

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: ~~October 21, 2021~~ March 2, 2022

RE: *1784 Capital Holdings, LLC – D(1) Use Variance; Preliminary and Final Major Site Plan w/ "c" Variances – 1613 Route 27 – Block 85 Lots 58 & 59.01 (ZBA-21-00009)*

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

- 17-sheet set of site plans, prepared by Stonefield Engineering & Design, last revised 7/23/21 2/18/22
- 200 Ft. Topographical Features Exhibit prepared by Stonefield Engineering & Design, last revised 6/2/21
- 5-sheet set of architectural plans, prepared by Arco Murray Design Build, dated 2/23/21
- 5-sheet Truck Turn plans prepared by Stonefield Engineering & Design, dated 2/18/22

SITE DESCRIPTION

The 5.78-acre property is located on the southbound side of Route 27 roughly equidistant between its intersections with Bennetts Lane and Skillmans Lane. The site is currently developed with various one-story and greenhouse buildings associated with the existing garden center uses on the site in the front portion of the site. The rear of the site is occupied by mulch, dirt and brush piles. The site is located in the Cluster Residential zone which permits townhouse and garden apartment developments.

Surrounding properties consist of a townhouse development to the north and a garden apartment development abutting the site to the south and rear. Other nearby uses include a number of retail developments in the General Business (G-B) to the north and south of the site along Route 27. Opposite Route 27 from the site exists single-family development within the Township of North Brunswick.

PROJECT DESCRIPTION

The applicant seeks approval for construction of a new self-storage facility.

- The proposed building would be 3 stories (34 feet) in height, each floor at 41,785¹ square feet for a total square footage of 125,335 square foot. The building would be 461 feet long, 91 feet wide. Four loading docks are proposed in the southerly end of the building.
- ~~Two One~~ large canopy ~~is ies are~~ proposed in the rear portion of the site over proposed vehicle storage spaces. The ~~first~~ canopy would cover 50 vehicles, measuring 404 x 80 feet. ~~The second canopy would cover 25 vehicles, measuring 404 x 25 feet.~~ The canopy ~~ies~~ would be roughly 15 feet in height. The previously proposed 25-vehicle storage area, previously proposed along the southerly property line, has been removed from the plan.
- The site plan proposes to use the existing curbs cuts on Route 27 with the northerly curb cut proposed as one-way IN and the southerly curb cut proposed to be one-way OUT.
- The plan identifies a “CMU wall with parapet and wrought iron fence – total height 6 feet from high side” is proposed around the entirety of the development. The placement of the wall has been revised in comparison to the original plan. The wall along the northerly property line (previously proposed right on the property line) is now proposed roughly 15 feet from the side property line in the front portion of the site and 25 feet from the property line in the rear portion of the site. The wall along the southerly property lines has been revised to place the wall roughly 25-feet from the property line (originally proposed right on the property line), while the placement of the wall in the front portion of the site has been modified somewhat to incorporate additional tree preservation along the southerly property line.
- Associated site modification including grading and drainage and proposed landscaping and site lighting. The site plan has been revised to amend proposed grading, drainage, landscaping and lighting including but no limited to additional landscaping and lower mounting heights of building-mounted area lights.

The proposal requires the following approvals from the Township Zoning Board of Adjustment:²

- *D(1) Use Variance – Self storage facilities are not a permitted use in the Cluster Residential (C-R) zone*
- *Preliminary and Final Site Plan*
- *"C" Variances:*

¹ The square footage information on Sheet C-4 indicates a first floor square footage of 38,148 (which results in a total square footage of 121,718). However, review of the floor plans shows no difference between the first floor and the upper floor thus is it unclear why a different figure is indicated on the plan.

² The site plan must be revised, as necessary, to reflect the determinations below.

- *Landscaped buffers averaging 50 feet in length along the perimeter. Buffer areas shall maintain the existing natural vegetation unless deemed infeasible by the Board (Schedule 6- CR zone):* proposed buffers consist of ~~48.5~~ 20 feet in width in the front portion of the site along the northerly property line and 29.1 feet in the rear portion of the site; along the southerly property line the buffer ranges from ~~5.7~~ 29 feet (with removal of most of the existing vegetation) in the rear portion of the site, ~~area of the vehicle storage canopies, 7.8~~ 8.8 feet in the front portion of the site (with removal of existing vegetation), and 17.8 feet in the middle portion of the site with tree preservation and approximately 18 feet along rear property line.
- ~~Side yard: 45 feet required — 5.7 feet proposed (vehicle storage canopy along southerly property line)~~
- ~~Side yard (both): 100 feet required — 54.2 feet proposed (48.5 feet to north + 5.7 feet to south with respect to proposed vehicle storage canopies)~~
- *Building Height:* 2.5 stories permitted – 3 stories proposed
- *Building (Lot) Coverage:* 20% permitted – ~~33.4%~~ 29.4% proposed consisting of 41,785 square feet (16.6%) for the self-storage building and ~~42,430~~ 32,332 square feet for the ~~two~~ vehicle storage canopies (~~16.8%~~ 12.8%)
- *Impervious Surface Coverage:* 30% permitted – ~~59.8%~~ 60.9% proposed
- *Off-Street Parking:* 25 spaces³ required – 19 proposed
- *Parking Aisle Width:* 26 feet minimum required – 25 feet proposed
- *Screen required when adjoining property is residential (§112-87)⁴* 6-foot planting screen required – ~~no such screen provided along southerly property in the area of the vehicle storage canopies~~ much of the proposed landscaping in the rear/ southerly buffer does not consist of 6-foot tall trees (smaller shrubs used).
- *Parking Lot Setback (Front):* Not permitted in front yard (90 feet) – ~~52.5~~ 57.5 feet proposed
- *Parking Lot Setback (Side):* 15 feet required – ~~7.8~~ 8.8 feet proposed (front parking area) and 5.7 feet proposed (vehicle storage area)

³ The site plan does not reference the newly-enacted parking requirement for self-storage facilities (1 space/ 5000 square feet) which results in a parking requirement of 25 spaces (rather than the 51 spaces cited on the plans). It is noted, however, that the Township's calculation of required parking only takes into account the square footage of the self-storage building and doesn't account for parking demand that may arise from the vehicle storage component of this use.

⁴ Where off-street parking, loading or service areas are to be located closer than 50 feet to a lot in any residential zoning district or to any lot upon which there exists a dwelling as a permitted use under these regulations, and where such parking, loading or service areas are not entirely screened visually from such lot by an intervening building or structure, there shall be provided along the lot line a continuous planting screen at least six feet in height..

REVIEW COMMENTS

1) *D(1) Use Variance*. In support of the requested D(1) use variance, the applicant must demonstrate:

- 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).

Finally, the applicant must prove that benefits of granting the variance would substantially outweigh any detriments.

[The applicant provided testimony at the 12/16/21 hearing. Appropriate testimony should be provided at the 3/17/22 to explain and justify the proposed modifications to the site plan.](#)

2) *"C" Variances*.

a) In my opinion, certain of the variances are attributable, at least in part, to the narrow shape of the lot. For example, a hardship argument could be justified with respect to *full compliance* with the 50-foot buffer requirement of Schedule 6 as this requirement would leave a building envelope only 120-feet wide in which to place all site improvements such as buildings, parking, stormwater basins.

However, a number of the variances and/or the degree of the variances also result, at least in part, from the nature of the proposed use and the scale of the development proposed.

In my opinion the following variances are unrelated to the narrow shape of the lot: building height, building (lot) coverage and impervious coverage. The coverage variances, for example, result from the proposed vehicle storage area/ canopies. Elimination or reduction of this component would reduce or eliminate the requested coverage variances.

In lieu of a hardship (C-1), the applicant should address the C-2 criteria (i.e., grant of the variances would result in a better zoning alternative than compliant development).

The applicant provided testimony at the 12/16/21 hearing. Appropriate testimony should be provided at the 3/17/22 to explain and justify the proposed modifications to the site plan.

b) ~~In my opinion, the various variances associated with the vehicle storage canopy along the southerly property line (i.e., 50-foot buffer required where 5.7 feet is proposed; 45-foot side building setback required where 5.7 feet is proposed; 15-foot parking lot setback required where 5.7 feet is proposed; 6-foot landscape screening required where adjoining residential property where no landscape screening is proposed and existing trees would be removed) are particularly unjustifiable. Elimination of this area (along with preservation of the trees in this area and placement of required screening) would reduce or eliminate a number of the proposed variances for the application. The 25-vehicle vehicle storage area, previously proposed along the southerly property line, has been removed, eliminating two previously-requested setback variances. However, I note the following:~~

- ~~• Variance still required from 50-foot buffer requirement: While the application has been revised to provide a larger buffer (particularly in the area of the previously-proposed 25-vehicle canopy) a variance is still required from the buffer requirement of the C-R zone.~~
- ~~• Retention of existing trees: The ordinance indicates that the buffer “shall maintain the existing natural vegetation unless deemed infeasible by the [Board]”. While the latest revision has increased the width of the buffer in places and retained more trees, the plan still proposes the removal of the vast majority of the trees along the southerly property line. The applicant needs to justify this – i.e., the applicant must either *prove* that preservation of these trees is *infeasible* and/ or *prove* that the trees proposed to be removed are in such poor condition that the proposed landscaping would provide a more effective screen to the residential neighbors of the development.~~
- ~~• Size of proposed landscaping: Proposed landscaping should be revised to comply fully with §112-87 which requires that landscaped screening be 6-feet in height.~~

3) The applicant should explain the intended operation of the ~~7550~~-space vehicle storage area proposed in the rear portion of the site. For example, what type of turnover would be involved? Would all or most of these spaces be used for long-term (seasonal) storage of recreational vehicles (RVs)? Would any of these spaces be used to store commercial or other vehicles that would be accessed on a more regular basis? Per the applicant's response letter - testimony was provided on 12/16/21 that this area would be intended for long-term storage of vehicles.

4) The applicant should explain in testimony and appropriate exhibits the intent and design of the proposed “CMU wall with parapet and wrought iron fence⁵ – total height 6 feet from high

⁵~~It is recommended that this fence be replaced with a solid fence to better screen site activity~~

side” which is proposed around the entirety of the development. The plan proposes varying designs of this wall (e.g., varying combinations of CMU wall, solid fence, wrought iron fence and/or parapet). With the absence of details in the plan set I am unable to comment on this proposal. The applicant should provide testimony with appropriate exhibits to explain.

5) *Design of business and industry uses.* The applicant should address compliance with Section 112-33.6, *Design of business and industry uses*, including:

- §112-33.6.C: loading docks, truck parking, and other service functions should be located in a manner than minimizes their view from adjoining roadways.
- §112-33.6.D: buildings facing and visible from adjoining roadways should be designed and finished the same as other sides of the building.
- §112-33.6.E mechanical equipment should be screened from view from adjoining roadways; any such screening is architecturally integrated with the building through materials, color, texture, shape, size, and with design features, such as facade parapets.

The applicant provided testimony at the 12/16/21 hearing. Appropriate testimony may be needed at the 3/17/22 to explain and justify the proposed modifications to the site plan.

6) *Outdoor Lighting Standards.*

- a) ~~The overall lighting levels (2.64 average footcandles) exceeds the average for uses requiring “enhanced security” per Section 112-33.2.C(2) which the ordinance indicates is for “high vehicular traffic locations should generally require the enhanced level of illumination.” The applicant should explain why the overall illumination levels aren’t more consistent with “basic” lighting levels indicated in the ordinance — i.e., an~~ The lighting plan has been revised to be consistent with the “basic” lighting levels in the ordinance with an average of illumination average closer to 1.0 footcandles.
- b) ~~The application requires relief from Section 112-33.2.B(1) which indicates that lighting levels should not exceed 0.1 footcandles at the property lines adjoining residential zoned property (0.2 proposed). The applicant should identify the locations where this occurs and efforts made to avoid the need for this relief.~~

7) *Zoning Information:*⁶

- a) ~~Pursuant to 112-28.A, *Height exceptions*, the height of the building should be measured to the roof (not to the top of the parapet). Thus, it would appear that the proposed building height would be 34 feet (not 35 feet). Further, it is noted that the proposed parapet may be up to 5 feet in height (currently they appear to be 1-foot~~

(including but not limited to headlights) from the adjoining residential developments.

⁶The site plan must be revised, as necessary, to reflect the determinations below.

- ~~height). If the Board is inclined to grant the requested height variance (3 stories proposed where 2.5 stories permitted), the applicant should consider increasing the height of the parapet if such increase would serve to screen view of rooftop mechanical equipment.~~
- ~~b) The ordinance has recently been amended to have a 100 square foot limitation for building-mounted signage (i.e., there is no longer a calculation based on first floor building area). Thus, the proposed building-mounted signage would comply and there is no variance required.~~
 - c) The applicant should address compliance with §112-104, *Size of loading berth*, which requires that the total dimension be no less than twice the overall length of the longest vehicle expected to use the facility. In particular, the applicant needs: to identify the longest vehicle expected to use the loading docks; and provide turning radii on the site plan demonstrating that such trucks can properly use the loading docks in the space provided.
 - ~~d) It is unclear why the site plan, twice, references landscape requirements for the existing sign. It is noted that the ordinance requires landscaping around the base of proposed signage and it is assumed that the existing sign would be removed (along with the rest of the FAMA use).~~
- 8) ~~While I defer to the Traffic Safety Bureau and the Board's consulting engineer regarding the~~
~~, I offer the following on the traffic control plan:~~
- ~~a) Appropriate traffic control signage and pavement markings should be proposed to discourage wrong-way exit movements through the one-way IN curb cut.~~
 - ~~b) It is unclear why the STOP bar and sign are proposed such a significant distance from the edge of pavement of Route 27 (roughly 25 feet).~~
- 9) The site plan complies with Schedule 6 which requires 1 tree for every 2,000 square feet of paved area (54 trees required ~~— 284~~ 334 trees of qualifying size are proposed on the plan).
- 10) The site plan complies with the tree replacement requirements of Chapter 222 which would require 95 trees and ~~334~~⁷ 284 trees of qualifying size are proposed on the plan.
- 11) ~~The applicant will need to address compliance with P.L. 2021, c.171, which the Governor signed into law on July 9, 2021, regarding the provision of EVSE and Make-Ready parking spaces.~~
- 12) The development would be subject to collection of an affordable housing development fee equal to 2.5% of the equalized assessed value.

⁷ The Tree Replacement Chart on Sheet C-3 should be updated accordingly.

Figure 1: Site Location

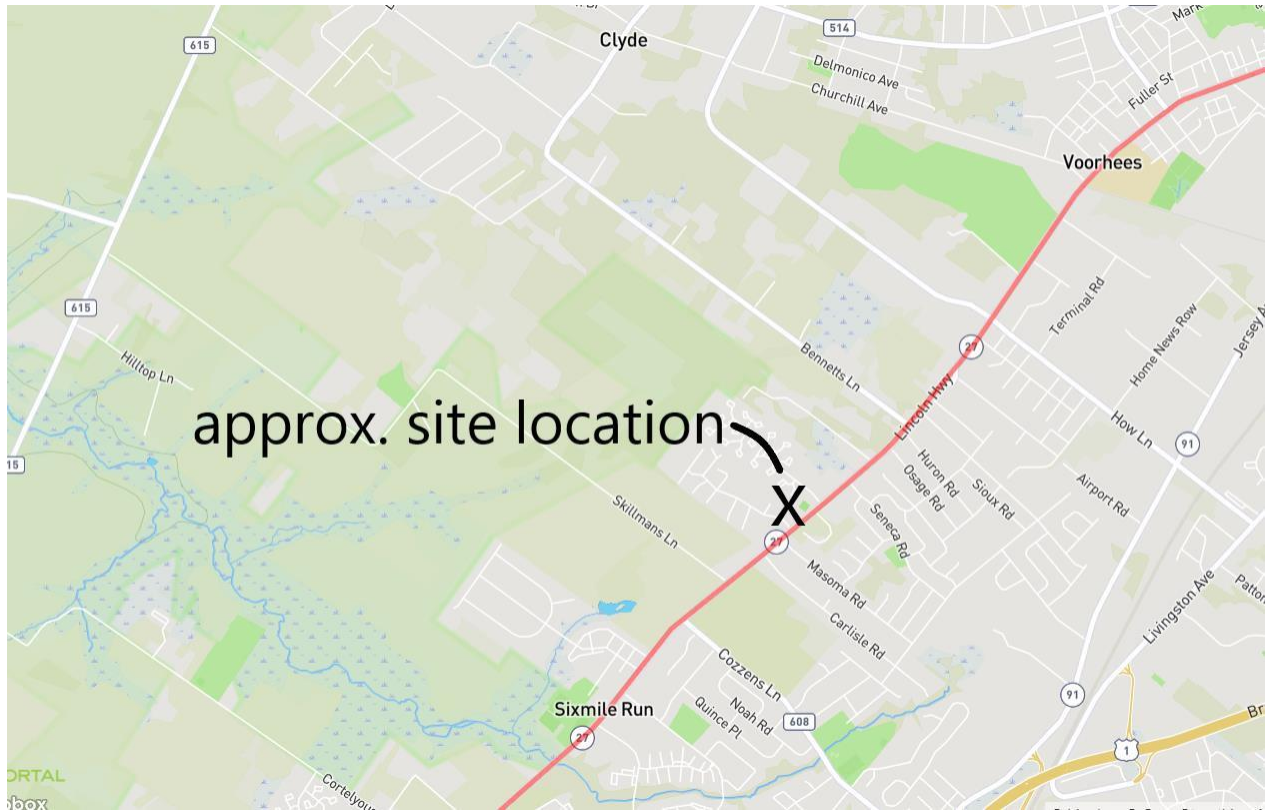


Figure 2: Site and Surrounding Area



Figure 3: Site and Surrounding Area



Figure 4: Route 27 Frontage

