

# 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 A. Healey, PP/AICP  
Director of Planning/ Senior Zoning Officer

Date: January 5, 2021

Re: Elizabeth Realty Partners, LLC (PLN-21-00001) - Preliminary & Final Major Site Plan with "C" Variances – 483 & 485 Elizabeth Avenue - Block 507.14, Lots 61 & 62

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The applicant has submitted the application materials listed below:

- 18-sheet site plan set prepared by Maser Consulting dated 10/30/20
- 1-sheet minor subdivision plan set prepared by Maser Consulting dated 10/30/20
- 3-sheet tree removal plan prepared by Maser Consulting dated 10/30/20
- 2-sheet set of architectural plans prepared by Pratt Design Studio, LLC dated 11/2/20

## Site Description

The 8.4-acre site is located on the easterly side of Elizabeth Avenue roughly  $\frac{1}{2}$ -mile south of its intersection with New Brunswick Road (see Figure 1). The site is located within the Township's Business and Industry (B-I) zone.<sup>1</sup>

The site is comprised of two lots, each roughly 4 acres in size and each occupied by a single-family home (see Figure 2). A stream and flood hazard area (and associated regulatory buffers) exist in the front portion of the site while a wetlands area (and associated regulatory buffer) exists in the back-right corner of the site. The home sites are located in the front portions of the site with the back portions of the lots being comprised of a mixture of open lawn and wooded areas.

While located in the B-I zone, nearby and surrounding land uses consist of a mixture of residential, commercial (nursery) and light industrial uses. An undeveloped Township-owned

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<sup>1</sup> See "Ordinance No. 4333-20/ Board Jurisdiction" discussion below.

lot adjoins the site to the rear while further to the east is Somerset Run, an age-restricted residential community.

## **Project Description**

The proposal consists of the following:

### Minor Subdivision

- *Proposed Lot 61.01*
  - 7.479-acres in size with 365 feet of frontage on Elizabeth Avenue
  - Would be developed with a warehouse development (see description below)
  - The existing house on the lot would be demolished
- *Proposed Lot 62.01*
  - 40,000 square feet (0.918-acres) in size with 147 feet of frontage on Elizabeth Avenue
  - Would contain the residence existing in that area of the site

### Preliminary and Final Major Site Plan

- Construction of a 76,230 square foot warehouse on proposed lot 61.01
- Development would be largely confined to roughly the rear 2/3 of the site, with the front 1/3 of the site remaining largely undisturbed (with the exception of construction of the access drive) due to the presence of the stream and associated regulatory buffers.
- Additional site modifications include stormwater management, lighting, landscaping and utilities.
- The warehouse would be served by public water, while an on-site septic disposal field is proposed in the southeast corner of the site.

### Ordinance No. 4333-20/ Board Jurisdiction

Ordinance No. 4333-20 (<https://ecode360.com/FR0703/laws/LF1255659.pdf>) consolidated the Township's M-1, M-2 and C-B zones into a new zone – the Business and Industry (B-I) zone. Thus, the subject site was effectively re-zoned from the M-1 zone to the new B-I zone. This report addresses compliance with the B-I zone.

In addition to modifying certain bulk requirements, this ordinance (§112-33.5 Existing Residences in the Business and Industry (B-I) Zone) makes *existing* single-family residences permitted uses in the B-I zone, subject to the bulk requirements of the R-10 Residential zoning district. This ordinance eliminates a number of the “c” variances identified for proposed lot 62.01 (this lot is subject to the bulk requirements of the R-10 zone rather than the M-1/ B-I zone).

More significantly, however, by making *existing* residences a permitted use the new ordinance eliminates the need for a D(2) variance which would have been previously required in association with the proposed subdivision (i.e., reduction of the lot size associated with the previously non-permitted residential use). With elimination of the D variance, jurisdiction now rests with the Planning Board rather than the Zoning Board of Adjustment.

## Review Comments

### 1. Zoning Compliance.

- a. Proposed lot 61.01 and the proposed development on it (i.e., the warehouse) comply fully with lot and bulk requirements of the B-I zone with the exception of the following:
  - *Parking drive aisle width: 26-feet required – 24-feet proposed (variance required)*
- b. Proposed lot 62.01 and development existing on it (i.e., existing house) comply fully with lot and bulk requirements of the R-10 zone (applicable per §112-33.5) with the exception of the *existing* front yard setback (33.7 feet existing/proposed vs. 50 feet<sup>2</sup> required),
- c. The site and subdivision plans should be revised as necessary to reflect location with the B-I zone and to reflect the requirements of that zone and Ordinance No. 4333-20 (e.g., to replace references to the M-1 zone, to reflect the requirements of the B-I on the zoning tables and plan sheets, to reflect bulk requirements of the R-10 zone to proposed lot 62.01, and to identify variances as per this report, etc).

### 2. Design of Business and Industry Uses. Ordinance No. 4333-20 added new Section 112-33.6 which contains design standards for business and industry uses that are intended to encourage an attractive appearance from adjoining roadways and adjoining properties (particularly where adjoining residential zones), and provide effective buffering and screening.

- a. It is noted that the building is proposed several hundred feet from Elizabeth Avenue (with a significant amount of existing and proposed vegetation located between the building and the roadway). Similarly, the building is located several hundred feet from the nearest residential district (i.e., the Senior Citizen Village district located to the east) and is separated by a heavily-vegetated Township-owned lot. Thus, in my opinion, a number of the standards are largely addressed and/or not entirely applicable

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<sup>2</sup> The usual setback of 35 feet in the R-10 is increased by 15 feet to 50 feet by virtue of footnote 2 in Schedule 2 which increases the front yard setback by 15 feet for lots located on arterial roads.

by virtue of the site layout including: §112-33.6.A (attractive landscaping along the site frontage); §112-33.6.C (screening of loading and service areas); §112-33.6.D (attractive architecture); and §112-33.6.E (screening of mechanical equipment).

- b. The site plan complies with the planting requirements of Schedule 6 (i.e., at least 1 tree/ 2,000 square feet of pavement) and with §112-33.6.B (which requires landscaping within parking lot islands).
- c. The site plan should be revised as necessary to fully address the requirements of §112-33.6.F including provision of sidewalks along the site frontage and up the entrance drive, bicycle parking and electric vehicle charging stations.
- d. Section 112-33.6.G addresses accommodation for pick-up/ drop-off area(s) for ride hailing services, bus and/or shuttle. While this requirement is intended for “larger sites” the applicant should address whether this standard would be appropriate/ practicable.

3. Other Site Plan Comments.

- a. The plan satisfactorily addresses the tree replacement requirements of Chapter 222, Trees.
- b. The applicant is proposing the vast majority of the proposed landscaping in the preservation area in the front portion of the site including within wetlands buffer areas and the flood hazard area. The applicant should address via testimony how the long-term viability of these plantings would be assured.
- c. The development will be subject to collection of Non-Residential Development (“COAH”) Fees equal to 2.5% of equalized assessed value.

Figure 1: Site location

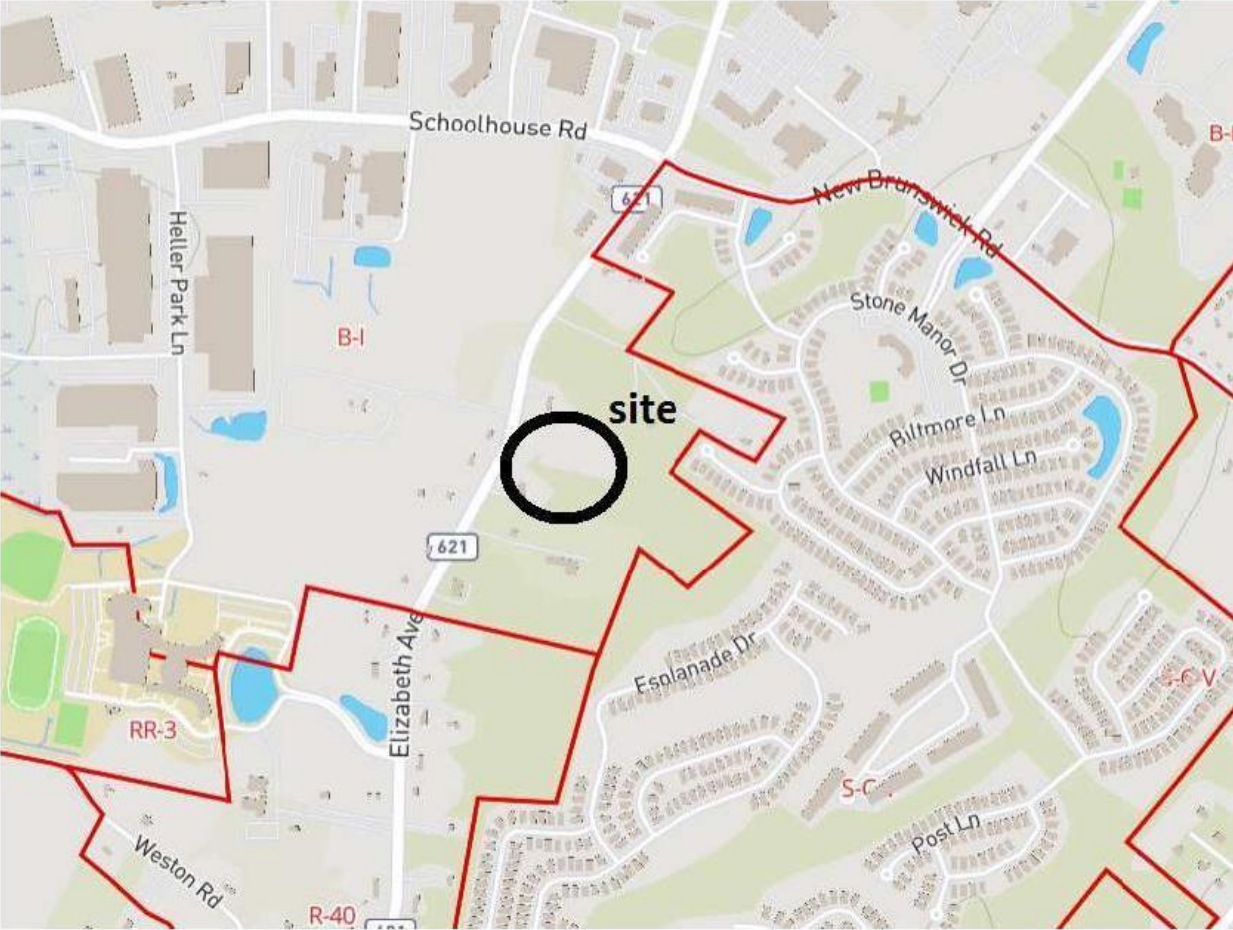


Figure 2: Site and surrounding area



Figure 3: Proposed lots

