

Franklin Township

Somerset County, New Jersey



Township Technical Review Committee (TRC)

MEMORANDUM

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To: Zoning Board of Adjustment

From: Technical Review Committee (TRC)

Date: March 9, 2021

RE: Saharose, Inc. - JFK Blvd (Block 386.17, Lot 138) D(1) Use Variance (ZBA-20-00026)

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

Site and Project Description

The site is a shopping center located along JFK Boulevard in close proximity to its intersection with Easton Avenue. The property is located in the General Business (G-B) zone.

The site was recently the subject of a use variance to operate a business, corporate and social event business in a portion of the shopping center (ZBA-20-00021).

The applicant is requesting the following D(1) use variance:

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 signag including the proposed use of the premises.

Applicant is applying to the Zoning Board of Adjustment for D(1) use variance approval to park fifteen (15) school buses on the property. Bus parking is not a permitted use in the GB zoning district.

The applicant has provided Figure 2 which presumably reflects the area where the bus parking is requested to occur.

Review Comments

1. Use Variance. In support of the requested D(1) use variance, the applicant must demonstrate:
 - that "special reasons" exist for the variance (positive criteria); and
 - 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.

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).

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

2. Parking. As indicated above, the applicant has provided Figure 2 which presumably reflects the area where the bus parking is requested to occur. As drawn, this would area encompass roughly 54 spaces of the total 135 spaces shown on the site plan. This would leave 81 spaces for the use of the shopping center. We offer the following:
 - a) Since this proposal would occupy roughly 40% of the parking spaces for the shopping center (leaving 81 spaces of the 135 spaces on the site plan), it would appear that a parking variance would also be required. The applicant must provide calculations of required parking for the shopping center using the current parking requirements (1 space for each 225 square feet). The applicant would need to present sufficient justification in support of the parking variance.
 - b) In support of the required use variance and parking variance, the applicant needs to demonstrate that an adequate number of spaces would remain for use of the site as a shopping center.
 - c) Does the parking/storage of 15 buses need as much space as indicated on figure 2?

- d) We recommend that the applicant provide a plan showing where/ how buses would actually be parked/ stored on the site (rather than just a roughly marked box on the survey).
- e) Would this area be screened or fenced off from the rest of the shopping center parking center lot?

Review by Township Historic Preservation Advisory Commission

Since the site is located within 1000 feet of the D&R Canal, the Township Historic Preservation Advisory Commission reviewed the application. Following are their comments:

- 1) *Full size busses and charter/ tour buses are prohibited.*
- 2) *Box truck and tractor trailer parking and storage is prohibited.*
- 3) *No more than (15) 20 passenger (or less) busses, (van type) may be stored on the site at any time.*
- 4) *Busses must be parked along the NorthWest side of the parking area. (furthest from JFK) Busses are to be backed into the parking spots. See area marked in red below*
- 5) *The southeast side of the parking lot is limited to bus driver/ employee parking.*
- 6) *Maintenance beyond a general cleaning of the vehicles is not permitted at this location.*
- 7) *The small busses stored at this location must be operational and regularly in service.*
- 8) *This conditional use variance is void at the termination of the bus companies lease with the property owner.*

It is noted that a significant amount of vegetation has been removed from the site. Clarification should be provided why the vegetation was removed. This removal allows for higher visibility of the area proposed for bus storage.



Figure 1



Figure 2

