TOWNSHIP OF FRANKLIN
Board of Adjustment
Agenda
Thursday, April 2, 2026

SUNSHINE LAW

ROLL CALL

MINUTES

Regular Meeting - February 05, 2026

APPROVED
BOA - 02-05-2026.doc

Regular Meeting - February 19, 2026

APPROVED
BOA - 02-19-2026.doc

RESOLUTION

Thirukumaran Velayudhan / ZBA-24-00002

APPROVED
RESOLUTION.docx

JC IOS Acquisitions, LLC / ZBA-25-00020

APPROVED
RESOLUTION.docx

DISCUSSION

HEARINGS

PSE&G / ZBA-26-00003

Preliminary & Final Major Site Plan w/C &D Variances in which the applicant is proposing improvements to include the demolition of the existing feeder rows and control house and install six row of 13kV sheltered aisle switchgear with 12 13kV circuits; new 69kV breaker

to expand the existing ring bus to a even breaker ring bus, new 230/69kV transformer, expansion of the existing 69kV control house that will store 13kV relaying and communication equipment, demo of existing lattice tower and installation of a new monopole and double A-frame structure and construction of a new stormwater bioretention basin 160 South Middlebush Road, Somerset; Block 84.03 Lots 1, 2.02 & 2.10 in zones A/R-40

DL 06/04/2026

https://www.franklintwpnj.org/committees-commissions/zoning-board-of-adjustment/application-material/pse-g-zba-26-00003/-fsiteid-1#!/

CARRIED to JUNE 18, 2026 – no further notification needed

SOMERSET BIBLE BAPTIST CHURCH / ZBA-25-00004

C & D Variances in which the applicant is asking permission to build a one-story, 35' tall, 8,640sqft gymnasium at 42 Cedar Grove Lane, Somerset; Block 424.02 Lot 12.02 in zone R-40

DL 03/31/2026

https://www.franklintwpnj.org/committees-commissions/zoning-board-of-adjustment/application-material/somerset-bible-baptist-church-zba-25-00004/-fsiteid-1#!/

CARRIED from FEBRUARY 05, 2026 – no further notification needed

APPROVED
TRC report #2 03.03.25 ng.pdf
EC report 07.22.25 ng.pdf
Health Department 08.04.25 ng.docx
FTSA report 07.18.25 ng.pdf

WASH KING SOMERSET OPCO, LLC / ZBA-25-00025

Sign Variance in which the applicant intends to put a freestanding sign at 1463 Route

#27, Somerset; Block 85 Lot 39.01 in zone GB

DL 05/08/2026

https://www.franklintwpnj.org/committees-commissions/zoning-board-of-adjustment/application-material/wash-king-somerset-opco-llc-zba-25-00025/-fsiteid-1#!/

CARRIED from FEBRUARY 05, 2026 – no further notification needed

APPROVED

EC report 01.07.26 ng.docx
TRC report 12.30.25.pdf

TOWNSHIP OF FRANKLIN
ZONING BOARD OF ADJUSTMENT
COUNTY OF SOMERSET, NEW JERSEY

REGULAR MEETING
February 5, 2026

This Regular Meeting of the Township of Franklin Zoning Board of Adjustment was held at 475 DeMott Lane, Somerset, New Jersey and was called to order by Chairman Thomas at 7:30 p.m. The Sunshine Law was read, and the roll was called as follows:

PRESENT: Cheryl Bethea, Richard Procanik, Alan Rich, Gary Rosenthal, Robert Shepherd, Michael Dougherty, Kunal Lakhia and Chairman Thomas

ABSENT: Vaseem Firdaus

ALSO PRESENT: Brian Hak, Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning & Zoning Secretary

MINUTES:

- **Regular Meeting – December 4, 2025**

Mr. Rosenthal made a motion to approve the Minutes, as submitted. Ms. Bethea seconded the motion, and the roll was called as follows:

FOR: Ms. Bethea, Mr. Procanik, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, Mr. Dougherty, and Chairman Thomas

AGAINST: None

/

RESOLUTIONS:

Extension of Time:

- **Hawthorne Management, LLC (f/k/a Liv Devco LLC) /ZBA-21-000011 – Ext. of Time**

Mr. Lakhia made a motion to approve the Extension of Time, as submitted. Mr. Rich seconded the motion, and the roll was called as follows:

FOR: Mr. Procanik, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, Mr. Lakhia, and Chairman Thomas

AGAINST: None

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Resolution of Reconsideration:

- **Hound Town 543, Inc / ZBA-25-00015**

Mr. Rosenthal made a motion to approve the Reconsideration, as submitted. Ms. Bethea seconded the motion, and the roll was called as follows:

FOR: Ms. Bethea, Mr. Procanik, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, and Chairman Thomas

AGAINST: None

- **655Miz, LLC / ZBA-24-00020**

Vice Chair Shepherd made a motion to approve the Resolution, as submitted. Mr. Rich seconded the motion, and the roll was called as follows:

FOR: Mr. Procanik, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, Mr. Lakhia, and Chairman Thomas

AGAINST: None

DISCUSSION:

Extension of Time:

- **Sai Datta Mandir, Inc / ZBA-19-00037 – Ext. of Time**

Mr. John DeLuca, Esq., Attorney, appeared before the Board on behalf of the Applicant, Sai Datta Mandir, Inc. Mr. DeLuca indicated that they were before the Board that evening to request an Extension of Time for the D3 Conditional Use Variance, C2 Variance relief along with Preliminary & Final Site Plan approval. He noted that these were granted in 2022 and allowed the construction of an almost 29,000 sq. ft. house of worship. Mr. DeLuca explained that the delay was that they had to go before the State Historic Commission concerning the right-turn lane into the site and were seeking an Extension of Time through November 24, 2026. Mr. DeLuca believed that this request was the second Extension of Time that they had requested for the project.

Mr. Procanik made a motion to approve the Extension of Time to November 24, 2026. Mr. Rich seconded the motion, and the roll was called as follows:

FOR: Ms. Bethea, Mr. Procanik, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, Mr. Michael Dougherty, and Chairman Thomas

AGAINST: None

- **64 Casa Esencia, LLC / ZBA-21-00027 – Ext. of Time**

Mr. John DeLuca, Esq., Attorney, appeared before the Board on behalf of the Applicant, 64 Casa Esencia, LLC. Mr. DeLuca indicated that they were seeking an Extension of Time and that the approval expired on September 21, 2025 so they would be seeking an extension through September 21, 2026. He noted that it was an approval that was granted in 2023 where the applicant received Preliminary & Final Site Plan approval with D1, D4 and D5 variances as well as bulk variance relief. He then explained that it allowed the construction of a 12-unit townhouse development on the site and was located at 64 Norma Avenue. Mr. DeLuca noted that there had been back and forth with the Engineering Dept., and his client was close to resolving those engineering issues. He added that he did not anticipate that it would take all the way to September of 2026; however, but given the statutory provision for a one (1)-year extension, that was what they were seeking. Mr. DeLuca stated that this was their first Extension of Time.

Vice Chair Shepherd made a motion to approve the Extension of Time to September 21, 2026. Mr. Rosenthal seconded the motion, and the roll was called as follows:

FOR: Ms. Bethea, Mr. Procanik, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, Mr. Michael Dougherty, and Chairman Thomas

AGAINST: None

- **Lochiatto Hardscapes, LLC (f/k/a Fischer Realty, LLC) / ZBA-22-00018 – Ext. of Time**

Mr. John DeLuca, Esq., Attorney, appeared before the Board on behalf of the Applicant, Lochiatto Hardscapes, LLC (f/k/a Fischer Realty, LLC). He told the Board that this was an approval granted by the Board on February 15, 2024 and was set to expire on February 15, 2026, so they were seeking an Extension of Time. He added that the approval was for a D1 Use Variance allowing the applicant to operate a landscaping business at 221 Bennetts Lane and was their first Extension of Time. Mr. DeLuca indicated that they were very close to closing out issues with NJDEP, and once resolved, they should be able to complete Resolution compliance and construct

Vice Chair Shepherd made a motion to approve the Extension of Time. Ms. Bethea seconded the motion, and the roll was called as follows:

FOR: Ms. Bethea, Mr. Procanik, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, Mr. Michael Dougherty, and Chairman Thomas

AGAINST: None

HEARINGS:

- **MANJIT SINGH & RAVINDER KAUR / ZBA-24-00011**

Site Plan w/Use Variance & C Variances in which the applicant is proposing to convert the existing repair garage into a convenience store at 339 Elizabeth Avenue, Somerset; Block 493.01 Lot 1 in the R-10 Zone - **THIS APPLICATION HAS BEEN WITHDRAWN.**

- **SOMERSET BIBLE BAPTIST CHURCH / ZBA-25-00004**

"C" & "D" Variances in which the Applicant is asking permission to build a one (1)-story, 35' tall, 8,640 sq. ft. gymnasium at 42 Cedar Grove Lane, Somerset; Block 424.02, Lot 12.02, in an R-40 Zone - **CARRIED TO APRIL 2, 2026 – with further notification is required.**

- **THIRUKUMARAN VELAYUDHAN / ZBA-24-00002**

Mr. Lawrence Sacks, Esq., Attorney, appeared before the Board on behalf of the Applicant, Thirukumaran Velayudhan, etc. Applicant is requesting a Relief of Condition from the previous approval with regards to the height; which was reported incorrectly for 21 Highland Avenue, Somerset; Block 194, Lot 20.01, in an R-7 Zone - **CARRIED FROM JANUARY 8, 2026 – with no further notification required.**

Mr. Sacks stated that they were there before the Board that evening to request a Relief of Condition from aa previous approval that was granted back in April, 2023. He went on to explain that the Board had granted a certificate of non-conformity under Section 68 of the Municipal Land Use Law (MLUL) to utilize the property as a two (2)-family residence. Additionally, he went on to state that certain variances were granted at that time, for lot area, lot frontage, front yard setback, and impervious coverage. Mr. Sacks stated that what was determined after the approval and the resolution was memorialized in July of 2023 was that the architect discovered that there was a discrepancy between the survey, the engineering plans, and the architecturals. As a result, Mr. Sacks indicated that the height of the building differed from what was approved. He then told the Board that what was initially approved was a height of 31.9 ft. and, in actuality, the height of the building was 33.3 ft. and still below the 35 ft. threshold. Once they realized that there was an error and a discrepancy between the plans, he indicated that they also realized that there were some other certain modifications that needed to be made to the plans that needed to be reflected on a new approval. After consultation with the Township staff, Mr. Sacks stated that they decided to come back before the Board seeking relief from those conditions.

Mr. Pietro Rosato, Architect, Piro Studio, 1717 Second Avenue, Suite 201, New York, New York 10128, came forward and was sworn in. The Board accepted his qualifications.

Vice Chair Shepherd then asked for clarification that the residence they were speaking of was the house that was in existence and was being used as a two (2)-family house prior to the adoption of zoning laws. Mr. Sacks then confirmed that that was the case. A discussion ensued, and the Vice Chair then asked why they were before the Board. Mr. Sacks then indicated that they were before the Board because they wanted to go ahead and make

modifications to the home and realized that they had a discrepancy with the height because the plans that the Board approved in 2023 had a height of 31.9 ft., but it was actually 33.3 ft. and still below the maximum height of 35 ft.

Mr. Healey then added that the approval was not just a certification of a pre-existing non-conforming use. He indicated that they were also doing modifications to the building and associated with that, there were some existing non-conforming conditions so there were some variances involved. He went on to state that during that discussion, there were some questions about the building height and was going to be 31.9 ft. which was incorporated as a condition of the Board's approval back in 2023.

Mr. Rosato then explained that the existing building footprint was actually revised to match the latest survey and where the building width was 24 ft. 4 inches and now they had the existing building footprint area of 821.55 sq. ft. He explained that there was a slight variation once the survey was done where it was seven (7) inches wider and seven (7) inches longer based on the existing survey of the foundation. Previously, he told the Board, that they only did a manual measurement and a fire occurred in the house and why they could not get the right measurements. After they got the correct survey, that was when they noticed that that was one of the discrepancies. He then went on to state that the new plan has the width and the length of the house changed by seven (7) inches on both sides. Mr. Rosato indicated that he was going to give the Board reference numbers of what changed and how much it changed. He noted that the footprint area that they have now was 821.55 sq. ft. whereas the previous Board approved drawings showed 783 sq. ft. He then stated that the proposed area of the addition also changed, based on these measurements, and was now 644 sq. ft., with the previously approved was 633 sq. ft. Mr. Rosato then told the Board that the total building footprint was no 1,465.55 sq. ft. whereas the previously approved drawings showed 1,416 sq. ft., which meant that the increase of the building coverage was 49.55 sq. ft. He then indicated that the covered porch would remain as approved by the Board, which was 21 ft. wide by 8 ft. deep, with a floor are of 168 sq. ft. and did not change from the approved drawings. He then drew the Board's attention to the building height, which was stated before to be revised to 33.3 ft. measured from the average grade, and the previously approved building height was 31.9 ft. Additionally, what changed was the slope that was revised from the old approved drawings of 5 on 12 to 5.5 on 12. Mr. Rosato then stated that all of the layouts of the basement, first floor, second floor, and attic stayed the same. He then noted that there were a couple of changes in the attic where they added an additional wall to create some separation of the storage spaces. He then added that the entire attic would serve as a storage space which had a ceiling height of 6.5 ft., which made it inhabitable. Mr. Rosato then told the Board that an attic height of 5 ft. or less was revised from 44.9% previously approved to 41.06%. He then explained that the change was affected by the roof slope change and the dimensions, width and length of the building. He then went on to discuss the revised engineering plans that were prepared by AWZ Engineering, dated July 30, 2025 were revised as follows. He noted that the building coverage increased to 19.83% from the approved 19.63%, which was less than the maximum permitted building coverage of 20%. The impervious coverage increased to 34.96% from submission of 30.74%, for an increase of 4.22%. He then told the Board that this was addressing the resolution condition item #11 and #14 to increase the driveway width to create a double-car width from 10 ft. wide to 14.83 ft. wide, which still stayed below the 35% maximum allowed based on the resolution.

Mr. Rosato then summarized by stating that because of the discrepancies between the survey and the architectural plans that they planned on submitting, the footprint that was originally listed as 1,416 sq. ft. and would be 1,465.55 sq. ft. so there was a net increase of 49.55 sq. ft., and no changes to the covered porch. He then indicated the building height would be 33.3 ft. from the originally stated 31.9 ft., due to the discrepancy. As a result of the ceiling height change in the attic, Mr. Rosato stated that there was a roof slope increase from 23.9 inches to 24.4 inches. He added that because they were increasing the square footage of the footprint by a little less than 50 sq. ft., that would increase the building coverage from 19.63%. to 19.83% and still under the maximum permitted of 20%. He stated the impervious coverage increase was triggered as a result of the increase of the width of the driveway to 14.83 ft., which was one of the conditions imposed when this was approved.

Mr. Sacks indicated that they did receive a report from Mr. Healey and noted that all of the conditions that were imposed in the 2023 resolution would continue to be met. He added that they agreed that the attic and basement could not be used as any living quarters, with Mr. Healey recommending that they put a deed restriction in related to that. Mr. Sacks indicated that they were in agreement to do that.

Chairman Thomas then opened the meeting to the public for questions/comments. Seeing no one coming forward, the meeting was closed to the public.

Mr. Healey told the Board that even with the changes, the architect had shown relatively minor changes to the building architecture than what the Board saw previously. He then noted that the main change was the correction of the building height and basically the other changes stayed within the parameters that were previously approved.

Vice Chair Shepherd made a motion to grant the Applicant relief of the conditions set forth in their previous resolution by updating that previous resolution to include, where necessary, the changes in the measurements and appearance of the building that were discussed by the Applicant that evening. Additionally, they added the inclusion of the deed restriction that the Applicant and any future owners of the property will not use the basement or attic for living space. Ms. Bethea seconded the motion, and the roll was called as follows:

FOR: Ms. Bethea, Mr. Procanik, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, Mr. Michael Dougherty, and Chairman Thomas

AGAINST: None

- **WASH KING SOMERSET OPCO, LLC / ZBA-25-00025**

Mr. John DeLuca, Esq., Attorney, came before the Board on behalf of the Applicant, Wash King Somerset OPCO, LLC. Sign Variance in which the Applicant intends to put a freestanding sign at 1463 Route #27, Somerset; Block 85, Lot 39.01, in the General Business (GB) Zone.

Mr. DeLuca gave each Board member, at the beginning of the hearing, with a packet of color renderings and site maps/survey, etc. for their edification. Mr. DeLuca indicated that they were there that evening to obtain a freestanding sign setback variance, so the only relief being sought that evening was the location of the sign because it deviated from the setback requirement for the applicable zone. He then told the Board that the site was located in the General Business (G-B) Zone where auto spas or car washes were a permitted use in the zone. Mr. DeLuca then went into the existing conditions on the property, noting that the site was already developed with a car wash and was already operating; however, the proposal was to install a freestanding sign as depicted on the slide being shown on the screen at the meeting. He then noted that the reason for the relief was that the Applicant was requesting to position the sign at 8.75 ft. off of the front boundary line where 20 ft. was required. Mr. DeLuca then explained that the reason for this was that the Applicant applied for and was issued a permit and constructed the sign, but when they went out to do field marking, they realized that a sewer easement conflicted with where they were going to place it. He noted that the original, permitted location was not feasible and could not be put where it needed to be. He added that any other location that would be In compliance with the 20 ft. setback standard just would not have any visibility and would not be functional and it would not signal any passersby that there was a car wash there that they were looking for. He then noted that the sign was already fabricated and based on that previously issues permit and the Application was strictly for relocating the sign.

Mr. Navi Parmar, Owner/Operator, came forward and was sworn in. Mr. Parmar then spoke about the operations of the car wash, generally. He indicated that they opened up Wash King Car Wash about 5-1/2 months ago and described it as an express car wash where patrons could come in and wash their cars as many times as they wanted to per month, with free vacuums for them to use as well as free amenities. He stated that it was open from 8:00 a.m. to 7:00 p.m. every day, 7 days per week. Mr. Parmar then told the Board that he did not have any signs up currently at the site, but did have some “announcing the opening” signs, but that they have been taken down.

Mr. DeLuca mentioned that it was noted in the Technical Review Committee (TRC) report that there were some signs at the site, shown in the photo on the final page, page six (6), and also depicted on page (three (3) of the report. Mr. DeLuca indicated that those are the signs that had already been taken down and were just announcing the opening of the Wash King Car Wash. He did note that the pillars in the ground shown in the picture that the signs were on are frozen into the ground and that they could not be removed as of that day due to the cold weather, but would be removed when the ground thaws. He added that the only sign that would be freestanding and marking the location of the property would be the proposed sign.

Mr. Parmar then took the cursor and hovered on the map shown on the screen of the subject site to show where the proposed sign would be located. He noted that what they were looking at was a map of the survey that was provided with the Application. He showed the dark line

that delineated the boundary line of the property, but that the sign would also be set back a considerable amount from the curbline.

Mr. Clint Ehlers, Sign Designer/Manufacturer, came forward and was sworn in. Mr. Ehlers indicated that he measured on the straight side of Route 27 back to the setback line to the beginning of the easement was 13 ft. He then indicated that from the corner, because it was wider, he stated that he would imagine that it was close to 20 ft. to the beginning of the easement and then there was another eight (8) and a half feet to the edge of the lightbox, which was the widest part of the sign. He added that their goal was to put the pole out of the easement right in that corner. He added that because of the retaining wall that was there, they needed to be at least seven (7), eight (8), nine (9) feet away from that so as not to mess with the construction of the retaining wall itself.

Mr. DeLuca then asked Mr. Parmar if he operated any other car washes, and he answered that he did operate other car washes; one in Vineland, NJ and another in Landisville, NJ, another in Bridgeton, NJ, one car wash in Pennsville, NJ, and have recently acquired one in Cherry Hill, NJ. He indicated that the sign that they were proposing was industry standard and was meant to be something attractive and appealing

FOR: Ms. Bethea, Mr. Procanik, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, Mr. Dougherty, and Chairman Thomas

AGAINST: None

CARRIED TO APRIL 2, 2026 – with no further notification required.

DL - 05/08/2026

- **JC IOS Acquisitions, LLC / ZBA-25-00020**

Ms. Simone Cali, Esq., Attorney, with Cali Law LLC, came forward and appeared before the Board on behalf of the Applicant, JC IOS Acquisitions, LLC. Ms. Cali explained that they were before the Board that evening seeking D(1) Use Variance, Preliminary & Final Major Site Plan w/"C" Variances in which the Applicant was applying to modify and expand the existing outdoor storage facility use at 945 Route 27, Somerset; Block 88.01, Lot 7.01, in the Business & Industry (B-I) Zone - **CARRIED FROM JANUARY 8, 2026 – with no further notification required.**

Ms. Cali indicated that the Board heard from their four (4) witnesses, their operations and saw their proposed site plan that their Site Engineer spoke about, heard from the Traffic Engineer, who concluded that there were no impacts with regard to traffic and circulation on-site. Lastly, she stated that they had heard from their Planner who took the Board through their planning proofs and concluded that they did, in fact, meet the burden to obtain the D Variance relief that they were seeking from the Board. After hearing from the Board professionals, who actually identified that there was a need for the use in the Township. She added that they further opined that the site was suitable and agreed with their Planner, however, the Board members had some concerns, and some members asked for a revised Site Plan to better understand what their use would look like laid out on that plan. Ms. Cali went on to state that another Board member asked if there was any way that they could reduce the impervious coverage, and she was happy to report that they did reduce impervious coverage and revised the plan. She then stated that their plan that evening was to be brief and present their Project Engineer to show the Board their revised plan and explain it a little bit clearer now that they could see their proposal and the type of use on that plan.

Mr. Jeffrey Haberman, Project Engineer and Principal of Dynamic Engineering, came forward and continued to be sworn in from the last hearing. Mr. Haberman then entered into the record as Exhibit A-4, entitled Site Plan Exhibit Rendering, which was a colorized site plan comprised of an exhibit rendering, prepared by his office, and dated January 27, 2026, encompassing some modifications to the Site Plan layout. Additionally, Mr. Haberman stated that they also had three (3) other exhibits which could qualify as one (1) exhibit, but show how different tenants would operate cohesively on the site with certain types of materials, i.e., building supplies, vehicles, landscaping equipment, etc. He explained that the beige area was the concrete pavement, the gray color was the asphalt pavement areas or gravel base, and the green was all the lawn or landscaping and existing trees on the site. He pointed out that they could see on the aerial all of the trees surrounding the property and very well screened along the left top and right side of the site. Mr. Haberman added that their objective was to provide better screening along the frontage along Rte. 27.

Mr. Haberman indicated that the first change that they made to the Site Plan layout was to eliminate some of the storage area that was located to Rte. 27, as there had been a number of stalls striped, just to the top of Rte. 27, closer to the roadway. He then explained that they eliminated that storage area and pulled the pavement back roughly 55 ft. to provide extra buffer screening area for a better visual impact from Rte. 27. He explained that that was 55 ft. of new lawn area that would be placed there. He then went on to explain that they had eliminated some of the existing concrete on the very top end of the site. With that, Mr. Haberman explained that they had effectively reduced the impervious coverage down to 71.1%, which brought them closer to the conforming impervious coverage. He reminded the Board that the site was already in a non-conforming condition where the existing site was at

78.6%, they had initially reduced it down to 74.5% that was presented at the last hearing, and now they had further reduced the impervious coverage to 71.1%. He also mentioned to the Board that the important part was that they pulled it away from Rte. 27 and provided landscaped screening along the frontage so it was effectively screening from the corridor. Secondly, Mr. Haberman indicated that they had heard some questions/concerns about site security, so on the left property line going to the top of the page, they were proposing an 8 ft. high fence that would attach to the left building, run along the left property line to the top and connect to an existing fence that was at the pinch point at the top of the page. He then stated that that would provide better security, especially from the north and west that was heavily vegetated, and to the right there was the Public Works building and other industrial uses, but there was also a fair amount of vegetation between those two (2) uses as well. Mr. Haberman testified that he believed that it would provide a nice, secure site for the Applicant to operate in the future. He then described the green, blue and red areas on the exhibit that show how the site might have a different tenant operating in each of those areas. He then indicated that he would show examples of the different types of materials and equipment that they might store on-site and make it nice and organized, with vehicular circulation would be cohesive throughout the entire site, the vehicular drive aisles would be paved, and they would work on that detail with Mr. Mazzei, Township Engineer, as any condition of approval. He added that now they were no proposing to have tractor trailer storage on-site, their proposal was to keep those areas as compacted gravel base which was what the Applicant uses on well over a hundred of their sites throughout the country. Mr. Haberman then discussed a few other minor changes because there was a comment about fire service, and they would be installing a water meter with the fire service running from the Rte. 27 corridor, with a hydrant into the site, to provide fire suppression service. He then stated that they would be placing that water meter in the island between the two (2) travel lanes so that there was some sort of protection from vehicular traffic coming into and out of the site. Mr. Haberman noted that, before, it was placed more in the aisle where the water main was located, but that they were shifting that underground meter vault to that it would be out of vehicular lanes. Lastly, he noted that they were talking a little bit about storm water management and wanted to reiterate, as any condition of approval, that they would work with Mr. Mazzei to make sure that the conveyance system was adequately sized, place additional inlets if needed, or oversized inlets to be able to handle the capacity for runoff that was tributary to that area and analyze that pipe that connected into that wetland area as well.

Mr. Haberman then marked the next exhibits from A5 to A-7, as showing different scenarios of equipment, vehicles, and other items that could be stored on the site. He noted that this could be one (1) tenant that could take the site, which was the preferred option from an operational perspective, but it could be split up and could be any one of these examples that they were showing here. He indicated that the first scenario showed vehicles that were stored on-site, such as busses, sprinter vans, and pick-up trucks, which were all vehicles that could maneuver the site effectively. Mr. Haberman reminded the Board that there would be no storage of tractor trailers on-site. The next scenario shown was for materials and supplies and how such items as mulch, salt, etc. would be contained. He then explained that what the Applicant would be doing, if that was who the tenant was, was to have pre-cast concrete boxes to hold the materials and have the ability to put tarp over it to prevent it from blowing away in case of a heavy wind. Another area shown on this exhibit was an area for storage of insulation for housing, which was lightweight, and how they could contain it so that it would not blow away. Another area on the exhibit shown was an area for rebar storage, a construction material. He noted that the exhibit was a visual representation to give the Board

some comfort on what tenants they might attract and how their storage needs could be met on-site with other storage uses involved. Mr. Haberman then showed the last exhibit, showing essentially construction equipment, vehicles, lay-down equipment, etc. He explained that they were showing in the two (2) areas to the right, construction vehicles, and air compressors or other types of uses similar to that in the green area on the exhibit. He again explained that it could be a mix of these uses or one (1) tenant that could occupy the entire site.

Chairman Thomas asked about when they would start operating the facility, would tenants be assigned a space on the site, and if so, how would they be delineated. He added that he would also like to see that there was some type of vehicular access to all the different areas of the facility and make sure that emergency/fire vehicles would also have access. Mr. Haberman stated that all tenants would have assigned areas to store their materials and they were planning to stripe around the drive aisles for a fire lane and would have to perfect as a condition of approval. He noted that the Applicant would be in charge of making sure that the site was operable, in the case of more than one (1) tenant on-site. The Chairman then asked if the Applicant would be building storage racks and how high they would be storing items such as bricks, mulch, etc.

Mr. Gribb, Applicant Representative, came forward to answer some operational questions, and continued to be sword in from the last hearing. He explained that all tenants sign a lease agreement that specifies the parameters of their space that included an exhibit that outlines exactly where that tenant would be allowed to operate on the site. He explained how a tenant dropping off materials could maneuver to the north of the site, park there temporarily, to allow emergency vehicles to respond to the site. Mr. Gribb indicated that they were not proposing racking for the site, and they were limiting the general height of materials stored on-site to 8 ft. Otherwise, they were proposing items such as mulch or salt to be stored in pre-cast concrete "cubbies" and items would be consolidated within them.

Mr. Mazzei had a question for Mr. Haberman in regards to the intended finish material for the red, blue and green areas on the exhibit. He noted that the intended material for those areas was the compacted gravel. Mr. Haberman then answered Mr. Mazzei's question about the area of disturbance, indicating that the asphalt area that was proposed to be paved would be under one (1) acre. He added that they would represent that in a package when they submitted for resolution compliance. Mr. Haberman responded to Mr. Mazzei's question regarding material seepage from the storage area into the wetland area, by stating that they were proposing to have some kind of a blockade or rip rap filter, 5 ft. wide, that would be maintained and cleaned out over time. He added that they would be happy to solidify that on the Site Plan as a condition of approval. Mr. Mazzei then asked if there could be a condition of approval that the Water Dept. be made aware upon the final location of the meter pit because the Water Dept. was not going to accept it being located in the middle of the drive. Mr. Haberman indicated that they would comply.

Chairman Thomas then opened the meeting to the public for questions/comments. Seeing no one coming forward, the Chairman closed the meeting to the public.

Ms. Cali then gave her closing statements.

Vice Chair Shepherd then asked if the facility would be open 24 hrs. a day, and Mr. Haberman answered in the affirmative that material and vehicles would be stored there 24 hours a day. The Vice Chair wanted to know if there would be a lock on the front door to protect the equipment and materials that were stored there. Mr. Gribb indicated that it would be 24 hr. operations, but most of the operations would be going during the prime business hours. From a security standpoint, Mr. Gribb indicated that they were still putting in the 8 ft. high gate and that would have a padlock on it. He added that they were not proposing to have a security staff on duty on-site, but that they would have security cameras that they put on the site that had a light attached that illuminated the yard.

Chairman Thomas then opened a discussion regarding any lighting plan and what that might look like. Mr. Haberman stated that they were installing light poles along the perimeter of the site and was compliant with the municipal code. He added that there were LED lights that were proposed to effectively provide, especially during the winter hours, lighting for vehicular traffic.

Mr. Healey asked what the spaces in the rear were for, and Mr. Haberman indicated it would be for a vehicle to come in and load or unload their materials and did not want them to be sitting idling in any traffic ways and those spaces would be striped out specifically so that a vehicle could park there. And turn their vehicle off while they were unloading materials onto their storage space. Mr. Healey reminded the Board that if they were inclined to approve the Application, it had been discussed that every time that there was a new commercial tenant, it would have to be reviewed by staff and they would have to submit for a zoning permit for a change of tenant and they would have to see what type of use the new tenant would bring to the site. He added that it would make sure that they were maintaining the fire lanes and that they were properly containing materials on-site. He indicated that this would have to be an ongoing process as tenants come and go over the years.

Vice Chair Shepherd stated that he was a little surprised that they were asking for a Final Site Plan Approval, but they had not had a change to prepare one yet. Mr. Haberman stated that they did prepare a Site Plan package and made some minor changes to the plan layout to reduce impervious coverage which he felt was beneficial, as well as proposing a new fence along the property line. During the proceedings, Mr. Haberman indicated that he felt that they were allowed to present an exhibit showing those changes and that we have to perfect that and submit it to the Township Engineer and Township Planner and they would have to sign off on anything that they agree to at the meeting before any building permits or anything of that nature.

Vice Chair Shepherd made a motion to grant the Applicant the following variances and also requirements to allow them to build and operate an outdoor materials storage facility on Rte. 27. Additionally, they would construct an 8 ft. high fence on the left side of the property, work with the Fire Dept. to establish emergency traffic lanes with unmovable striping. He then added that the good that would be stored on the site would be no higher than 8 ft. tall, and if there was any potential for disbursement of loose materials, such as with mulch and salt and other light materials, everything should be contained within in storage units. Also, there will be no idling of vehicles on the site and no racking used within the facility as well as flood lights that will comply with the Township requirements, including brightness and location. In addition, there will be no tractor trailers stored on the property, and once the facility was constructed, the Township Construction and Zoning officers will tour the facility to make sure

everything delineated here have been accomplished. After a tenant leaves the facility, the Applicant would be required to submit a new application for a new tenant, and the Technical Review Committee (TRC) and make sure that all of the different departments involved approved of everything. He then added that the Zoning office will also have the right to contact the owner to make an appointment to inspect the facility at a time convenient for the Township. Mr. Rich seconded the motion, and the roll was called as follows:

FOR: Ms. Bethea, Mr. Procanik, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, Mr. Dougherty and Chairman Thomas

AGAINST: None

Vice Chair Shepherd made a motion to adjourn the meeting at 10:26 p.m. Ms. Bethea seconded the motion, and all were in favor.

Respectfully submitted,

_____

Kathleen Murphy, Recording Secretary
March 3, 2026

TOWNSHIP OF FRANKLIN
ZONING BOARD OF ADJUSTMENT
COUNTY OF SOMERSET, NEW JERSEY

REGULAR MEETING
February 19, 2026

This Regular Meeting of the Township of Franklin Zoning Board of Adjustment was held at 475 DeMott Lane, Somerset, New Jersey and was called to order by Chairman Thomas at 7:30 p.m. The Sunshine Law was read, and the roll was called as follows:

PRESENT:	Cheryl Bethea, Richard Procanik, Vaseem Firdaus, Alan Rich, Gary Rosenthal, Michael Dougherty, Kunal Lakhia and Chairman Thomas
ABSENT:	Robert Shepherd
ALSO PRESENT:	Brian Hak, Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning & Zoning Secretary

OATH OF OFFICE:

- **Michael Dougherty**
- **Kunal Lakhia**

MINUTES:

- **Regular Meeting – November 20, 2025**

Mr. Rosenthal made a motion to approve the Minutes, as submitted. Ms. Bethea seconded the motion, and the roll was called as follows:

FOR:	Ms. Bethea, Mr. Procanik, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, Mr. Dougherty, and Chairman Thomas
AGAINST:	None

RESOLUTION:

- **Ramkumar Venkataraman / ZBA-25-00023**

Mr. Rosenthal made a motion to approve the Resolution, as submitted. Ms. Firdaus seconded the motion, and the roll was called as follows:

FOR: Mr. Procanik, Ms. Firdaus, Mr. Rosenthal, Mr. Dougherty, and Chairman Thomas

AGAINST: None

HEARING:

- **TAWHEED DAHWAH CENTER / ZBA-24-00017**

Mr. Ed Schwartz, Esq., Attorney, appearing before the Board on behalf of the applicant, Tawheed Dahwah Center. Amended Preliminary and Final Site Plan plus Relief of Condition in which the Applicant was proposing construction of a 19,350 sq. ft. place of worship at 630 South Middlebush Road, Somerset; Block 37.02, Lot 46.03, in the Agricultural (A) Zone – **CARRIED FROM NOVEMBER 20, 2025**.

Mr. Brian Hak, Board Attorney, explained to everyone how things were going to operate so that everyone knows ahead of time what to expect. Mr. Hak stated that the Board received a letter that day from Ms. Bailey, who represented the Snyders, and also included a storm water report from her Storm Water Engineer. He then indicated that those documents would be marked as Exhibits 01 and 02, respectively. Mr. Hak then stated that the Applicant would continue with its presentation of its case, including Ms. Bailey and any other individuals who have questions of each witness as they are presented could do so. He added that the objectors represented by Ms. Bailey would present their case after the Applicant had completed their presentation.

Chairman Thomas then added that the Applicant will present their case and witnesses, and at the end of the conclusion of the testimony of each witness, all members of the public, with the exception of those represented by an objector attorney, would be given the opportunity to ask that witness concerning their testimony. He made a point of stating that it was not a time to tell the Board that they did not want something or did not like this. The Chairman stated that it was the public's turn to help the Board fact find and ask questions based on the witness' testimony.

Mr. Healey interjected that he wanted to make a suggestion to Mr. Schwartz to explain in his opening statement who he was going to be presenting so that the Board and public could direct their question appropriately.

Mr. Schwartz then opened by stating that when they were before the Board back in November, he explained the focus of the Application or really the purpose of the Application. He told the Board and the public that the predecessor religious organization from whom the Applicant purchased the property had obtained a Preliminary Site Plan approval with a very

comprehensive Resolution that included a lot of conditions. He stated that they were back before the Board because even though they have Preliminary Site Plan approval, they were now asking for Final Site Plan approval as well as relief from two (2) conditions. He then told the Board that one (2) of the conditions was very specific in the hours and days of operation of the religious use of the property. Mr. Schwartz then indicated that they were going to have slightly different hours and days of operation even thought it was still going to be a religious use. He reiterated that it was still going to be a religious use and what the building was going to be used for and nothing else. Mr. Schwartz then stated that we submitted a document that the Applicant testified to at the last hearing explaining exactly what hours religious worship would take place, how many people would be expected, why he expected that many. He stated that they were expecting to be bound by that and expect that any resolution approving the Final Site Plan approval would include that. Mr. Schwartz then went on to state that they, unfortunately, got bogged down and was because a very astute Board member found that on the Applicant's website, it still spoke to having a much broader expansive use of the property. Mr. Schwartz indicated that he would explain why and take responsibility for that. He indicated that when the Applicant bought the property, they did not have the resolution and only had a reduced copy of the Site Plan approval showing the size and configuration of the building and were not aware of the limitations in the resolution. When the Applicant purchased the property, they put on the website what they intended to do and later received the resolution and learned about the limitations included. The Applicant and its Board decided that it was going to comply as strictly as possible with the conditions in that resolution in terms of the size and configuration of the building, the parking layout, and the use in terms of number of people. He then explained that that was when they applied, they submitted the sheet that he showed the Board and entered it into evidence showing how many people were going to be at each of the worship services He then discussed that, as Muslims, they had a different schedule of worship than people of other religions that include five (5) worship services a day but were short and only lasting approximately 30 minutes with a relatively small number of people who come. He then indicated that their application included relief from two (2) conditions, i.e., one was the hours and days of operation and substituting what they had now introduced into evidence, and the second was because the building, although smaller in footprint and square footage, had a larger area of worship and now needed to change the variance for parking which was approved last time. Mr. Schwartz then told the Board that it was a significant variance, but the explanation at that time and which the Board accepted was that there would not need to be more parking and that they have shown the Board that the number of people who would be at the property at any given time would actually be fewer than under the resolution in the Preliminary Site Plan approval. He went on to state that, therefore, they would have proof showing that the second component of relief from that condition was also merited.

Mr. Schwartz then stated that his witnesses would be Mr. Mitchell Ardman, Site Engineer, Ms. Betsy Dolan, Traffic Engineer, Mr. Yogesh Mistry, Site Architect and Mr. Kevin O'Brien, Planner.

Chairman Thomas then indicated that they might want to add an additional witness since they might want to review the operating procedures with the person in charge of the facility to discuss how many people would be at the facility and on what day, any special events there might be, etc. Mr. Schwartz then stated that he thought they covered that testimony at the last meeting and thought that the exhibit that was presented was very specific in how many

people they expect and what time of day, and also emphasized the big EID, which was the biggest activity/most holy day of the year for Muslims was not going to be held at the subject location. Also, he added that if there was going to be any kind of special event that would have more than a reasonable number in terms of what we already have said, they would have to get a special events permit

Mr. F. Mitchell Ardman, Engineer, came forward and was sworn in. The Board accepted his credentials. Mr. Ardman indicated that he would give an overview of the Application and then get into the details after that to show how they have met all of the conditions set forth for the Site Plan specifically. He indicated that there were many meetings, but in the end they got a very tight resolution, with conditions that addressed issues of many of the neighbors and very little push back from the Applicant at that time or from the Applicant now. Mr. Ardman then introduced an aerial view showing the 200 ft. location map that was on the cover sheet of their plan. Mr. Ardman then used the cursor to outline the site, noting where South Middlebush Road was located, and about 1,500 ft. south of Cortelyous Lane. He stated that the north side of the property was an open field, the southerly and easterly side of the property was the wooded section of the property. He then noted that there was an existing single-family house in the middle of the property, accessed by a driveway that came in along the southerly property line along their neighboring property on Lot 45.02.. Mr. Ardman then indicated that there was a small pocket of wetlands and buffer area in the southeast corner of the property which they were not disturbing. He then stated that there were two (2) single-family homes that abut the property along South Middlebush Road and south of those homes was actually Township preserved land. He then pointed out the farm driveway for the Snyder Farm, with the farm field behind the subject property and the actual residence of the farm over 800 ft. from the subject property line. Mr. Ardman then introduced a dimension plan rendering of the proposal that was also included in the Site Plan set, but has the landscape superimposed. He entered it into the record as Exhibit A-2. As they indicated, he discussed the numerous portions of the site and then go over how they met all the conditions of approval for the Site Plan. He started with the entrance to the site here on the northern end of the property from South Middlebush and was the location it was agreed to shift to and not use the driveway location along their neighbor on Lot 45.02. He then told the Board that the driveway curved into the site towards the building and all the features that were being shown were basically the location as approved on the prior Site Plan. Those features shown were the footprint of the house of worship, the drop off area in front of the building, with a 37-car parking lot which was adjacent to the proposed house of worship He noted that the ADA parking spaces were located right in front of the building with a nice plaza area in front of the building and a small patio area on the side of the building. He pointed out the location of the fire lane which was just on the southerly side of the property and the location of the existing dwelling that would remain on the site, with access through the parking area. Mr. Ardman then pointed out the storm water detention basin in the southern corner of the property as well as the wetlands area in the southern portion of the property in a permanent conservation easement where they had set those conservation area markers. He then added that there was a secondary parking area of 120 car parking spaces on the southwesterly side of the property and closest to the two (2) single-family dwellings on Lots 4.01 and 4.02. He added that they had shifted that area over in accordance with the resolution of approval. He stated that there would be an on-site septic system and the buffering that they had proposed.

Mr. Ardman then referred to Mr. Healey's report of September 23, 2025 and the comments in the report that concern the Site Plan conditions that he would be going over. He referred the

Board to look at Page 4, item #5 that referenced a colorized rendering in the previous application that required incorporating changes for landscaping on the site that included adding landscaping between the parking lot and single-family home neighbors and to add a double row of evergreen trees on the northerly side and landscaping was added on the side of the building nearest the Snyder Farm property to screen it there. Additionally, landscaping and a fully planted berm was agreed to on the bottom of the site. All those comments from the report were incorporated into the plan and was satisfied as noted in Mr. Healey's report. The next condition noted was that the house of worship would be 130 ft. from the rear property line and had met that condition. Mr. Ardman stated that, actually, w134.9 ft.ith the adjusted footprint, which was slightly further, they had moved almost another 5 ft. so that condition was satisfied as well. There was a condition that the Snyder's asked for and that they agreed to was a deer fence to prevent people from wandering off the site through their farm field. He testified that that was shown to be added to the plan. The next condition listed was that there should be 100 ft. minimum from the two single-family homes, and they showed 110 ft. so that condition was met as well along with the planting of 6 – 8 ft. high evergreens in the gaps between the significant existing trees there. Mr. Ardman then mentioned that item #10 was the shifting of the driveway over 300 ft. minimum, and which was just over 310 ft. or so for the new driveway location. He then addressed items #11 and #12 that were related to lighting on the site to be kept to a minimum and will only include three (3) lights along the driveway which met that condition and also reduced the lighting in the parking lot down to 15 ft. high maximum and utilizing LED with a good downward throw on the property. He then discussed item #13 where they moved the driveway over, they placed 6 ft. high evergreens to be placed through that area. Mr. Ardman then spoke about item #14 related to street trees along South Middlebush Road and were included in the plan and set back from the site distance from the new intersection configuration. He then added that they included on the plan that the existing driveway could not be used for construction and that they had to use the new driveway during that construction. He then told the Board that the lights would have to be kept on timers and on separate circuits for each parking lot, as requested in item #16, so that the lights can be off when they were not necessary, especially when there was no need for utilizing the overflow parking lot. He then explained that the light up front would be lit by LED and again would only be used when the facility was in use and would also comply with the setback requirement. He then drew the Board's attention to item #19 where the house on the property was required to have access off the closest parking lot, which it did. He noted that item #20 as for the Applicant to abide by NJDEP regulations for clearings for certain times of the year. Mr. Ardman agreed that if there were any particular limitations on clearing per NJDEP regulations, that the site would not be cleared during those times of year. He then spoke about item #21 in regards to maintaining the trees there, typically there was a two (2) year bond on landscaping and there was a requirement to maintain the trees and buffers securing screening to ensure their long-term health and survival for at least five (5) years and was a condition that they had agreed to and noted on the plan. Mr. Ardman then spoke about the banked parking of the 30 spaces that basically face the two (2) neighbors' properties and agreed to banking those and how to deal with demarcating those banked parking spaces. He then spoke about item #23 related to utilities that would be required to be placed underground that they have also agreed to and noted on the plan. Mr. Ardman also agreed to comply with item #24 that required the Applicant to comply with staff and engineering comments, which they agreed to do. He then stated that item #25 was to agree to Title 39 which was acceptable and noted on the plan. He then moved down to item #34, which required the striping of fire lanes and was agreeable to the Applicant. Mr. Ardman then drew the Board's attention to page 10 of Mr. Healey's reports that include a couple of bullet points, with one

concerning tree replacement per Chapter 22 that included paying in lieu of those trees which he indicated that they would agree to. There was a question about how the building height was measured, and he noted that it was noted that it was included on page 5 of the Site Plan and was calculated at 32.75 ft., including the grade change, under the maximum allowed of 35 ft. Mr. Ardman then told the Board that on Page 11, there was an exhibit that showed where they were going to add the landscaping and they had kept those plantings and have met that requirement.

Mr. Schwartz then stated that there were two (2) areas that had not been complied with in terms of the resolution that being the parking and the hours of operation.

Mr. Ardman then discussed the October 8, 2025 Environmental Commission report regarding EV and make ready spaces, noting that he did not believe that they would have any objection to providing those. He stated that they would review the count of how many spaces were required with the Township Engineer. He then addressed a comment regarding tree replacement, and noted that they had added significant trees from their initial plan and try to fill in as many gaps as possible. He discussed the comment related to pervious pavement, but that they have addressed that issue with a storm water management basin on the site and have met the regulation requirements. He then spoke about the request for no idling signs, but did not think the Application was a site that would have truck traffic, but if the Board felt it was important they would add some signs.

Mr. Ardman then addressed the comments form the Dept. of Health review and agreed to comply with those comments.

Mr. Ardman then spoke to the comments in Mr. Mazzei's Engineering report. He noted that there were mostly technical items listed and did not think that there was anything that was going to substantially change the Site Plan and would agree to each and every one of his comments.

Mr. Ardman stated that they had applied to the County, but did not receive any final review letter from them yet.

Mr. Schwartz mentioned that they had a letter, dated March 17, 2025 from the Delaware & Raritan Canal Commission (DRCC). Mr. Ardman testified that they were technically complete. He added that they also just received comments in the letter from the Objector's Engineer and, in summary, Mr. Ardman stated that he did think that they missed several of the points in our storm water report that addressed just about all those comments and that were reviewed by the DRCC. On page 2 of the DRCC report, it was staff's opinion that the proposed project had been deemed in compliance with the Commission's technical requirements. He added that the only reason that they did not have the DRCC approval yet was because they need the Board's approval first. He read from page 3 regarding quantity run-off, the commission had determined the Applicant was compliant with specific storm water quantity standards of NJAC745-8. He then addressed water quality where the DRCC stated that the commission staff had determined that the Application was compliant with specific water quality standards of NJAC7458.7. He then spoke about groundwater recharge where the DRCC stated that the project was in compliance with groundwater recharge requirements of NJAC7458.5. He then discussed the non-structural methods, noting that they had added significant native plantings in the back and the front of the site. He then noted that the DRCC

replied that the nonstructural methods were adequate and the project was designed in accordance with NJAC745-8.4. He then discussed the storm water maintenance plan and we are in compliance.

Mr. Ardman then addressed the impervious coverage on the property, stating that the prior approval was 18.47% and they were now at 18.08% and was permitted.

Mr. Healey then stated that he believed that they needed one (1) additional modification of a condition, which was condition #11 where there seems to be one(1) more light being added along the driveway than what was placed into the resolution of only have two (1); one (1) at the driveway entrance and one (1) where the driveway met the parking lot. Mr. Ardman then had a discussion related to this, stating that it was a long roadway and added another light fixture at the bend in the road for safety reasons and also limited to the 15 ft. height. A discussion ensued regarding any impacts upon the Scenic Corridor in adding that additional light fixture. Mr. Ardman stated that that additional light fixture would be approximately 250 ft. from South Middlebush Road, and with the landscaping they were adding on the southern and northern property lines, those would shield it from the viewshed of South Middlebush Road. That in addition to the 15 ft. height, LED lighting and a good cutoff on that light, Mr. Ardman believed there would be limited impact to the Scenic Corridor.

Mr. Healey then asked if the 80 to 150 congregants noted in the testimony given at the last hearing was his understanding of the occupancy of the building. Mr. Ardman indicated that that was his understanding based on the testimony given by the Applicant. He added that the architect could speak to the actual legal occupancy limit. Mr. Healey then asked why he proposed 157 parking spaces. Mr. Ardman indicated that they have kept the Site Plan as it was approved and they spoke about possibly banking more than the 30 spaces they were already planning to bank.

Mr. Mazzei then asked Mr. Ardman to forward along the response they received from the DRCC, and he agreed to do so. Mr. Mazzei then asked about whether any changes to the storm water system were significant to what the Board was looking at or de minimus. Mr. Ardman remarked that the impervious coverage was slightly smaller, but that what the Board was seeing was the same as what the DRCC was seeing as well as what the objectors received and any changes was de minimus. Mr. Ardman then entered into the record as Exhibit A-3, the DRCC report.

Ms. Martina Bailey, Esq., Attorney, representing John and Ray Snyder, who own the Snyder Farm which wraps around the entire north side of the site. Ms. Bailey asked if the new septic system design been provided as part of the Application. Mr. Ardman explained that the septic system design went to the Board of Health on the original application and received a tentative approval at that time. He noted that it would have to go back to the Board of health pending approval from the Board. She then asked about the capacity, which Mr. Ardman stated was 2,000 gallons and would limit the daily occupancy of the facility and also contemplates the single-family dwelling on the site. Ms. Bailey asked about whether Mr. Ardman was relying on outdated storm water management regulations. Mr. Ardman stated that they were relying on the current regulations of the DRCC and they still had the approval from the 2019 approval from the Township. He indicated that the DRCC regulations reflect the NJDEP updates and revisions and included the Inland Flood regulations of 2023 which were met. A discussion ensued regarding the Township regulations and DRCC regulations.

Ms. Bailey then asked if the proposed new roadway was always designed to be paved or is the paving something new. Mr. Ardman stated that it was always designed to be paved. A discussion ensued regarding the direction that water would run off the property. Mr. Ardman indicated that there was a divide on the property as to where the water flows, indicating that the water from the southern portion of the property flows south and east into the basin and the northern section flowed north and east to the southeast corner and replacing the gravel (impervious) driveway with the new paved driveway. She asked if there was any storm water infrastructure being provided in that area to mitigate that runoff. Mr. Ardman explained that they had balanced the amount of impervious that goes there and they have also addressed water quality with the low impact development native plantings that they show in that area and the water quantity runoff matched what was required under existing conditions. Ms. Bailey then discussed where the water would flow to should the basin overflow in a heavy rain event. Mr. Ardman stated that the water would flow in the same direction that the land had always flowed to. They then discussed the LOI that had expired from the previous application, with Mr. Ardman stating that the conservation easement was already filed on that and they have the Township easement has been set around that. Mr. Ardman stated that they would agree to change the slope of the berm to a 3-on-1 slope. Ms. Bailey then opened a discussion regarding the square footage of the building, which Mr. Ardman confirmed was 19,350 sq. ft. and was now a smaller building footprint, allowing them to provide another 5 ft. of buffer between the Snyder property and the building end. Ms. Bailey then asked about the worship area being made larger which had triggered the need for more parking (532 spaces), and Mr. Ardman agreed; however, there was also discussion about banking more parking spaces based on the testimony of the applicant about the usage. They then spoke about the need now for a Use Variance. Ms. Bailey then asked about the two (2) different standards to determine the parking requirements. Mr. Healey stated that one (1) space was required for every three (3) seats if there was fixed seating and with an open worship area, it was one (1) parking space for every 15 sq. ft. of space.

Chairman Thomas then opened the meeting to the public to ask the Site Engineer a question related to his testimony.

Mr. Charles Hamilton, 48 South Middlebush Road, Somerset, NJ, came forward. Mr. Healey answered his question of how large the worship area was by stating that it was proposed at 7,981 sq. ft.

Dr. Anant V. Jooshi, People's Line Road, Somerset, NJ, came forward. Dr. Jooshi asked if there were going to be loudspeakers. Mr. Schwartz indicated that there were not going to be any loudspeakers.

Seeing no one further coming forward, Chairman Thomas then closed the meeting to the public.

There was a discussion regarding a document called Statement of Proposed Use of Property, and Mr. Healey indicated that that document was on the Township website under this Application.

Mr. Yogesh Mistry, Architect, came forward and was sworn in. The Board accepted his qualifications. Mr. Mistry indicated that he was involved in the first application related to the subject property. Mr. Schwartz asked Mr. Mistry to state if anything was different in this

proposal from the original. Mr. Mistry stated that the proposed building (19,350 sq. ft.) was very similar to the original building (21,083 sq. ft.), but slightly smaller in terms of the footprint. He then told the Board and public that there was also a small basement towards the rear of the building that was 2,890 sq. ft. to be used for storage and utilities. Referring to Sheet A2.01 of the architectural plans that were submitted as part of the Application. Mr. Mistry utilized his cursor to point out the various portions of the first floor, including the vestibule/entrance, the foyer area, rest rooms on either side of the front of the building, coat room, cleansing practice areas, two (2) entrances halls, one (1) for women and one (1) for men. He testified that the entire worship area was 7,981 sq. ft. and that included the entire inside perimeter of the room and closets for storage of some of their rugs that they use in their practice. The men's hall had space for 288 occupants utilizing the 15 sq. ft. per person space, and the women's hall had space for 170 occupants. He then noted that there were two (2) small classrooms at the rear of the building for use as part of their religious education program, a few offices, a utility room and some storage closets. He noted that there was no second floor in the building.

Mr. Mistry then showed a rendering of the outside of the building that they prepared and submitted as part of the Application and entered into the record as Exhibit A-4, which was a 3D color rendering prepared by his office. He pointed to the vehicular drop off area and then the main front of the building. He noted the higher area on the building where the hall was and was otherwise a one (1)-story building. He stated that the height of the building from average grade is 32 ft. 9 inches high measured to the roof line of the higher portion with a 4-1/2 ft. parapet to screen some of the rooftop units. He then spoke about the two (2) spires at the ends of the building, and those were 49 ft. high from average grade. Mr. Mistry then stated that the building was going to be maintained in earth tone colors in a beige and tan colors as well as a darker tan for the decorative element on the upper portion, which was made of a GFRC type material that had a matte finish. The rest of the materials on the building were a combination of stone and stucco. He then noted that there was going to be a sign at the front of the driveway, a small free-standing sign just to depict the address and name of the property. He then showed it on the plans, noting that it was proposed to be 5 ft. high, with the maximum signage area allowed being 25 sq. ft. with 67.5 sq. ft. proposed. He testified that the signage was approved with the last application.

Mr. Mistry then addressed some of the comments from the Environmental Commission regarding the roof materials, and stated that they were proposing a cool TPO roof that was white in color and met their requirements. He added that they received some comments regarding the use of the classrooms or break out rooms, stating that those would not be used simultaneously to any holidays. He added that it would only be utilized when they were having their regular Sunday service. The building would meet all ADA requirements for handicap access as well as all fire code and would be a sprinklered building meeting all current building codes. Mr. Mistry stated that they were not proposing any substantial lighting except for life safety lighting at any exit doors for emergency services, small decorative lights at the front entry to illuminate that area. Other than that, they were just relying on the parking lights. He added that the spires would not be illuminated or upper portion decorative portion of the building.

Mr. Rosenthal asked if there was a basement, and Mr. Mistry answered in the affirmative, noting that its use would be for storage and utilities only. He also asked if there would be a kitchen in the building, and Mr. Mistry answered in the negative.

Chairman Thomas then asked if the rendering was true related to the colors shown, and Mr. Mistry answered in the affirmative. He told Mr. Healey that the colors would be light beige and a darker tan/light brown color for the top decorative portion. Mr. Healey did state that those types of colors were required for a Scenic Corridor.

Mr. Procanik then stated that the floor plan in the exhibit shown has 458 occupants in the prayer area. He then stated that attached Exhibit A-1 of the Statement of Proposed Use of Property indicated that no more than 150 people would be at a service. So, he next asked why they needed three (3) times the amount of space than the maximum committed prayer area. Mr. Mistry stated that their plan wanted to show what could fit there and was a capacity drawing. He indicated that people prostrate when they pray and typically use space around them as well to do so. Mr. Mistry then indicated that they also wanted to show the boxes in the prayer space to show that they were not exceeding the parking.

Mr. Schwartz stated that the Applicant just wanted to match what was already approved, even though they made their building smaller and their prayer area larger and wanted an impressive prayer area.

Mr. Lakhia asked Mr. Healey how the Township would ensure that they would not have too many people in the building at one time. Mr. Healey said they could not enforce it, and why he questioned why they would build a space that could hold many more people than they say they will have at services.

Ms. Martina Bailey, Esq., Attorney representing the Snyders. She came forward and declared that she objected to the testimony that was just provided in answer to Mr. Procanik because those were use related questions that the Applicant needed to answer and they were not able to provide those answers because the Applicant was not present.

Chairman Thomas then again told Ms. Bailey that the questions directed to the Applicant would be coming

Ms. Bailey then asked if there was a second floor, and he answered in the negative, that it was just a taller ceiling over the prayer area. Ms. Bailey then asked if there would be any lighting on the decorative top area or on the spires, and Mr. Mistry answered in the negative. Ms. Bailey then asked why there was no reference in the Statement of Proposed Use for the two (2) classrooms he testified to that would be used for religious education. Mr. Schwartz indicated that Mr. Mistry's testimony that he believed that those two classrooms or break out rooms were earmarked for religious education in the prior testimony.

Chairman Thomas then opened the meeting to the public for questions of the architect.

Chinten Dupar, 13 Sawmill Road, came forward. Mr. Dupar asked what architectural assumptions he made that those approvals done for one (1) type of religious worship were still valid for the other. Mr. Mistry stated that, architecturally speaking, they did not have anything to do with what was going on outside of the building, but architecturally the buildings did change, but generally kept the footprint because there was a certain approval for this footprint. Mr. Mistry also stated that it was also to expedite the process because there was already an approved application and they wanted to come in an do minimal changes to the footprint.

Ms. Shampa Chaji, 15 Hasbrouck Drive, Somerset, NJ asked if the foundation was being designed to accommodate expansion in the future. Mr. Mistry indicated that it was designed for what was being presented that night. Ms. Chaji then asked why they wanted to exceed what was allowed for the message portion of the proposed sign. Mr. Mistry indicated that the sign was previously approved. He answered her questions regarding lighting by stating that it was not incorporating LED lighting, but having landscape lights on the ground shining up on the sign. A discussion then ensued related to enforcement of occupancy based on the testimony given.

Mr. Basit Kari, 78 People's Line Road, Somerset, NJ, came forward. Mr. Kari was discussing and asking questions about enforcement of occupancy levels. A discussion ensued.

Ms. Bailey then came up again to ask two (2) questions of the architect, first asking how many staircases there were and Mr. Mistry stated that there were two (2), one from the outside, and one from the inside. She then asked what the reason was for that, and Mr. Mistry stated that they might have some landscaping tools that they want to access from the outside or storage of outside items they might have. Ms. Bailey then asked if there was a patio on the other side of the building, and Mr. Mistry responded that it was just on the left side. She then asked if there was any consideration given to place it on the side that would not face the neighbors. Mr. Mistry stated that the placement was part of the original design.

Mr. Steve Callahan, Butler Road, came forward. Mr. Callahan stated that when he was at the hearing on November 20, 2025, he stated that the Applicant was talking about 35 people that would be in the congregation. Chairman Thomas suggested that they obtain the information from the website about the operation of the mosque.

Mr. Healey was reading from the TRC report that was drafted in September of 2025 and the information that was on the record and submitted with the Application and that mentions this 70 to 80 people during Ramadan and up to 150 people during special events. Mr. Healey spoke about testimony that a smaller amount may come several times per day during the week for smaller services and then some religions have larger services at times. A discussion ensued.

Mr. Harvey Sirotta, Benjamin Griggs Drive, Somerset, NJ, came forward. Mr. Sirotta asked about whether there was going to be a kitchen and what the classrooms would be used for. Mr. Mistry stated that there would be no kitchen and that the classrooms were earmarked for religious education, but were the size of a classroom.

Mr. Healey clarified that a classroom was not a school and places of worship and other uses have what are called accessory uses and were customarily incidental to the larger use.

Ms. Shampa Chaji, 15 Hasbrouck Drive, came forward again and asked if they get approved before or after the architectural plan was officially presented. Mr. Procanik indicated that they could only build what the Board approves

Mr. Charles Hamilton, South Middlebush Road resident, came forward again. Mr. Hamilton asked if the rendering was drawn to scale or not, and Mr. Mistry stated that it was drawn to scale.

Mr. Sean Akmawala, Cardia Drive, Somerset, NJ, came forward. Mr. Akmawala asked if the intent of use different from the original application with the classrooms being included. He asked about the Iman coming to teach at the mosque, and Mr. Healey indicated that there was an existing single-family residence on the property that would be remaining and the Iman would reside in that house.

Chairman Thomas then closed the meeting to the public, seeing that no one was further coming forward.

The Board and Applicant agreed to carry the hearing - **CARRIED TO APRIL 16, 2026 – no further notification required.**

DL – April 16, 2026

Mr. Rosenthal made a motion to adjourn the meeting at 10:00p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

_____
Kathleen Murphy, Recording Secretary
March 22, 2026

THE TOWNSHIP OF FRANKLIN BOARD OF ADJUSTMENT
SOMERSET COUNTY, NEW JERSEY
THIRUKUMARAN VELAYUDHAN (ZBA-24-00002)
21 HIGHLAND AVENUE

WHEREAS, THIRUKUMARAN VELAYUDHAN (hereinafter referred to as "Applicant"), being the owner of the property located at 21 Highland Avenue, in the Township of Franklin, County of Somerset, State of New Jersey, said premises also being known as, Block 194, Lot 20.01, (hereinafter referred to as the "Site"), as is indicated on the Tax Assessment Map for the Township of Franklin (hereinafter referred to as the "Township") has applied to the Township of Franklin Board of Adjustment (hereinafter referred to as the "BOARD") seeking relief from a prior approval with respect to building height.

WHEREAS, Applicant submitted an application packet with attachments, which were considered by BOARD, which included the following:

1. Application packet, signed by the Applicant, dated August 31, 2025, consisting of four (4) pages;

2. Preliminary and Final Site Plan, prepared by AWZ Engineering, Inc., dated July 30, 2025, consisting of six (6) sheets;

3. Architectural Plans, prepared by Piro Studio, dated August 4, 2025, consisting of five (5) sheets; and,

4. Letter from project architect, dated August 4, 2025, consisting of one (1) page; and,

5. Property Survey, prepared by Lakeland Surveying, dated January 4, 2010, consisting of one (1) sheet.

WHEREAS, the Township officials submitted memos, which were considered by BOARD, which included the following:

1. Technical Review Committee Report, dated December 12, 2025, consisting of five (5) pages; and,

2. Memorandum from Tara Kenyon, AICP/PP, Sustainability Coordinator, Township Environmental Commission, dated December 10, 2025, consisting of one (1) page.

WHEREAS, at the conclusion of the hearing, the Applicant seeks relief from condition #2 of the Board's prior resolution, dated July 20, 2023, to allow a building height of thirty-three point three (33.3) feet, where the resolution specified a building height of thirty-one point nine (31.9) feet and the R-7 Zone permits a maximum building height of thirty-five (35) feet.

WHEREAS, the BOARD determined it had jurisdiction and upon due notice as required by law, a public hearing was conducted on February 5, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF FRANKLIN, the BOARD hereby makes the following findings of fact:

1. The Site is located in the R-7 Residential Zoning District.

2. Lawrence Sacks, Esq., appeared before the Board on behalf of the Applicant, Thirukumaran Velayudhan. Mr. Sacks explained that the Applicant was seeking relief from a condition from the previous approval that was granted in April 2023, with regards to the height of the building, which was reported incorrectly at the prior hearing. He went on to explain that the Board had granted a certificate of non-conformity under Section 68 of the Municipal Land Use Law (MLUL) to utilize the property as a two (2) family residence. Additionally, he went on to state that certain variances were granted at that time, for lot area, lot frontage, front yard setback, and impervious coverage. Mr. Sacks stated that after the approval and the resolution was memorialized in July 2023, the architect discovered that there was a discrepancy between the survey, the engineering plans, and the architectural drawings. As a result, Mr. Sacks indicated that the height of the building differed from what was approved. He then told the Board that what was initially approved was a height of 31.9 feet and the height of the building was 33.3 feet, which is still below the 35 feet threshold set forth in the ordinance. Once they realized that there was an error and a discrepancy between the plans, he indicated that they also realized that there were some other certain modifications that needed to be made to the plans that were required to be reflected on a new approval. After consultation with the Township staff, Mr. Sacks stated that they decided to come back before the Board seeking relief from the condition.

3. Mr. Pietro Rosato, Architect, Piro Studio, 1717 Second Avenue, Suite 201, New York, New York 10128, came forward and was sworn in. The Board accepted his qualifications.

4. Vice Chair Shepherd then asked for clarification that the residence they were speaking of was the house that was in existence and was being used as a two (2) family house prior to the adoption of zoning laws. Mr. Sacks confirmed that that was the case. A discussion ensued, and the Vice Chair then asked why they were before the Board. Mr. Sacks indicated that they were before the Board because they wanted to go ahead and make modifications to the home and realized that they had a discrepancy with the height because the plans that the Board approved in 2023 had a height of 31.9 feet, but it was actually 33.3 feet, which is still below the maximum height of 35 feet.

5. Mr. Healey then added that the approval was not just a certification of pre-existing non-conforming use. He indicated that they were also making modifications to the building and associated with that, there were some existing non-conforming conditions so there were some variances involved. He went on to state that during that discussion, there were some questions about the building height and that it was going to be 31.9 feet, which was incorporated as a condition of the Board's approval in 2023.

6. Mr. Rosato then explained that the existing building footprint was revised to match the latest survey and where the building width is 24 feet, 4 inches and now they had the existing building footprint area of 821.55 square feet. He explained that there was a slight variation once the survey was done where it was seven (7) inches wider and seven (7) inches longer based on the existing survey of the foundation. Previously, he told the Board, that they only did a manual measurement and a fire occurred in the house and that is why they could not get the right measurements. After they got the correct survey, that was when they noticed that that was one of the discrepancies. He then went on to state that the new plan has the width and the length of the house changed by seven (7) inches on both sides. Mr. Rosato indicated that he was going to give the Board reference numbers of what changed and how much it changed. He noted that the footprint area that they have now is 821.55 square feet, whereas the previous Board approved drawings showed 783 square feet. He then stated that the proposed area of the addition also changed, based on these measurements, and was now 644 square feet, with the previously approved was 633 square feet. Mr. Rosato then told the Board that the total building footprint was now 1,465.55 square feet, whereas the previously approved drawings showed 1,416 square feet, which meant that the increase of the building coverage was 49.55 square feet. He then indicated that the covered porch would remain as approved by the Board, which is 21 feet wide by 8 feet deep, with a floor are of 168 square feet and did not change from the approved drawings. He then drew the Board's attention to the building height, which was stated before to be revised to 33.3 feet measured from the average grade, and the previously approved building height was 31.9 feet. Additionally, what changed was the slope that was revised from the old, approved drawings of 5 on 12 to 5.5 on 12. Mr. Rosato then stated that all the layouts of the basement, first floor, second floor, and attic stayed the same. He then noted that there were a couple of changes in the attic where they added an additional wall to create some separation of the storage spaces. He then added that the entire attic would serve as a storage space which had a ceiling height of 6.5 feet, which made it inhabitable. Mr. Rosato then told the Board that an attic height of 5 feet or less was revised from 44.9% previously approved to 41.06%. He then explained that the change was affected by the roof slope change and the dimensions, width and length of the building. He then discussed the revised engineering plans that were prepared by AWZ Engineering, dated July 30, 2025, which were revised as follows. He noted that the building coverage increased to 19.83% from the approved 19.63%, which is less than the maximum permitted building coverage of 20%. The impervious coverage increased to 34.96% from the prior submission of 30.74%, to an increase of 4.22%. He then told the Board that this was addressing the resolution condition item #11 and #14 to increase the driveway width to create a double-car width from 10 feet wide to 14.83 feet wide, which still stayed below the 35% maximum allowed based on the resolution.

7. Mr. Rosato then summarized by stating that because of the discrepancies between the survey and the architectural plans that they planned on submitting, the footprint that was originally listed as 1,416 square feet and would be 1,465.55 square feet, so there was a net increase of 49.55 square feet, and no changes to the covered porch. He then indicated the building height would be 33.3 feet, from the originally stated 31.9 feet, due to the discrepancy. As a result of the ceiling height change in the attic, Mr. Rosato

stated that there was a roof slope increase from 23.9 inches to 24.4 inches. He added that because they were increasing the square footage of the footprint by a little less than 50 square feet, that would increase the building coverage from 19.63% to 19.83% and still be under the maximum permitted of 20%. He stated the impervious coverage increase was triggered because of the increase of the width of the driveway to 14.83 feet, which was one of the conditions imposed when the application was previously approved.

8. Mr. Sacks indicated that they did receive a report from Mr. Healey and noted that all of the conditions that were imposed in the 2023 resolution would continue to be met. He added that they agreed that the attic and basement could not be used as any living quarters, with Mr. Healey recommending that they put a deed restriction in related to that. Mr. Sacks indicated that they agreed to do that.

9. Chairman Thomas then opened the meeting to the public for questions/comments. Seeing no one coming forward, the meeting was closed to the public.

10. Mr. Healey told the Board that even with the changes, the architect had shown relatively minor changes to the building architecture than what the Board saw previously. He then noted that the main change was the correction of the building height and basically the other changes stayed within the parameters that were previously approved.

11. Vice Chair Shepherd made a motion to grant the Applicant relief of the conditions set forth in their previous resolution by updating the previous resolution to include, where necessary, the changes in the measurements and appearance of the building that were discussed by the Applicant that evening. Additionally, they added the inclusion of the deed restriction that the Applicant and any future owners of the property will not use the basement or attic for living space. Ms. Bethea seconded the motion.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF FRANKLIN the BOARD makes the following findings of fact and conclusions of law:

1. The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70c provides the Board with the power to grant variances from strict bulk and other non-use related issues when the applicant satisfies certain proofs which are enunciated in the statute. Specifically, an applicant may be entitled to relief if this specific parcel is limited by exceptional narrowness, shallowness or shape. An Applicant may show that exceptional topographic or physical features exist that uniquely affect a specific piece of property. Further, the applicant may also provide evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Those categories

specifically enumerated above constitute the positive criteria necessary in order to obtain "bulk" or c variance relief.

2. Moreover, the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70c(2) further provides the Board with the power to grant variances based on whether the Applicant's proofs advance the purposed of the MLUL by the deviation from the zoning ordinance requirements and if the benefits of the deviation from the zoning ordinance requirements substantially outweigh any detriment.

3. In addition, the applicant must show that the proposed variance relief sought will not have a substantial detriment to the public good and further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. See Jacoby v Englewood Cliffs Zon. Bd. Of Adjustment, 442 N.J. Super. 450, 471 (App. Div. 2015). This is the negative criteria. It is only in those instances when an applicant has satisfied both tests that a Board, acting pursuant to the statute and case law, can grant relief. The burden of proof rests upon the Applicant to establish these criteria.

4. After a review of the record evidence, presentation of testimony and public comment, the BOARD finds that the Applicant should be granted relief from condition #2 of the Board's prior resolution, dated July 20, 2023, to allow a building height of thirty-three point three (33.3) feet, where the resolution specified a building height of thirty-one point nine (31.9) feet and the R-7 Zone permits a maximum building height of thirty-five (35) feet.

5. The BOARD finds the testimony of Pietro Rosato, Architect, Piro Studio, to be credible, persuasive and uncontroverted.

NOW, THEREFORE BE IT RESOLVED by the Board of Adjustment on the 19th day of March 2026, on the basis of the evidence and testimony presented, the BOARD does hereby grant relief from condition #2 of the Board's prior resolution, dated July 20, 2023, to allow a building height of thirty-three point three (33.3) feet, where the resolution specified a building height of thirty-one point nine (31.9) feet and the R-7 Zone permits a maximum building height of thirty-five (35) feet, subject to the following conditions:

1. The granting of this relief shall not be construed or eliminate the satisfaction of any other requirements of the zoning ordinance or requirements of the agencies, boards, or authorities of the Township of Franklin, County of Somerset or State of New Jersey.

2. The Board specifically grants approval to the latest set of application materials submitted by the Applicant.

3. The Applicant shall comply with any recommendations made in any reports from the Boards/Commissions who have sent in recommendations.

4. The Applicant shall comply with all of the conditions of the Board's prior resolution, dated July 20, 2023, except as specifically modified or waived herein.

5. The Applicant shall include in a deed restriction that any future owners of the property will not use the basement or attic for living space.

6. Any ambiguities regarding the interpretation of this Resolution shall be resolved by the BOARD upon due notice to the public.

_____
CHRISTINE WOODBURY
Board Secretary

VOTE ON MOTION: 02/05/2026
FOR:
Chairman Robert Thomas
Vice Chair Robert Shepard
Cheryl Bethea
Richard Procanik
Alan Rich
Gary Rosenthal
Michael Dougherty

AGAINST:
NONE

ABSTENTIONS:
NONE

VOTE ON RESOLUTION: 04/02/2026
FOR:

AGAINST:

ABSTENTIONS:

THE TOWNSHIP OF FRANKLIN BOARD OF ADJUSTMENT
SOMERSET COUNTY, NEW JERSEY
JC IOS ACQUISITIONS, LLC (ZBA-25-00020)
945 ROUTE 27

WHEREAS, JC IOS ACQUISITIONS, LLC (hereinafter referred to as "Applicant"), being the contract purchaser of the property located at 945 Route 27, in the Township of Franklin, County of Somerset, State of New Jersey, said premises also being known as, Block 88.01, Lot 7.01 (hereinafter referred to as the "Site"), as is indicated on the Tax Assessment Map for the Township of Franklin (hereinafter referred to as the "Township") has applied to the Township of Franklin Board of Adjustment (hereinafter referred to as the "BOARD") seeking preliminary and final major site plan approval, a "d(1)" variance and associated "c" variances in which the Applicant proposes to develop the Site with an outdoor storage facility.

WHEREAS, Applicant submitted an application packet with attachments, which were considered by BOARD, which included the following:

1. Application packet for variance relief, signed by the Applicant, dated June 30, 2025, consisting of twelve (12) pages;

2. Application packet for site plan approval, signed by the Applicant, dated June 30, 2025, consisting of six (6) pages;

3. Use Variance Plan & Preliminary and Final Site Plan, prepared by Dynamic Engineering Consultants, P.C., dated August 12, 2025, last revised December 2, 2025, consisting of fifteen (15) sheets;

4. ALTA/NSPS Land Title Survey, prepared by Dynamic Survey, LLC, dated July 1, 2025, consisting of one (1) sheet;

5. Drainage Statement, prepared by Dynamic Engineering Consultants, P.C., dated July 2025, consisting of four (4) pages;

6. Environmental Impact Statement, prepared by Dynamic Engineering Consultants, P.C., dated July 2025, consisting of forty (40) pages;

7. Traffic Impact Study, as prepared by Dynamic Traffic, LLC, dated May 7, 2025, consisting of thirty-seven (37) pages.

WHEREAS, the Township officials submitted memos, which were considered by BOARD, which included the following:

1. Memorandum from Mark Healey, PP, AICP, Township Director of Planning/Senior Zoning Officer, dated December 16, 2025, consisting of six (6) pages;

2. Memorandum from Darren Mazzei, PE, CME, Township Engineer, Center State Engineering, dated October 10, 2025, consisting of twelve (12) pages;

3. Memorandum from Darren Mazzei, PE, CME, Township Engineer, Center State Engineering, dated January 1, 2026, consisting of twelve (12) pages;

4. Memorandum from Officer Ryan Ellington, Franklin Township Police Department, Traffic Safety Bureau, dated October 13, 2025, consisting of one (1) page;

5. Memorandum from John Hauss, Township Fire Prevention Director, dated December 16, 2025, consisting of one (1) page;

6. Memorandum from Staff Engineer, Franklin Township Sewerage Authority, dated October 20, 2025, consisting of two (2) pages;

7. Memorandum from Rashida Boima, REHS, MPH, Township Department of Health, dated December 19, 2025, consisting of one (1) page; and,

8. Memorandum from Tara Kenyon, AICP/PP, Sustainability Coordinator, Township Environmental Commission, dated September 30, 2025, consisting of one (1) page.

WHEREAS, the Applicant introduced and the Board admitted various Exhibits as follows:

a. A-1 – Aerial of Site, dated January 8, 2026, prepared by Dynamic Engineering Consultants, P.C., consisting of one (1) page.

b. A-2 – Colorized Site Plan rendering, dated January 8, 2026, prepared by Dynamic Engineering Consultants, P.C., consisting of one (1) page.

c. A-3 – Circulation Plan Exhibit, prepared by Dynamic Engineering Consultants, P.C., consisting of one (1) page.

d. A-4 – Colorized Site Plan rendering, dated January 27, 2026, prepared by Dynamic Engineering Consultants, P.C., consisting of one (1) page.

e. A-5 through A-7 – Exhibit depicting equipment, vehicles, and other items that could be stored on the site.

WHEREAS, at the conclusion of the hearing, the Applicant sought variance relief from the Township's Code as follows:

1. Section 112, Schedule 1 – To permit an outdoor storage facility in the Business and Industry (B-I) Zone, where such use is not permitted.

2. Section 112, Schedule 3 – To permit an impervious coverage of seventy-one point one (71.1%) percent, where a maximum impervious coverage of sixty (60%) percent is permitted.

WHEREAS, the BOARD determined it had jurisdiction and upon due notice as required by law, public hearings were conducted on January 8, 2026 and February 5, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF FRANKLIN, the BOARD hereby makes the following findings of fact:

1. The Site is located in the Business and Industry (B-I) Zoning District. The Applicant is seeking preliminary and final major site plan approval, a "d(1)" variance and associated "c" variances, in which the Applicant proposes to develop the Site with an outdoor storage facility.

2. Simone Calli, Esq. of Calli Law, LLC appeared before the Board on behalf of the Applicant. Ms. Calli explained that she would be calling forward four (4) witnesses, with the first being the Vice President of the Applicant entity who would discuss the proposed operations.

3. Mr. John Grib, Vice President of Jadian IOS, 330 Madison Avenue, New York, NY, came forward and was sworn in. He went on to state that the Applicant entity was the contract purchaser of the subject property. Mr. Grib was acting as a lay witness with regard to operational testimony for purposes of their presentation that evening. Mr. Grib then gave the Board an overview ofJadian. He indicated that Jadian was a national purchaser and operator of industrial outdoor storage properties. He stated that they had been around for three (3) years and manage over 140 properties nationally, including three (3) properties in New Jersey (Elmwood Park, Trenton, and Sayreville). Mr. Grib then testified that they would retain ownership of the property and they would be responsible for the approvals if granted and oversee day-to-day operations on-site. He then told the Board that they did not as yet have a tenant for the property, and they plan, upon acquisition, was to market the business to local, regional, and national tenants. Mr. Grib then described what the day-to-day operations would be like at the subject site should the Board be inclined to approve the proposal. He explained that the day-to-day operation of the site would be to ensure that the site improvements that were planned for the property were installed properly and up to code. He added that they would be having on-site presence with a prospective tenant, ensuring that everything was being complied with and that all the items on the property were being stored properly and up to code. Mr. Grib added that they would also be doing maintenance when it came to future operations on the property and working with the local utility providers that all of the bills were being paid and serviced properly. He added that he would be coming to the facility on a bi-weekly basis to make sure everything was running smoothly and to identify any issues.

4. Mr. Grib then discussed with the Board that he was aware that the current owner's prior approval had certain details that were never implemented with regard to their approval.

Should they receive an approval from the Board, he stated that he would correct that situation and make sure that everything was implemented that should have been from the last owner. He stated that the Site Engineer would be discussing additional improvements in addition to those prior conditions.

5. Mr. Grib testified that they would be sourcing to businesses, and that over 75% of their current portfolio was leased to local tenants that benefit the community. He answered Vice Chair Shepherd's question regarding how many tenants would occupy the building by stating that his experience for irregularly shaped properties such as the subject property, with one (1) point of ingress and egress, that it would most likely be a single-tenant property, but he did not foresee it having any more than three (3) tenants. Mr. Grib then indicated that typical hours of operation for outdoor storage sites nationally was 24 hours, seven (7) days a week. He then discussed the type of tenants that they would exclude from having as tenants, which included those who stored hazardous materials, combustibles on-site or any that had a concrete plant or truck terminal on-site.

6. Mr. Grib then discussed whether users would require frequent movements to and from the property, stating that the activity in and out of the site would be infrequent, and the name "outdoor storage" indicated that the operations were principally on a storage basis so there would be minimal circulation in and out of the site.

7. Chairman Thomas then asked what materials were brought there to be stored. Mr. Grib stated that it would typically be for building material supplies, i.e., granite, tiles, cobblestone and stones of that nature but would vary depending on the tenant. Chairman Thomas then asked how they would maintain order and organization within the site and ensure that it stayed that way. He asked about the proposed 98 storage bays and if they were self-contained containers of some kind or was it 98 spots lined off on the ground with things placed there. Mr. Grib explained that the striping was for the vehicle component of the Application, however the current owner did not have the striping, which was a condition of the prior approvals, and had the vehicles scattered throughout the site and had hindered the conditions of the property in the way that it was operated. He added that when it came to the equipment and materials and supplies, those would be stored over the striping, but it would be in accordance with the ordinance where those materials would not be the kind that would be easily transportable off the site. He then added that a lot of times, they were organized and concealed. The Chairman then asked if precautions would be taken to make sure that things would not be of the kind to be windblown offsite. Mr. Grib indicated that it would be more of your concrete blocks and those types of materials that would be stored and not the more hazardous, combustible. He added that anything stored would be secured and would comply with the zoning ordinance when it comes to outdoor storage where the entire site would be fenced by installing a 8 ft. high gate that would be closest to NJ 27 so the viewpoint from the street into the property would be adequately screened. He noted that the Site Engineer would also speak to that, and the landscaping would have additional buffer and in compliance with the ordinance for fencing and a security standpoint.

8. Chairman Thomas then asked how high things would be stacked, and Mr. Grib indicated that it would be under 8 ft. and the materials would not be stacked higher than the 8 ft. fence they were putting in.

9. Mr. Healey then explained that the site was the one that was on Rte. 27, south of Churchill Avenue, just north of the Tara Greens property. He then stated that, historically, it was a concrete plant and approved about 10 years ago for bus storage, but was now a large open concrete yard with broken up asphalt. He added that the Site Plan showed 98 striped storage areas. Mr. Healey then asked what those 98 spaces depicting in terms of potential users and why was it, from the Applicant's perspective, on the Site Plan. Mr. Grib explained that it was on the Site Plan because their tenants range across industries, from logistics, transportation, construction, landscaping, contracting, etc. so, historically, one (1) of the more heavy industrial uses was trucking as well as what was the largest vehicle that could be stored on-site. He continued by stating that, for that reason, they showed the striping for the trucking component because from there everything else would be even easier, whether it be a short-bed truck, automobile, and things of that nature. He then stated that trucking was intended under the vehicle component of this Application, but then on top of that, since their typical tenant base also materials, supplies and equipment. He then noted that they had labels on that Site Plan that speak to those components.

10. Mr. Healey then stated that one (1) of the uses for the property that was mentioned would be for a truck terminal. He then asked for a description of a truck terminal. Mr. Grib explained that a truck terminal was a last mile facility, and typically in the logistics industry there would be product to come in to a port on the containers and that inventory was brought to a distribution warehouse and where the general inventory and products would be stored. From there, Mr. Grib indicated that once an order had been placed, that warehouse inventory was taken to that facility to a truck terminal, which was the "last mile" which was servicing the immediate towns and counties. He continued by stating that what would happen is that the inventory would be dropped at that terminal with trucks typically dock to those facilities, take those specific items that were in that order and then ultimately drop it off at the purchaser, whether it be a residential consumer or a business. He then detailed why this type of operation would not be on-site was because they had a very small building on-site and would not be having specific inventory stored in the building. He added that anything stored inside the building would be for any minor or soft maintenance and repairs of items.

11. Mr. Healey then asked Mr. Grib what tenants might occupy the building if there were only to be one (1) tenant. He asked the same question of Mr. Grib if it were to be a mixture of uses on-site and what would be the mixture of up to three (3) uses. Mr. Grib answered by stating that the tenant pool would probably mirror their existing assets to include construction vehicles and materials or landscaping vehicles and associated materials. He then detailed the uses on the three (3) different locations they own in New Jersey. Mr. Healey asked if they were to have a mixture of tenants for the building, what might that mixture possibly be. Mr. Grib indicated that it was really

dependent on tenant demand in the area, but would most likely be a mixture of the industries that he mentioned to include construction, building supply, landscaping, contractors, logistics and transportation.

12. Vice Chair Shepherd then asked if a landscaper wanted to store mulch, how would that be handled. Mr. Grib stated that it would have to be in accordance with the Township ordinance and something that they would hash out during the pre-screening process that they conduct for leasing any of their other properties.

13. Chairman Thomas then asked Mr. Healey if the Township had any ordinances regarding mulch storage. Mr. Healey indicated that he did not think so, but stated that he would look through their ordinances throughout the hearing. He added that if he did not find any, the Board might want to consider setting up some parameters related to that if they were inclined to grant approval.

14. Ms. Calli stated that anything that was proposed would comply with the Township's outdoor storage ordinance. A discussion ensued.

15. Mr. Procanik then opened a discussion regarding general security for the site and fear of theft. Mr. Grib explained that it would be addressed by the new gate with a lock on the outside. Additionally, he added that they were going to be making improvements to the building by solidifying the loose doors to secure the items inside the building, with the outside storage up to the tenant that they would work with. He added that the gate/lock and fencing around the property as well as security cameras should satisfy the outdoor security concerns.

16. Mr. Healey asked if there were multiple tenants, how would they be let into the site during different hours with the gate/lock. Mr. Grib stated that all tenants would have access to the site with a key to the gate.

17. Chairman Thomas then asked if they had a certain number of trucks in a typical site. Mr. Grib indicated that it was dependent upon the acreage and the configuration of the site.

18. Chairman Thomas then made a motion to open the meeting to the public for questioning. Seeing no one coming forward, the meeting was closed to the public.

19. Ms. Firdaus then asked if a potential landscaper tenant would be allowed to store chemicals like fertilizers. Mr. Grib stated that they had an environmental council that they utilize to screen all tenantsthoroughly , and he had previously testified that nothing on-site would be hazardous or flammable. He added that most likely they would not allow a tenant to store toxic liquids , etc.

20. Mr. Jeffrey Haberman, Project Engineer and Principal of Dynamic Engineering, who gave his qualifications and experience. The Board accepted his qualifications.

21. Chairman Thomas then asked Mr. Haberman whether he had participated in this type of application that was before the Board that evening. Mr. Haberman stated that he participated in assisting with designs in the office, but had not testified to an outdoor storage proposal but stated that he understood them very well. He then stated that the plans were submitted in connection with this Application were prepared by him or under his supervision.

22. Mr. Haberman then took the Board through the existing conditions on the site and described the proposal. Mr. Haberman entered into the record As Exhibit A-1 as an aerial map exhibit prepared by his firm and dated 1/8/2026. He noted that the site was surrounded by industrial uses or in commercial uses which could be classified as including the Public Works building within the CMU and CMR Zones. He noted that to the west, there was undeveloped land in the General Business (GB Zone) with industrial uses beyond that. He added that to the south was the existing golf course and driving range also within the GB Zone, and to the east is NJ State Highway 27, with other industrial commercial uses beyond that. He showed that the subject site was an irregular shape (triangular) which has somewhat limited development potential as one would travel further west into the site due to the setbacks that come to the pinch point on the property. He then told the Board that the frontage was bisected by the Family Dollar store on the southern leg was where the existing full movement driveway was currently located. He then noted that to the right side of the store was a fairly wooded area as well as a low-lying wetland area that they currently had an application in to the NJDEP for a letter of interpretation to verify those wetland bounds. Mr. Haberman then told the Board that the property acreage was 5.21 acres in size, with the property itself was located within the Business & Industry (B-I) Zone. He detailed some of the permitted uses within that zone to include general professional offices, laboratories, banquet facilities, hotels, data centers, light manufacturing, self-storage facilities, as well as child care centers. In terms of existing improvements, it was currently developed and was previously approved as an outdoor bus storage use/office use back in 2017 and operated for a few years in that manner and before that it was a concrete plant for a number of years. He noted the four (4) existing structures on-site currently, with three (3) on the south side or left property line, with the fourth structure was at the top of the property which actually straddled the property line and was partially on the adjacent property. He then spoke about circulation patterns, noting that there essentially was no traffic control on the site as currently shown. He stated that he believed that was due to the matter related to the prior applicant not installing certain improvements on-site, including striping and circulation to make it effective for bus storage. He then noted that the site was certainly not kept that well at all, with portions of the existing concrete surfaces on site that were dilapidated and the northern half of the site under the prior approval was supposed to be paved and was never paved and was currently compacted gravel at this time. Other site elements that were lacking include lighting on site to assist with any vehicular circulation along with no true landscaping screening along Rte. 27 to shield the view of the site from Rte. 27. Mr. Haberman indicated that there was not much of an understory vegetative area where the low-lying wetland area was located, especially during the winter months. He did indicate that a majority of the site was currently paved to include 78.6% of the site. He

then discussed the drainage patterns, indicating that everything drains from what was shown at the top of the page to the east or low-lying wetland area that was along Rte. 27. Mr. Haberman noted that the prior user did stockpile a number of gravel material, sandy material and other soils along the wetlands embankment and causing issues with the drainage in that area by impeding stormwater runoff from being able to drain right into that wetland area. Mr. Haberman stated that that was an area that the Applicant would be looking to correct. He then told the Board that he drove by the area and noted that there was essentially no inlet infrastructure in the back of the Family Dollar store so there was a good amount of ponding occurring in the current condition behind the Family Dollar store on the subject property and a condition the Applicant would also like to correct. Mr. Haberman then marked into the record as Exhibit A-2, which was entitled the Site Plan rendering and prepared by Dynamic Engineering, dated that day of January 8, 2026 and a colorized rendering of the Site Plan.

23. Mr. Haberman indicated that he was retained by the Applicant to review the existing conditions and constraints and prepare the layout that was shown today for the repurposing of this parcel from an outdoor bus storage facility, or a vacant use now, to an industrial outdoor storage use. He indicated that he had been to the site on numerous occasions, reviewing the property survey, the Township land use ordinance, have copies of all the Township professional's review memorandums in depth and also reviewed the prior 2017 site plans and the resolution of approval that was associated with that outdoor bus storage approval. As a result, they were before the Board that evening seeking Preliminary & Final Major Site Plan approval and "d(1)" Use Variance relief, along with a few "C" variances and design waivers. He then spoke about the improvements they would be making, including the repurposing of the currently vacant site that was previously approved as a bus storage depot with an industrial outdoor storage use. Since industrial outdoor storage was not a permitted use in the B-I Zone, the project would require "d(1)" Use Variance relief.

24. Mr. Haberman indicated that they were aware that the prior applicant did not construct many of the site elements that they were obligated to construct prior to the operation of that bus storage operation. He then told the Board that Jadian IOS was a national vendor who was very familiar with these types of sites and have well over 100 of these sites nationally. He then told the Board that they will be proposing to pave the currently existing gravel areas with asphalt pavement, provide screening along Rte. 27, illuminate the site properly with LED lighting, and, overall, just operate the site in a safe and efficient manner that was previously not recognized at the site.

25. Mr. Haberman then discussed, in detail, the improvements that would be made, to include the circulation on the site as the most important aspect. He then stated that he would start first from Rte. 27 where the existing driveway (full movement driveway) that was at the left-hand side of the site. He then described it as a full-movement driveway constructed of all concrete coming right up to the site where the gate was. Mr. Haberman indicated that they were not proposing to change that as it encompassed almost the entire width of the right-of-way that leads right up into the site. As a recommendation from the Township Engineer, he indicated that the Applicant should

repair the driveway to a better condition as well as the sidewalk that crossed over the driveway parallel to Rte. 27 and agreed to do that as any condition of approval with a small permit from NJDOT. He then discussed the striping improvements that they had included in their design. In answer to Vice Chair Shepherd's inquiry about why the shading was of a different color on the left side of the site, Mr. Haberman explained that depicted existing concrete surface pavement. He noted that on the right side, the coloring of dark gray on the exhibit showed newly proposed asphalt pavement where the existing compacted gravel was located. He then went back to discuss the striping, stating that there was a 35 ft. drive aisle that they would be striping on either side throughout the site to provide proper circulation so that vehicles understand where to travel on the site as opposed to a free-for-all condition that it was currently in now. Mr. Haberman then explained that the majority of the storage area were going to be located on the right-hand side of the site. He then addressed the question Mr. Healey had earlier as to why it looked like they were planning on parking tractor trailers or something similar. He explained that when they originally designed the site, it was assumed that they would possibly have a trucking operation on the site and that striping methodology would be the most restrictive type based upon the length that was needed to park a tractor trailer. He went on to state that now that was not a contemplated use on the site, they were going to keep the striping in that location for now, but it would not be the final condition of what that striping would look like, but that was actually where the outdoor storage area would be located. Mr. Haberman then drew the Board's attention to the buildings on the site, currently with four (4) buildings. He noted that with the one (1) closest to Rte. 27, one would see the dark gray coloring nearby and stated that that building would be demolished to provide better visibility from the roadway. He then described the next building into the site as a small office building use for their employees and tenants to occupy. He then went on to state that the next building into the site would either be a quasi-maintenance facility or a general office use as well. These typical outdoor storage users want to have the ability to have a building on-site to possibly store other materials inside of the building themselves to be able to maintain any vehicles that might be on-site that their contractors might be storing. Vice Chair Shepherd opened a discussion regarding the type of maintenance Mr. Haberman was speaking about, and he included the repair of vehicles such as landscaping vehicles that might be stored on-site and then brought back outside. He noted that there were overhead doors on the building where they could bring the vehicles inside to repair and then bring them right back out to the outside storage space that they were allotted under their tenant contract. Mr. Haberman then discussed the fourth building that straddled the property line located at the top of the site that would be removed as part of the Application. The Vice Chair then asked about the green space shown on the Site Plan exhibit, and Mr. Haberman explained that that would be left as a green space. He indicated that he would be speaking towards the landscaping of the site further along in his testimony. They then discussed what the overall impervious coverage percentage would be after returning some space at the top of the site to green space, noting that the impervious coverage in the existing condition was 78.6%, and they were bringing it down to 74.5% impervious coverage.

26. Vice Chair Shepherd then asked about something in the Site Plan called a "dog house" related to drainage. Mr. Haberman explained that the west side of the site drained down toward the wetland area that was at the front right corner of the site. He then told the Board that the prior user stockpiled a lot of material over in the area just before that wetlands space, impeding drainage and not allowing it to follow its natural pattern. He then stated that there was also no infrastructure to collect storm water runoff along the back of the Family Dollar store in front of the property, causing a significant amount of ponding that was occurring in that location now. He went on to explain that the "doghouse" was a structural term for a type of inlet that was typically placed over an existing underground storage water pipe. Mr. Haberman also added that they plan to regrade the property as well so that it drained either towards the wetland area or into that "doghouse" inlet that they would be installing over that pipe. He then testified that they would be removing the stockpiles near the wetlands and submitted applications to the NJDEP to obtain a transition waiver to remove those stock piles because it was technically a disturbance in a wetland buffer, so it would be an enhancement to the condition.

27. To conclude his discussion regarding the circulation on-site, Mr. Haberman indicated that they were also proposing a parking scheme around the existing building and the office building. He explained that it would include parking striping but also an ADA stall so that they comply with the Americans With Disabilities Act, and the spaces themselves would comply with the Township's code for 9 ft. in width by 18 ft. in depth. He then told the Board that there were 17 parking stalls that were proposed, which was compliant with the ordinance, and that Jadian operates a very nice, clean site at all their locations.

28. Vice Chair Shepherd stated that the current site was poorly revised and maintained, and the tenants put all kinds of piles of materials all over the place. He then asked what was to keep that from happening again if they gave the Applicant the Use Variance that he needed and allows him to go forward with the proposed project. Ms. Calli stated that any condition of approval, should the Board be so inclined, would really be an enforcement issue and zoning violations would issue against the Applicant, and that was how it would be controlled through the Township Zoning Officer. A discussion ensued related to anything that might be of concern to the Board as violations and how the whole site was going to work.

29. Chairman Thomas then asked Mr. Hak, Board Attorney, and/or Mr. Healey, if the Application was approved, to work in a condition of the approval where there would be a Township inspection every six (6) months. Mr. Hak responded by stating that he thought they could put that in as a condition of approval that the site would be subject to periodic inspections to confirm that it was operating the way it should. A discussion ensued, and Mr. Healey suggested that whenever there was a new tenant on the site that they should have to go through zoning approval. He also added that they might also want to set some parameters of what they may or may not do, with the Zoning Dept. would have to implement that each time a new tenant came in. Mr. Healey then stated that he and Mr. Mazzei, Township Engineer, did find that there was a section on

outdoor storage in the ordinance, so it was not a stand-alone permitted use, but that section was in there for if there was a warehouse or light manufacturing use that happened to have some accessory outdoor storage. He added that he thought that some of the language might be helpful in the discussion. Mr. Healey told the Board that it was Section 112-123, and that section A stated that "no flammable or explosive liquids, solids or gasses shall be stored in bulk above ground". He indicated that he felt it would be useful to stress the word, "in bulk" and that if the Board were to grant an approval, if there were going to be landscapers and they happen to have a gallon of gas in his trailer, he did not think that that was what the Board was concerned about, but possibly something like a tenant having 100 gallon tanks of propane and possibly 20 of them. Mr. Healey indicated that was not permitted even as an accessory use, and language to that affect would be appropriate as a condition. Other language in the ordinance included "all outdoor storage facilities for fuel, raw materials and products and all raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from adjacent properties" and "materials or wastes shall not be deposited upon a lot in such form and manner that may be transformed off the lot by natural causes or forces". Additionally, included was language such as "all materials or wastes which might cause fumes or dust or which cause a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers".

30. Vice Chair Shepherd was concerned that the word "waste" kept coming up and wondered about someone in the facility have material that might have gotten wet or ruined in some way and do not want it anymore and just cast it aside. A discussion ensued.

31. Ms. Calli then interjected that their first witness, the Applicant, already testified that they intended to comply with all of the Township's outdoor storage ordinance requirements.

32. Chairman Thomas still expressed concern that if tenancy did not change in a few years, there would be no inspections that would be ongoing to make sure that things on-site were operating properly. Ms. Calli then asked if the Township had a change in tenancy ordinance, such as a Minor Site Plan Committee that would oversee a change in tenancy. Mr. Healey explained that that was handled with a zoning permit for any new tenant, and if the Board were to place conditions if a tenant was going to store something like mulch or gravel, that they would have to show the Township how they were going to contain those materials.

33. Mr. Haberman then continued with his discussion on storm water management, and because they were reducing impervious coverage from 78.6% to 74.5%, the development was considered a Minor development pursuant to the Township Ordinance as well as the State regulations of 7:8. He added that the development was not required to address what are called the storm water runoff rate control requirements. In furtherance, due to that reduction in impervious coverage, Mr. Haberman indicated that water quality and ground water recharge also do not need to be addressed because

they had reduced the impervious coverage on-site. Vice Chair Shepherd then discussed what the difference was between a Major development and a Minor development, with Mr. Haberman stated that a Major development was when impervious coverage increased by over a quart of an acre and they were reducing impervious coverage by a quarter acre. The Vice Chair then asked if that still held with the Applicant still being over the coverage maximum of 60% where they were proposing 74.5%. A discussion ensued. Mr. Healey explained that there were two different ordinances that were involved that had different requirements. He added that there was a cap on the amount of impervious coverage that they could have, but that did not address whether an Applicant had to do storm water, with the storm water kicking in with the net increase. Mr. Mazzei, Township Engineer, stated that he knew that there was an existing gravel area, but that the site was actually a full concrete plant, so that was what was what was being considered the existing condition. He then explained that there were two (2) things that would trigger the site being considered a Major development and this was not the case with the subject project. He then detailed the two (2) triggers that would affect that, and they were the increase in the proposed area by a quarter of an acre or if there was a land disturbance area of an acre, but neither involved the subject site.

34. Mr. Procanik then asked Mr. Mazzei how long they would be looking back, in terms of years, to that concrete plant. Mr. Mazzei indicated that the NJDEP had a five (5)-year window, but since there was gravel on a portion of the site currently and could be considered impervious coverage, he went with the more restrictive outlook because he did not believe that the Applicant should be granted additional impervious off a site plan that was not finished. A discussion ensued about what would be considered "disturbance". Mr. Haberman testified that they had a certification from the Somerset Soil Conservation District and they had accepted it in that manner too. Mr. Procanik then opened a discussion regarding whether the runoff was only going through one (1) inlet, and Mr. Mazzei and Mr. Haberman addressed that issue and stated that they would look into whether they would need to increase the size of the piping or have two pipes in that location behind the Family Dollar store. Mr. Haberman indicated that he would work with Mr. Mazzei related to that issue and could agree with whatever the recommendation was as a condition of any approval.

35. Mr. Mazzei then asked that they provide a repair plan for the concrete area currently on-site and asked Mr. Haberman what the condition of the concrete area was, as of that day. Mr. Haberman indicated that there were areas of that concrete area that were in need of repair and could work with Mr. Mazzei to put together a very specific concrete repair plan instead of ripping everything out and replacing everything. Mr. Mazzei brought up Mr. Haberman's comment that the striping might change, and in that case, Mr. Mazzei wanted designated "no parking" fire lanes so emergency vehicles could enter the site and potentially signage for the same. Mr. Haberman indicated that he could work with Mr. Mazzei and the Township Fire Official to their satisfaction regarding those items. Mr. Mazzei then asked for Mr. Haberman to clarify and describe what kind of vehicles would be entering the site. Mr. Haberman stated that, originally, they were thinking that the operation would be a tractor trailer storage site, but testified earlier that that was not what the Applicant was intending to have there, so that storage

of those large vehicles would not be happening on the site and they would not be coming in and out of the site. He did state that there may be a stray tractor trailer coming in and out once in awhile for a drop off, but that they would not have storage of those on-site. He added that the driveway would mostly be utilized by a WB40, semi-trailer, or other smaller vehicles such as sprinter vans. Mr. Mazzei expressed his concern for WB67's entering the site and asked if they had a circulation plan exhibit to show. Mr. Haberman marked the exhibit into the record as Exhibit A-3.

36. Mr. Healey then told the Applicant, for future reference, that they were notified, both through his report and a letter from Ms. Woodbury, Zoning Board Secretary, that they needed to come to the hearing prepared with a laptop to project their exhibits onto the screens located within the chambers. He stated that he was not sure if the Board could see the circulation plan exhibit clearly from where they sat and that the Board put it in their By-Laws. Mr. Healey indicated that, luckily, there was no public at the meeting that evening, but if there were, the Chairman was within his right to send them away and not hear their Application.

37. Mr. Mazzei indicated that it took the full movement of the driveway to get into the site, so if there were ever a conflicting movement, there was potential for vehicles to back up on Rte. 27. He then stated that with the old approval as a bus storage area, a bus could make the turn in and out free-flow, but with this Application, they were going to have to have some kind of staggering system or making sure that there was someone who monitored this. Mr. Haberman stated that the Board would hear from their Traffic Engineer about the trips generations and low-intensity use of the site as well as there being no plan to store tractor trailers on-site either, with the frequency of those vehicles being minor and infrequent. Mr. Haberman then described the turning movements on the exhibit of tractor trailers.

38. To go back to the colorized Site Plan exhibit, Chairman Thomas asked if it were necessary to have 100% of the concrete shown in tan included on the site. Mr. Haberman explained that the upper portion of the concrete the Chairman was speaking of was necessary for turning movements, especially for emergency vehicles, and left that area clear of any storage for that purpose. The Chairman then asked him to explain why they were not closer to the maximum allowed impervious coverage of 60%, considering they were starting with a clean slate. Mr. Haberman indicated that there was more testimony to be heard on the Planning side of the hearing, but he did believe that they needed "C" variance impervious coverage relief for the increase over the allowed 60%. He did testify that they could look into reducing the impervious coverage further, but did not believe that the area the Chairman was pointing out was a great area to remove impervious coverage, but there may be a few other areas that they might be able to reduce impervious coverage. He stated that they could remove some of the area right next to that wetland area, shown in the gray color, and replace it with lawn area. He also suggested that they might be able to remove a small portion of the driveway leg coming up where it was striped. The Chairman agreed with the wetlands area, but would not do anything with the driveway after listening to the Township Engineer, Mr. Mazzei. The Chairman then suggested that they might be able to remove a little bit of

the storage space behind the Family Dollar store, and Mr. Haberman indicated that they were already removing some of that already and putting in evergreen plantings, which would help with the screening of the site from the Family Dollar store. The Chairman expressed concern that if all tenant spaces were occupied, the site was going to be very crowded. A discussion ensued, and Mr. Haberman stated, in his professional opinion, that he believed that the plan was organized for the specific type of use being discussed and was willing to work with the Township Engineer to reduce the impervious coverage.

39. Ms. Calli then stated that they would be able to project their exhibits as they have a laptop with them to do so.

40. Mr. Mazzei then drew the Applicant's attention to the existing basin, and asked Mr. Haberman to discuss where they both came to an agreement on the phone related to that. Mr. Haberman stated that he and Mr. Mazzei discussed some enhancements to the wetlands area to help facilitate the drainage through it, to include a concrete channel that would run to a culvert that went underneath Rte. 27. He added that they discussed cleaning that culvert out to make sure that the pipes were not clogged and that drainage was effectively going through that channel to get to Rte. 27, underneath it. Mr. Haberman noted that removing the stock piles around the outside of the wetlands area was a big part of that, regarding that outside portion with proper lawn to make sure the wetland buffer was acting as it should be. He then told the Board that they had an application into the State at that time to the NJDEP for a transition waiver. He added that should it be needed, they could also supplement that, while it was under review right now, with a GP1, a pretty basic maintenance permit, to do some maintenance work in there to make sure everything was cleaned out and functioning as it should be.

41. Mr. Mazzei then asked Mr. Haberman if there was anything in his letter that he did not think he could address, and he indicated that he believed that they discussed everything in Mr. Mazzei's letter and did not have any other issues addressing his comments. Mr. Mazzei then asked him to elaborate a bit more regarding his comment #8. He added that they were planning to conduct some geotechnical testing to get little bit more characteristics of the underlying soil so they could provide a proper detail for that asphalt pavement section. Mr. Mazzei told the Board that he had recommended a section of two (2) inches of asphalt, six (6) inches of asphalt base and six (6) inches of DGA. He added that, in the past, if a geotechnical specific design was done for the site, they would entertain that, but that the 1-1/2 surface course was something he would not recommend accepting.

42. Mr. Healey then asked for clarification on the testimony that was given. He repeated that the testimony given was that the Applicant was not proposing tractor trailer storage. He asked if they were just not proposing throughout the whole site or not at all. Mr. Haberman stated that they were just not proposing it at the whole site. He went on to state that they could have a semi-tractor trailer like a WB40, landscape vehicles, construction vehicles, but they were not proposing the 53 ft. beds stored on-site.

43. Mr. Healey then brought up what he thought he remembered in testimony about 8 ft. fencing around the property and asked Mr. Haberman to show the Board where that fencing would be placed on the site. Mr. Haberman stated that the only fence that they were proposing was at the entrance gate, which was an 8 ft. chain link fence, with privacy vinyl slats so you could not see into the site when it was closed. He added that they did not have any other perimeter fencing proposing, but that there was existing fencing along the southerly property line and then, essentially, all woods. Mr. Haberman stated that he thought that the Applicant was speaking to with the 8 ft. fence is that there was the fence at the entrance made from chain link that he just spoke about. He added that that gate was connected to an existing fence that ran along the property line, but terminated along the left side of the property where there was a wetland area and transition area. Mr. Haberman continued by stating that on the northern side of the property, there also was existing fence at the top end of the site that terminated at a landscape wall that straddled the property line, but that landscape wall was not 8 ft. tall. He then added that there was about 40 ft. of woods between the Applicant's contract property line and the adjacent users, which was the Public Works facility and another storage site.

44. Mr. Healey pointed out, in the rear left corner of the Family Dollar store site, it looked like some of the pavement associated with the site encroached upon that property, and if so, is the plan to remove it. In looking at the plans, the rear left corner of the Family Dollar store site had a notation for a mailbox. Mr. Healey thought there was pavement shown there, but Mr. Haberman was not sure if there was pavement there or not, but thought there was landscaping there that straddled the property line there. If there was pavement there, it was not an area that Jadian would propose to occupy for any type of storage.

45. Ms. Calli indicated that if they were over the property line and they did not have an easement or any other right of access, they would pull whatever was over the property line. Mr. Haberman also added that there was some existing impervious coverage at the top of the property on the Conrail property to the north, and they were proposing to remove that impervious surface from the adjacent property that would also be another water quality benefit that they were not including in the impervious coverage calculation for the overall development.

46. Mr. Healey then made a comment as the Planning Director and enforcing zoning in Franklin Township by stating that, generally, if the Board was inclined to consider the use, there were details to work out. He added that, generally, the use of having an area where people can have outside storage was a benefit, from his perspective. He did concede that there were access issues that had been a large part of the discussions that they have had, to include tractor trailers, but there was not a lot of sensitive land uses adjoining the site. He then told the Board that they have had problems every day with landscapers popping up in residential areas so having a location or locations where landscapers could go to store their vehicles and materials in a responsible way, perhaps other outdoor storage places like that would be preferable than having them pop up all

in different residential areas. Mr. Healey then stated that he believed it would be a positive and, perhaps, would reduce some impacts that they saw in the Planning and Zoning Depts.

47. Chairman Thomas made a motion to open the meeting to the public. Seeing no public in attendance, the Chairman then closed the meeting to the public for questions.

48. Mr. Craig Peregoy, Traffic Engineer, came forward and was sworn in. He then gave his qualifications and experience to the Board, and the Board accepted his qualifications. Mr. Peregoy then discussed the Traffic Impact Study that he had submitted. He then took the Board through his findings. Mr. Peregoy gave a brief summary of how they put the Traffic Study together, including traffic counts at the existing location and also picked up Industrial Drive that was across the street that acted like a four (4)-way intersection and volumes along Rte. 27. He then stated that they pinpoint the morning and evening peak hour volumes and grow them by a rate that NJDOT puts out for the area of 2.75% per year for a two-year period to include growth. Mr. Peregoy stated that they then have to account for the activity on the site and the number they use from the Institute of Transportation Engineers (ITE) for the use of outdoor storage facilities for forecasting traffic numbers was not as yet determined; however, they use one that was truck and trailer storage that the Applicant had stated was not going to happen on-site or general light industrial uses that covered a lot of uses. Another use that might be used was specialty trade contracts like plumbers or HVAC trades. He added that all of these kinds of uses generate about 10-15 vehicles per peak hours which was very low in terms of trip generation. Mr. Peregoy then brought up the fact that the Applicant operated three (3) other sites in New Jersey, and they focused on the one (1) in Elmwood Park where there was a construction company that do all the work on the Turnpike and the Parkway and would be the worst-case traffic impact. In doing his analysis, it was determined that it was still not a big traffic generator. Utilizing their data, Mr. Peregoy indicated that they had about 40 vehicles per peak hour and still less than half of what would be called a significant increase in traffic. NJDOT determined that it did not generate enough traffic to warrant a permit. He then focused on the specific site and noted that the driveway would operate at Level D, which was considered acceptable for the peak hour time periods and added that there was no effect on the intersection of Industrial Drive. He then drew the Board's attention to the WB67 large tractor trailer and indicated that because there was no shoulder on Rte. 27, it opened up to two (2) lanes just before the driveway. They all agreed that those types of larger vehicles would not work at this site. He did add that trucks could make it into the driveway by swinging the width of it, but that it would be a rare occasion that that type of vehicle would be coming to the site. Mr. Peregoy also stated that you would not see one (1) truck coming in and another coming out with it not being considered a truck terminal type of facility. He added that the same held true at the Elmwood Park location where you would see a lot of dump trucks going in and out, but not one (1) single tractor trailer stored on the site, with the site being locked up at around 3:30 p.m. and were out of the site by 6:30 a.m. and a good fit in terms of traffic because it was not coincident with the peak time of the roadway.

49. Mr. Procanik then asked a few questions, with the first trying to pinpoint what Mr. Peregoy's description of a van would be as stated in his report. Mr. Peregoy stated that a vehicle would be considered a truck for anything larger than a van, i.e., a dump truck, a box truck, or even a sprinter van, etc. Mr. Procanik explained that some of the ignorance from the Board's perspective was about not understanding how the site would work after full build-out. Mr. Peregoy stated that a construction yard contractor like up in Elmwood Park would be the most intensive and they saw dump trucks, flatbed trucks bringing materials. They then spoke about the driveway being wide enough to accommodate for coincident in and out traffic. Mr. Procanik then asked about the access easement on the right side of the wetlands and if there was any consideration to use that for circulation purposes. Mr. Peregoy stated that that was for the Family Dollar store and they would not be able to take out any vegetation there from the wetlands to create a wider driveway for turn-ins that a larger truck would require.

50. Chairman Thomas then opened to the public for questions. Seeing no one in the public, the hearing was closed to the public.

51. Mr. Paul Ricci, Planner, came forward and was sworn in. He then took the Board through his qualifications and experience. The Board accepted his qualifications. He then discussed what he reviewed in preparation for his testimony that evening by stating that he took a site visit of the area on two (2) occasions, reviewed the Township's 2016 Master Plan re-examination report, reviewed the Township's Master Plan amendments in 2020 and the Application materials from 2023 and had several conversations with the Applicant's team, reviewed all of the Township professional letters and pertinent sections of the Township's zoning ordinance. He then took the Board through his planning proofs by first stating that they were seeking the "D(1)" Use Variance to allow the industrial storage, office and maintenance facility, and an impervious coverage variance to allow as submitted by the Applicant 74.5% where 60% was the maximum permitted. He did note that the Applicant did agree, as part of his direct testimony, that they would look to perhaps cut that back further. As part of their Application materials, the Applicant indicated that they also required variances for buffering, but Mr. Ricci stated that he did not believe that those variances were required because when viewing the zoning map, there were some thick line weights that depict the area. He then explained that the way that the zoning ordinance worked was that if the site adjoined a residential use or district, then those buffer provisions would kick in, but that was not the case here. He drew the Board's attention to the Site Plan exhibit in the aerial, and indicated that looking to the right of the site, there was a rail right-of-way and the existing Public Works facility and Somerset recycling as well as the golf facility on the other side, so the site did not encroach or touch any residential areas. Vice Chair Shepherd agreed with Mr. Ricci, with the exception of the golf facility/driving range where he did not believe the patrons of that facility would want to focus on the type of project that they were speaking about. He stated that he believed that the fences were needed there and consistent with the Applicant's representative, Mr. Grib's testimony. Mr. Ricci explained that buffering would also suggest additional area for landscaping and additional to potential fencing. He noted that fencing could be installed without

the need for a full buffer as well. Mr. Ricci then stated that he did have a photo from the golf driving range that had significant netting that was going up on that property line and was obscuring the view today, if not completely screening it. He then discussed the land uses in the area, noting proximity to Churchill Avenue and New Brunswick across the Rte. 27 roadway and intersection with North Brunswick as one would travel down to Veronica Avenue. He discussed the warehouse that was back behind the tip of the subject property, the rail right-of-way along the right side of the property, followed closely by the intersection of Churchill Avenue where there was the Somerset recycling facility that had an intense use, an impound yard across the street from the recycling center and a Township Public Works facility. He indicated that he believed that the site was not in proximity to residential uses and could accommodate the proposed use without being a substantial change to the character of the area. He then brought up the fact that the Applicant agreed not to stack materials too high and were looking to address sight lines coming into the property as well. Vice Chair Shepherd then interjected that that was part of the discussion regarding the 8 ft. fence, and Mr. Ricci indicated that that was an outstanding issue that would have to be resolved as part of potential deliberations. Mr. Ricci then spoke about there being limited visibility into the site the way it existed today, which he thought was a positive. He added that for a "d(1)" Use Variance, they needed to demonstrate that the use was particularly suited at the subject location and that the variances could be granted without a substantial detriment to the public good or a substantial impairment to the zone plan and with the enhanced quality approved to reconcile the omission of the use from the Township's Master Plan and zoning ordinance. He did testify that the property was a slightly oversized 5.21-acre property, and in speaking to the Site Engineer, they were clearly in agreement that the triangular shape of the property did significantly limit its future development potential for the reasons of its irregularity. While it did also recognize, as a Planner, that while they were not proposing a bus storage facility, which was its own land use of record that was different from outdoor storage, it was functionally the same use that was being proposed. As for the variance required for impervious coverage, the testimony given was that the Applicant was proposing to decrease the size of that impervious footprint from the state in which it existed today. Mr. Ricci then spoke about his review of the previous Resolution, understanding that the site was approved for up to 180 buses at the facility. He then mentioned that he did find it appealing regarding the streetscape improvements that were proposed, the fencing, the additional landscaping, etc., which would be going to help to better harmonize the use as viewed from Rte. 27. He then noted that the site was in a state whereby the Applicant could occupy and utilize the site for their purposes today, however, the Applicant was looking to pull back its current intensity. He noted that as the Planner for the town of Linden, a highly industrialized city, the need for this type of use as did Franklin Township's Planner as well. He also noted that a lot of the industrial sites that used to be available for this type of use were replaced with warehouses in the past number of years, which also created a need for facilities such as what was being proposed. He then spoke about this type of business being previously occupied and owned by everyday business people and not run by large corporations that had the wherewithal and the monetary ability to run and regulate these types of businesses and operate them as a true business model. He also stated he saw it as a

positive that the Applicant owned and operated around 140 facilities throughout the country and would help ensure they have the ability to regulate the facility moving forward, that was mentioned by Mr. Healey that they had the ability to come in through a zoning tenancy change where they could look at how each individual was operating their portion of the space and have the regulatory control of the site that he was not sure existed today. Mr. Ricci then discussed the impervious coverage, whereby the Applicant was looking to reduce that coverage on the site that promoted the purposes of zoning and also resulted in improved storm water management as testified to by the Site Engineer. For the reasons that he mentioned, Mr. Ricci believed that the Application advanced several purposes of the Municipal Land Use Law (MLUL) because the site was particularly well suited for the use and closely associated to a continuation of how it existed today. He noted that it advanced purpose A, and because there was a strong need and demand for this type of use, it also advanced purpose G where it provided the space for industrial uses and resulted in an efficient use of land that already been disturbed and occupied and looking to be repurposed in a manner similar to what it has been utilized in the past. Regarding the negative criteria, he believed that the Use Variance could be granted without substantial detriment to the public good. Mr. Ricci stated that the Applicant had demonstrated that the trucks entering the site could adequately ingress and egress, the Applicant agreed to stack materials less than 8 ft. in height, and he believed that the use was compatible with the industrial character of the area. Additionally, the Applicant agreed to "fix" any promises made by the previous owner as part of their Application as well as meet the Township's performance standards where outdoor storage was permitted within the already established setbacks of the zone, agreed to no truck terminal and no tractor trailer storage as well as the inclusion of ADA access improvement in parking and some of the storm water improvements planned on-site. Mr. Ricci then addressed the enhanced burden of proof, he believed that they had a changed circumstance with the creation of a bus storage facility resulting in a significant change in the site's character which made the current Use Variance consistent with the prior use of the property. He stated that the use spoke to the need for this type of use that did not exist when last the Master Plan was revised in 2016. He explained that they also eliminated warehousing from the B-I Zone and made another amendment since then in 2020. For those reasons, Mr. Ricci believed that they also meet their enhanced quality of proof as well.

52. Mr. Healey then asked Mr. Ricci if they had similar facilities in Linden that compared to what was being proposed here. Mr. Ricci answered in the affirmative and also included Middlesex Borough as well. He indicated that he just wrote an ordinance in Middlesex Borough related to that and in Linden, he noted that the way that they already were written was interpreted as permitted land uses. Mr. Healey then opened a discussion for the types of standards that those towns had for outdoor storage, with Mr. Ricci mentioning the limitation of the size of vehicles coming onto the property, locations on-site where the storage could occur, the height of the storage of materials, and screening. What he felt was important was that the Township had a regulatory document to enforce the site plan. They then discussed the type of users that were tenants of the properties in those other towns, including flex buildings for tradespeople that would include both outdoor storage and indoor storage for their more expensive

equipment inside. He then discussed the different tenants they have in Linden as opposed to Middlesex Borough due to Linden's closeness to the ports. They then discussed what type of controls did those Board's incorporate into their site plan approvals. Mr. Ricci discussed having adequate travel lanes and having a site plan depicting where the storage would occur would be top priority.

53. The Vice Chair was interested in hearing how these other sites handled the storage of things like mulch, etc. Mr. Ricci then pulled out the ordinance written for Middlesex Borough, noting that they first defined what a contractor storage yard was, i.e., an indoor and outdoor area where construction and trade businesses stored vehicles, equipment and materials serving as an operational hub for contractors' activities rather than temporary on-site storage for single projects. Additionally, he said that it also included the language that such facilities would include administrative functions and organizing the staging of resources for future job sites, providing a secure and controlled environment for manning the business' assets. He noted that the area was located in an industrial district and permitted it as a conditional use and also in a heavy industrial district. He added that all site plan approvals were required for all contractor storage yards and required a principal building having a gross area of at least 2,500 sq. ft., required materials to be stored no closer than 15 ft. to property lines, restricted the storage area to the rear and side yard of a property, had a restriction of 30,000 pounds for vehicles and was written to exclude heavy commercial equipment. Additionally, they added that the site was required to be screened and to meet performance standards in the town which this application was operating, allowed light vehicle maintenance or minor repairs on tools or equipment within the confines of a building and also prohibited hazardous or toxic materials. He then noted that they already permitted storage containers in Middlesex Borough, so it recognized that they had to be stacked and met their container ordinance requirements with a material stacking height of 8 ft. in height in the ordinance. Also, adequate drive aisles and vehicular circulation shall be demonstrated on the site plan.

54. Chairman Thomas then opened the meeting to the public for questions/comments. Seeing no public, the Chairman then closed the meeting to the public.

55. Ms. Calli then spoke to the Board about screening since there was some question about that issue. She went on to state that they were not proposing to screen the entire site with an 8 ft. fence, and Mr. Ricci agreed, indicating that it was a pretty large site and that one (1) property line joined a rail right-of-way and some other pretty intensive industrial uses as well as the Township Public Works and the recycling facility and the main two (2) yards had netting associated with the golf driving range that was already obscuring the view there. He added that the Applicant wanted to focus on the sight lines coming into the site. That being said, the Applicant was agreeable to providing screening if that was what the Board was looking for and just about what was reasonable given the shape of the site and what was around the site.

56. Mr. Procanik stated that he brought up the idea of screening the site strictly for security purposes and never visibility.

57. Mr. Grib indicated that he may have misspoke, but explained that the current plans only contemplated putting up that 8 ft. high entrance gate. He stated that they did consider doing screening around the full perimeter , but as the Site Engineer and Planner stated, they had adequate existing fencing on the west as well as the driving range net. Additionally, he stated that they were also abutting wetlands and some green space as well. Vice Chair Shepherd then asked what people would see from Rte. 27, and Mr. Grib stated that they would see an 8 ft. high gate with privacy slats in the drive aisle and then have green space and landscaping the frontage of the Family Dollar store as a buffer as well as the current buffer of green space in that southeast corner.

58. Mr. Haberman, Site Engineer, stated that at time of planting, they could procure plantings that were 8 ft. tall and would get significantly taller than that as they grow.

59. Chairman Thomas then added that once one would get beyond the Public Works building and the recycling center, there was a church and all residential was a lot closer to the site than maybe had been observed or contemplated by your team, and the Applicant might want to consider something in the way of security just to keep people out of the site and not so much to screen what they were looking at. He then added that there was a railroad right-of-way and a little bit of woods there, too, but there was also a million sq. ft. warehouse that was built behind that whole area that was mentioned that did have a solid wood fence that backed along the railroad, and was at the back of all of those residential properties, so it was something that the Applicant might consider for security purposes.

60. Mr. Haberman showed the Board that there was an existing fence up along the back of the Public Words building now and what he indicated that they could do was to extend that fence along the westerly or left property line at least until it got to the point near the building where the wetlands were located, which would deter anybody from traversing the site at least coming down from the top end of the site. He added that he felt that level of security would be beneficial and would be willing to install that as well as a condition of any approval.

61. The Chairman then asked if the staff had considered sidewalks, and Mr. Mazzei indicated that they did not because the NJDOT had issues with sidewalks once one would get closer to the railroad tracks because of the clearance and the guide rails. He did state that he did bring up placing sidewalks within the front of the driveway, itself, and the Applicant had agreed to replace that portion.

62. Ms. Calli then gave her closing summations, noting that their proposed upgrades really improved existing conditions on-site, they completed prior approval requirements that were never implemented and they introduce a controlled use and an established operator. She then spoke about the impacts that could already be known from the current operations, while not the same, a bus storage versus an outdoor storage, it had proven suitable for the use. She added that the proposal was tailored to the site's layout and they had addressed all of the Township and Board professionals' concerns and had

agreed to comply with everything in both the Township Planner's and Township Engineer's reports. She added that they were proposing to modernize and screen the property and have well-managed oversight that had not existed previously. She then stated that they had discussed reasonable conditions if they wanted to consider the change of tenancy via zoning permit and some kind of code enforcement mechanism put in place every six (6) or nine (9) months per year coming to check the site if there were a long-time tenancy and would not trigger that minor site plan change of tenancy review. Ms. Calli then stated that while not in compliance with the code, they were already decreasing impervious coverage on the site and to the extent possible, should the Board approve the Application, their site engineer could work with the Township Engineer to see if there were any further places to remove impervious coverage.

63. Mr. Healey then spoke about conditions, if the Board were inclined to approve the Application. He stated that they heard them speak of no truck terminal, no tractor trailer storage, compliance with staff reports, materials stacking no more than 8 ft., Applicant contemplating cutting back the tractor trailer areas (labeled that on the Site Plan) closest to Rte. 27 and putting landscaping, eliminating any pavement encroachment on the Family Dollar store property, compliance with Section 112-123, which was the outdoor storage ordinance, periodic inspections, and fencing as testified. He reiterated his conversation from earlier in the hearing regarding the need for the use in the Township because they were constantly chasing landscapers and have had issues essentially construction staging areas popping up in random areas of the Township. He added that the ordinance did not accommodate for those uses, but if there were appropriate locations for them in the Township, whether by variance or through the Master Plan update. With all of that said, Mr. Healey indicated that they had a site plan that did not match the use that they were proposing such as an unspecified mix of outdoor storage uses and not the tractor trailer spaces shown on the plan. A discussion ensued regarding enforcement issues related to that. He discussed the possibility of having the Applicant fine tune the site plan to match their proposal.

64. Chairman Thomas suggested that they refer the use to the Planning Board since they were in a review of the Master Plan, come up with a standard that Mr. Healey was talking about, and maybe ask them to adjust the site plan to make it fit the use that they were testifying they were proposing. Vice Chair Shepherd also indicated that he was not ready to draft any kind of Resolution.

65. Ms. Calli agreed to tweak their site plan and come back before the Board at a later date. After speaking with the Applicant, they would have to come back no later than the following month since they were under contract to purchase.

66. Mr. Healey felt that the Applicant would have time to come up with new exhibits and meet with both he and Mr. Mazzei to speak about the mix of possible outdoor uses contemplated for the site.

67. Ms. Calli agreed to grant an extension of time and would send in a letter stating the same. Both the Board and Applicant agreed to carry the hearing. The matter was carried to February 5, 2026, with no further notification required.

68. At the public hearing conducted on February 5, 2026, Simone Calli, Esq., of Calli Law, LLC, again appeared before the Board on behalf of the Applicant and indicated that the Board previously heard from the Applicant's four (4) witnesses, their operations witness, site engineer, traffic engineer, who concluded that there were no impacts with regard to traffic and circulation on-site, and their planner who took the Board through their planning proofs and concluded that the Applicant met the burden to obtain "d(1)" variance relief. However, Ms. Calli indicated that some of the Board members had concerns and asked for a revised site plan to better understand what the use would look like laid out on that plan. Ms. Calli also stated that another Board member asked if there was any way that they could reduce the impervious coverage, and she was happy to report that they did reduce impervious coverage and revised the plan. She then stated that their plan that evening was to be brief and present their project engineer to show the Board their revised plan.

69. Mr. Jeffrey Haberman, Project Engineer and Principal of Dynamic Engineering, came forward and continued to be sworn in from the last hearing. Mr. Haberman then entered into the record as Exhibit A-4, entitled Site Plan Exhibit Rendering, which was a colorized site plan comprised of an exhibit rendering, prepared by his office, and dated January 27, 2026, encompassing some modifications to the Site Plan layout. Additionally, Mr. Haberman stated that they also had three (3) other exhibits which could qualify as one (1) exhibit, but show how different tenants would operate cohesively on the site with certain types of materials, i.e., building supplies, vehicles, landscaping equipment, etc. He explained that the beige area was the concrete pavement, the gray color was the asphalt pavement areas or gravel base, and the green was all the lawn or landscaping and existing trees on the site. He pointed out that they could see on the aerial all of the trees surrounding the property and very well screened along the left top and right side of the site. Mr. Haberman added that their objective was to provide better screening along the frontage along Rte. 27.

70. Mr. Haberman indicated that the first change that they made to the Site Plan layout was to eliminate some of the storage area that was located to Rte. 27, as there had been a number of stalls striped, just to the top of Rte. 27, closer to the roadway. He then explained that they eliminated that storage area and pulled the pavement back roughly 55 ft. to provide extra buffer screening area for a better visual impact from Rte. 27. He explained that that was 55 ft. of new lawn area that would be placed there. He then went on to explain that they had eliminated some of the existing concrete on the very top end of the site. With that, Mr. Haberman explained that they had effectively reduced the impervious coverage down to 71.1%, which brought them closer to the conforming impervious coverage. He reminded the Board that the site was already in a non-conforming condition where the existing site was at 78.6%, they had initially reduced it down to 74.5% that was presented at the last hearing, and now they had further reduced the impervious coverage to 71.1%. He also mentioned to the Board

that the important part was that they pulled it away from Rte. 27 and provided landscaped screening along the frontage so it was effectively screening from the corridor. Secondly, Mr. Haberman indicated that they had heard some questions/concerns about site security, so on the left property line going to the top of the page, they were proposing an 8 ft. high fence that would attach to the left building, run along the left property line to the top and connect to an existing fence that was at the pinch point at the top of the page. He then stated that that would provide better security, especially from the north and west that was heavily vegetated, and to the right there was the Public Works building and other industrial uses, but there was also a fair amount of vegetation between those two (2) uses as well. Mr. Haberman testified that he believed that it would provide a nice, secure site for the Applicant to operate in the future. He then described the green, blue and red areas on the exhibit that show how the site might have a different tenant operating in each of those areas. He then indicated that he would show examples of the different types of materials and equipment that they might store on-site and make it nice and organized, with vehicular circulation cohesive throughout the entire site, the vehicular drive aisles would be paved, and they would work on that detail with Mr. Mazzei, Township Engineer, as any condition of approval. He added that now they were no longer proposing to have tractor trailer storage on-site, their proposal was to keep those areas as compacted gravel base which was what the Applicant uses on well over a hundred of their sites throughout the country. Mr. Haberman then discussed a few other minor changes because there was a comment about fire service, and they would be installing a water meter with the fire service running from the Rte. 27 corridor, with a hydrant into the site, to provide fire suppression service. He then stated that they would be placing that water meter in the island between the two (2) travel lanes so that there was some sort of protection from vehicular traffic coming into and out of the site. Mr. Haberman noted that, before, it was placed more in the aisle where the water main was located, but that they were shifting that underground meter vault to that it would be out of vehicular lanes. Lastly, he noted that they were talking a little bit about storm water management and wanted to reiterate, as any condition of approval, that they would work with Mr. Mazzei to make sure that the conveyance system was adequately sized, place additional inlets if needed, or oversized inlets to be able to handle the capacity for runoff that was tributary to that area and analyze that pipe that connected into that wetland area as well.

71. Mr. Haberman then marked the next exhibits from A5 to A-7, showing different scenarios of equipment, vehicles, and other items that could be stored on the site. He noted that there could be one (1) tenant that could take the site, which was the preferred option from an operational perspective, but it could be split up and could be any one of these examples that they were showing here. He indicated that the first scenario showed vehicles that were stored on-site, such as buses, sprinter vans, and pick-up trucks, which were all vehicles that could maneuver the site effectively. Mr. Haberman reminded the Board that there would be no storage of tractor trailers on-site. The next scenario shown was for materials and supplies and how such items as mulch, salt, etc. would be contained. He then explained that what the Applicant would be doing, if that was who the tenant was, was to have pre-cast concrete blocks to hold the materials and have the ability to put tarp over it to prevent it from blowing away in case of a heavy

wind. Another area shown on this exhibit was an area for storage of insulation for housing, which was lightweight, and how they could contain it so that it would not blow away. Another area on the exhibit shown was an area for rebar storage, a construction material. He noted that the exhibit was a visual representation to give the Board some comfort on what tenants they might attract and how their storage needs could be met on-site with other storage uses involved. Mr. Haberman then showed the last exhibit, showing essentially construction equipment, vehicles, lay-down equipment, etc. He explained that they were showing in the two (2) areas to the right, construction vehicles, and air compressors or other types of uses similar to that in the green area on the exhibit. He again explained that it could be a mix of these uses or one (1) tenant that could occupy the entire site.

72. Chairman Thomas asked about when they would start operating the facility, would tenants be assigned a space on the site, and if so, how would they be delineated. He added that he would also like to see that there was some type of vehicular access to all the different areas of the facility and make sure that emergency/fire vehicles would also have access. Mr. Haberman stated that all tenants would have assigned areas to store their materials and they were planning to stripe around the drive aisles for a fire lane and would have to perfect as a condition of approval. He noted that the Applicant would be in charge of making sure that the site was operable, in the case of more than one (1) tenant on-site. The Chairman then asked if the Applicant would be building storage racks and how high they would be storing items such as bricks, mulch, etc.

73. Mr. Grib, Applicant Representative, came forward to answer some operational questions, and continued to be sword in from the last hearing. He explained that all tenants sign a lease agreement that specifies the parameters of their space that included an exhibit that outlines exactly where that tenant would be allowed to operate on the site. He explained how a tenant dropping off materials could maneuver to the north of the site, park there temporarily, to allow emergency vehicles to respond to the site. Mr. Grib indicated that they were not proposing racking for the site, and they were limiting the general height of materials stored on-site to 8 ft. Otherwise, they were proposing items such as mulch or salt to be stored in pre-cast concrete "cubbies" and items would be consolidated within them.

74. Mr. Mazzei had a question for Mr. Haberman in regards to the intended finish material for the red, blue and green areas on the exhibit. He noted that the intended material for those areas was the compacted gravel. Mr. Haberman then answered Mr. Mazzei's question about the area of disturbance, indicating that the asphalt area that was proposed to be paved would be under one (1) acre. He added that they would represent that in a package when they submitted for resolution compliance. Mr. Haberman responded to Mr. Mazzei's question regarding material seepage from the storage area into the wetland area, by stating that they were proposing to have some kind of a blockade or rip rap filter, 5 ft. wide, that would be maintained and cleaned out over time. He added that they would be happy to solidify that on the Site Plan as a condition of approval. Mr. Mazzei then asked if there could be a condition of approval that the Water Dept. be made aware upon the final location of the meter pit because the Water

Dept. was not going to accept it being located in the middle of the drive. Mr. Haberman indicated that they would comply.

75. Chairman Thomas then opened the meeting to the public for questions/comments. Seeing no one coming forward, the Chairman closed the meeting to the public.

76. Ms. Calli then gave her closing statements.

77. Vice Chair Shepherd then asked if the facility would be open 24 hrs. a day, and Mr. Haberman answered in the affirmative that material and vehicles would be stored there 24 hours a day. The Vice Chair wanted to know if there would be a lock on the front door to protect the equipment and materials that were stored there. Mr. Grib indicated that it would be 24 hr. operations, but most of the operations would be going during the prime business hours. From a security standpoint, Mr. Grib indicated that they were still putting in the 8 ft. high gate and that would have a padlock on it. He added that they were not proposing to have a security staff on duty on-site, but that they would have security cameras that they put on the site that had a light attached that illuminated the yard.

78. Chairman Thomas then opened a discussion regarding any lighting plan and what that might look like. Mr. Haberman stated that they were installing light poles along the perimeter of the site and was compliant with the municipal code. He added that there were LED lights that were proposed to effectively provided, especially during the winter hours, lighting for vehicular traffic.

79. Mr. Healey asked what the spaces in the rear were for, and Mr. Haberman indicated it would be for a vehicle to come in and load or unload their materials and did not want them to be sitting idling in any traffic ways and those spaces would be striped out specifically so that a vehicle could park there. And turn their vehicle off while they were unloading materials onto their storage space. Mr. Healey reminded the Board that if they were inclined to approve the Application, it had been discussed that every time that there was a new commercial tenant, it would have to be reviewed by staff and they would have to submit for a zoning permit for a change of tenant and they would have to see what type of use the new tenant would bring to the site. He added that it would make sure that they were maintaining the fire lanes and that they were properly containing materials on-site. He indicated that this would have to be an ongoing process as tenants come and go over the years.

80. Vice Chair Shepherd stated that he was a little surprised that they were asking for a Final Site Plan Approval, but they had not had a change to prepare one yet. Mr. Haberman stated that they did prepare a Site Plan package and made some minor changes to the plan layout to reduce impervious coverage which he felt was beneficial, as well as proposing a new fence along the property line. During the proceedings, Mr. Haberman indicated that he felt that they were allowed to present an exhibit showing those changes and that we have to perfect that and submit it to the Township Engineer

and Township Planner and they would have to sign off on anything that they agree to at the meeting before any building permits or anything of that nature.

81. Vice Chair Shepherd made a motion to grant the Applicant the following variances and also requirements to allow them to build and operate an outdoor materials storage facility on Rte. 27. Additionally, they would construct an 8 ft. high fence on the left side of the property, and work with the Fire Dept. to establish emergency traffic lanes with striping. He then added that the materials that would be stored on the site would be no higher than 8 ft. tall, and if there was any potential for disbursement of loose materials, such as mulch and salt and other light materials, everything should be contained within storage units. Also, there will be no idling of vehicles on the site and no racking used within the facility as well as flood lights that will comply with the Township requirements, including brightness and location. In addition, there will be no tractor trailers stored on the property, and once the facility is constructed, the Township Construction and Zoning officers will tour the facility to make sure everything delineated here have been accomplished. After a tenant leaves the facility, the Applicant would be required to submit a new application for a new tenant, and the Technical Review Committee (TRC) and make sure that all of the different departments involved approved of everything. He then added that the Zoning office will also have the right to contact the owner to make an appointment to inspect the facility at a time convenient for the Township. Mr. Rich seconded the motion.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF FRANKLIN, the BOARD makes the following findings of fact and conclusions of law:

1. The Municipal Land Use Law (MLUL), at N.J.S.A. 40:55D-70d(1), provides the BOARD with the power, in particular cases for special reasons, to grant a variance to allow departure from zoning regulations when the applicant satisfies certain proofs, which are enunciated in the statute. N.J.S.A. 40:55D-70d(1) permits the BOARD to grant a variance to permit, "a use or principal structure in a district restricted against such use or principal structure." A "d" variance may be granted only "in particular cases for special reasons." These "special reasons" for a use variance may include: (1) a use that is inherently beneficial; (2) an undue hardship that would be suffered by the property owner if forced to use the property in conformance with the permitted uses in the zone; or (3) a site that is particularly suited for a proposed use so as to promote the general welfare. This is the "positive criteria".

2. In addition, an applicant must show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Township Zoning Code. This is the negative criteria. An "enhanced quality of proof" is required for a "d(1)" variance to be granted, in accordance with Medici v. BPR Co., 107 N.J. 1 (1987), which requires a showing that the "grant of a use variance is not inconsistent with the intent and purpose of the master plan and zoning ordinance."

3. An applicant seeking a "d(1)" variance must also address the "negative criteria" associated with the proposal, and affirmatively demonstrate that the variance can be granted "without substantial detriment to the public good" and "without substantial impairment to the intent and purpose of the zone plan and the zoning ordinance" of the Township.

4. It is only in those instances when an applicant has satisfied both tests that a Board, acting pursuant to the statute and case law, can grant relief. The burden of proof rests upon the applicant to establish these criteria.

5. The Municipal Land Use Law (MLUL), at N.J.S.A. 40:55D-70c, also provides the Board with the power to grant variances from strict bulk and other non-use related issues when the applicant satisfies certain proofs which are enunciated in the statute. Specifically, an applicant may be entitled to relief if this specific parcel is limited by exceptional narrowness, shallowness or shape. An Applicant may show that exceptional topographic or physical features exist that uniquely affect a specific piece of property. Further, the applicant may also provide evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Township's Zoning Code would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Those categories specifically enumerated above constitute the positive criteria necessary in order to obtain "bulk" or "c" variance relief.

6. Moreover, the Municipal Land Use Law (MLUL), at N.J.S.A. 40:55D-70c(2), further provides the BOARD with the power to grant variances based on whether the Applicant's proofs advance the purposed of the MLUL by the deviation from the Township Zoning Code requirements and if the benefits of the deviation from the Township Zoning Code requirements substantially outweigh any detriment.

7. In addition, the applicant must show that the proposed variance relief sought will not have a substantial detriment to the public good and further, will not substantially impair the intent and purpose of the zone plan and Township Zoning Code. See Jacoby v Englewood Cliffs Zon. Bd. Of Adjustment, 442 N.J. Super. 450, 471 (App. Div. 2015). This is the negative criteria. It is only in those instances when an applicant has satisfied both tests that a Board, acting pursuant to the statute and case law, can grant relief. The burden of proof rests upon the Applicant to establish these criteria.

8. After a review of the record evidence, presentation of testimony and public comment, the BOARD finds the strict application of the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the Applicant. The Applicant has also satisfied its burden of proof establishing that the positive criteria for granting the variance relief outweighs the negative criteria. The BOARD finds the required variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and the Township Zoning Code.

9. The BOARD finds the testimony of John Grib, Vice President of the Applicant, to be credible, persuasive and uncontroverted.

10. The BOARD finds the testimony of Jeffrey Haberman, a licensed professional engineer, to be credible, persuasive and uncontroverted, including, but not limited to, his opinion that the proposed Site improvements, including the revised plan to reflect additional screening along Route 27, the reduction in impervious coverage and fencing for security and other improvements will have minimal impacts to the Site, adjacent properties and the surrounding area, and that the proposed improvements will allow for safe and convenient use of the Site for the proposed outdoor storage facility.

11. The BOARD finds the testimony of Craig Peregoy, a licensed traffic engineer, to be credible, persuasive and uncontroverted, including, but not limited to, his opinion that there would not be any negative impacts with regard to traffic and circulation on-site with respect to the development of the Site.

12. The BOARD finds the testimony of Paul Ricci, a licensed professional planner, to be credible, persuasive and uncontroverted, including, but not limited to, his opinion that the Site is suitable for the proposed outdoor storage use, that the development of the Site would serve various purposes of the Municipal Land Use Law, that there would not be any substantial detriment to the public good and no significant negative impacts associated with the development of the Site for such a use, nor have a negative impact on the zone plan or Master Plan and that the Applicant had met its burden for the granting of a "d(1)" variance.

NOW, THEREFORE, BE IT RESOLVED by the Franklin Township Board of Adjustment on the 19th day of March 2026, on the basis of the evidence and testimony presented, the BOARD does hereby grant Preliminary and Final Major Site Plan Approval, the "d(1)" variance and associated "c" variance relief for impervious coverage of 71.1%, subject to the following conditions (and shall amend the site plan as necessary to the satisfaction of Township staff to address compliance with the conditions below including conditions #3, 6, 7, 11 through 17):

1. The granting of this relief shall not be construed or eliminate the satisfaction of any other requirements of the zoning ordinance or requirements of the agencies, boards, or authorities of the Township of Franklin, County of Somerset or State of New Jersey.

2. The BOARD specifically grants approval to the latest set of application materials submitted by the Applicant.

3. The Applicant shall repair areas of the driveway as well as the sidewalk that crosses over the driveway parallel to Route 27 to a better condition.

4. The Site shall be subject to periodic inspections to confirm that it is being operated in accordance with this approval.

5. The Applicant shall be required to seek zoning approval whenever there is a new tenant on the Site. Such Township staff review and approval shall include, as applicable, compliance with conditions of this approval (e.g., including but not necessarily limited to compliance

with conditions #6 and #7. Township staff may require the applicant to submit information, plans and details necessary, at the discretion of staff, to ensure compliance with this approval.

6. The Applicant shall comply with all requirements of Section 112-123 Municipal Code regarding outdoor storage.

7. The materials stored on the Site will be no higher than 8 feet tall, and if there was any potential for disbursement of loose materials, such as mulch and salt and other light materials, such materials shall be contained within storage units.

8. There shall be no racking used within the facility.

9. There shall be no idling of vehicles on the Site.

10. There shall be no tractor trailers stored on the Site.

11. The Applicant shall work with Township staff with respect to the installation of flood lights that are compliant with Township requirements regarding brightness and location.

12. The Applicant shall consult with the Board Engineer regarding runoff from the Site and storm water management to make sure that the conveyance system is adequately sized, place additional inlets if necessary, or increase the size of the piping to be able to handle the runoff.

13. The Applicant shall extend the existing fence along the westerly or left property line at least until the point near the building where the wetlands are located to deter anybody from traversing the Site.

14. The Applicant shall work with the Board Engineer regarding the paving to be performed with respect to the vehicular drive aisles.

15. All tenants will have assigned areas to store their materials, and the Applicant shall work with the Fire Prevention Department and Township Engineer to establish striping around the drive aisles for fire lanes.

16. The Applicant shall install a blockade or rip rap filter that would be maintained and cleaned to prevent material seepage from the storage area into the wetland area

17. The Applicant shall install a water meter pit as may be required by the Township Water Department.

18. The Applicant shall comply with all comments in staff reports except as specifically waived or modified herein.

19. The site plan shall be modified as presented to result in an impervious coverage of 71.1%.

20. The Applicant shall obtain all other applicable permits and approvals from all applicable governmental boards and agencies prior to any construction.

21. This approval is subject to the Applicant's continuing obligation to pay all professional fees generated by this application prior to issuance of a building permit and/or the issuance of the Certificate of Occupancy, as applicable.

22. Any ambiguities regarding the interpretation of this Resolution shall be resolved by the BOARD upon due notice to the public.

_____
CHRISTINE WOODBURY
Board Secretary

VOTE ON MOTION: 02/05/2026

FOR:
Chairman Robert Thomas
Vice Chair Robert Shepard
Cheryl Bethea
Richard Procanik
Alan Rich
Gary Rosenthal
Michael Dougherty

AGAINST:
NONE

ABSTENTIONS:
NONE

VOTE ON RESOLUTION: 04/02/2026

FOR:

AGAINST:

ABSTENTIONS:

Franklin Township

Somerset County, New Jersey

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

Township Technical Review Committee (TRC)

To: Zoning Board of Adjustment

From: Technical Review Committee (TRC)

Date: March 3, 2026

Re: Somerset Bible Baptist Church – D Variances (ZBA-25-00004)
42 Cedar Grove Lane (Block 424.02; Lot 12.02)

The applicant has submitted the application forms and the materials listed below:

- 1-sheet "As-Built" Site Plan, preparer not identified, dated 3/1/13
- 1-sheet "As-Built Floor Plan" for existing church/ school building, prepared by Warren C. Doty, Architect, dated 8/29/05
- 1-sheet "Variance Plan" prepared by Harbor Consultants Inc., last revised 12/8/25
- 3-sheet architectural plans for proposed gymnasium, preparer not identified, not dated
- Traffic evaluation letter prepared by Dolan & Dean Consulting Engineers, LLC dated 6/11/25

Site Description

The 4.45-acre site is located along the north-bound side of Cedar Grove Lane roughly 1/3 of a mile south of its intersection with Easton Avenue. The site is developed with a 1-story 7,200 square foot church and school[1] with a 74-car parking spaces. The site is accessed by two 2-way curb cuts on Cedar Grove Lane. The building and parking lot are located in the front half of the site with the rear half of the site occupied by lawn area. The far rear of the site is forested and contains wetlands and stream corridor areas.

[1] Neither the site plan nor application form make mention of a school. The Traffic evaluation letter however indicates that a school operates on the site providing classes for kindergarten through 12th grade with an enrollment of approximately 75 students. Internet research identifies the school as Somerset Bible Baptist Christian Academy.

Project Description

The applicant proposes to construct the following:

- A one-story, 35-foot tall, 8,640 square foot gymnasium which would contain a full basketball court, 12'x60' bleachers, and boys and girls locker rooms and bathrooms

The gymnasium is proposed to the rear of the existing church/ school building in an area of the site currently identified as an existing gravel parking drive. The applicant is proposing to create a gravel driveway and parking aisle in the rear of the building and to revise the site circulation so that the main travel aisles are one-way.

The application requires the following variance approval[2] (*NOTE*: the applicant is NOT seeking site plan approval at this time[3]):

- D-3 Conditional Use Variances[4]:
    - *Parking requirements.(Section 112-37.D and Schedule 4)* – See comment #2 below.
    - *Parking location (Section 112-37.E) – requires that the majority of the parking be located to the rear of the main structure* – existing site layout doesn't comply
    - *Buffers and lighting (Sections 112-37.K(1)&(2) – Specific buffering requirements consisting of double or triple staggered rows of 6-fot high evergreen trees and solid 6-foot high fencing* – existing buffering doesn't comply

D- 3 Variances

With respect to the D-3 variances, the applicant must address the following:

- *Positive Criteria*. The applicant must demonstrate that the site remains suitable for the use despite the deviation from the particular condition use standard.
- *Negative Criteria – 1st Prong (i.e., no substantial detriment to the public good).* The applicant must demonstrate that the proposed deviations would not cause such damage to the

[2] The Variance Application Form identifies the need for a variance from the maximum permitted impervious coverage (citing a permitted maximum of 20% where 26.6% is proposed) however no such variance is required as the maximum permitted impervious coverage is 40%.

[3] The applicant has chosen to "bifurcate" the application – i.e., seeking variances as the first step and subsequently seeking site plan approval if the variances are granted.

[4] Conditional use requirements for places of worship in residential zone. Very similar or identical requirements are cited for schools in residential district under Section 112-47 (which would be applicable as well since the site contains a school)

character of the surrounding neighborhood as to constitute a substantial detriment to the public good.

- *Negative Criteria – 2nd Prong (i.e., not substantially impair the intent and purpose of the zone plan and zoning ordinance).* In order to address the second prong of the negative criteria, the applicant must reconcile the requested deviations with the "municipality's legislative determination that the condition should be imposed on all conditional uses in that zoning district." In other words, the applicant must justify why these standards should not be fully applied to them even though they are applied to other places of worship in this zone.

Review Comments

1. *Traffic Study/ Impact/ Circulation*.

   a. The traffic report indicates that the proposed gym "will be a multipurpose facility, and is proposed as an enhancement to the overall ministry, as a place for fellowship. It will also be used for games for the school."

      The traffic report states that "site traffic volumes are not expected to increase due to the gym addition."

      Similar conclusory statements are made in the traffic report regarding the sufficiency of the 74[5]-space parking supply. In essence the traffic study offers the opinion that since the 74-space parking lot has been sufficient for the site (including for school concerts, wedding and funerals) that this parking supply will continue to be sufficient even though the proposed gym would significantly increase the *potential* attendance for such events in comparison to (and/or addition to) the existing church/ school building.

      The applicant should clarify the above. It is noted that the proposed gym would more than double the footprint of the existing church/ school building. Further, adding a gymnasium invites the possibility for interscholastic sporting events, basketball tournaments and/or dances. The applicant should provide clarification with respect to the above including potential traffic impacts and the sufficiency of the existing parking lot. Similarly, the applicant should clarify whether the gym would be used for events (whether for the applicant or rented to outside entities).

      In addition, the site plan has been revised increasing the parking in the rear of the site, as well as revising the site circulation pattern. The traffic report should be revised to opine on these revisions.

[5] The Variance plan shows that there are 19 parking spaces in the northern parking bank; however, aerial images show 18 parking spaces in this location. The applicant should confirm the 74-space figure.

b. The gym is proposed within the gravel parking lot behind the church/ school building. It is noted that this area is currently used to store the site's school buses and serves to connect the southern and northern parking lots. The applicant has revised the plan to add a rear parking area and driveway aisle for full site circulation around the site. This creates a few areas of potential concern:

- In a meeting with staff, it was relayed that no further buses would be stored at the property; however, two 18' x 42' bus parking spaces are proposed. Parallel bus parking intermixed with perpendicular vehicle parking is not acceptable. Separation between the two uses should be provided. Testimony should be provided.
- Gravel finish in the rear parking area and driveway aisle is not acceptable. Hot mix asphalt should be installed and shall be able to support all emergency response vehicles.
- The 20' driveway in the rear of the site is unacceptable. Per Ordinance §112-88, interior driveways shall be at least 26' wide where ninety-degree angle parking is proposed.
- The applicant should provide site circulation diagrams demonstrating the largest design vehicle can safely maneuver the site.

c. During the Use Variance application, it is recommended that the applicant reach out to the Somerset County Planning Department with their proposal and traffic study since this project fronts a County roadway.

2. *Calculation of Required Parking.* The applicant has calculated required parking only based on the church use. However, as indicated above the building also includes a 75-student school. Further, as per ordinance, the proposed gymnasium would have a parking requirement of 1 space per 3 seats.[6] The table below shows the required parking for the site. The proposal requires a parking variance.

Use	*Requirement*	*Required Parking*
Church	1 space / 3 seats. 1 seat = 22 inches of pews.	74
School	1 space / 2 employees + requirements for gymnasium (which is 1 space for each 3 seats per Schedule 4).	16
Gymnasium	1 space/ 3 seats. 1 space = 22 inches of bleacher space	33
TOTAL		123

[6] Consistent with the parking requirement for places of worship, the parking requirement for the gymnasium has been based on 1 seat per 22 inches of bleacher spaces.

3. *Future Site Plan Consideration*. During the future site plan submission, the application will need to address the following[7]:

   a. Due to the increase in usage, the applicant will need to upgrade the site with a water meter pit. It is unclear if the gymnasium will have sprinklers at this time. The applicant may need to increase the service size due to the site's need. Calculations should be provided at a later date.

   b. With an increase in impervious coverage over 1,000 square feet, the project would be subject to Chapter 330, the Township's Minor Stormwater Ordinance. It is unclear where the project stormwater management will occur. Future geotechnical testing will be required. Should the impervious cover increase equal or exceed ¼ of an acre to address the comments above, then the major stormwater management rules NJAC 7:8 will need to be addressed.

   c. Due to the proposed limit of disturbance in excess of 5,000 square feet, approval from the Somerset Union Soil Conservation District will be required.

   d. It appears approval from the Delaware Raritan Canal Commission (DRCC) will be required. Typically, the DRCC reviews all increases in impervious dating back to the early 1980's. It is possible that the DRCC may require the project meet their agency's Major Stormwater Management regulations. The Township recommends the applicant review this application with the DRCC.

   e. A full site plan and survey, including but not limited to, a site layout plan, grading plan, utility plan, lighting plan, soil erosion and sediment control plan and details will be required.

   f. It is unclear how the existing environmental limits were established. More information will be required including potentially a Letter of Interpretation by the New Jersey Department of Environmental Protection.

   g. The required survey should include the latest striping on the site (such as the striped basketball court), existing fire lanes and parking stall spaced delineated by concrete bumper blocks in the rear of the site within the gravel parking area.

   h. The engineering department recommends that the striped basketball area and basketball hoops in the northeast portion of the parking lot be removed. See the aerial photo from March 3, 2024 below. It appears that there is insufficient parking on the site, as the parking spaces within the basketball courts are not being utilized and the applicant is utilizing the western driveway where parking is not permitted.

[7] A full review of the site plan would commence upon submittal of a complete application submittal for site plan approval. Thus, the comments below are offered for the applicant's benefit and staff reserves the right to make additional comments during review of any subsequent site plan application.

i. The applicant should specify where the existing dumpster will be relocated since it is in the way of the proposed building gym.

j. The tree line in the back-right rear of the site as shown on the Variance Plan does not match actual conditions as it appears that a portion of this area was cleared sometime ago (pre-2014). Nonetheless, mitigation may need to be addressed during site plan review as this area is shown to contain area regulated by the DRCC and the Township stream protection ordinance.

k. The site plan will need to address compliance with Section 112-37.K(3) regarding site lighting (e.g., max. height of 15 feet).

l. The site plan will need to address the EVSE requirements of ordinance §112-33.7.

m. An additional ADA parking space will be required to address the barrier free subcode.

Figure 1: Location

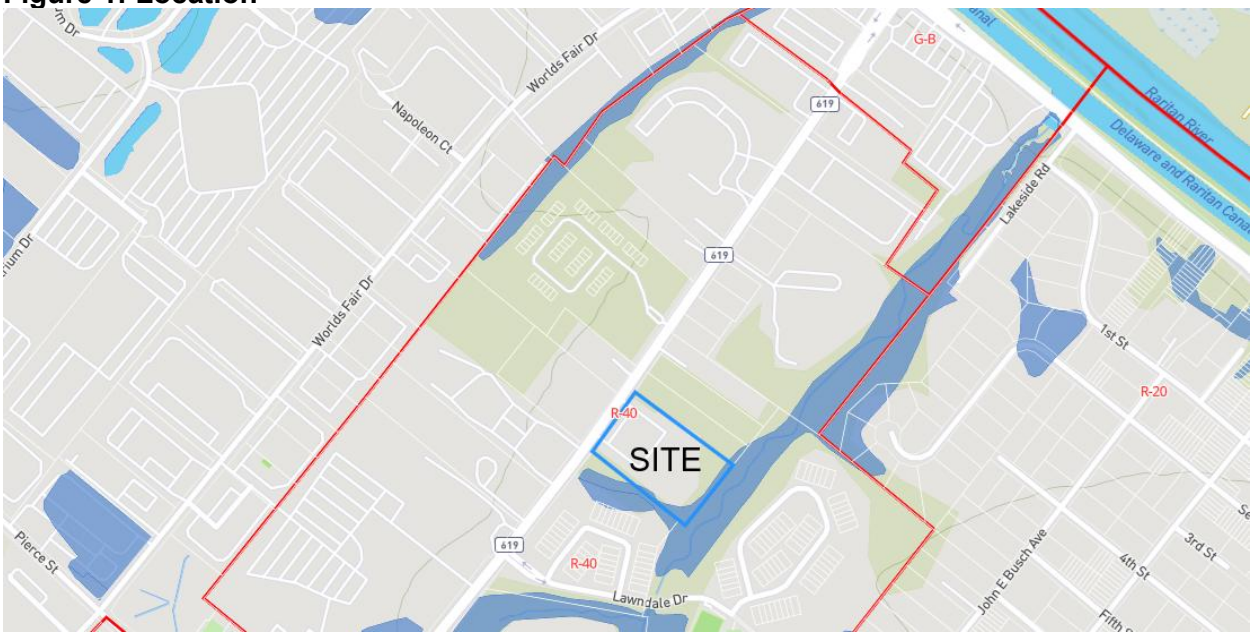

Figure 2: Site

Figure 3: Location of Proposed Gym

memo

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

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

DATE: July 22, 2025

RE: Comments from Franklin Township Environmental Commission
Somerset Bible Baptist Church
42 Cedar Grove Lane, Somerset
(Block 424.02 – Lot 12.02)
File #: ZBA-25-00004

At its regularly scheduled meeting of July 21, 2025, the Franklin Township Environmental Commission ("EC') reviewed plans and documents for the above-referenced project. The following comments have been prepared for consideration by the Franklin Township Zoning Board of Adjustment:

- The proposed impervious coverage is 26.6%, which is in exceedance the permitted 20% in the R-40 Zone. The EC recommends using pervious pavement, installing a rain garden, planting additional trees, creating green space, or other green infrastructure strategies to reduce the impervious coverage to the maximum extent possible.

- Cool Roof technology or implementation of a Green Roof should be investigated by the developer. Large roof spaces are ideal for this type of green infrastructure, which significantly reduces indoor temperatures and peak electricity demands, slows the formation of smog and air pollution, and lessens the effects of urban heat islands.

- Anti-idling signs should be placed at various locations around the site, specifically at the entrance and exits of the site. Signage should also be placed in consistent increments across the parking spaces.

- Bike storage and simple bicycle repair stations are recommended at various locations across the site. Having these amenities will encourage residents and customers to use bicycles as an alternative means of transportation.

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

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

COUNTY OF SOMERSET
DEPARTMENT OF
PUBLIC HEALTH & SAFETY

DEPARTMENT OF HEALTH

Director / Health Officer
HIMANSHI BHATT, MPH, MS, REHS
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Deputy Director
MICHAEL T. McCARTY
mccarty@co.somerset.nj.us

Memorandum

To: Planning/Zoning Department

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

Date: August 4, 2025

Re: ZBA-25-00004-Somerset Bible Baptist Church-42 Cedar Grove Lane

Block: 424.02, Lot: 12.02

The following information must be submitted to the Health Department prior to final approval:

- Architectural drawings for the proposed kitchen indicated on the submitted As-built plans.
  - Plan Review application.
  - Specify where any trash and/or recycling dumpsters will be located.

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

July 18, 2025

Project Applicant: Somerset Bible Baptist Church
Project Location: 42 Cedar Grove Lane, Township of Franklin, NJ
Block: 424.02; Lot: 12.02
Docket #: ZBA-25-00004
Plan Type: Variance Plan

The Applicant is proposing to construct a 8,640 square foot gymnasium behind their existing church. The Project site occupies Lot 12.02 of Block 424.02 and is located approximately 2,000 linear feet northeast of the intersection of Pierce Street and Cedar Grove Lane. The property is currently occupied by a 1.5-story masonry church building that is to remain.

The estimated Average Daily Flow to be generated by the proposed gymnasium has not yet been provided by the Applicant.

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

- Variance Plan, as prepared by Harbor Consultants Inc., dated August 29, 2024;

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

- Please submit a complete Application for Approval of Sewerage Facilities in accordance with the FTSA Rates, Rules and Regulations (Appendix A-5 thru A-6).
- Please submit an Application Fee in the amount of $500.00 in accordance with Appendix F of the Rates, Rules, and Regulations.
- The formal Application submission is to be accompanied with sufficient Application Initial Review Escrow in accordance with Application Section 14. The FTSA's review process will not commence until such time that sufficient escrow is posted with the Authority.
- All Application Fees and Review Escrow shall be submitted (via separate checks) made payable to "The Franklin Township Sewerage Authority".
- The Application is to include a Signed and Sealed Engineer's Report in support of the proposed sanitary sewer improvements including, but not limited to, a summary of the sanitary improvements, existing flow conditions, proposed average daily flow calculation, proposed peak flow calculation, sewage velocity calculation, pipe capacity analysis, etc.
- Application to include Signed and Sealed Sanitary Sewer Construction Specs in accordance with Appendix C.
- Please provide a Signed and Sealed Sanitary Sewer Construction Cost Estimate reflecting all proposed sanitary sewer improvements for the Project utilizing, at a minimum, all

applicable items and unit prices listed in Appendix F of the Authority's Rates, Rules and Regulations.

- Application to include a full set of Signed and Sealed Plans including all applicable FTSA Standard Construction Details in accordance with Appendix D.
- Submission of an electronic version (PDF) of the Site Plan, Sanitary Sewer Analysis, Engineers Report and Sanitary Sewer Specification to: Staffengineer@ftsa-nj.org.

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

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

Very Truly Yours,

William E. Korosec, PE
Consulting Engineer's Office

WK/tc

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

memo

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

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

DATE: January 7, 2026

RE: Comments from Franklin Township Environmental Commission
Wash King Somerset OpCo, LLC
1463 Route 27, Somerset
(Block 85 – Lot 39.01)
File #: ZBA-25-00025

At its regularly scheduled meeting of January 5, 2026, the Franklin Township Environmental Commission ("EC') reviewed the resubmission of the above-referenced project. The following comments are submitted for consideration by the Franklin Township Zoning Board of Adjustment:

- The EC recommends that the applicant use lighting standards developed by Dark Skies International to reduce light pollution from the proposed signage. Standards specifically recommended for commercial properties can be found at: https://darksky.org/what-we-do/darksky-approved/darksky-approved-luminaires-program/darksky-approved-luminaires-guidelines/

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

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

Franklin Township

Somerset County, New Jersey

Township Technical Review Committee (TRC)

MEMORANDUM

To: Zoning Board of Adjustment

From: Technical Review Committee (TRC)

Date: December 30, 2025

Re: Wash King Somerset OpCo – Sign Variance
1463 Route 27 (Block 85 Lot 39.01) – ZBA-25-00025

Site and Project Description

The subject site is a car wash recently-opened at the corner of Route 27/ Sinclair Blvd. The applicant seeks to place a freestanding along the site's frontage (sign detail – figure 4). The requested variance is as follows:

- Freestanding sign (setback): 20-feet required – 9-feet, 3 inches[1] proposed

The applicant explains the requested variance as follows:

> The applicant, Wash King Somerset OpCo, LLC, seeks sign variance approval for a freestanding sign proposed with an 9 foot 3 inch setback where a 20-foot setback is required. Due to a miscommunication during permitting, the sign was made prior to confirmation of the setback limitation. The originally intended placement cannot be utilized because the sewer authority advised that no structure may be placed within its 20-foot sewer easement. The only by-right alternative location is approximately 32 feet back from the roadway, where the sign would be obscured by existing tree growth and rendered ineffective. Granting the variance will allow the applicant to utilize the previously approved and fabricated sign in a visible and functional location while avoiding the easement, without causing detriment to the public or impairment of the zoning plan.

[1] The application form indicates this distance while the plan indicates 9-foot, 2-inches. The exact dimension could not be determined since the plan isn't to scale. Further, the 9-foot, 2 inch dimension was not drawn perpendicular to the property line (i.e., the shortest distance). Staff's best estimate of the actual proposed setback (by enlarging the plan to be to-scale and measuring in a perpendicular manner) is 8.75 feet. The applicant needs to confirm.

Review Comments

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

2. The Applicant needs to clarify whether any of the landscaping along the site's Route 27 frontage (which was depicted on the approved site plan) would be removed and/or relocated for sign placement/ visibility. See Figures 2, 3, 6 and 7.

3. The applicant should clarify whether the sign placement/ height would conflict with any overhead utility lines. See Figures 3, 6 and 7.

4. The applicant has placed a number of unapproved signs along the site's Route 27 frontage (including 2 "We're open" signs with posts and within the sewer easement. Have these signs been removed? See Figures 3 and 7.

Figure 1: Site Location

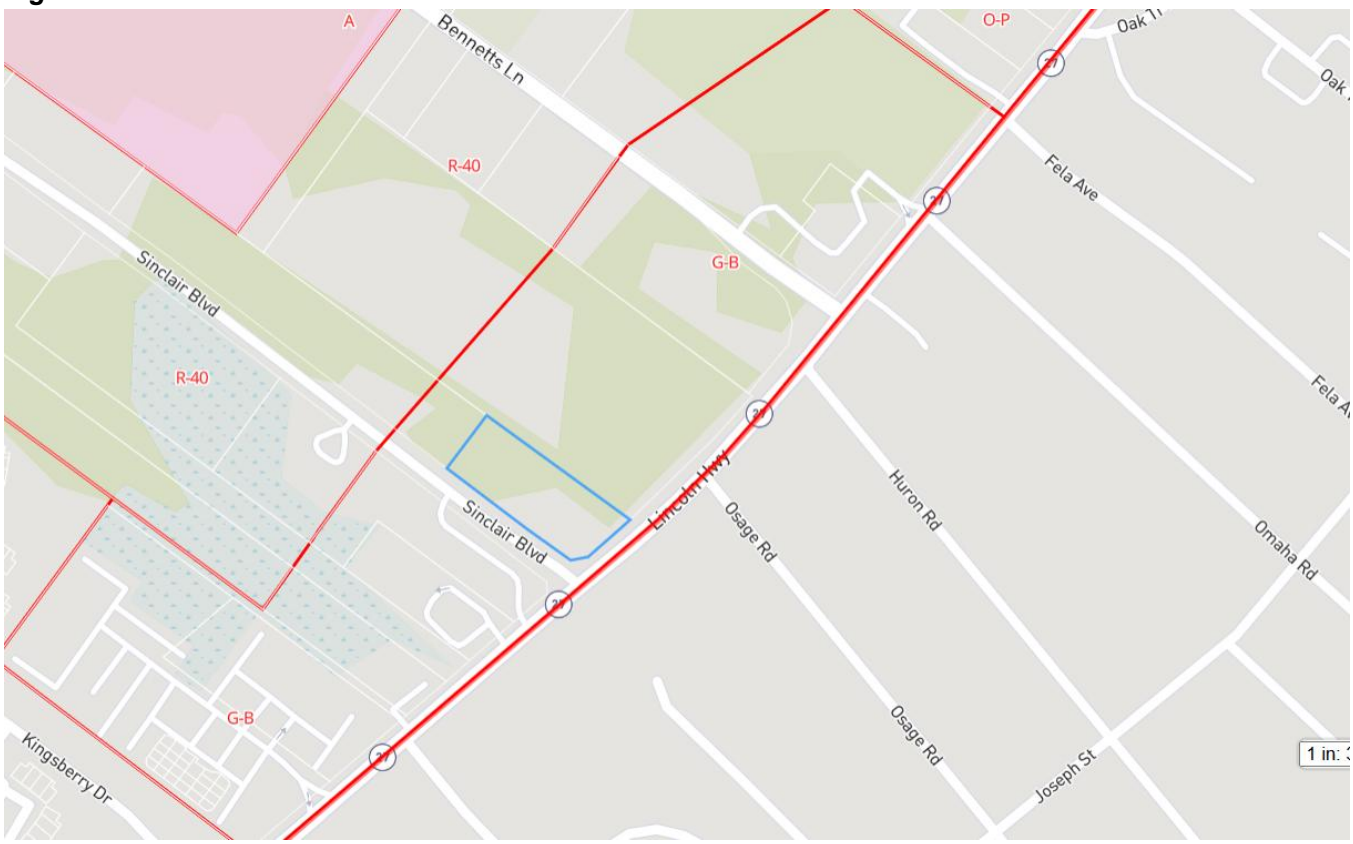

Figure 2: Approx. Sign Location

Figure 3: Existing Site Route 27 Frontage with Approx. Sign Location

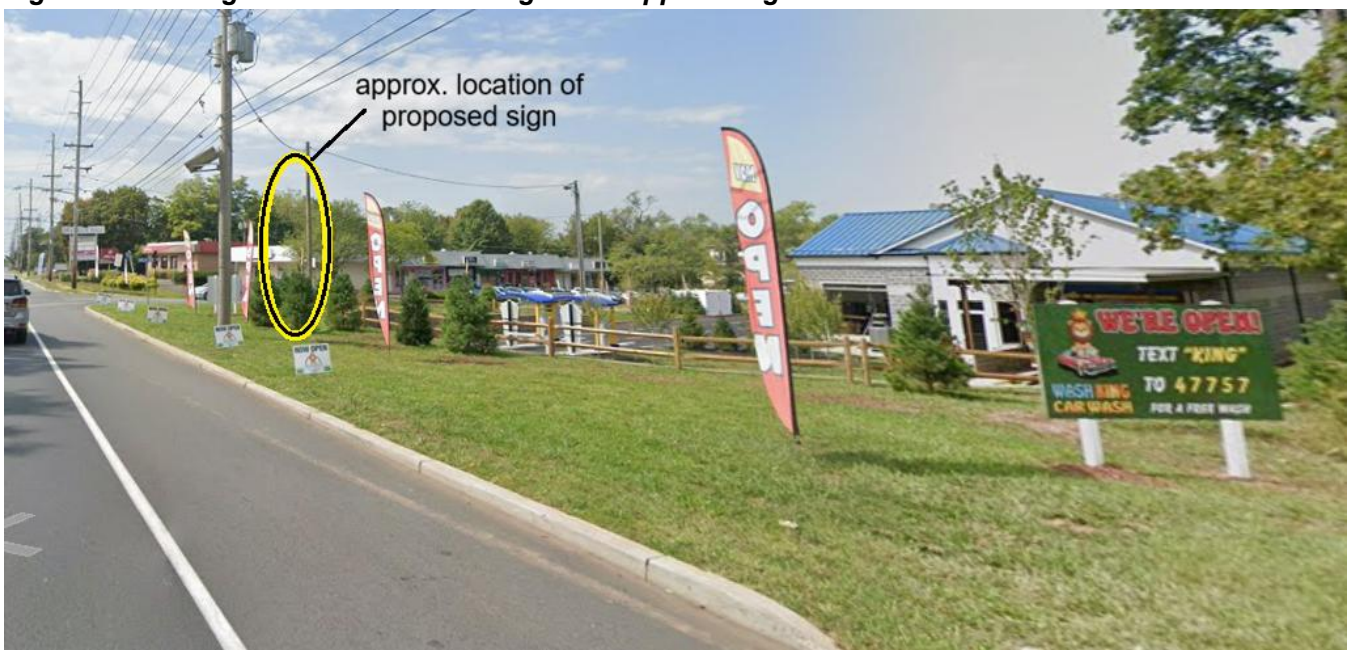

Figure 4: Proposed Sign

Figure 5: Submitted plan

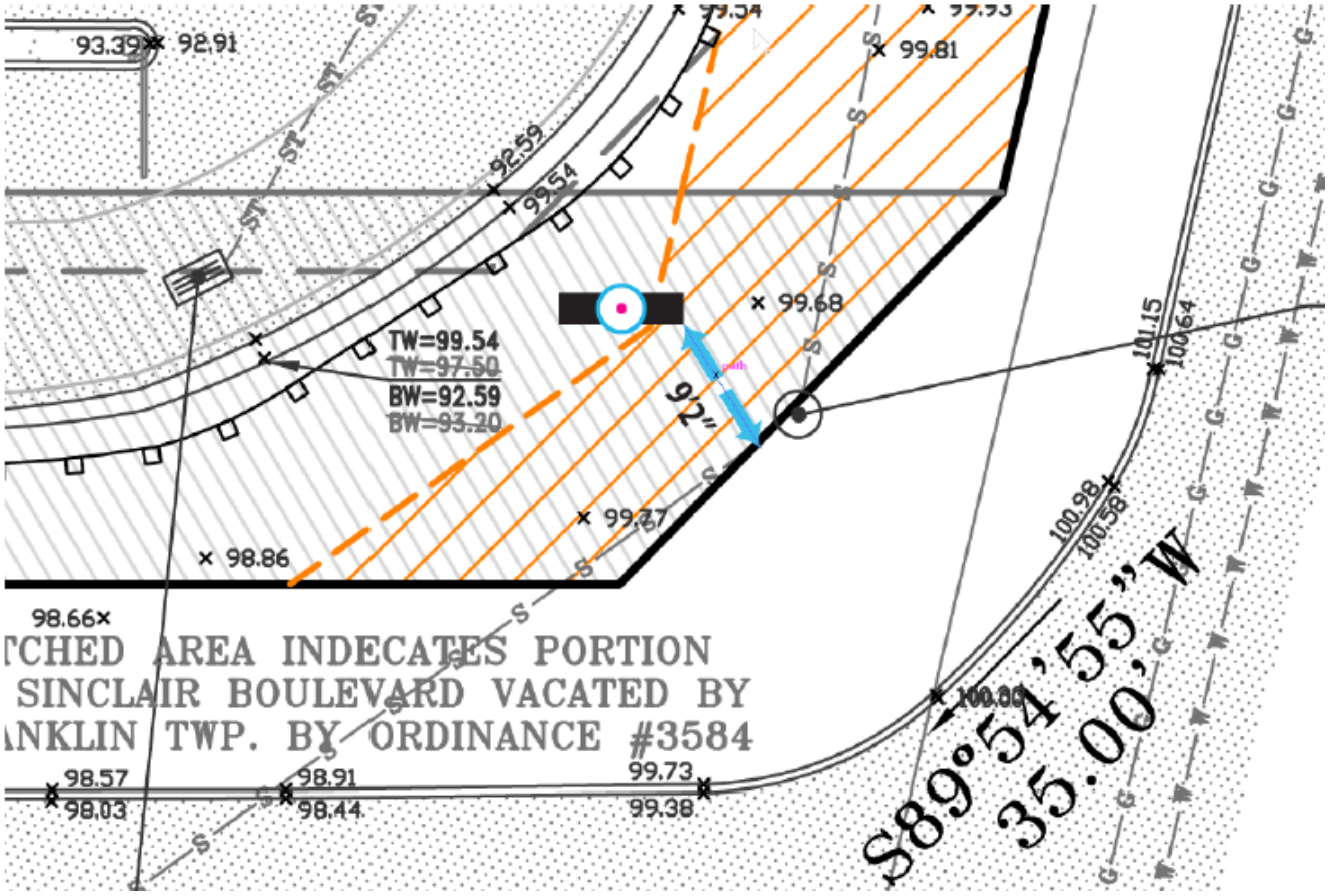

Figure 6: Overhead Utility Lines on the Site
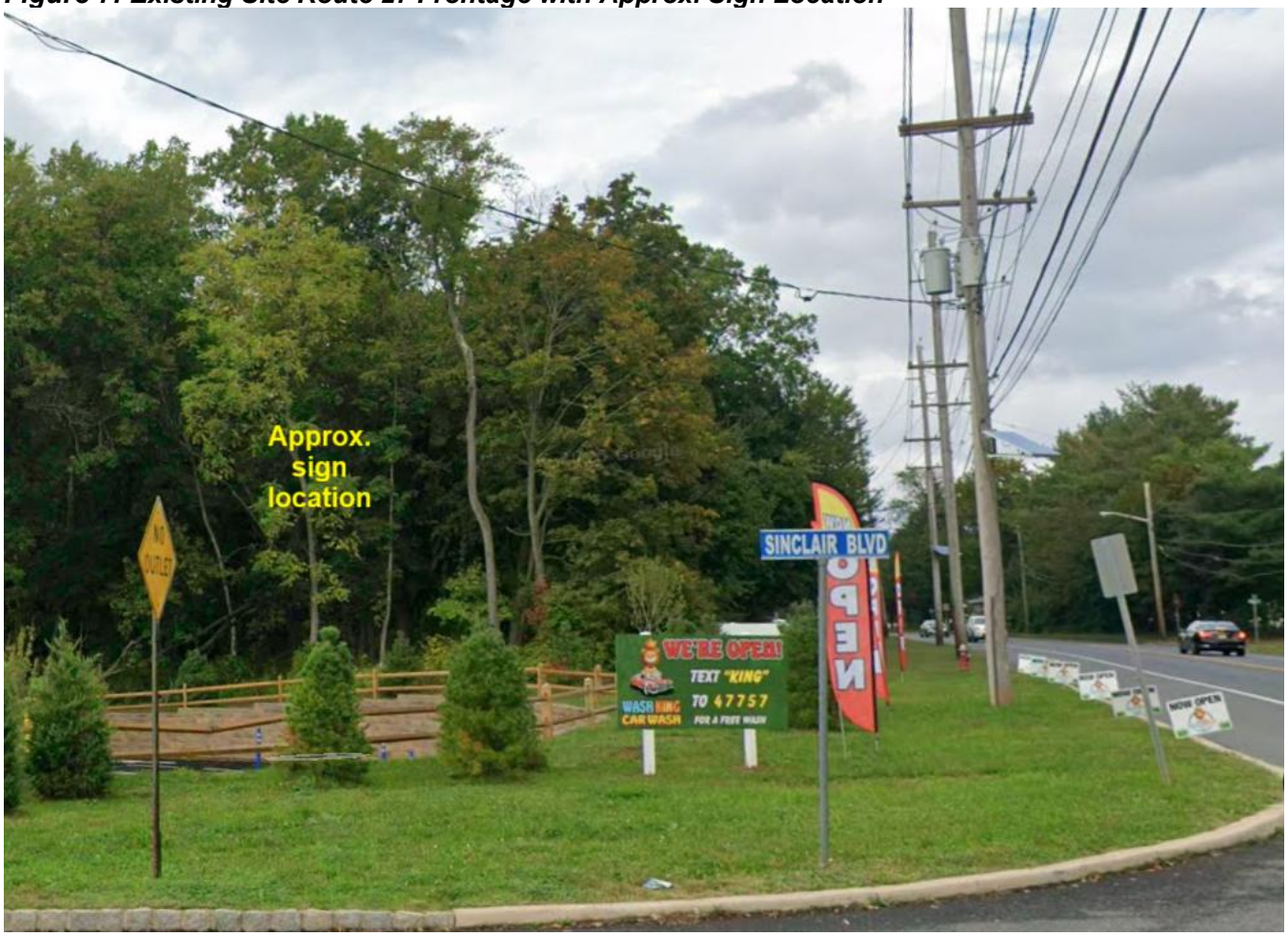
Figure 7: Existing Site Route 27 Frontage with Approx. Sign Location