

FOR OFFICIAL USE ONLY

Planning Board

Zoning Board of Adjustment

Name of Application: _____

Docket Number : _____

PART A

APPLICANT REQUESTS THE FOLLOWING:

Explain, in detail sufficient for the Board to understand the nature of the proposal, the exact nature of the proposed application and proposed physical modifications to be made to the site, building(s) and/or signage including the proposed use of the premises.

Applicant is requesting a "d" variance in connection with the site plan application since detention basins are proposed on Lots 25 and 26 which are located in the R-40 zoning and same are not a permitted use in that zone.

Identify the type of variance(s) requested. Check all that apply.

"C" Variance(s)

- The strict application of the provisions of the Development Ordinance would result in peculiar and exceptional practical difficulties or exceptional and undue hardship - N.J.S.A.. 40:55D-70.C(1)
- The purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment - N.J.S.A.. 40:55D-70.C(2)

"D" Variance(s):

- Use or principal structure in a district restricted against such use or principal structure – N.J.S.A.. 40:55D-70.D(1)
- Expansion of a nonconforming use - N.J.S.A.. 40:55D-70D(2)
- Deviation from a specification or standard pertaining solely to a conditional use - N.J.S.A.. 40:55D-70. D(3)
- Increase in the permitted floor area ratio - N.J.S.A.. 40:55D-70.D(4)
- Increase in the permitted density - N.J.S.A.. 40:55D-70.D(5)
- Height of a principal structure exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure - N.J.S.A.. 40:55D-70.D(6)

Identify requested variances from the requirements of the Franklin Township Land Development Ordinance:

<u>Ordinance Section</u>	<u>Requirement</u>	<u>Proposed Deviation</u>
Attachment 1 - <u>§112- Permitted uses - R-40</u>	•Farming operations (See also § 112-27.) •Single-family dwellings •Golf courses	<u>Detention basins.</u>
<u>§112-</u>	_____	_____
<u>§112-</u>	_____	_____
<u>§112-</u>	_____	_____
<u>§112</u>	_____	_____
<u>§112</u>	_____	_____
<u>§112-</u>	_____	_____

PART B

APPLICANT: Individual Partnership Corporation Limited Liability Company

APPLICANT: Owner Applicant Other _____

Name Elion Acq., LLC

Street Address c/o Michael J. Stellino, 2875 NE 191st Street Apt./Ste/Unit # Suite 800

City Miami State NJ Zip Code 33180

Phone 305-933-3538 Fax _____

Email mjs@elionpartners.com

OWNER (if different from Applicant):

Name See attached Exhibit "A".

Street Address _____ Apt./Ste/Unit # _____

City _____ State _____ Zip Code _____

Phone _____ Fax _____

Email _____

PART C

Note: "*" indicates not required in association with signage variances

SUBJECT PROPERTY:

Block/s 88.02 Lot/s 13 (to be known as 13.01), 25, 26 & 72 Zone M-2 & R-40

Street Address 47 Veronica Avenue and 74 & 102 Bennetts Lane

City Somerset State NJ Zip Code 08873

Approximate Site Size * 46.455 Acres/ 2,023,591 Sq. ft.

Present use of the property, specify: Vacant.

Proposed use of the property, specify: Office/warehouse.

Public water available:* Yes No If not, proposed? Yes No

Public sanitary sewer available: * Yes No If not, proposed? Yes No

Describe any off tract improvement required or proposed* Detention basins proposed on Lots 25 and 26 owned by adjoining property owner. Easement proposed.

Deed restrictions, covenants, easements, association by-laws:

Yes (Provide a copy) No Proposed (Must be submitted for review)

Does the applicant own any contiguous property?* Yes No

If yes, state the address, block and lot of such property: *

Has there been any previous appeal, request, or application to this or any other Township Boards involving this property? Yes No

If, yes, state type, docket number, the nature and date of such appeal:

How long has the present owner had title to this property? * Since May 7, 2013, November 22, 2005 & September 8, 1986

Is the property under contract to be sold? Yes No

If yes, state the date of contract and name of the contract purchaser: Yes. Existing Lot 13 (proposed 13.01), & 72 Contact dated _____ .Contract purchaser is Applicant.

PART D

Identify if the application is proposed to be bifurcated (i.e., variances identified herein sought at this time with approval for other development approvals, such as subdivision and/or site plan approval, to be sought at a later date): Yes No

If not bifurcated, identify the associated development approvals sought at this time (check all that apply):

- Waiver of Site Plan
- Minor Site Plan
- Preliminary Site Plan
- Final Site Plan
- Minor Subdivision
- Preliminary Major Subdivision
- Final Major Subdivision
- Conditional Use Approval
- Other(s) (Specify: _____)

Note: Applicant must consult the respective Instruction Sheet(s) and Submission Checklist(s) for the associated development approvals being sought at this time. The submission will not be deemed an Application for Development unless all required submissions are provided for all requested development approvals.

If bifurcated, identify the nature of subsequent development approvals to be sought: _____

For signage variances indicate the following:

- Single Tenant Building
- Multiple Tenant Building

PART E

C Variance(s):

- The strict application of the provisions of the Development Ordinance would result in peculiar and exceptional practical difficulties or exceptional and undue hardship under N.J.S.A.. 40:55D-70.C(1)

List in detail wherein this case conforms to this requirement, including, if applicable, reference to exceptional narrowness, shallowness or shape of the property, or exceptional topographic conditions or physical features uniquely affecting the property, or extraordinary and exceptional situation uniquely affecting the property or the structures lawfully existing thereon.

_____ and/or

The purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment under N.J.S.A.. 40:55D-70.C(2).

List in detail wherein this case conforms to this requirement:

D Variance(s):

State why the property is particularly suitable for the proposed use, including any inherently beneficial conditions and/or any undue hardship, if any, showing that the property cannot reasonably be adapted to a conforming use:

The applicant is proposing to construct detention basins in the R-40 Zone. These would provide additional buffers to residential development when and if the remainder of the lot is developed as per the zoning.

C and D Variance(s):

Supply a statement of facts why relief can be granted without substantial detriment to the public good.

Detention basins are a passive use and will not have any impact on the R-40 zone.

Supply a statement of facts why relief can be granted without substantial detriment to the intent and purpose of the zone plan and zoning ordinance.

PART F

LIST OF PLANS, REPORTS AND OTHER MATERIALS SUBMITTED:

<u>Quantity:</u>	<u>Description of Item:</u>
25	Minor Subdivision
25	Site Plan
3	Boundary Survey
3	Drainage Report
3	Infiltration Basin Flow Analysis for Basin #1
3	Infiltration Basin Flow Analysis for Basin #2
15	Environmental Impact Assessment
15	Traffic Impact Study

PART G

CONTACT PERSON INFORMATION/ CERTIFICATION

The person indicated below shall serve as the point-of-contact with the Township Department of Planning and Zoning and shall be the sole recipient of official correspondence from the Department. By signing this form, in Part H below, the Applicant and Owner certify that that the party listed below is authorized to act on their behalf as the designated contact person with the Department.

Owner Applicant Attorney Engineer Architect Other

Name Peter U. Lanfrit, Esq., Borrus, Goldin, Foley, Vignuolo, Hyman and Stahl, P.C.

Street Address 2875 US Route One Apt./Ste/Unit # _____

City North Brunswick State NJ Zip Code 08902

Phone 732-422-1000 Fax 732-422-1016

Email peter@borrus.com/erin@borrus.com

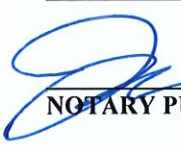
PART H

APPLICANT'S CERTIFICATION

I, Elion Acq., LLC, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 2875 NE 191st Street, Suite 800, Miami in the County of Miami-Dade and State of Florida, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the individual applicant, or a general partner of the partnership applicant, or an officer of the corporate applicant and I am authorized to sign the application for the partnership or corporation.

Sworn to and subscribed before me this 30th day of October, 20 19


APPLICANT'S SIGNATURE


NOTARY PUBLIC



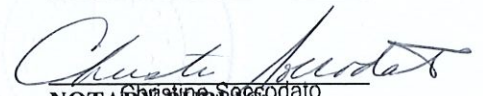
OWNER'S CERTIFICATION

(If the owner is a corporation, this section must be signed by an authorized corporate officer. If the owner is a partnership, this section must be signed by a general partner.)

I, BGS Realty, a General Partnership, of full age, being duly sworn according to law and upon my oath depose that: I reside at 28 Kennedy Boulevard, East Brunswick in the County of Middlesex and State of New Jersey, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the owner of the property which is the subject of this application, and I am the applicant or I have authorized the applicant to make this application, and I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

Sworn to and subscribed before me this 29 day of October, 20 19


OWNER'S SIGNATURE
Partner


NOTARY PUBLIC
Christina Piccolato
Notary Public
State of New Jersey
My Commission Expires May 18, 2020

PART H

OWNERS'S CERTIFICATION

(If the owner is a corporation, this section must be signed by an authorized corporate officer. If the owner is a partnership, this section must be signed by a general partner.)

I, Jack Morris as Managing Member of Franklin 27 Associates, LLC, contract purchaser from Barclay Financial, LLC, of full age, being duly sworn according to law and upon my oath

depose that: I reside at 1315 Stelton Road, Piscataway in the County of Middlesex and State of New Jersey, and that the above

statements contained in this application and in the papers appended thereto are true. I further certify that I am the owner of the property which is the subject of this application, and I am the applicant or I have authorized the applicant to make this application, and I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

Sworn to and subscribed before me this 24 day of Oct, 20 19

[Signature]
NOTARY PUBLIC

Cheri R. Ciano
Attorney at Law
of New Jersey

[Signature]
OWNERS'S SIGNATURE
Jack Morris
Managing Member
Franklin 27 Assoc. cbs
LLC

OWNER'S CERTIFICATION

(If the owner is a corporation, this section must be signed by an authorized corporate officer. If the owner is a partnership, this section must be signed by a general partner.)

I, Jack Morris as Managing Member of JSMA at Centennial LLC, partner of R.D.L. Associates, a Partnership, of full age, being duly sworn according to law and upon my oath

depose that: I reside at 100 Cedar Lane, Highland Park in the County of Middlesex and State of New Jersey, and that the above

statements contained in this application and in the papers appended thereto are true. I further certify that I am the owner of the property which is the subject of this application, and I am the applicant or I have authorized the applicant to make this application, and I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

Sworn to and subscribed before me this 24 day of Oct, 20 19

[Signature]
NOTARY PUBLIC

Cheri R. Ciano
Attorney at Law
of New Jersey

[Signature]
OWNER'S SIGNATURE
Jack Morris
Managing Member
JSMA at Centennial LLC

PART H

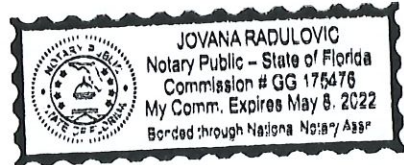
APPLICANT'S CERTIFICATION

I, Elion Acq., LLC, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 2875 NE 191st Street, Suite 800, Miami in the County of Miami-Dade and State of Florida, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the individual applicant, or a general partner of the partnership applicant, or an officer of the corporate applicant and I am authorized to sign the application for the partnership or corporation.

Sworn to and subscribed before me this 30 day of October, 2019


NOTARY PUBLIC


APPLICANT'S SIGNATURE



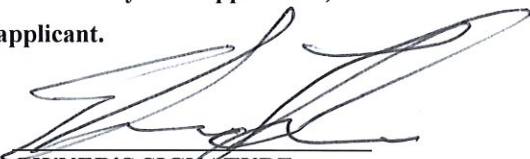
OWNER'S CERTIFICATION

(If the owner is a corporation, this section must be signed by an authorized corporate officer. If the owner is a partnership, this section must be signed by a general partner.)

I, Garden State Properties, LLC, of full age, being duly sworn according to law and upon my oath depose that: I reside at 116 Village Boulevard, Suite 200, Princeton in the County of Mercer and State of New Jersey, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the owner of the property which is the subject of this application, and I am the applicant or I have authorized the applicant to make this application, and I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

Sworn to and subscribed before me this 21 day of October, 2019


NOTARY PUBLIC


OWNER'S SIGNATURE

Dan Reiss
Attorney at Law
of New Jersey

Exhibit "A"
Elion Acq., LLC

Owners List:

Block 88.02, Lot 13 (to be known as Lot 13.01 after subdivision):

BGS Realty, a General Partnership
28 Kennedy Boulevard, Suite 800
East Brunswick, NJ 08816

Block 88.02, Lot 25:

Barclay Financial, LLC
1315 Stelton Road
Piscataway, NJ 08854

Block 88.02, Lot 26:

R.D.L. Associates, a Partnership
100 Cedar Lane
Highland Park, NJ 08818

Block 88.02, Lot 72

Garden State Properties, LLC
116 Village Boulevard, Suite 200
Princeton, NJ 08540