



TOWNSHIP OF FRANKLIN
Board of Adjustment
Agenda
Thursday, November 20, 2025

SUNSHINE LAW

ROLL CALL

MINUTES

RESOLUTION

DISCUSSION

By Laws

APPROVED

[Proposed Revised Zoning Board of Adjustment Rules 10.27.25.pdf](#)

Extension of Time:

Hawthorne Management, LLC

APPROVED

[Ext of Time.pdf](#)

HEARINGS

JC IOS Acquisitions, LLC / ZBA-25-00020

D(1) Use Variance, Preliminary & Final Major Site Plan w/C Variances in which the applicant is applying to develop the site with an outdoor storage facility at 945 Route #27, Somerset; Block 88.01 Lot 7.01 in zone B-I

<https://www.franklintwpnj.org/committees-commissions/zoning-board-of-adjustment/application-material/jc-ios-acquisitions-llc-zba-25-00020/-fsiteid-1#!/>

DL 01/31/2026

CARRIED to JANUARY 08, 2026 – no further notification needed

655MIZ, LLC / ZBA-24-00020

D(2) Use Variance, Preliminary & Final Site Plan w/C Variances in which the applicant is proposing construction of a 30,917sqft addition to the existing building at 655 Howard Avenue, Somerset; Block 528.04 Lots 161.03,162,163.01 in zone B-I

DL 11/20/2025

<https://www.franklintwpnj.org/committees-commissions/zoning-board-of-adjustment/application-material/655miz-llc-c-o-bytech-ny-inc-zba-24-00020/-fsiteid-1#!/>

CARRIED from SEPTEMBER 04, 2025 – with no further notification needed

APPROVED

Health Department report #2 11.10.25 ok.docx
Engineer (DM) report #2 11.10.25 ng.pdf
Planner report #2 10.15.25.pdf
FTSA report 04.17.25 ng.pdf
Police report 04.09.25 ok.pdf
EC report 04.08.25 ng.docx
Fire Prevention report #2 11.13.25 ng.docx
D&R.pdf
SCP.B.pdf

TAWHEED DAHWAH CENTER / ZBA-24-00017

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

DL 12/31/2025

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

CARRIED to FEBRUARY 19, 2026 - no further notification needed

EC report 10-08-25 ng.docx

Engineer report 09.30.25 ng.pdf

Health Department report 09.26.25 ng.docx

TRC report 09.23.25 ng.pdf

DRCC 5486A.1 Tawheed Dawah Center 08.18.25.pdf

**THE ZONING BOARD OF
ADJUSTMENT
OF
THE TOWNSHIP OF
FRANKLIN**

**SOMERSET COUNTY
NEW JERSEY**

ZONING BOARD RULES

PART 1

ADMINISTRATION

“All references made and all nouns and pronouns used herein shall be constructed in such gender as the sense and circumstances require. For example “he” is used throughout for convenience and is to be considered gender neutral.”

Rule 1:1 Organization, Officers, General Provisions

1: 1 - 1 Title of the Board

The title of the Board shall be “The Zoning Board of Adjustment of the Township of Franklin, Somerset County, New Jersey,” hereinafter referred to as the Board.

1:1-2 Annual Meeting; Officers

The reorganization of the Board shall be held on the first (1st) Thursday of January each year, at which time the Board shall elect, from amongst its members, a Chairperson and a Vice-Chairperson. The Board shall also appoint a Secretary who shall serve for one (1) year and until their successors have been appointed. The Board may appoint such other officers as assistants and employ such experts or staff, as it may deem necessary. Only the Chairperson and Vice-Chairperson must be members of the Board.

1:1-3 Chairperson

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

1:1-4 Vice-Chairperson

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

1:1-5 Secretary

(a) Subject to these rules, and under the direction of the Chairperson, the Secretary shall conduct all official correspondence, compile the required records, maintain and keep in order the necessary files and indices and

generally perform the secretarial work of the Board. He may assign such parts of his duties as he may decide to a designee, or his designee shall notify the Municipal Clerk and the Officer charged with enforcement of the Zoning Ordinance of all meetings of the Board and shall provide them with a list of the matters scheduled for hearing at each meeting. He shall give all notices of meetings required to be given by the Open Public Meetings Law, the Municipal Land Use Law or any other applicable law or ordinance.

- (b) The Secretary or his designee shall attend all meetings of the Board, and shall have the care and custody of all records, documents, maps, plans and papers of the Board, for the care and custody of which no other provision is made by statute. When the "yeas" and "nays" are taken, he shall call the roll in the order of the arrangement of the seats of the members beginning with the first at his left and the Chairperson shall be called last.
- (c) He shall make record of, and keep on file, the minutes of the proceedings at each meeting or hearing held by the Board and shall enter therein with the other proceedings, such resolutions and orders as are adopted and a copy of synopsis of every report, application and other paper presented.
- (d) He shall publish the notice and serve copies of the Board's Resolutions as provided in Rule 2:8-5 [below](#).

1:1-6 Board Attorney

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

- (a) Staff will prepare a Request for Qualifications (RFQ) packet that will be reviewed and approved by the Board.
- (b) Advertising will be in accordance with [N.J.S.A. 19:44A-20.7](#). The process of advertising may begin at any time but the process of selecting interviewees must be started in time for the Board to be able to appoint an attorney before the Township's fiscal year begins on July 1.
- (c) Every applicant who requests an RFQ will be sent one. Staff will review each RFQ that is submitted and provide a summary of the submittals and a copy of each submittal to each member of the Board.
- (d) Each member of the Board -(including alternates) may select one applicant to be interviewed.

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

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

Rule 1:2 Meetings

1: 2-1 Regular Meetings

The Regular Meeting of the Board shall be held at the Municipal Building, 475 DeMott Lane, Somerset, New Jersey, at 7:30p.m. on the first (1st) and third (3rd) Thursday of each month. The Secretary shall annually furnish a copy of the regular meeting dates for the year to the new media designated by the municipal governing body in accordance with the Open Public Meetings Law, N.J.S.A. 10:4-1 et seq.

1:2-2 Special Meetings

Meetings may be called by the Chairperson, or in his absence by the Vice-Chairperson, at any time or upon the written request of two members, provided notice thereof be mailed or given to each member of the Board at least two (2) days prior thereto, and to the public as required by the Open Public Meetings Law, N.J.S.A. 10:4-1 et seq.

1:2-3 Meetings Open to Public

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

1:2-4 Order of Business

The order of business at all meetings shall be as follows:

- (a) Statement of Compliance with Open Public Meetings Act.
- (b) Roll Call
- (c) Announcement of adjournment of scheduled cases and other motions
- (d) Approval of minutes of previous meeting and resolutions
- (e) Hearings on applications
- (f) Reports
- (g) Executive Session, if any
- (h) Listing of Vouchers Paid
- (i) Adjournment

Rule 1:3 Quorum and Voting

1:3-1 Quorum

At all meetings of the Board a quorum for the conducting of business shall consist of four (4) members. In the absence of a quorum, the members present may adjourn the meeting, and the hearing on any motion or application, to another date.

Rule 1:4 Alternate Members

1:4-1

The four (4) Alternate Members of this Board appointed by the Governing Body shall be designated by the Governing Body as "Alternate #1, Alternate #2, Alternate #3 and Alternate #4" Respectively, and each alternate shall retain said designation during the term for which he was appointed.

1:4-2

During the absence or disqualification of any Regular Member, the Chairperson shall appoint one of the Alternate Members to serve in the place of said Regular Member.

1:4-3

An Alternate Member who has been designated to sit in place of a Regular Member and who has participated in any hearing or matter coming before the Board shall continue to act in the place of such Regular Member until the final disposition of said matter by the Board.

1:4-4

In the event that a choice must be made as to which Alternate Member is to vote, Alternate #1 shall vote then Alternate #2, then Alternate #3 then Alternate #4, if there is a need for each and/or every one of them to vote.

1:4-5

An Alternate Member who has been designated to serve in the place of an absent or disqualified Regular Member shall, during the period of his service, enjoy all of the rights and privileges and shall be subject to all of the duties and disabilities pertaining to Regular Members, but no Alternate Member shall be eligible to serve as Chairperson or Vice-Chairperson of the Board.

1:4-6

Alternate Members may participate in discussions of the proceedings, but may not vote except in the absence or disqualification of a Regular Member; nor shall any vote be delayed in order that a Regular Member may vote instead of an Alternate Member.

PART II

RULES OF PRACTICE

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

2:1-1 Commencement of Action

(a) Appeals

An action in the nature of an appeal alleging that there is error in any order, requirement, decision or refusal made by the Building Inspector, Zoning Officer, or other official based on or made in the enforcement of the Zoning Ordinance shall be commenced by the filing of [twenty \(20\)](#) copies of a notice of appeal in accordance with the provisions of the statute within [twenty \(20\) calendar](#) days from the date of the order, decision or refusal appealed from, which notice of appeal shall be filed in triplicate with the officer from whom the appeal is taken and shall specify the grounds of such appeal. Said officer shall immediately transmit to the Board Secretary all papers constituting the record upon which the action appealed from was taken and the Board Secretary shall proceed to place the matter on the calendar in accordance with the provisions of R. 2:2-1 [below](#). The applicant shall pay at the time of such filing the fee required by ordinance.

(b) Applications to Board of Adjustment

An application for development, variance or other relief shall be commenced by the filing of [twenty \(20\)](#) copies of an application with the Secretary of the Board together with the fee required by Ordinance.

(c) Other Requirements

1. Any maps or documents for which approval is sought at a hearing shall be on file and available to public inspection at least [twenty \(20\) calendar](#) days before the date of the hearing during normal business hours in the office of the Secretary of the Board. This filing shall be in addition to the maps and other documents required to be filed with the application, as set forth in the application form.
- 2) The application form shall be filled out completely and, where necessary, supplemented by additional information in order to make it clear to the Board

what relief is being sought. No requirements of R. 2:1-1 [above](#) have been complied with. If the Secretary (or other designated official or committee) determines that an application is not complete, the applicant shall be advised of the specific deficiencies within [forty-five \(45\) calendar](#) days, otherwise it shall be deemed to be complete.

3). When an application is made for any variance relating to a use or structure which is not permitted in the district in which the lands are located or for other relief pursuant to [N.J.S.A. N.J.S.A. 40:55D-70d](#), the applicant may submit at the time of filing his application for a variance, an application for site plan review or for subdivision approval, prepared in accordance with all applicable ordinance requirements and regulations of the Planning board of the Township of Franklin, together with fees and deposits in the amount which would have been charged by the Planning Board in connection with the submission of a similar site plan review application. Application for site plan review need not be filed at the time of filing an application for a Use Variance, but any Use Variance granted by the board shall be subject to proper submission of a site plan in accordance with the municipal ordinances.

(d) Fees

Fees as established by Ordinance shall be paid simultaneously with the filing of an application.

4) In accordance with the provisions of the municipal subdivision and site plan review ordinances, an applicant shall, in connection with an application involving site plan or subdivision approval, pay, in addition to the fees herein above specified, deposits to cover special expenses incurred by the Board for the rendering of services by its Planning Consultant, Engineer, Attorney and other experts in the amounts set forth in said Ordinance.

2:1-2 Certification of Completeness

The Director of Planning or her designee shall examine each application to ascertain that all required check-list items required by Municipal Ordinance or by Resolution of the Board are shown or furnished in the application or accompanying documents, or that otherwise a waiver has been requested. If all checklist items are provided and no waivers requested, the application shall be deemed complete and the applicant shall be so notified. The Director of Planning or her designee may grant waivers for purposes of determining completeness. The Board reserves the power to request additional information not shown on the application or plans. If an application is neither found to be complete or found to be incomplete and the applicant is notified of the deficiencies within [forty-five \(45\) calendar](#) days from the date of filing, the application shall be deemed to be complete as of the 45th day following the date of its submission.

2:1-3 Docket Number

The Secretary shall assign to each new action a docket number, which number shall thereafter appear on all subsequent papers filed in the cause.

Rule 2:2 Hearing Date

2:2-1 Hearing Date

As soon as any complete appeal or application is filed in accordance with the foregoing rules, the case shall be placed on the calendar. The applicant shall be notified of the time set for the hearing thereon.

2:2-2 Adjournment

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

2:2-3 Bifurcation

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

Rule 2:3 Notice; Upon Whom Served: Time

2:3-1 Notice: Upon Whom Served

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

2:3-2 List of Owners Supplied by Clerk

Where the Clerk of the Township of Franklin (or other authorized official) has furnished applicant with a list of the property owners entitled to notice pursuant to

the provisions of N.J.S.A. 40:55dD-12c, a copy of the official certification and list shall be annexed to applicants proof of service.

2:3-3 Proof of Service

The service and publication of notices as hereinabove provided is a jurisdictional requirement, and proof of the service and publication of all required notices in accordance with these rules shall be made by affidavit of the person or persons who actually served or mailed said notices as required by law, and by the authorized official of the newspaper which published same. The affidavits of service and publication shall be filed with the Secretary of the Board at least one (1) calendar day prior to the hearing.

2:3-4 Notice – Adjourned Hearings

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

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

~~(a)~~

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

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

Rule 2:4 Applications and Appeals

2:4-1 By Whom Filed

Every appeal or application must be signed by the owner of the lands and premises to be affected, or by his duly authorized agent, and may be signed by any other person having an interest in the action. This provision shall not apply to an appeal

from a decision of the administrative officer by one who has no ownership or contractual interest in the property affected.

2:4-2 Assistance

For the assistance of the applicant, the Board's Secretary may render such other assistance to the applicant as may be practicable.

2:4-3 Application: Contents

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

2:4-4 Affidavit of Ownership

If the applicant is not the owner of the premises affected by the variance requested in the application, an affidavit or consent executed by the owner of the affected premises shall be filed with the Board consenting to the filing of the application, except as otherwise provided in R. 2:4-2 [above](#).

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

A corporation or partnership applying for relief from this Board which involves subdivision of a parcel of land into six or more lots, or a variance to construct a multiple dwelling of twenty-five or more family units, or for approval of a site plan for commercial purposes, shall list the names and addresses of all stockholders or individual partners owning at least [ten \(10%\) percent](#) of the stock of any class or at least [ten \(10%\) percent](#) of the interest in the partnership as the case may be, in accordance with the requirements of N.J.S.A. 40:55D-48.1.

Rule 2:5 Hearings

2:5-1 Appearances

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

2:5-2 Oath

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

2:5-3 Order of Presentation

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

2:5-4 Examination by Board; Testimony

The applicant and every other person appearing and presenting testimony at any hearing may be examined by any member of the Board and Board Attorney for the purpose of eliciting any relevant information, which may assist the Board in deciding the issue. Any member of the Board may ~~testify~~ [provide information](#) as to any relevant matter of which he has personal or official knowledge for the purpose of amplifying the record, including facts ascertained from a view of the premises in question and the general area.

2:5-5 Closing of Hearing: Continuances

- (a) When the applicant and all other interested persons have had an opportunity to be heard, the Chairperson may declare the hearing to be closed. Thereafter, no further evidence will be received in the action unless the matter is reopened in accordance with these rules.
- (b) The applicant or any other interested person, prior to the closing of the hearing, may move the Board for a continuance of the hearing for the purpose of presenting further relevant evidence, which the Board, acting in its sound discretion, may either grant or deny.
- (c) In cases where the Board feels that testimony or other evidence should be received in the public interest from any municipal, county, or state official or

from any other persons, to assist in rendering a just decision, the board may, on its own motion, continue the hearing to another day certain for such purposes.

Rule 2:6 Evidence

2:6-1 Competent Evidence

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

2:6-2 Documents and Exhibits

When any papers, documents or exhibits are admitted into evidence during a hearing, they shall be marked by the Secretary or his designee and may be retained by the Board until the termination of the matter, at which time they shall be returned by the Secretary to the person who offered them.

2:6-3 Judicial Notice

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

2:6-4 Burden of Proof

It is the applicant's responsibility to supply competent and credible evidence to apprise the Board of the nature and degree of the zoning burden sought to be alleviated, and to demonstrate that a proposed use will not impair the zone plan or be inconsistent with the purposes of zoning. The burden of proof remains upon the applicant at all times.

2:6-5 Use of Technology

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

Any other person interested in the application may be permitted to use the video display system, subject to the [sole](#) discretion of the Board Chair.

Rule 2:7 Dismissal of Actions

2:7-1 Voluntary

The applicant may, at any time before the commencement of hearing, voluntarily withdraw his application, in which case the action shall be dismissed without prejudice. The applicant shall confirm the withdrawal of his application in writing.

2:7-2 Nonappearance

When, at the time set for the hearing on any application, neither the applicant nor any one on his behalf appears, and no adjournment has been previously requested, the action may be dismissed [with or](#) without prejudice, [at the Board's sole discretion](#).

2:7-3 Infraction of Rules

For failure to comply with the provisions of Rule 2:2 [above](#), the Board shall, and for failure to comply with any other Rule, the Board may dismiss the application.

2:7-4 Preliminary Reports

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

2:7-5 Transfer of Actions

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

Rule 2:8 Decision; Resolution of Board

2:8-1 Time

The Board of Adjustment shall render a decision not later than [one hundred twenty \(120\) calendar](#) days after the date:

- (1) an appeal is taken from the decision of the administrative officer; or
- (2) The certification of completeness of an application to the Board, unless the applicant has consented in writing or on the record to an extension of time. Failure of the Board to render a decision within such [one hundred twenty \(120\) calendar](#) day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant. Every decision shall be made by proper motion, duly made and seconded, with the votes of all members recorded on roll-call vote.

2:8-2 Form

The judgement of the Board shall be in the form of a written resolution containing findings and conclusions which shall be adopted either on the date of the meeting at which the Board granted or denied approval, or, if the meeting at which such action was taken occurred within the final [forty-five \(45\) calendar](#) days of the applicable time period for rendering a decision on the application, within [forty-five \(45\) calendar](#) days of such meeting by the adoption of a resolution of memorialization setting forth the decision and findings and conclusion of the Board. An action resulting from failure of a motion to approve an application shall likewise be memorialized by resolution regardless of the time at which such action occurs within [one hundred twenty \(120\) calendar](#) day time period for rendering a decision. Whenever a resolution of memorialization is adopted in accordance with the provisions N.J.S.A. 40:55D-10, the date of such adoption shall constitute the date of the decision for purposes of the mailings, filing and publications required by

statute. A copy of the Board's resolution shall be furnished to the applicant or his attorney within [ten \(10\) calendar](#) days from the date of adoption thereof and a copy of the resolution shall also be made available to any person who has requested it and has paid the fee established therefor.

2:8-3 Relief Granted

Where an applicant has demonstrated his right to relief, the Board may grant such relief as it may deem appropriate and in keeping with the intent and purpose of the Zone Plan and Zoning Ordinance, even though the relief granted maybe different in kind or degree from that asked for in the appeal or application.

2:8-4 Conditions

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

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

The Board Secretary shall cause notice of the Board's action to be published once in the official newspaper of the municipality in accordance with the provisions of [N.J.S.A. 40:55D-10l](#), and shall also serve copies of the Board's decision to the applicant and to all who have requested copies, pursuant to [N.J.S.A. 40:55D-10h](#).

Rule 2:9 Motions

2:9-1 Rehearing

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

2:9-2 Vacation or Modification

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

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

2:10-1 Qualification to Act

- (a) Whenever a hearing is continued over two or more sessions, or the Board has reserved decision on any matter, any member of the Board, even though he did not sit upon the hearing of the action, may, nevertheless, participate in the decision of the case if, but only if, he has read or listened to a recording of the entire record of the proceedings and has certified in writing that he has done so. This provision shall not apply if an alternate member has been assigned by the Chairperson to sit upon the hearing of the application.
- (b) This rule shall in no way be construed as authorizing any hearing to be held before less than four members of the Board.

2:10-2 Disqualification of Member

- (a) Any member of the Board of Adjustment shall disqualify himself from sitting on the hearing of any matter in which he has a disqualify interest, such as, but not limited to, the following situations;
 - (1) Where he owns property located within 200' of the property affected by the action.
 - (2) Where the applicant is related within the third degree of consanguinity to the member by blood or is the husband or wife of any person so related.
 - (3) Where the applicant or his attorney is the employer, employee or partner of the member, or is a corporation in which the member is a shareholder or has other financial interest.
 - (4) Where he has any other personal or pecuniary interest in the proceeding.

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

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

Rule 2:11 Record of Testimony

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

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

2:11-1(a)Televising Meetings

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

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

2:11-2 Notes by Secretary

The Board's Secretary or Assistant Secretary or other designed person, shall take as extensive notes as possible of all testimony, and shall as soon as possible after the hearing, prepare copies of his resume thereof for distribution to the members of the Board. Such resume shall also be included in the minutes of the hearing. If a transcript of the testimony as been filed with the Board, such transcript shall be filed in the case docket.

Rule 2:12 Moot Questions: Advisory Opinions

2:12-1 Prohibition

- (a) The Board shall not hear an action based upon and presenting a question, which is moot, or becomes moot or hypothetical or render any decision in such an action.

(a)

- (b) The Board shall not render any advisory opinion to any person or persons; provide however, that this rule shall not be construed as prohibiting the board from submitting recommendations or advice to the governing body in accordance with the applicable provisions of the Zoning Ordinance or statute.

2:12-2 Communications

Any communication purporting to be a petition asking for a modification or change in the Zoning Ordinance or for any other relief shall be regarded as a mere notice of intention to seek such relief until a formal application is filed in the manner required by these rules.

Rule 2:13 Subpoenas

2:13-1 Issuance

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

2:13-2 Service

Any such subpoena may be served by the Sheriff, Under-sheriff or deputy, or any person eighteen (18) or more years of age. Service of a subpoena shall be made by delivering a copy thereof to the person named, or as otherwise permitted by law.

2:13-3 Failure to Comply

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

Rule 2:14 False Testimony

2:14-1 Perjury

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

PART III

Miscellaneous provisions

Rule 3:1 Relaxation of rules

3:1-1 Where Rules May Be Relaxed

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

Rule 3:2 Meaning of Certain Terms

3:2-1 Person; Interested Person

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

Rule 3:3 Application of Certain Laws

3:3-1 Laws Applicable

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

Rule 3:4 Removal of Member

3:4-1 Grounds; Recommendation

Whenever a member of this ~~b~~Board shall miss three (3) consecutive meetings or fail to attend at least fifty (50%) percent of the Board meetings over a six month period, the Board must recommend to the Governing Body in writing, that such member be removed in accordance with the provisions of N.J.S.A. 40:55D-69. A member except in cases of emergency shall notify the Secretary of the Board of any planned absences at least twenty-four (24) hours prior to a scheduled meeting.

Rule 3:5 Citation of Rules and Decisions

3:5-1 Citation

- (a) These rules shall be cited as “ZBR 1:1-1” etc. indicating that the rule is a Zoning Board rule.
- (b) Decisions of the Board of Adjustment shall be cited as “Matter of X”, X being the name of the principal applicant.

Rule 3:6 Amendments

3:6-1 Amendments

Amendments to these rules may be made by the Board at any Regular Meeting, provided notice of such amendment has been given in writing to each member of the Board at least three (3) calendar days prior to such meeting. In no case, however, shall any rule as amended be applicable to any action commenced prior to the adoption of such amendment where the application thereof to such action would result in surprise, hardship or injustice to the petitioner or other interested persons.

Rule 3:6 Listing of Vouchers Paid

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

Rule 3:7 Resubmittal of Application Materials

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

FOR OFFICIAL USE ONLY

☐ Planning Board☐ Zoning Board of Adjustment

Name of Application: _____ Docket Number : _____

PART A

Identify the matter before the Board:

☐ Appeal (N.J.S.A. 40:55D-70a)☐ Interpretation (N.J.S.A. 40:55D-70b)☐ Certification of Pre-Existing Nonconforming Use☒ Other. Describe: Extension of Approval

Explain, in detail sufficient for the Board to understand the nature of the proposal, issue, appeal, interpretation or matter:

On July 7, 2022, the former owner, Liv Devco, LLC, received "d(1)" Use and "c" Variance Relief, as well as Preliminary and Final Site Plan Approval from the Zoning Board of Adjustment to construct a new three-story apartment building on the site, as more particularly set forth in the attached Resolution memorialized on November 3, 2022. By Deed dated May 9, 2023, Liv Devco, LLC, conveyed the property to Hawthorne Management LLC. The Applicant has been unable to start construction due to delays in obtaining necessary approvals. We are now very close to being approved for Resolution Compliance and the issuance of permits to begin construction. We are now seeking an extension of the approval from November 3, 2024 through November 3, 2026 in order to provide sufficient time for Resolution Compliance and the issuance of permits.

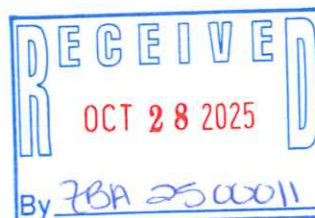
PART B

APPLICANT: ☐ Individual ☐ Partnership ☐ Corporation

X - Limited Liability Company

APPLICANT: ☒ Owner ☒ Applicant ☐ Other _____Name Hawthorne Management, LLCStreet Address 32 Asa Street Apt./Ste/Unit # _____City Montville State NJ Zip Code 07045Phone 201-919-8812 Fax _____Email aakashdheri@gmail.com

December 2018



3 | Page

OWNER (if different from Applicant):Name Same as Applicant.

Street Address _____ Apt./Ste/Unit # _____

City _____ State _____ Zip Code _____

Phone _____ Fax _____

Email _____

PART C**SUBJECT PROPERTY:**Block/s 194 Lot/s 127-128 Zone HBDStreet Address 2 Hawthorne DriveCity Somerset (Franklin Township) State New Jersey Zip Code 08873Has there been any previous appeal, request, or application to this or any other Township Boards involving this property? ☐ Yes ☒ No

If, yes, state type, docket number, the nature and date of such appeal: _____

_____How long has the present owner had title to this property? Since May 9, 2023Is the property under contract to be sold? ☐ Yes ☒ No

If yes, state the date of contract and name of the contract purchaser: _____

_____**PART D****LIST OF PLANS, REPORTS AND OTHER MATERIALS SUBMITTED:**

<u>Quantity:</u>	<u>Description of Item:</u>
<u>10</u>	<u>General Application (Original and nine (9) copies)</u>
<u>2</u>	<u>General Application Submission Checklist</u>
<u>10</u>	<u>Resolution of Approval</u>
<u>10</u>	<u>Deed dated May 9, 2023, Liv Devco, LLC, to Hawthorne Management, LLC</u>
_____	_____

PART E

CONTACT PERSON INFORMATION/ CERTIFICATION

The person indicated below shall serve as the point-of-contact with the Township Department of Planning and Zoning and shall be the sole recipient of official correspondence from the Department. By signing this form, in Part H below, the Applicant and Owner certify that that the party listed below is authorized to act on their behalf as the designated contact person with the Department.

☐ Owner ☐ Applicant ☒ Attorney ☐ Engineer ☐ Architect ☐ Other

Name Jaimes E. Stahl, Esq./Borru, Goldin, Foley, Vignuolo, Hyman & Stahl, P.C.

Street Address 2875 U.S. Highway 1 Apt./Ste/Unit #

City North Brunswick State NJ Zip Code 08902

Phone 732-422-1000 Ext. 222 Fax 732-422-1016

Email jstahl@borru.com with a copy to dbelliveau@borru.com

PART F

APPLICANT'S CERTIFICATION

*Aakash Dheri, Authorized Signatory of Hawthorne Management, LLC,

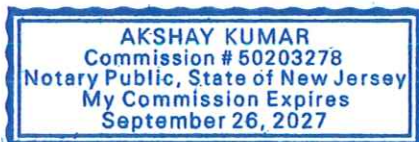
I, *, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 32 Asa Street, Township of Montville in the County of Morris and State of New Jersey, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the individual applicant, or a general partner of the partnership applicant, or an officer of the corporate applicant and I am authorized to sign the application for the partnership or corporation.

Hawthorne Management, LLC

Sworn to and subscribed before
me this 10 day of
October, 2025

Aakash Dheri
NOTARY PUBLIC

Aakash Dheri
APPLICANT'S SIGNATURE
Aakash Dheri
Authorized Signatory



OWNER'S CERTIFICATION

(If the owner is a corporation, this section must be signed by an authorized corporate officer. If the owner is a partnership, this section must be signed by a general partner.)

*Aakash Dheri, Authorized Signatory of Hawthorne Management, LLC

I, "Aakash Dheri", of full age, being duly sworn according to law and upon my oath depose that: I reside at 32 Asa Street, Township of Montville in the County of Morris and State of New Jersey, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the owner of the property which is the subject of this application, and I am the applicant or I have authorized the applicant to make this application, and I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

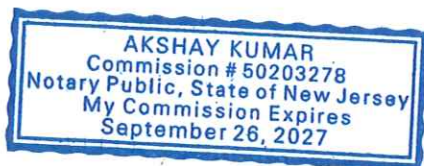
Hawthorne Management, LLC

Sworn to and subscribed before
me this 20 day of
October, 2025


NOTARY PUBLIC

OWNER'S SIGNATURE

Aakash Dheri
Authorized Signatory





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

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

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



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

Memorandum

To: Planning/Zoning Department

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

Date: November 10, 2025

Re: ZBA-24-00020-655Miz, LLC-655 Howard Ave.

Block: 528.04, Lots: 161.03, 162 & 163.01

The Health Department has no objection to this application.

- Mission Statement -

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

Somerset County Is An Equal Opportunity Employer

CENTER STATE ENGINEERING

481 Spotswood Englishtown Road, Monroe Township, New Jersey 08831

T 732.605.9440 F 732.605.9444

MEMO TO: Township of Franklin
Zoning Board of Adjustment

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

DATE: November 10, 2025

RE: **655Miz, LLC**
Preliminary & Final Major Site Plan
Report #2
Engineering
Block 528.04, Lots 161.03, 162 & 163.01
655 Howard Avenue
Franklin, New Jersey
Our File: MFRZ0528.01
Application # ZBA-24-00020

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

- Preliminary and Final Site Plan, as prepared by Bowman Consulting, Ltd., dated October 2, 2024, with a latest revision date of October 3, 2025;
- Boundary & Topographic Survey, as prepared by Bowman Consulting, Ltd., dated November 22, 2024, with no revisions;
- Architectural Plans, as prepared by The Dietz Partnership, dated October 23, 2024, with no revisions;
- Stormwater Management Report, as prepared by Bowman Consulting, Ltd., dated October 2, 2024, with a latest revision date of October 3, 2025;
- Stormwater Management Facilities Maintenance Manual, as prepared by Bowman Consulting, Ltd., dated February 26, 2025, with a latest revision date of October 3, 2025;
- Traffic Engineering Evaluation, as prepared by Bowman Consulting, Ltd., dated February 2, 2025, with a latest revision date of October 3, 2025;
- Environmental Assessment, as prepared by Verdantas, dated March 2025, with no revisions;
- Application Forms.

The following comments are offered with regard to same:

A. PROJECT OVERVIEW

The site entrance is located along the east side of Howard Avenue, just before the southern terminus of the cul-de-sac. The site also fronts Equator Avenue, as the property is an irregular shape. The property is approximately 7.57 acres and is located in the B-I (Business and Industry) Zone. The site currently contains a 71,364 sf Warehouse and 3,325 sf Office, with parking lots in the front and rear of the property totaling one hundred and thirty-three (133) spaces. The applicant is proposing to construct a 30,917 sf Building Addition, and will reconstruct the front parking lot reducing the total parking to seventy-seven (77) total parking spaces. The applicant is proposing the following site improvements including but not limited to two (2) bioretention basins to address NJDEP stormwater management rules, two (2) hot mix asphalt parking areas, concrete curb, sidewalk, utilities, grading, lighting and landscaping.

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

B. GENERAL SITE IMPROVEMENTS

1. Official street address shall be obtained from the Franklin Township 911 Coordinator, if required.
2. An Engineering Cost Estimate will be required once final plans are signed-off on by the Board. Upon approval, applicant shall provide appropriate bonds and Engineering inspection fees and attend a pre-construction meeting, prior to the continuation of any site work.
3. Note: A preconstruction meeting will not be scheduled until the developer/ site contractor provides a Fire Safety During Construction Plan Demonstrating Compliance with Chapter 33 of the International Fire Code. Should the Board act favorably on this application a copy of the Township's, 'Steps to a Construction Project' will be provided.
4. All fees shall be paid by the applicant at the time of adoption of a resolution of site plan approval for the cost of making upgrades and modifications to the Tax Maps and geographic information system (GIS) (§112-329)
5. At the time the final plans are submitted for signature of the municipal officials, the applicant shall submit CAD-generated data files, prepared by a New Jersey licensed land surveyor, directly translatable into an identical image of the plan per the requirements of Ordinance §112-329.
6. Copies of any easements, exceptions, deviations, or liens on the property should be presented to the Board.
7. In accordance with Ordinance §112-104.A, the length of the loading berth shall be at least 48 feet or shall be a length such that the horizontal distance from the front of a dock for back-in parking to the limiting boundary of the loading and unloading area shall not be less than twice the overall length of the longest vehicle expected to use the facility. The applicant's engineer utilized A WB-50 Tractor Trailer for the circulation plan. The length of a WB-50 Tractor Trailer is 55 feet; therefore, by ordinance a 110 foot length loading berth is required. The truck court for the addition complies with the ordinance.

The circulation plan should be revised to demonstrate the turning movements for the dock doors along the southern building line. The existing truck court in this area does not comply with the ordinance, as it is approximately 98'; where 110' is required and is an existing non-conformity. Testimony should be provided regarding this non-conformity. This office defers to the Board Planner regarding whether a variance is required for the application.

The truck movements for the entire site should be revised to reflect the proposed flow of traffic.

In addition to the comments above, the application should provide documentation and testimony indicating they will restrict the site to a WB-50 vehicle. Should the Board act favorably on this application this office recommends that restricting WB-50 trucks be a condition of approval.

8. A bicycle parking area has been provided on the site plan. Our office recommends a bike rack be installed for security purposes. A detail of the bike rack should be added to the site plan.
9. The applicant should provide testimony regarding the existing use of the facility. Aerial photography of the site shows 20-25 trailers parked along the eastern building line. This trailer parking area is being converted to a lawn area to stay under the impervious coverage. The applicant is increasing the intensity of the use; however, the existing trailer parking area is being converted from asphalt to lawn. Testimony should be provided regarding the storage of trailers onsite.
10. The applicant is currently stores wooden pallets throughout the parking lot. This office recommends the applicant review this use with the Fire Prevention Director. There is concern that the northeast corner of the site will be utilized for storage of pallets/ trailers/ miscellaneous other items. Testimony should be provided.

11. A variance is required for the proposed number of driveways. In accordance with Ordinance §112-102.G, ingress and egress shall be provided by not more than two (2) driveways. The applicant is proposing three (3) driveways for the site.
12. In accordance with Ordinance §112-102.G, no parking area, drive aisle or driveway shall be located closer than five feet from a side or rear property line. The applicant is proposing driveway aisles with 0' setbacks from the property line; therefore, a variance is required.
13. The applicant provided parking calculations on sheet no. 2 in accordance with a version of Ordinance §112 – Schedule 4 that has been revised. The calculations notes that 67 parking spaces are required by Ordinance; 77 spaces are proposed. The existing site contains 133 parking spaces and after the proposed improvements the site parking will be reduced to 77 parking spaces. While the parking complies with an older version of the Township Ordinance testimony should be provided regarding whether there is sufficient parking for a use that will intensify but parking will be reduced by over 40%.
14. Based on the seventy-seven (77) total parking spaces, four (4) barrier free spaces including one (1) van accessible parking stall is required. The applicant is proposing four (4) barrier free spaces all of which are van accessible space; however, one (1) of the spaces has been revised to comply with EVSE. Accessible EVSE and Make-Ready parking spaces cannot be used to address the general accessible parking requirements of the Uniform Construction Code, N.J.A.C. 5:23. The ADA parking demand has not been met.
15. The site plan has been revised to comply with recently passed and signed S-3223 (P.L. 2021, c. 171) which the Governor signed into law on July 9, 2021, regarding the provision of EVSE and Make-Ready parking spaces. Applicant shall discuss compliance with this regulation and the site plan should be revised accordingly. Three (3) EVSE and/or Make-Ready spaces are required for this application. The applicant is proposing three (3) spaces; however, one space is shared with a UCC required Accessible space which is not permitted. The site plan should be revised to comply.

Please note, a parking space prepared with EVSE or Make-Ready equipment shall count as two (2) parking spaces for the purposes of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
16. This office defers to the Fire Prevention Officer as to the appropriate number of Fire Hydrants, Fire Department Connections, and their location. We defer to the Fire Prevention Officer regarding the need of 'No Parking' fire lane signage and striping.
17. Should the Board act favorably on the application, existing Lots 161.03, 162 & 163.01 in Block 528.04 shall be consolidated into New Lot 161.04. A Consolidation Deed with metes and bounds description attached shall be submitted for review and approval **prior** to filing with the Somerset County Clerk's Office.
18. The conclusion of the Traffic Engineering Evaluation states that 77 parking spaces exceeds the requirements contained in the Township ordinance. The existing facility contains 133 parking spaces, and the applicant is reducing the onsite parking by 56 parking spaces for a proposed total of 77 parking spaces; while intensifying the proposed use. The Traffic Engineering Evaluation should be revised to describe the existing parking on the site and explain how the site will be able to function with a more intensified use and less parking than its existing condition. Testimony regarding same should be provided, as well.
19. Flush curb is proposed along the northern driveway for the 5' wide stone filter strip. The applicant's engineer should revise the layout for a method of deterring vehicle traffic over the lawn area.
20. Cross sections along Howard Avenue should be provided 50' o.c., for further review. Existing and proposed cross slopes of Howard Avenue should be provided.

C. GRADING AND UTILITY COMMENTS

1. Label the size and type of material for the existing water service.

2. Two (2) meter pits are required for the proposed design. The meter pits should be installed near the public right-of-way with the fire and domestic lines split directly after the meter pit with valves on each branch so the lines can be operated independently.
3. Address the attached redline markup provided by the Township Water Department.
4. Howard Avenue is scheduled to be paved in July 2025. There is a 3 year moratorium for street openings after the Township paves the road, which is projected until 2028. This will need to be reviewed further with the Township Department of Public Works.
5. The applicant is proposing to remove existing monitoring wells. All documentation authorizing the removal of the monitoring wells from the LSRP should be provided to the Township Engineering Office.
6. A safety guard is required for the retaining wall at the drive-in door of the additional. Same should be shown on the site plan and a detail should be provided.
7. The applicant should address the following general grading comments:
 - a. Provide additional spot elevations so compliance with ADA design standards can be reviewed further for all proposed ADA parking spaces, ramps and landings;
 - b. Provide spot elevations within concrete walkways to demonstrate ADA compliance. Spot elevations should delineate the proposed ramp slope and ADA compliant landings (maximum cross and running slopes of 2%, respectively);
 - c. While there is not a Township standard for grading of loading dock areas typically the slope provided on other warehouse projects, and the industry standard typically provides a slope of 0.5% to 1%. The applicant is proposing a slope up to 5%. In addition, the typical height at loading dock for a warehouse is 4' high. The applicant should provide testimony that this slope, and height less than 4' high, will not hinder the applicant's operation.
 - d. Label all top and bottom of curb elevations at all pc's and pt's;
 - e. Provide the existing spot grade elevations along Howard Avenue;
 - f. The FFE elevation on the site plan is 85.0; however, the first floor elevation on the architectural plan is 205.90. Revise the plans so the elevations are on the same datum;
 - g. Provide top of depressed curb grades along the 5' wide stone filter strip along the northern driveway;
 - h. Provide additional grading contours and spot elevations demonstrating how the proposed grading will tie into the existing topography south of the southern driveway.

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

D. STORM WATER MANAGEMENT

General

1. The Applicant has revised the design to construct one (1) bioretention BMP with underdrains to manage stormwater quantity and quality for the proposed development.
2. The referenced project has been reviewed in accordance with the Stormwater Management Rules NJAC 7:8 as amended July 17, 2023.
3. The property in question is located within the Delaware and Raritan Canal Commission Review zone and is subject to DRCC regulations. A copy of the DRCC approval or letter.
4. The Applicant proposes more than 5,000 SF of disturbance and, in accordance with NJ PL Chapter 251, must obtain a Soil Erosion and Sediment Control Certification from the Somerset-Union Soil Conservation District. A copy of the plan certification must be provided to this office.
5. The proposed development proposes more than 1 acre of land disturbance and must obtain a General Permit for Construction Activities from the NJDEP. A copy of the permit must be provided to this office.

6. An executed Major Development Stormwater Summary (Attachment D of the Tier A MS4 NJPDES Permit) shall be submitted to this office for review and approval.
7. Provide a Stormwater Maintenance Agreement for the stormwater system to ensure future maintenance. A sample agreement is available from the Engineering Department.

Stormwater

8. The stormwater report should be updated to include a summary table of design parameters for each bioretention basin, such as type of vegetation, rate of soil media, design infiltration rates, separation from seasonal high groundwater table, drain time and demonstrate compliance with BMP design standards in NJ BMP Manual Chapter 9.7.
9. The bioretention detail needs to be revised to ensure there is at least a one-foot separation between the bottom of the stone layer and the seasonal high water table. It appears that Bioretention Basin A does not meet this requirement. Please note that, according to the BMP Manual, Chapter 12, Table 12-6, the Seasonal High Water Table is assumed to be at the lowest elevation recorded during soil exploration. In addition, the test pit data should provide a conversion from NAVD 88 to Google Earth (EGM 96), for further review.
10. The construction details for the bioretention basins on sheet 13 should be revised to include the following elevations:
 - Elevation of the seasonal high groundwater table;
 - Specify the size of the Underdrains and coordinate with the Utility Plan.
11. The 18" RCP run from STM MH110 to Inlet 111 does not have adequate capacity. Revise the drainage report accordingly.
12. Grading and Utility Plans should be updated to include the test pit location, number, surface elevation and termination of test pit elevation.
13. Monitoring wells are currently inside the footprint of the bioretention basins. They should be relocated outside the footprint of these basins. Same should be noted on the Grading and Utility Plan.
14. The retaining wall in the bioretention basin must be waterproof. The construction plan must include detailed specifications for the retaining wall and its waterproofing. It is unclear how the impermeable liner shown on the construction detail will interface with the geo-grid.
15. The bioretention basin routing must account for tailwater from the street drainage system. The basin should be routed using tailwater equal to the top of the drainage pipe in the street system.
16. In accordance with BMP Manual requirements, no standing water may remain at the surface of a bioretention basin 72 hours after a rain event. The basin drain time must be noted in the bioretention basin construction detail and in the maintenance manual.
17. The drainage report should be updated to include a summary table listing the following for each BMP: seasonal high-water table established; the number of soil investigations required by Chapter 12 of BMP Manual and demonstrate compliance of the geotechnical investigations performed with guidance in Chapter 12 of BMP Manual.
18. Update crossing note for the bottom of 12" Storm Pipe elevation (81.35) at the crossing located in Bioretention Basin with the sanitary main to account for the reinforced concrete pipe thickness. Update crossing note for the bottom of 18" Storm Pipe elevation (77.91) at the crossing located in Bioretention Basin with the sanitary main to account for the reinforced concrete pipe thickness.
19. Update crossing note for the bottom of 18" Storm Pipe elevation (77.10) at the Howard Avenue crossing with the sanitary main to account for the reinforced concrete pipe thickness.

20. Provide pipe crossing notes for all locations that the water services crosses the storm sewer pipe. In addition, provide pipe crossing notes for all locations that the storm sewer pipe crosses the storm sewer pipe.

Environmental Impact Statement

21. Several groundwater monitoring wells are situated within the project footprint. A review of the NJDEP Geoweb also reveals historic contamination at the site. The Environmental Impact Statement (EIS) should be updated to include a summary of the historic contamination, the current status of site remediation activities, and any potential impacts on the proposed development.

E. MISCELLANEOUS

1. Revise/Add the following details based on Franklin Township standard details:
 - a. All site concrete shall be 4500 psi;
 - b. Township Water Meter Pit detail;
 - c. Provide a detail of the Concrete Collar that accepts a DIP pipe through retaining wall;
 - d. Township Landscape Planting detail;
 - e. All sanitary sewer details shall be submitted directly to the Franklin Township Sewerage Authority for review and approval – Comment Only

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

Outside Agencies:

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

Township Departments:

- Franklin Township Fire Department
- Franklin Township Police Department – No comments, 04/09/2025.
- Franklin Township Sewerage Authority
- Somerset County Health Department – No objections, 04/28/2025.

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

The Engineering Department reserves the right to make additional comments based upon the submission of revised plans or testimony presented to the Board.

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

DM/dm

cc: Zoning Board Secretary

\\vni-cadd-h31-vni\New_Projects\081288 - 655 Howard Ave. Franklin\081288-01-001 (ENG)\Engineering\Engineering Plans\2-Site Plans\081288-SP-COV.dwg 10/10/25 10:58:52AM jldvncmms LAYOUT.COV

655MIZ-PL-082180
655MIZ-SP-082180-01-001

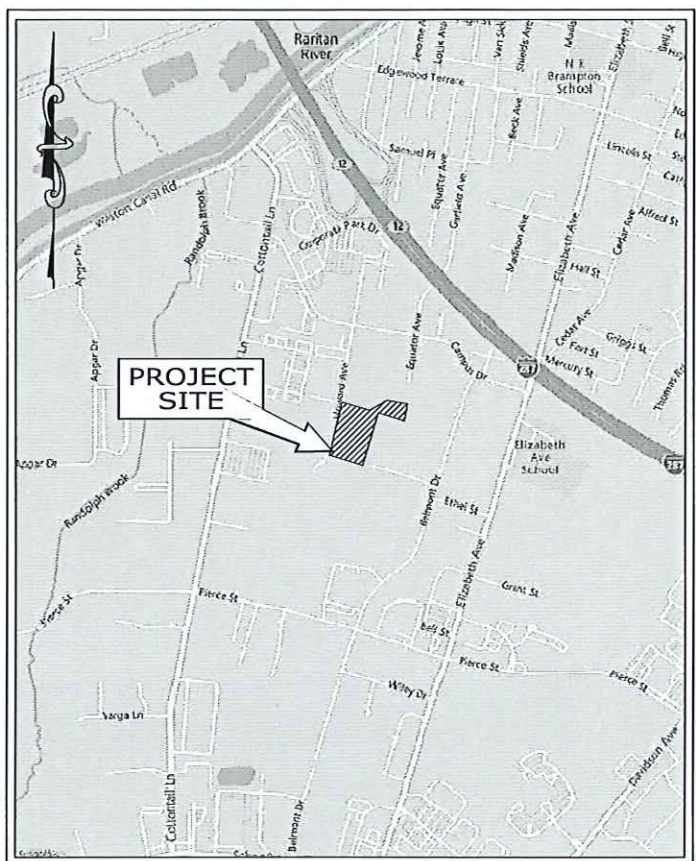
PRELIMINARY AND FINAL SITE PLANS FOR
655 HOWARD AVENUE

BLOCK 528.04, LOTS 161.03, 162, & 163.01

TOWNSHIP OF FRANKLIN
SOMERSET COUNTY, NEW JERSEY

11/7/25

INDEX OF SHEETS	
SHEET	DESCRIPTION
1	COVER SHEET \ LOCATION MAP
2	KEY MAP
3	SITE PREPARATION PLAN
4	LAYOUT AND DIMENSIONING PLAN
5	GRADING AND UTILITY PLAN
6	UTILITY PROFILES
7	LANDSCAPE PLAN
8	LIGHTING PLAN
9	SOIL EROSION AND SEDIMENT CONTROL PLAN
10	VEHICLE CIRCULATION PLAN
11-14	CONSTRUCTION DETAILS
15	SOIL EROSION AND SEDIMENT CONTROL NOTES & DETAILS
16-17	LANDSCAPE DETAILS
18	LIGHTING DETAILS



LOCATION MAP
SCALE: 1"= 1,000'

APPROVALS:

I HAVE REVIEWED THIS SITE PLAN AND CERTIFY THAT IT COMPLIES
WITH ALL APPROVALS GRANTED BY THE APPROVING AUTHORITY .

TOWNSHIP ENGINEER _____ DATE _____

APPROVED BY THE PLANNING BOARD OF THE TOWNSHIP OF FRANKLIN

CHAIRMAN _____ DATE _____

SECRETARY _____ DATE _____

APPLICANT/OWNER:

655MIZ, LLC C/O BYTECH NY INC.
2585 W. 13TH STREET
BROOKLYN, NEW YORK 11223

THESE PLANS ARE
NOT TO BE USED
FOR BID OR
CONSTRUCTION

SEE SHEET 2 FOR
GENERAL NOTES
AND REFERENCES

PROJ: 081288-CI-001
DATE: 10/02/2024
THIS DRAWING AND ALL INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF BOWMAN CONSULTING GROUP LTD. NO PART OF THIS DRAWING OR INFORMATION MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF BOWMAN CONSULTING GROUP LTD. ALL RIGHTS RESERVED.

Bowman
Bowman Consulting Group Ltd
Phone: 873-358-4400
Fax: 873-358-4405
NJ Certificate of Authorization
No. 24-00022600
ERIC L. KELLER, N.J. Professional Engineer, Lic. 24GE03028400

PLANS ARE FINAL FOR SANITARY SEWER AND WATER MAIN DESIGN
PRELIMINARY AND FINAL MAJOR SITE PLANS FOR
655 HOWARD AVENUE
COVER SHEET
BLOCK 528.04, LOTS 161.03, 162, & 163.01
TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY

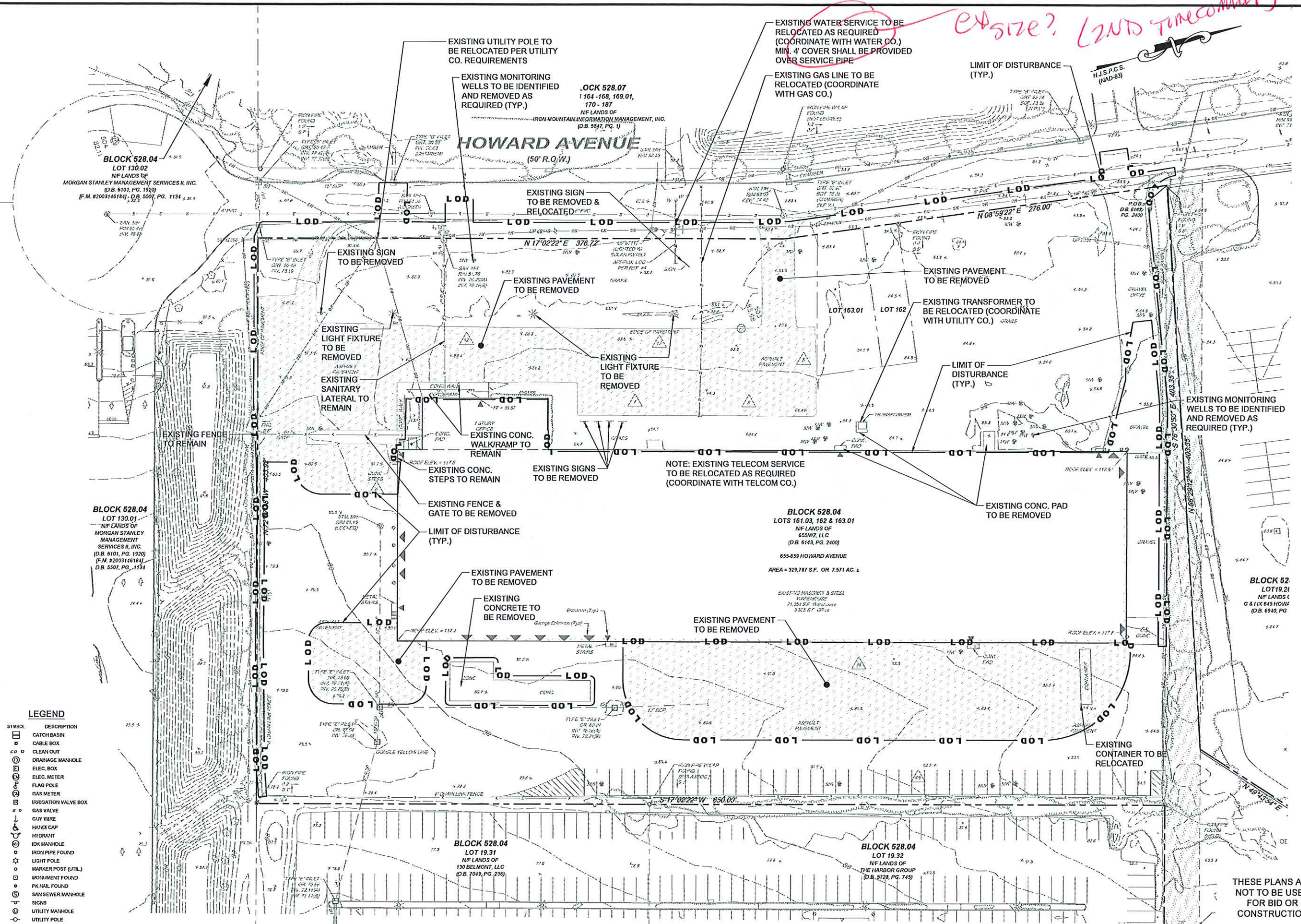
SHEET No.
1
OF
18

NO.	REVISION	DATE
1	REV PER TOWN COMMENTS	02/24/25
2	REV PER TOWN COMMENTS	10/03/25
3		
4		
5		
6		

Revised: DWG to PDF 2/23/20, PlotScale: BSC-Mid.ctb
\\nfs-cadd-01\cadd\New Projects\081288-01-001 (ENG)\Engineering\Engineering Plans\2-Site Plans\081288-SP-DWG.dwg 10/10/23 10:54:35AM jay.wanzenne, LAYOUT.DWG
23-003 X-Plan
23-003 X-Plan

SYMBOL	DESCRIPTION
	CATCH BASIN
	CABLE BOX
	CLEAN OUT
	DRAINAGE MANHOLE
	ELEC. BOX
	ELEC. METER
	FLAG POLE
	GAS METER
	IRRIGATION VALVE BOX
	GAS VALVE
	GUY WIRE
	HAND CAP
	HYDRANT
	IRON MANHOLE
	IRON PIPE FOUND
	LIGHT POLE
	MARKER POST (UTIL.)
	MONUMENT FOUND
	P.NAIL FOUND
	SAN SEWER MANHOLE
	SIGNS
	UTILITY MANHOLE
	UTILITY POLE
	UTILITY MANHOLE
	WATER VALVE
	PAVING SPACE COUNT
	MONITORING WELL (MW)

TREE REPLACEMENT REQUIREMENT:
NO TREES ARE PROPOSED TO BE REMOVED, THEREFORE NO TREE REPLACEMENT IS REQUIRED PER CHAPTER 222.

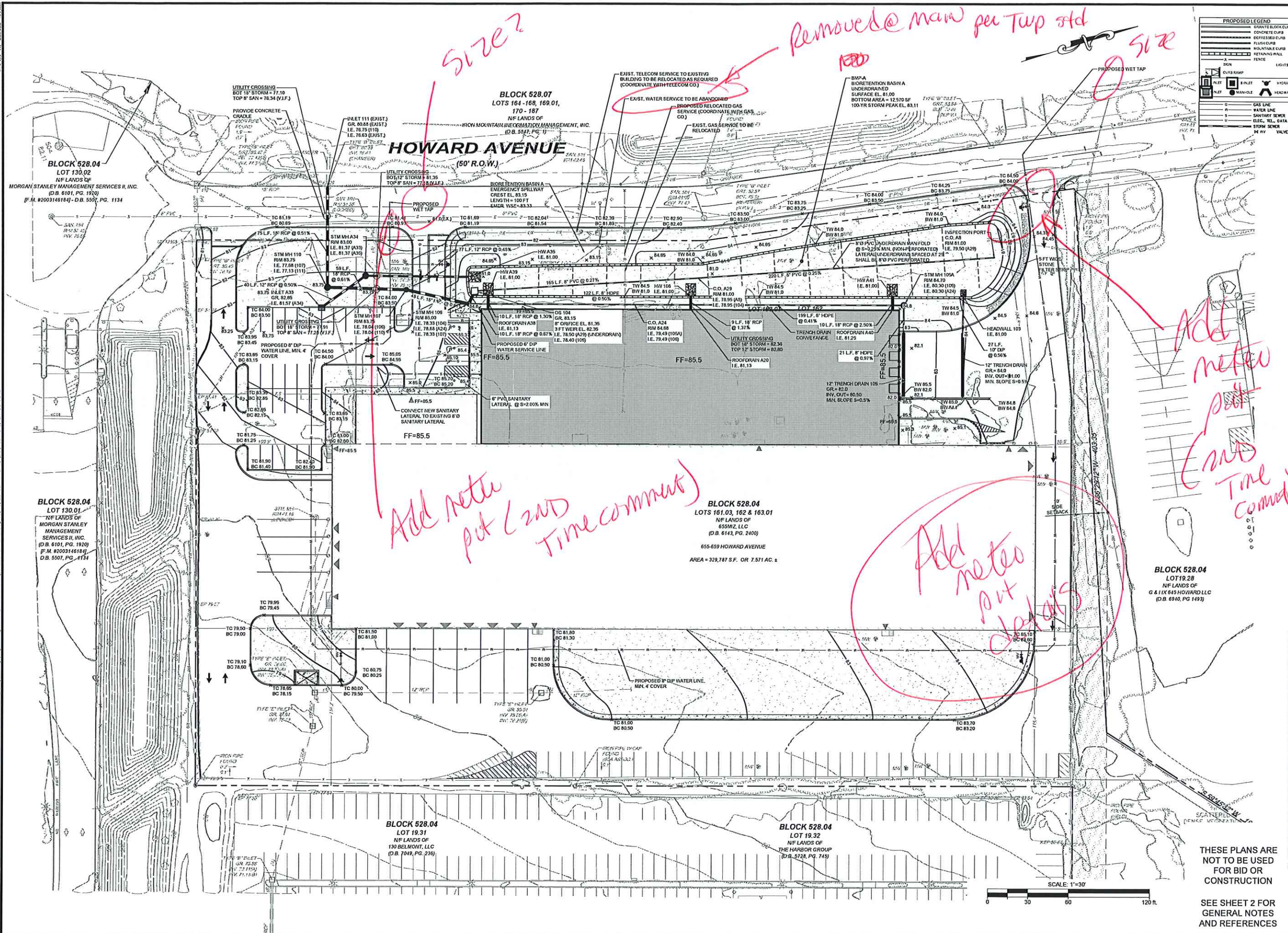


THESE PLANS ARE NOT TO BE USED FOR BID OR CONSTRUCTION
SEE SHEET 2 FOR GENERAL NOTES AND REFERENCES

PLANS ARE FINAL FOR SANITARY SEWER AND WATER MAIN DESIGN
PRELIMINARY AND FINAL MAJOR SITE PLANS FOR
655 HOWARD AVENUE
SITE PREPARATION PLAN
BLOCK 528.04, LOTS 161.03, 162, & 163.01
TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY

Bowman
Bowman Consulting Group Ltd
8 Corporate Drive, Suite 202
Parsippany, New Jersey 07054
Phone: 973-259-8400
Fax: 973-259-8405
Email: NJ@Bowman.com
NJ Certificate No. 24-030220-000
ERIC L. KELLER, N.J. Professional Engineer, Lic. 24CE03205400

PROJECT: 081288-01-001
SHEET NO. 3 OF 18
DATE: 10/03/23
REVISION: 02/26/24



THESE PLANS ARE
NOT TO BE USED
FOR BID OR
CONSTRUCTION

SEE SHEET 2 FOR
GENERAL NOTES
AND REFERENCES

[illegible]

Franklin Township

Somerset County, New Jersey



DEPARTMENT OF PLANNING AND ZONING

Planning – Zoning – Affordable Housing
Planning Board – Zoning Board of Adjustment

MEMORANDUM

Municipal Building
475 DeMott Lane
Somerset, NJ 08873
732.873.2500
Fax: 732.873.0844

www.franklintwpnj.org

To: Zoning Board of Adjustment

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

Date: October 15, 2025

RE: 655Miz (ZBA-24-00020)
D(2) Use Variance; Preliminary and Final Site Plan Approval; "c" Variances
655 Howard Avenue Block 528.04, Lots 161.03, 162 and 163.01

As requested, I have reviewed the application materials listed below and issue the following report for the Board's consideration:

- 18-sheet set of site layout drawings prepared by Bowman Consulting Group, Ltd., revised 10/3/25
- 2-sheet set of architectural drawings prepared by The Dietz Partnership revised 10/23/24

Site Description

The 7.57-acre subject site is located on Howard Avenue, south of its intersection with Campus Drive. This portion of Howard Avenue is a dead-end road located within the B-I (Business & Industry) zone. Nearby and surrounding land uses consist of warehouse, office and light industrial uses. The site is currently occupied by a roughly 75,000 square foot warehouse with car parking in front of the building and truck loading to the rear and right side of the building.

Project Description

Description of Proposal

The proposal consists of:

- Construction of a 30,917 square foot addition to the existing warehouse
- Reconfiguration of the car parking area
- Reconfiguration of the truck loading area with a total of 3 truck loading areas proposed with 1 area located to the rear of the existing building; 1 area located to the south of the existing building and 1 area located to the north of the proposed addition
- Total of 3 curb cuts along the Howard Avenue frontage

- Construction of 2 landscaped bio-retention basins along the site frontage.
- Improvements to on-site lighting and landscaping

Requested/ Required Approvals

- D(2) Expansion of a Non-Conforming Use: Ordinance No. 4391-22 eliminated warehouse use as a permitted use in the B-I zone. Therefore, the proposed warehouse expansion would require a D(2) for expansion of a non-conforming use
- Preliminary and Final Site Plan Approval
- “C” Variances
 - *Loading Area Depth*: 2x depth of the largest truck required – less than required depth proposed
 - *Parking Lot Aisle Width*: 26 feet required – 24 feet proposed
 - *Max. Number of Driveways*: 2 driveways permitted – 3 driveways proposed¹

Review Comments^{2,3}

1. D(2) Use Variance. To obtain this use variance, an applicant must satisfy the positive and negative criteria as they would do for other types of use variances.

While the applicant need not prove that they would have been entitled to the use variance for the initial non-conformity (e.g., prove particular suitability), the applicant must still address the positive criteria by demonstrating that the proposed expansion would promote the purposes of zoning as set forth in the MLUL. For example, applicants for D(2) variances can demonstrate that the expansion will improve the visual aesthetics of the property or otherwise result in positive effects that satisfy the positive criteria.

Applicants for a D(2) variance must also demonstrate how the expansion adequately addresses the negative criteria. Specifically, with respect to the negative criteria, the applicant must address: that the proposed expansion at it will not be a substantial detriment to the public good;

¹ Not identified in application.

² Applicants represented by attorneys, engineers and/or architects (or other such professionals) are expected to use the video display system available in Council Chambers to project hearing exhibits. Use of the video display systems greatly improves visibility of these exhibits for the Board, the public and the Township's video broadcast of the hearing. In order to use the video display system, please bring a computing device capable of utilizing a HDMI connection. A cable is provided, however adapters are not so please make sure you have the required adaptors to connect to HDMI if necessary.

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

and that grant of the variance would the intent of the applicable zoning ordinances or the municipality's master plan.

2. "C" Variances. The applicant must address each of the required variances as either a c1 (hardship) and/or c2 (better zoning alternative) criteria.
 - a. *Loading Area Depth.* While the Board has granted this relief for other warehouses, it is noted that the typical loading area depth that has been approved was 130 feet (as this depth has been cited by a number of engineers per industry standards. While I ultimately defer to the Board engineer on this manner it would appear that many of the loading docks have a depth which is far less than this depth. Further, it would appear that the truck maneuvering diagrams do not correspond to the proposed one-way traffic flow on the plan.
3. Trailer Storage. As shown in the figures below (particularly figure 6), a significant number of trailers (roughly 20) are stored behind the existing warehouse building. In order to meet the 60% impervious surface limit of the zone, the site plan proposes to remove the pavement from this area of the site and convert it to lawn. The site plan does not provide an area for trailer storage. Is the applicant changing their operations so that trailer storage is no longer necessary? Absent some significant changes in operations and with no dedicated area for trailer storage, there is a likelihood that trailers will be stored in travel lanes and/or in the proposed lawn area.
4. Design of Business and Industry Uses.
 - a. Section 112-33.6.A. requires that the front yard should be attractively landscaped. As shown in the figures below, the front yard is currently devoid of landscaping. The proposed plan would place two (2) landscaped bio-retention basins along the frontage which should help improve the aesthetics of the property frontage. This would be further improved through the planting of street trees along the frontage.
 - b. In my opinion, the site plan complies with Section 112-33.6.B which indicates an emphasis on providing landscaping within the interior of the site in the form of landscape islands.
 - c. In my opinion, the site plan does not *fully* comply with Section 112-33.6.C which indicates that loading docks, truck parking and other service functions should be located in a manner than minimizes their view from adjoining roadways since the application proposes the placement of 4 loading docks on the side of the proposed addition which would be visible from the roadway. While the site plan proposes a row of evergreen trees to screen this area, it is noted that in other similar situations the Board has required a screen wall. It is recommended that the Board consider such a requirement here.
 - d. At the hearing the applicant should address Section 112-33.6.D which indicates that the side of the building facing and visible from adjoining roadway(s) should be designed and finished in an attractive manner and should present architecturally as the front of the building.

- e. At the hearing the applicant should address Section 112-33.6.E which indicates that mechanical equipment should be screened from view from adjoining roadways. In such instances, screening should be architecturally integrated with the building through materials, color, texture, shape, size, and with design features, such as facade parapets.
 - f. Regarding Section 112-33.6.F which indicates that applications should take into consideration nonautomotive modes of transportation, I offer the following:
 - The Board should discuss whether a sidewalk should be required along the site's frontage. If no such sidewalk is provided then the sidewalk extension along the car entrance should be eliminated.
 - The applicant should explain how employees parking in the 43 spaces proposed along the rear of the site would access the building – would the proposed sidewalk actually provide access to an employee entrance?
 - g. The site plan needs to be revised to address Section 112-33.6.H which addresses anti-idling signage. In response to this comment the engineer's response letter indicates "it has been revised." However, it is unclear what this response means as no such signs are located on the plans. Further, I refer the applicant to the Environmental Commission report which made recommendations on the placement of such signs.
 - h. The site plan needs to be revised to address Section 112-33.6.I which requires that the building be solar-ready. In my opinion, this would apply, at a minimum, to the proposed addition. In response to this comment the engineer's response letter indicates "it has been revised." It is unclear what this response means.
- 4. Tree Planting Requirement. The plan complies with Schedule 6 which requires 1 tree for every 2,000 square feet of paved surface (45 trees required – 54 trees of qualifying size proposed).
 - 5. Tree Replacement Requirements. No trees are proposed to be removed thus Chapter 222 does not apply.
 - 6. Monitoring Wells. The site plan identified more than a dozen monitoring wells located in various locations on the site and indicates that each will "identified and removed as required". The project engineer's response letter indicates that the "LSRP to oversee identification and removal as needed." The applicant should explain this to the Board.
 - 7. The lots comprising the site should be consolidated.
 - 8. Details of various site features (anti-idling signs, bike rack, EV charging equipment demonstrating compliance with Section 112-33.7.F.).

9. The development is subject to the payment of affordable housing development fees equal to 2.5% in any increase in equalized assessed value.

Figure 1: Site Location

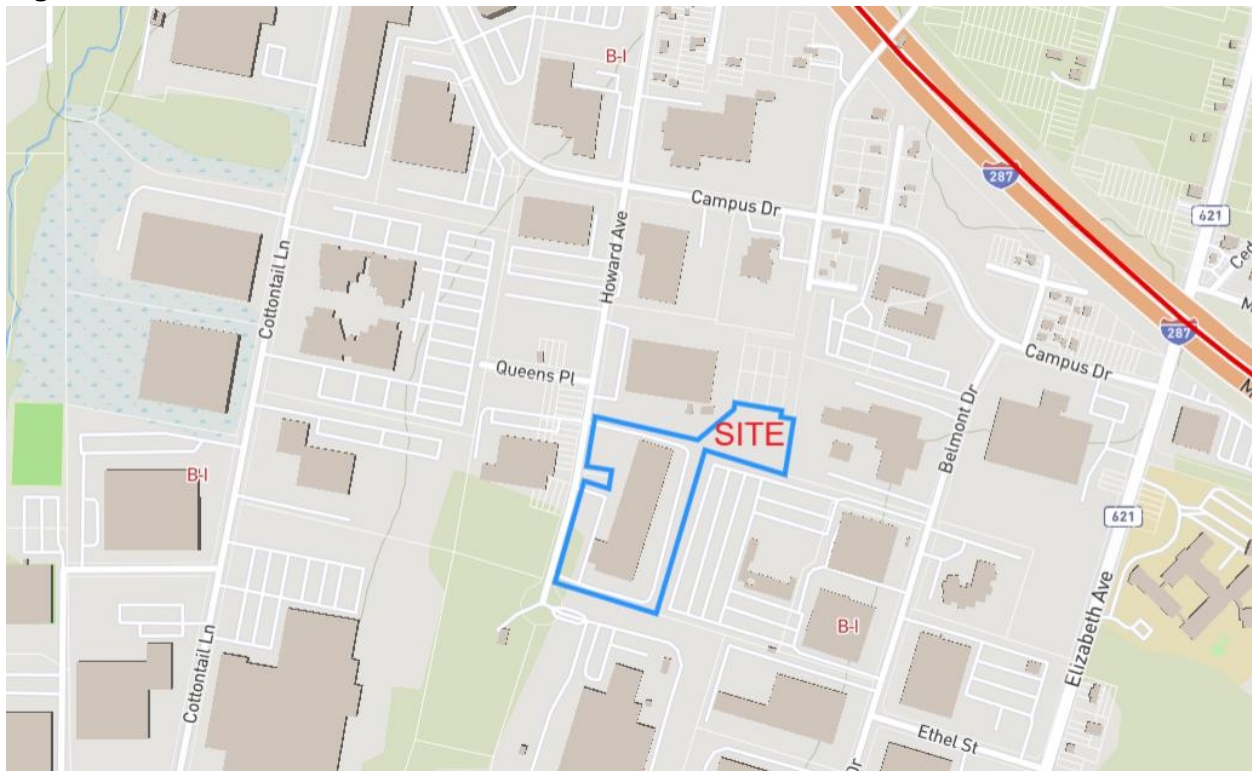


Figure 2: Site Location



Figure 3: Site and Surrounding Area

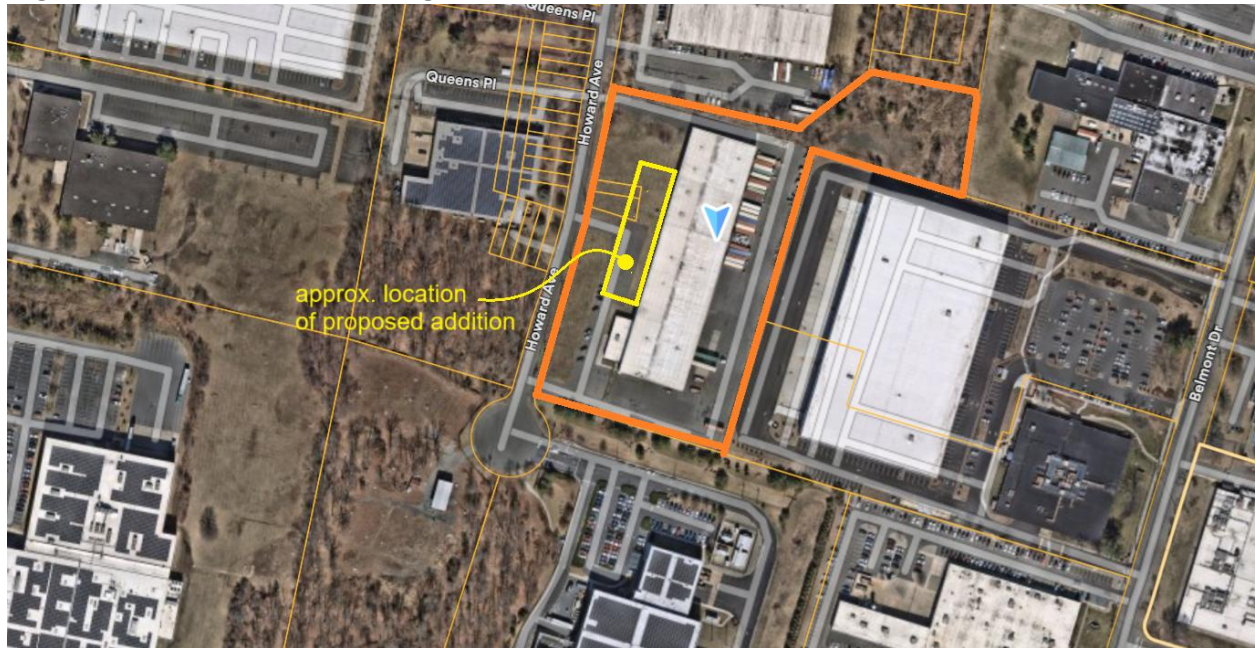


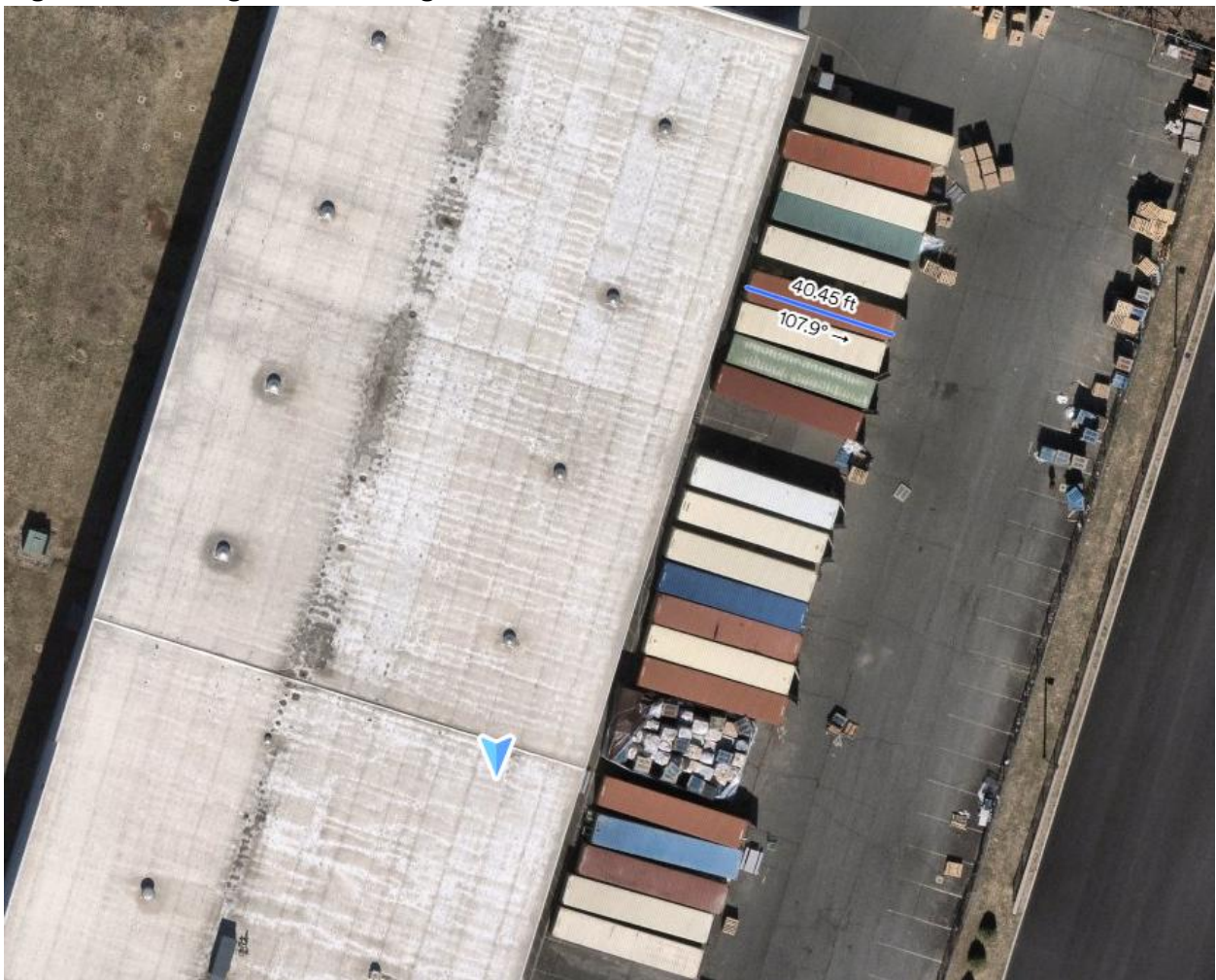
Figure 4: Site and Surrounding Area



Figure 5: Site Frontage



Figure 6: Existing Trailer Storage





FRANKLIN TOWNSHIP SEWERAGE AUTHORITY

70 Commerce Drive, Somerset, NJ 08873-3470

Tel: (732) 873-2121 • Fax: (732) 873-2038 • www.ftsa-nj.org

April 17, 2025

Project Applicant: 655Miz, LLC

Project Location: 655 Howard Avenue, Township of Franklin, NJ

Block: 528.04; Lots: 161.03, 162, 163.01

Docket #: ZBA-24-00020

Plan Type: Preliminary & Final Site Plan

The Applicant is proposing to construct a 30,917 square-foot warehouse addition to an existing warehouse building. The Project site occupies Lots 161.03, & 162, 163.01 of Block 528.04 and is located approximately 900 feet south of the intersection of Campus Drive and Howard Avenue. The property currently consists of a 71,364 square-foot warehouse with 3,325 square-feet of office space.

The Applicant is proposing to service the proposed addition with a 6" diameter gravity sanitary sewer lateral that is proposed to connect to the existing on-site sanitary sewerage facilities that ultimately discharges to the Authority's existing gravity collection system located within Howard Avenue.

The estimated Average Daily Flow to be generated by the proposed addition and existing warehouse building has not yet been provided by the Applicant.

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

- Preliminary and Final Site Plan, as prepared by Bowman Consulting Group Ltd, dated October 2, 2024, last revised February 26, 2025;
- Architectural Plans, as prepared by The Dietz Partnership, dated October 23, 2024.

Based upon our preliminary review of the submitted documents, the Applicant is to provide the following items required for submission of an Application and subsequent approval for connection to the Authority's sanitary sewerage system:

- Applicant is to submit a complete Application for Approval of Sewerage Facilities in accordance with the FTSA Rates, Rules and Regulations (Appendix A-5 thru A-6).
- Application Fee to be posted in the amount of \$500.00 in accordance with Appendix F.
- The formal Application submission is to be accompanied with sufficient Application Initial Review Escrow in accordance with Application Section 14. The FTSA's review process will not commence until such time that sufficient escrow is posted with the Authority.
- Applicant is to submit a complete Impact Fee Determination Request Form in accordance with the FTSA Rates, Rules and Regulations (Appendix A-8).
- Impact Determination Fee to be posted in the amount of \$500.00 in accordance with Appendix F.
- All Application Fees and Review Escrow shall be submitted (via separate checks) made payable to "The Franklin Township Sewerage Authority".

- The Application is to include a Signed and Sealed Engineer's Report in support of the proposed sanitary sewer improvements including, but not limited to, a summary of the sanitary improvements, existing flow conditions, proposed average daily flow calculation, proposed peak flow calculation, sewage velocity calculation, pipe capacity analysis, etc.
- Application to include Signed and Sealed Sanitary Sewer Construction Specs in accordance with Appendix C.
- Please provide a Signed and Sealed Sanitary Sewer Construction Cost Estimate reflecting all proposed sanitary sewer improvements for the Project utilizing, at a minimum, all applicable items and unit prices listed in Appendix F of the Authority's Rates, Rules and Regulations.
- Application to include a full set of Signed and Sealed Plans including all applicable FTSA Standard Construction Details in accordance with Appendix D.
- Submission of an electronic version (PDF) of the Site Plan, Sanitary Sewer Analysis, Engineers Report and Sanitary Sewer Specification to: Staffengineer@ftsa-nj.org.

A full review of the proposed sanitary facilities will be performed upon receipt of the above referenced documents. The Applicant is required to maintain full compliance with the FTSA's Rates, Rules and Regulations throughout the duration of the Application process. The Authority reserves the right to make additional comments based upon the submission of any revised plans and/or documents.

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

Very Truly Yours,



William E. Korosec, PE
Consulting Engineer's Office

WK/tc

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



FRANKLIN TOWNSHIP POLICE TRAFFIC SAFETY BUREAU



TO: F.T. Zoning Board

FROM: Ofc. Ryan J. Ellington

DATE: April 9th, 2025

SUBJECT: **ZBA-24-00020** **655Miz, LLC**

655 Howard Ave, Somerset NJ

BLOCK: 528.04 LOT(S): 161.03, 162, 163.01

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

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

memo



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

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

DATE: April 8, 2025

RE: Comments from Franklin Township Environmental Commission
655Miz, LLC (c/o Bytech NYC, Inc.)
655 Howard Avenue, Somerset
(Block 528.04 – Lot 161.03, 162, 163.01)
File #: ZBA-24-00020

At its regularly scheduled meeting of March 17, 2025, the Franklin Township Environmental Commission ("EC") reviewed plans and documents for the above-referenced project. The following comments are submitted for consideration by the Franklin Township Zoning Board of Adjustment:

- According to the Solar Ready Warehouses Law (*NJSA 52:27D-123.19*), effective July 1, 2022, all warehouses composed of 100,000 square-feet or greater are to be constructed as solar-ready buildings. To comply, a warehouse must set aside a minimum of 40% of its proposed roof area for future installation of solar photovoltaic or solar thermal system. As such, the applicant must set aside a minimum 40% of its roof area (**approximately 42,268.8 square feet**) and depict that clearly on the plans.
- It is recommended that EV Charging Stations and Make-Ready parking spaces alternate by one parking space throughout the parking lot (example: parking space #1, #3, and #5 are prepared as Make-Ready parking spaces, or have an EV Charging Station installed. Parking spaces #2, #4, and #6 are not prepared for EV charging). This will allow multiple users to easily use the chargers without having to wait for a long period of time.
- The EC recommends that the site be prepared for future electrified trucks and tractor trailers by installing 200-kilowatt EV charging capacity per bay. In the future, this will allow the warehouse to meet the needs of electrified trucks, thereby attracting occupants who choose to incorporate sustainable practices into their operations.
- The plans are unclear as to exactly how many trees onsite are proposed for removal and replacement. For those trees removed, a clear description of how trees removed will be mitigated is requested. Any trees replaced onsite should be replaced with tree species that are native to New Jersey. The EC recommends that as many trees as possible be preserved onsite.
- Anti-idling signs should be placed at various locations around the site, specifically at the entrance and exits of the site, at every 4th loading dock, and on the door and/or window of the office. Signage should also be placed in consistent increments across the parking spaces
- The EC requests that the applicant provide a list of amendments made to plans and supporting documents with all future resubmissions. This will assist the EC's Site Plan Committee in its required review.

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

~~Franklin Township~~

In Somerset County

OFFICE OF FIRE PREVENTION

Municipal Building

475 DeMott Lane, Somerset, NJ 08873-6704

Phone: 732-873-2500 Ext. 6303 Fax: 732-873-0804

November 13, 2025

To: Board of Adjustment

From: John Hauss, Director
Fire Prevention

Re: Docket # ZBA 24-00020
655Miz, LLC
655 Howard Avenue
Block: 528.04 Lot: 161.03, 162, 163.01

Fire Prevention has the following comments on the revised plans.

1. One additional fire hydrant is required in the rear of the building. The applicant should contact Fire Prevention to discuss the location.
2. *Same comment* - The proposed addition will require the FDC (Fire Department Connection) to be relocated; the new location must be approved by Fire Prevention and indicated on the plans. The FDC must comply with the Township Standard Detail including a fire hydrant within 50 feet of the FDC.
3. *Same comment* - This site presently has a significant amount of outside storage including containers and pallets; is the new addition going to eliminate this storage? Any outside storage areas should be shown on the plans and approved.
4. We reserve the right to make additional comments based upon the submission of revised plans or testimony presented to the Board.

STAFF REPORT

PLEASE REFER TO DRCC # WHEN SUBMITTING
ADDITIONAL DOCUMENTS



DRCC #: 24-6199

DATE: December 3, 2024

PROJECT NAME: 655 Howard Avenue -- Warehouse Addition

Latest Submission Received: November 7, 2024

Applicant:

655 MIZ, LLC
c/o BYTECH NY Inc
2585 West 13th Street
Brooklyn, NY 11223
dmizrahi@bytechintl.com

Engineer:

Eric L. Keller, P.E.
Bowman Consulting Group, Ltd.
6 Campus Drive
Parsippany, NJ 07054
ekeller@bowman.com
jaclynsmith@bowman.com

Project Location:

Road	Municipality	County	Block(s)	Lot(s)
655 Howard Avenue	Franklin Township	Somerset	528.04	161.03 162, 163.01

Jurisdictional Determination:

Zone B	Major	Nongovernmental
--------	-------	-----------------

Subject to Review for:

Drainage	Visual	Traffic	Stream Corridors
X			

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

PO BOX 539

STOCKTON, NJ 08559

609-397-2000

www.nj.gov/dep/drcc/

 **FILE**

DRCC#: 24-6199

2

DATE: December 3, 2024

PROJECT NAME: 655 Howard Avenue -- Warehouse Addition

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

Documents Received: Site Plans (16 sheets) dated October 2, 2024; Boundary & Topographic Survey (1 sheet); Stormwater Management Report dated October 2, 2024; prepared by Bowman Consulting Group.

.....
Staff comments continued below.

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

Existing Conditions: The project area is a parcel of three lots totaling 7.57 acres located on the easterly side of Howard Avenue in the Township of Franklin, Somerset County, approximately 3,250 feet south of the Delaware and Raritan Canal and within Commission Review Zone B.



The project area is generally bounded by warehouses and logistics and corporate offices in all directions. In the existing condition, the project site is developed with a 71,364 square-foot masonry and steel warehouse building which appears on historic aerial imagery in its current configuration in 1979, along with an associated parking lot, loading docks, access driveways, and areas of maintained lawn. Impervious surface coverage in the existing condition totals 4.36 acres.

Proposed Project: The applicant proposes to construct a 30,917 square-foot addition to the western side of the existing warehouse building. The applicant further proposes to reconfigure the parking lot and access driveways and construct a stormwater management system and associated infrastructure. Based upon the submitted application, the total proposed impervious surface area coverage onsite will be maintained at 4.36 acres, and the project will result in the disturbance of 3.14 acres of land.

DRCC#: 24-6199

3

DATE: December 3, 2024

PROJECT NAME: 655 Howard Avenue -- Warehouse Addition

Stream Corridor: The project site is located in the Raritan River Lower watershed. The Raritan River is located north of the site and a tributary to the Raritan River is located east of the site. Neither the Raritan River nor the tributary to the Raritan River flow into the Delaware and Raritan Canal. The 100-year floodplain limit has been established by FEMA for both the Raritan River and the tributary to the Raritan River. Commission staff has confirmed the regulated stream corridor associated with each watercourse is not located within 1,000 feet of the site. Therefore, the project is not subject to stream corridor impact review pursuant to N.J.A.C. 7:45-9.

Stormwater Runoff Quantity: Runoff from the developed portions of the site and undisturbed areas, totaling approximately 6.0 acres, will discharge to the tributary of the Raritan River located east of the project site. The stormwater management measures have been evaluated at two points-of-analysis (POAs).

POA-1, located along the western property boundary, will include two new bio-retention systems equipped with an outlet control structure. Each basin will be designed with 18 inches media on top of an underdrain. The basins will collect runoff from the proposed building addition and reconfiguration of the parking and access drive areas. The applicant has provided engineering calculations verifying that for stormwater leaving the site within the drainage area at POA-1, the post-construction peak runoff rates for the 2-, 10- and 100-year storm events will be no greater than 50, 75 and 80 percent (%), respectively, of the pre-construction peak runoff rates.

POA-2, located along the eastern property boundary, will have a reduction of approximately 0.5 acres of impervious surface within the drainage area. As a result, the applicant has provided engineering calculations verifying that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10- and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events.

The submitted calculations utilized the Natural Resource Conservation Service (NRCS) Technical Release No. 55 (TR-55) hydrologic methodology, NOAA Region D unit hydrograph rainfall distribution, Standard Unit peak rate factor, and current New Jersey 24-hour rainfall frequency data for Somerset County to compute peak runoff flow rates and volumes. The post-developed peak flows were calculated by creating separate pervious and impervious hydrographs for post-developed conditions and combining to develop total post-developed hydrographs. Based upon a review of the submitted calculations, it has been determined that the proposed stormwater management measures will provide enough peak flow attenuation to meet the specific runoff quantity standards at N.J.A.C. 7:45-8.6.

Water Quality: The Commission requires that all proposed full-depth pavement, including newly constructed and reconstructed parking and access drives that are being renewed, in addition to new collection systems for existing impervious surfaces where stormwater is not currently collected, must meet water quality standards in accordance with Commission regulations at N.J.A.C. 7:45-8.7. This includes reduction of the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the

DRCC#: 24-6199

4

DATE: December 3, 2024

PROJECT NAME: 655 Howard Avenue -- Warehouse Addition

water quality design storm by a rate of 80% of the anticipated load from the developed site, expressed as an annual average.

Based upon the submitted application, renewed access driveway and parking areas are being proposed onsite. Because of the building addition, the total amount of motor vehicle surface is proposed to be reduced from 2.61 acres in the existing condition to 1.86 acres in the proposed condition. In addition, most of the reconstructed/reconfigured pavement area will be directed to one of the two proposed bio-retention systems. Each bio-retention basin will be planted with a terrestrial forest community. According to the NJ Stormwater Best Management Practice (BMP) Manual, the adopted TSS removal rate for this BMP is 80%. Therefore, the proposed stormwater quality design will address the requirements at N.J.A.C. 7:45-8.7.

Groundwater Recharge: The Commission regulations require that stormwater management measures maintain 100% of the average annual pre-construction groundwater recharge volume for the site, or that any increase of stormwater runoff volume from pre-construction to post-construction for the two-year storm is infiltrated. The proposed development will result in a discharge reduction of approximately 5,000 cubic feet of stormwater during the 2-year storm event when comparing the existing and proposed site conditions for the site. Therefore, the project is in compliance with the specific recharge standards at N.J.A.C. 7:45-8.5.

Non-Structural Methods: Neither a Nonstructural Strategies Point System (NSPS) worksheet nor documentation that discusses how non-structural stormwater management strategies have been incorporated into this project's design, have been completed for the project. As a result, Commission staff is unable to determine if the project meets the specific non-structural stormwater management strategies at N.J.A.C. 7:45-8.4.

Stormwater Management Maintenance Plan: The applicant has not submitted a stormwater management maintenance plan for the site. Therefore, compliance with the specific requirements of N.J.A.C. 7:45-8.8 cannot be determined.

Additional Information Required:

1. The applicant shall provide a completed NSPS worksheet that demonstrates compliance with the specific non-structural stormwater management standards at N.J.A.C. 7:45-8.4.
2. The applicant shall submit a stormwater management maintenance plan for the site that demonstrates compliance with the requirements at N.J.A.C. 7:45-8.8.
3. Staff notes that the applicant is required to submit two copies of the Commission's Conservation and Maintenance Agreement, with original signatures on both copies. This document is available on the Commission website:
[https://www.nj.gov/dep/drcc/pdf/DRCC%20C&M%20Agreement%20\(2020\).pdf](https://www.nj.gov/dep/drcc/pdf/DRCC%20C&M%20Agreement%20(2020).pdf)

DRCC#: 24-6199

5

DATE: December 3, 2024

PROJECT NAME: 655 Howard Avenue -- Warehouse Addition

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

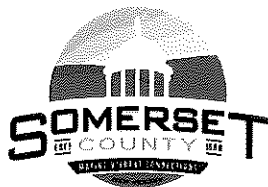
Staff Recommendation: Staff does not recommend approval at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "John Hutchison", with a long horizontal flourish extending to the right.

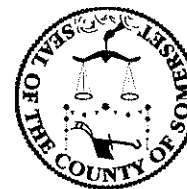
John Hutchison
Executive Director

c. Somerset County Planning Board
Franklin Township Planning Board
Susan R. Rubright, Esq. (srubright@bracheichler.com)



COUNTY OF SOMERSET PLANNING BOARD

County Administration Building
20 Grove Street, P.O. Box 3000
Somerville, New Jersey 08876-1262
(908) 231-7021 • Fax (908) 707-1749
PlanningBd@co.somerset.nj.us
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2nd Alternate

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Director of Planning

Joseph DeMarco, Esq.
County Counsel

Sheli Daniels
Office Manager

May 23, 2025

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

**RE: 655 MIZ, LLC – BUILDING ADDITION
BLOCK 528.04 – LOTS 161.03, 162 & 163.01
FL 1162:000-24S
655 HOWARD AVENUE**

Dear Mr. Orsini:

This office and the office of the County Engineer have reviewed information submitted for the above-referenced project. The 7.57 acre tract is located on Howard Avenue. The reviewed information consists of the following documents:

- “Preliminary and Final Site Plans for 655 Howard Avenue” dated October 2, 2024, prepared by Bowman Consulting Group, Ltd.
- “Stormwater Management Report, 655 Howard Avenue” dated October 2, 2024, prepared by Bowman Consulting Group, Ltd.
- Architectural plans entitled “Proposed Warehouse Addition, Bytech, 655 Howard Avenue” dated October 23, 2024.

The project proposes to construct a 30,917 square foot building addition to the existing 74,755 square foot warehouse building as well as construct improvements to the existing parking lot.

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

Traffic Requirements

As it is anticipated that there will be an increase in traffic accessing the site from Elizabeth Avenue (CR 621) and Weston Canal Road (CR 623), a traffic impact analysis is to be included with the next submittal of this project. The traffic impact analysis shall analyze the effects the proposed development will have on the County Road system. The study shall be prepared in accordance with the criteria presented in the County's *Public Works Handbook* and the *Land Development Review Resolution*.

- Mission Statement -

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

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Stormwater Management Requirements

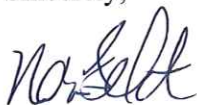
Since the site does not adversely affect County facilities, it is requested that the Township handle the review of the stormwater management plans.

Recycling Requirements

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

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

Sincerely,



Nora Fekete
Supervising Planner



Jonathan C. Blank, P.E., C.M.E.
Principal Engineer, Land Development Section

cc: Christine Woodbury, Board Secretary via email
Franklin Township Engineer via email
655 Miz, LLC c/o ByTech NY Inc., via email (dmizrahi@bytechintl.com)
Eric L. Keller, Bowman Consulting Group, via email (NJ@Bowman.com)
Susan Rubright, Esq., via email (srubright@bracheichler.com)

memo



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

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

DATE: October 8, 2025

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

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

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

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

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

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

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

CENTER STATE ENGINEERING

481 Spotswood Englishtown Road, Monroe Township, New Jersey 08831

T 732.605.9440 F 732.605.9444

MEMO TO: Township of Franklin
Zoning Board of Adjustment

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

DATE: September 30, 2025

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

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

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

The following comments are offered with regard to same:

A. PROJECT OVERVIEW

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

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

B. GENERAL SITE IMPROVEMENTS

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

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

C. GRADING AND UTILITY COMMENTS

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

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

D. LANDSCAPING AND LIGHTING

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

E. ENVIRONMENTAL IMPACT COMMENTS

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

F. STORM WATER MANAGEMENT

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

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

G. MISCELLANEOUS

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

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

Outside Agencies:

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

Township Departments:

- Township TRC

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

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

RJR/DM

cc: Zoning Board Secretary



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

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

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Somerville, New Jersey 08876-1262
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www.somersetcountynj.gov/health
healthdept@co.somerset.nj.us



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

Memorandum

To: Planning/Zoning Department

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

Date: September 26, 2025

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

Block: 37.02, Lot: 46.03

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

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

- Mission Statement -

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Franklin Township

Somerset County, New Jersey

Municipal Building
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Fax: 732.873.0844
www.franklintwpnj.org

Township Technical Review Committee (TRC)

MEMORANDUM

To: Zoning Board of Adjustment

From: Technical Review Committee (TRC)

Date: September 23, 2025

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

Site and Project History/ Description

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

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

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

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

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

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

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

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

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

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

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



Amended Application

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

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

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

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

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

“C” Variances

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

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

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

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

Status - Conditions of Current Approval

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

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

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

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

6. *The House of worship shall be shifted to be 130 feet from the rear property line. In that setback area shall be provided a 10-foot high berm with twenty-eight (28) 8-foot evergreen trees (in 2 staggered rows). Partially satisfied. Plans revised to comply. The grading of the berm should be revised per the engineer report.*
7. *The House of worship shall meet the 75-foot side yard setback requirement. The trees shall remain in the area specified at the house of worship/ Snyder property line with the tree removal plan updated accordingly. Additional evergreens shall be added where practicable to supplement the existing vegetation to remain. Satisfied. Plans revised to comply.*
8. *The site plan shall provide 6-foot high (deer fence style) fence along rear property line on two sides adjoining the building. The fence shall start along the rear property line at the edge of the wetlands buffer and extend along the side property line in the area of the building and parking lot (i.e., it would extend up to the location where the side property line makes a 90-degree bend to the north) Satisfied.*
9. *The proposed parking lot closest to the Warwick's property shall be relocated to be at least 100 feet from their property line. Further, the site plan shall provide planted evergreen hedge at parking lot towards front neighbor on South Middlebush Road to further block the view of the cars and any headlight impact. All existing trees along the Warwick's property line shall be preserved and 6-8 foot tall evergreens shall be planted where there are gaps in between the existing trees which that the buffer would comply fully with the ordinance. Satisfied. Plans modified to comply.*
10. *The site plan shall propose to remove the current driveway to the property along with the pipe at the street. The driveway shall be over 300 feet from the Warwick's property line. The relocated driveway shall be posted for no parking. Satisfied. Plans modified to comply. Plans modified to comply.*
11. *Lighting along the re-located driveway shall be limited to the area of the curb cut at South Middlebush Road and at the internal intersections which provide access to the parking lots. Satisfied. However, one (1) light is also proposed in the bend in the access drive (which the staff would recommend).*
12. *Site lighting shall be revised to comply with the 15-foot height limitation and shall be LED. Satisfied.*
13. *The site plan shall identify the additional plantings (6-foot high evergreens) to be placed where the existing driveway will be removed. Satisfied. Plans modified to comply.*

14. *Proposed street trees shall be setback to ensure adequate sight distance along South Middlebush Road at proposed driveway. **Satisfied.***
15. *The relocated driveway, only, shall be used as the construction entrance. The existing driveway shall never be used for construction access. Appropriate modifications to the plan shall demonstrate how this would be accomplished. **Partially satisfied. Notes to this effect added to the plans. Condition should be repeated in any subsequent resolution of Board approval. The Soil Erosion & Sediment Control Plan should be revised to include notes demonstrating compliance with this condition.***
16. *The proposed parking lot lights shall be on a timer and separate circuits so that they will be lit only when necessary. Further, the parking lot and driveway lights shall not be used when the facility is not in use. When not in use, site lighting shall be limited to minimal necessary security lights. Appropriate details and notes shall be added to the plans. **Notes to this effect added to lighting plan. Condition should be repeated in any subsequent resolution of Board approval.***
17. *Sign lighting shall be LED and shall only be lit when the facility is in use. **Note to this effect added to lighting plan. Condition should be repeated in any subsequent resolution of Board approval.***
18. *The sign shall comply with the applicable setback. **Satisfied.***
19. *Access to the existing house shall be from the proposed parking area closest to the house of worship. **Satisfied.***
20. *Applicant shall abide by any standards imposed by the NJDEP regarding tree clearing limitations for time of year as they may apply to this site. **Note to this effect added to plan. Condition should be repeated in any subsequent resolution of Board approval.***
21. *The applicant agrees to maintain the trees and buffer screening to ensure their long-term health and survival for at least five years and notwithstanding the expiration of any required bond for such maintenance. **Note added to this effect added to the plan. Condition should be repeated in any subsequent resolution of Board approval.***
22. *The 30-space bank of spaces closest to the Warwicks shall be landbanked. We offer the following comments:*
 - **Based on the result of the traffic and parking testimony, the Board may wish to re-visit whether these spaces should continue to be landbanked.**
 - **If landbanking continues to be proposed, the site plan should be revised to delineate both the land banked condition (curb line should be revised, grading should be revised, and final material in the land banked condition should be provided) and full build out of the proposed improvements if the land banked**

parking is constructed including but not limited to striping and signage, grading, landscaping and lighting. In addition, the following note must be added to the plan, "The spaces identified as "prop. banked spaces" shall not be constructed unless authorization for such improvement is provided from the Township Zoning Officer, or unless the Township Zoning Officer requires that such spaces be constructed should conditions warrant, or by the Township's approval through the change of tenant. In the event that the Zoning Officer determines that conditions require improvement of all or a portion of these spaces, such spaces shall be constructed within 6 months of the Zoning Officer's determination weather permitting. In such an event, the Zoning Officer may consult with the appropriate Township staff with respect to related plan amendments."

23. *All utilities will be underground (no poles). Note to this effect added to the site plan. Condition should be repeated in any subsequent resolution of Board approval.*
24. *The plans shall be revised to comply with the reports of the Township staff and engineering consultant. Duplicative with condition #4 above.*
25. *Applicant shall agree to Title 39 to allow Township enforcement of "no parking" along the site driveway and other areas outside of delineated parking spaces. Applicant should be required to make application, upon full build-out, for a Subtitle 1 Chapter 5 Title 39 enforcement ordinance to allow the Police Department to enforce chapter 4 of the State Motor Vehicle Code (moving violations). Condition should be repeated in any subsequent resolution of Board approval.*
26. *Use and occupancy of the facility shall be consistent with that testified to by the applicant and as indicated in Exhibit A-8, "Schedule and attendee report":*
 - *Saturdays – 3 times/ month – 11a-8p – 75 to 100 attendees*
 - *Sunday – once/ month – 10a-2p – 50 to 75 attendees*
 - *Saturday – once/ month – 9a-9p – 125 to 140 attendees*

High holy days – twice a year spring/ summer

 - *Friday – 6p-10p – 150 to 175 attendees*
 - *Sunday – 9a-9p – 225 to 250 attendees*
 - *Saturday – 9a-9p – 225 to 250 attendees.*

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

Staff questions these figures (particularly the number during the services): if no more than 80 people will attend services (even on Ramadan) – why does the proposed worship area have a proposed occupancy of 458 people? This needs to be explained

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

27. *No more than 458 people may occupy the building throughout the course of a day (consistent with the limitation imposed by the site's septic system approval).*
- **Staff offers the same caution offered with respect to condition #26, above – if only 80 congregants are expected why does the worship area have an occupancy of 458 people? As indicated, the 458-person capacity is not just the capacity at any one time – it is the total number of people who may be in the building throughout the course of the day. With up to five (5) services a day and a proposed occupancy in the worship area of 458 people, staff has significant concerns that the building is being designed in a manner that would allow the 458-person daily occupancy to be significantly exceeded (which would exceed the design capacity of the septic system).**
 - **Further, the architectural plans have been revised to add two (2) classrooms (that were not on the prior approval). What are these classes for and when would they be used? For example, if these classes are intended to be used for religious education for children while the adults are praying how might that affect the occupancy limit?**
28. *No renting of the facility to member or outside parties may occur. The applicant has not requested any modification to this condition and the "Statement of Proposed Use of Property" reiterates that the facility "will not be rented out or used by outside organizations." Condition should be repeated in any subsequent resolution of Board approval.*
29. *No conduct of wedding, funerals, etc. may occur. The site plan notes that this condition "is to be reviewed with Board" and the "Statement of Proposed Use of Property" indicates that weddings and funerals would take place on site.*
30. *There shall be no use of outside speakers or other amplified sound. The applicant has not requested any modification to this condition. The "Statement of Proposed Use of Property" indicates that "there will be no outdoor activities that will involve loud music, loud noise or a large congregation of people." The applicant should clarify whether that statement includes no use of outside speakers or other amplified sound.*
31. *The applicant shall submit for a Special Event Permit for each of the high holy days events for review by Township events including a determination of whether traffic safety would need to be provided by the Township Police. The applicant has not requested any*

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

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



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

Additional Comments

- **Staff recommends that the applicant consult with the Board Attorney with respect to the notice – specifically the degree to which the proposed relief of conditions should be addressed in the notice.**
- **South Middlebush Road is under County jurisdiction. In our opinion, it is imperative to receive the County review letter prior to the hearing.**
- **Per Chapter 222, Trees, the plans indicate a shortfall of 192 replacement trees. The payment-in-lieu will need to be provided prior to site plan sign off.**
- **The plan needs to demonstrate how building height was measured. Per the ordinance, “building height” is measured as the “vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof” and per Section 112-28.A building height does not include parapets extending above the roof that are 5 feet or less in height. Provide necessary calculations on the plan**
- **As a place of worship, the development is exempt from payment of the affordable housing development fee.**

[illegible]

STAFF REPORT

PLEASE REFER TO DRCC # WHEN SUBMITTING
ADDITIONAL DOCUMENTS



DRCC #: 25-5486A

DATE: March 17, 2025

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

Latest Submission Received: March 5, 2025

Applicant:

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

Engineer:

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

Project Location:

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

Jurisdictional Determination:

Zone B	Major	Nongovernmental
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Subject to Review for:

Drainage	Visual	Traffic	Stream Corridors
X			

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

PO BOX 539

STOCKTON, NJ 08559

609-397-2000

www.nj.gov/dep/drcc/

DATE: March 17, 2025

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

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

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

Staff comments continued below.

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

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



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

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

DATE: March 17, 2025

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

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

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

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

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

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

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

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

DATE: March 17, 2025

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

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

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

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

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

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

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

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

DATE: March 17, 2025

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

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

Additional Information Required:

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

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

Sincerely,



John Hutchison
Executive Director

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