

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

**REGULAR MEETING
September 20, 2023**

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

PRESENT: Councilman Anbarasan, Theodore Chase (arrived at 7:35 p.m.), Erika Inocencio (arrive at 8:14 p.m.), Sami Shaban, Jennifer Rangnow, Mustapha Mansaray,, Charles Brown, Robert Thomas, Meher Rafiq (arrived at 8:00 p.m.), Rebecca Hilbert, and Chairman Orsini

ABSENT: None

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

MINUTES:

- **Regular Meeting –July 19, 2023**

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

FOR: Councilman Anbarasan, Mr. Shaban, Ms. Rangnow, Vice Chair Brown, Mr. Thomas, Ms. Rafiq, and Chairman Orsini

AGAINST: None

PUBLIC COMMENTS:

Chairman Orsini then made a motion to open the meeting to the public for General Planning discussion, not related to any hearing that had its own hearing that evening. Mr. Thomas seconded the motion, and all were in favor.

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

Chairman Orsini then asked for the Board's input on how the Planning Board ran a public comment period. He then spoke about the 5-minute limit imposed upon the public at the last B9 hearing, stating that some of the public got flustered at the imposed time limit. The Chairman proposed, regardless of the meeting or the hearing before the Board on any particular evening, that he wanted to ask the Board that they give each person in the public time to speak for 5 minutes, and that he reserved the right to let the person speaking a chance to finish their thought and to be able to come back for an additional 5 minutes to introduce a new comment. He also asked that any attorney or member of the Board not to interrupt the speaker until they were finished. Chairman Orsini then asked the Board to think upon that proposal and that they would have a work session after the next B9 Warehouse meeting to firm things up and incorporate them into the already existing Planning Board By-Laws.

Mr. Shaban added that what the Chairman suggested was very similar to what they do at the Board of Education meetings and works very well. A discussion ensued.

Vice Chair Brown then indicated that the way that the Chairman had been conducting the meetings before was the most equitable way to handle the public comment section. He added that it was very dependent upon the number of people who wanted to come up to speak. The Vice Chair discussed wanting to give the Chairman the discretion to reduce the amount of time to speak or increase the amount of time to speak depending upon the number of people in the public who want to speak. A discussion ensued, and Vice Chair Brown suggested that the members of the public who want to speak at a hearing sign up ahead of time so that the Chairman would get a sense of how many people wanted to speak at any given hearing.

Mr. Healey mentioned that the Planning Board did review the by-laws last in 2019, noting that the 5-minute limit was already in the by-laws. He added that how the Board chose to manage those 5-minutes was the topic of discussion that evening. The Board agreed that they should receive a copy of the Planning Board By-Laws so that they would read them over and be ready to discuss at a future work session. A discussion ensued.

Mr. Healey brought up the fact that members of the public coming up just to repeat something another member of the public has already said did not help the Board make a decision related to the hearing.

Ms. Hilbert asked if something could be posted on the website prior to the following week's B9 hearing so that the public was not surprised by the 5-minute limit. Ms. Woodbury indicated that she could incorporate that into the agenda before the next meeting to give the public awareness of the maximum time limit constraint ahead of time. She also stated that she could provide a sign-up sheet for the public to complete if they wished to speak and place that next to the copies of the agenda that the public would be availed of.

Councilman Chase then discussed speaking to the attorneys and Board members to allow the public their time to speak before interjecting any reply so that it was fair for all.

HEARINGS:

- **DAVIDSON PLAZA NJ LLC / PLN-23-00009**

Preliminary & Final Major Site Plan, Conditional Use Approval w/C Variances in which the Applicant wanted to demolish the existing office building and construct a one-story 145,750 sq. ft. warehouse at 220 Davidson Avenue, Block 468.01, Lot 21.02, in the B-I Zone - **CARRIED TO NOVEMBER 15, 2023 – with no further notification required for a Special Meeting.**

DL 10/01/2023

- **THE JAIN CENTER of NEW JERSEY / PLN-23-00011**

Mr. John DeLuca, Attorney, appearing before the Board on behalf of the Applicant, The Jain Center of New Jersey. He indicated that the Applicant sought Site Plan and Sign Variance approval for construction of an entrance “archway” structure across the entrance/exit drive which connects to Cedar Grove Lane at 111 Cedar Grove Lane, Somerset; Block 468.07, Lot 45, in an R-40 Zone.

Mr. DeLuca indicated that the Applicant had been heard previously, and it was determined by the Board at that time that an item of relief that they determined necessary was not noticed, so they re-noticed. He added that they were there that evening seeking three (3) variances, all related to a proposed archway and signs that would appear on the archway. Mr. DeLuca stated that the item of relief that was now included in the re-notice was a relief from a condition to realign the driveway which the archway would appear over.

Mr. F. Mitchell Ardman, Engineer/Planner & Principal of the Reynolds Group, 575 Rte. 28, Raritan Borough, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Ardman then discussed the site, the use, and the proposed archway. He showed on the screen their Plan Sheet SP-2, which was the colorized Landscape Plan that was included in the Plan Set from January, 2023, with no revision. Mr. Ardman then entered it into the record as Exhibit A-1. He then described the property as a 9.6-acre parcel and was developed with the Jain Center house of worship, which was basically in the center of the site with the one (1) two (2)-way driveway access off of Cedar Grove Lane, parking on the north front side of the site as well as around the building to the west and south end of the property. He then noted the existing plaza area that was located at the main front entrance of the building in the northerly section of the building and site. Mr. Ardman then showed the Board and public the located of the caretaker home that was shown in the front of the property, along with a storm water management basin to the southeast corner of the property along Cedar Grove Lane. He then described the property to the west as an R-15 single-family residential zone, a

new townhouse development south of the property abutting the site as well as an office space directly to the north of the property. Mr. Ardman then showed the shopping center across the street from the property, showing the northerly entrance drive to the shopping center as well as one located to the south of the subject property's entrance drive. Mr. Ardman then discussed what was being proposed that evening was primarily the entrance archway, which would include entrance signage for the property. He noted that there would be three (3) signs on the archway, with that structure set back from Cedar Grove Lane by 41 ft. and would include flush-mounted lights under the archway. Mr. Ardman then added that they would be enlarging the radius' in and out of the property coming in from Cedar Grove Lane to help the turning radii into the property. He then noted that a sidewalk was proposed along Cedar Grove Lane along the full extent of the property as well as additional landscaping that would include deciduous trees and evergreens along that frontage for a nice appearance along Cedar Grove Lane. He then discussed the landscaping along the rear of the property abutting the residential properties to the west that included a significant wooded area but would be supplementing the plantings with evergreens in that area in the southwest corner of the property as well as other plantings in the further southwest area to screen the parking lot. Mr. Ardman then showed the Board on the exhibit where there was a utility easement where there were no plantings shown.

Mr. Ardman then showed a colorized rendering of the 56 ft. wide archway over the entrance driveway and was entered into the record as Exhibit A-2. As shown on the exhibit, there would be three (3) signs on the archway, with two (2) (21 sq. ft.) located on the bases of the columns. He then drew the Board's attention to the sign at the top of the archway that amounted to 57.2 sq. ft., for a total area of signage at 99.2 sq. ft. He also showed the Board where they would have the flush-mounted lights that would light up the entrance drive and give light on the structure itself but would not cause any spillage off the property. Mr. Ardman then noted that the sign would give a good sense of place in front of the house of worship, provide a matching architecture seen on the buildings and was a standard look for the Jain organization. He then noted that the archway would have a gate on it as well for security purposes.

Mr. DeLuca then directed the Board's attention to the additional relief that they were seeking. He reminded them that, subject to a prior condition of approval, they were to align the driveway to the driveway on the opposite side of Cedar Grove Lane in the shopping center.

Mr. Ardman then discussed an OPRA request that was served to the Franklin Township Police Dept. regarding the aligning of the driveways. He noted that they received a thorough review within a time frame of between October of 2019 and up to the present time. He indicated that it included an accident report schedule that included 21 accidents in that area. Mr. Ardman stated that he also included another review of both sites and to drive both properties with both sets of driveways to make the many turns and watch others make those turns as well. He spoke about the desirability to align opposite driveways on a roadway. Mr. Ardman indicated that he felt that it would be more important to line up the driveways if there would be thru traffic between the two (2)

sites. He did note that there was now a left-hand turn lane going northbound, allowing for a left-hand turn into the Jain Center site, and noted good visibility from the shopping center across to the Jain Center driveway. He also testified that there was good sight distance from the Jain Center driveway.

Mr. Ardman then reviewed the Traffic Safety report, noting that there had been only 21 accidents over the past four (4) or so years, with the majority of those being low-speed rear end accidents and not paying attention to the driver ahead of them on Cedar Grove Lane. He discussed some of the other accidents as being bad driving decisions or inattention from drivers and nothing to do with the Jain Center. He did add that widening the radius of the Jain Center driveway would make for better turning into and out of the site, with bearing to the relationship with the shopping center across the street. In reviewing the Traffic Analysis and accident reports, Mr. Ardman did not believe that aligning the driveways would create a better traffic pattern in the area and also did not contribute to any of the accidents over the past four (4) years. Based upon his analysis of the Police traffic information, they were asking for relief of realigning the driveway.

Chairman Orsini asked Mr. Ardman what the reasoning was for not realigning the driveway over all the years after giving it as a condition of approval and having a request from the County to do so. The Chairman mentioned that it seemed to have only come up to address it now to ask for a variance since they were asking for an archway and signage. He also indicated that it seemed neglectful and did not add credence to the Board's favor to the Applicant's ability to execute. Mr. Ardman stated that he could not speak any more to the timing of the request for waiver, just that some additional applications never went forward, i.e., placing solar arrays over the parking lot, etc. Mr. Ardman then indicated that the recent County review made no requirement to realign the driveway, knowing that there was a condition made by the Planning Board to do so on a previous application.

Mr. Thomas then discussed when the project was originally approved, noting that the alignment of the driveway was an original condition with a busy shopping center. He added that the data from 2019 to present was in the middle of a pandemic and degradation of the shopping center. Mr. Thomas stated that the shopping center was becoming busy again and that there were many driveways in the vicinity and within 500 ft. of each other, to include a major intersection. Mr. Thomas then discussed an event taking place over the past weekend whereby the emergency driveway was being used for ingress and egress, which was not to be permitted. He indicated that he saw no reason not to align the driveways as was a condition of the original approval. Mr. Thomas stated that he would not vote for the Application if the driveways were not lined up.

Mr. Shaban wanted to know if there was a reason that the driveway was never lined up with the opposite driveway in the shopping center that was either engineering based, or planning based. Mr. Ardman indicated that there was no reason that was engineering based to not realign the driveway and was potentially a better solution.

Mr. Ardman then addressed Mr. Thomas' comments by stating that he wanted the Jain Center driveway aligned with the northerly driveway, which did not have nearly the activity as there was in the southerly driveway and felt that it worked well as it was currently. A discussion ensued between the two (2) regarding when police control was present and when there was not.

Chairman Orsini stated he agreed with Mr. Shaban's questioning regarding any concrete reason why the condition of approval was not complied with, particularly when the Board had a reason for making it a condition. He indicated that he did not believe that conditions on Cedar Grove Lane had changed substantially since the condition was imposed upon with the original approval. Mr. Ardman replied that he believed the operation of the Jain Center still operated safely.

Vice Chair Brown then chimed in and felt that they were not giving the condition of approval the importance it required and was potentially a safety issue by not complying. He felt that it was particularly confusing for a pedestrian who has walked to the shopping center to deal with two (2) conflicting left-hand turns. Because it was a condition of approval years ago with the original application, he indicated he would not be in support of the request to waive the condition at this juncture, under any circumstances.

Mr. Vignuolo, Board Attorney, asked that the OPRA response received by the Applicant should be entered into the record as Exhibit A-3.

Mr. Mihir Shah, Fact Witness, 229 Jerome Avenue, Metuchen, NJ, came forward and was sworn in. Mr. Shah discussed the approval that they received to construct solar panels over the parking lot on the site but have had a dispute with the vendor and have lost money with that vendor and the reason that the project had been on hold. Mr. Shah stated that he had taken over that project and were working with a few other vendors to come in to get a better quote. He wanted the Board to know that there was definitely an intention to have solar arrays over the parking lot on the property.

Mr. Healey then indicated that the driveway and the solar arrays were two (2) very different things, being that the driveway alignment was definitely a condition of the Board's approval. He added that the solar arrays in the parking lot were not a condition of approval.

Chairman Orsini then stated that he felt that there was a theme with the Applicant related to communication, or the lack thereof related to the solar array status, lack of communication related to the condition of driveway alignments and the lack of communication with the number of people at events, which was detailed in the TRC report.

Mr. Shaban then asked Mr. Vignuolo that given the Board's inclination not to grant relief from a condition, he wanted to know if it were possible to bifurcate the Application and

wondered if it were possible. He wanted to know if they could seek approval for the signs in one (1) vote, and the relief from the condition to align the driveways in another vote. Mr. Thomas interjected that there was a lot of good things about the Application, including the sidewalk and the gate and the additional landscaping that was never initially provided; however, he stated he did not understand the hesitancy, in terms of the driveway, to line up with the opposite driveway where it could just curve back into the existing one. He then added that the driveway alignment was as much for their members as it was for everyone else who uses the roadway.

Chairman Orsini then addressed the issue of bifurcating the Application, which he did not have a problem with; however, he did have the same concerns that Mr. Thomas just stated. He stated that he did not feel that the items the Applicant wanted to place on the property would be done in the correct order and, for those reasons, would not want to bifurcate the Application.

Mr. Healey discussed the importance of realigning the driveway before the archway was constructed. He also indicated that there were comments on the TRC report related to the landscaping as well. Mr. Healey suggested that the Applicant needed to redo the plans anyway and felt that it would be prudent to do that and come back with a plan to present to the Board with all of the requirements.

Mr. Shaban asked if the proposed sidewalk was just along the frontage and if it extended to the building as well. Mr. Ardman indicated that the sidewalk was only proposed along the street in front of the property. Mr. Shaban thought it would be a good idea to have connectivity from the building since there were many members who crossed the roadway to get to the shopping center.

Ms. Rafiq spoke of her own experience with the shopping center and involving a pedestrian also crossing the street at the same time that there were vehicles attempting to make left turns out of the shopping center. For this reason, she agreed that the Applicant should realign the driveway to make it a safer situation for all involved.

Dr. Chase asked what the signs on the bases of the columns that hold up the arch said, and Mr. Shah indicated that those were the names of the sponsors who would be funding the construction of the arch. Dr. Chase stated that he thought that could be commemorated somewhere else and/or have those commemorations facing inward toward the driveway as opposed to facing out toward Cedar Grove Lane.

Vice Chair Brown then asked for clarification regarding how the proposed gate would operate on the site as it related to safety and the justification for it. Mr. Shah indicated that it would prevent trespassers from entering the property by vehicle. A discussion ensued regarding people parking on their property from the next-door townhomes.

Mr. Ardman then addressed the comments in the TRC report and indicated that they had no problem working with Mr. Healey and staff to satisfy the requests in the

Landscaping Plan to supplement plantings and a landscape plan for the caretaker's home as well. He also agreed to comply with all other comments in the report as well. Mr. Thomas then asked if the height of the arch would be tall enough to accommodate any truck deliveries. Mr. Ardman indicated that it was tall enough for truck deliveries as well as for the Fire Prevention Dept. as well.

Ms. Rafiq asked what the sign on the top of the arch was for, and Mr. Ardman indicated that it was the name of the center and was in English.

Mr. Ardman then put on his Planning hat, and summarized the three (3) variances that were required, as follows:

1. Number of Signs: One (1) permitted and three (3) proposed.
2. Sign Area: 25 sq. ft. maximum; 99.2 sq. ft. total proposed.
3. Sign Height: 10 ft. maximum permitted – 28 ft. (top of archway structure)

Mr. Ardman indicated that he believed that the variances could be approved as C-2 Variances to advance elements of the Municipal Land Use Law (MLUL). As he previously stated, the signs were a critical component of the archway, and that the archway was typical of Jain Centers around the world and also around the State and the Country. He added that they represent the religious, cultural values and activities at the center, reflecting the architectural style of the buildings on the site. He noted the purposes of the MLUL to be advanced by the proposal include purpose I, which was to promote a desirable, visual environment through creative development techniques and good civic design and arrangement. Mr. Ardman added that the archway/signs were in scale with the property and represented the religious and cultural center and complements the architecture. He added that the design was supported and enhanced by the proposed landscaping along the entire frontage. Since it was well designed, Mr. Ardman did not believe it would create any substantial detriment to the public good or substantially impair the intent or purposes of the zone plan or zone ordinance. He indicated that he did not see any substantial negative affect of the signage for the reasons stated and because he felt that they were well designed. Mr. Ardman then indicated that the travelling public would see it as a well-designed feature of the property and did not see negative impact of the sign and believe the benefit of granting the variance far outweighed any detriments.

Vice Chair Brown agreed that the architecture was beautiful and appreciated the religious and cultural design of the signage but did not agree with the signage from a donor's perspective by asking for a variance to essentially honor those who have donated the funds for the construction. The Vice Chair stated that he felt that those signs could be placed elsewhere on the site. Councilman Anbarasan agreed with the Vice Chair. Chairman Orsini suggested that they could incorporate the signage/plaque into the landscaping to honor those who donated the funds to build the arch.

Mr. Healey then discussed the fact that they were technically placing six (6) signs on the structure because it was double-sided. Mr. DeLuca indicated that the Jain Center Sign would only be on one (1) side, so there would only be five (5).

Mr. Shah indicated that the Jain Center is a charitable organization and people need to be recognized/seen related to their contribution. A discussion ensued among the Board. Mr. Shah then stated that the number 28 had a religious significance and was the reason the arch was 28 ft. high.

Mr. Ardman then entered into the record as Exhibit A-4, entitled sample images, entrances to Jain Centers worldwide, Planning Board, dated 6/7/2023. He noted that most of what was shown were vastly larger structures, but the properties and buildings were much larger as well.

Mr. Ardman stated that the acceptable height for fire truck clearance was 14 ft. 3 inches, and Mr. Healey stated that Mr. Hauss, Fire Prevention Director was okay with the clearance under the arch.

Mr. Healey then explained that the ordinance addressed building-mounted signs and free-standing signs. He added that the proposed was unique in that the arch was a structure and not part of any sign. He did add that it was close to a freestanding sign, where there was one (1) message and one (1) sign and not split up into multiple messages. So, he stated, for the purposes of the sign ordinance, he made a determination to list the variances required.

Vice Chair Brown stated that he did a search and did not see that the number 28 had any religious significance but did see the number 24. Mr. Shah indicated that there were many numbers that had religious significance, and that he would send the Board that information.

Chairman Orsini then stated that the Applicant got their feedback about signs, and that they could amend their Application and come back before the Board, without prejudice.

Chairman Orsini made a motion to open the meeting to the public. Mr. Shaban seconded the motion, and all were in favor.

Mr. Iyer, resident of townhomes next door to the Jain Center, came forward. Mr. Iyer was just concerned with the free flow of traffic on Cedar Grove Lane.

Ms. Sandy Behn, 19 Domino Road, Somerset, NJ, came forward. Ms. Behn stated that she was part of the R-15 Zone, with single-family homes behind the Jain Center. Ms. Behn was concerned regarding the Jain Center's ability to be a good neighbor. She explained that there were 9 acres of trees cut down in 2001, with building not started until 2012. She indicated that she was concerned about the trees, the landscaping, etc. and were promised a buffer in 2012 between their property line and the residential development with no landscaping provided. She also indicated that there was going to

be a solar panel array in 2019, but that the Jain Center needed to comply with conditions of approval, without any action, she stated that she didn't believe that they would follow through. Ms. Behn then asked if the proposed signs were lighted, and Mr. Ardman indicated they would just have the flush-mounted lights on the archway and lit at night when there were services and festivals. Ms. Behn indicated that there was a lot of lights coming from the site, to include building lighting, and would be nice to have them on auto-off. Ms. Behn also thought the arch structure was very large for Cedar Grove Lane.

Chairman Orsini made a motion to close the meeting to the public. Mr. Shaban seconded the motion, and all were in favor.

Mr. Vignuolo asked Mr. Healey if the structure needed a variance, and he answered in the negative. Mr. Healey did indicate, however, that they would need Site Plan approval for that archway.

Ms. Rafiq asked if during festivals if they anticipate coming back before the Board to put up another structure for gatherings, i.e., tents, etc. on the property. Mr. Shah indicated that last year they had one larger festival and got an approval to put up a temporary tent for those days, but apart from that, they only needed an outdoor tent structure for that one (1) large event. He added that any big event that they were going to have at the center, they would be seeking out the police support to make sure that safety is taken care of. Ms. Rafiq then asked about these larger events from a noise perspective. Mr. Shah indicated that they make sure that most of the events are held within the center, and that there were only one (1) or two (2) during the entire year would be outdoor. Mr. Shah then spoke about the lighting and indicated that they have an autotimer that went off at 11:00 p.m. when the lights would go off in the parking lot. Ms. Rafiq then asked about weddings and other social functions, and Mr. Shah stated that those activities were all held inside the center. He added that there would be no loud music, and just a procession around the center after fasting was over after the one (1) big festival. Finally, Ms. Rafiq asked if they would have any flags or banners on or near the signs, and Mr. Shah answered in the negative.

Mr. Shaban then indicated that having the extra shrubbery and landscaping near the single-family residential development in that area would help to shield any light spillage as well and should be a priority.

Chairman Orsini asked the Applicant to perfect the original Application as they revise the current proposal. The Chairman explained that even if trees and landscaping should die in the coming years, the Applicant was still bound to have what was agreed to and conditioned on the approval. Mr. Shah stated that they would make an effort to fulfill all requirements.

Mr. Thomas asked that they speak with the County to lower the speed on Cedar Grove Lane considering all the churches and schools on that roadway.

Mr. Healey suggested that Mr. Ardman's firm meet with him to go over the landscaping plan to make sure that they were not following the old proposal. Mr. Healey spoke directly to the resident who spoke that evening and offered to meet with them to go over the plans with them, show what the Applicant was proposing and give comments prior to the Applicant coming back to the Board with a cleaner Application.

Dr. Chase asked that something be put into a Resolution to assure that everything agreed upon at the hearing that the landscaping was put in as has long been promised. Mr. Healey suggested that language could be included to say that landscaping must be put in before a building permit was issues for the archway.

Chairman Orsini told Ms. Inocencio that if she read the minutes and watch the video and sign off that she's done so, she would be able to vote at the next hearing when they take the vote.

Ms. Woodbury then told Mr. DeLuca to go back and check with his firm to see what date would be available, considering other Applications were penciled in.

Mr. DeLuca asked that the hearing be **CARRIED TO NOVEMBER 1, 2023 – with no further notification required.**

DL 11-31-2023

COMMITTEE REPORTS:

There were no Committee Reports discussed.

WORK SESSION / NEW BUSINESS:

There was no Work Session or New Business discussed.

EXECUTIVE SESSION:

The Board did not enter into Executive Session.

ADJOURNMENT:

Chairman Orsini made a motion to adjourn the meeting at 8:47 p.m., and the motion was seconded. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
December 17, 2023