

Franklin Township

Somerset County, New Jersey

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Township Technical Review Committee (TRC)

MEMORANDUM

To: Zoning Board of Adjustment

From: Technical Review Committee (TRC)

Date: August 18, 2022

RE: Muslim Foundation, Inc. – Minor Subdivision w/D(3) Conditional Use
Variance
ZBA-22-00009
43 Cedar Grove Lane
Block 468.09, Lots 36 & 37.01

We have reviewed the following set of plans and submit the following report:

- “Preliminary Minor Subdivision of Block 468.09, Lots 36 and 37.01”, prepared by Van Cleef Engineering Associates, LLC, dated January 20, 2022.

Site and Project Description

The subject site is located on Cedar Grove Lane (Somerset County Route 619) approximately 2,200 feet southwest with its intersection with Easton Avenue (S.C. Route 527). The site is located within the R-40 (Residential) Zoning District. It is 10.55 acres in size and has a residential dwelling on Lot 36 and a mosque, child day care, and a school under construction on Lot 37.01.

The applicant, Muslim Foundation, LLC, is proposing to subdivide existing Block 468.09, Lot 36 into two and consolidate the rear portion with existing Lot 37.01. According to the Minor Subdivision Plan, existing Block 468.09, Lot 36 is 5.512 acres and the front portion (with the existing dwelling) shall become new Lot 36.01 (3.013 Ac.) and the portion divided

off in the rear will be 2.5 acres. The 2.5 acres will then be consolidated with existing Block 468.09, Lot 37.01 (5.034 Ac.) to create new Lot 37.02 (7.532 Ac.). Figures 2 and 3 show existing vs proposed lot configurations.

- As part of the minor subdivision, proposed Block 468.09, Lot 37.02 would require a conditional use variance for the existing house of worship/ school.
- No construction is proposed as part of this application.

Places of worship and schools are conditional permitted uses in the R-40 zone. By transferring the rear portion on lot 36 to the Muslim Foundation, that portion of new lot 37.02 (i.e., the new site comprising the Muslim Foundation use) is subject to applicable conditional use standards for places of worship and schools. The following conditional use standards is not satisfied:

- 15'/25' wide buffer with plantings and/or fencing

Review Comments

1. If the Board is inclined to grant the requested D(3) variance, it is recommended that the Board condition such approval such that no clearing, grading, disturbance, or construction of any kind may take place in the portion of Lot 36 being consolidated with existing Lot 37.01 until a fully approved site plan has been obtained from the Board (i.e., that portion may not be used for place or worship or school uses until the Board has made a determination as to whether the required buffering should be provided).
2. If approved by the Board, new lot numbers shall be as follows:
 - Lot 36.01 – 3.013 Ac. front portion of existing Lot 36
 - Lot 36.02 – 2.5 Ac. rear portion of existing Lot 36
 - Lot 37.02 – 7.532 Ac. consolidation of existing Lot 37.01 & new Lot 36.02
3. R-40 Zone Schedule shall be updated with lot data for proposed Lot 36.02 including area in acres and square feet.
4. Label proposed Lot 36.02 on the Preliminary Minor Subdivision plan.
5. With respect to the D-3 variances, the applicant must prove that the application satisfies the: Positive Criteria (that the site remains suitable for the use despite the deviations); Negative Criteria 1st Prong (deviation would not result in substantial detriment to the public good; 2nd Prong (would not substantially impair the intent

and purpose of the zone plan and zoning ordinance); and demonstrate that benefits of granting the variance(s) substantially outweigh any detriments.

6. Subdivision and Lot Consolidation Deeds with metes and bounds descriptions attached shall be submitted for review and approval prior to filing with the Somerset County Clerk's Office.
7. Official street addresses shall be obtained from the Franklin Township 911 Coordinator.
8. All fees shall be paid by the applicant at the time of adoption of a resolution of site plan approval for the cost of making upgrades and modifications to the Tax Maps (\$300) and geographic information system (GIS) (\$300)(Section 112-329).
9. At the time the final plans are submitted for signature of the municipal officials, the applicant shall submit CAD-generated data files, directly translatable into an identical image of the plan per the requirements of Section 112-329.
10. Note: Copies of any easements, exceptions, deviations, or liens on the property should be presented to the Board.

Figure 1: Site Location

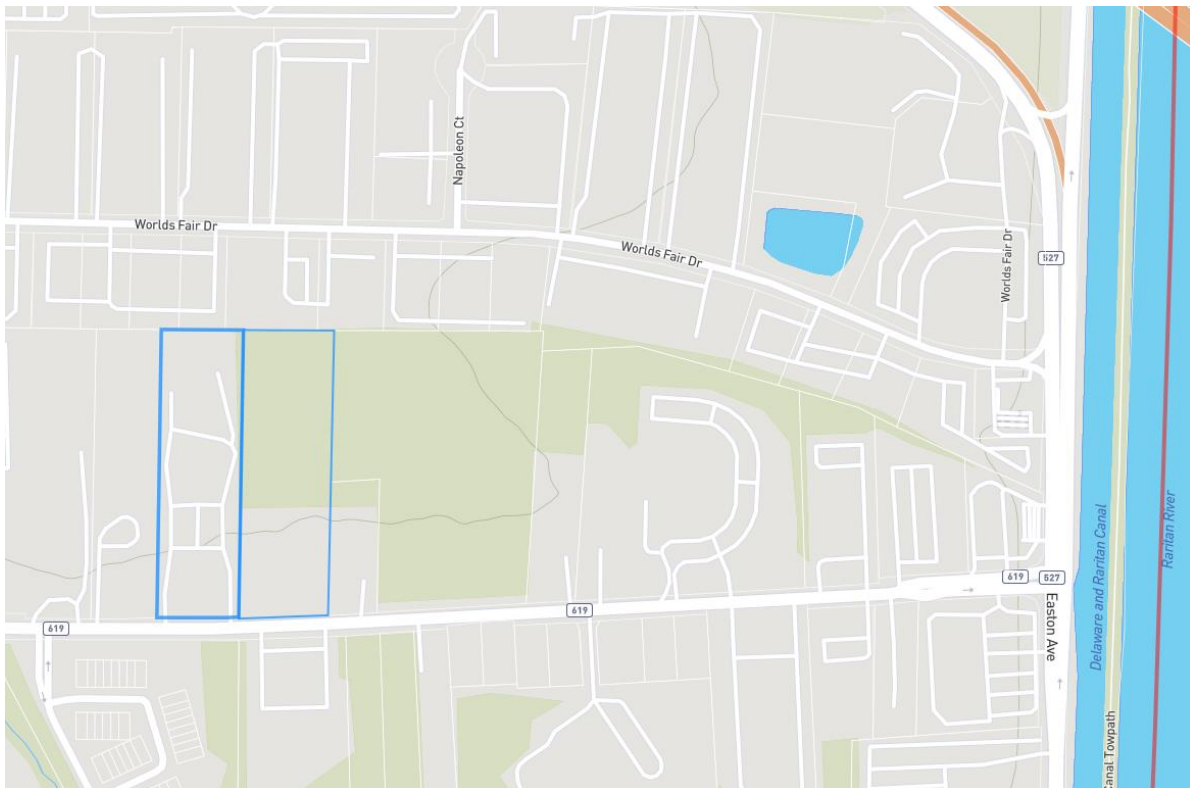


Figure 2: Existing Lot Configuration



Figure 3: Proposed Lot Configuration

