

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 applicant's proposal is the same proposal that was approved by the Planning Board in the resolution adopted on 11/9/16 in Docket No PLN-16-00004. The applicant is proposing to reinstate those approvals which include minor subdivision approval to create an additional residential building lot along with a lot frontage variance for the proposed new lot (66.06 feet proposed; 100 feet required) and a side yard setback variance for the Bilco doors and basement steps of the existing structure (4 feet proposed; 8 feet required)

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-70D(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>
§112- 10 Schedule 2 lot frontage	100 ft	66.06 ft
§112- 10 Schedule 2 side yard setback	8 ft	4 ft
§112-		
§112-		
§112		
§112		
§112-		

PART B

APPLICANT: Individual Partnership Corporation

APPLICANT: Owner Applicant Other LLC

Name Balaji Property Solutions LLC

Street Address 17 KOSH LAKE Apt./Ste/Unit # _____

City EAST BRUNSWICK State NJ Zip Code 08816

Phone _____ Fax _____

Email _____

OWNER (if different from Applicant):

Name Same as applicant

Street Address _____ Apt./Ste/Unit # _____

City _____ State _____ Zip Code _____

Phone _____ Fax _____

Email _____

PART C

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

SUBJECT PROPERTY:

Block/s 73.01 **Lot/s** 36 **Zone** R-10

Street Address 23 Wortman Street, Somerset

City Franklin Township **State** NJ **Zip Code** 08873

Approximate Site Size * 0.7738 **Acres/** 33,708 **Sq. ft.**

Present use of the property, specify: vacant structure

Proposed use of the property, specify: 2 residential building lots

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: _____

Minor subdivision, variance and other approvals granted in Docket No PLN-16-00004 in a resolution adopted on

11/9/2016, a copy of which is attached; applicant is seeking identical approvals that were not perfected

How long has the present owner had title to this property? * 4 years

Is the property under contract to be sold? **Yes** **No**

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

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.

SEE RIDER

_____ 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:

SEE RIDER

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:

C and D Variance(s):

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

SEE RIDER

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.

SEE RIDER

RIDER TO VARIANCE APPLICATION
BALAJI PROPERTY SOLUTIONS LLC
BL 73.01, Lot 36 – 23 Wortman Street

PART E – C Variances

Strict application:

The Board has previously found that the location of the existing historic structure on the lot presents a practical difficulty which prevents the lot from being subdivided to provide a more conforming lot frontage for lot 36.01. If the proposed lot line is moved to the south, then the historic structure would have to be removed (see finding of fact and conclusion #7 in the Board of Adjustment Resolution in Docket #PLN-16-00004 adopted November 9, 2016). In addition, the lot area variance for lot 36.01 is justified to provide a more conforming lot frontage for that lot. Once again, if the proposed lot line is moved to the south, then the historic structure would have to be removed.

The third variance for the setback for the bilko doors and the basement steps can be similarly granted under the hardship theory set forth herein, in that the location of the bilko doors and basement steps represent the same practical difficulty as set forth herein. With respect to the current application, there is no change in circumstances or condition of the property that would alter the Board's prior conclusions in the resolution adopted 11/9/16 in Docket #PLN-16-00004.

Purposes of MLUL would be advanced by a deviation:

In the prior resolution (Docket #PLN-16-0004 adopted 11/9/16), the Board found and concluded in finding #8 that there will be a significant benefit to the Township of Franklin by retaining the existing historic structure. In addition, approval of the application would convert a nonconforming use to a conforming use (public schools are not a permitted use in the R-10 zone) by utilizing the footprint of the structure as it is. The proposal eliminates the commercial aspect of the property by removing the parking lot and turning it into a residential driveway. With respect to the current application, there is no change in circumstances or condition of the property that would alter the Board's prior conclusions in the resolution adopted 11/9/16 in Docket #PLN-16-00004.

Statement of facts why relief can be granted w/o substantial detriment:

In finding #8 of the prior resolution (Docket #PLN-16-00004 adopted 11/9/16), the Board perceived no detriment to the public good in granting the lot frontage variance and further noted that proposed lot 36.01 is trapezoidal in shape whereby the lot is 66.06 feet in width at the street line but then proceeds to become wider further into the lot. The Board's condition requiring the new home on lot 36.01 to be placed in a manner that is equal to the front yard setback with the existing structure on proposed lot 36.02 at a point in that lot that is significantly wider than the variance granted. This finding permitted the Board to conclude that on balance, the benefit substantially outweighs any detriment, the Board having seen none. In short, the Board found that granting the variance is a superior zoning alternative than mandating compliance with the lot frontage standard. The Board further concluded in finding #9 that the variance for the setback for the Bilko doors and the basement steps can be similarly granted under the flexible C2 analysis.

The same benefit/detriment analysis can be utilized to justify the side yard setback variance as well. The Board concluded it is a better zoning alternative to grant a nominal side yard setback variance for the Bilco doors and basement steps that are hardly visible than the alternative of further reducing the lot frontage of proposed lot 36.01.

All of the reasons set forth in the 11/9/16 resolution also justify the granting of the lot area variance. With respect to the current application, there is no change in circumstances or condition of the property that would alter the Board's prior conclusions in the resolution adopted 11/9/16 in Docket #PLN-16-00004.

Statement why relief can be granted w/o substantial detriment to zone plan/ordinance:

In finding #10 of the prior resolution (Docket #PLN-16-00004 adopted 11/9/16), the Board determined that the granting of the lot frontage variance will not be inconsistent with the character of the surrounding neighborhood. The Board noted that there is a wide range of lot frontages in the surrounding neighborhood including, but not limited to, undersized width lots including lots 8, 33 and 34 in block 73.01 on Wortman Street and lots 2 and 3 in block 69 on Welsh's Lane. In finding #11, the Board determined that provided all conditions of the approval were met, all variances could be granted without substantial detriment to the intent and purpose of the land development ordinance of the Township of Franklin. With respect to the current application, there is no change in circumstances or condition of the property that would alter the Board's prior conclusions in the resolution adopted 11/9/16 in Docket #PLN-16-00004.

PART F

LIST OF PLANS, REPORTS AND OTHER MATERIALS SUBMITTED: SEE ATTACHED

<u>Quantity:</u>	<u>Description of Item:</u>

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 Francis P. Linnus, Esq.

Street Address 21 Clyde Road Apt./Ste/Unit # Suite 101

City Somerset State NJ Zip Code 08873

Phone 732-873-0500 Fax 732-873-0505

Email fplesq@comcast.net

PART H

APPLICANT'S CERTIFICATION

I, A. PRAVEEN KUMAR, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 17 KOCH LANE E. BRUNSWICK in the County of MIDDLESEX and State of N.J., 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 24 day of FEB, 2021

A. Praveen Kumar
APPLICANT'S SIGNATURE

Carol Acamp Peltz
NOTARY PUBLIC
MY COMMISSION EXPIRES 02/05/2025

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, A. PRAVEEN KUMAR, of full age, being duly sworn according to law and upon my oath depose that: I reside at 14 KOCH LANE E. BRUNSWICK in the County of MIDDLESEX and State of N.J., 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 24 day of FEB, 2021

A. Praveen Kumar
OWNER'S SIGNATURE

Carol Acamp Peltz
NOTARY PUBLIC
MY COMMISSION EXPIRES 02/05/2025

BALAJI PROPERTY SOLUTIONS LLC
MINOR SUBDIVISION W/VARIANCES
BL 73.01, LOT 36 – 23 WORTMAN STREET

LIST OF PLANS, REPORTS AND OTHER MATERIALS SUBMITTED

- 25 Application for Subdivision
- 2 Subdivision Details & Submission Checklist w/waiver requests
- 25 Variance Application
- 2 Variance Submission Checklist w/waiver requests
- Proof of submission to outside agencies
- Disclosure Statement
- Tax Certification
- 3 Minor Subdivision Plan dated 7/21/20 consisting of 2 sheets prepared by David A Stires Assoc
CD containing pdf copies of all applications, plans, supporting documents