

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 for D(3) Conditional Use, Preliminary & Final Major Site Plan approval to construct two (2) 75,000 square foot warehouse buildings consisting of 73,350 square feet of warehouse, 1,330 square feet of office space and a 320 square foot electrical room with 275 parking spaces, 62 loading berths and 4 drive-in ramps. Access to the warehouse buildings is proposed via a cross-access connection to the approved warehouse development on Block 88.02, Lot 71.01. Additional site improvements include associated impervious and pervious pavement parking, loading and drive aisles, a proposed access driveway along the northwest side of the proposed buildings, and associated utilities tying into the adjacent property to the northwest. A proposed wetland basin to the southwest of the proposed development area, a proposed pump house, cast-in-place retaining walls, and modular block retaining walls will also be constructed as part of the project. In addition, a vegetated swale will be constructed along the southeast and southwest sides of the property to direct the off-site runoff to the existing wetland area.

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>
§112-	See attached Exhibit "A".	
§112-		
§112-		
§112-		
§112		
§112		
§112-		

PART B

APPLICANT: Individual Partnership Corporation Limited Liability Company

APPLICANT: Owner Applicant Other _____

Name EL-ION Franklin Development Group, LLC

Street Address c/o ELION PARTNERS, 3323 NE 163rd St. Apt./Ste/Unit # Suite 600

City Miami State FL Zip Code 33160

Phone _____ Fax _____

Email _____

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 88.02 Lot/s 13.01 Zone B-I

Street Address Route 27

City Somerset State NJ Zip Code 08873

Approximate Site Size * 16.77 Acres/ 730,482 Sq. ft.

Present use of the property, specify: Vacant.

Proposed use of the property, specify: Warehousing.

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 improvements 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: * 10 Bennetts Lane - Block 88.02, Lot 19.

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: _____

Lot was created as part of a minor subdivision, d(1) use variance, site plan and bulk variance approval dated July 16, 2020 bearing Docket # ZBA-19-00043.

How long has the present owner had title to this property? * Since 07/07/2021.

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:

Applicant is providing fencing and screening from the residential zone.

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>
25	Preliminary & Final Site Plan
25	Architectural Drawings - Building A
25	Architectural Drawings - Building B
15	Traffic Impact Study
15	Environmental Assessment
3	Stormwater Management Report
3	Stormwater Management Facilities Maintenance Manual
3	Boundary Topographic and Utility Survey
3	Water Demand Calculations
3	Sanitary Sewer Demand Calculations

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

Sylvain Aray, Authorized Signatory of EL-ION Franklin

I, Development Group, LLC, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 3323 NE 163rd St., Suite 600, Miami in the County of Miami-Dade and State of Florida, 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.

EL-ION Franklin Development Group, LLC

Sworn to and subscribed before me this 14 day of February, 2023

Erin E. Santora LaGrue
NOTARY PUBLIC

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

Sylvain Aray
APPLICANT'S SIGNATURE
Atty. for Applicant

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.)

Sylvain Aray, Authorized Signatory of EL-ION Franklin

I, Development Group, LLC, of full age, being duly sworn according to law and upon my oath depose that: I reside at 3323 NE 163rd St., Suite 600, Miami in the County of Miami-Dade and State of Florida, 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.

EL-ION Franklin Development Group, LLC

Sworn to and subscribed before me this 14 day of February, 2023

Erin E. Santora LaGrue
NOTARY PUBLIC

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

Sylvain Aray
OWNER'S SIGNATURE
Atty for Owner.

Exhibit "A"
EL-ION Franklin Development Group, LLC

Identify requested variances from the requirements of the Franklin Township Land Development Ordinance:

<u>Ordinance Section</u>	<u>Requirement</u>	<u>Proposed Deviation</u>
§112-50A – Conditional Use Standards for Warehouse and distribution	A warehouse and distribution use shall be permitted only on a lot located no closer than 500 feet to the nearest residentially zoned property (i.e., zones in which residential uses are a principal permitted use), including the A, CP, RR, R PAC, SCV, CMMR, and C-R Zones, except where an interstate highway is located between the B-I Zone and such residentially zoned property.	Does not meet the 500 foot requirement.