

FOR OFFICIAL USE ONLY

Planning Board

Zoning Board of Adjustment

Name of Application: _____

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.

Applicant is applying to the Zoning Board of Adjustment for D(1) Use Variance approval to use an existing structure as single-family residential dwelling in the NB Zone where said use is not permitted.

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-70.D(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>
Attachment I Schedule 1 §112- Permitted Uses - NB	Retail goods and service stores, of a neighborhood service type, including but not limited to: body art establishments, food, drugs, drink, household supplies, home appliance stores, barber and beauty shops, shoe repair and tailor shops, dry cleaning shops, professional offices, banks, restaurants	Residential
§112-	•Eating and drinking establishments	
§112-	•Funeral homes	
§112-	•Quasi-public or private club or fraternity	
§112-	•Child-care centers	
§112	•Administrative and dispatch services excluding the idling, parking, storage, service, fueling or repair of vehicles used in such service or site	
§112	•Class 5 cannabis retailer	
§112-	•Class 6 cannabis delivery (when accessory to Class 5 cannabis retailer use)	

PART B

APPLICANT: Individual Partnership Corporation

APPLICANT: Owner Applicant Other _____

Name Gennaro Costabile

Street Address 4587 Route 27, P.O. Box 76 Apt./Ste/Unit # _____

City Kingston State NJ Zip Code 08528

Phone _____ Fax _____

Email gennaroc26@aol.com

OWNER (if different from Applicant):

Name Same as Applicant.

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 3 Lot/s 16.01 Zone NB

Street Address 4587 Route 27

City Kingston State NJ Zip Code 08528

Approximate Site Size * 0.28 Acres/ 12,330 Sq. ft.

Present use of the property, specify: Restaurant.

Proposed use of the property, specify: Restaurant and residential.

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* No off tract improvement required
or proposed.

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: * 6 Laurel Avenue, Block 3, Lot 14.01.

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: Preliminary & Final Site Plan

approval granted by the Planning Board on July 16, 2017 bearing Docket # PLN-14-00004 and D-1 Use Variance, Site Plan and C variances by the Zoning Board on October 18, 2018 bearing Docket # ZBA-18-00004.

How long has the present owner had title to this property? * Since 2013 & 2018.

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:

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:

Property was originally a single family dwelling and still has the character and charm of a single family dwelling. Over the past few years the property was used as an office and restaurant. The restaurant has ceased operations on this property while still operating on the adjoining property. The applicant has been unable to lease the property for any permitted uses in the zone in the current economic climate. The use of the property as a residence would be return its original use and be compatible with the zone and historic district.

C and D Variance(s):

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

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.
See above.

PART F

LIST OF PLANS, REPORTS AND OTHER MATERIALS SUBMITTED:

<u>Quantity:</u>	<u>Description of Item:</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

PART G

CONTACT PERSON INFORMATION/ CERTIFICATION

The person indicated below shall serve as the point-of-contact with the Township Department of Planning and Zoning and shall be the sole recipient of official correspondence from the Department. By signing this form, in Part H below, the Applicant and Owner certify that that the party listed below is authorized to act on their behalf as the designated contact person with the Department.

Owner Applicant Attorney Engineer Architect Other

Name Peter U. Lanfrit, Esq., Borrus, Goldin, Foley, Vignuolo, Hyman and Stahl, P.C.

Street Address 2875 US Route One Apt./Ste/Unit # _____

City North Brunswick State New Jersey Zip Code 08902

Phone 732-422-1000 Fax 732-422-1016

Email peter@borrus.com / erin@borrus.com

PART H

APPLICANT'S CERTIFICATION

I, Gennaro Costabile, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 4587 Route 27, P.O. Box 76, Kingston 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.

Sworn to and subscribed before me this 23rd day of August, 20 22

Erin Santora LaGrua
NOTARY PUBLIC

[Signature]
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, Gennaro Costabile, of full age, being duly sworn according to law and upon my oath depose that: I reside at 4587 Route 27, P.O. Box 76, Kingston 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.

Sworn to and subscribed before me this 23rd day of August, 20 22

Erin Santora LaGrua
NOTARY PUBLIC
Erin E. Santora LaGrua
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 8/20/2024

[Signature]
OWNER'S SIGNATURE

Erin E. Santora LaGrua
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 8/20/2024