

Franklin Township

Somerset County, New Jersey



Township Technical Review Committee (TRC)

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MEMORANDUM

To: Zoning Board of Adjustment

From: Technical Review Committee (TRC)

Date: January 28, 2021

Re: Dimitrakis General Contracting, Inc. - C Variance - ZBA-20-00025 – Block 36.01 Lot 13.02 – 40 Suydam Road

Site and Project Description

The applicant seeks to build a single-family detached home at the proposed site located at 40 Suydam Road. The site is currently undeveloped and is forested. The site is located in the A (Agricultural) zoning district which permits single-family detached homes on 6 acre lots having 400 feet of frontage.

The site is surrounded by, but it *is not located in*, the Natural Resource Preservation Cluster (NRPC) overlay zone. The NRPC zone permitted a large area in this portion of the Township to be subdivided in such a way that lots were permitted to be reduced down to 2-acres in size while created large plots on open space (with the overall resulting density remaining at 1 dwelling/ 6 acres). Since this lot was included in this NRPC overlay zone it is assumed that this lot was not included in this subdivision that created the surrounding lots. It appears that the lot was created in the early 1980s when the previous zoning required 50,000 square foot lots (to which this lot complied) and that the zoning of the area was subsequently changed to the R-R zone which requires 6 acre lots).

Since the lot is not in the NRPC overlay zone, the bulk requirements for the NRPC zone (e.g., lot area, lot frontage and setbacks reflected in the bulk table and the setbacks reflected on the “variance plan” drawing are illustrative only (it is assumed that the applicant has chosen to show those requirements to illustrate consistency of the proposal with the applicable bulk requirements of the surrounding zone). Nonetheless, the bulk requirements of the A zone apply.

Construction of the house requires the following variances from the requirements of the A zone:

- Lot Area: 6 acres required – 2.00056 acres existing/ proposed
- Lot Frontage: 400 feet required – 215 feet existing proposed

- Side Yard: 75 feet required – 73.02 feet proposed¹
- Total Side Yard: 148.02 feet proposed

Review Comments

1. Lot Area and Lot Frontage Variances. In order to demonstrate hardship with respect to the lot area variance, the applicant must prove that they sent "buy/ sell letters" to the adjoining landowners. Absent such effort, no hardship would be proven.

The applicant must also demonstrate that the variance would not result in substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. In particular, the applicant will need to ensure that the proposal would not substantially impact the character of the neighborhood. Part of the testimony should address compatibility of the lot size and frontage with that existing in the surrounding neighborhood. Quantitative data addressing this issue should be presented to the Board.

2. Other Comments.

- The requested side yard and total side yard setback variances would appear avoidable with very minor modifications to the proposal (e.g., it appears it could be accomplished by a minor adjustment in the placement of the dwelling).
- The applicant should provide a 16.5-foot right-of-way dedication to provide a 60 foot right-of-way (consistent with the provided along the nearby lots to either side).
- Sidewalks and curbing should be shown on the plans or the applicant should provide justification for waiver of same.
- Compliance with Chapter 222 (tree replacement) will be determined at the time of building permit. Provision of street trees will be reviewed at that time as well.
- Compliance with the Township's Stormwater Ordinance (e.g., drywell size/ design) will be conducted at the time of building permit. The applicant should note that an increase in impervious surface over 1,000 square feet (i.e., over that which received permits) may require some form of stormwater improvement (e.g., drywell or rain garden).
- Construction of the new dwelling will be subject to the payment of affordable housing development fees.
- The applicant will be required to submit an as-built survey after construction so that compliance with Board approvals can be confirmed.
- Construction of the house will require review by the County Health Department for the septic system.
- The application does not indicate whether the house would be connected to public water. The applicant needs to clarify.

¹ The application form indicates proposed side and total side setbacks of 69.71 feet and 131.23 feet, respectively. However, subsequent to the initial submittal the applicant submitted a revised plan that reflects the side yard and total side yard setback indicated in this memo.

Figure 1: Site Location

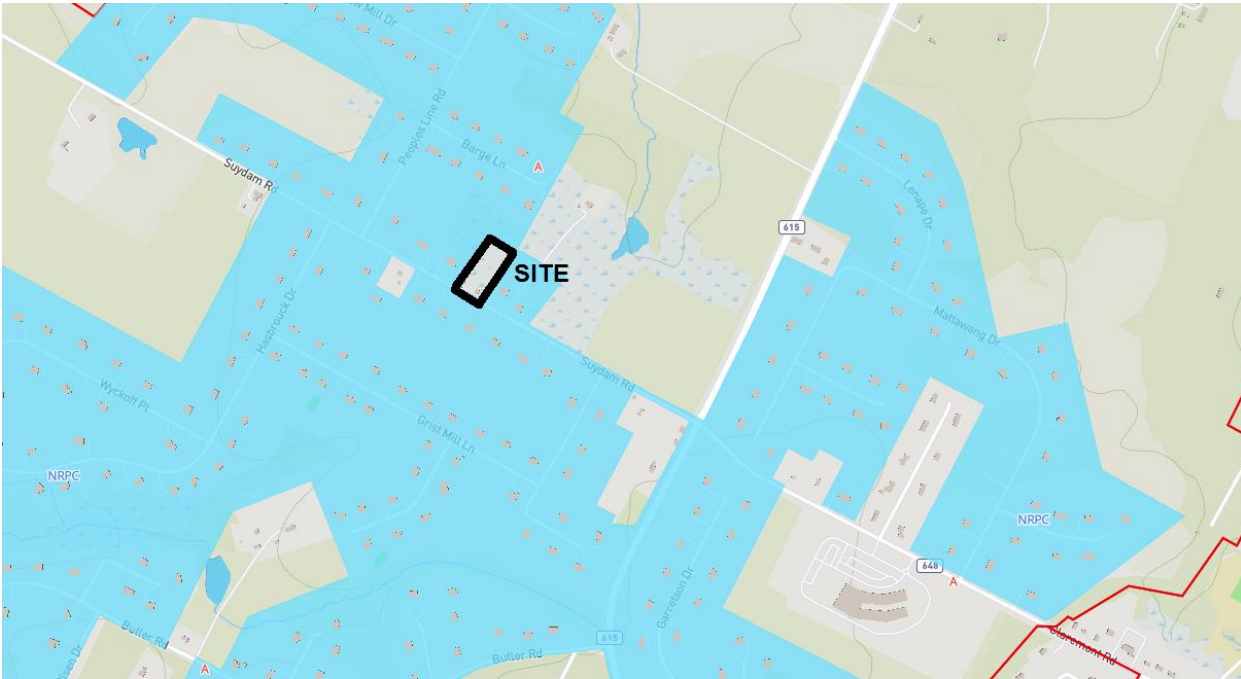


Figure 2: Tax Map

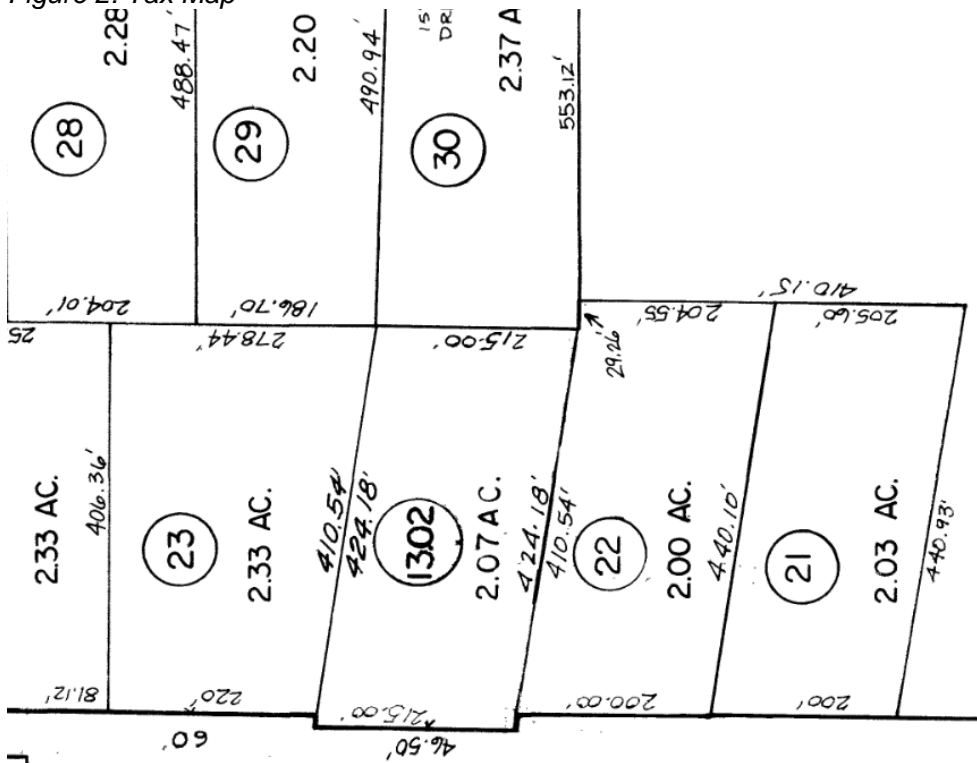


Figure 3: Site

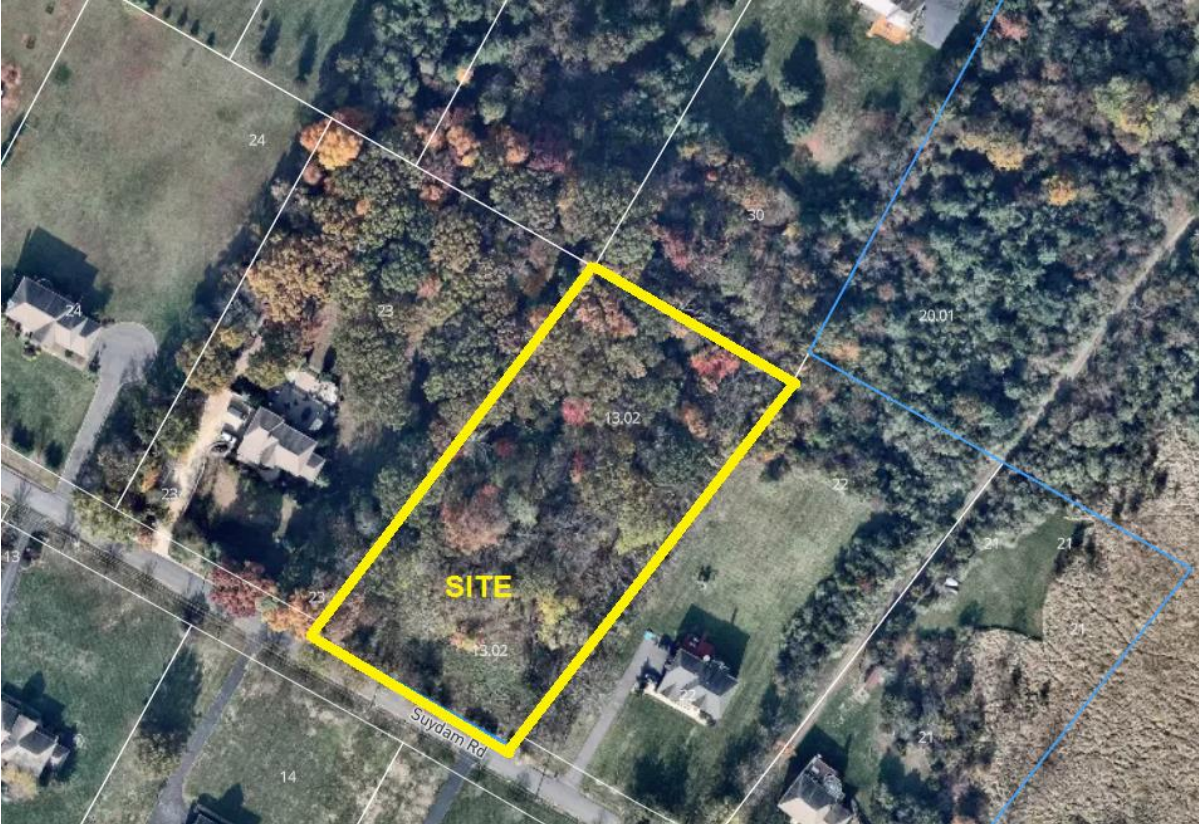


Figure 4: Site



Figure 6: Architectural Plans

