

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: Zoning Board of Adjustment

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

DATE: March 9, 2021

RE: Hamilton Street Development, LLC - D(1) Use Variance, Preliminary and Final Major Site Plan, 587 Hamilton Street, Block 204 Lots 18-22 (ZBA-20-00023)

As requested, I have reviewed the following documents relative to the above referenced preliminary and final site plan application:

- 18-sheet set of site plans, prepared by Ronald J. Sadowski, PE, dated 10/20/20
- 5-sheet set of architectural plans, prepared by Micheal V. Testa, Architect, revised 10/22/20

SITE AND PROJECT DESCRIPTION

The 12,500 square foot (0.29-acre) property is located within the Hamilton Street Business District (HBD) at the northeast corner of Hamilton Street's intersection with Miller Avenue. The property is currently developed with a single-family dwelling and a detached garage.

The applicant seeks to develop the site with a 3-story apartment building consisting of a total of 9 apartment buildings (7 one-bedroom units; 2 two-bedroom units). The proposed building would front Hamilton Street with a 17-space parking lot (as required by RSIS) proposed behind the building with a two-way curb cut proposed on Miller Avenue. The plan proposes the standard "Hamilton Street streetscape" (including sidewalk design, street furniture and street trees) along both road frontages. The site plan reflects 4 proposed on-street parking spaces along Hamilton Street (where 1 currently exists). Other proposed site plan features include: underground stormwater facility, dumpster enclosure, bike parking/ rack area, lighting and landscaping, and 6-foot vinyl fence along the side and rear property lines.

The proposal requires the following approvals from the Zoning Board of Adjustment:

- *D(1) Use Variance* - No first floor commercial use proposed.
- *Preliminary & Final Site Plan Approval*

REVIEW COMMENTS

1. The HBD zone permits mixed-use developments (commercial on first floor with residential

units above). The proposal does not incorporate a commercial component (it is solely apartments). Thus, a D(1) use variance (i.e., for a use not permitted in the zone) is required.

In order for the Board to grant such relief, the applicant must prove the following:

- 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 – in particular the intent of the requirement for mixed-use development along Hamilton Street).

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

2. The intent of the HBD zone is to create a pedestrian-friendly "Main Street" type streetscape thus the requirement for street-front retail and related design standards addressing storefront design (e.g., "retail and personal service business uses located in business districts should have large pane display windows on the ground level"). The applicant should explore changes to the design of the Hamilton Street facade (and perhaps wrapping around the Miller Avenue side) that are consistent with this intent. The applicant should explore changes that are consistent with the intent of Sections 112-203.P and Q and consistent with the designs incorporated into the design of the residential-only development at Hamilton/ Franklin and the approval for 7507 Properties.
3. Through testimony and necessary changes to the plans the applicant should address compliance with applicable architecture-related design standards of the HBD zone including:
 - a. *Section 112-203.G - addresses screening of mechanical features such as HVAC systems, exhaust pipes, etc*
 - b. *Section 112-203.K - addresses signage.* This section indicates that "all signs, affixed to the exterior of a building...shall be architecturally compatible with the style, materials, colors and details of the buildings." The elevations should address how signage would be architecturally-integrated into the faced design. Section 112-206

provides specific sign-related design standards including Section 112-206.D which requires that all buildings display street address numbers.

- c. *Section 112-203.M - addresses design of buildings located on corner lots.* This section encourages special design treatment of corner buildings including architectural embellishments relating to its location on a corner lot.
 - d. Additional relevant architecture-related design requirements of the HBD zone including Sections: 112-203.B, Horizontal courses; 112-203.C, Continuity of treatment; 112-203.D, Roof; 112-203.E, Windows; 112-203.F, Doors and entrances; 112-203.H, Materials, colors and details; and 112-203.J, Lighting.
4. The ordinance permits a zero setback along front property lines provided adequate sight distances are achieved. I defer to Traffic Safety and the reviewing engineer with respect to sight distance.
 5. The applicant needs to clarify the proposed building height as addressed in definition of "building height" and Section 112-28, height exceptions, in the Township Land Development Ordinance. The site plan indicates a building height of 36.55 feet whereas a height of 42' 2-1/8" is indicated on the front elevation on the architectural plans (which would require a variance from the 40-foot building height limitation of the zone).
 6. The plan satisfies the tree replacement requirements of Chapter 222.
 7. The development would be subject to collection of an affordable housing development fee equal to 1.5% of equalized assessed value.

Figure 1: Site Location

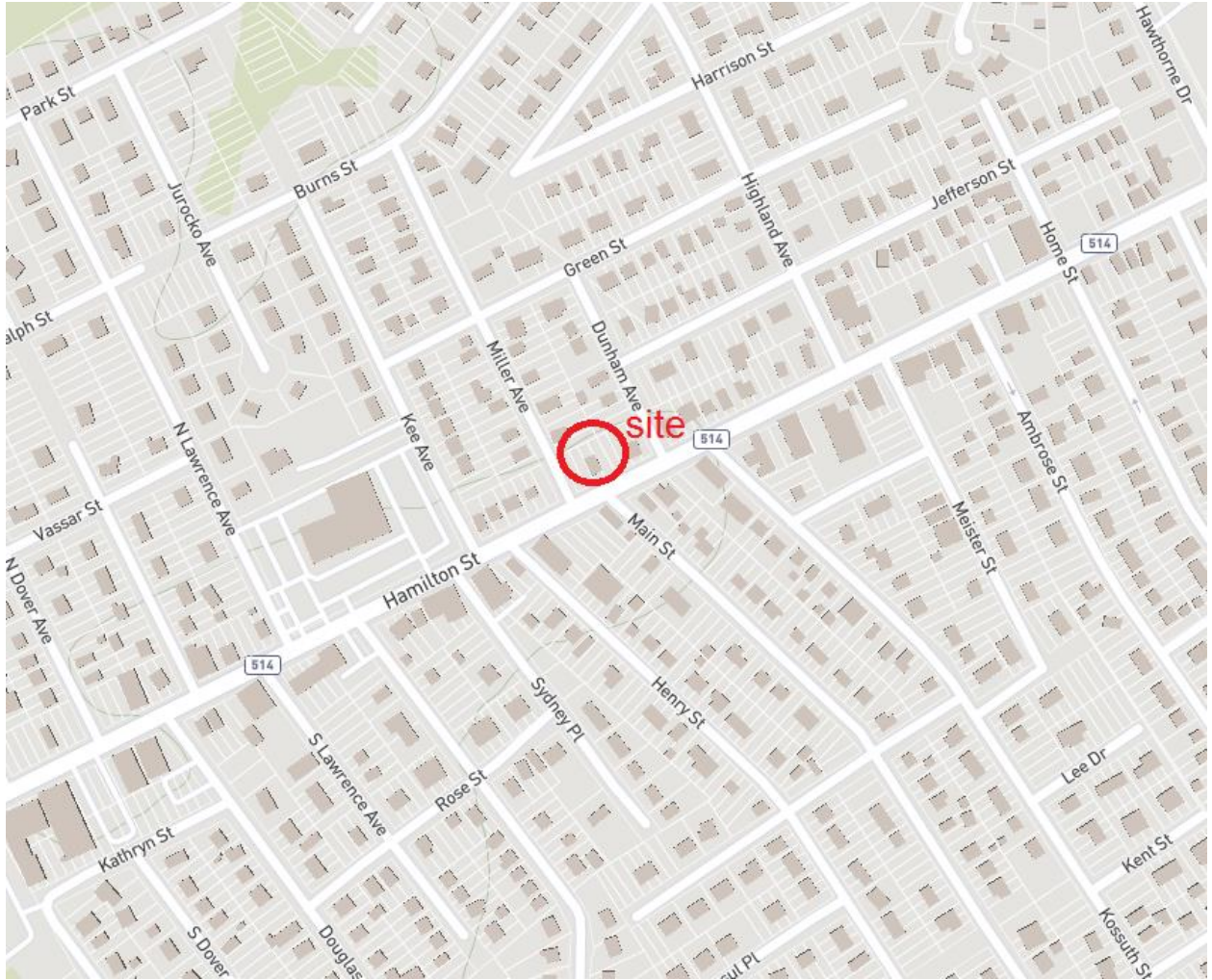


Figure 2: Site and Surrounding Area



Figure 3: Site

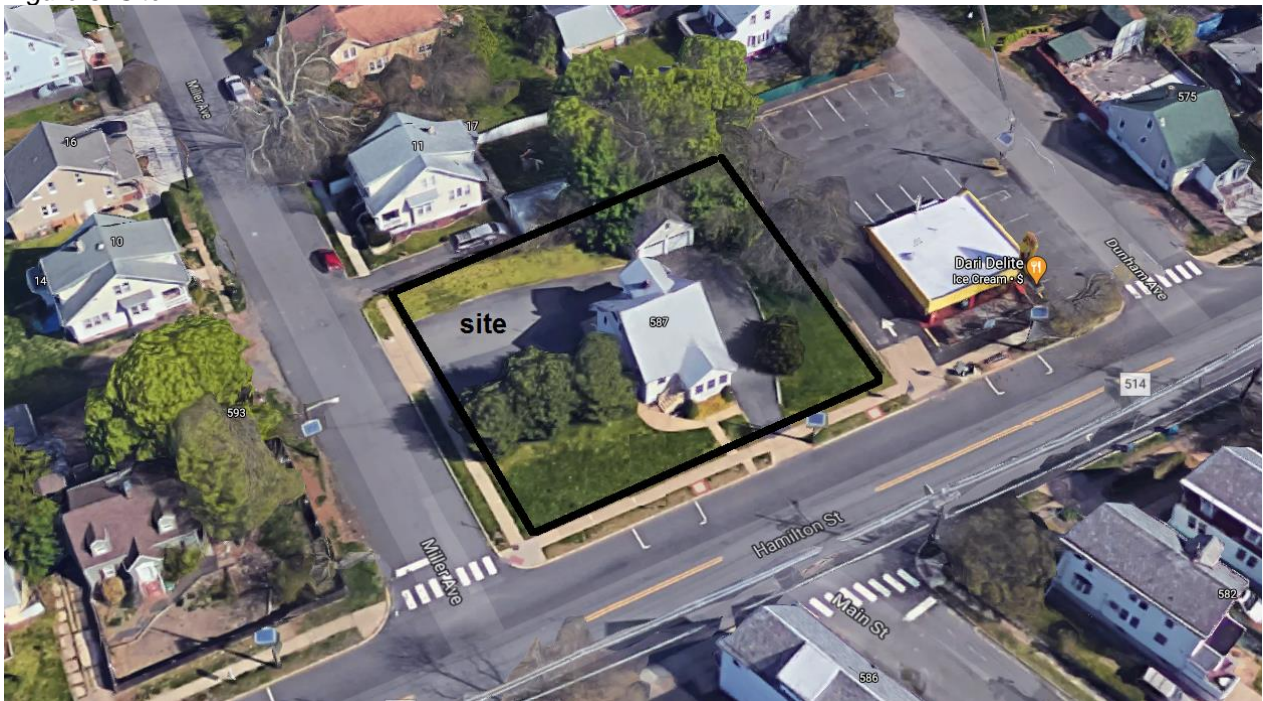


Figure 4: Site Frontage

