

# Franklin Township

Somerset County, New Jersey



## DEPARTMENT OF PLANNING AND ZONING

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

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## MEMORANDUM

To: Zoning Board of Adjustment

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

Date: August 14, 2020

Re: Sai Datta Mandir, Inc.  
D(3) Conditional Use Variance, "C" Variances and Site Plan (ZBA-19-00037)  
583 South Middlebush Road (Block 36.01, Lot 6.03)

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

- 1-sheet Boundary & Topographic Survey prepared by Crest Engineering Associates dated 8/11/17
- 13-sheet set of site plan drawings prepared by Crest Engineering Assoc. last revised 7/20/20
- 3-sheet architectural drawings prepared by Kishor Y. Joshi, AIA dated 9/24/19
- Traffic Impact Study prepared by Dolan & Dean Consulting Engineers, LLC dated 11/5/19
- Tree Sampling Report prepared by Crest Engineering Associates dated 11/19
- Environmental Impact Assessment prepared by Crest Engineering Associates dated 9/10/19
- 7/13/20 letter from Crest Engineering Assoc.

### Site Description

The 24.83-acre subject site is located on the westerly side of South Middlebush Road several hundred feet south of its intersection with Jacques Lane. The site is located within the A (Agricultural) zoning district. The site is undeveloped and consists primarily of open field while the perimeter of the site consists of hedgerows. A wetlands area (and associated buffer exists in the southwesterly corner of the site.

Surrounding land uses consist of preserved open space, preserved farmland residences fronting South Middlebush Road and Jacques Lane.

## Project Description

The application consists of the following:

- Construction of a 28,970 square foot place of worship including a sitting area for prayer as well as ancillary areas such as a warming kitchen, dining area, and gift shop.
- 201 parking spaces
- Access to South Middlebush Road is proposed via a proposed driveway located slightly to the south of the existing curb cut on the site.
- Associated site modifications include grading and drainage modifications, and site lighting and perimeter site landscaping/ fencing.
- A 6' foot tall 24 square foot sign is proposed near the site's entrance on South Middlebush Road.
- The development would be served by on-site well and septic.

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

South Middlebush Road is a Township-designated Scenic Corridor.<sup>1</sup> The site is located within the Six Mile Run State and National Register historic district.<sup>2</sup>

The Traffic Impact Study indicates the following with respect to the operation of the use:

- "On weekdays between 7:00 am – 9:00 am less than 10 devotees may visit the temple"
- "With the exception of Thursday, similar activity is expected between 4:00 pm and 6:00 pm"
- "Because the site will hold a service on Thursday nights, approximately 30 people may come to the site during the evening peak hour."
- "Maximum activity will occur on Thursday evenings with peak arrival between 7:00 pm and 8:00 pm. Maximum temple occupancy is 587. Assuming three people per vehicle (as is used in the Township's parking calculation) 196 cars could conceivably enter the site between 7:00 pm and 8:00 pm. At the end of the service, 196 vehicles could theoretically exist during the 9:00 to 10:00 hour

The proposal requires the following approvals:

- *Site plan approval*
- *D(3) conditional use variances:*
  - Parking location (112-37.E). The majority of the parking shall be located to the rear of the main structure, with no more than 10% of the total parking located at the front entrance for handicapped accessibility, weddings and funeral services – parking located to the side of the building.
  - Buffer (112-37.K(1) and (2)): Requires 15-foot buffer consisting of double, staggered row of evergreen trees planted at a maximum of 10 feet on center with a minimum planting

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<sup>1</sup> Per Section 112-37.C, places of worship are limited to 5,000 square feet when located along a Township-designated scenic roadway *unless* such roadway is under state or county jurisdiction (i.e., a larger roadway). Since South Middlebush Road is under County jurisdiction, this application is not subject to the 5,000 square foot limitation.

<sup>2</sup> The site is not within a Township historic district thus the application is not subject to review by the Township Historic Preservation Advisory Commission.

height of six to eight feet, or approved equivalent; a mix of evergreen and deciduous shrubs; and a six-foot high, solid, board-on-board fence or 25-foot wide heavily landscaped buffer with triple, staggered row of evergreen trees planted at a maximum of 10 feet on center with a minimum planting height of six to eight feet, or approved equivalent; and a mix of evergreen and deciduous shrubs – Buffer requirements not fully satisfied in certain areas (applicant primarily relying on preservation of existing perimeter hedgerows to serve as screening with supplemental landscaping proposed in certain locations)

- “C” variances
  - Lot Frontage: 400 feet required – 357.92 existing/ proposed
  - Parking Aisle Width: 26 feet required – 25 feet proposed

## Review Comments

### 1. Temple Operation/ Occupancy

- a. The applicant needs to explain the 587 person occupancy figure provided on the application materials. This figure has been used, by the applicant, to determine the applicant’s calculation of required parking and the projected traffic volumes in the Traffic Impact Study. In addition to an overall explanation of how this figure was derived the applicant should address:
  - *How the 445 person occupancy figure for the “prayer hall” was derived* - the floor plan shows a 42’ x 52’ (2,226 square foot) “sitting area for prayer” within the prayer hall. The overall “prayer hall” is considerably larger than the “sitting area for prayer”. Thus, the applicant needs to explain why the “sitting area for prayer” alone was included in the occupancy calculations and not the rest of the larger “prayer hall”?
  - *Why certain other areas (e.g., the large lobby) were not included in the occupancy calculations.*
- b. Would there be any activity on the weekend?
- c. The applicant should explain whether any special/ holiday events would be anticipated at the site and the nature, dates and expected site/ building occupancy associated with any such events.
- d. The applicant should explain whether any part of the facility would be rented out.

### 2. D-3 (Conditional Use) Variances.

- a. Required Proofs. With respect to the D-3 variances, the applicant must prove that the application satisfies the:
  - *Positive Criteria* – Demonstrate that the *site remains suitable* for the use *despite the deviations* from the particular conditional use requirement
  - *Negative Criteria*
    - *1st Prong* – Demonstrate that the deviation would not result in such damage to the character of the surrounding area as to constitute a substantial detriment to the public good.

- *2nd Prong* - Demonstrate that the deviation would not substantially impair the intent and purpose of the zone plan and zoning ordinance - the applicant must reconcile the requested deviations with the municipality's legislative determination that the condition should be imposed
- The applicant must also demonstrate that benefits of granting the variance(s) substantially outweigh any detriments.

Based upon a review of the application materials, I offer some preliminary comments/questions regarding the D(3) conditional use variances below:

- b. Parking location (112-37.E). As indicated above, application requires a variance from the requirement that the majority of the parking be placed behind the building. The intent of this requirement is to minimize view of large parking lots from the street (by putting them behind the church building). While the applicant should explain the rationale for the site layout, it is my opinion that the proposed site layout is consistent with the *intent* of this requirement by placing the parking area several hundred feet from the road and no closer to the street than the proposed building.
- c. Buffer (112-37.K(1) and (2)). The applicant has placed the building, access drive and parking area within the open field area of the site – retaining the hedgerows around the perimeter of the site - consistent with the intent of the Township's Scenic Corridor Ordinance which seeks to preserve the aesthetic character of South Middlebush Road (which consists of views across large open fields framed by hedgerows. Nonetheless the site plan does not fully comply with the buffer requirements of Section 112-37.K.. I offer the following comments:
  - The applicant should present exhibits that accurately depict the visibility (or lack thereof) of the proposed development from South Middlebush Road. Such an exhibit would aid in the Board's review of consistency with the buffer requirements of Section 112-37.K as well as with the requirements of the Scenic Corridor Ordinance (e.g., should additional landscaping be proposed to supplement the existing vegetation to remain to the north of the building and parking area to provide sufficient screening?).

### 3. Site Plan Comments.

- a. Scenic Corridor Ordinance.
  - (1) As indicated above, the site is located along a Township-designated scenic corridor – South Middlebush Road. The potential aesthetic impact to the scenic corridor would be mitigated to a degree via the preservation of the existing hedgerows around the perimeter of the site. The applicant must nonetheless provide testimony demonstrating their efforts to comply with specific requirements of Scenic Corridor Ordinance. This testimony should address other aspects of the ordinance:
    - signage (112-201.F(4));
    - stormwater management (112-201.G(3));
    - landscaping, clearing and planting (112-201.G(5)(a) through (d));
    - utilities (112-201.G(6));
    - building plans (112-201.G(8))

As recommended above, the applicant should present exhibits that accurately depict the visibility (or lack thereof) of the proposed development from South Middlebush Road.

- (2) There are still some minor inconsistencies in the way the limit of disturbance is reflected on the plans (particularly along the entrance drive) – e.g., the limit of disturbance on sheets 4 and 5 do not align with the delineation of the proposed tree line depicted on the lot 6. This should be corrected.
  - (3) Section 112-201.G(2)(c) restricts driveways to 12 feet in width, technically requiring a variance. While the ordinance does not make the distinction this requirement is clearly intended to apply to residential driveways. It is noted that the Director of Fire Prevention has requested the proposed width.
  - (4) Would the building face and/or dome be illuminated in any way?
- b. As a place of worship, the development is exempt from payment of the affordable housing development fee.

Figure 1: Site Location

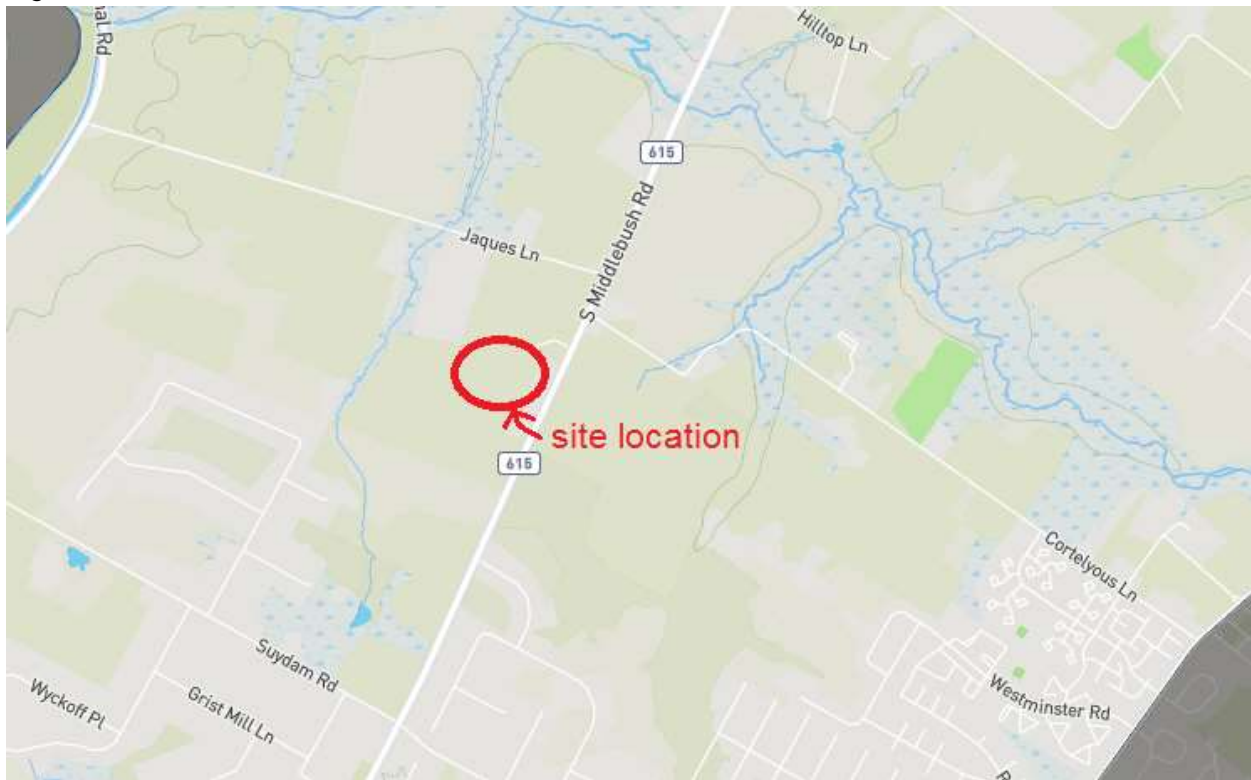


Figure 2: Site and Surrounding Area



Figure 3: Site

