

**TOWNSHIP OF FRANKLIN
PLANNING BOARD
PB24-11**

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF FRANKLIN
GRANTING MINOR SUBDIVISION (LOT LINE ADJUSTMENT) ON 113 DINSHAH,
KNOWN AS BLOCK 5401, LOTS 18 AND 20 WITHIN THE TOWNSHIP OF
FRANKLIN, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY**

WHEREAS, the Applicant, Anne Dinshah, executor of the Ursula S. Dinshah Estate, owner, in the Township of Franklin, County of Gloucester, State of New Jersey, as to property located at, and designated as Block 5401, Lot 18 (currently 51,430 s.f. (1.20 acres) in area and has some frontage in a narrow strip along Dinshah Drive, and approximately 25 feet of frontage on West Boulevard) and Lot 20 currently 218,544 s.f. (5.02 acres) irregularly shaped parcel located along an access easement extending from Dinshah Drive and has no direct frontage on a public street, on the Tax Maps of the Township of Franklin, has filed an application for a minor subdivision (lot line adjustment). The applicant is seeking to reconfigure the boundaries between two existing properties at the end of the street through subdivision and consolidation. No new lots are proposed to be created. Bulk variances are required for lack of frontage on an improved street and accessory structures located in the front yard.

WHEREAS, after a public hearing held on Mach 18, 2025, the following initial findings of facts were made, to wit:

1. The Applicant seeks to subdivide a 1.53-acre portion of Lot 20, and dedicate it to be consolidated with Lot 18. The plans indicate this to be a, newly created Lot 20.01. As a result of the subdivision and consolidation, Lot 20 would then be 151 779 s.f. (3.48 acres) in area, and would still have no frontage on a public street. Lot 18 / Proposed Lot 20.01 would be 118,195 s.f. (2.73 acres) in area, and would have all of the existing frontage of Lot 18 on both Dinshah Drive and West Boulevard.
2. An access easement of 15 feet in width that exists across the portion of Lot 20 that will be granted to Lot 18 is proposed to be extended to allow for continued access from Dinshah Drive to Lot 20, as well as continued access for an adjacent property in Lot 19.
3. Each lot also has accessory structures, including a garage on Lot 20, and several sheds on Lot 18.
4. As a result of the proposed minor subdivision, Lot 20 will have no frontage which is an existing non-conforming condition.
5. No changes appear to be proposed to any of the buildings on either lot, or the use of any structures at this time.
6. The property is located within MV Malaga Village District.
7. The application was considered conditionally complete as per the CME Associates February 5, 2025, review letter which recommended granting submission waivers for certain required items not provided.

8. The Applicant has requested variances and design waivers pursuant to N.J.S. A. 40:55D-70C (2) for the following relief:

- **§253-134.A(1)- The maximum building height permitted is 2.5 stories**
- **• §253-134.C - The minimum lot frontage required is 125 feet, where Lot 20 will have no frontage on a public street.**
- **§253-134.E.(2)(a) - Accessory structures are not permitted in the front yard, where the garage on Lot 20 and a shed on Lot 18 are each in a front yard area. Both are existing non-conforming conditions.**

9. The Applicant represented that the taxes on the subject property are current.

10. The Applicant was not represented by Counsel.

11. In support of the application, Anne Dinshah testified.

12. The applicant submitted a supplement to the Application which represented that the building's height was 2.5 stories and that the accessory structures on both lots are under 15 feet in height.

13. A complete list of the plans and documents submitted by the Applicant in support of its application is specified on page 7 of the review letter dated February 5, 2025, issued by Christopher Dochney, P.P., Planning Board Planner, and Edward F. D'Armiento, PE, CFM, of CME Associates, the Planning Board Engineer.

14. Christopher Dochney, P.P., AICP, of CME Associates, the Planning Board Planner, submitted a comprehensive review letter dated February 5, 2025. Additionally, Edward F. D'Armiento, P.E., of CME Associates, the Planning Board Engineer, submitted his comments within the same review letters as indicated herewith. Said letters are on file with the Planning Board Secretary and are incorporated by reference herein.

15. The Planning Board considered the testimony of Christopher Dochney, P.P, the Planning Board Planner, who testified with regard to and consistent with his respective review letters.

16. Public notice of the hearing was provided in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-12.

WHEREAS, the Applicant was the first and only witness to testify. Anne Dinshah was duly sworn and testified. Ms. Dinshah testified that Executor of the Ursula S. Dinshah Estate, owner of lots 18 and 20 which are the subject of the application. She testified that the lots are family-owned land and that the goal of the minor subdivision is to reallocate the woodlands part of Lot 20 to Lot 18 which is remaining with the non-profit, while lot 20 is being sold. This will allow the woodlands to stay with the non-profit property which was the intention of the estate plan. She testified that the building height is 2.5 stories and the sheds are less than 15 feet in height. She further testified that the woodlands would remain with lot 18 which is occupied by a non-profit, the American Vegan Society, and educational organization, which maintains an office on the property. She testified that the variance would not have a substantial detrimental impact on the public good and in fact would result preserving the woodland as the entire lot 20.01 would be conveyed as a landscape buffer. Further, the benefits of allowing the variance would outweigh any detrimental

impact. The applicant testified that the only item requiring a variance is the road frontage which was an existing condition.

WHEREAS, the Applicants addressed the issues raised by the Township Planner including positive and negative criteria. No variances are required or requested under §253-134.E.(2)(a) and §253-134.A(1).

WHEREAS, the Board Planner, Chris Dochney, P.P. AICP, testified consistent with his review letter. Mr. Dochney indicated he took no exception to the testimony provided by the Applicant.

WHEREAS, the Board Engineer, Edward F. D'Armiento, PE, CFM, CME, was excused.

WHEREAS, the development plans have been reviewed by the Planning Board Professionals (whose findings and reports are incorporated herein and made a part hereof) and have been found to be in compliance with the Development Regulations of the Township, except as noted previously where variances or waivers were requested.

WHEREAS, no residents and members of the public testified at the public hearing on this application.

NOW, THEREFORE, based upon the foregoing findings of facts and conclusions of law, including all of the testimony and evidence presented at the public hearing, BE IT RESOLVED by the Planning Board of the Township of Franklin that the Application by property owners, Anne Dinshah executor of the Ursula S. Dinshah Estate, owner, for Minor Subdivision with associated bulk variance for approval §253-134.C Lot Frontage as described herein is hereby GRANTED by a vote of five (5) in favor and none (0) opposed, for the reasons set forth on the record in this matter and subject to the following terms and conditions:

1. The Applicant *shall be bound by all agreements and/or representations made by or on behalf of the Applicant as set forth at the hearing in this matter* and the Applicant shall be bound by all exhibits introduced, all representations made and all testimony given on its behalf before the Planning Board, except as otherwise noted on the record.
2. The Applicant shall satisfy all outstanding fees and escrows.
3. The Applicant shall provide all Planning Board professionals with an electronic copy of the files with each submission.
4. The Applicant shall obtain any other applicable governmental approvals which the Applicant may be required to obtain from any local, county, state, or federal governmental agency or body, which may include but not be limited to:
 - a. Gloucester County Planning Board
 - b. Gloucester County Soil Conservation District
 - c. Gloucester County Health Department
 - d. Township of Franklin Fire Marshall
 - e. Township of Franklin Police Department
 - f. Gloucester County Utilities Authority
 - g. Franklin Township Tax Assessor

h. New Jersey Pinelands Commission

Evidence of these approvals must be submitted to the Planning Board Secretary, Planning Board Planner, Planning Board Engineer, and Planning Board Attorney prior to the issuance of any permits.

5. Applicant will draft deed documents with meets and bounds descriptions and submit to the Planning Board Secretary, Planning Board Planner, Planning Board Engineer, and Planning Board Attorney for review.
6. Applicant will revise the subdivision plat to provide at least three (3) coordinate values around the tract.
7. Applicant, prior to the development of the proposed lots, shall submit a grading and drainage plan for approval through the Township Engineer prior to the issuance of a building permit.
8. The Applicant shall address all issues and comments raised in the review letters as prepared by the Board's professional planner and engineer and agrees to comply with any and all recommendations.
9. The Applicant shall submit for approval subdivision deeds within 190 days from the date of approval.
10. All conditions of approval must be satisfied by the Applicant prior to any permits.
11. The failure of the Applicant to comply with any of the conditions contained in this Resolution will permit the Planning Board, at its sole option, to rescind the approvals being granted by this Resolution and/or to advise the Townships to revoke any permits which have been issued to the Applicant.

BE IT FURTHER RESOLVED that Notice of Decision of this Resolution will be published by the Planning Board Secretary within ten (10) days of the date of the adoption of this Resolution in the South Jersey Times or the Sentinel of Gloucester County, which are designated as the official newspapers of publication of the Township of Franklin Planning Board.

ROLL CALL VOTE

THOSE IN FAVOR: 5

THOSE OPPOSED: 0

THOSE ABSTAINING: 0

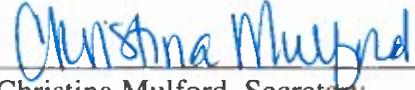
Adopted at a regular meeting of the Planning Board of the Township of Franklin held on April 15, 2025.

TOWNSHIP OF FRANKLIN PLANNING BOARD



JOSEPH PETSCH, CHAIRMAN

ATTEST:



Christina Mulford, Secretary

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorialization resolution, as adopted by the Planning Board of the Township of Franklin in accordance with its decision at a regular meeting held on April 15, 2025.

DATED: April 15, 2025



Christina Mulford, Secretary
TOWNSHIP OF FRANKLIN PLANNING BOARD