

## Variance Application Form

TOWNSHIP OF FRANKLIN,  
SOMERSET COUNTY, NJ



- 1) The applicant may request a pre-application meeting prior to submission. This is provided as a courtesy to potential applicants so they receive input and is in no way to be considered as the start of the submission process. If you decide to schedule a pre-application meeting, please contact the Township Planning Director (contact information: <https://www.franklintwpnj.org/government/departments/planning-zoning>).
- 2) Submission shall be made with the forms supplied by the Township. The information required by the applicable checklist shall be supplied with the submission.
- 3) The applicant shall pay fees in accordance with §112-327 of the Land Development Ordinance and §112-213.B as applicable and shall pay an initial escrow deposit in accordance with §112-213.A of the Land Development Ordinance as applicable. Deposits and fees shall be made by check made out to "Franklin Township". In case of proposals requiring a combination of approvals, such as subdivision and variance(s), the applicant shall pay an amount equal to the sum of the fees required. In the case of a submission requiring application fee(s) and an escrow deposit, one separate check shall be provided for the required escrow deposit and another check shall be provided equal to the sum of the required fees.
- 4) All information contained in the submission checklist is required. Where the applicant believes a submittal item is not applicable or requests a waiver for submittal of an item, a letter providing justification for non-submittal of the item(s) shall be provided.
- 5) The submission will be reviewed by the Director of Planning or his/her designee to determine whether the submission constitutes an Application for Development (i.e., contains all of the information required on the applicable forms and checklists along with applicable fees and/or escrow deposit). During this review the Director of Planning or his/her designee shall determine whether each of the submittal items have been provided and/or whether any of the items are not applicable or whether a waiver may be granted with respect to any submittal items. These determinations by the Director of Planning or his/her designee pertain solely to the determination of whether the submission constitutes an Application for Development and shall in no way prevent the Board from requiring the information during the course of the hearing. If any submittal items are found to be missing, the applicant shall be notified in writing within 45 days of submission.
- 6) Once the application is deemed to constitute an Application for Development (i.e., contains all of the information required on applicable application forms and checklists along with applicable fees and/or escrow deposit), the application will be scheduled for a public hearing. The applicant will be advised in writing of the date scheduled for a public hearing on the application.
- 7) Pursuant to N.J.S.A 40:55D-12 all variance applications require a Public Hearing and must give Public Notice of said hearing in accordance with the requirements of the Municipal Land Use Law and §112-315 of the Franklin Township Land Use Ordinance. Notification must be completed at least 10 days prior to the scheduled hearing. Information and dates will be supplied to the applicant at the appropriate time for advertising and noticing.

A public hearing will be conducted on the scheduled date. The hearing may be continued to another meeting date if necessary.

On the evening of the public hearing meeting, the applicant, owner, contract purchaser or person having a real interest in the property, agent or attorney (corporations must be represented by an attorney), shall appear before the Board to submit or present proof in support of the application.

- 8) As part of the hearing procedure, the applicant must present testimony to the Board why the proposed project cannot comply with all provisions of the Franklin Township Land Use Ordinance. The Board will then make the determination whether to approve, approve with conditions or deny the requested variance(s).
- 9) During the course of the hearing, the Board may require such additional information and/or analyses deemed necessary by the Board to render an informed and reasonable decision.
- 10) The Board shall render a decision on the application within the timeframe mandated by the Municipal Land Use Law unless an extension for such decision has been provided on behalf of the applicant.
- 11) The action taken will be reduced to writing and presented to the Board for adoption in the form of a resolution at a subsequent meeting. The date of adoption of the resolution is the official date of approval of the application.
- 12) Upon adoption of the resolution by the Board, a copy of the resolution will be forwarded to the applicant within 10 days after adoption. The applicant must proceed to comply with all conditions of approval prior to the issuance of a permit.

ATTENTION: Applicants represented by engineers and/or architects (or other such professionals) are expected to use the video display systems available in Council Chambers to project hearing exhibits. Use of the video display system 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 available in Council Chambers; 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, adapters are not. So please insure you have the required adapters to connect to either VGA or HDMA.

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.**

The subject property contains two (2) residential lots. The applicant proposes a Minor Subdivision of the property in which the two lots will be reconfigured. The existing residential structure to the northwest will remain on the proposed 0.92 ac. lot (proposed Lot 62.01), and the southwest residential structure will be removed. A 76,230 s.f., one-story warehouse building, with 36 parking spaces, is proposed on the 7.48 acre lot, (proposed Lot 61.01).

A "D" Use Variance is required for the reduction in lot area to the existing residential lot in the M-I Zone.

Bulk "C" Variances are required for the existing residential structure and for the proposed warehouse development.

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-70.D(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>
<u>§112-13 Lot Area</u>	<u>5 ac.</u>	<u>Lot 62.01, 0.92 ac.</u>
<u>§112-13 Lot Frontage</u>	<u>300 ft.</u>	<u>Lot 62.01, 147 ft.</u>
<u>§112-13 Front Yard Setback</u>	<u>50 ft.</u>	<u>Lot 62.01, 33.7 ft. (existing condition)</u>
<u>§112-13 Side Yard Setback (one side)</u>	<u>40 ft.</u>	<u>Lot 62.01, 25.4 ft. (existing condition)</u>
<u>§112 - 13 Side Yard Setback (Total)</u>	<u>100 ft.</u>	<u>Lot 62.01, 77 ft.</u>
<u>§112 13 Rear Yard Setback</u>	<u>100 ft.</u>	<u>Lot 61.01, 50 ft.</u>
<u>§112-</u>	<u></u>	<u></u>

**PART B**

**APPLICANT:**       Individual       Partnership       Corporation

**APPLICANT:**    Owner       Applicant    Other \_\_\_\_\_

**Name** Elizabeth Realty Partners, LLC

**Street Address** 154 First Avenue      **Apt./Ste/Unit #** \_\_\_\_\_

**City** Manasquan      **State** NJ      **Zip Code** 08736

**Phone** (732) 690-8569      **Fax** \_\_\_\_\_

**Email** jkainer2@gmail.com

**OWNER (if different from Applicant):**

**Name** Vincent Hughes (Lot 61)  
Charlene Spangenberg Trotter (Lot 62)

**Street Address** 485 Elizabeth Ave (Lot 61)  
483 Elizabeth Ave (Lot 62)      **Apt./Ste/Unit #** \_\_\_\_\_

**City** Somerset      **State** NJ      **Zip Code** 08873

**Phone** (732) 319-2375 (Lot 61)  
(732) 533-8724 (Lot 62)      **Fax** \_\_\_\_\_

**Email** vincenthughes@yahoo.com (Lot 61)  
caspangenberg@live.com (Lot 62)

**PART C**

Note: “\*” indicates not required in association with signage variances

**SUBJECT PROPERTY:**

Block/s 507.14 Lot/s 61 & 62 Zone Light Manufacturing (M-I)

Street Address 483 & 485 Elizabeth Avenue

City Township of Franklin State New Jersey Zip Code 08873

Approximate Site Size \* 8.40 Acres/ 365.771 Sq. ft.

Present use of the property, specify: Residential

Proposed use of the property, specify: Warehouse (proposed Lot 61.01); Residential (proposed Lot 62.01)

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\* N/A

**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? \* 485 Elizabeth Ave (Lot 61), November 7, 1997  
483 Elizabeth Ave (Lot 62), September 25, 2007

Is the property under contract to be sold?  Yes  No

If yes, state the date of contract and name of the contract purchaser:

**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.**

Existing lots 61 & 62 have significant environmental constraints in teh form of flood hazard, wetlands and wetland buffers that limit where development can occur. The existing physical location of the dwelling on proposed Lot 62.01 established an exceptional situation which does not allow for bulk compliance to the M-1 standards. Several of the conditions are existing non-conformities.

Proposed Lot 61.01 has the majority of its land that can be developed on the east side of teh stream corridor. This requires encroachment into the rear setback for effective and viable utilization of the area that can be developed with a permitted use.

\_\_\_\_\_ 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:

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**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 existing single family dwelling on existing Lot 62 is a pre-existing non-conforming use which has been at this location for many years before the zoning was changed to M-1. Retaining the dwelling on new Lot 62.01 is technically an expansion of the non-conforming use as the lot area is getting smaller, however there is no physical change to the dwelling or lot itself. The physical nature of the lot and dwelling will remain unchanged and will visually appear the same after subdivision.

**C and D Variance(s):**

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

The rear setback variance on proposed Lot 61.01 is adjacent to other M-1 zoned land all of which is owned by the Township, so no residential property would be impacted.

The dwelling on proposed Lot 62.01 is not being altered and is adjacent to another existing non-conforming single family lot to the north. That adjacent lot would be unaffected by a mere lot area reduction on the subject property as there are no physical changes being made.

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.

The proposed use on Lot 61.01 is a permitted use and is consistent with the master plan intent for this area. The rear setback variance would allow for the permitted use, which proposes building and lot coverage numbers significantly lower than what is permitted in the zone. Therefore, no substantial detriment is created as most bulk standards are met.

Continuation of the pre-existing dwelling on proposed Lot 62.01 does not impact the ability of the property to be developed as zoned while retaining housing stock in an area that has had homes along Elizabeth Avenue for a long time. The lot area reduction does not affect the continued use of the existing dwelling.

**PART F**

**LIST OF PLANS, REPORTS AND OTHER MATERIALS SUBMITTED:**

<u>Quantity:</u>	<u>Description of Item:</u>
25	Minor Subdivision Plan
25	Preliminary and Final Major Site Plan
25	Tree Removal Plan
3	Boundary and Topographic Survey
25	Architectural Floor Plan and Elevations
3	Stormwater Management Report
3	Stormwater Management Operations and Maintenance Manual
15	Environmental Assessment Report
15	Traffic Impact Study
3	Engineers Report, Water System Design
3	Engineers Report, Sanitary Sewer Design
3	Preliminary Report of Infiltration and Septic Evaluation
1	Title Reports

**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 Julia G. Algeo, P.E., Maser Consulting

Street Address 1000 Waterview Drive Apt./Ste/Unit # Suite 201

City Hamilton State New Jersey Zip Code 08691

Phone (609) 587-8200 Fax (609) 587-8260

Email jalgoe@maserconsulting.com



PART H

APPLICANT'S CERTIFICATION

I, John Kainer, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 154 First Avenue, Manasquan in the County of Monmouth 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 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 31 day of October, 2020

[Signature]

Notarize

NOTARY PUBLIC

[Signature]  
APPLICANT'S SIGNATURE  
John Kainer, Managing Member

SIGN HERE

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, Vincent Hughes (Lot 61) Charlene Spangenburg Trotter (Lot 62), of full age, being duly sworn according to law and upon my oath depose that: I reside at 485 Elizabeth Ave, Somerset 483 Elizabeth Ave, Somerset in the County of Monmouth 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

Notarize

OWNER'S SIGNATURE  
Vincent Hughes

SIGN HERE

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC  
December 2018

Notarize

OWNER'S SIGNATURE  
Charlene Spangenburg Trotter

SIGN HERE

**PART H**

**APPLICANT'S CERTIFICATION**

I, John Kainer, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 154 First Avenue, Manasquan in the County of Monmouth 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 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Notarize

APPLICANT'S SIGNATURE  
John Kainer, Managing Member

SIGN HERE

**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, Vincent Hughes (Lot 61)  
Charlene Spangenberg Trotter (Lot 62), of full age, being duly sworn according to law and upon my oath depose that: I reside at 485 Elizabeth Ave, Somerset  
483 Elizabeth Ave, Somerset in the County of Monmouth Somerset 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Notarize

OWNER'S SIGNATURE  
Vincent Hughes

SIGN HERE

**NOTARY PUBLIC**

Sworn to and subscribed before me this 3rd day of November, 2020

*[Handwritten Signature]*

Notarize

*Charlene Spangenberg Trotter*

OWNER'S SIGNATURE  
Charlene Spangenberg Trotter

SIGN HERE

NOTARY PUBLIC  
December 2018

*My commission expires 4/21/23*

*Allen & Rosenbry*

**PART H**

**APPLICANT'S CERTIFICATION**

I, \_\_\_\_\_, of full age, being duly sworn according to law and upon my oath, depose that: I reside at \_\_\_\_\_ in the County of \_\_\_\_\_ and State of \_\_\_\_\_, 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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
**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, VINCENT HUGHES, of full age, being duly sworn according to law and upon my oath depose that: I reside at 485 ELIZABETH AVE in the County of SOMERSET 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 10<sup>th</sup> day of Nov, 2020

Vincent Hughes  
**OWNER'S SIGNATURE**

[Signature]  
**NOTARY PUBLIC**



Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
**OWNER'S SIGNATURE**

\_\_\_\_\_  
**NOTARY PUBLIC**  
December 2018