



**TOWNSHIP OF FRANKLIN**  
**Planning Board**  
**Agenda**  
**Wednesday, October 7, 2026**

**CALL TO ORDER**

**SUNSHINE LAW**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**MINUTES**

Regular Meeting - August 05, 2026

**APPROVED**

[PLANNING BOARD - 08-5-2026.rtf](#)

**RESOLUTION**

L'Oreal USA Products, Inc. / PLN-21-00021

**APPROVED**

[RESOLUTION ext XX.XX.docx](#)

Cal-Sterling Franklin, LLC / PLN-21-00009

**APPROVED**

[RESOLUTION ext XX.XX.docx](#)

**DISCUSSION**

*Ordinance:*

- **4517-26** – Amendment for updates regarding cluster subdivisions and related ordinance updates

**APPROVED**

**PUBLIC COMMENTS**

**HEARING**

**BOARD COMMENTS**

**WORK SESSION / NEW BUSINESS**

**ADJOURNMENT**

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

**REGULAR MEETING  
August 5, 2026**

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

**PRESENT:** Councilman Anbarasan, Theodore Chase, Robert LaCorte, Marc Dancy, Robert Thomas, Sammy Shaban, and Chairman Orsini

**ABSENT:** Jennifer Rangnow, Meher Rafiq, and Charles Brown

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

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**MINUTES:**

- **Regular Meeting – June 3, 2026**

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

**FOR:** Councilman Anbarasan, Dr. Chase, Mr. LaCorte, Mr. Dancy, Mr. Thomas, and Chairman Orsini

**AGAINST:** None

- **Regular Meeting – June 17, 2026**

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

**FOR:** Dr. Chase, Mr. LaCorte, Mr. Thomas, and Chairman Orsini

**AGAINST:** None

## **RESOLUTIONS:**

- **IDIL Davidson LLC / PLN-23-00004 Ext of Time**

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

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

AGAINST: None

- **AP Realty Group, LLC / PLN-26-00006**

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

FOR: Councilman Anbarasan, Dr. Chase, Mr. LaCorte, Mr. Dancy, Mr. Thomas, and Chairman Orsini

AGAINST: None

## **DISCUSSION:**

- **L'Oreal USA Products, Inc / PLN-21-00021 – Ext of Time**

Mr. Sean McGowan, Esq., Attorney, appeared before the Board on behalf of the Applicant, L'Oreal USA Products, Inc. Mr. McGowan stated that just about two (2) years ago he represented L'Oreal in receiving an approval for approximately 156,000 sq. ft. expansion of their existing manufacturing facility here in Franklin Township at 100 Commerce Drive, Block 86.03, Lot 10.32. He added that the expansion was for installation or construction of a 2,000 sq. ft. pump house, 64 additional automobile parking spaces, etc. Mr. McGowan indicated that the main approval they were still looking to obtain was from the Delaware & Raritan Canal Commission (DRCC) for resolution compliance and that they were requiring a lot of work in order to meet their resolution compliance. Mr. McGowan asked for a one (1)-year extension from the Board in order to meet that compliance.

Mr. Vignuolo, Board Attorney, indicated that according to Mr. McGowans letter, the original approval was dated August 7, 2027.

Chairman Orsini made a motion to approval the Extension of Time for L'Oreal USA Products, Inc. for a one (1)-year period of time until August 7, 2027. Mr. Thomas seconded the motion, and the roll was called as follows:

FOR: Councilman Anbarasan, Dr. Chase, Mr. LaCorte, Mr. Dancy, Mr. Thomas, Mr. Shaban, and Chairman Orsini

AGAINST: None

#### **PUBLIC COMMENTS:**

Chairman Orsini made a motion to open the meeting to the public for any general Planning comments not related to the one (1) hearing on the agenda that evening. Mr. Thomas seconded the motion, and all were in favor. Seeing no public in the Council Chambers Chairman Orsini made a motion to close the meeting to the public, the motion was seconded, and all were in favor.

#### **HEARING:**

- **CAL-STERLING FRANKLIN, LLC / PLN-21-00009**

Preliminary & Final Major Site Plan w/C Variance in which the Applicant sought approval to construct the second 30-unit apartment building at Spangenberg Lane, Somerset; Block 507.40, Lot 2 in the SCV Zone.

Chairman Orsini gave a brief description of the hearing by stating that in their original approval, Cal Sterling Franklin, LLC had two (2) multi-family buildings, they came back before the Board and it was approved. He went on to state that they could only construct one (1) of the buildings because of water allocation. He then indicated that they were now coming back with the second building and nothing had changed in the plan. He indicated that they would now turn over the mic to them to read into testimony some of these facts and that they would comply with the staff reports.

Mr. Steven Katz, Esq., Attorney and Principal of Cal Sterling Franklin, LLC on behalf of the Applicant, Cal Sterling Franklin, LLC. He added that notices had been sent to the residences within 200 ft. and those set forth on the list provided by the Township, with notice published in the Franklin Reporter & Advocate. Mr. Katz then stated that the required proofs had been provided to Ms. Woodbury, Planning Board Secretary.

Mr. Katz then informed the Board that Mr. James Ward, Professional Engineer employed with Bowman Consulting, and Mr. Brian Requia, Bowman Consulting, would be available for any questions that the Board might have of them.

Mr. Katz then gave a brief background of the Application, and that the Applicant received Preliminary & Final Major Site Plan approval and Variances for two (2) 30-unit buildings and related improvements and amenities. He then noted that the property consisted of 5.6 acres was part of the larger Sterling Pointe development consisting of 136 single-family homes, 29 townhomes, clubhouse, pool and additional improvements. He then stated that all of those properties had been built out. Mr. Katz went on to state that in December of 2022, the Applicant had a pre-construction meeting with the Township regarding this particular project of the 60 units, which was the last phase of the development. Between March 2023 through December, 2024 and continuing, there had been ongoing issues between Franklin Township and New Brunswick and NJDEP regarding water issues which had delayed the project. He further stated that in 2024, they were before the Planning Board and received amended Site Plan approval to construct one (1) of the two (2) 30-unit buildings. Mr. Katz added that that building, known as Building One, was under construction, and it was anticipated that it would be ready for occupancy in February, 2027. He then told the Board that they came before them that evening to seek approval to construct the second building and that most of the site improvements within this phase had been installed, with the exception of final top landscaping, dog run, community garden, etc. He then noted that they had received reports from the Township professionals, reviewed them with Engineering and had agreed to the recommendations and conditions set forth therein.

Chairman Orsini indicated that since nothing had changed from their original plan and was just a matter of getting water for the site, he noted that the Technical Review Committee (TRC) report and the Planner's report look identical. Mr. Healey agreed that they look similar. He then indicated that the Environmental Commission had a few comments regarding EV spaces and assume that the Applicant would be able to comply

Mr. Healey then stated that he did not have a chance to review the Environmental Commission memorandum, but they may not have understood the situation. Mr. Mazzei, Township Engineer, then stated that there were two (2) proposed EV spaces for the approved plan.

Chairman Orsini then added that the Environmental Commission also do ask that when the Applicant does the landscaping that they try to exclude any invasive species now that the Invasive Species Act has gone through and that they should try to move towards native plantings.

Dr. Chase additionally asked that they try to keep the outdoor lighting aimed downward and not into the sky.

Mr. Healey then asked to summarize the Application very quickly just for the big picture and really just related to the timing of the buildings. He went on to state that they were already on the plan approved and that nothing that was originally approved and that the Board required in the original approval is being changed whatsoever.

Chairman Orsini then opened the meeting to the public for any comments on the Application. Mr. Thomas seconded the motion, and all were in favor.

Ms. Barbara August, 50 Spangenberg Lane, Somerset, NJ, came forward and was sworn in. Ms. August then asked if the water issue had been resolved. Mr. Mazzei, Township Engineer, answered that by stating that he had been working with the Water Dept. and the permit was just about to be submitted to the NJDEP so this time around the Township was comfortable with them going concurrently with constructing the building. He added that there was water on-site and ready for the first building as well as for fire hydrants for any kind of emergency services. Mr. Mazzei then added that the second building, and as part of one (1) of the staff reports, the Township was going to work with the Applicant once they receive their master permit is the time that they were going to get that full water supply.

Ms. August then asked about the landscaping and asked for clarification. Mr. Mazzei stated that they were going to be landscaping for their original approval, but just have not constructed the landscaping yet at this time and probably one (1) of the last steps before they do CO's. Ms. August then asked if there were any tall trees or barriers for screening in the landscaping plans to screen the Sterling Pointe homes. Mr. Healey then stated that there was a detailed landscaping plan, and one (1) of the conditions of the Board's approval was to add additional plantings than what the Applicant had originally proposed. He went on to state that they have since added those to the plans and that they would be required to plant those prior to them getting a certificate of occupancy (CO). Mr. Healey then told Ms. August that they did have the plans on file if she wanted to come to the Planning/Zoning Dept. to view the plans.

Seeing no one further coming forward, Chairman Orsini made a motion to close the meeting to the public. The motion was seconded, and all were in favor.

Chairman Orsini then made a motion to approve the Application, with the condition that the Applicant would comply with all staff reports. Councilman Anbarasan seconded the motion, and the roll was called as follows:

FOR: Councilman Anbarasan, Dr. Chase, Mr. LaCorte, Mr. Dancy, Mr. Thomas, Mr. Shaban, and Chairman Orsini

AGAINST: None

#### **WORK SESSION / NEW BUSINESS:**

There were no work session/new business items to discuss.

## **BOARD COMMENTS:**

Chairman Orsini indicated that he went to a very well attended at the Community/Senior Center Delaware & Raritan Canal Master Plan meeting on July 29, 2026, and there were a lot of charts where the public could go up and put little stickers where they liked, in terms of what questions, i.e., where do you access the canal, etc. and had their questions answered. He added that there was a free form that he stated he would send to the Board members by e-mail if they wanted to make any free form comments. He then shared his comment by saying, "although State parks were carry-in and carry-out when it came to trash, the Delaware & Raritan Canal Park, especially in Franklin at the causeways, was very different. It was not like a large State park like Wharton State Forest or some place away from others and people camping where they would probably carry-in and carry-out". At the D&R there were people with bikes and joggers with water bottles, and he could testify that he had personally picked up a lot of trash from those sites. He suggested, especially at the causeways, some sort of trash receptacles.

Chairman Orsini then indicated that the Master Plan should be done sometime early next year. He added that one (1) thing that was really significant that they were doing was a full historic structures report. He then indicated that, hopefully, there would not be any demolition by neglect would not happen, but they do have a large grant to do an historic structures report. He told the Board that the whole Master Plan for the canal had not been updated since 1989 and is well overdue.

Dr. Chase then added that he had spoken with John Hutcherson, the Executive Director of the Canal Commission, at the end of the meeting and stated that he was emphatic that he wanted to see the canal houses really used so that they could be kept up. He then discussed one possible use, which he discussed as a Board member in their Canal Watch and one that was suggested and something that was done on the Chesapeake and Ohio Canal that follows the Potomac River. Dr. Chase then added was that some of the lock keeper houses were set up so that a hiker or bicyclist going on an extended trip along the canal could access and actually sleep and perhaps even cook in one (1) of these houses. He then stated that someone would have to watch over the house and make sure it was maintained, but that would tend to keep the house "alive" and in good repair.

Chairman Orsini then stated that they could find outside groups that could act as revenue generators and/or occupy, i.e., where D&R Canal Watch would use it for their meetings and if occupied, it would be maintained. He commented that the mule tender's barracks down in Griggstown was vandalized. The Chairman then mentioned that there were two (1) more public hearings and then that would be it, but that they had been doing a good job. He added that he was very invested in this topic and been so adamant with e-mails and meeting times was because Franklin Township had the biggest section of canal of any township along its entire length, with 22 linear miles of the canal. He then stated, and told Mr. Hutcherson as well, that what came out of the

D&R Canal Master Plan should be incorporated as it pertained to Franklin Township into our Master Plan as well and was committed to seeing that happen.

Chairman Orsini then updated the Board on the Master Plan and indicated that they had gotten through a lot with the latest resolutions. He then told the Board that he and Mr. Healey had recently spoke and that they were working on the next set, but do need some Council guidance on some aspects so they were going to obtain that before Mr. Healey launched into it. He added that, hopefully, the next tier of resolutions would be coming early in the Fall, September or October he indicated.

Mr. LaCorte then spoke about the many events that they have had for Franklin 250, and mentioned that the following week they had, at the Patriots Ballpark, an event that they had sold over 350 commemorative coins. He added that he hoped that they would be doing a livestream in the next week with the Franklin Reporter & Advocate. He noted that a woman that was going to be involved at the beginning of the game and the last time the Patriots would be using their semiquincentennial uniform. Mr. LaCorte told the Board that they were expecting nice turn-out there. He added that they have gotten maybe 400 signatures from all the residents in town for the Franklin 250 flag and bring it to all events, eventually being folded up and placed into a time capsule. He then stated that they would start on a second one, both 4 ft. x 8 ft. flags. Mr. LaCorte stated that he would bring the flag to the next meeting so that the Board could sign it.

Mr. LaCorte reminded the Board that they had Franklin Day coming up on September 26<sup>th</sup>, October 10<sup>th</sup> at Rockingham at 2:00 p.m., with a presentation by a man who is going to interpret John Adams and the Treaty of Paris and had been on many history shows on the History Channel. He noted that October was Living through Somerset County History Month with five (5) separate events throughout Somerset County on the 10<sup>th</sup>.

Councilman Anbarasan stated that there would be fireworks on August 15<sup>th</sup> at the Somerset Patriots ball game and that it was also India's Independence Day. Mr. LaCorte then added that tickets for the game could be purchased at the Rec Center and that they would also have a poster at the Library and were available for purchase there for the next 10 days for \$10.00 a ticket.

Dr. Chase then asked Mr. Mazzei when they anticipated that they would get the water approval for the Cal Sterling project that they need. Mr. Mazzei stated that the anticipation was that they were going to have the water approval at the end of the year if not the very beginning of Spring. The idea with this last application was that they could start building the frame of their house so that they could get the heavier equipment out so when they lease up the first building, that there was not heavy equipment on site. He added that New Brunswick had already given Mr. Hauck the water figures and that he had already run through the numbers and was all going to NJDEP for their approval. He added that that took anywhere from four (4) to six (6) months.

**EXECUTIVE SESSION:**

The Board did not enter into Executive Session.

**ADJOURNMENT:**

A motion was made by Chairman Orsini to adjourn the meeting at 8:01 p.m., and was seconded by. All were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
August 26, 2026

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF FRANKLIN,  
SOMERSET COUNTY, NEW JERSEY, GRANTING AN EXTENSION OF  
PRELIMINARY AND FINAL SITE PLAN APPROVAL  
TO L'OREAL USA PRODUCTS, INC., CONCERNING PROPERTY LOCATED AT  
100 COMMERCE DRIVE, SOMERSET, NEW JERSEY  
AND DESIGNATED AS BLOCK 86.03, LOT 10.32.**

**Docket No. PLN-21-00021**

**WHEREAS L'OREAL USA PRODUCTS, INC.** (hereinafter referred to as "Applicant"), applied to the Franklin Township Planning Board (hereinafter referred to as "Board") for preliminary and final major site plan, for the premises currently designated on the Tax Map of the Township of Franklin as Block 86.03, Lot 10.32 and located on what is commonly known as 100 Commerce Drive, Somerset, New Jersey (hereinafter referred to as the "Subject Property"), and as located within the Business and Industry (B-I) zone district; and

**WHEREAS**, the Applicant was granted preliminary and final site plan approval (hereinafter the "Approvals") on May 15, 2024; and memorialized by written resolution on August 7, 2024; and

**WHEREAS**, at the Board's meeting of August 5, 2026, the Applicant was represented by Sean R. McGowan, Esq., who requested an extension of the Approvals until August 7, 2027; and

**WHEREAS**, the zoning of the Subject Property has not changed since the date of the original approval, nor have any other Township Ordinances been adopted which would affect the development of the Subject Property as approved;

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Franklin, that it does grant the extension of preliminary and final site plan approval and associated variance relief, for a period ending on August 7, 2027.

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

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

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

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

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Christine Woodbury, Planning Board Secretary

**VOTE ON MOTION: 08/07/2026**

**FOR:**

Councilman Anbarasan  
Theodore Chase  
Marc Dancy  
Robert Thomas  
Robert LaCorte  
Sami Shaban  
Chairman Orsini

**AGAINST:**

**ABSTAINS:**

**VOTE OF RESOLUTION:**

**FOR:**

**AGAINST:**

**ABSTAINS:**

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF  
FRANKLIN, SOMERSET COUNTY, NEW JERSEY,  
GRANTING AMENDED PRELIMINARY AND FINAL SITE PLAN APPROVAL  
TO CAL-STERLING FRANKLIN, LLC  
CONCERNING PROPERTY LOCATED AT SPANGENBERG LANE,  
SOMERSET, NEW JERSEY AND DESIGNATED AS  
BLOCK 507.40, LOT 2.**

**Docket No. PLN-21-00009**

**WHEREAS, CAL-STERLING FRANKLIN, LLC** (hereinafter referred to as “Applicant”), has applied to the Franklin Township Planning Board (hereinafter referred to as “Board”) for amended preliminary and final site plan approval, for the premises currently designated on the Tax Map of the Township of Franklin as Block 507.40, Lot 2; and located at what is commonly known as Spangenberg Lane, Somerset, New Jersey (hereinafter referred to as the “Subject Property”), and located within the Senior Citizen Village (“SCV”) zone district; and

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

**WHEREAS**, the Applicant was represented by Steven W. Katz, Esq.; and

**WHEREAS**, a public hearing was held on the application on August 5, 2026, during which time the Applicant presented testimony, witnesses, reviewed the proposed amended site plan and the case was opened for public comment; and

**WHEREAS**, the Applicant provided proof of service and publication of all proper notices and advertisements as required pursuant to the Municipal Land Use Law; and

**WHEREAS**, the Applicant is seeking amended preliminary and final major site plan approval in order to temporarily construct the second of the two (2) four-story buildings previously approved on July 21, 2021 on the Subject Property; and modified on June 5, 2024; and

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

1. The following reports and/or correspondence were received and reviewed by the Board:
  - A. Application for amended preliminary and final major site plan approval;
  - B. Preliminary and Final Site Plan entitled “Amended Preliminary and Final Site Plan for The Residences at Sterling Pointe Phase 2, Interim Utility Plan, Block 507.30, Lot 2, Township of Franklin, Somerset County, New

- Jersey,” prepared by Bowman Consulting dated June 16, 2026, containing no revisions, consisting of two (2) sheets;
- C. Memorandum of the Franklin Township Environmental Commission dated July 21, 2026; and
  - D. Memorandum from the Technical Review Committee dated July 22, 2026.
2. The following exhibits were marked into evidence:
- None.
3. The following testimony was introduced at the hearing:
- A. Initially, Chairman Orsini provided a brief history of the Applicant's development of the Subject Property; confirming that the Board's initial approval included two (2) multifamily buildings containing a total of sixty (60) units (the “2021 Approval”). He noted that the Applicant subsequently secured amended approval to construct one of the two buildings due to an issue with water allocation (the “2024 Approval”). Chairman Orsini advised that the Applicant was now seeking approval to construct the second building; and stated that nothing had changed with the plans for the project initially approved by the Board in 2021 Approval.
  - B. Mr. Steven W. Katz, Esq., Attorney and Principal of the Applicant, appeared on behalf of the Applicant. He noted that the Applicant's Engineering professionals were present should the Board wish to seek their input on any aspect of the application.
- Mr. Katz then provided a brief background of the Application; reiterating that the Applicant previously received preliminary and final major site plan approval and variances for two (2) 30-unit buildings and related improvements and amenities (i.e., the 2021 Approval). He noted that the Subject Property consisted of 5.6 acres; and was part of the larger Sterling Pointe development consisting of 136 single-family homes, 29 townhomes, clubhouse, pool and additional improvements. Mr. Katz advised that all of the other portions of the Sterling Pointe development had been constructed.
- Mr. Katz indicated that in December of 2022, the Applicant had a pre-construction meeting with the Township regarding the two (2) multifamily buildings; which were the last phase of the Sterling Pointe development. He added that between March 2023 through December 2024, there were ongoing water issues between Franklin Township and the City of New Brunswick and the NJDEP; resulting in project delays.

As a result, Mr. Katz stated that, in 2024, the Applicant sought and received amended Site Plan approval to construct one (1) of the two (2) 30-unit buildings (i.e., the 2024 Approval). Mr. Katz added that the first building (known as Building One) was under construction; and that it was anticipated that Building One would be ready for occupancy in February 2027.

Mr. Katz reiterated that the Applicant was now seeking approval to construct the second of the two (2) multifamily buildings. He advised that most of the site improvements associated with the 2021 Approval for the buildings have been installed; with the exception of final top landscaping, dog run, community garden, etc.

Mr. Katz confirmed that the Applicant had received the memoranda of the Township Professionals; Departments and Commissions; and that the Applicant agreed to comply with the recommendations and conditions set forth therein.

- C. Chairman Orsini indicated that the Environmental Commission had a few comments regarding electric vehicle ("EV") spaces and assumed that the Applicant would be able to comply with the requests. Darren Mazzei, P.E., C.M.E., Township Engineer, advised that the Applicant proposed two (2) EV spaces in the approved plan.
  - D. Chairman Orsini noted that the Environmental Commission Memorandum requested that the Applicant exclude any invasive species from the proposed landscaping; noting the adoption of the Invasive Species Act and a State-wide goal of moving towards native plantings.
  - E. Finally, the Board expressed its desire that the Applicant keep the outdoor lighting aimed downward and not into the sky.
4. The application was opened by the Board for public comment and the following public comment was received:
- A. Ms. Barbara August, 50 Spangenberg Lane, Somerset, NJ, came forward and was sworn in. She inquired if the water issue had been resolved.
  - B. In response, Mr. Mazzei indicated that he had been working with the Township Water Department; and that the permit was being submitted to the NJDEP. Mr. Mazzei stated that the Township was comfortable with the Applicant pursuing the permit while concurrently constructing the second building. He advised that the Subject Property was already

supplied with water for the first building, as well as for fire hydrants for any necessary emergency services. Mr. Mazzei then added that the Applicant would receive approvals for full water supply for the second building, once the Township receives its master permit.

In response to a further inquiry from Ms. August requesting clarification of the site landscaping, Mr. Mazzei stated that the Applicant would be installing the landscaping approved by the Board in the 2021 Approval. He noted that the installation of the landscaping would be one of the last items addressed prior to the Applicant securing a certificate of occupancy for the project.

- C. In response to Ms. August inquiry concerning the inclusion of tall trees or screening for the Sterling Pointe homes in the landscaping plan, Mark Healey, P.P., A.I.C.P, Township Planning Director and Senior Zoning Officer, advised that the Board's 2021 Approval included a detailed landscaping plan. He further noted that one of the conditions of the Board's 2021 Approval required additional plantings greater than what the Applicant had originally proposed in the initial application. Mr. Healey confirmed that the additional plantings had been added to the plans; and that the Applicant would be required to install the landscaping prior to securing a certificate of occupancy for the project. He also advised Ms. August that a copy of the plans is on file in the Township Planning/Zoning Department should she wish to review the plans.

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

1. Applicant, **CAL-STERLING FRANKLIN, LLC**, is the owner of real property located at Spangenberg Lane, Somerset, New Jersey, and currently designated on the Tax Map of the Township of Franklin as Block 507.40, Lot 2, same being located within a SCV zone district. The Subject Property is 5.6 acres in size and the Applicant has begun construction of Building One and the installation of the project infrastructure; as proposed in the 2021 Approval.
2. The Applicant is proposing to construct the second of the two previously approved four-story residential apartment buildings, as depicted on the Applicant's site plan. The Board notes that the Subject Property is compliant as to the bulk requirements of the SCV zone district.

3. The Board is satisfied that the Applicant has provided sufficient evidence and testimony and has met the requirements for amended preliminary and final site plan approval. In this regard, the Board is satisfied that the Applicant has previously made adequate provision for ingress and egress from the site; has properly accounted for environmental constraints affecting the Subject Property, has accounted for appropriate landscaping and tree replacement on the Subject Property as testified and presented to the Board.

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

1. Amended Preliminary and final major site plan approval is hereby granted to the Applicant for the construction of the second of the two (2) previously approved four-story residential apartment buildings in the 2021 Approval, as presented to the Board and detailed on the preliminary and final site plan drawings which the Applicant will revise in accordance with the requirements of this resolution.
2. The within amended preliminary and final major site plan approval granted herein is expressly based upon the plans, reports and testimony submitted to the Planning Board. These approvals are subject to and upon the following conditions:
  - A. The Applicant shall comply with any and all conditions, requirements, and agreements as set forth within this Resolution, as well as any and all representations made to the Board, both orally and in writing, whether contained in this Resolution or not including but not necessarily limited to:
    - (i) Compliance with all conditions in the Board's prior resolutions, unless specifically modified or waived.
  - B. The Applicant shall comply with all comments and conditions as set forth within the reports of the Board professionals and Township staff (including the Environmental Commission) as provided to the Applicant except as may have been specifically modified by the Board during the hearing and within this Resolution.
  - C. The Applicant shall satisfy and post any and all escrows and pay any taxes as required by law or by ordinance.
  - D. The Applicant shall obtain any and all approvals required by any other governmental agency having jurisdiction over the development.

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

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

1. All conditions contained in this Resolution and in the record of the proceedings in this matter, including any agreements made by the Applicant, were essential to the Board's decision to grant the approvals set forth herein. A breach of any such condition or a failure by the Applicant to adhere to the terms of any agreement within the time required shall result in appropriate action by the Township; including, but not limited to, the revocation of the within approval and termination of the right of the Applicant to obtain or continue work or occupancy under any construction permits, Certificates of Occupancy or any other governmental authorizations necessary in order to continue development and use of the project.
2. The development of this property shall be implemented in accordance with the plans submitted and as approved. In the event that the Applicant shall make or propose any changes to the project or structures on the property from those shown on the revised and approved plans and exhibits approved for this Application, whether such changes in voluntarily undertaken or required by any other regulatory agency, Applicant shall resubmit any such changes to this Board for review and determination.

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Christine Woodbury, Planning Board Secretary

**VOTE ON MOTION: 08/05/2026  
FOR:**

Councilman Anbarasan  
Theodore Chase  
Robert LaCorte  
Marc Dancy  
Robert Thomas  
Sami Shaban  
Chairman Michael Orsini

**VOTE OF RESOLUTION:  
FOR:**

**AGAINST:  
NONE**

**ABSTAINS:  
NONE**

**AGAINST:  
NONE**

**ABSTAINS:  
NONE**

**TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET**  
**ORDINANCE NO. 4517-26**

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

**SUMMARY**

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

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

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

change the applicable requirements. However, referencing this on the Zoning Map and ordinance makes this clear to staff and homeowners in the future.

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

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

## **SECTION I**

Chapter 112, Land Development, Article XXX, Natural Resources Preservation Cluster Option, shall be amended, as follows:

### **Article XXX    Natural Resources Preservation Cluster Option**

#### **§ 112-235    Definitions.**

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

#### **CONSERVATION PLAN**

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

#### **PRESERVATION AREA**

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

**§ 112-236 Statement of purpose.**

Cluster development under this provision is optional and intended to:

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

- Q. ~~As per §112-238.G, P~~provide for a financial endowment by the applicant under a formula determined by the Township for the property to be deeded to the Township to be used for the costs of upkeep and maintenance by the Township of that specific on tract open space.

**§ 112-237 Permitted uses.**

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

**§ 112-238 Criteria for cluster development.**

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

- A. The tract shall be under one ownership or controlled by the applicant for purposes of obtaining all required development approvals and committing the tract to the regulations of the NRPC District.
- B. All contiguous or noncontiguous tracts shall have an aggregate area of not less than 40 acres, which ~~acreage~~ may be reduced ~~to 10 acres~~ if the Board determines that such flexibility would result in a public benefit (e.g., the resulting preservation area will adjoin another preservation area or land of similar nature that has been protected in a similar manner).
- C. At least 40% of the tract shall be a preservation area.
- (1) The preservation area shall contain ~~two one~~ or more of the following natural resource features:
- (a) Heavily wooded and forested areas, hedgerows, significant stands of trees or individual trees of significant size;
  - (b) Natural wildlife habitats;
  - (c) Streams, stream corridors, headwaters of streams, wetlands, flood hazard areas, ponds or lakes;
  - (d) Rock outcroppings, including the bluffs or cliffs along the Delaware & Raritan Canal;
  - (e) Frontage along the Delaware & Raritan State Park and Canal Road;
  - (f) Historic structures, sites, villages or districts;
  - (g) Frontage along any existing or proposed reservoir and all reservoir owned acreage;
  - (h) Farmland and recently cultivated farm fields, including typical farm field features such as hedgerows and tree stands.
- (2) It may also include a dedication of land as identified in the Master Plan for public use.
- (3) The 40% requirement may be reduced if the Board determines that such flexibility would result in a public benefit (e.g., the resulting preservation area will adjoin another preservation area or land of similar nature that has been protected in a similar manner).
- D. Dwelling units within the cluster development may be serviced by individual wells and/or septic systems, provided the minimum lot size is equal to or greater than two acres. The minimum lot size within the C-P, A, RR-5 and RR-3 zones shall be two acres.

- E. Dwelling units within the cluster development may also be serviced by public sewer and public water utilities.
- F. The applicant shall submit ~~with its application~~ a yield map demonstrating that under the lot size requirements particular to the zone, the applicant at issue would otherwise be entitled to approval for the number of units sought for the cluster development without resort to variances or other waivers or design modifications such as wetland buffer averaging. The yield map shall also take into account other appropriate and applicable factors that may affect the as-of-right development potential of the property including but not necessarily limited to stormwater requirements, easements and environmental regulations such as floodplains and wetlands. In applications for development of noncontiguous tracts, individual tracts may include more housing units than allowed by zone density, within allowable overall density for the total development, solely at the discretion of the Planning Board for the purpose of preservation and a coordinated plan of development. The number of lots shown on the yield map accepted by the Board shall be the maximum number of lots.
- G. The applicant shall submit a commitment in the form of a letter of intent to create a financial endowment to the Township for the preservation area under a formula determined by the Township for the costs of upkeep and maintenance by the Township of that specific on-tract open space. At its discretion, the Board may modify or waive this requirement (e.g., the open space area would not be dedicated to the Township or the area would be passive open space, and small in size, with minimal maintenance requirements).

#### **§ 112-239      Development standards.**

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

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

(3) Two to 5.99 acres: in accordance with RR-3 standards.

(4) Six acres and larger: in accordance with A standards.

**§ 112-240      Preservation area.**

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

- F. All tracts of land deeded to the Township as designated ~~as a~~ preservation areas shall be deed restricted and contain specific notation reflecting that the property was acquired for preservation and is subject to all conditions and restrictions of such designation. No building, real property or interest therein acquired as part of the NRPC Ordinance shall be sold, conveyed, leased or otherwise alienated from Township ownership, unless it has been approved by the Township Council after review by and comment from the Planning Board, Agricultural Advisory Committee, Environmental Commission and Open Space Advisory Committee.

#### **§ 112-241 Findings.**

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

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

#### **§ 112-242 Application.**

- A. An applicant proposing to develop lands in accordance with the above conditions shall first submit a sketch subdivision plat to the Planning Board in accordance with standards enumerated in § 112-181 et seq. of this chapter. After approval of the plat by the Planning Board, the applicant may then submit a plan in accordance with the standards and conditions of Article XXII, § 112-179 et seq.
- B. An NRPC application accompanied by a sketch plat in conformity with § 112-181 shall further contain the following:
- (1) A designation of those portions of the combined tract intended for residential cluster development and the development densities proposed (the "development areas").
- ~~(2) Projects in excess of 500 acres shall not be required to designate lot layouts on the sketch plat.~~
- C. In addition, the applicant shall also submit a conservation plan in accordance with the following standards:

- (1) A conservation plan for all preservation areas within the total project shall be provided. Such a conservation plan shall include the location, size, nature and topography of all preservation areas.
  - (2) The conservation plan shall describe in a written report any irreplaceable natural resource features located on the tract, such as but not limited to stream corridors, headwaters of streams, wetlands, ponds or lakes; wildlife habitats; forests, significant stands of trees, hedgerows and individual trees of significant size; farmland; significant viewsheds and ridgelines; rock outcroppings, including the bluffs or cliffs along Canal Road and the Delaware & Raritan Canal State Park. These irreplaceable natural features shall be included within preservation areas to the maximum extent practicable. All trees or forests with trees greater than 18 inches in diameter shall be separately identified on the conservation plan.
- D. If any preservation areas within the conservation plan are slated for preservation because of scenic value and purposes, their suitability shall be determined by visibility from a roadway and/or visibility to a significant number of people.
  - E. The conservation plan shall describe existing structures or sites having significant historic or social value to the Township. Such historic structures and sites shall be preserved to the maximum extent practicable.
  - F. The conservation plan shall describe how preservation areas are protective of the environment and wildlife and shall demonstrate how preservation areas support the goals and intent of the Comprehensive Plan of the Township and of this chapter.
  - G. All preservation areas within the conservation plan shall be designed to be compatible with the submitted cluster development proposal, as well as with existing development in the immediate area.
  - H. The applicant shall meet with the Environmental Commission and provide a copy of the conservation plan prior to any preliminary approvals by the Planning Board. The Environmental Commission shall review the conservation plan and ~~suggest make any~~ proposed changes to it which will enhance the public's ability to enjoy the property. The Planning Board shall review the comments of the Environmental Commission and may incorporate these changes into the approved conservation plan if it determines the proposed changes are in the best interests of the public.
  - I. The Planning Board, with the assistance of the Environmental Commission and the Open Space Advisory Committee, shall rank the land proposed for preservation to determine if the best land available to the Township has been offered. A criteria-ranking system for preservation areas shall be established by the Environmental Commission.

## **SECTION II**

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

### **~~ARTICLE XXXI—Agricultural Cluster Option~~**

#### **~~§ 112-243—Statement of purpose.~~**

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

- ~~A. Maintain the gross density of the tract in compliance with the Master Plan.~~
- ~~B. Permit a reduction in lot size within the developed portion of the agricultural cluster to compensate for the 50% open space set aside.~~
- ~~C. Provide a density bonus to encourage the continued practice of agriculture and horticulture.~~
- ~~D. Encourage development outside the A Zone in zones which have been planned for medium to high density development and accordingly planned for utility extensions.~~
- ~~E. Recognize the requirement for a minimum size tract of 200 acres to provide a minimum 50% set aside for a one hundred acre farm.~~

**~~§ 112-244 Permitted uses.~~**

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

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

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

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

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

- ~~A. The minimum lot standards set forth in Schedule 2, Lot and Yard Requirements, may be reduced to not less than the standards specified hereafter:~~
  - ~~(1) Lot size:~~
    - ~~(a) Interior lot: 25,000 square feet.~~
    - ~~(b) Corner lot: 27,500 square feet.~~

- ~~(2) Lot frontage:~~
  - ~~(a) Interior lot: 125 feet.~~
  - ~~(b) Corner lot: 150 feet.~~
- ~~(3) Minimum front yard: 35 feet.~~
- ~~(4) Minimum side yard: 15 feet.~~
- ~~(5) Minimum total of two side yards: 35 feet.~~
- ~~(6) Minimum rear yard: 50 feet.~~
- ~~(7) Maximum lot coverage: 15%.~~
- ~~(8) Maximum impervious coverage: 25%.~~

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

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

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

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

#### **~~§ 112-247 Cluster open space.~~**

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

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

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

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

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

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

#### ~~§ 112-248 — Approval.~~

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

#### ~~§ 112-249 — Findings.~~

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

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

~~K. If the cluster open space is intended to be devoted to an agricultural or horticultural use, it shall be designed to be compatible with the overall development including that of the immediate area, and sufficient arrangements made in accordance with § 112-247E herein to insure the maintenance and continuance of the use.~~

### **SECTION III**

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

#### **Article XVII Lot Size Averaging**

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

###### **A. Purpose.**

(1) In some situations, the overall planning for a tract may ~~be~~ better ~~suited~~ ~~respond~~ to the intent and purpose of this chapter if flexibility in the design of a subdivision is permitted. The applicant must clearly demonstrate to the Board that the lot size averaging plan is preferable to the conventional plan ~~with respect to~~ ~~in~~ the achievement of the goals, objectives and purposes of this chapter and the Township's Master Plan.

(2) Factors to be considered in this demonstration include, but are not limited to, stream corridor and wetlands preservation, soil suitability, steep slope protection, woodland protection, habitat protection, overall site design, reduced impervious coverage, and improved circulation. The Planning Board shall have the authority to determine whether the lot size averaging plan is preferable.

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

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

~~(1) The applicant shall submit a concept plan of conventional subdivision layout. The concept plan shall be in sufficient detail to permit the Planning Board to make an informed decision as to the subdivision satisfying all ordinance requirements and in a form that would be acceptable to the Planning Board as a conventional subdivision without the need for any~~

~~lot area or lot dimension variances or exceptions to subdivision design standards. The number of lots shown on an accepted concept plan shall be the maximum number of lots permitted under lot size averaging; or~~

~~(2) The maximum number of lots shall be equal to 80% of the area of the tract divided by the minimum conventional lot size of three acres.~~

#### **§ 112-145.1 RR-3 District**

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

#### **§ 112-146 RR-5 District.**

##### **~~A. Purpose.~~**

~~(1) In some situations the overall planning for a tract may better respond to the intent and purpose of this chapter if flexibility in the design of a subdivision is permitted. The applicant must clearly demonstrate to the Board that the lot size averaging plan is preferable to the conventional plan in the achievement of the goals, objectives and purposes of this chapter and the Township's Master Plan.~~

~~(2) Factors to be considered in this demonstration include, but are not limited to, stream corridor and wetlands preservation, soil suitability, agricultural retention, steep slope protection, woodland protection, habitat protection, overall site design, reduction of impervious coverage, and improved circulation. The Planning Board shall have the authority to determine whether the lot size averaging plan is preferable.~~

##### **~~B. The minimum tract area shall be 30 acres.~~**

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

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

~~(2) The maximum number of lots shall be equal to 80% of the area of the tract divided by the minimum conventional lot size of five acres.~~

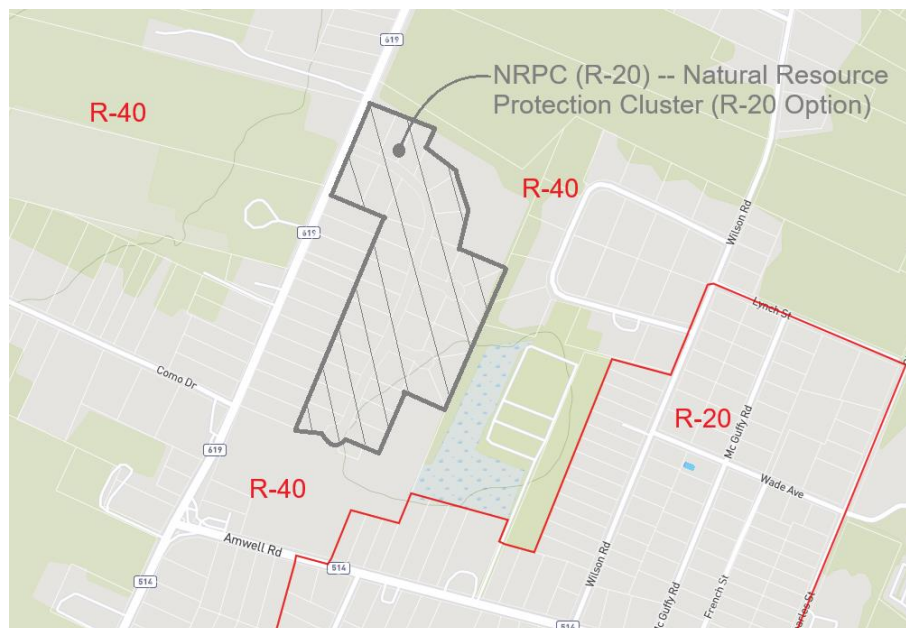
- D. The minimum lot size may be reduced to three acres provided that the average lot size throughout the development shall be at least five acres. Any lots larger than five acres shall be permanently deed restricted from further subdivision and development in the future other than use for one dwelling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

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

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

**SECTION IV**

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



## **SECTION V**

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

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

## **SECTION VI**

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

### **Overlay Zoning Districts**

|                                                                                     |                                                                                                                           |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
|    | AC -- Agricultural Cluster Option                                                                                         |
|    | CR - NH -- Cluster Residential (Nob Hill)                                                                                 |
|    | H -- Local Historic District                                                                                              |
|    | NBR -- Neighborhood Business - Residential                                                                                |
|    | NRPC -- Natural Resource Protection Cluster Option                                                                        |
|   | NRPC ( <del>R-40</del> <sup>R-15</sup> ) -- Natural Resource Protection Cluster ( <del>R-40</del> <sup>R-15</sup> option) |
|  | RC -- Residential Cluster Option                                                                                          |
|  | RDO -- Retail District Overlay                                                                                            |

## **SECTION VII**

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

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

## **SECTION VIII**

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

### **§ 112-142 Area and yard requirements.**

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

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

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

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

### **§ 112-143 Lot size averaging.**

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

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

~~the right of first refusal for any such land that is offered. The proposed lots shall meet all requirements for safe septic system operation established by applicable Township, county, and state regulations.~~

## **SECTION IX**

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

| Zone                                                                                          | MINIMUM SIZE OF LOT <sup>14</sup> |                  |                             |                       | MINIMUM REQUIRED YARD DEPTH (IN FEET) |                   |                         |               |                    |               |                                              |              |
|-----------------------------------------------------------------------------------------------|-----------------------------------|------------------|-----------------------------|-----------------------|---------------------------------------|-------------------|-------------------------|---------------|--------------------|---------------|----------------------------------------------|--------------|
|                                                                                               | INTERIOR LOTS                     |                  | CORNER LOTS                 |                       | PRINCIPAL BUILDING                    |                   |                         |               | ACCESSORY BUILDING |               | GARDEN SHED <sup>10</sup> ACCESSORY BUILDING |              |
|                                                                                               | AREA (square feet or acres)       | FRONT-AGE (feet) | AREA (square feet or acres) | EACH FRONT-AGE (feet) | FRONT YARD                            | ANY ONE SIDE YARD | TOTAL OF TWO SIDE YARDS | REAR YARD     | SIDE YARD          | REAR YARD     | SIDE YARD                                    | REAR YARD    |
| CP <sup>6</sup>                                                                               | 6 AC                              | 400              | 6 AC                        | 400                   | 100                                   | 75                | 150                     | 200           | 50                 | 150           | <del>5</del>                                 | <del>5</del> |
| NRPC (R- <del>1540</del> ) – Natural Resource Preservation Cluster – R <del>1540</del> Option | 15,000                            | 100              | 18,000                      | 120                   | 30                                    | 10                | 30                      | 50            | 10                 | 25            | 5                                            | 5            |
| <del>NRPC (R-20)</del><br>= Natural Resource Preservation Cluster – R20 Option                | <del>20,000</del>                 | <del>100</del>   | <del>26,000</del>           | <del>130</del>        | <del>35</del> <sup>4</sup>            | <del>15</del>     | <del>30</del>           | <del>50</del> | <del>15</del>      | <del>25</del> | <del>5</del>                                 | <del>5</del> |

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

## **SECTION X**

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

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

### **SECTION XI**

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

#### **§ 112-33.4 Lot shape**

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

### **SECTION XII**

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

### **SECTION XIII**

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

#### **SECTION XIV**

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

#### **Ordinance No. 4517-26**

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

Introduced: August 11, 2026  
Published: August 14, 2026  
Public Hearing: September 8, 2026  
Adoption:  
Published:  
Effective:

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Ann Marie McCarthy, RMC, MMC, Township Clerk