

Franklin Township

Somerset County, New Jersey

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Township Technical Review Committee (TRC)

MEMORANDUM

To: Zoning Board of Adjustment

From: Technical Review Committee (TRC)

Date: October 26, 2021

Re: Aniko Somogyi (ZBA-21-00020) – 4265 Route 27 (Block 5.02, Lot 72) – Variance

SITE & PROJECT DESCRIPTION

The site is located within the RR-5 (Rural Residential) zone in the Little Rocky Hill section of the Township. The RR-5 zone is a low density (5-acre minimum lots) single-family residential zone.

The applicant has been issued the following violations of the Township's Zoning (Chapter 112) and Property Maintenance (Chapter 183) ordinances:

- Several unregistered, uninspected and/or inoperable vehicles parked on the property. These vehicles must be removed. (ZV-21-00069)
- Several vehicles, trailers and equipment parked on the lawn. All such vehicles shall be removed from the premises (ZV-21-00070)
- Chicken coops placed in front yard without permits. Accessory structures not permitted in front yard. Chicken coops shall be relocated to the rear yard. (ZV-21-00071)
- Property converted to a 2-family homes. Two-family homes are not permitted in the RR-5 zones. The structure must be returned to a single-family dwelling (ZV-21-00072)/ Key lock entry knobs on interior doors. Key lock entry nobs must be removed from the doors (ZV-21-00074)
- Several commercial vehicles and commercial equipment parked/ stored on the property. Storage of commercial vehicles and equipment is not permitted in a residential zone. All vehicles and equipment must be removed from the premises (ZV-21-00073)
- Placement of sheds and gravel installed/ placed on property without approval. (ZV-21-00075)

- Several businesses are being conducted on the property. All businesses, their equipment and debris must be removed from the property (ZV-21-00076)

Photos reflecting these violations are indicated below.

The applicant has “appealed” these violations indicating that the “uses identified are pre-existing non-conforming conditions. Proofs will be submitted at the time of the Zoning Board hearing.”

TRC REVIEW COMMENTS

1. As of now, the applicant has provided no evidence to support her contention that the non-permitted uses constitute “pre-existing non-conforming” uses. As indicated above, the application indicates that “proofs will be submitted at the time of the Zoning Board hearing.” We offer the following:
 - a. To our knowledge this area of the Township has never been zoned for anything other than single-family residential zone. Thus, the various non-conforming uses on the site including the two-family dwelling, the operation of several businesses from the site; and the storage of commercial vehicles, equipment and materials on the site have never been permitted since enactment of the zoning in the Township in 1958. Thus, the applicant will need to conclusively demonstrate that these uses existed on the site before 1958 and have occupied the site uninterrupted since that date.
 - b. Similarly, in order to qualify as “pre-existing non-conforming conditions”, the applicant will need to prove that the cited structures (various sheds and chicken coops) complied with applicable setbacks at the time they were placed on the property.
 - c. Any evidence intended to be presented to the Board must be provided at least 10 days prior to the scheduled hearing and any exhibits shall be provided in digital format (.pdf) no less than 2 days prior to the hearing for placement on the Township website
2. The following are violations of Chapter 183, Property Maintenance ordinance, not the zoning ordinance, and are thus not appealable to the Zoning Board of Adjustment: ZV-21-00069, ZV-21-00070 and ZV-21-00074.







