

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

**REGULAR MEETING  
January 3, 2024**

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 Vice Chairman Brown, 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, Sami Shaban (arrived at 7:35 p.m.), Meher Rafiq, Charles Brown, Robert Thomas, and Rebecca Hilbert

**ABSENT:** Robert LaCorte, Jennifer Rangnow, and Chairman Orsini

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

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**OATH OF OFFICE:**

All Oaths of Office were administered prior to the meeting that evening, as follows:

- **Meher Rafiq**
- **Theodore Chase**
- **Councilman Anbarasan**
- **Rebecca Hilbert**

**REORGANIZATION:**

- **Nomination/Selection of Chairperson – Michael Orsini**

Mr. Thomas made a motion to nominate Mr. Michael Orsini as Chairperson. Ms. Hilbert seconded the motion. Vice Chair Brown asked for any other nominations and, seeing none, the nomination process was closed by Mr. Thomas and seconded by Councilman Anbarasan. A roll was called to nominate Mr. Michael Orsini as Chairperson, as follows

**FOR:** Councilman Anbarasan, Dr. Chase, Ms. Rafiq, Vice Chair Brown, Mr. Thomas, and Ms. Hilbert

**AGAINST:** None

- **Nomination/Selection of Vice Chairperson – Charles Brown**

Mr. Thomas made a motion to nominate Charles Brown as Vice Chairperson. Councilman Anbarasan seconded the motion. Vice Chair Brown asked for any other nominations and, seeing none, the nomination process was closed by Mr. Thomas and seconded by Councilman Anbarasan. A roll was called to nominate Mr. Charles Brown as Vice Chairperson, as follows:

FOR: Councilman Anbarasan, Dr. Chase, Mr. Shaban, Ms. Rafiq, Vice Chair Brown, Mr. Thomas, and Ms. Hilbert

AGAINST: None

- **Board Attorney Interviews**

Mr. Healey, Planning Director, indicated that an RFP was sent out and stated that there were two (2) proposals submitted and that the relevant parts of those proposals were before the Board that evening, including the qualifications and cost proposals. He noted that there was only one (1) person present that evening, Mr. Peter Vignuolo of Clarkin & Vignuolo, to respond to any questions from the Board.

Mr. Shaban opened a discussion regarding why more firms did not apply for the position. Mr. Healey indicated that an RFP was sent out for any firm to apply.

Mr. Vignuolo indicated that he enjoyed the variety of the types of Applications that come before the Planning Board in Franklin Township and the variety of the types of land uses because it was such a large municipality. He also added that he liked working with the professional staff in the Township and that the Board entertained fully developed Applications to bring forward to the Board. He noted that he was also a Planning Board Attorney in in one other municipality, Plainfield, NJ.

- **Appointment of Board Attorney – Clarkin & Vignuolo**

Mr. Thomas made a motion to re-appoint the firm of Clarkin & Vignuolo to represent the Planning Board for the year 2024. Mr. Shaban seconded the motion, and all were in favor.

- **Witness Oath – Director of Planning, Mark Healey**

Mr. Vignuolo, Board Attorney, administered the Oath of Office to Mr. Healey, Director of Planning.

- **Regular Meeting – September 20, 2023**

Mr. Thomas made a motion to approve the Minutes, as amended. Mr. Shaban seconded the motion, and the roll was called as follows:

FOR: Councilman Anbarasan, Dr. Chase, Mr. Shaban, Ms. Rafiq, Vice Chair Brown, Mr. Thomas, and Ms. Hilbert

AGAINST: None

**RESOLUTIONS:**

- **Baldwas Realty, LLC / PLN-22-00009**

Mr. Thomas then made a motion to approve the Resolution, as amended. Ms. Hilbert seconded the motion, and the roll was called as follows:

FOR: Councilman Anbarasan, Dr. Chase, Mr. Thomas, and Ms. Hilbert

AGAINST: None

**DISCUSSION:**

- **Bar B.Q. Tonight, LLC / PLN-19-00005 - Ext. of Time**

Mr. John DeLuca, Esq., Attorney, appeared before the Board on behalf of the Applicant, Bar B.Q. Tonight, LLC. Mr. DeLuca indicated that the reason for the request for an extension of time for one (1) year was because they are working out final approval with the NJDOT, which had been done. He added that the only final task needed to be completed was to sign the plats and record them.

Dr. Chase made a motion to approve the Extension Of Time, as submitted. Mr. Thomas seconded the motion, and all were in favor.

**PUBLIC COMMENTS:**

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

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

## HEARINGS:

- **500 ATRIUM LLC / PLN-23-00005**

Preliminary & Final Major Site Plan, Minor Subdivision w/“C” Variance in which the Applicant sought to demolish the existing office building and construct two warehouses totaling 161,000 sq. ft. at 500 Atrium Drive, Somerset; Block 468.01, Lot 21.0,7 in the Business & Industry (B-I) Zone - **CARRIED to MAY 1, 2024 – with no further notification required.**

**DL - 5/31/2024**

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

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

Mr. DeLuca then indicated that currently on the property there existed a house of worship, The Jain Center of New Jersey. He added that they had previously appeared before the Board and that that evening’s appearance was their fourth time in the matter. He added that they were before the Board on June 7, 2023, which was carried without notice, for lack of quorum, July 26, 2023, which was also carried with required notice because the Board Attorney determined that they needed to notice for relief of condition to realign the driveway. Additionally, they appeared before the Board on September 20, 2023, with notice required, and asked that the matter be carried so that they could provide more testimony and look further into the history of the driveway on the property.

Mr. DeLuca, they drew the Board’s attention to the screen that showed an exhibit that was submitted with their application and presented to the Board previously by the Engineer, Mr. F. Mitchell Ardman, who could not be there that evening due to a personal matter. He showed a photograph of the archway as it would appear slightly into the property. He noted that the archway would display six (6) signs as opposed to what was listed in the Technical Review Committee report (TRC) as three (3) signs because the proposal was to have three (3) signs showing on either side of the archway, with one across the top and two (2) at either base and mirrored on the opposite side of the archway.

He detailed the dimensions of the archway as being 56 ft. wide going over the driveway, and 28 ft. high and would be set back 41 ft. from the property line and 50 ft. from the curblineline. He added that the sign going across the top of the archway on both sides would be a 57.2 sq. ft. sign and the four signs on both sides of the two (2) bases would

be a 21 sq. ft. sign. Mr. DeLuca indicated that they were also proposing a few other improvements on the site that were not related to the archway that included a 4 ft. sidewalk along the Township right-of-way along Cedar Grove Lane with handicap ramps. He added that they were proposing to add a stop bar and stop sign by the ingress and egress of Cedar Grove Lane as well as increasing the curb cut for turning radii. Additionally, Mr. DeLuca spoke about landscaping modifications to include trees and shrubs along Cedar Grove Lane as well as several evergreens and deciduous trees near the rear of the site for buffering purposes. He then indicated that they propose to maintain the same impervious coverage, by reducing the width of an internal site sidewalk.

Mr. DeLuca indicated that the relief that they believe they require was an Amended Site Plan and Variance relief for the following:

- Wall-Mounted Signs: where one(1) was permitted and six (6) were proposed.
- Total Sign Area: total sign area of 188.4 sq. ft. of signage proposed.
- Total Sign Height: where a maximum of 10 ft. was allowed and 28 ft. proposed.

Mr. DeLuca then spoke about a relief of condition that was said to be required, but going through the history of the property, it was discovered that it was NOT a condition of approval that the driveway be moved. He added that there was a discussion of the driveway moving but was never included as a condition of approval.

Mr. Thomas stated that Mr. DeLuca's partner, Mr. Lanfrit, agreed to the condition of approval for the moving of the driveway and alluded to the fact that it was an agreement and it was a condition of approval 10-12 years ago. Mr. DeLuca indicated that the movement of the driveway was proposed in 2013.

Mr. DeLuca then discussed the Environmental Commission report, dated May 18, 2023 that provided no comment, as well as two (2) TRC reports that were issued, May 2, 2023 and updated August 1, 2023. He noted that its only update is the one that referred to its relief of condition regarding the realignment of the driveway. He referred the Board to comment #7 on page three (3) it stated that "the TRC had no concern related to the request for relief related to the alignment of the site driveway." He discussed the exhibits that Mr. Ardman, Site Engineer, presented (A-1 to A-4) along with several pictures and showed that there were no police reports, that there were no accidents in front of the present driveway. Mr. DeLuca indicated that now they have exhibits that he had marked ahead of time (A-4.1, A-4.2, A-4.3, and A-4.4) that he would review with Mr. Mihir Shah.

Mr. Mihir Shah, President of The Jain Center, 229 Durham Avenue, Metuchen, NJ, came forward and was sworn in. He indicated that they presented police reports when the issue of the driveway was brought up, with the Board determining that the police reports were not adequate. He indicated that after the September 20, 2023 hearing, Mr. DeLuca asked Mr. Shah to retain a Traffic Expert. In the meantime, Mr. DeLuca stated that they submitted OPRA requests to the Township and Somerset County after

September 20, 2023. After receiving responses from those entities, Mr. Shah indicated that they discovered a Resolution, dated September 6, 2000, from the Franklin Township Planning Board and another Resolution, dated March 20, 2013, also from the Franklin Township Planning Board. Mr. Shah also indicated that there was a letter from Somerset County Planning Board, dated January 29, 2020.

Mr. DeLuca discussed with Mr. Shah the details of the Resolution from the year 2000 that was for a site plan and involved some impervious coverage and parking stall size. They then moved forward to the 2013 Resolution where they were seeking side yard setback and parking stalls to accommodate solar panels. Mr. Shah noted that the Site Engineer for the 2013 hearing was Mr. Mitchell Ardman who was also the Site Engineer for this current Application. He said that Mr. Ardman sent in a request for administrative approval to realign the driveway both to the Township and to the County before that prior site plan application in 2013 related to the inclusions of solar panels and got that approval. Mr. Shah stated that they got a vendor for the solar panel project, but the vendor backed out of the project and lost the money that the donor provided and couldn't go forward.

Mr. DeLuca refreshed Mr. Shah by showing him the January 29, 2020 letter from Somerset County. Mr. Shah read the subject line of the letter to the Board, stating that it said, "Jain Center Driveway Alignment – Block 468.07, Lot 45, FL 717:00819". He then noted that the letter was discussing the realignment of the driveway going out to Cedar Grove Lane. He read a sentence from the second paragraph of that letter stating, "The Somerset County Planning Board deems this application incomplete until the following requirement has been satisfactorily addressed." Mr. DeLuca then explained that the letter went on to explain that there was a moratorium for any construction along Cedar Grove Lane in that year and was confirmed by Mr. Shah. Mr. Shah indicated that COVID hit and the lockdown was implemented. He added that it would cost approximately \$250,000 to realign the driveway as preliminary estimates and were not in a position to do so because The Jain Center was completely a donor-based association.

Vice Chair Brown then asked Mr. Shah if the impetus for moving the driveway was based upon a recommendation from the Site Engineer, Mr. Ardman, and not the Board. Mr. DeLuca stated that that was certainly reflected in the Board's Resolution describing Mr. Ardman's testimony. The Vice Chair then asked if Mr. DeLuca had ever seen such a recommendation come with a cost associated with it and didn't come from a discussion of the Board asking for that. Mr. DeLuca answered in the affirmative and stated that he had seen that, especially when it was more aesthetic to move the driveway. He went on to state that Mr. Ardman wasn't there that evening, but that that Mr. Ardman spoke about the driveway and that he testified before the Board that he didn't remember the genesis of that conversation. Mr. DeLuca then drew the Board's attention to his exhibit (A-4.2) that was presented and go to page two (2) that was paragraph 3B, it discussed how Mr. Ardman described the original driveway as going straight out and did not align with the driveway across from the subject property and that the Applicant received administrative approvals from the Township and the County of

Somerset for the adjustment of the driveway location. It went on to state that Mr. Ardman indicated that the Applicant was hoping to complete the construction this summer, which did not occur likely due to the funding that the Applicant discussed.

The Vice Chair then asked how many meetings there had been since that time, and Mr. DeLuca couldn't know for sure, but did indicate that there had been more than one (1) meeting and asked for clarification that it did not come up during that time that it was a Board condition of approval to relocate the driveway. Mr. DeLuca reiterated his previous testimony of the events that occurred starting with the June 7, 2023 hearing that was carried due to the Board not having a quorum. In the end, Mr. DeLuca indicated that there was no evidence that there was a condition placed upon the Applicant by the Board to realign the driveway in connection with any approval. He added that the relief of condition was a required relief we seek in connection with the Application. He added that if it were a condition that the Board was going to impose in order to approve the Application, that was within the Board's discretion. Mr. DeLuca then indicated that the Applicant would not be able to effectuate its approval if the Board imposed the condition to realign the driveway.

Mr. Healey then asked if there were any approvals for the Applicant between the 2000 approval and the 2013 approval. Mr. DeLuca stated that there were none that he was aware of. Mr. Healey stated that the 2000 Resolution references a number of staff reports and the conditions of that approval reference compliance with those staff reports. Mr. Healey then asked if any of those staff reports in 2000 recommend that the driveway should align with the entrance. Mr. DeLuca indicated that he would be very skeptical of that because Exhibit A-4.3, which was immediately prepared by Mr. Mitch Ardman was a driveway realignment plan and was his understanding that it was to educate the Board back in 2012 about the proposal to realign the driveway and the Somerset County Planning Board referenced that plan in their 2020 letter. He then stated that he believed that the genesis of the driveway realignment is July 12, 2012, with the last revision of that plan was January 20, 2014 and titled the Jain Center Realignment and was prepared by F. Mitchell Ardman of the Reynolds Group, Inc. A discussion ensued, and Mr. Healey stated that his recollection of the 2013 Application was that the question was asked of the Applicant as to why they hadn't realigned the driveway yet, which suggested to him that it was previously discussed at the Board level and not just something that the Applicant wanted to do. He felt that that was why it was presented to and discussed by the Board when the solar panel Application came before them. Mr. DeLuca stated that that might have been the case, but he indicated that it was never enshrined as a condition of approval from a legal standpoint. A discussion ensued.

Mr. Vignuolo asked Mr. Healey if there would be records of staff reports from the year 2000 hearing and other documents related to the administrative approval by the TRC they should have those records. A discussion ensued. Mr. Vignuolo then stated that the Township may want to look into what documents are available at the Township level, considering they did not know that exhibits were going to be shown and discussions related to there being no condition of approval for the driveway alignment.

Mr. Shaban stated that at the last meeting in September, he thought that there was agreement that there was a condition of approval. Mr. Shaban wanted to hear from someone on the Applicant's side to hear why they would make that change in the driveway alignment on their own.

Mr. Jigar Shah, Previous President of the Jain Center, 140 Sunnyvale Court, Somerset, NJ, came forward. Mr. Shah said the discussion in 2012 was the fact that they had two entrances, with one being a fire lane, which the Fire Marshall wanted to maintain. He added that that was when the idea to widen the driveway to accommodate expansion came up and that they could align it with the shopping center driveway across the street. Mr. Shaban then stated that it was an actual movement of the driveway in the 2012/2013 plan referenced and asked why they were going to shift the driveway, and Mr. Jigar Shah stated he didn't have any recollection as to the reason why. Mr. Shaban then confirmed that the estimated cost at the time to realign the driveway was \$250,000 and that the estimated cost of the Archway was going to be \$200,000.

Mr. Thomas stated that the condition of approval should have gone into the language of the Resolution, and that was on the Board to not review it more carefully; however, they had their attorney agree that it was discussed and should have been done and an engineer that agreed that it should be done. Mr. Thomas then discussed the number of people that use that facility and go in and out of the driveway there and stated he didn't know why they wouldn't want it lined up. He further stated that the facility would operate smoothly with traffic at 10:00 a.m. in the morning, but not during their special affairs and holy days, especially now that the shopping center parking lot is consistently packed. He added that the entire driveway would not have to be redone, just the end of it and could curve around to meet the original driveway. Mr. Thomas also indicated that the police recommend police presence during their special events.

Vice Chair Brown then asked Mr. Healey if he was prepared to respond to the presentation of the exhibits brought to the Board that evening, and Mr. Healey stated that he was not and that he was seeing them at the same time as the Board. For that reason, the Vice Chair stated that they didn't want to set a precedent or receive the level of surprise that they received that evening and should carry the hearing to give them time to prepare with the facts presented. Dr. Chase concurred with Mr. Thomas and the Vice Chair.

A discussion ensued among the Board, and Mr. Healey suggested they hear the Traffic testimony that evening and then is also given the opportunity to go back to check the records for historical accuracy of any condition of approval. Mr. Vignuolo stated that they could do that or hear the Traffic testimony and agree with Ms. Dolan if her testimony is that the roadway doesn't need to be realigned. Mr. Shaban then asked if they could impose that condition now if it wasn't done historically as part of the current Application, and Mr. Vignuolo indicated that it wouldn't really have a relation to a sign variance.



Mr. Vignuolo then brought up other issues that came up in the September meeting such as landscaping to buffer the residential properties abutting the property and the interconnection of the sidewalk proposed for the frontage along Cedar Grove Lane and the front of the building. He asked Mr. DeLuca if he would be providing any of that testimony or updated Site Plans. Mr. DeLuca indicated that they were speaking about carrying the hearing, and he agreed and stated he would be prepared and have his full team to testify to those items.

Ms. Elizabeth Dolan, Traffic Engineer/Principal of Dolan & Dean Consulting Engineers, 181 High Street, Somerville, NJ, came forward and was sworn in. The Board accepted her qualifications. Ms. Dolan indicated that her testimony was based upon actual numbers and levels of service calculations based upon the alignment of the existing Jain Center driveway and the northern Cedar Grove Center driveway and her report was dated December 20, 2023. She added that the report was based on traffic counts taken after Thanksgiving, beginning on Thursday, December 7, 2023 (for morning and evening peak hours determined by the Jain Center's operational peak hours – 6:00 a.m. – 9:00 a.m., 10:00 a.m. to 2:00 p.m. and from 4:00 p.m. to 7:00 p.m.) and continuing on a Sunday count on December 10, 2023 (8:00 a.m. to 11:00 a.m.). She then detailed the busiest hours in those peak times studied. She stated that the Jain Center was not particularly busy but did agree on police presence needed during larger special events. Her results in her study were 28 trips in the morning peak hour, 18 trips during the mid-day peak hour and 4 trips during the evening peak hour as well as 69 trips during the Sunday peak hour. She added that the numbers were for both entering and exiting and less than their 100 peak hour threshold that ITE, the Institute of Transportation Engineers and NJDOT consider significant. Ms. Dolan then testified that the counts at the northern driveway of the Cedar Grove Shopping Plaza were 88 trips during the peak morning hour, 211 trips during the mid-day peak hour and 107 trips during the evening peak hour, with 62 on Sunday. She then indicated that the traffic into that northern shopping center driveway was primarily made with a left-hand turn into it and a right-hand turn out. She added that that traffic at the northern driveway was not passing in front of the Jain Center driveway. She then indicated that anyone coming from the south going into the shopping center had two options to enter and exit (southern driveway or from New Brunswick Road). She also noted that there was a left-hand turn in lane from the south on Cedar Grove Lane and into both of the driveways into the shopping center and into Daisy Drive. Ms. Dolan then spoke about the queuing on the site that might occur when drivers were making a left-hand turn out of the Jain Center and didn't warrant any two-lane approach based on the traffic counts. She stated that she didn't believe that there was any negative impact to Cedar Grove Lane and the offset of the driveway, as configured, did not pose a safety problem or an operational problem. She then stated that she concurred with the fact that there should be police presence during larger events and/or the inclusion of off-site parking and the use of shuttle buses.

Vice Chair Brown opened a discussion regarding the activity on the site, particularly on Sundays where there was the most activity. Mr. Jigar Shah stated that they have about 300 families who come to the center on Sunday's but spread out throughout the day for

various things like morning rituals, native language classes for children, religious classes for children and afternoon worship and evening rituals. A discussion ensued, and Mr. Shah added that they have the budget approved on December 27, 2023 for the landscaping for the rear of the property to buffer from the residential homes.

Mr. Thomas opened a discussion regarding what was being included in the traffic counts, and he wanted to make Ms. Dolan aware of the standstill on Cedar Grove Lane from New Brunswick Road to Pierce Street in the afternoon peak hours.

Mr. Shaban then opened a discussion with Ms. Dolan related to conflicting left-hand turns from both centers, and she indicated that the counts were so low that it wouldn't be an issue. They then discussed the growth of the Jain Center, noting that there were not regular services with everyone coming and going at the same time. She also stated that the 900 seats in the temple would only be for special events.

Vice Chair Brown opened a discussion regarding conflicts in turns from the Jain Center and the southerly shopping center parkway and had been taken into consideration. He asked about the benefits of aligning driveways, and she indicated that it was to avoid conflicts. She also stated that the traffic accident history hasn't supported problems with conflicts on the roadway.

Ms. Rafiq then asked about a pedestrian conflict crossing Cedar Grove Lane.

Mr. Thomas indicated that the traffic going into and out of the shopping center has increased tremendously now that COVID isn't an issue and Ms. Dolan indicated that it might be worth working with the County if the turns become an issue.

Mr. Healey indicated that he could look into all the reports and documentation from earlier meetings and would report back when the matter is heard next.

Vice Chair Brown opened the meeting to the public, and Dr. Chase seconded the motion.

Mr. Sharad Shah, 5 Fieldcrest Drive, Princeton, NJ, came forward. Mr. Shah stated that there shouldn't be pedestrians crossing the roadway there as there wasn't a pedestrian crossing there. He discussed the ways conflicts could be avoided. A discussion ensued.

Seeing no one further coming forward, Vice Chairperson Brown made a motion to close the meeting to the public. The motion was seconded.

The Board agreed to carry the hearing to the next available meeting date - **CARRIED to JANUARY 17, 2024 – with no further notification needed**

**DL - 1/31/2024**

**COMMITTEE REPORTS:**

There were no Committee Reports discussed.

**WORK SESSION / NEW BUSINESS:**

There was no work session and no new business.

**EXECUTIVE SESSION:**

The Board did not enter into Executive Session.

**ADJOURNMENT:**

Mr. Shaban made a motion to adjourn the meeting at 9:21 p.m., and the motion was seconded. All were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
February 19, 2023