

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: May 6, 2021

RE: *Saint Sharbel Maronite Church (ZBA-20-00027) - D(3) Conditional Use Variances, Preliminary & Final Site Plan with C variance - 526 Easton Avenue - Block 261 Lots 1-6*

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

- 1-sheet Lot Consolidation Plan prepared by Lakeland Surveying dated 6/4/20
- 16-sheet set of site plan drawings prepared Remo Engineering, LLC last revised 3/1/21
- 6-sheet architectural drawings prepared by Michael Campbell, AIA last revised 12/16/20
- Traffic Engineering and Parking Evaluation prepared by Klein Traffic Consulting, LLC dated 9/3/20
- Environmental Impact Assessment prepared Remo Engineering, LLC dated 3/1/21

Site Description

The subject site comprises the entirety of Block 261 located at the southwest corner of the Easton Avenue/ Franklin Boulevard intersection, with additional frontages on Blake Avenue and Reeve Street. The northerly portion of the site (lot 1) contains the existing Saint Sharbel Maronite Church with daycare facility and associated 39-space parking lot. According to the traffic study the existing church contains 220 seats. Access to the church is currently available via two-way curb cuts on both Franklin Boulevard and Reeve Street. The remaining lots (lots 2-6) each contain single-family homes. The northerly portion of the block (i.e., lot 1 - which contains the existing church) is located in the Office-Professional (OP) zoning district, while the southerly half of the block (i.e., lots 2 through 6) is located with the R-7 residential zone. In all the site totals 72,527 square feet (1.66-acres).

Surrounding land uses consist of office buildings to the east and west along Easton Avenue while residences are located in the area of the site along Blake Avenue, Reeve Street, Easton Avenue and Franklin Boulevard.

Project Description

The application consists of the following:

- Demolition of the existing church and daycare use, as well as 4 of the single-family homes on the site
- Construction of a new 35,699 square foot place of worship containing:
 - 316-seat sanctuary¹
 - 4,029 square foot fellowship hall.
 - 10 classrooms in the basement below the sanctuary
- 100-space parking lot, to be accessed by three 2-way curbs, one each on Franklin Boulevard, Reeve Street and Blake Avenue
- Associated site modifications include grading and drainage modifications, and site lighting and perimeter site landscaping/ fencing.
- The existing dwelling at the corner of Franklin Boulevard and Blake Avenue would be retained.
- The development would be served by public water and sewer
- The 6 lots comprising the site would be consolidation into a new lot comprising the entirety of the block.

The Traffic Engineering and Parking Evaluation indicates the following with respect to the operation of the use:

- Church masses:
 - Saturday evening at 5pm; Sunday morning at 9am and 11am
 - The 9am has less attendance than the 11am mass
 - The church experiences peak activity: on Saturdays from 4:30pm to 6:30pm on Sundays from 10:30am to 12:30 pm

The proposal requires the following approvals:

- Site plan approval
- D(3) conditional use variances: See Comment #3, below.
- "C" variances
 - Parking Aisle Width: 26 feet required – 24 feet proposed

¹ The application indicates that 300 seats are provided, see "Parking" discussion below.

The site is not located within a Township Historic District and is located in excess of 1000 feet from the D&R Canal, thus review by the Township Historic Commission is not applicable. The site is not located in a Township-designated Scenic Corridor.

Review Comments

1. Additional Clarification on Proposed Use/ Comparison to Existing Use.

- a. Does the existing church contain a fellowship hall? If so, what is the current square footage? Such clarification is important as it may help the Board better consider the relative increases in traffic generation and required parking.
- b. The applicant should address the intended use of the fellowship hall and the timing of such use. For example, would it be used while the sanctuary is in use during services either for overflow or other purposes?
- c. Beyond their depiction on the floor plans, the application makes no mention of the 10 proposed classrooms or their intended use. The applicant needs to explain. The of the 10 classrooms may affect the calculation of required parking.
- d. Would the new place of worship contain a daycare or would that operation cease at the site?

If a day care would be accommodated in the future, the applicant would need to explain:

- where this would occur (e.g., in the classrooms and/or fellowship hall?);
- how many staff/ children would be involved (and how these figures would compare to existing/ prior figures); and
- where an outside play area would be accommodated on the site.

Necessary changes to the plans (e.g., to depict the location and design of the play area) would need to be made.

- e. The applicant should explain whether any special/ holiday events would be anticipated at the site and the nature, dates, expected building occupancy as well as traffic generation and parking needs associated with any such events.
- f. The applicant should explain whether any part of the facility would be rented out.
- g. What is the intended use of the existing dwelling at the corner of Franklin Boulevard and Blake Avenue that is proposed to be retained?

2. D-3 (Conditional Use) Variances.

- a. *Required Proofs.* With respect to the D-3 variances, the applicant must prove that the application satisfies the:
- Positive Criteria – Demonstrate that the site remains suitable for the use despite the deviations from the particular conditional use requirement
 - Negative Criteria
 - 1st Prong – Demonstrate that the deviation would not result in such damage to the character of the surrounding area as to constitute a substantial detriment to the public good.
 - 2nd Prong - Demonstrate that the deviation would not substantially impair the intent and purpose of the zone plan and zoning ordinance - the applicant must reconcile the requested deviations with the municipality's legislative determination that the condition should be imposed
 - The applicant must also demonstrate that benefits of granting the variance(s) substantially outweigh any detriments.
- b. §112-37.A) *Places of worship shall be permitted as conditional uses as specified in Schedule 1, Permitted Uses.*

Zoning compliance determination: **The proposed place of worship is a conditional permitted use in both the OP and R-7 zones.**

- c. §112-37.D(1) *Parking requirements. This section requires: "One parking space per every three seats. One seat shall be considered 22 inches in calculating the capacity of pews or benches. In the event there is no seating provided, parking shall be provided at one parking space for every three persons at the largest anticipated gathering or a minimum of one parking space for every 15 square feet of worship area."*

Zoning compliance determination: **D(3) Conditional Use Variance required.** Consistent with the ordinance requirements above and how these parking requirements have been applied on other such applications (i.e., that contain a sanctuary and a separate fellowship hall), I have determined the required number of parking spaces to be 374 spaces (pending additional clarification). This calculation was derived as follows:

Sanctuary: 26 pews at 21 feet (totals 6,552 inches) + 2 pews at 17 feet (totals 408 inches) = 6,960 inches of pew space. $6,960 / 22 = 316.4$. $316.4 / 3 = 105.5$ parking spaces.

Fellowship hall: $4,029 \text{ square feet} / 15 = 268.6$ parking spaces

Total: $105.5 + 268.6 = 374$ required parking spaces

Further, the applicant needs to clarify the use of the mezzanines proposed in the sanctuary and fellowship hall areas. If those areas would be available for use (e.g., chairs could be placed in the mezzanine area associated with the sanctuary during services) then the square footage of those areas must also be accounted for in the calculation of required parking as well. See other comments regarding intended use of the 10 classrooms and whether a daycare would be included.

Comment(s):

- The question above about whether the existing church has a fellowship hall (and its square footage) may be relevant here - i.e., for the purpose of understanding the relative increase in required/ necessary parking.
- d. *§112-37.E. Parking location. The majority of the parking shall be located to the rear of the main structure, with no more than 10% of the total parking located at the front entrance for handicapped accessibility, weddings and funeral services.*

Zoning compliance determination: **D(3) Conditional Use Variance required.** Parking lot located between building and road frontages.

Comment(s):

- The intent of this requirement is to minimize view of parking lots from the street (by putting them behind the church building).
 - This ordinance requirement is based on a more typical site whereby there is one road frontage along the front of the site thereby allowing placement of the building in the front of the site with the majority of the parking placed behind it.
 - The nature of this site (frontage on all 4 sides of the site) makes compliance with this requirement impossible.
 - In order to address the intent of this requirement the site plan should propose a landscape plan that presents attractive street frontages and that would serve to screen views of the parking lot through street trees and understory plantings. I offer my comments on the landscape plan in comment #3.a, below.
- e. *§112-37.F. Parking setbacks and standards. Not permitted within any required buffer area identified in §112-37.K(1) or (2) which would require a parking lot setback of 15- or 25-feet..*

Zoning compliance determination: **D(3) Conditional Use Variance required.** Parking lot setbacks of 5 feet are proposed consisting of street trees and under-story shrub plantings.

- f. *§112-37.G. Building setbacks. The walls of the main building or of any accessory building or*

structure greater than 100 square feet shall be set back in compliance with the zone district requirements, but in no case less than 50 feet from the abutting street right-of-way line or lines (front yard setback) or less than 25 feet from every adjoining property line.

Zoning compliance determination: **D(3) Conditional Use Variance required.** The following variances are required:

- *Front yard (Reeve Street):* 50 feet required - 21 feet existing/ 21.5 feet proposed
- *Front yard (Easton Avenue):* 50 feet required - 17.6 feet existing/ 18.51 feet proposed
- *Front yard (Franklin Boulevard):* 50 feet required - 48 feet existing/ 27.17 feet proposed

Comment(s):

- The existing setback on Franklin Boulevard nearly complies at 48-feet, while 27.17 feet is proposed. Sufficient justification in support of this variance will need to be provided.
 - It is noted that while the proposed setbacks along Reeve Street and Easton Avenue would be similar to existing setbacks, the proposal would place additional building mass in the required front yards along both streets. This should be presented and justified to the Board's satisfaction.
 - The 40-foot front yard setback requirement cited in the application (and on the plans) is incorrect, as is the cited 10-foot side yard setback requirement (there is no side setback under the proposed condition - only front yards). As indicated above, the applicable setback from each of the 4 streets is 50 feet.
- g. *§112-37.H. Building height. The building shall not exceed the height restrictions for the zoning district in which it is to be located unless in accordance with §112-28.*

Zoning compliance determination: **More information is required in order to make a determination regarding compliance with the applicable 35-foot building height limit.**

I note two key sections of the ordinance that address building height:

- The definition of "building height" in §112-4 which define building height as the "vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof. Chimneys, spires, towers, elevator, penthouses, tanks and similar projections other than signs shall not be included in calculating the height."
- §112-28.A, Height Exceptions, which states in part "The height limitations of this chapter shall not apply to church spires, belfries, and cupolas:...Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve..."

The applicant needs to identify the proposed building height, per the ordinance, as follows:

- consistent with the intent of the ordinance, the front elevation shall be the one facing Easton Avenue
 - the applicant needs to identify the average finished grade along the front elevation facing Easton Avenue (e.g., averaging the grades taken at each corner and at 10-foot intervals along the building)
 - the proposed building height would be the distance from the average grade to the peak of the roof above the sanctuary (excluding the parapet), not to the peak of the belfry.
- h. *§112-37.I(1) Impervious cover shall be permitted to be two times the allowable percent in the applicable residential zone, and shall comply with the applicable percent in nonresidential zones and the HBD zone.*

Zoning compliance determination: **D(3) Conditional Use Variance required.** As indicated above, the site is split between the O-P and R-7. Per the above, the permitted impervious surface percentage for a place of worship in the O-P zone would be 45%, while the permitted impervious surface percentage for a place of worship in the R-7 would be 60% (2x the usual 30% in the zone) - 72.2% is proposed (site plan indicates 68.6% existing)

- i. *§112-37.J. Lot or building cover maximums shall not exceed the allowable percent in the applicable zone.*

Zoning compliance determination: **D(3) Conditional Use Variance required.** The maximum permitted lot coverage in both the R-7 and OP zones is 20% while 20.5% is proposed (site plan indicates 23.3% existing)

- j. *§112-37.K(1) or (2). Where adjacent to a residential zone (R-7 zone), a heavily landscaped buffer at least 25 feet in width is required consisting of triple-staggered rows of 6-8' evergreen trees (reduced to 15 feet and double-staggered rows if a 6' solid fence is provided).*

Zoning compliance determination: **D(3) Conditional Use Variance required.** Parking lot setbacks of 5-feet are proposed consisting of street trees and under-story shrub plantings.

- k. *§112-37.K(3) This section requires, in part, that where located adjacent to a residential zone or residence, lighting fixtures shall be limited to 15 feet in height and that lighting shall not exceed 0.0 footcandles beyond the property line zoned or used for residential purposes.*

Zoning compliance determination: **More information required in order to make a determination regarding compliance.** Compliance with the 15-foot height could not be determined as light heights are not identified on the plan. Compliance with the prohibition of

light trespass on residential properties cannot be determined since the lowest illumination level identified is 0.5.

- I. §112-37.L. Minimum Lot Area. R-7 District - 1 acre; in the OP zone - 10,000 square feet

Zoning compliance determination: **Site plan complies.**

3. Additional Site Plan Comments.

- a. I offer the following comments on the landscaping plan:
- The placement and selection of street trees must be mindful of the existence of overhead utility wires existing along the site's frontages on Franklin Boulevard and Blake Avenue. Northern Red Oak is not a good choice.
 - Street trees need to be proposed on the subject site (not in the road rights-of-way).
 - The gap in proposed street trees along Reeve Street near the Blake Avenue intersection should be filled with two more street trees.
 - Shrub plantings should be proposed along the parking lot perimeter on Franklin Boulevard (as proposed on the other streets).
 - The site plan shows a proposed tree in the same location as an existing 8" tree that is proposed to remain along Easton Avenue.
 - There is at least one apparently large/ healthy street tree along Reeve Street. Assuming it would be retained, the site plan should show its location and adjust the placement of the proposed street trees accordingly.
 - The plan and schedule do not correspond in various ways including the type, number, and "key" identifications of proposed plantings.
 - The use of 'Bradford' callery pear should be reconsidered as it is notoriously unhardy.
 - Screening should be provided in the island to the left of the dumpster.
 - The applicant should be mindful that there is very limited room (roughly 2 feet) between the curb and the fence in that area and the landscape selection should reflect that. A similar suggestion is offered with respect to planting of the arborvitae in a 5-foot wide landscape island.
- b. The building elevation need to be revised to identify proposed materials. and colors.
- c. The site plan should propose curb replacement at driveways to be eliminated.
- d. The site plan needs to delineate the means of protecting the 24", 36" and 40" trees that are proposed to remain. It is noted that these trees are *inside* the limit of disturbance with no indication on the plan and/or via detail how these trees would be protected during construction.
- e. A right-turn pavement arrow should be considered to reinforce the *No Left Turn* sign proposed at the Franklin Boulevard curb cut.

- f. It appears that no drop curb/ ramps are provided in front of the HC parking spaces.
- g. As a place of worship, the development is exempt from payment of the affordable housing development fee.

Figure 1: Site Location

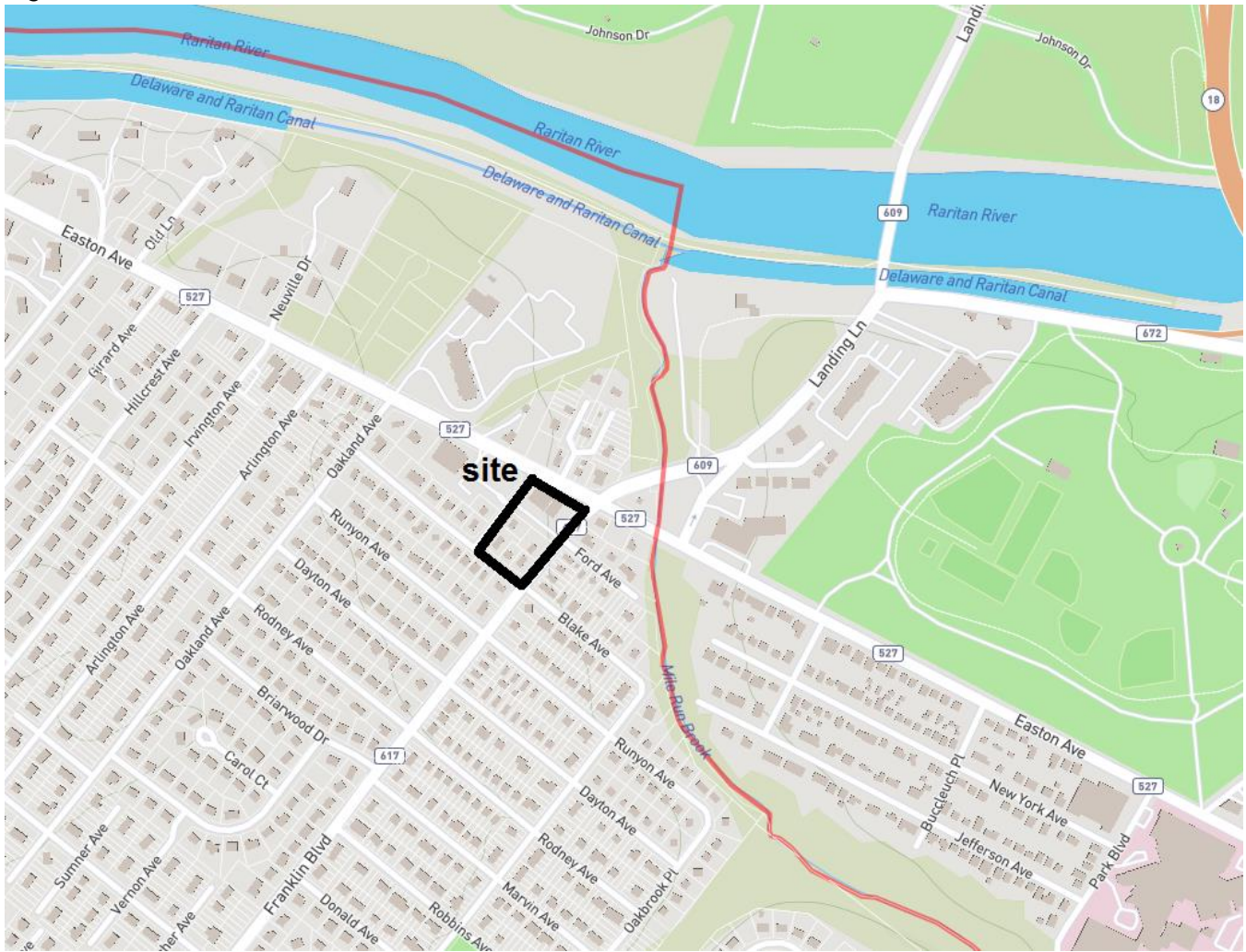


Figure 2: Site and Surrounding Area

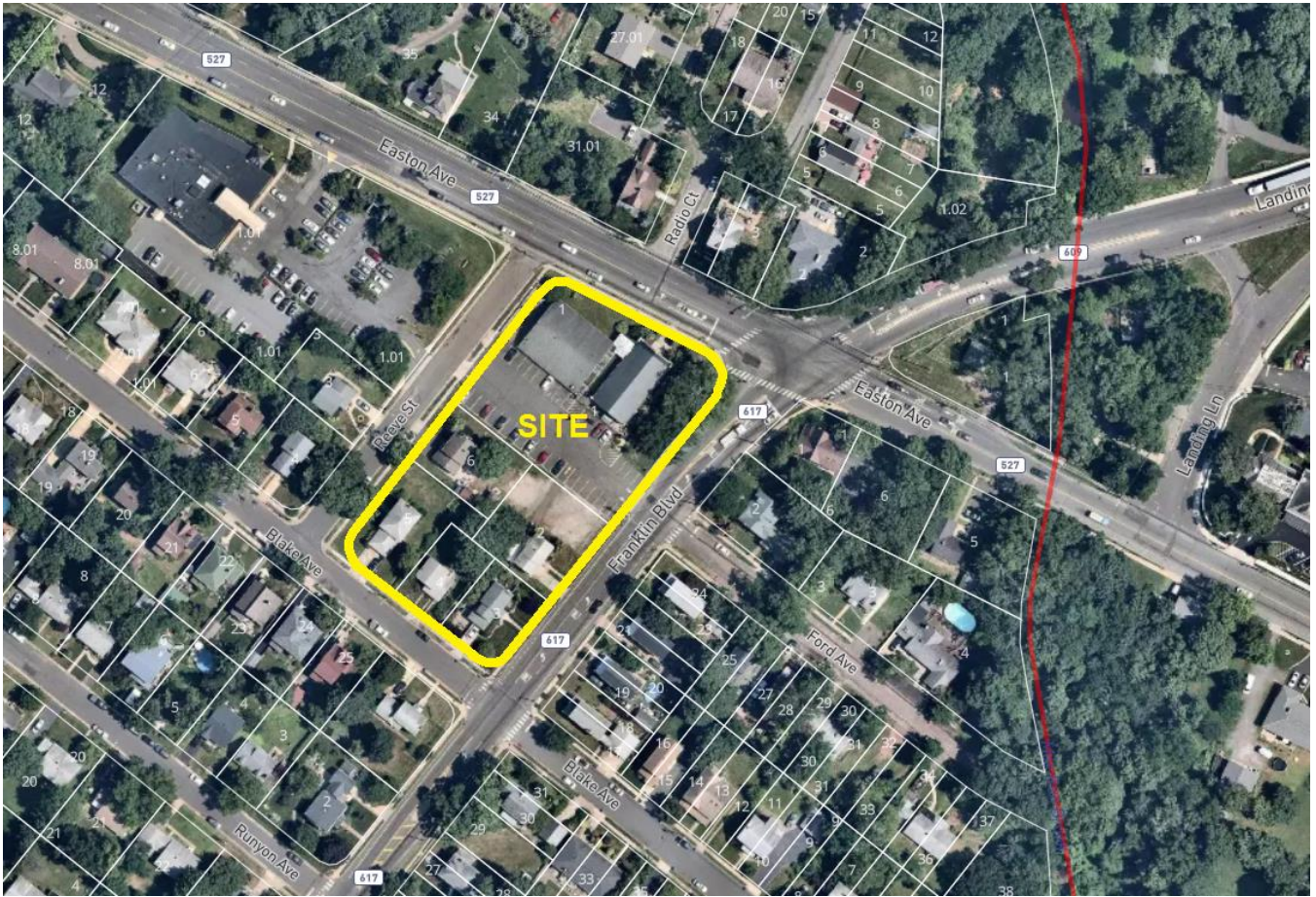


Figure 3: Site and Surrounding Area

