

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: December 1, 2021

RE: *Liv Devco, LLC.*– D Use Variances; Preliminary and Final Major Site Plan; Height Variance – 2 Hawthorne Drive – Block 194 Lot 127 & 128 (ZBA-21-00011)

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

- 13-sheet set of site plans, prepared by Ronald J. Sadowski, PE, revised 4/1/21
- 6-sheet set of architectural plans, prepared by Micheal V. Testa, Architect, revised 9/3/21

SITE AND PROJECT DESCRIPTION

The 18,499 square foot (0.42-acre) property is located within the Hamilton Street Business District (HBD) at the northwest corner of Hamilton Street's intersection with Hawthorne Drive. The property is currently developed with a two-story office building and 20-space parking lot.

The applicant seeks to develop the site with a 3-story apartment building consisting of a total of 15 apartment buildings (9 one-bedroom units; 6 two-bedroom units). The proposed building would front Hamilton Street with a 28-space parking lot proposed behind the building with a two-way curb cut proposed on Hawthorne Drive (opposite the existing break in middle boulevard on Hawthorne Drive). The plan proposes the standard "Hamilton Street streetscape" (including sidewalk design, street furniture and street trees) along both road frontages. 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 northerly property line.

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*
- *Building Height Variance*: 40 feet max. permitted – see review comment #3, below.

D(1) USE VARIANCE

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.

REVIEW COMMENTS

1. The site is located at a highly visible corner at a key gateway location at the beginning of the Hamilton Street Business District. It will be the first building that people see upon entering the district from New Brunswick. Thus, it is *imperative* that the building be very attractively designed comprising outstanding design and quality materials. In particular, considering that a use variance is requested, in my opinion, there is simply no rationale for a proposal that falls short in terms of design.

The applicant needs to design the site and building in recognition of its key gateway location, particularly recognizing the importance of the design of the sides facing Hamilton Street *as well as Hawthorne Drive* (as it would as visible as the front), and taking note of how other developments approved in the district have addressed the HBD design standards.¹

¹ Including but necessarily limited to Section 112-203.M which addresses design of buildings located on corner lots.

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 that are consistent with this intent. The applicant should explore changes that are consistent with the intent of Sections 112-203.P and Q.
3. 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 45' 3-1/2" is indicated on the front elevation on the architectural plans (which would require a D variance from the 40-foot building height limitation of the zone). Part of the calculation must take into account the 5-foot grade differential along the Hamilton Street façade. It is noted that a proposed height in excess of 44 feet (i.e., 10% over the 40-foot max. permitted) would constitute a D variance.
4. 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. 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; and 112-206.D and E, building numbers.
5. The applicant should present an exhibit demonstrating the effect of the 5-foot grade differential on the Hamilton Street façade. The front elevation of the architectural plans should be revised accordingly.
6. 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.

7. Striped parking spaces should be proposed along Hawthorne Drive. It would appear that up to 3 such spaces could be provided.
8. It would appear that building would slightly encroach beyond the front property line into the Hamilton Street right-of-way. This needs to be corrected.
9. If approved, the lots comprising the site should be consolidated.
10. It is strongly recommended that 3-D renderings be presented at the hearing along with samples of proposed building materials.
11. I offer the following comments on the landscaping plan:
 - Street trees should be proposed in the tree wells along Hawthorne Drive consistent with the Hamilton Street Tree Planting Study for locations in proximity to OH lines.
 - Schedule 6 requires evergreen trees (not shrubs) in the buffer area adjoining residences.
 - The applicant should demonstrate that the use of evergreen trees along the Hawthorne Drive frontage will not impede sight distance.
12. The development would be subject to collection of an affordable housing development fee equal to 1.5% of equalized assessed value.

Review from Zoning Subcommittee of the Hamilton Street Advisory Committee

As per our normal procedure for applications within the HBD I have reviewed the above referenced plans and discussed the plans with members of the Hamilton Advisory Board Zoning Subcommittee and have the following initial comments:

- 1) The site plan and façade must be consistent with the design guidelines for the HBD zone (112-203). Specifically, the façade of the building facing Hawthorne is the “Gateway” to the HBD and a corner lot and as such must be redesigned to reflect the importance of that façade. As presently designed that façade does not come close to meeting the design guidelines.
- 2) If the design guidelines are met and the façade facing Hawthorne is redesigned as per the above comment, we take no issue with the request for a D-1 Variance to allow just residential on the site.
- 3) Once the plans are revised in accordance with the above comments the Subcommittee would like to meet with the applicant to discuss the revised plans and for the applicant to bring samples or catalogue sheets of the materials to be used on the façade.

Figure 1: Site Location



Figure 2: Site and Surrounding Area



Figure 3: Site and Surrounding Area



Figure 4: Hamilton Street frontage



Figure 5: Hawthorne Drive frontage

