

FOR OFFICIAL USE ONLY

Planning Board

Zoning Board of Adjustment

Name of Application: Tabatchnick Fine Foods Inc

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.

See Rider attached

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 1	permitted use	non-permitted use
§112- 10 Schedule 2	front yard setback required 25 ft	11 ft proposed
§112- <u>Schedule 3</u>	<u>lot coverage MAXIMUM 20%</u>	<u>44.8% proposed (41.8% previously approved)</u>
§112-		
§112		
§112		
§112-		

PART B

APPLICANT: Individual Partnership Corporation

APPLICANT: Owner Applicant Other _____

Name Tabatchnick Fine Foods Inc

Street Address 1230 Hamilton Street Apt./Ste/Unit # _____

City Somerset State NJ Zip Code 08873

Phone 732-247-6668 Fax _____

Email _____

OWNER (if different from Applicant):

Name _____

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 92 Lot/s 5-48 Zone R-10

Street Address 1230 Hamilton Street

City Somerset State NJ Zip Code 08873

Approximate Site Size * 2.84 Acres/ 123,704 Sq. ft.

Present use of the property, specify: food processing & freezer facility

Proposed use of the property, specify: food processing & freezer facility

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: See Rider attached

How long has the present owner had title to this property? * since 1998

Is the property under contract to be sold? Yes No

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

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.

_____ 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:

See Rider attached

C and D Variance(s):

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

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.

PART H

APPLICANT'S CERTIFICATION

I, Rita Tabatchnick, of full age, being duly sworn according to law and upon my oath, ^{have offices} depose that: I reside at 1230 Hamilton St, Somerset in the County of Somerset and State of New Jersey, 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.

Tabatchnick Fine Foods Inc

Sworn to and subscribed before me this 9 day of

March, 2021

Carol Scarpiloz
NOTARY PUBLIC

By Rita Tabatchnick
APPLICANT'S SIGNATURE

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, Rita Tabatchnick, of full age, being duly sworn according to law and upon my oath ^{have offices} depose that: I reside at 1230 Hamilton St, Somerset in the County of Somerset and State of New Jersey, 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.

Tabatchnick Fine Foods Inc

Sworn to and subscribed before me this 9 day of

March, 2021

Carol Scarpiloz
NOTARY PUBLIC

By Rita Tabatchnick
OWNER'S SIGNATURE

RIDER TO VARIANCE APPLICATION
TABATCHNICK FINE FOODS INC.
BL 92, LOTS 5 – 48

PART A

On July 21, 2016, the Board approved a memorializing resolution granting the applicant use variance relief, bulk variance relief and site plan approval; see attached resolution in Docket No ZBA-15-00018. The applicant received approval to construct a 31,188 sf expansion of applicant's food processing facility; the approved expansion was in order to accommodate a new product food line (the manufacturing of peanut butter). The 31,188 sf expansion was never built. The applicant is now seeking site plan approval to construct a building addition totaling 36,349 sf (consisting of a 27,176 sf first floor and a 9,173 sf mezzanine) which would supersede and replace the previously approved site plan. The purpose of this minor expansion is to expand applicant's food processing facility as well as to create a physical covered connection for equipment and foot traffic between the existing building and the proposed expansion. The applicant is proposing to add an equipment lift on the building exterior and has reconfigured the second floor office layout from the previously approved but not built site plan. A use variance and bulk variances were previously granted by the Board in connection with the previously approved site plan. The applicant is also seeking a front yard setback variance from Codington Avenue along with a variance for an increase in lot coverage necessitated by this proposal.

PART C

August 6, 1998 Board of Adjustment resolution in Docket No Z97061UP memorialized use variance, bulk variances and site plan approval to expand applicant's nonconforming use with an addition to its facility on a portion of the subject property known as BL 92, Lots 12-43.

April 19, 2007 Board of Adjustment memorialized use variance and site plan approval with variances to construct a 2-story office and warehouse, plumbing, heating & cooling facility on a portion of the property known as BL 92, Lots 5-11 & 44-48 (owner at the time was Anthony's Plumbing & Heating), Docket No ZBA-2006-00013; site plan never built; property was sold to applicant

July 21, 2016 Board of Adjustment resolution in Docket No ZBA-15-00018 memorialized use variance, site plan and associated variances for the construction of a food processing addition to the existing building on the expanded property. The approved site plan was not built; this application is intended to supersede and replace all prior approvals by way of amending the site plan, bulk and use variance approvals previously granted but not built.

PART E

The site is particularly suited for the proposed minimal expansion from that which was previously approved but not built. The proposed use is the same as the existing use which has been approved by the Board of Adjustment (food processing & distribution). The proposal advances several purposes of the Municipal Land Use Law, more specifically, the following purposes set forth in N.J.S.A. 40:55D-2:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this state, in a manner which will promote the public health, safety, morals and general welfare.
- b. To secure safety from fire, flood, panic and other natural and man-made disasters.
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;

The particular suitability of this site is evidenced by the fact that the food processing use has existed since approximately 1990 on a portion of the property and the industrial type use has been previously approved by the Board of Adjustment on the remaining portion of the property.

Relief can be granted because there is no change in the existing use and the site plan is a minimal expansion of the previously approved site plan. There has been no significant detrimental impact on the neighborhood to date and this minor expansion poses no significant detrimental impact on the neighborhood.

The intent & purpose of zone plan are met because the 2006 Master Plan encourages commercial and industrial development at this location and the least likely impact on residential neighborhoods. The 2016 Master Plan continues to encourage such uses of manufacturing along major roadways.

TABATCHNICK FINE FOODS INC. – LIST OF PLANS, REPORTS & OTHER MATERIALS SUBMITTED:

- 25 Site Plan & Variance application forms
- 2 Site Plan checklist
- 2 Variance checklist
- Disclosure Statement
- Tax certification
- Proof of submission to outside agencies
- 3 Preliminary & Final Site Plan dated 8/7/15 revised 1/12/21 consisting of 14 sheets
- 3 architectural drawings dated 1/12/21 consisting of 4 sheets
- Checks for application & escrow fees with Form W-9
- CD with all application materials & plans in pdf format