

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

**REGULAR MEETING  
June 16, 2022**

This Regular Meeting of the Township of Franklin Zoning Board of Adjustment was held virtually 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:

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**PRESENT:** Cheryl Bethea, Alan Rich, Gary Rosenthal, Robert Shepherd, Vaseem Firdaus, Faraz Khan, and Chairman Thomas

**ABSENT:** Richard Procanik, Joel Reiss, and Elizabeth Clarkin

**ALSO PRESENT:** Francis Regan, Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning & Zoning Secretary

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**MINUTES:**

- **Regular Meeting – April 21, 2022**

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

**FOR:** Ms. Bethea, Vice Chair Shepherd, Vaseem Firdaus, and Chairman Thomas

**AGAINST:** None

**RESOLUTIONS:**

- **Cedar Hill Holdings, LLC / ZBA-19-00041**

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

**FOR:** Ms. Bethea, Mr. Rich, and Vice Chair Shepherd

**AGAINST:** None

## HEARINGS:

- **MUHAMMAD H. REHMAN & TEHMINA HABIB / ZBA-22-00005**

C Variance in which the Applicant installed an enlarged driveway, walkway and patio without permits at 54 Winding Way, Princeton: Block 11.09, Lot 8, in an R-10A Zone.

Mr. Rehman, Co-Applicant, came forward and was sworn in. Mr. Healey indicated that the introduction made by the Chairman stated the situation perfectly. He added that they currently have 46.89% impervious coverage where 35% was the maximum allowed in the zone. He told the Board that a contracting company by the name of Kennedy Paving and Masonry came into the neighborhood during the beginning of the pandemic saying that they were doing work in the area and that many neighbors were having work done. He added that he was told that if they paid cash, they would get a good deal. Mr. Rehman indicated that they checked out the company on their website, noting that they were licensed contractors, and he and his wife agreed to have the work done that included an expanded driveway, walkway, patio and deck. He indicated that they took \$18,000 in cash, dug up all the areas that were to have work done, and shortly afterwards stopped replying to the family. Mr. Rehman then stated he contacted the Somerset County Consumer Affairs and were referred to the Middlesex County Consumer Affairs. He told the Board that they were still working with investigators regarding the issue. Since the neighbors were worried as to when they would commence work after it was dug up over a year previous a mess, they came up with additional money, purchased the materials themselves and have obtained another contractor to complete the work. Mr. Rehman then said that they asked if there was anything else we needed to do prior to the construction, and was told no. Mr. Rehman added that they did find out that the material they purchased was pervious in nature.

Vice Chair Shepherd then asked how it came to be that they decided to pave their front yard. Mr. Rehman stated that the second contractor just paved what the original contractor dug up. He added that they have a short driveway and did not mind extra pavement being placed to meet the walkway. He also said he was told that the contractor would take care of all permits, etc., and that it was his first home and did not know all of the rules. In discussing the situation with the Vice Chair, Mr. Rehman indicated that a few other homes in the nearby vicinity were similarly paved in the front of the home. Vice Chair Shepherd then explained to the Applicant that because their property was so far over the allowed impervious coverage, that they would be required to install a dry well, following the rules of NJDEP and the State of New Jersey. Mr. Rehman again explained that the material used for the paved areas was pervious in nature and drained much more than regular, impervious coverage. Mr. Healey stated that they could check with Engineering, but that he did not think that would matter or change any of the requirements. The Vice Chair then asked if Mr. Rehman could remove the wide walkway that connects to the patio in the rear of the property.

A discussion ensued regarding how much impervious coverage would it amount to by removing the walkway. Mr. Healey indicated that removing the walkway would reduce the impervious coverage down to about 43% and still thought they would have to install the dry well, per ordinance. He added that the ordinance stated that anything added 1,000 ft. or more would require a dry well.

Mr. Rich asked Mr. Rehman if he obtained permits or did the contractor say that he would obtain permits. Mr. Rehman indicated that the contractor was supposed to obtain the permits. Mr. Rich asked if the permits were denied at the Township, but that the contractor went ahead with the work anyway? Mr. Healey indicated that the contractor applied for permits for the deck, both zoning and construction permits, and that he had received word from one of the construction inspectors that there was a lot more work going on at the property than just installing a deck. Mr. Healey stated that they informed the Applicant of the additional zoning permits that were necessary, and they were applied for, but they were over the impervious coverage and was the reason they were before the Board that evening.

Ms. Firdaus brought up a discussion regarding pervious pavement, and Mr. Healey stated that the Township ordinances, both zoning and storm water, includes gravel as pervious coverage, and would certainly include any type of pervious pavement.

Ms. Bethea then asked if they could calculate how much pavement would have to be removed to eliminate the need for adding a dry well. Mr. Healey stated that they would have to eliminate approximately 501 sq. ft. of pavement to avoid having to include a dry well on the property. A discussion ensued among the Board regarding the widening of the driveway was done to the point where it met the walkway that led to the patio in the rear so that there was no delineation between the driveway and walkway in that area. Additionally, Vice Chair Shepherd stated that he saw a car being parking on what was the walkway because it really was one big driveway.

Chairman Thomas then opened a discussion about parking within a front yard setback not being appropriate for the neighborhood.

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

Vice Chair Shepherd made a motion that required the Applicant to remove the sidewalk portion from front of house to back of house as well as remove the portions of the paving in the front of the house that extends further than it should for the driveway portions according to the drawing put forth by the Board Attorney, Mr. Francis Regan. Should the remaining improvements add up to 1,000 sq. ft. or more, then the Township Ordinance would require the Applicant to include a dry well to his property. A discussion ensued among the Board and it was agreed to have the Applicant meet with the Township professionals to figure out the calculations to make a decision on what to do. Mr. Rehman agreed to work with the Township professionals.

Vice Chair Shepherd amended his motion to state that the Board would carry the hearing that evening to July 7, 2022 in order to give the Applicant a chance to meet with the professionals to develop a plan that would reduce the amount of impervious coverage and avoid the need to include a dry well on his property. Ms. Bethea seconded the motion.

**CARRIED to JULY 7, 2022 – no further notification required.**

**DL - 7/15/2022**

**MEETING ADJOURNED:**

Vice Chair Shepherd made a motion to adjourn the meeting at 8:20 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
July 30, 2022