

# Franklin Township

Somerset County, New Jersey



## DEPARTMENT OF PLANNING AND ZONING

Planning – Zoning – Affordable Housing  
Planning Board – Zoning Board of Adjustment

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## MEMORANDUM

To: Planning Board

From: Mark Healey, PP, AICP  
Director of Planning/ Senior Zoning Officer

Date: November 16, 2020

Re: 150 Pierce Street, LLC - 150 Pierce Street (Block 468.08, Lot 2.02) - D(1) Use  
Variance and Site Plan application (ZBA-20-00017)

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As requested, I have reviewed the application materials listed below and issue the following report for the Board's consideration:

- 11-sheet set of site plan drawings prepared by Stires Associates, PA, revised 6/24/20
- 3-sheet set of architectural plans prepared by Feldman Architects dated 10/5/20

### Site Description & History

The subject 16.92-acre site is located along the southerly side of Pierce Street at the southerly terminus of World's Fair Drive within the M-2 (Light Manufacturing) zone. The property contains one large building with two separate tenants:

- *Thomas Edison Charter School*
  - K-12 charter school permitted via D-1 use variance
  - Occupies the easterly side of the building
  - Parking lot on easterly side of the building
  - Access drive on easterly side of site which connects to Pierce Street at the Pierce Street/ World's Fair Drive signalized intersection
- *Pharmscript*
  - A medical supply company (a permitted use in the M-2 zone)
  - Occupies the westerly side of the building
  - Main Pharmscript access is via the westerly driveway off of Pierce Street, with small parking lot accessed from easterly access drive

### Previous approvals

- D-1 use variance with site plan approval to convert a portion of the building into a charter school (ZBA-15-00011)

- Administrative site plan approval in 2016 for expansion of the Pharmscript parking lot to the west of the building.

In addition to the existing building and parking areas the site contains a wetlands area (with associated buffer) in the westerly portion of the site near its Pierce Street frontage and portion of a regional detention basin located along the southerly portion of the site.

Surrounding land uses consist of: a residential townhouse development to the east; a single-family subdivision to the south; a light industrial use to the west; a retail shopping center to the north on the opposite side of Pierce Street.

### **Project Description**

The proposal consists of the following:

- Second floor addition to the Charter School with parking under the addition which will be located on the front side of the existing building. The proposed floor plans indicates that the addition would be 16,744 square feet in area and would contain: 5 classroom; library; bonus room and multi-purpose room. Per the plans and traffic study the proposed addition would result in a staff increase from 75 to 90 employees.
- Parking expansion for Pharmscript which will be located to the north and west of the building
- Three small bioretention basins to provide water quality treatment for the new impervious surfaces
- Associated site plan modifications including lighting and landscaping
- The Environmental Impact Statement indicates that a permit has been submitted to the NJDEP to reduce portions of the wetlands buffer along the proposed parking area.

The proposal requires the following approvals:

- *D(1) Use Variance*: Schools are not a permitted use in the M-2 zone
- *Site Plan*

The application complies with applicable bulk and parking requirements (e.g., building and lot coverages, floor area ratio, setbacks as well as supplemental setback/ buffer requirements to a residential zone). Therefore, no "c" variances are required.

### **D(1) Use Variance - Overview**

In order to grant such relief, the applicant must demonstrate:

- (1) that "special reasons" exist for the variance (positive criteria); and
- (2) that the variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance (negative criteria).

With respect to the positive criteria, the applicant must prove that the use would promote the general welfare because the site is particularly suitable for such use. The application form indicates "The Board under Docket #ZBA-15-00011 determined that the Charter School is inherently beneficial and the particularly suited. This expansion will allow the school to grow at its present location."

With respect to the negative criteria, the applicant must prove that the variance can be granted without substantial detriment to the public good. In addition, the applicant must prove that grant of the variance would not be inconsistent with the intent and purpose of the master plan and zoning ordinance (e.g., they must reconcile the proposed use variance with the zoning ordinance's omission of the use from those permitted in the zoning district).

Finally, the applicant the applicant must prove that benefits of granting the variance would substantially outweigh any detriments.

## **Review Comments**

1. In response to Board concerns about the on-site mixture of school- and PharmScript-related traffic in the easterly access drive (which is used for school-related access and queing of school buses), the applicant agreed that the PharmScript employees would use the westerly access drive. In an attempt to enforce this a gate was required to be placed along the access drive behind the building to prohibit use of that access drive by PharmScript employees.

The applicant should provide testimony addressing this issue. Is the gate in place and in good repair? Has the Board's intent to have the majority of the PharmScript employees use the westerly access drive been complied with?

It is noted that the proposed parking lot expansion (i.e., by connecting the PharmScript parking lot to the existing 40-space lot in front of the building and to the easterly access drive) would facilitate use of the easterly access drive.

2. The lighting of portions of the parking lot exceeds the average illumination levels and average-to-minimum ratios of Section 112-33.2.C. The applicant should either revise the plans to comply or provide justification to the satisfaction of the Board.
3. The tree replacement calculations are not correct (the replacement values of trees larger than 16" were not included). The total tree replacement value is 18. Seven (7) qualifying replacement trees are proposed. The site plan should be revised to propose to provide the remaining 11 trees on-site.

Figure 1: Site Location

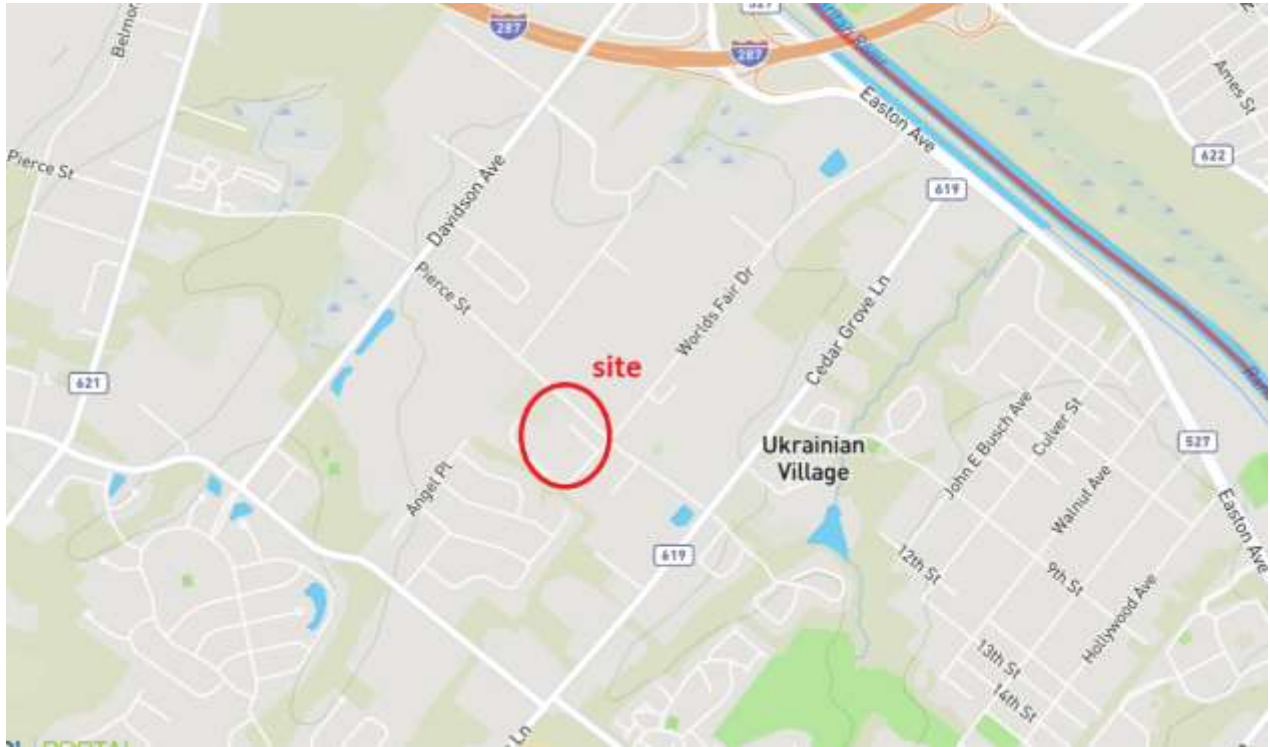


Figure 2: Location of Proposed Improvements

