towards another street. Mr. Healey stated that the Application for minor subdivision does not implicate such a concern; and that, for all practical purposes, there is no impact from the minor subdivision. He acknowledged that Proposed Lot 2.09 contains an old barn and the proposed property lines necessary to maximize the open space acquisition would result the barn being a little bit closer to the property line than would otherwise be permitted in the Canal Preservation Zone District.
 - E. The Board noted the steep slope along the frontage of the Subject Property on Canal Road; indicated that no access would likely be practicable to the site from Canal Road; and asserted that access would likely be supplied to Proposed Lot 2.08 from Old Georgetown Road. In response, Ms. DeAndrea stated that there was a gate along Old Georgetown Road which would likely be how Proposed Lot 2.08 would be accessed.
 - F. Following a discussion on the preservation of 23.9-acres for open space, Ms. DeAndrea reiterated that the benefits from the preservation of the Open Space substantially outweighed any detriments resulting from the granting of the variance relief necessary for the subdivision of the Subject Property.
4. The application was opened by the Board for public comment and no public comment was received.

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

1. Applicant, COUNTY OF SOMERSET is the contract purchaser of a portion of the real property located at 1452 Canal Road, and designated as Block 9, Lot 2.04. The Subject Property is located within the CP Canal Preservation Zone District, contains 32.9 acres and is currently improved with a single-family residential dwelling and accessory structures.

2. Applicant is seeking to subdivide the Subject Property to create two (2) lots from one (1) existing lot. Proposed Lot 2.09 (9.015 acres) will continue to contain the single-family residential dwelling and accessory structures; and Proposed Lot 2.08 (23.902 acres) will be preserved as open space.
3. It is noted that Proposed Lot 2.08 and Proposed Lot 2.09 will comply with all bulk requirements within the CP zone with the exception of minimum lot frontage (Proposed Lot 2.08), prohibition on through lots (Proposed Lot 2.08) and Minimum Accessory Structure Setback (Proposed Lot 2.09).
4. Specifically, the Applicant requires the following variance relief:
 - A. Minimum Lot Frontage – Canal Road (Proposed Lot 2.08): approximately 297 feet of frontage along Canal Road proposed;
 - B. Prohibition on Through Lots (Proposed Lot 2.08): the existing configuration of the Subject Property has frontages along both Canal Road and Old Georgetown Road which will be maintained for Proposed Lot 2.08 (thereby creating a through lot); and
 - C. Minimum Accessory Structure Setback (Proposed Lot 2.09): an existing accessory structure on the retained residential parcel would become 129 feet.
5. The Board is satisfied that the Applicant has demonstrated its entitlement to minor subdivision approval. In this regard, the application is for a minor subdivision and the Applicant has satisfied all requirements of the Land Development Ordinance of the Township of Franklin for such subdivision approval.
6. The Board is satisfied that pursuant to N.J.S.A. 40:55D-70(c)(2) that the Applicant is entitled to variance relief to permit variances related to minimum lot frontage, prohibition on through lots and minimum accessory dwelling setback. In so concluding, the Board has engaged in the weighing process required for granting of the (c)(2) variances. In particular, the Board finds that the overall project will benefit the Township by augmenting the open space within the Township.
7. Continuing the weighing analysis as required, the Board further finds that there are limited, if any, detriments from granting each of the 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. The variances can be granted without substantial impairment to the intent and purpose of the Township of Franklin Zone Plan and Land Development

Ordinance. The granting of the variances will not change the character of the neighborhood.

9. The variances can be granted without substantial detriment to the public good. The Board notes that the traditional Municipal Land Use goal of light, air and open space will not be compromised by the granting of the variances.

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

1. Minor subdivision approval is hereby granted to Applicant for the subdivision of Block 9, Lot 2.04 into two (2) lots as depicted on the minor subdivision plan, reflecting Proposed Lot 2.08 (23.902 acres) and Proposed Lot 2.09 (9.015 acres).
2. The Board further grants variance relief pursuant to N.J.S.A. 40:55D-70(c)(2) as follows:
 - A. Minimum Lot Frontage – Canal Road (Proposed Lot 2.08): 297 feet of frontage along Canal Road approved;
 - B. Prohibition on Through Lots (Proposed Lot 2.08): frontage along both Canal Road and Old Georgetown Road - creating a through lot – approved; and
 - C. Minimum Accessory Structure Setback (Proposed Lot 2.09): 129 feet approved.
3. The minor subdivision approval and associated variance relief granted herein is 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 limited to:
 - (i) None.
 - B. The Applicant shall comply with the review memoranda of the Technical Review Committee, as well as any other reports provided to the Board in connection with the application, except as may have been specifically indicated herein.
 - 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 other necessary approvals required by any other governmental agency.
- 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 PL1916, C.141 as amended by PL197, C.211 or filing of a deed clearly describing the approved minor 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 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.

BE IT FURTHER RESOLVED, by the Planning Board of the Township of Franklin 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: 05/6/2026

FOR:

Councilman Anbarasan
Dr. Chase
Ms. Rangnow
Ms. Rafiq
Mr. Thomas
Chairman Orsini

AGAINST:

NONE

ABSTAINS:

NONE

VOTE OF RESOLUTION:

FOR:

AGAINST:

ABSTAINS:

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF
FRANKLIN, SOMERSET COUNTY, NEW JERSEY,
GRANTING MINOR SUBDIVISION APPROVAL AND
ASSOCIATED BULK VARIANCE RELIEF
TO SUYDAM ASSOCIATES, FLP CONCERNING PROPERTY LOCATED AT
1 AND 29 SKILLMANS LANE, SOMERSET, NEW JERSEY AND
DESIGNATED AS BLOCK 57.01, LOTS 32.01 AND 32.01 QFARM**

Docket No. PLN-26-00004

WHEREAS, SUYDAM ASSOCIATES, FLP (hereinafter referred to as “Applicant”), has applied to the Franklin Township Planning Board (hereinafter referred to as “Board”) for Minor Subdivision approval and associated variance relief, for the premises currently designated on the Tax Map of the Township of Franklin as Block 57.01, Lots 32.01 and 32.01 QFarm located on what is commonly known as 1 and 29 Skillmans Lane, Somerset, New Jersey, and is located within an Agricultural (“A”) Zone District (hereinafter referred to as “Subject Property”); and

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

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

WHEREAS, a public hearing was held on the application on April 1, 2026 during which time the Applicant presented testimony, witnesses, reviewed the minor 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 minor subdivision approval and associated variance relief in order to subdivide the Subject Property to create two (2) lots; and

WHEREAS, the Board heard the testimony, reviewed the 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. Minor Subdivision Application dated February 25, 2026;
 - B. Application for Variance dated February 25, 2026;
 - C. Plans entitled “Minor Subdivision Plan for Block 57.01, Lot 32.01, Franklin Township, Somerset County, New Jersey,” prepared by Pamela Mathews, P.E., L.S., of Van Cleef Engineering Associates, LLC, consisting of one (1) sheet, dated October 13, 2025, last revised on February 16, 2026;

- D. Drainage Report prepared by Van Cleef Engineering Associates, LLC dated January 20, 2026;
 - E. Deed of Easement dated March 25, 2008;
 - F. Somerset Union Soil Conservation District approval letter dated February 27, 2026;
 - G. Report from Delaware and Raritan Canal Commission dated March 18, 2026;
 - H. Memorandum of the Franklin Township Environmental Commission dated March 17, 2026; and
 - I. Memorandum of the Franklin Township Technical Review Committee dated March 19, 2026.
2. The following exhibits were marked into evidence:
- Exhibit A-1 A map of the tract encompassed in Conservation Easement.
3. The following testimony was introduced at the hearing:
- A. The Applicant's attorney, Matthew R. Flynn, Esq., appeared before the Board on behalf of the Applicant. He indicated that the Applicant was seeking a minor subdivision with bulk variances in order to subdivide the Subject Property to create one (1) new building lot (Proposed Lot 32.04 containing one acre with the remainder of the Subject Property designed as Proposed Lot 32.03 containing 102.07 acres), resulting in a total of two (2) lots at the Subject Property; which is located in an A Zone District.
- Initially, Mr. Flynn provided some background concerning the history of the Subject Property; noting that in 2008 the Township acquired an agricultural development easement over the entire parcel, as well as the parcel across the street on Skillmans Lane (Block 85, Lot 61.03) (the "Conservation Easement"). He advised that that Conservation Easement, which was recorded with Somerset County, preserved over 130 acres of farmland in perpetuity in accordance with Township and County programs for farmland preservation. Mr. Flynn indicated that the Conservation Easement contained certain "severable exception areas" which allowed for the future subdivision and development of portions of the Subject Property. He stated that Proposed Lot 32.04 is one of the "severable exceptions areas;" and noted that the Conservation Easement restricted the development of the new lot to the single-family dwelling proposed by the Applicant.
- Mr. Flynn then proffered Exhibit A-1, a map of the tract referenced in the Conservation Easement; which was entered into the record by the Board. Referring to Exhibit A-1, he identified the Subject Property, as well as the parcel across Skillmans Lane. Mr. Flynn indicated the location of

Proposed Lot 32.04 on Exhibit A-1; and confirmed that the it was a severable exception area consisting of a one acre lot for the future development of a single-family home. He stated that the Applicant was not planning any construction as of this time; and therefore, there was no plans which could be reviewed by the Board. Mr. Flynn confirmed that the building plans would be supplied at the time the Applicant applied for a building permit from the construction department.

Mr. Flynn stated that the Applicant was only seeking approval from the Board to subdivide the Proposed Lot 32.04 from the Subject Property as a severable exception area under the Conservation Easement. He advised that the Applicant required some bulk variance relief due to the location of the Subject Property in an A Zone District. Specifically, Mr. Flynn indicated that the Applicant required variances for Proposed Lot 32.04 for: minimum lot area (six acres required and one acre proposed); minimum lot frontage (400 feet required and 199 feet proposed); and minimum rear yard setback (200 feet required and 50 feet proposed). He explained that the purpose of the Application was just to implement the agreement that was already considered and approved by the Township in exchange for the Conservation Easement.

- B. Mr. Michael Ford, P.E., P.P., the Applicant's Site Engineer and Professional Planner, came forward and was sworn in. The Board accepted his qualifications. Mr. Ford asserted that the Application was a straightforward minor subdivision which was consistent with the Conservation Easement. He noted that requirements contained in the Conservation Easement were the reasons for the relief being requested by the Applicant. Mr. Ford stated that Proposed Lot 32.04 was identified at the time of the Conservation Easement; which limited development of the Subject Property to several exception areas. He confirmed that Proposed Lot 32.04 would encompass one acre; while a minimum lot area of six acres was required in the A Zone District. Mr. Ford further reiterated that the proposed frontage of Proposed Lot 32.04 was 199 feet; where a minimum frontage of 400 feet was required in the A Zone District. Finally, he indicated that the minimum rear yard setback required by A Zone District is 200 feet; but that, due to the exceptionally, small size of Proposed Lot 32.04, the Applicant was seeking relief to locate the dwelling 50 feet from the rear property line. He testified that the Applicant would comply with all the other bulk standards in the A Zone District at the time an application for a building permit is filed; and would similarly supply all necessary details for a building permit to issue (including plot and grading plan, soil testing and dwelling location).

Mr. Ford testified that the Applicant has a pending application with the Franklin Township Sewage Authority for sewer connection; and noted that the sewer connection for Proposed Lot 32.04 was contemplated at the time of the Conservation Easement in 2008. He advised that an existing sanitary sewer trunk line runs down the westerly side of the Subject Property; and that the exception area for Proposed Lot 32.04 included a narrow sliver of land for connection to the trunk line for the proposed new single-family dwelling. Mr. Ford indicated that while Proposed Lot 32.04 would connect to public sewer; potable water would be supplied by an on-site well.

In response to a Board inquiry concerning the ability of the public to discern the undersized nature of Proposed Lot 32.04, Mr. Ford indicated that the surrounding land would make a casual driver on Skillmans Lane believe Proposed Lot 32.04 was a 50 acre or 100 acre lot.

- C. Mr. Healey confirmed that when the Subject Property was preserved in 2008, it was contemplated during that preservation process that the one acre area consisting of Proposed Lot 32.04 would be carved out for the purpose of a single-family dwelling. He indicated that the current minor subdivision application was required because Proposed Lot 32.04 is currently part of the larger lot; and had to be formally carved out. Mr. Healy stated that the Conservation Easement confirmed that Proposed Lot 32.04 would ultimately be severed from the easement area.
- D. Mr. Ford stated that another exception area is located along the frontage of the Subject Property on Route 27; and advised that the main farmstead in the middle of the Subject Property is a non-severable exception area.
- E. Referring to Exhibit A-1, Mr. Flynn identified that one (1) additional severable exception area located across Skillmans Lane. He stated that the Applicant did not propose to subdivide that parcel at this time; but indicated that the Conservation Easement permitted and contemplated the subdivision of that parcel. Mr. Flynn stated that other than the exception areas, the Subject Property was preserved and would remain so in perpetuity; as memorialized in the Conservation Easement recorded with the Clerk of Somerset County. He confirmed that any development undertaken outside of the exception areas would be in violation of the Conservation Easement.
- F. In response to a Board inquiry concerning the future occupant of any new dwelling on Proposed Lot 32.04, Mr. Flynn advised that the principal of the Applicant intended to sell the parcel to his son.

- G. Mr. Flynn acknowledged comments in the Memorandum of the Franklin Township Technical Review Committee ("TRC Report") report concerning soil testing, stormwater and drainage (comments 6, 7 and 8). He stated that the Applicant would address those issues at the time an application is filed with the construction department for a building permit; and, therefore, would not be addressing those comments at the hearing. Otherwise, Mr. Flynn indicated that the Applicant would comply with the recommendations of the TRC Report.
- H. In response to a Board comment that any approval would be subject to securing all outside agency approvals, Mr. Flynn acknowledged the requirement but reiterated that the Applicant wished to address soil testing, stormwater and drainage issues from the TRC Report at the time of application for a building permit. He noted that the TRC Report specifically indicated that constructing a basement was not feasible; and advised that the Applicant had not undertaken testing regarding the issue. Mr. Flynn noted that the Applicant did not wish to address such items related to the construction of the dwelling before being able to perfect the subdivision. He indicated that the Applicant was unsure when Proposed Lot 32.04 might be developed in the future.
- I. In response to a Board request for a proffer of planning testimony in support of the variance relief requested, Mr. Ford opined that the variance relief could be granted under a flexible (c)(2) rationale. He asserted that the granting of the variances would result in no detriment to the neighboring properties. Mr. Ford advised that the A Zone District required a 100-foot front yard setback; and the proposed rear yard setback relief would allow any dwelling constructed on Proposed Lot 32.04 appear consisted with other dwellings with a compliant front yard setback. He added that the development on Proposed Lot 32.04 would be consistent with the visual aspects and intent of the A Zone District to preserve/promote agricultural uses. Mr. Ford indicated that the Conservation Easement and the proposed subdivision advance the Township's Master Plan. He concluded that the positive criteria from the granting of the variance relief substantially outweighs the negative criteria.
- J. In response to a Board concern over the installation of a boundary fence on the proposed new lot and its visual effect of confirming the undersized nature of the proposed new lot, Mr. Ford noted that the A Zone District would not prevent the owner of a conforming six acre lot from fencing in one acre of their lot and farming the remaining five acres. He stated that this would have the same effect as a boundary fence on the proposed new lot.

4. The application was opened by the Board for public comment and the following public comment was received:
 - A. Ms. Delores Christmas, 3 Castle Court, Countryside, Franklin Park, NJ, came forward. Ms. Christmas questioned whether the Application would result in any effect on her property or if she was just being notified. Mr. Flynn confirmed that the Applicant was required to notice property owners within 200 feet of the Subject Property; and identified the location of the proposed new lot along Skillmans Lane on Exhibit A-1 for her information.

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. Applicants, **SUYDAM ASSOCATES, FLP**, are the owners of real property located at lock located at 1 and 29 Skillmans Lane, and designated as Block 57.01, Lots 32.01 and 32.01 QFarm. The Subject Property is located within an A Zone District, contains 103.07 acres of lot area and is currently improved with a farm and associated residence which has been preserved by the Conservation Easement.
2. Applicant is seeking to subdivide the Subject Property to create two (2) lots from one (1) existing lot. Proposed Lot 32.04 will contain one acre; and Proposed 32.03 will contain the remaining 102.07 acres. Proposed Lot 32.04 will ultimately be improved with a new single-family dwelling; and Proposed Lot 32.03 will continue to be improved with a farm and associated residence which has been preserved by the Conservation Easement.
3. It is noted that proposed Lot 32.04 complies with all bulk requirements of the A Zone District with the exception of minimum lot area; minimum lot frontage and minimum rear yard setback. It is further noted that proposed Lot 32.03 will comply with all of the bulk requirements within the R-10 zone.
4. Specifically, the Applicant requires the following variance relief:
 - A. Minimum Lot Area – sic acres required and one acre proposed for Proposed Lot 32.04;
 - B. Minimum Lot Frontage – 400 feet required and 199 feet proposed for Proposed Lot 32.04; and
 - C. Minimum Reay Yard Setback – 200 feet required and 50 feet proposed for Proposed Lot 32.04.
5. The Board is satisfied that the Applicant has demonstrated its entitlement to minor subdivision approval. In this regard, the application is for a minor

subdivision and the Applicant has satisfied all requirements of the Land Development Ordinance of the Township of Franklin for such subdivision approval.

6. The Board is satisfied that pursuant to N.J.S.A. 40:55D-70(c)(2) that the Applicant is entitled to variance relief to permit the creation of Lot 32.04 with a lot area of one acre, a lot frontage of 199 feet and a rear yard setback of 50 feet. In so concluding, the Board has engaged in the weighing process required for granting of the (c)(2) variances. In particular, the Board finds that the overall project will benefit the Township by advancing the intent and purpose of the Master Plan, as well as the Conservation Easement; resulting in a significant portion of the Subject Property being restricted from development as preserved farmland.
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. The variances can be granted without substantial impairment to the intent and purpose of the Township of Franklin Zone Plan and Land Development Ordinance. The granting of the variances will not change the character of the neighborhood; and is consistent with the Conservation Easement and Master Plan.
9. The variances can be granted without substantial detriment to the public good. The Board notes that the traditional Municipal Land Use goal of light, air and open space will not be compromised by the granting of the variances.

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

1. Minor subdivision approval is hereby granted to Applicant for the subdivision of Block 57.01, Lots 32.01 and 32.01 QFarm into two (2) lots as depicted on the minor subdivision plat, reflecting Proposed Lot 32.03 and Proposed Lot 32.04.
2. The Board further grants variance relief pursuant to N.J.S.A. 40:55D-70(c)(2) as follows:
 - A. Minimum Lot Area – one acre approved (Proposed Lot 32.04);
 - B. Minimum Lot Frontage – 199 feet approved (Proposed Lot 32.04); and
 - C. Minimum Rear Yard Setback – 50 feet approved (Proposed Lot 32.04).

3. The minor subdivision approval and associated variance relief granted herein is 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 limited to:
 - (i) Compliance with the terms and conditions contained in the TRC Reoprt prior to filing of the subdivision deeds with the exception of the comment numbers 6, 7 and 8 which shall be addressed at the time of application for a construction permit for the new single-family dwelling on Proposed Lot 32.04.
 - B. The Applicant shall comply with the review memoranda of the Technical Review Committee, as well as any other reports provided to the Board in connection with the application, except as may have been specifically indicated herein.
 - 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 other necessary approvals required by any other governmental agency.
 - E. Construction of any new dwelling will be subject to the payment of affordable housing development fees.
 - F. The Applicant shall comply with the assignment of new lot numbers as indicated by the Township Engineer and/or the Township Tax Assessor.
 - G. 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.
 - H. The Applicant shall comply with the provisions of the map filing law PL1916, C.141 as amended by PL197, C.211 or filing of a deed clearly describing the approved minor 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.

- I. At the time of the final submission of the 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.

BE IT FURTHER RESOLVED, by the Planning Board of the Township of Franklin 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: 02/19/2026

FOR:

Councilman Anbarasan
Robert LaCorte
Marc Dancy
Meher Rafiq
Jennifer Rangnow
Vice Chair Charles Brown
Robert Thomas
Sami Shaban
Chairman Michael Orsini

AGAINST:

NONE

ABSTAINS:

NONE

VOTE OF RESOLUTION: 06/17/2026

FOR:

AGAINST:

ABSTAINS:

**TOWNSHIP OF FRANLIN, COUNTY OF SOMERSET
ORDINANCE NO. 4509-26**

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, LAND DEVELOPMENT, TO IMPLEMENT VARIOUS RECOMMENDATIONS OF THE 2026 REEXAMINATION OF THE TOWNSHIP MASTER PLAN AND DEVELOPMENT REGULATIONS ADOPTED BY THE PLANNING BOARD IN FEBRUARY 2026.

SUMMARY

This ordinance amends Chapter 112, Land Development, to implement various recommendations of the 2026 Reexamination of the Township Master Plan and Development Regulations adopted by the Planning Board in February 2026. Specifically:

- **Section I:** Schedule 1, Schedule of Permitted Uses, shall be amended to update the permitted uses in several zoning districts as indicated below:
 - *Golf courses* – Eliminated as principal permitted uses in various residential zones, while remaining a permitted principal use in the A (Agricultural) zone where the existing Bunker Hill golf course is located (so as not to make it a nonconforming use). The Planning Board recommends eliminating such non-residential as a permitted use within residential zones.
 - *Hospitals* - Eliminated as principal permitted uses in residential zones. There are no such uses known within these zones. The Planning Board recommends eliminating such non-residential uses as a permitted use within residential zones.
 - *Philanthropic or eleemosynary uses* - Eliminated as permitted conditional use in residential zones. There are no such uses known within these zones. The Planning Board recommends eliminating such non-residential uses as a permitted use within residential zones.
 - *Membership swim clubs* - Eliminated as permitted conditional use in various residential zones, while remaining a permitted conditional use in the R-40 (Residential) zone where the existing Cedar Hill Swim Club is located (so as not to make it a nonconforming use). The Planning Board recommends eliminating such non-residential uses as a permitted use within residential zones.
 - *Kennels* - Eliminated as permitted conditional use in residential zones. There are no such uses known within these zones. The Planning Board recommends eliminating such non-residential uses as a permitted use within residential zones.
 - *Community residences* – The New Jersey Municipal Land Use Law (MLUL) supersedes municipal zoning requiring municipalities to permit certain licensed community residences (group homes) in the same manner as single-family homes. Therefore the requirements in the Township ordinance are inconsistent with the MLUL and should be removed.
 - *Residential cluster developments* – Eliminated as a permitted principal use in the C-R zone. This use is not defined and it unknown to the Planning Board and staff what this term means. The range of existing uses in this zone (single-family dwellings, two-family dwellings, garden apartment developments, and townhouse developments) would remain permitted uses.
- **Section II:** With the elimination of certain non-residential uses as permitted conditional uses in residential zones (community residences and community shelters: hospitals, philanthropic or eleemosynary uses; and kennels) the corresponding conditional uses standards should be deleted from the ordinance.
- **Sections III, IV and V:** The proposed changes are essentially editorial in nature. Since the uses involved are principal permitted uses (not conditional uses), the applicable requirements should not be located in Article V, Conditional Uses, and are therefore proposed to be relocated to Article IV, Supplementary Zoning Regulations.

- **Section VI:** The proposed changes would:
 - Make the same editorial change described above with respect to Section III-V
 - Permit restaurants and health clubs since such uses have been located in one or both of the involved shopping centers (Cedar Grove Centre and 225 DeMott Lane) for decades despite being prohibited.
- **Section VII:** The parking requirement for places of worship is proposed to provide a more consistent requirement of 1 parking space for every 3 persons in proposed assembly areas. This is the standard parking requirement for places of worship in municipal zoning ordinances. The existing parking requirement of 1 parking space for every 15 square feet essentially equates to an occupancy level of 1 person for every 5 square feet where occupancy limits, per code, range from 1 person for every 15 square feet to 1 person for every 45 square feet (depending on the circumstances/ layout). In summary, the existing parking requirement of 1 parking spaces per 15 square feet is not in-line with occupancy codes and assumes occupancy levels many times more than permitted by code.
- **Section VIII:** Chapter 112, Land Development, Article XXXIV, Parkland Dedication, is proposed to be deleted since such ordinance requirements were invalidated several years ago.
- **Section IX:** Section 112-4, Definitions, is proposed to be revised to update redundant definitions of indoor recreation uses.
- **Section X:** Schedule 1, Schedule of Permitted Uses, is proposed to be amended to update the permitted uses in the N-B (Neighborhood Business), G-B (General Business) and HBD (Hamilton Street Business District) zones to permit "indoor recreation" uses (as defined in Section IX) in shopping centers over 25,000 square feet.
- **Section XI:** Section 112-8, Purposes of Districts, is proposed to be amended to correct a typographical error in §112-8.J pertaining to the purpose of the R-7 zone to reflect the correct minimum lot area of 15,000 square feet for two-family residences.
- **Section XII:** This section updates §112-159.18, which addresses the zoning requirements for those properties within the SCV zone not included in the Canal Walk development to include lot 6.03 to reference the applicable block. This change essentially makes the existing single-family home on this lot a permitted use and applicable appropriate bulk requirements.
- **Section XII:** Adds new Section 112-33.12 which would require the construction of sidewalks along all road frontages of properties involved in applications for site plan or subdivision approval before the Planning or Zoning Board.

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 – Article III, Section 112-10, Schedule 1, Schedule of Permitted Uses, shall be amended to update the permitted uses in several zoning districts as indicated below:

DISTRICT CATEGORY	PRINCIPAL USES	ACCESSORY USES	CONDITIONAL USES
RR3 Rural Residential	<ul style="list-style-type: none"> Farming operations (See also § 112-27.) Single-family dwellings Golf courses 	<ul style="list-style-type: none"> Barns, silos and other customary farm buildings for the storage of products, animals, and equipment Roadside stands (See § 112-29.) Private swimming pools Private garages Signs (See also Article XII) Home occupations 	<ul style="list-style-type: none"> Public utility installations (See § 112-48.) Hospitals Philanthropic or eleemosynary uses Kennels Schools (See § 112-47.) Community residences Churches and other similar places of worship (See § 112-37.) Wireless communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI Small wind energy systems
RR5 Rural Residential	<ul style="list-style-type: none"> Farming operations (See also § 112-27.) Single-family dwellings Golf courses 	<ul style="list-style-type: none"> Barns, silos and other customary farm buildings for the storage of products, animals, and equipment Roadside stands (See § 112-29.) Private swimming pools Private garages Signs (See Article XII) Home occupations 	<ul style="list-style-type: none"> Public utility installations (See § 112-48.) Hospitals Philanthropic or eleemosynary uses Kennels Schools (See § 112-47.) Community residences Churches and other similar places of worship (See § 112-37.) Wireless communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI Small wind energy systems
R-40 Residential	<ul style="list-style-type: none"> Farming operations (See also § 112-27.) Single-family dwellings Golf courses 	<ul style="list-style-type: none"> Barns, silos and other customary farm buildings for the storage of products, animals, and equipment Private swimming pools Private garages Signs (See Article XII) Home occupations 	<ul style="list-style-type: none"> Public utility installations (See § 112-48.) Hospitals Philanthropic or eleemosynary uses Membership swimming pools Schools (See § 112-47.) Community residences Churches and other similar places of worship (See § 112-37.) Wireless communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI
R-20 Residential	<ul style="list-style-type: none"> Single-family dwellings 	<ul style="list-style-type: none"> Private garages Private swimming pools 	<ul style="list-style-type: none"> Membership swimming pools Public utility installations (See § 112-48.)

DISTRICT CATEGORY	PRINCIPAL USES	ACCESSORY USES	CONDITIONAL USES
		<ul style="list-style-type: none"> • Signs (See Article XII) • Home occupations 	<ul style="list-style-type: none"> • Schools (See § 112-47.) • Community residences • Churches and other similar places of worship (See § 112-37.) • Wireless communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI • Professional offices in the R-20-H.
R-15 Residential	<ul style="list-style-type: none"> • Single-family dwellings 	<ul style="list-style-type: none"> • Private garages • Private swimming pools • Signs (See Article XII) • Home occupations 	<ul style="list-style-type: none"> • Public utility installations (See § 112-48.) • Community residences • Churches and other similar places of worship (See § 112-37.) • Wireless communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI
R-10 Residential	<ul style="list-style-type: none"> • Single-family dwellings 	<ul style="list-style-type: none"> • Private garages • Private swimming pools • Signs (See Article XII) • Home occupations 	<ul style="list-style-type: none"> • Public utility installations (See § 112-48.) • Community residences • Churches and other similar places of worship (See § 112-37.) • Wireless communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI
R-10A Residential	<ul style="list-style-type: none"> • Single-family dwellings 	<ul style="list-style-type: none"> • Private garages • Private swimming pools • Signs (See Article XII) • Home occupations 	<ul style="list-style-type: none"> • Public utility installations (See § 112-48.) • Community residences • Churches and other similar places of worship (See § 112-37.) • Wireless communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI
R-10B Residential	<ul style="list-style-type: none"> • Single-family dwellings • Garden apartments subject to 	<ul style="list-style-type: none"> • Private garages • Private swimming pools • Signs (See Article XII) • Home occupations 	<ul style="list-style-type: none"> • Public utility installations (See § 112-48.) • Community residences • Churches and other similar places of worship (See § 112-37.)

DISTRICT CATEGORY	PRINCIPAL USES	ACCESSORY USES	CONDITIONAL USES
	Schedule 2, Footnote No. 9		<ul style="list-style-type: none"> Wireless communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI
R-7 Residential	<ul style="list-style-type: none"> Single-family dwellings Two-family dwellings 	<ul style="list-style-type: none"> Private garages Private swimming pools Signs (See Article XII.) Home occupations 	<ul style="list-style-type: none"> Public utility installations (See § 112-48.) Community residences Churches and other similar places of worship (See § 112-37.) Wireless communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included Article VI
C-R Cluster Residential	<ul style="list-style-type: none"> Single-family dwellings Two-family dwellings Garden apartment developments Townhouse developments Residential cluster developments 	<ul style="list-style-type: none"> Private garages Private swimming pools Signs (See Article XII.) Home occupations 	<ul style="list-style-type: none"> Public utility installations (See § 112-48.) Community residences Churches and other similar places of worship (See § 112-37.) Wireless communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI

SECTION II

Chapter 112, Land Development – Article V, Conditional Uses, shall be amended to eliminate Section 112-38, 112-42, and 112-43 which contain conditional uses standards pertaining to: Community residences and community shelters: hospitals, philanthropic or eleemosynary uses; and kennels, as follows:

~~§ 112-38 — Community residences and community shelters.~~

~~Community residences for developmentally disabled and community shelters for victims of domestic violence which house six or more individuals except for residential staff may be permitted upon authorization by the Planning Board in accordance with the following standards and site plan review:~~

~~A. Minimum lot size by zoning districts shall be as follows:~~

Zone	Minimum Lot Size
RR3, RR5 and R-40	5 acres
R-20 and R-15	1 acre

Zone	Minimum Lot Size
R-7 and R-10	20,000 sq. ft.
C-R	20,000 sq. ft.

~~B. Minimum of 250 square feet of gross floor area shall be required for each site occupant inclusive of resident staff personnel.~~

~~C. Such community residences must be at least 1,500 feet apart from each other.~~

~~§ 112-42 Hospitals, philanthropic or eleemosynary uses.~~

~~Hospitals, philanthropic or eleemosynary uses shall be permitted upon authorization by the Planning Board in accordance with the following standards and site plan review:~~

~~A. Said use will have direct access to an arterial or major collector street as defined in this chapter and as designated on the adopted Master Plan of the Township of Franklin.~~

~~B. Off-street parking space shall be required in accordance with the standards set forth below:~~

~~(1) Hospitals: 2.5 spaces for each bed.~~

~~(2) Philanthropic and eleemosynary uses: one space for each two employees.~~

~~C. Minimum lot size shall be five acres.~~

~~D. Minimum lot width shall be 200 feet.~~

~~E. Maximum percent of lot coverage shall be 15%.~~

~~§ 112-43 Kennels.~~

~~Kennels may be permitted upon authorization by the Planning Board in accordance with the following standards and site plan review:~~

~~A. No structure or pen used for keeping or exercising of animals shall be located within 75 feet of any property line.~~

SECTION III

Chapter 112, Land Developments, shall be amended to relocate the requirements applicable to garden apartment development (which are permitted principal permitted uses in the C-R zone, not conditional uses) from Article V, Conditional Uses, to Article IV, Supplementary Zoning Regulations, as follows:

§ 112-~~39~~33.8 Garden apartment development.

A. No garden apartment structure shall be located within 200 feet of a single-family dwelling which is not located on the same lot.

B. No garden apartment building shall be closer than 30 feet to any other garden apartment.

C. No more than 24 dwelling units in the R-10B Zone or 16 dwelling units in any other zone shall be contained in any one garden apartment structure.

D. A planting screen having a minimum width of 10 feet shall be provided along all side and rear property lines that do not abut an open space area. This screen shall consist primarily of evergreen trees and earth contouring so as to provide visual screen. Planting material shall be at least three feet high at the time of planting, and it shall be the responsibility of the owner to carry out this program and to promote such maintenance and care as is required to obtain the effect intended by the original plan.

E. All private streets shall be paved to a minimum width of 30 feet.

- F. No off-street parking area shall be located within the required front yard area of the development tract.
- G. No on-street, parallel parking shall be permitted on any street, road, thoroughfare, accessway or driveway, whether public or private.
- H. On-site parking shall be provided in accordance with the Residential Site Improvement Standards.
- I. Each parking area shall contain no more than 50 vehicle spaces and shall be adequately lighted either with wall-mounted or post-mounted ornamental fixtures.
- J. No off-street parking spaces, including detached garages, shall be located closer than seven feet to the principal building, and no principal building shall have off-street parking areas on all sides of the building.
- K. No off-street parking area shall be located closer than 10 feet to a side or rear property line.
- L. If garages are provided, they shall have an unobstructed clear floor space area of not less than 240 square feet and such a garage may be built into the dwelling structure or separately constructed as herein provided.
- M. Each group of attached garages shall be no more than one story in height. The architectural design and materials used in the construction thereof shall conform to the design and building materials used in the construction of other buildings and structures. No part of any garage or other accessory building shall be used for living purposes.
- N. The following recreational requirements shall be met and developed with facilities suitable to serve the residents of the dwelling units; said facilities shall be located so as not to be detrimental to adjacent property owners by virtue of noise, light, glare and any other objectionable features emanating therefrom. A minimum of 400 square feet of recreational area shall be provided for each dwelling unit.
- O. Other requirements.
 - (1) All projects shall be serviced by public water and sewer utilities.
 - (2) Minimum lot size shall be one hundred acres in the R-10B Zone and 10 acres in all other zones.
 - (3) Minimum frontage shall be 300 feet.
 - (4) Minimum front yard shall be 75 feet.
 - (5) Minimum side yard shall be 40 feet.
 - (6) Maximum density shall be 3.25 units in the R-10B Zone and six units per gross acre in all other zones.
 - (7) Maximum lot coverage shall be 20%.
 - (8) Minimum rear yard shall be 40 feet.
 - (9) The total height of the building shall not exceed three stories nor 42 feet in height in the R-10B Zone and 2 1/2 stories nor 30 feet in height in all other zones. (No basement units are permitted.)
- P. Permitted accessory uses. Accessory uses which are customarily incidental to said use, such as but not limited to the following, shall be permitted on the same lot:
 - (1) Private garages.
 - (2) Swimming pools.
 - (3) Recreation areas and incidental structures accessory thereto.
 - (4) Management office.
 - (5) Maintenance and storage building.
- Q. Required use: very-low-, low- and moderate-income dwelling units. Every garden apartment development shall provide dwelling units for very low, low and moderate income households equal to at least 20% of the total housing units being constructed, pursuant to the requirements of Chapter 81, Affordable Housing.
- R. Garden apartment developments existing within the General Business (GB) Zone as of the effective date of this ordinance[1] shall be considered permitted uses, subject to the requirements of § 112-39.

SECTION IV

Chapter 112, Land Developments, shall be amended to relocate the requirements applicable to townhouse apartment development (which are permitted principal permitted uses in the C-R zone, not conditional uses) from Article V, Conditional Uses, to Article IV, Supplementary Zoning Regulations, as follows:

§ 112-~~49~~33.9 Townhouse development.

Such development shall be permitted upon authorization of the Planning Board in accordance with the following standards and site plan review:

- A. The minimum development tract size shall be 10 acres.
- B. The maximum permitted density shall be six dwelling units per gross acre.
- C. The development shall provide 400 square feet of recreational area for each dwelling unit. Such space shall not include the yard areas of a lot(s) in fee-simple ownership.
- D. All private streets shall be paved to a minimum width of 30 feet.
- E. In addition to yard requirements for the tract of land set forth in Schedule 2 (Lot and Yard Requirements), no dwelling unit shall be located less than 25 feet from the curbline or edge of pavement of a private street or access driveway.
- F. Each individual lot shall have a front and rear yard not less than 20 feet. There shall be a single side yard of not less than 20 feet at the end of each row. In the instance of a development proposal under this subsection creating a lot for each dwelling unit, each unit shall have a rear yard of not less than 20 feet.
- G. There shall be no more than eight dwelling units in any single group of dwelling units.
- H. No dwelling unit, or group of dwelling units, shall exceed 2 1/2 stories or 35 feet in height, whichever is lesser. No living space shall be permitted above the second floor.
- I. Refuse storage areas shall be so designed as to minimize any detrimental effect on the character of the development.
- J. All utility wiring shall be underground.
- K. Common accessory buildings and facilities shall be designed to harmonize with the overall character of the development and shall meet the setback requirements set forth herein for groups of dwelling units.
- L. All site facilities shall meet Township design standards.
- M. Required use: very-low-, low- and moderate-income dwelling units. Every townhouse development shall provide dwelling units for very low, low and moderate income households equal to at least 20% of the total housing units being constructed, pursuant to the requirements of Chapter 81, Affordable Housing.
- N. Townhouse developments existing within the General Business (GB) Zone as of the effective date of this ordinance[1] shall be considered permitted uses, subject to the requirements of § 112-49.

SECTION V

Chapter 112, Land Developments, shall be amended as follows to relocate the requirements applicable to single-family development in the R-10A zone (which are permitted principal permitted uses in the R-10A zone, not conditional uses) from Article V, Conditional Uses, to Article IV, Supplementary Zoning Regulations, and to delete the listing of conditional uses as this is already listed on Schedule 1, Permitted Uses:

§ 112-~~5233.10~~

R-10A Zone Single-Family Development.

R-10A Zone Single-Family Development shall be permitted in the R-10A Zone south of Bunker Hill Road in accordance with the following standards and subdivision plan review:

- A. Permitted principal uses shall be single-family dwellings.
- B. Permitted accessory uses shall be private garages, private swimming pools and signs. (See Article XII, § 112-106 et seq.)
- ~~C. Conditional uses shall be public utility installations, community residences, home occupations and churches and other similar places of worship.~~
- D. The minimum development tract size shall be 10 acres.
- E. The maximum permitted density shall be three dwelling units per gross acre.
- F. The minimum lot size shall be 10,000 square feet.
- G. The minimum frontage shall be 75 feet. The minimum frontage requirement on corner lots shall be met on all frontages on a public street.
- H. The minimum front yard setback shall be 25 feet. Front yard setbacks on corner lots shall comply with sight triangle distances as established elsewhere in this chapter.
- I. The minimum side yard setback shall be eight feet on one side.
- J. The minimum rear yard setback shall be 25 feet.
- K. The minimum setbacks for accessory structures shall be eight feet for side and 10 feet for rear yards.
- L. The maximum lot coverage shall be 25%.
- M. The maximum impervious coverage shall be 35%.
- N. The maximum height shall be 35 feet or 2 1/2 stories, whichever is less.
- O. All streets shall have a right-of-way of 50 feet and shall be paved to a minimum width of 30 feet.
- P. Off-street parking spaces shall be provided pursuant to Article XI, § 112-81.
- Q. Garages shall be constructed according to the following standards:
 - (1) All garages provided shall conform architecturally to and be of similar materials as the principal building in the development.
 - (2) No detached garage shall exceed a height of one story or fifteen feet.
- R. All streets shall have four-foot concrete sidewalks on one side.
- S. All utility wiring shall be underground.

SECTION VI

Chapter 112, Land Developments, shall be amended to relocate the requirements applicable to principal uses in Neighborhood Business (NB) Zone from Article V, Conditional Uses, to Article IV, Supplementary Zoning Regulations (as this is more appropriate placement within the ordinance) and to permit restaurants and health clubs as such uses have been located in such shopping centers for decades:

§ 112-~~5333.11~~

Principal uses in Neighborhood Business (NB) Zone.

Principal uses in the Neighborhood Business (NB) Zone shall be permitted in the CR Zone subject to the following:

- A. NB uses shall be permitted only as support uses to an existing or approved multifamily development in the CR Zone.
- B. NB development shall conform to all development standards for the NB Zone (Schedules 1 through 6), unless modified herein.

- C. NB development shall occupy no more than 3% of the land area of an existing and/or approved multifamily development in the CR Zone.
- D. NB development in the CR Zone shall not include gas stations, ~~restaurants~~, funeral homes, ~~health clubs~~, or quasi-public or private club or fraternity.
- E. A twenty-foot-wide perimeter buffer shall be provided where the proposed NB development is adjacent to existing or proposed residential development. The perimeter buffer is not required adjacent to a public right-of-way.
- F. The perimeter buffer shall be landscaped with a solid six-foot-high fence and massed evergreen and deciduous trees and shrubs. Evergreen trees shall be eight feet in height at time of installation and planted 10 feet on center in a double staggered row. One deciduous tree and two shrubs shall be planted for each 10 linear feet of buffer.
- G. Pedestrian access shall be provided from the residential development to the NB development.
- H. Driveway access from the NB development to Route 27 shall be prohibited if there is an alternative public street to provide access to the development.

SECTION VII

Chapter 112, Land Development, Article V, Conditional Uses, § 112-37.D shall be revised to update the parking requirements for places of worship as follows:

D. Parking requirements.

- (1) One parking space per every three seats. One seat shall be considered 22 inches in calculating the capacity of pews or benches. In the event there is no fixed seating provided, parking shall be provided at one parking space for every three persons of permissible occupancy, per applicable code, of all proposed assembly areas (e.g., worship area, fellowship room, etc.). ~~at the largest anticipated gathering or a minimum of one parking space for every 15 square feet of worship area.~~
- (2) Depending on the number of special occasions, the Planning Board may require overflow parking to be constructed of pervious pavement materials. Parking may be banked upon approval of the Planning Board in anticipation of future growth, but it shall be delineated on the plan and included in all coverage calculations and drainage calculations.

SECTION VIII

Chapter 112, Land Development, Article XXXIV, Parkland Dedication, is deleted as follows since such ordinance requirements were invalidated several years ago:

~~**Article XXXIV — Parkland Dedication**~~

~~**§ 112-264 — Definitions.**~~

~~For the purpose of this article, the following terms shall have the meanings indicated:~~

~~**RESIDENTIAL DEVELOPMENTS**~~

~~Except for construction permits for individual lots and subdivisions of four lots or fewer, any subdivision and site development plan designed for single family condominiums, townhouses, manufactured housing, including mobile home parks, attached and semiattached units and garden apartments in any mixed-use development and in projects designed entirely for residential purposes. Any residential development as defined herein shall be subject to the requirements of this article.~~

~~§ 112-265 — Dedication or cash contribution required.~~

~~The developer of a residential development, as defined herein, shall be required to dedicate and improve parkland or to make a cash contribution toward acquisition and development of recreation facilities located off-site. Any lands proposed to be dedicated shall be subject to acceptance by the Township Council as to location, size and improvements. However, at a minimum, 75% of the acreage to be dedicated shall be developed for active recreation purposes. If the required dedication acreage is calculated to be less than 10 acres in size, the Township shall have the option of requiring a cash contribution in lieu of all or part of the required dedication. This option shall be exercised solely at the discretion of the Township Council when the acreage is less than 10 acres.~~

~~§ 112-266 — Dedications of more than 10 acres.~~

~~If the required dedication acreage is calculated to be 10 acres or more, 50% of the calculated acreage must be improved and dedicated to the Township. The Township Council shall have the option of substituting a cash contribution in lieu of up to 50% of the calculated acreage. The acreage required to be improved and dedicated shall be in parcels which are a minimum of five acres in size.~~

~~§ 112-267 — Population multipliers.~~

~~The following population multipliers shall be applied to the formula by residential unit type, as follows:~~

~~A. Single family and duplex units: 3.2 persons per household.~~

~~B. All other residential units: 2.2 persons per household.~~

~~§ 112-268 — Acreage requirements.~~

~~The acreage dedication and the improvement contribution equivalent shall be calculated by utilizing the National Recreation and Park Association standard of eight acres of developed parkland per 1,000 population. This standard results in a requirement of 0.008 acres per person. The acreage to be dedicated shall be determined by multiplying the number of units in the development by the per person household multipliers contained herein and by multiplying the resulting project population by the 0.008 per person acreage standard.~~

~~§ 112-269 — Options in lieu of dedication.~~

~~If a developer proposes to make a cash contribution, in whole or in part, in lieu of dedicating improved parklands and said proposal is accepted by the Township Council, the contribution shall be calculated by multiplying the acreage for which a contribution is to be substituted times a cost of \$40,000 per acre.~~

~~§ 112-270 — Contribution and dedication requirement.~~

~~All residential developments which do not indicate a parkland dedication on the final site plan or final subdivision map shall be required to make the required cash contribution prior to receiving construction permits for in excess of 50% of the total residential units within the development. If a developer is required to dedicate and improve parkland, the Township shall only accept said parkland upon satisfactory completion of all improvements after inspection and approval thereof.~~

~~§ 112-271 — Applicability.~~

~~All residential developments which have not received site plan or final subdivision approval prior to the effective date of this article shall be subject to the requirements of this article.~~

SECTION IX

Chapter 112, Land Development, Article 1, General Provisions, § 112-4, Definitions, shall be revised to update redundant definitions as follows:

INDOOR RECREATION

Sporting, recreation and leisure time activities, conducted within a covered structure, which include sport, training, instruction and leisure activities such as swimming, soccer, archery, ice skating, ice hockey, trampolining, roller rinks, pools, basketball, karate, dance, climbing, football, racquet sports, baseball, cricket, rock climbing, paintball, laser tag and other such activities. Indoor commercial recreation does not include activities such as pool halls, theaters for music, live presentations or motion-picture presentations, or video arcades. Facilities may also include accessory eating and retail services within the facility.

INDOOR RECREATION FACILITIES

~~One or more roofed and enclosed buildings or structures designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities, such as but not limited to tennis courts, handball and racquetball courts, soccer fields, batting cages, skating and roller rinks, pools and gymnasiums, and other active recreation activities.~~

SECTION X:

Chapter 112, Land Development – Article III, Section 112-10, Schedule 1, Schedule of Permitted Uses, shall be amended to update the permitted uses in the N-B (Neighborhood Business), G-B (General Business) and HBD (Hamilton Street Business District) zones to permit “indoor recreation” uses in shopping centers over 25,000 square feet, as follows:

DISTRICT CATEGORY	PRINCIPAL USES	ACCESSORY USES	CONDITIONAL USES
N-B Neighborhood Business	<ul style="list-style-type: none"> Retail goods and service stores, of a neighborhood service type, including but not limited to: body art establishments, food, drugs, drink, household supplies, home appliance stores, barber and beauty shops, shoe repair and tailor shops, dry cleaning shops, professional offices, banks, restaurants Eating and drinking establishments 	<ul style="list-style-type: none"> Buildings customary and incidental to the operation of the principal use Signs (See Article XII.) 	<ul style="list-style-type: none"> Automobile service stations Wireless communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI

DISTRICT CATEGORY	PRINCIPAL USES	ACCESSORY USES	CONDITIONAL USES
	<ul style="list-style-type: none"> • Funeral homes • Quasi-public or private club or fraternity • Child-care centers • Administrative and dispatch services excluding the idling, parking, storage, service, fueling or repair of vehicles used in such service or site • Class 5 cannabis retailer • Class 6 cannabis delivery (when accessory to Class 5 cannabis retailer use)⁴ • <u>Indoor recreation in shopping centers over 25,000 square feet</u> 		<ul style="list-style-type: none"> • Churches and similar places of worship
G-B General Business	<ul style="list-style-type: none"> • Retail goods and service stores, including but not limited to: body art establishments, food, drugs, drink, household supplies, home appliance stores, barber and beauty shops, shoe repair and tailor shops, dry cleaning shops, professional offices, banks, restaurants, • Eating and drinking establishments • Funeral homes • Quasi-public or private club or fraternity • Indoor theaters • Laundromat and dry cleaning • Printing and publishing shops • Proprietary schools • Nonprofit schools accredited by the New Jersey Department of Education • Plumbing supply and hardware stores • Professional and general offices • Bowling alleys • Telephone, telegraph and radio communications offices and services • Automobile sales and showroom • Administrative and dispatch services excluding the idling, parking, storage, service, fueling or repair of vehicles used in such service or site • Child-care centers • Class 5 cannabis retailer 	<ul style="list-style-type: none"> • Buildings customary and incidental to the operation of the principal use • Signs (See Article XII.) 	<ul style="list-style-type: none"> • Public utility installations (See § 112-48.) • Automobile service stations • Nursing homes • Wireless communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI • Churches and similar places of worship

DISTRICT CATEGORY	PRINCIPAL USES	ACCESSORY USES	CONDITIONAL USES
	<ul style="list-style-type: none"> • Class 6 cannabis delivery (when accessory to Class 5 cannabis retailer use)⁴ • <u>Indoor recreation in shopping centers over 25,000 square feet</u> 		
HBD Hamilton Street Business District	<ul style="list-style-type: none"> • Retail goods and service stores, including but not limited to: body art establishments, food, drugs, drink, household supplies, home appliance stores, barber and beauty shops, shoe repair and tailor shops, dry cleaning shops, banks and restaurants.² • Mixed-use buildings² • Eating and drinking establishments² • Restaurants² • Professional offices² • Funeral Homes² • Quasi-public or private club or fraternity² • Single-family dwellings³ • Adult day care² • Child-care facility² • Administrative and dispatch services excluding the idling, parking, storage, service, fueling or repair of vehicles used in such service or site • Class 5 cannabis retailer • Class 6 cannabis delivery (when accessory to Class 5 cannabis retailer use)⁴ • <u>Indoor recreation in shopping centers over 25,000 square feet</u> 	<ul style="list-style-type: none"> • Uses customarily incidental and subordinate to the principal use • Signs (See § 112-114.) • Outdoor dining 	<ul style="list-style-type: none"> • Public utility installations • Churches and other similar places of worship

SECTION XI

Chapter 112, Land Development, §112-8, Purposes of Districts, shall be amended to correct a typographical error in §112-8.J pertaining to the purpose of the R-7 zone to reflect the correct minimum lot area of 15,000 square feet for two-family residences as follows:

J. R-7 Single-Family Residential. The purpose of the R-7 District is to provide for the continuance of single-family residential development on lots of 7,500 square feet and also two-family residences on lots of ~~10,000~~ 15,000 square feet.

SECTION XII

Chapter 112, Land Development, Article XIX, Senior Citizen Village District, §112-159.18, Properties in SCV Zone not included in SCV development, which addresses zoning requirements for those

properties within the SCV zone not included in the Canal Walk development to include lot 6.03 which was mistakenly omitted and to reference the applicable block, as follows:

§ 112-159.1 Properties in SCV Zone not included in SCV development.

The following properties located within the SCV Zoning District but not included in the Canal Walk development (i.e., the lands encumbered by Lots 1.01, 2.01, 3, 4.01, 6.03, 12.02, 13.02, 16 and 17 in Block 513.01) shall be subject to the use and bulk requirements of the R-40 (Single-Family Residential) Zoning District.

SECTION XIII

Chapter 112, Land Development, Article IV, Supplementary Zoning Regulations, shall be amended as follows to add new Section 112-33.12 which would require the construction of sidewalks along all road frontages of properties involved in applications for site plan or subdivision approval before the Planning or Zoning Board:

§ 112-33.12 Sidewalks required in association with new development.

- A. All applications before the Planning Board or Zoning Board of Adjustment for site plan and/or subdivision approval shall propose the construction of sidewalks along all road frontages of the subject property. The plans presented for approval by the Board shall propose such sidewalks and shall provide convenient and safe interconnection of sidewalks between parking areas and building entrances within the site and extending to the sidewalks proposed along the road(s).
- B. Should the Board find it appropriate to grant relief from A. above due to unique circumstances (e.g., public safety), the applicant shall make an in-lieu contribution to a capital improvement fund dedicated by the Township for the purpose of constructing sidewalks along public roadways. The amount of such contribution shall be equivalent to the cost of constructing such sidewalk(s) as confirmed by the Township Engineer and shall be paid to the Township prior to site plan signoff/ filing of the subdivision.

SECTION XIV

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 XV

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as the extent of such inconsistency.

SECTION XVI

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

ORDINANCE NO. 4509-26

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

Introduced: June 9, 2026

Published: June 12, 2026

Public Hearing: June 23, 2026

Adoption:

Published:

Effective:

Ann Marie McCarthy, Township Clerk

**TOWNSHIP OF FRANKLIN, SOMERSET COUNTY
ORDINANCE NO. 4510-26**

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, LAND DEVELOPMENT, TO UPDATE PLANNING AND ZONING FEES AND ESCROW DEPOSITS.

SUMMARY

Amendments to Code Chapter 112, Land Development with updating Planning and Zoning Fees and Escrow Deposits.

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 – Article XXVII, Escrow Deposits, shall be retitled and amended to provide updated professional review fees and escrow deposits as indicated below:

Article XXVII Escrow Deposits and Professional Review Fees

§ 112-210 Deposit required; use.

The Planning Board and/or Zoning Board of Adjustment shall require escrow deposits in accordance with the provisions of this chapter. Such escrow shall be utilized to pay the cost of any professional fees incurred for review of and/or testimony concerning an application for development submitted by an applicant.

§ 112-211 Payment to professionals.

The Chief Financial Officer of the municipality shall make all of the payments to professionals for services rendered to the municipality or approving authority for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of N.J.S.A. 40:55D-1 et seq. The initial fees or charges shall be as hereinafter set forth. The application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents and inspections of developments under construction and for review by outside consultants when an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the municipality. The only costs that shall be added to any such charges shall be actual out of pocket expenses of any such professional or consultants including normal and typical expenses incurred in processing applications and inspecting improvements. No applicant shall be charged for any municipal clerical or administrative functions, overhead expenses, meeting room charges, or any of the municipal costs and expenses except as provided for specifically herein, nor shall a municipal professional add any such charge to his bill.

§ 112-212 Charges for professional services.

The applicant shall be responsible to reimburse the municipality with regard to specific professional services in accordance with the following:

- A. Charges for any professional for required attendance at any special meeting during which hearings are held on the application in question; provided, however, that where hearings are held on other applications at the same hearing, the cost of attendance of the municipality's professionals shall be reimbursed on a pro rata basis;

B. The municipality shall be entitled to be reimbursed for the review of applications including but not limited to:

(1) All expenses of in-house Township technical and professional staff and outside consulting and professional personnel for services necessary to review and process an application for development before a Township agency; such as:

- (a) The cost of reviews by in-house Township technical and professional staff and outside consulting and professional personnel of applications and accompanying documents both as to completeness and content.
- (b) Issuance of reports by in house Township technical and professional personnel, outside technical and professional services as deemed necessary by the Township Engineer, and other outside technical and professional personnel and consultants to the Township agency setting forth recommendations resulting from the review of any documents submitted by applicant.
- (c) Charges for any telephone conference or meeting requested or initiated by an applicant, applicant's attorney or any of the applicant's experts.
- (d) Review of additional documents submitted by applicant and issuance of reports relating thereto.
- (e) Review or preparation of easements, developer's agreements, deeds or the like, and necessary correspondence with applicant or applicant's professionals.
- (f) Review or preparation of resolutions of approval and memorializing resolutions.
- (g) The cost of independent expert advice or testimony obtained by the Township agency.

(2) The term "technical and professional personnel" or "technical and professional services" as used herein shall include the services of a duly licensed engineer, surveyor, planner, Planning Board, Board of Adjustment, municipal or other attorney, realtor, appraiser, environmentalist or other experts and their employees or staff who would provide technical and professional services to insure an application meets performance standards set forth in the ordinance and generally accepted standards for the particular professional field. Professional personnel or professional services shall also mean experts whose testimony is in an area in which the applicant has presented expert testimony.

§ 112-213 **Escrow and professional fees.**

At the time of the filing of an application for development, appeal or other matter pursuant to this chapter, the applicant shall pay to the administrative officer an initial deposit for services in accordance with the following schedule. Deposits shall be made by check or bank money order to "Franklin Township" or exact cash. In the case of proposals requiring a combination of approvals, such as site plan and/or variance(s), the applicant shall deposit an amount equal to the sum of the deposits required for each application.

A. Escrow fees.

Type of Development

Residential development:

Escrow to be Posted

2-3 units (site plan/minor subdivision)	\$3,000
2-10 units (site plan/major subdivision)	\$4,000 <u>\$5,000</u>
11-20 units	\$6,000 <u>\$7,500</u>

21-100 units	\$8,000	\$10,000
101-500 units <u>and greater</u>	\$10,000	\$20,000
501-1,000 units		
	\$12,500	
1,001 units and greater		\$15,000

Commercial/industrial development application not involving structures:

0-3 lots	\$5,000
4 lots and greater	\$7,500

Commercial/industrial development application involving structure:

Total Floor Plan

5,000-10,000 square feet	\$7,500
10,001-20,000 square feet	\$10,000
20,001-50,000 square feet <u>and greater</u>	\$12,500
50,001 square feet and greater	\$15,000
Variance application involving an "isolated lot"	\$20,000
	\$1,500

All other applications when no residential or commercial/industrial development is proposed,

including use variance applications not involving new development

- B. Professional fees. Applicants for the following single-lot applications are required to pay the Township a nonrefundable fee for professional review and inspection services in accordance with the following fee schedule:

Proposed Improvement

Review and Inspection Fee

Board applications:

Variance application for construction of individual dwellings \$750

Variance application for home additions, accessory structures over 200 square feet, or in-ground pools where the overall project involves an increase in impervious coverage of 1,000 square feet or more (or any other application that involves such an increase in impervious coverage) \$500

Variance application for construction of home additions, accessory structures over 200 square feet or in-ground pools where the overall project involves an increase in impervious coverage less than 1,000 square feet \$250

New dwelling with variances \$1,000

Sign variances \$500

Site plan waiver \$500

Permit / administrative review and approvals:

New dwelling without variances \$500 \$1,000

Addition, new accessory structure over 200 square feet, or inground pool where the overall project involves a total increase in impervious surface of 1,000 square feet or more (or any other application that involves such an increase in impervious coverage) \$500

Addition, new accessory structure over 200 square feet, or inground pool where the overall

project involves a total increase in impervious surface of 1,000 square feet or more	\$250
Addition with variances	\$300
Addition without variances	\$150
Ground-mount solar	\$250
New accessory structure or pool with variance	\$300
New accessory structure or pool without variance	\$150
Decks or aboveground pools	No fees required
Home occupations	\$500
TRC reviews <u>Administrative site plan review</u>	\$1,000 (This fee may be waived or reduced by TRC.)
Wireless communication facilities requiring review and approval by the Township Council or the TRC:	
New wireless telecommunication antennas and/or equipment	\$5,000
Replacement of existing wireless telecommunication antennas and/or equipment that involves change(s) in the number, size and/or location of antennas and/or equipment	\$1,000
In-kind replacement of existing wireless telecommunication antennas and/or equipment that involves no change(s) in the number, size or location of antennas and/or equipment	\$500
First 3 reviews are included in the above fees. Afterwards the fee is \$150 <u>\$250</u> per additional review <u>(\$125 for applications with a required initial review fee of \$250).</u> This provision does not apply to wireless communication tower or antenna reviews by the Township Council or TRC.	

SECTION II

Chapter 112, Land Development, Schedule 7, Fees, shall be amended as indicated below to update application fees:

Schedule 7 Fees Township of Franklin

APPLICATION TYPE	FILING FEE ¹	CONDITIONS
Site Plan (Minor and Major)		
Residential		
Preliminary	\$1,750 <u>\$2,500</u> \$75 <u>\$125</u> \$75 <u>\$125</u>	For first 10 acres or any part thereof; plus For each additional acre over 10 acres or any part thereof; plus Per dwelling unit
Final	\$750 <u>\$1,250</u>	Initial fee, plus

APPLICATION TYPE	FILING FEE ¹	CONDITIONS
Nonresidential	\$40 <u>\$75</u>	Per dwelling unit
Preliminary/final (in combination)	\$750 <u>\$2,500</u> \$50 <u>\$100</u> \$0.01 <u>\$0.025</u>	For first 10,000 square feet of tract; plus For each additional 5,000 square feet of tract or portion thereof; plus Per gross square feet of building
Final only		1/2 preliminary fee
Revisions (prior to approval) Residential and nonresidential		Same as above for each submission to the approving authority. The approving authority may waive a portion or all of the fee paid for revised submission at the request of the applicant, if the revised submission involves no change in building location, design and layout of parking area or improvements for drainage, sanitary or water lines.
Amendments to approved applications		
Residential	\$325	Per each 500 square feet or portion thereof of disturbed area
Nonresidential	\$325	For first 5,000 square feet of new disturbance; plus
	\$50	For each additional 5,000 square feet or portion thereof of newly disturbed area; plus
	\$0.01	Per gross square feet of building (addition or change)
Request for waiver of site plan	\$500	
Subdivision		
Minor	\$500 <u>\$1,000</u>	
Cluster sketch	\$1,000 \$100 \$50	For first 50 acres; plus For each additional 50 acres or portion thereof; plus For each lot, including a nonbuildable lot
Major		
Preliminary; plus	\$500 <u>\$1,000</u> \$300 <u>\$500</u> \$180 <u>\$250</u> \$150	Initial fee; plus Per lot for first 10 building lots; plus Per lot for remaining lots <u>Per lot for next 20 building lots; plus</u> Per lot for remaining lots
Final	\$500 <u>\$1,000</u> \$125 <u>\$250</u>	Initial fee; plus Per building lot
Amendments to approved applications	\$150	
Minor	\$1,000	
Cluster/sketch	\$50	Submission
	\$500	For each lot changed
Major (preliminary)	\$300	Submission

APPLICATION TYPE	FILING FEE ¹	CONDITIONS
Major (final)	\$500 \$125	For each lot changed Submission For each lot changed
Conditional Use	\$500	plus applicable site plan fee
Variances		
Bulk variance		
Created by subdivision (N.J.S.A. 40:55D-70c)	\$400	Per variance
All others (N.J.S.A. 40:55D-70c)	\$250	Per variance
Use variance (N.J.S.A. 40:55D-70d)	\$750	
Sign variance	\$100 <u>\$250</u>	Plus <u>Per variance</u>
Application fee	\$100	Each sign after initial sign
Temporary Use	\$250	Per application
Miscellaneous		
Review of revised plans		
Minor subdivisions	\$100	Per submittal after first submission to meet conditions of approval
All others	\$250	Per submittal after first submission to meet conditions of approval
Appeals (N.J.S.A. 40:55D-70a) and interpretations (N.J.S.A. 40:55D-70b) relief of condition, or other miscellaneous request(s) of the Board	\$500	Per appeal or interpretation <u>or request</u>
Banners	\$25 \$50 \$250	Per banner
Extension of approval	\$750	Each request
Conceptual plan submission	\$750	Per request
Master Plan or zone change		Per request
Resigning plans and/or maps	\$1	
Applicant error	\$500 <u>\$1,000</u>	Per Township official signature
Certification of preexisting nonconforming use		
Zoning Permit Fees		
New home	\$30 <u>\$100</u> \$50 <u>\$100</u>	Tract homes from major subdivision Individual lot or minor subdivision
Existing home		
Additional level	\$30 <u>\$50</u>	
Additional footprint	\$30 <u>\$50</u>	
Dormers	\$30 <u>\$50</u>	
Porch	\$30 <u>\$50</u>	
Garage conversion to living space	\$30 <u>\$50</u>	
Garage/carport/pole barn/shed (greater than 200 square feet)		
Attached	\$30 <u>\$50</u>	
Detached	\$50	
Shed (less than or equal to 200 square feet)	\$25 <u>\$50</u>	
Fence	\$25 <u>\$50</u>	
Gazebo	\$30 <u>\$50</u>	
Deck	\$30 <u>\$50</u>	
Pools and spas	\$30 <u>\$50</u>	
In-ground pool	\$30 <u>\$50</u>	

APPLICATION TYPE	FILING FEE ¹	CONDITIONS
Aboveground pool	\$30 <u>\$50</u>	
Hot tub/spa	\$50	
Commercial use/ <u>tenant</u> change	\$50 <u>\$100</u>	
<u>Construction of c</u> ommercial building	\$50	
Sign		
Zoning Verification Letter:	\$50	
Single-family and 2-family	\$100	
residential	\$25 <u>\$50</u>	
Multifamily and nonresidential	\$25 <u>\$50</u>	
Ground-mount solar	\$25	
Roof-mount solar	<u>\$50</u>	
	<u>\$50</u>	
<u>Finished basement</u>	<u>\$50</u>	
<u>Home occupation</u>	<u>\$50</u>	
<u>Demolition</u>	<u>\$50</u>	
<u>Garage conversion</u>		
<u>Other</u>		

1. Plus applicable escrow and/or fees per § 112-213A and B. Required fees are cumulative.

SECTION III

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 IV

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as the extent of such inconsistency.

SECTION V

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

Ordinance No. 4510-26

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

Introduced: June 9, 2026
Published: June 12, 2026
Public Hearing: June 23, 2026
Adoption:
Published:
Effective:

Ann Marie McCarthy, Township Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, LAND DEVELOPMENT, TO MAKE VARIOUS UPDATES REGARDING CLUSTER SUBDIVISIONS AS WELL AS RELATED ORDINANCE UPDATES.

SUMMARY

Cluster subdivision development is an alternative to conventional subdivision that allows flexibility in minimum lot areas for residential lots to create large plots for preservation of land for open space, recreation and/or agriculture. In Franklin Township, using these cluster subdivision techniques, approximately 30 parcels have been preserved totaling over 1,000 acres.

Below is a summary describing the nature of the proposed zoning ordinance amendments.

- **Sections I and II:** Changes reflected in these sections result from an evaluation of the existing cluster subdivision provisions in the Township's Land Development ordinance. Based on this analysis:
 - The ordinance proposes to: (1) retain Article XXX, Natural Resources Preservation Cluster Option as this article contains all the necessary language necessary to guide the Board in review of such applications and has been the Article used to approve the vast majority of the cluster subdivisions approved by the Township resulting in 1,000+ acres of preserved land and (2) eliminate Article XXXI, Agricultural Cluster Option, as it is largely redundant with Article XXX, contains certain standards that are no longer applicable within the Township (e.g., a 500-acre requirement with land, served by public water and sewer, and contain a very specific mix of zoning districts) and has an unusual provision allowing a 2.3x density bonus.
 - Further, Article XXX is proposed to be amended and improved in certain ways: (1) make clear that these provisions may be used in the R-40, C-P, A, RR-5 and RR-3 zones; (2) improved language regarding the "yield map" which is used to determine the permitted number of lots; (3) proposes certain changes to provide the Board the discretion to appropriately modify requirements if it results in a substantial improvement in public benefits; (4) clarify that the minimum lot size reduction within the C-P, A, RR-5 and RR-3 zones would be two acres (which is consistent with the current limitation when the property is served by septic and/or well); and (5) various other clarifications and improvements to the ordinance language.
- **Section III:** Article XVII, Lot Size Averaging, is amended to: (1) provide the same methodology for determining lot yield as provided for cluster subdivisions in Article XXX; (2) allow lot size averaging in the Agricultural (A) in the same manner as permitted in other similar zones (e.g., RR-3, RR-5 and C-P); and (3) consolidate the various lot size averaging provisions in this one Article of the ordinance.
- **Sections IV, V and VII –** This property received cluster subdivision approval per Article XXX utilizing the bulk requirements of the R-20 zone for the building lots (with the remainder of the property to be preserved). Like other properties subdivided under Article XXX (i.e., "NRPC"), the Zoning Map would be revised to place this property within an "NRPC" overlay zone (this one reflecting R-20 zone bulk requirements) and Schedules 2 and 3 would be revised to contain the bulk requirements for this overlay zone. Since the property was already approved subject to the R-20 bulk requirements these changes do not actually change the applicable requirements. However, referencing this on the Zoning Map and ordinance makes this clear to staff and homeowners in the future.

- **Sections V, VI and VII:** The amendments changing the name of the “NRPC (R-40) – Natural Resource Preservation Cluster – R40 Option” to the “NRPC (R-15) – Natural Resource Preservation Cluster – R15 Option” are purely editorial in nature – there are no changes to the actual requirements. The existing subdivisions are already subject to the bulk requirements of the R-15 zone thus this title makes this clearer and consistent with the nomenclature of the proposed “NRPC (R-20) – Natural Resource Preservation Cluster – R20 Option” (which is subject to the bulk requirements of the R-20 district).
- **Sections VIII, IX and X.**
 - Section VIII revises Article XVI, Canal Preservation District, to: (1) indicate setbacks for garden shed accessory setbacks which are the same as other similar districts; (2) to consolidate building (lot) coverage requirements in the same manner as other districts (i.e., not differentiate between principal and accessory structures); (3) clarify that building height and density requirements remain unchanged with lot size averaging; and (4) provide additional language addressing lot size averaging that mirrors that in other similar zones.
 - Sections IX and X update Schedules 2 and 3 to reflect the bulk requirements of the C-P zone as indicated in Section 112-142.

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, Article XXX, Natural Resources Preservation Cluster Option, shall be amended, as follows:

Article XXX Natural Resources Preservation Cluster Option

§ 112-235 Definitions.

As used in this article, the following terms shall have the meanings indicated:

CONSERVATION PLAN

A two-part detailed analysis of the land area proposed to be preserved as detailed in §112-242 of this chapter. All conservation plans shall consist of a written narrative which provides all information required by § 112-242 of this chapter; and a conservation plan which shall also consist of a map or maps showing the existing natural features and contours and any changes if proposed by an applicant.

PRESERVATION AREA

In addition to any other definition provided in this chapter, the area of property as detailed in the conservation plan which shall be preserved without any modifications to the existing grades, vegetation or any other natural or historic resources on the site, except in accordance with a conservation plan approved by the Planning Board pursuant to this chapter which plan may specifically provide for the retention or creation of agricultural or horticultural uses and/or structures pursuant to Article XXI, § 112-172, herein.

§ 112-236 Statement of purpose.

Cluster development under this provision is optional and intended to:

- A. Promote imaginative, well-designed subdivisions.

- B. Encourage a coordinated plan ~~of development~~ for the development of major land parcels under one ownership, where significant portions of such land parcels contain, or are in proximity to, natural resource features which should be preserved. ~~from development.~~
- C. Retain the rural character of the area in which said land parcels are situated.
- D. Establish procedures to assure adequate maintenance and restricted use of open space areas for the benefit of the inhabitants of the subdivision, or for dedication to public use.
- E. Establish procedures to assure adequate protection of existing and potential developments adjoining the proposed cluster subdivision.
- F. Protect historic villages, historic districts, and historic structures or sites.
- G. Protect aesthetically significant ridgelines and viewsheds from the Delaware & Raritan Canal State Park and Canal Road.
- H. Protect frontage along any existing or proposed reservoir, as well as along all reservoir-owned property.
- I. Protect forests, significant stands of trees and individual trees of significant size.
- J. Protect stream corridors, headwaters of streams, wetlands, floodplains, flood hazard areas, ponds or lakes.
- K. Protect farmland and recently cultivated farm fields including typical farm features such as hedgerows and individual tree stands.
- L. Protect rock outcroppings, including the bluffs and cliffs along Canal Road and the Delaware & Raritan Canal State Park.
- M. Maintain the gross density of the tract in compliance with the Comprehensive Plan of the Township.
- N. Permit a reduction in lot size within subdivisions in the R-40, C-P, A, RR-5 and/or RR-3 zones ~~the developed portion of the R-40 Zone and A Zone, and in the RR3 Zone and RR5 Zone when combined with lands within the A Zone, so as to allow~~ for the preservation of open space.
- O. Provide for dedication of land as identified in the Master Plan.
- P. Protect land and natural resources from damage both prior to and after construction with a direct ban on the mining or extraction of any natural resources from the portion of real property to be preserved as part of the preservation area except in accordance with a conservation plan approved by the Planning Board pursuant to this chapter.
- Q. As per §112-238.G, Pprovide for a financial endowment by the applicant under a formula determined by the Township for the property to be deeded to the Township to be used for the costs of upkeep and maintenance by the Township of that specific on tract open space.

§ 112-237 Permitted uses.

The uses permitted in the NRPC option shall be those uses and accessory uses permitted in the district in which the cluster development is located ~~and also preservation areas.~~

§ 112-238 Criteria for cluster development.

The NRPC Option may be permitted in the R-40, ~~C-P, A, RR-5 and/or RR-3 zones~~ District alone, the A District alone or the A and RR3 and RR5 combination districts, provided that the requirements set forth below are met:

- A. The tract shall be under one ownership or controlled by the applicant for purposes of obtaining all required development approvals and committing the tract to the regulations of the NRPC District.
- B. All contiguous or noncontiguous tracts shall have an aggregate area of not less than 40 acres, which ~~acreage~~ may be reduced ~~to 10 acres~~ if the Board determines that such flexibility would result in a public benefit (e.g., the resulting preservation area will adjoin another preservation area or land of similar nature that has been protected in a similar manner).
- C. At least 40% of the tract shall be a preservation area.

(1) The preservation area shall contain ~~two~~one or more of the following natural resource features:

- (a) Heavily wooded and forested areas, hedgerows, significant stands of trees or individual trees of significant size;
- (b) Natural wildlife habitats;
- (c) Streams, stream corridors, headwaters of streams, wetlands, flood hazard areas, ponds or lakes;
- (d) Rock outcroppings, including the bluffs or cliffs along the Delaware & Raritan Canal;
- (e) Frontage along the Delaware & Raritan State Park and Canal Road;
- (f) Historic structures, sites, villages or districts;
- (g) Frontage along any existing or proposed reservoir and all reservoir owned acreage;
- (h) Farmland and recently cultivated farm fields, including typical farm field features such as hedgerows and tree stands.

(2) It may also include a dedication of land as identified in the Master Plan for public use.

(3) The 40% requirement may be reduced if the Board determines that such flexibility would result in a public benefit (e.g., the resulting preservation area will adjoin another preservation area or land of similar nature that has been protected in a similar manner).

- D. Dwelling units within the cluster development may be serviced by individual wells and/or septic systems, provided the minimum lot size is equal to or greater than two acres. The minimum lot size within the C-P, A, RR-5 and RR-3 zones shall be two acres.
- E. Dwelling units within the cluster development may also be serviced by public sewer and public water utilities.
- F. The applicant shall submit ~~with its application~~ a yield map demonstrating that under the lot size requirements particular to the zone, the applicant at issue would otherwise be entitled to approval for the number of units sought for the cluster development without resort to variances or other waivers or design modifications such as wetland buffer averaging. The yield map shall also take into account

other appropriate and applicable factors that may affect the as-of-right development potential of the property including but not necessarily limited to stormwater requirements, easements and environmental regulations such as floodplains and wetlands. In applications for development of noncontiguous tracts, individual tracts may include more housing units than allowed by zone density, within allowable overall density for the total development, solely at the discretion of the Planning Board for the purpose of preservation and a coordinated plan of development. The number of lots shown on the yield map accepted by the Board shall be the maximum number of lots.

- G. The applicant shall submit a commitment in the form of a letter of intent to create a financial endowment to the Township for the preservation area under a formula determined by the Township for the costs of upkeep and maintenance by the Township of that specific on-tract open space. At its discretion, the Board may modify or waive this requirement (e.g., the open space area would not be dedicated to the Township or the area would be passive open space, and small in size, with minimal maintenance requirements).

§ 112-239 Development standards.

An application submitted under this option, in addition to compliance with the provisions of §112-237 hereof shall also comply with the following:

- A. The development areas may only be developed for detached single-family residential dwellings.
- B. Preservation areas shall be located in appropriate locations and arranged in such a manner so as to further and foster the purposes of the NRPC option.
- C. All preservation areas shall be dedicated for nondevelopment and open space uses in such manner as delineated in this chapter, or for municipal purposes as identified in the Master Plan. Preservation areas shall not be altered, disturbed or damaged by the applicant before or during construction. Activities including, but not limited to, the mining, extraction, or balancing of soil, subsoil or other natural resources, the stockpiling of soil or subsoil or any construction materials or activities are not allowed in preservation areas except in accordance with a conservation plan approved by the Planning Board pursuant to this chapter. The removal of trees or other existing vegetation is not allowed on preservation areas except in accordance with a conservation plan approved by the Planning Board pursuant to this chapter which plan may specifically provide for the retention or creation of agricultural or horticultural uses and/or structures pursuant to § 112-172 herein.
- D. Lots shall be developed according to the following lot and yard requirements:
- (1) Fifteen thousand square feet to 0.99 acres: in accordance with the R-15 standards.
 - (2) One to 1.99 acres: in accordance with R-40 standards.
 - (3) Two to 5.99 acres: in accordance with RR-3 standards.
 - (4) Six acres and larger: in accordance with A standards.

§ 112-240 Preservation area.

- A. No less than 40% of the entire tract shall be designated as preservation area. As per §112-238.C(3) this requirement may be reduced if the Board determines that such flexibility would result in a public benefit (e.g., the resulting preservation area will adjoin another preservation area or land of similar nature that has been protected in a similar manner).
- B. The preservation area shall have a minimum contiguous lot area of not less than 15 acres, and no portion thereof shall be less than 500 feet in width except, however, the Planning Board may allow the creation of a preservation area less than 15 acres or less than 500 feet in width as may be reasonable and within the general purpose and intent of the ordinance if the literal enforcement of the provisions of this subsection is impractical or will exact undue hardship because of peculiar conditions pertaining to the land in question. The Board may also allow the creation of a preservation area less than 15 acres or less than 500 feet in width if such flexibility would result in a public benefit (e.g., if the resulting preservation area will adjoin another preservation area or land of similar nature that has been protected in a similar manner).
- C. Preservation areas shall first be made available for the benefit of all residents of the Township, and accordingly shall be offered for dedication to the Township or its designee. The applicant shall deed all preservation areas to the Township upon final approval and prior to the commencement of any construction or the issuance of any building permits by the Township for work on the site. Prior to the dedication to the Township or its designee, the lands shall be improved by the developer in accordance with Township requirements. Improvements to the property may include but are not limited to development of the site for its natural and scenic qualities, including the removal of all debris by the applicant, the establishment of trails or other means to view the site, or to connect the site to other preservation areas or similar areas, landscaping or other measures to improve the environmental characteristics of the property. The Environmental Commission shall provide a list of all recommended improvements, all or any of which may be incorporated into any preliminary and final approvals at the discretion of the Planning Board. Improvements to the site may also include recreational facilities, provided that they are approved by the Township Council upon a recommendation from the Planning Board and/or as recommended in the Township Master Plan.
- D. If all or a portion of the property designated a preservation area is not acceptable ~~for~~ ed to public use, or if the approving agency ~~shall~~ determines that only a portion thereof is acceptable for ~~be accepted~~ public use, said areas not so accepted ~~for~~ to public use shall be protected by legal arrangements, satisfactory to the Planning Board, sufficient to assure its maintenance and preservation for its intended purpose. Covenants and other legal arrangements shall specify ownership of the area; method of maintenance; responsibility for maintenance, taxes and insurance; compulsory membership and compulsory assessment provisions; guaranties that any association formed to own and maintain said area will not be dissolved without the consent of the Planning Board; and any other specifications deemed necessary by the Planning Board.
- E. Preservation areas shall not be approved to include facilities necessary for approval of construction of the developed portion of the property including but not limited to drainage basins.
- F. All tracts of land deeded to the Township as designated ~~as a~~ preservation areas shall be deed restricted and contain specific notation reflecting that the property was acquired for preservation and is subject to all conditions and restrictions of such designation. No building, real property or interest therein acquired as part of the NRPC Ordinance shall be sold, conveyed, leased or otherwise alienated from Township ownership, unless it has been approved by the Township Council after review by and

comment from the Planning Board, Agricultural Advisory Committee, Environmental Commission and Open Space Advisory Committee.

§ 112-241 Findings.

The Planning Board shall determine, at a minimum, the following findings with respect to the proposed NRPC application:

- A. The proposed conservation development plan provides ~~for a total environment conservation of key environmental features, viewsheds, natural resources, farmland, and/or habitat that is substantially~~ better than that which could be achieved under a conventional subdivision plan.
- B. The application conforms to the ~~Comprehensive Master~~ Plan of the Township.
- C. The application is designed to produce an environment of stable and desirable character, consistent with the intent and purpose of the cluster development regulations to promote public health, safety and general welfare, and not out of harmony with its surrounding neighborhood.
- D. The property would be used for purposes and in a manner permitted in the existing district except for lot size, and site of dwellings in the zone.
- E. At its discretion, the Planning Board may seek input on ~~the~~ the conservation plan ~~from has been submitted to~~ the Agricultural Advisory Committee, Environmental Commission, the Shade Tree Commission and/or the Open Space Advisory Committee for review and comment and is in accordance with the standards set forth in the ordinance.

§ 112-242 Application.

- A. An applicant proposing to develop lands in accordance with the above conditions shall first submit a sketch subdivision plat to the Planning Board in accordance with standards enumerated in § 112-181 et seq. of this chapter. After approval of the plat by the Planning Board, the applicant may then submit a plan in accordance with the standards and conditions of Article XXII, § 112-179 et seq.
- B. An NRPC application accompanied by a sketch plat in conformity with § 112-181 shall further contain the following:
 - (1) A designation of those portions of the combined tract intended for residential cluster development and the development densities proposed (the "development areas").
 - ~~(2) Projects in excess of 500 acres shall not be required to designate lot layouts on the sketch plat.~~
- C. In addition, the applicant shall also submit a conservation plan in accordance with the following standards:
 - (1) A conservation plan for all preservation areas within the total project shall be provided. Such a conservation plan shall include the location, size, nature and topography of all preservation areas.
 - (2) The conservation plan shall describe in a written report any irreplaceable natural resource features located on the tract, such as but not limited to stream corridors, headwaters of streams, wetlands, ponds or lakes; wildlife habitats; forests, significant stands of trees, hedgerows and individual trees of significant size; farmland; significant viewsheds and ridgelines; rock outcroppings, including

the bluffs or cliffs along Canal Road and the Delaware & Raritan Canal State Park. These irreplaceable natural features shall be included within preservation areas to the maximum extent practicable. All trees or forests with trees greater than 18 inches in diameter shall be separately identified on the conservation plan.

- D. If any preservation areas within the conservation plan are slated for preservation because of scenic value and purposes, their suitability shall be determined by visibility from a roadway and/or visibility to a significant number of people.
- E. The conservation plan shall describe existing structures or sites having significant historic or social value to the Township. Such historic structures and sites shall be preserved to the maximum extent practicable.
- F. The conservation plan shall describe how preservation areas are protective of the environment and wildlife and shall demonstrate how preservation areas support the goals and intent of the Comprehensive Plan of the Township and of this chapter.
- G. All preservation areas within the conservation plan shall be designed to be compatible with the submitted cluster development proposal, as well as with existing development in the immediate area.
- H. The applicant shall meet with the Environmental Commission and provide a copy of the conservation plan prior to any preliminary approvals by the Planning Board. The Environmental Commission shall review the conservation plan and ~~suggest~~ **make any** proposed changes to it which will enhance the public's ability to enjoy the property. The Planning Board shall review the comments of the Environmental Commission and may incorporate these changes into the approved conservation plan if it determines the proposed changes are in the best interests of the public.
- I. The Planning Board, with the assistance of the Environmental Commission and the Open Space Advisory Committee, shall rank the land proposed for preservation to determine if the best land available to the Township has been offered. A criteria-ranking system for preservation areas shall be established by the Environmental Commission.

SECTION II

Chapter 112, Land Development, Article XXXI, Agricultural Cluster Option, shall be deleted in its entirety, as follows:

~~ARTICLE XXXI — Agricultural Cluster Option~~

~~§ 112-243 — Statement of purpose.~~

~~Development under this provision is optional and is intended to:~~

- ~~A. Maintain the gross density of the tract in compliance with the Master Plan.~~
- ~~B. Permit a reduction in lot size within the developed portion of the agricultural cluster to compensate for the 50% open space set aside.~~
- ~~C. Provide a density bonus to encourage the continued practice of agriculture and horticulture.~~

- ~~D. Encourage development outside the A Zone in zones which have been planned for medium to high density development and accordingly planned for utility extensions.~~
- ~~E. Recognize the requirement for a minimum size tract of 200 acres to provide a minimum 50% set aside for a one hundred acre farm.~~

~~§ 112-244 — Permitted uses.~~

~~The uses permitted in the AC option shall be those uses and accessory uses permitted in the district in which the cluster is located and cluster open space.~~

~~§ 112-245 — Criteria for development.~~

~~The AC option may be permitted in the A and RR3/RR5, R-40 or C-R Districts, provided that the requirements set forth below are met:~~

- ~~A. The tract of land must contain lots which are all contiguous as defined in the Farmland Assessment Act.~~
- ~~B. The tract must contain lands in both the A Zone and either the RR3/RR5, R-40 or C-R Zone.~~
- ~~C. A minimum of 33% of the tract must be within the RR3/RR5, R-40 or C-R Zone.~~
- ~~D. The minimum tract size shall be 200 acres, except that agricultural cluster developments that are found by the Planning Board to be a logical extension of an existing or approved agricultural cluster development may contain fewer acres to be approved by the Planning Board.~~
- ~~E. The total number of dwelling units permitted in the cluster subdivision shall be determined by dividing the total land area in the A Zone by 2.3 and adding that to the number of units permitted on lands in the RR3/RR5, R-40, or C-R Zone to be determined by dividing the total land area by the minimum lot size.~~
- ~~F. The subdivision shall be served by public sewer and water.~~

~~§ 112-246 — Development standards.~~

- ~~A. The minimum lot standards set forth in Schedule 2, Lot and Yard Requirements, may be reduced to not less than the standards specified hereafter:~~
 - ~~(1) Lot size:~~
 - ~~(a) Interior lot: 25,000 square feet.~~
 - ~~(b) Corner lot: 27,500 square feet.~~
 - ~~(2) Lot frontage:~~
 - ~~(a) Interior lot: 125 feet.~~
 - ~~(b) Corner lot: 150 feet.~~
 - ~~(3) Minimum front yard: 35 feet.~~
 - ~~(4) Minimum side yard: 15 feet.~~
 - ~~(5) Minimum total of two side yards: 35 feet.~~
 - ~~(6) Minimum rear yard: 50 feet.~~
 - ~~(7) Maximum lot coverage: 15%.~~
 - ~~(8) Maximum impervious coverage: 25%.~~

~~B. The required frontage shall be met on each frontage of a corner or through lot.~~

~~C. No building lot shall front on an arterial street.~~

~~D. Yards abutting the boundaries of the entire development shall not be less than the minimum requirements for the RR3/RR5, R-40 or C-R Zone in which the tract is located under conventional zoning, provided that this requirement shall not apply if there is proposed common open space of a minimum one hundred foot depth at the edge of the cluster development.~~

~~E. Every lot created for one-family residential use shall be capable of containing an "effective square" as indicated in § 112-33.4 with respect to the AC Zone.~~

~~§ 112-247 Cluster open space.~~

~~A. Not less than 50% of the entire parcel shall be designated as cluster open space. A minimum of 33% of the cluster open space shall be in active agricultural or horticultural use at the time of filing the application for development.~~

~~B. A plan shall be presented to the Planning Board pursuant to Subsection D herein designed to insure continued active devotion to an agricultural or horticultural use for a period of not less than 20 years.~~

~~C. No credit for cluster open space shall be given for land within the one hundred year floodplain; except, however, where the tract exceeds 500 acres in area, land in the one hundred year floodplain shall receive credit for cluster open space, provided that in no event shall such floodplain lands comprise more than 20% of the cluster open space.~~

~~D. Cluster open space shall first be made available to the Township. Prior to dedication to the Township, the lands shall be improved by the developer in accordance with Township requirements.~~

~~E. If cluster open space is not accepted to public use, it shall be protected by legal arrangements, satisfactory to the Planning Board, sufficient to assure its maintenance and preservation in perpetuity for its intended purpose. Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guaranties that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Planning Board; and any other specifications deemed necessary by the Planning Board.~~

~~F. Lands designated as cluster open space may be incorporated into private lots which conform to this chapter upon approval by the Planning Board that such land will be permanently protected from development, and that the proposal conforms to the intent of the cluster open space requirement.~~

~~§ 112-248 Approval.~~

~~An applicant proposing to develop lands in accordance with the above conditions shall first submit a sketch subdivision plan to the Planning Board in accordance with standards enumerated in § 112-181 of this chapter. After approval of the plat by the Planning Board, the applicant may then submit a plan in accordance with the standards and conditions of § 112-179 et seq.~~

~~§ 112-249 Findings.~~

~~The Planning Board shall determine, at a minimum, the following findings with respect to the proposed cluster development:~~

- ~~A. The development provides for a total environment better than that which could be achieved under conventional subdivision.~~
- ~~B. The application conforms to the Comprehensive Plan of the Township.~~
- ~~C. The application is designed to produce an environment of stable and desirable character, consistent with the intent and purpose of the cluster development regulations to promote public health, safety and general welfare, and not out of harmony with its surrounding neighborhood.~~
- ~~D. The property would be used for purposes and in a manner permitted in the existing district except for lot size and siting of dwellings.~~
- ~~E. The location, size, nature and topography of the cluster open space areas make them suitable for agricultural and horticultural uses or use as common areas for park, recreational purposes and buffer areas between groups of dwellings.~~
- ~~F. Cluster open space shall include irreplaceable natural features located in the tract, such as but not limited to stream beds, significant stands of trees, individual trees of significant size and rock outcroppings; and shall also attempt to preserve existing structures of features having historic or social value to the Township.~~
- ~~G. If open space is intended to be improved and utilized for active recreational or active public use, it shall be easily accessible to pedestrians and designed to meet the needs of the handicapped and elderly.~~
- ~~H. If open space is intended for scenic value and purposes, the suitability shall be determined by its visibility from a significant number of units or length of streets.~~
- ~~I. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.~~
- ~~J. Property in the vicinity of the area included in the plan shall not be adversely affected by the cluster subdivision proposal.~~
- ~~K. If the cluster open space is intended to be devoted to an agricultural or horticultural use, it shall be designed to be compatible with the overall development including that of the immediate area, and sufficient arrangements made in accordance with § 112-247E herein to insure the maintenance and continuance of the use.~~

SECTION III

Chapter 112, Land Development, Article XVII, Lot Size Averaging, shall be amended as indicated below to: (1) provide the same methodology for determining lot yield as provided for cluster subdivisions in Article XXX; and (2) allow lot size averaging in the Agricultural (A) in the same manner as permitted in other similar zones (e.g., RR and C-P).

Article XVII Lot Size Averaging

§ 112-145 General Requirements. RR-3 District.

A. Purpose.

- (1) In some situations, the overall planning for a tract may be better suited ~~respond~~ to the intent and purpose of this chapter if flexibility in the design of a subdivision is permitted. The applicant must clearly demonstrate to the Board that the lot size averaging plan is preferable to the conventional plan with respect to ~~in~~ the achievement of the goals, objectives and purposes of this chapter and the Township's Master Plan.
- (2) Factors to be considered in this demonstration include, but are not limited to, stream corridor and wetlands preservation, soil suitability, steep slope protection, woodland protection, habitat protection, overall site design, reduced impervious coverage, and improved circulation. The Planning Board shall have the authority to determine whether the lot size averaging plan is preferable.

B. The minimum tract area shall be 20 acres in the RR-3 District and 30 acres in the RR-5, Canal Preservation (C-P) and Agricultural (A) Districts. The Board may permit lot size averaging on smaller tracts if it finds that such flexibility advances the goals, objectives and purposes of this chapter and the Township's Master Plan.

C. The lot size averaging development plan shall not result in a greater dwelling unit density than if the property in question were developed as a conventional subdivision. The applicant shall submit a yield map demonstrating that under the lot size requirements of the applicable zone (i.e., RR-3, RR-5, C-P and/or A District), the applicant would be entitled to approval for the number of units sought without resort to variances or other waivers or design modifications. The yield map shall also take into account other appropriate and applicable factors that may affect the as-of-right development potential of the property including but not necessarily limited to stormwater requirements, easements and environmental regulations such as floodplains and wetlands. The number of lots shown on the yield map accepted by the Board shall be the maximum number of lots permitted under lot size averaging. For purposes of determining the maximum number of lots permitted under lot size averaging, either of the following methods may be employed:

- ~~(1) The applicant shall submit a concept plan of conventional subdivision layout. The concept plan shall be in sufficient detail to permit the Planning Board to make an informed decision as to the subdivision satisfying all ordinance requirements and in a form that would be acceptable to the Planning Board as a conventional subdivision without the need for any lot area or lot dimension variances or exceptions to subdivision design standards. The number of lots shown on an accepted concept plan shall be the maximum number of lots permitted under lot size averaging; or~~
- ~~(2) The maximum number of lots shall be equal to 80% of the area of the tract divided by the minimum conventional lot size of three acres.~~

§ 112-145.1 RR-3 District

- Ⓓ. The minimum lot size may be reduced to two acres, provided that the average lot size throughout the development shall be at least three acres. Any lots larger than three acres shall be permanently deed restricted from further subdivision and development in the future other than use for one dwelling unit. In addition, any land area in excess of the minimum lot size may be offered to the Township or its designee for the purposes outlined in § 112-8B, at the option of the Township Planning Board and Council. The Township shall have the right of first refusal for any such land that is offered. The proposed lots shall meet all requirements for safe septic system operation established by applicable Township, county and state regulations.

§ 112-146 RR-5 District.

~~A.—Purpose.~~

- ~~(1) In some situations the overall planning for a tract may better respond to the intent and purpose of this chapter if flexibility in the design of a subdivision is permitted. The applicant must clearly demonstrate to the Board that the lot size averaging plan is preferable to the conventional plan in the achievement of the goals, objectives and purposes of this chapter and the Township's Master Plan.~~
- ~~(2) Factors to be considered in this demonstration include, but are not limited to, stream corridor and wetlands preservation, soil suitability, agricultural retention, steep slope protection, woodland protection, habitat protection, overall site design, reduction of impervious coverage, and improved circulation. The Planning Board shall have the authority to determine whether the lot size averaging plan is preferable.~~

~~B.—The minimum tract area shall be 30 acres.~~

- ~~C.—The lot size averaging development plan shall not result in a greater dwelling unit density than if the property in question were developed as a conventional subdivision. For purposes of determining the maximum number of lots permitted under lot size averaging, either of the following methods may be employed:~~

- ~~(1) The applicant shall submit a concept plan of conventional subdivision layout. The concept plan shall be in sufficient detail to permit the Planning Board to make an informed decision as to the subdivision satisfying all ordinance requirements and in a form that would be acceptable to the Planning Board as a conventional subdivision without the need for any lot area or lot dimension variances or exceptions to subdivision design standards. The number of lots shown on an accepted concept plan shall be the maximum number of lots permitted under lot size averaging; or~~
- ~~(2) The maximum number of lots shall be equal to 80% of the area of the tract divided by the minimum conventional lot size of five acres.~~

- Ⓓ. The minimum lot size may be reduced to three acres provided that the average lot size throughout the development shall be at least five acres. Any lots larger than five acres shall be permanently deed restricted from further subdivision and development in the future other than use for one dwelling unit. In addition, any land area in excess of the minimum lot size may be offered to the Township or its designee for the purposes outlined in § 112-8C, at the option of the Township Planning Board and Council. The Township shall have the right of first refusal for any such land that is offered. The

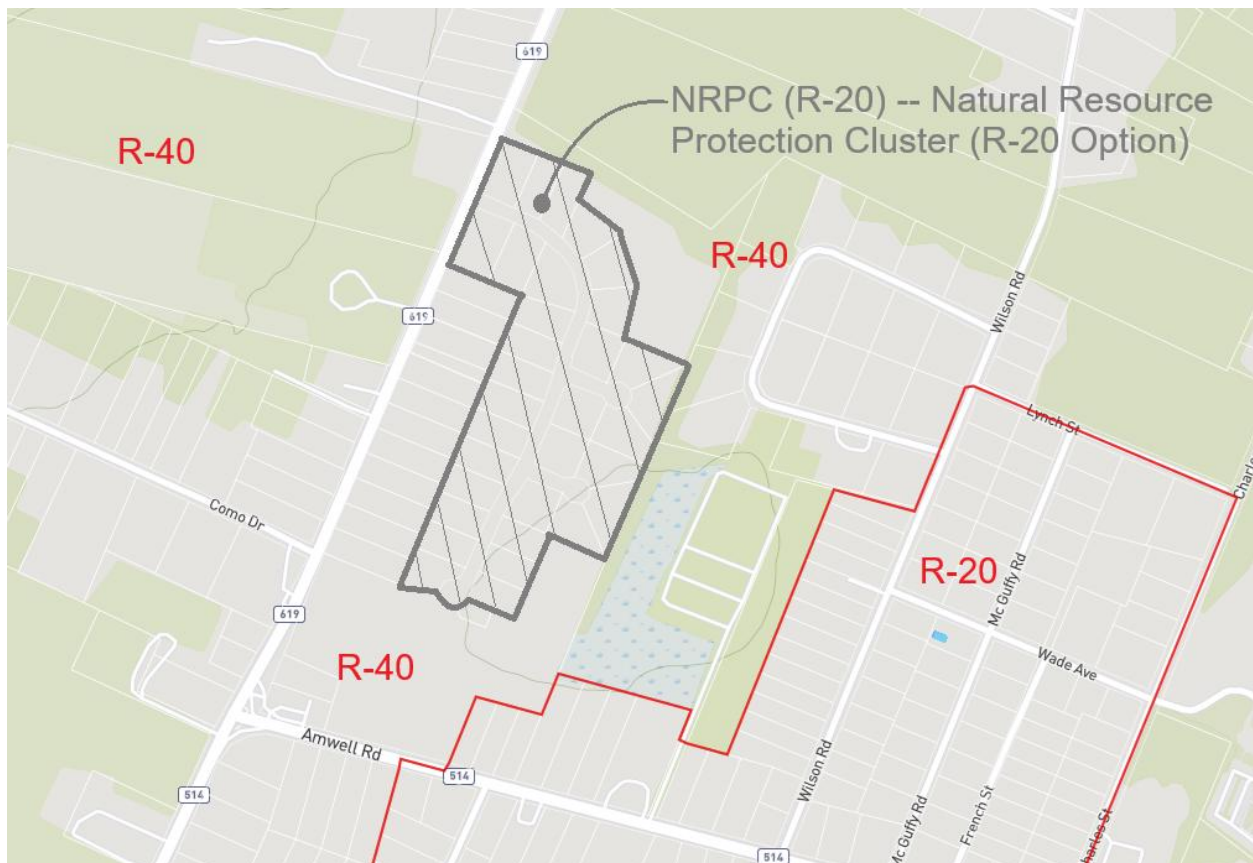
proposed lots shall meet all requirements for safe septic system operation established by applicable Township, county and state regulations.

§ 112-146.1 Agricultural (A) District and Canal Preservation (C-P) District.

- A. The minimum lot size may be reduced to three acres provided that the average lot size throughout the development shall be at least six acres. Any lots larger than six acres shall be permanently deed restricted from further subdivision and development in the future other than use for one dwelling unit. In addition, any land area in excess of the minimum lot size may be offered to the Township or its designee for the purposes outlined in § 112-8A and B, as applicable, at the option of the Township Planning Board and Council. The Township shall have the right of first refusal for any such land that is offered. The proposed lots shall meet all requirements for safe septic system operation established by applicable Township, county and state regulations.
- B. The area and yard requirements for lots created using lot size averaging in the Agricultural (A) District and Canal Preservation (C-P) District shall be as indicated for “Lot Size Averaging” in §112-142.

SECTION IV

Chapter 112, Land Development, Article II, Zoning Districts and Zoning Map, Section 112-6, Zoning Map, Paragraph B, Official Zoning Map, is amended to place Lots 1.07 through 1.19 in Block 423.01 and Lots 1.21 through 1.39 also in Block 423.01 within the proposed “NRPC (R-20) – Natural Resource Protection Cluster (R-20 Option)” overlay zoning district while retaining the properties’ underlying R-40 zoning, as reflected on the exhibit below:



SECTION V

Chapter 112, Land Development, Article II, Zoning Districts and Zoning Map, Section 112-5, Districts Enumerated, is amended to: (1) rename the title of the “NRPC (R-40) – Natural Resource Protection Cluster (R-40 Option)” overlay zoning district to “NRPC (R-15) – Natural Resource Protection Cluster (R-15 Option)”; and to (2) reflect the creation of the “NRPC (R-20) – Natural Resource Protection Cluster (R-20 Option)” overlay zone, as follows:

NRPC-R40 <u>(R-15)</u>	Natural Resource Preservation Cluster (R40- <u>R-15</u> option)
<u>NRPC (R-20)</u>	<u>Natural Resource Protection Cluster (R-20 Option)</u>

SECTION VI

Chapter 112, Land Development, Article II, Zoning Districts and Zoning Map, Section 112-6, Zoning Map, Paragraph B, Official Zoning Map, is amended to rename the title of the “NRPC (R-40) – Natural Resource Protection Cluster (R-40 Option)” overlay zoning district to “NRPC (R-15) – Natural Resource Protection Cluster (R-15 Option)”, as reflected on the exhibit below:

Overlay Zoning Districts

	AC -- Agricultural Cluster Option
	CR - NH -- Cluster Residential (Nob Hill)
	H -- Local Historic District
	NBR -- Neighborhood Business - Residential
	NRPC -- Natural Resource Protection Cluster Option
	NRPC (R-40 ^{R-15}) -- Natural Resource Protection Cluster (R-40 ^{R-15} option)
	RC -- Residential Cluster Option
	RDO -- Retail District Overlay

SECTION VII

Chapter 112, Land Development, Article II, Zoning Districts and Zoning Map, Section 112-8, Purposes of Districts, is amended to: (1) reflect the creation of the “NRPC (R-20) – Natural Resource Protection Cluster (R-20 Option)” overlay zone; and to (2) rename the title of the “NRPC (R-40) – Natural Resource Protection Cluster (R-40 Option)” overlay zoning district to “NRPC (R-15) – Natural Resource Protection Cluster (R-15 Option)”, as follows

- CC. ~~(Reserved)-NRPC (R-20) Natural Resource Preservation Cluster (R-20 option). The purpose of the NRPC(R-20) zone is to recognize, preserve and protect certain defined natural resources and to preserve an environment for the continuance of viable agricultural and horticultural uses; preserve open space to serve environmental, scenic, and public service purposes; promote imaginative, well-designed residential subdivisions; and respect the physical and socioeconomic qualities of the land.~~
- DD. NRPC (R-15) ~~-R40~~ Natural Resource Preservation Cluster (~~R-40~~ R-15 option). The purpose of the NRPC (R-15) ~~-R40~~ zone is to recognize, preserve and protect certain defined natural resources and to preserve an environment for the continuance of viable agricultural and horticultural uses; preserve open space to serve environmental, scenic, and public service purposes; promote imaginative, well-designed residential subdivisions; and respect the physical and socioeconomic qualities of the land.

SECTION VIII

Chapter 112, Land Development, Article XVI, Canal Preservation District, shall be revised as follows to: (1) indicate setbacks for garden shed accessory setbacks which are the same as other similar districts; (2) to consolidate building (lot) coverage requirements in the same manner as other districts (i.e., not differentiate between principal and accessory structures); (3) clarify that building height and density requirements remain unchanged with lot size averaging; and (4) provide additional language addressing lot size averaging that mirrors that in other similar zones:

§ 112-142 Area and yard requirements.

The following area and yard requirements shall apply to single-family dwellings in the Canal Preservation District:

Requirements	Standard Lot	Lot Size Averaging
Principal building minimum:		
Lot area	6 acres	3 acres
Lot frontage on Canal Road	400 feet	250 feet
Lot width	400 feet	400 feet
Lot depth	400 feet	250 feet
Front yard	100 feet	75 feet
Rear yard	200 feet	75 feet
Side yard (each)	75 feet	75 feet
Accessory building minimum:		
Distance to side line	50 feet	25 feet
Distance to rear line	150 feet	75 feet
Garden shed accessory building: ¹		
<u>Distance to side line</u>	<u>5 feet</u>	<u>5 feet</u>
<u>Distance to rear line</u>	<u>5 feet</u>	<u>5 feet</u>
Maximum:		
Building (lot) coverage of principal building	3% 4%	5%-7%
Building coverage of accessory building	4%	2%
Building height	2 ½ stories/ 35 feet	<u>2 ½ stories/ 35 feet</u>
Density	1 unit per 6 acres	<u>1 unit per 6 acres</u>
Impervious coverage	10%	15%

1. A garden shed is any accessory structure 200 square feet or less. See also § 112-16H.

NOTE: Every lot created shall be capable of containing an "effective square" as indicated in § 112-33.4 for a "standard lot"-or "lot size averaging" in the CP District.

§ 112-143 Lot size averaging.

Lot size averaging shall be permitted as indicated in Article XVII, Lot Size Averaging.

~~The minimum lot size may be reduced to three acres, provided that the average lot size throughout the development shall be at least six acres. Any lots larger than six acres shall be permanently deed restricted from further subdivision and development in the future other than use for either agriculture or a combination of agriculture and one dwelling unit. In addition, any land area in excess of the minimum lot size may be donated or transferred to the Township or its designee for the purposes outlined in § 112-8 and provided further that the Township shall have the right of first refusal for any such land that is offered. The proposed~~

~~lots shall meet all requirements for safe septic system operation established by applicable Township, county, and state regulations.~~

SECTION IX

Chapter 112, Land Development – Article III, General Zoning Regulations, Schedule 2, Lot and Yard Requirements, shall be revised to: (1) provide setback requirements for smaller accessory structures in the Canal Preservation (C-P) zone; (2) update footnote 6; (3) rename the title of the “NRPC (R-40) – Natural Resource Protection Cluster (R-40 Option)” overlay zoning district to “NRPC (R-15) – Natural Resource Protection Cluster (R-15 Option)”; and (4) reflect bulk requirements for the “NRPC (R-20) – Natural Resource Protection Cluster (R-20 Option)” overlay zone per the approved cluster subdivision, as follows:

Zone	MINIMUM SIZE OF LOT ¹⁴				MINIMUM REQUIRED YARD DEPTH (IN FEET)							
	INTERIOR LOTS		CORNER LOTS		PRINCIPAL BUILDING				ACCESSORY BUILDING		GARDEN SHED ¹⁰ ACCESSORY BUILDING	
	AREA (square feet or acres)	FRONT-AGE (feet)	AREA (square feet or acres)	EACH FRONT-AGE (feet)	FRONT YARD	ANY ONE SIDE YARD	TOTAL OF TWO SIDE YARDS	REAR YARD	SIDE YARD	REAR YARD	SIDE YARD	REAR YARD
CP ⁶	6 AC	400	6 AC	400	100	75	150	200	50	150	<u>5</u>	<u>5</u>
NRPC (R- 1540) – Natural Resource Preservation Cluster – R 1540 Option	15,000	100	18,000	120	30	10	30	50	10	25	5	5
<u>NRPC (R-20) – Natural Resource Preservation Cluster – R20 Option</u>	<u>20,000</u>	<u>100</u>	<u>26,000</u>	<u>130</u>	<u>35⁴</u>	<u>15</u>	<u>30</u>	<u>50</u>	<u>15</u>	<u>25</u>	<u>5</u>	<u>5</u>

6. For additional requirements, including lot size averaging see Article XVI, Canal Preservation District.
~~For lot size averaging, see § 112-143.~~

SECTION X

Chapter 112, Land Development – Article III, General Zoning Regulations, Schedule 3, Height, Coverage and Building Requirements, shall be revised to: (1) indicate building height and coverage requirements for the Canal Preservation (C-P) zone as per §112-142; (2) rename the title of the “NRPC (R-40) – Natural Resource Protection Cluster (R-40 Option)” overlay zoning district to “NRPC (R-15) – Natural Resource Protection Cluster (R-15 Option)”; and (3) reflect building height and coverage requirements for the “NRPC (R-20) – Natural Resource Protection Cluster (R-20 Option)” overlay zone per the approved cluster subdivision, as follows:

Zone	MAXIMUM HEIGHT		MAXIMUM PERCENT OF LOT COVERAGE	MAXIMUM PERCENT OF IMPERVIOUS COVERAGE	MAXIMUM FLOOR AREA RATIO
	(stories)	(feet)			
CP ³	<u>2 ½</u>	<u>35</u>	<u>4%</u>	<u>7%</u>	<u>=</u>
NRPC (R- 1540) – Natural Resource Preservation Cluster – R 1540 -Option	2 ½	35	20%	30%	-
<u>NRPC (R-20) – Natural Resource Preservation Cluster – R20 Option</u>	<u>2 ½</u>	<u>35</u>	<u>15%</u>	<u>25%</u>	<u>=</u>

SECTION XI

Chapter 112, Land Development, Section 112-33.4, shall be revised as follows reflective of changes indicated above:

§ 112-33.4 Lot shape

- A. Every lot created for one- and two-family residential use after the effective date of this section shall be capable of containing a horizontal square wholly within its boundaries and located wholly outside the minimum required front yard setback. Such horizontal square shall be termed the "effective square."
- B. The dimensions of this "effective square" shall correspond to the dimensions listed below for the district in which the lot is located:
 - (1) A and CP (standard lot) Zones: 250 feet per side.
 - (2) RR5, RR3, A (lot size averaging), CP (lot size averaging), NRPC, and R40 Zones: 125 feet per side.
 - (3) AC, C-R (two-family): 90 feet per side.
 - (4) R-20, R-15, NRPC-~~R15R40~~, NRPC-R20, RC, HBD, C-R (single-family): 70 feet per side.
 - (5) R-10, R-10A, R-10B, R-7 (single-family), R-7 (single-family, zero lot line), R-7 (two-family)5, R-F (two-family), NBR (two-family), NBR (single-family): 55 feet per side.
 - (6) C-R (Nob Hill), R-F (single-family): 35 feet per side.

SECTION XII

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 XIII

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as the extent of such inconsistency.

SECTION XIV

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

Ordinance No.

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

Introduced:

Public Hearing:

Adoption:

Published:

Effective:

Ann Marie McCarthy, Township Clerk