

Franklin Township

Somerset County, New Jersey



DEPARTMENT OF PLANNING AND ZONING
Planning – Zoning – Affordable Housing
Planning Board – Zoning Board of Adjustment

Municipal Building
475 DeMott Lane
Somerset, NJ 08873
732.873.2500
Fax: 732.873.0844
www.franklintwpnj.org

MEMORANDUM

To: Planning Board

From: Technical Review Committee

Date: July 10, 2020

Re: Pedro Vieira – Minor Subdivision with “c” Variance (PLN-20-00002)
220 Treptow Road (Block 423.01, Lot 29)

I submit the following report based on my review of the following materials:

- 2-sheet subdivision plan prepared by Fisk Associates , P.A. dated 2/21/20

Site Description

The 95,359 square foot (2.189-acre) site is located on the southerly side of Treptow Road between its intersections with Willow Road and Cedar Grove Lane. The site is currently occupied by a single-family home and is located in the R-40 single-family zoning district. The house is located in the front portion of site with the back portion of the site being wooded. A ditch (with associated wetlands) bisects the middle of the site from front-to-back. The property is surrounded by other single-family homes.

Project Description

The applicant proposes a two-lot “flag lot subdivision” consisting of:

- Proposed lot 29.01
 - “Fronting lot” with proposed 40,000 square foot lot area and 181.91 feet of frontage on Treptow Road
 - Existing home on the proposed lot is proposed to remain with no changes including existing driveway location or utilities (public sewer and private well)
- Proposed lot 29.02
 - “Flag lot” proposed behind proposed lot 29.01, proposed to contain 55,359 square feet of total area and 30-feet of frontage on Treptow Road.

- A new home would be built on this lot. It would be served by public water and public sewer.
- The “flag pole” portion of the lot would be 30 feet in width and would contain the driveway and utilities (e.g., water and sewer) necessary to serve the new house.
- The size of the buildable portion of the lot (i.e., minus the “flag pole” would be 48,761 square feet”

The applicant seeks the following approvals:

- Minor Subdivision approval
- Variances (see analysis in comment #1, below)

Review Comments

1. Flag Lot Ordinance. Flag lot subdivisions are permitted in the R-40 zone subject to the requirements of Article IX, *Flag Lots*. An evaluation of consistency (**in bold type**) with §112-72, Standards, is provided below:

A. Flag lot.

- (1) The minimum area of the flag lot to be created shall be 1.5 times greater than that required in the zone. The area of the flagpole shall not be included in calculating the area of the flag lot. **Variance required for proposed flag lot (proposed lot 29.02). The buildable portion¹ of proposed lot 29.02 must be 60,000 square feet while 48,761 square feet is proposed.**
- (2) The minimum building setbacks shall be equal to the minimum front yard setback of the zone and shall be observed from all property lines. **Complies. The subdivision plan show compliant setbacks.**
- (3) A flag lot subdivision shall not be approved which would create a flagpole that would be generally parallel to a public or private road unless the flagpole is separated from either road by not less than 1.5 times the minimum lot frontage of the zone. **The subdivision plan complies – flagpole is perpendicular to the road.**

- B. Fronting lots. The original lot shall conform in all respects to the frontage standards of the zone. After subtracting the frontage for the flagpole, the fronting lot shall be no less than the minimum frontage minus 30 feet. **Proposed lot 29.01 complies with 181.91 feet (where 170 feet is required).**

C. Flagpole.

¹ Minus the “flagpole” portion of the lot.

- (1) The minimum width shall be 30 feet. The maximum length of the flagpole from the public street to the buildable portion of the flag lot shall not exceed two times the minimum lot frontage of the zone. **Flag pole complies with applicable width and length requirements.**
- (2) The flagpole shall not cross a live stream, stream bed, ravine, wetlands or similar topographic features without provision of an adequate structure approved by the Township Engineer or appropriate outside agencies. **Complies. The flag pole does not cross such features.**
- (3) The flagpole shall lie along a property line which is significantly perpendicular to the public street. In no instance will one flagpole be adjacent to another flagpole. **Complies. The flag pole is perpendicular to the public street and does not adjoin another flag pole.**
- (4) Parking of vehicles shall be prohibited in any portion of the flagpole. **This would be an-going requirement.**
- (5) The flagpole may be used to serve as an access drive for the fronting lot resulting from the flag lot development. In such instance, an access easement/maintenance agreement is required. **Not applicable.**

D. Access driveway.

- (1) The access drive shall be contained within the flagpole. **Complies.**
- (2) The access drive shall have a minimum width of 12 feet. **Complies.**
- (3) The access drive shall be paved from the front yard setback of the zone to the edge of the pavement in the public right-of-way. **Plan does not demonstrate compliance. Applicant must provide testimony indicated whether the applicant intends to comply or seek a variance. If a variance is requested, the applicant must provide sufficient justification.**
- (4) As a minimum, the remainder of the access drive shall be surfaced with three-fourths-inch quarry processed stone to a minimum depth of six inches compacted over a firm subbase. **Plan does not demonstrate compliance. Applicant must provide testimony indicated whether the applicant intends to comply or seek a variance. If a variance is requested, the applicant must provide sufficient justification.**
- (5) Prior to the issuance of a building permit, a tracking pad of stone 1-1/2 inches in diameter shall be emplaced from the public street for a distance of 50 feet. **This matter will be reviewed at the time of plot plan review.**

- (6) Prior to the issuance of a certificate of occupancy, the access drive shall be constructed to the point necessary to provide access to the affected lot. **The access drive will be completed entirely prior to issuance of a c/o.**
- (7) A visual buffer beginning at the front yard setback line from the public right-of-way extending to the buildable portion of the flag lot shall be planted on the side of the access drive nearest the property line of the adjacent lot which was not the subject of the flag lot development. The planting shall consist of evergreen material capable of sustaining a visual barrier. Plants shall be a minimum of four to five feet in height at the time of installation, planted three feet on center. **Plan shows planting of evergreens 4-5 feet in height in the required located to be placed 8-feet apart rather than 3-feet apart as required therefore a variance is required. The applicant must provide sufficient justification for grant of the variance.**

2. Environmental, Trees and Grading

- A. The applicant provided a copy of a Wetlands Letter of Interpretation (LOI), Presence/Absence Determination issued by NJDEP on August 23, 2019 (File No. 1808-19-0007.1, Activity No. FWW190001). The letter confirms the presence of freshwater wetlands on the site with a resource value classification of "ordinary". Ordinary value wetlands have no associated buffer. Since wetlands are shown to be present, the applicant shall now perform a full wetlands delineation and acquire a LOI from the NJDEP. A plan stamped by the NJDEP showing the wetland limits shall be provided along with the LOI.
- B. Note No. 13 on the Minor Subdivision Plan states that the actual number of trees to be removed during construction is to be shown as part an individual plot plan. The applicant shall therefore provide any tree replacement or contribution in accordance with Chapter 222, Trees at that time.
- C. The Minor Subdivision Plan shows proposed grading that extends off the flag pole of proposed Lot 29.02 onto proposed Lot 29.01. Either it shall be eliminated or an easement must be created that allows access onto Lot 29.01 for grading purposes.

3. Other Comments

- D. Note 2 should be revised to reflect the correct zone.
- E. Construction of any new homes will require collection of affordable housing development fees (equal to 1.5% of equalized assessed value).
- F. The following are preliminary items required by the **Franklin Township Sewerage Authority** (please submit all items on a CD excluding any checks):
- 1) **FTSA Application:** See website for Application Form
 - 2) **Escrow Deposit:** See calculation on FTSA Application (Minimum deposit of \$500.00)
 - 3) **Construction Plans**
 - Please submit PDF of plans (no hard copies until Final Approval)
 - Attach all three (3) sheets of FTSA Standard Details to the plan.

- Include the length, slope, material, inverts, cleanouts, profiles, and ownership of the sanitary sewers.

- 4 and 6 inch pipes shall be schedule 40

- 4) **Sealed Engineers Report:** Summary of proposal, existing flow conditions, proposed sewage quality (domestic, commercial, or industrial), proposed average flow calculation, proposed peak flow calculation, sewage velocity calculation, pipe capacity analysis, clarify if any existing sanitary sewer laterals are being used, etc.
- 5) **Sealed Sanitary Sewer Construction Specs:** Please reference Appendix C of the Authority Rates, Rules, and Regulations.
- 6) **Sealed Sanitary Sewer Cost Estimate:** Please reference Appendix F of the Authority Rates, Rules, and Regulations.

- G. Note: Somerset County Health Department has no objection to the application
- H. Note: Franklin Township Department Of Public Works has no comment at this time
- I. Official street addresses shall be obtained from the Franklin Township 911 Coordinator.
- J. 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).
- K. 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.
- L. Note: Copies of any easements, exceptions, deviations, or liens on the property should be presented to the Board.

Note: Applicants represented by engineers and/or architects (or other such professionals) are expected to use the video display system available in Council Chambers to project hearing exhibits. Use of the video display systems will improve visibility of these exhibits for the Board, the public and the Township's video broadcast of the hearing. In order to use the video display system, please bring a computing device capable of utilizing a VGA connection or an HDMI connection. Audio connections are available for both connections. Cables are provided, however adapters are not so please insure you have the required adaptors to connect to either VGA or HDMI.

Figure 1: Site Location

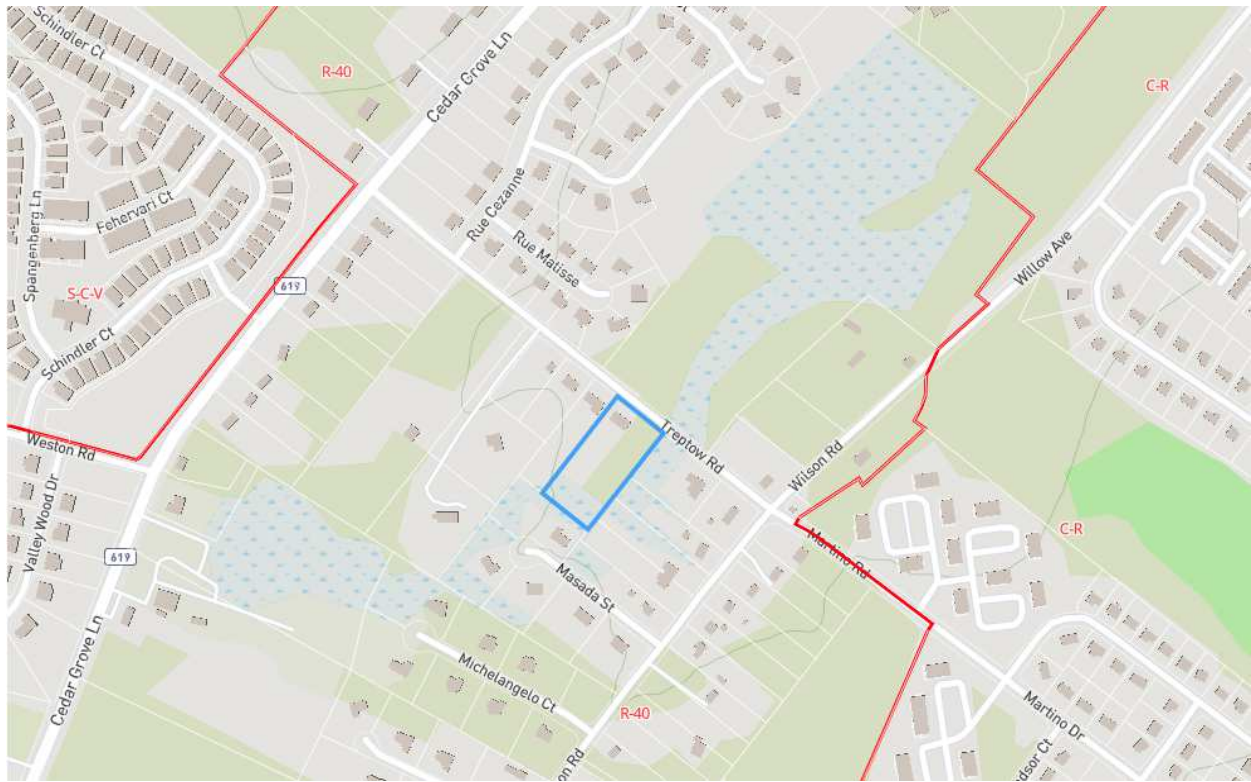


Figure 2: Site, Surrounding Area, Proposed Subdivision

