

Variance Application Form

TOWNSHIP OF FRANKLIN,
SOMERSET COUNTY, NJ



- 1) The applicant may request a pre-application meeting prior to submission. This is provided as a courtesy to potential applicants so they receive input and is in no way to be considered as the start of the submission process. If you decide to schedule a pre-application meeting, please contact the Township Planning Director (contact information: <https://www.franklintwpnj.org/government/departments/planning-zoning>).
- 2) Submission shall be made with the forms supplied by the Township. The information required by the applicable checklist shall be supplied with the submission.
- 3) The applicant shall pay fees in accordance with §112-327 of the Land Development Ordinance and §112-213.B as applicable and shall pay an initial escrow deposit in accordance with §112-213.A of the Land Development Ordinance as applicable. Deposits and fees shall be made by check made out to "Franklin Township". In case of proposals requiring a combination of approvals, such as subdivision and variance(s), the applicant shall pay an amount equal to the sum of the fees required. In the case of a submission requiring application fee(s) and an escrow deposit, one separate check shall be provided for the required escrow deposit and another check shall be provided equal to the sum of the required fees.
- 4) All information contained in the submission checklist is required. Where the applicant believes a submittal item is not applicable or requests a waiver for submittal of an item, a letter providing justification for non-submittal of the item(s) shall be provided.
- 5) The submission will be reviewed by the Director of Planning or his/her designee to determine whether the submission constitutes an Application for Development (i.e., contains all of the information required on the applicable forms and checklists along with applicable fees and/or escrow deposit). During this review the Director of Planning or his/her designee shall determine whether each of the submittal items have been provided and/or whether any of the items are not applicable or whether a waiver may be granted with respect to any submittal items. These determinations by the Director of Planning or his/her designee pertain solely to the determination of whether the submission constitutes an Application for Development and shall in no way prevent the Board from requiring the information during the course of the hearing. If any submittal items are found to be missing, the applicant shall be notified in writing within 45 days of submission.
- 6) Once the application is deemed to constitute an Application for Development (i.e., contains all of the information required on applicable application forms and checklists along with applicable fees and/or escrow deposit), the application will be scheduled for a public hearing. The applicant will be advised in writing of the date scheduled for a public hearing on the application.
- 7) Pursuant to N.J.S.A 40:55D-12 all variance applications require a Public Hearing and must give Public Notice of said hearing in accordance with the requirements of the Municipal Land Use Law and §112-315 of the Franklin Township Land Use Ordinance. Notification must be completed at least 10 days prior to the scheduled hearing. Information and dates will be supplied to the applicant at the appropriate time for advertising and noticing.

A public hearing will be conducted on the scheduled date. The hearing may be continued to another meeting date if necessary.

On the evening of the public hearing meeting, the applicant, owner, contract purchaser or person having a real interest in the property, agent or attorney (corporations must be represented by an attorney), shall appear before the Board to submit or present proof in support of the application.

- 8) As part of the hearing procedure, the applicant must present testimony to the Board why the proposed project cannot comply with all provisions of the Franklin Township Land Use Ordinance. The Board will then make the determination whether to approve, approve with conditions or deny the requested variance(s).
- 9) During the course of the hearing, the Board may require such additional information and/or analyses deemed necessary by the Board to render an informed and reasonable decision.
- 10) The Board shall render a decision on the application within the timeframe mandated by the Municipal Land Use Law unless an extension for such decision has been provided on behalf of the applicant.
- 11) The action taken will be reduced to writing and presented to the Board for adoption in the form of a resolution at a subsequent meeting. The date of adoption of the resolution is the official date of approval of the application.
- 12) Upon adoption of the resolution by the Board, a copy of the resolution will be forwarded to the applicant within 10 days after adoption. The applicant must proceed to comply with all conditions of approval prior to the issuance of a permit.

ATTENTION: Applicants represented by engineers and/or architects (or other such professionals) are expected to use the video display systems available in Council Chambers to project hearing exhibits. Use of the video display system will improve visibility of these exhibits for the Board, the public and the Township's video broadcast of the hearing. In order to use the video display system available in Council Chambers; please bring a computing device capable of utilizing a VGA connection or an HDMI connection. Audio connections are available for both connections. Cables are provided, adapters are not. So please insure you have the required adapters to connect to either VGA or HDMA.

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 proposes to repurposed approximately 1,488 sf. of existing interior rooms to be used for an outpatient rehabilitation facility. Currently, the space is used for a staff break room, classroom, and inpatient rehabilitation.

The re-purposing and renovation of the interior space will not have any changes to the exterior of the structure and will only result in a minor change in the required parking (please see traffic study by Dolan & Dean, dated 7/11/2023).

The existing parking count will remain the same as approved by the Board at 216 parking spaces. Based on the parking study, there are currently 68 spaces available at all times and the outpatient facility will only require a maximum of 15 additional spaces, leaving 53 spaces vacant at all times (including peak hours). Further, Applicant desires to

re-stripe 7 existing handicap spaces and convert them to regular spaces. There are currently 14 handicap spaces on site, where the Code requires 7 handicap spaces based on the total parking count. Applicant proposes to remove four (4) handicap spaces from Lot A and three (3) spaces from Lot D and convert them to regular parking spaces. 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-70D(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>
<u>§112- Attachment 3</u>	<u>25% Impervious Coverage</u>	<u>31.13% (existing/approved ZBA-18-00001)</u>
<u>§112- 88</u>	<u>26 ft. Width Drive Aisle</u>	<u>24 ft. Width (existing/approved ZBA-18-00001)</u>
<u>§112-</u>	<u>_____</u>	<u>_____</u>
<u>§112-</u>	<u>_____</u>	<u>_____</u>
<u>§112</u>	<u>_____</u>	<u>_____</u>
<u>§112</u>	<u>_____</u>	<u>_____</u>
<u>§112-</u>	<u>_____</u>	<u>_____</u>

PART B

APPLICANT: Individual Partnership Corporation

APPLICANT: Owner Applicant Other _____

Name PARKER AT SOMERSET

Street Address 15 DELLWOOD LANE Apt./Ste/Unit # _____

City SOMERSET State New Jersey Zip Code 08873

Phone 732-565-2417 Fax _____

Email PVlecedes@parkerlife.org

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 424.01 Lot/s 39.08 Zone R-20

Street Address 15 DELLWOOD LANE

City SOMERSET (FRANKLIN) State NEW JERSEY Zip Code 08873

Approximate Site Size * 14.24 Acres/ 620,294.4 Sq. ft.

Present use of the property, specify: Health Services / Rehabilitation

Proposed use of the property, specify: Health Services / Rehabilitation

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* NONE

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: * NONE

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: ZBA-18-0001; ZBA-20-00012

How long has the present owner had title to this property? * 2016

Is the property under contract to be sold? Yes No

If yes, state the date of contract and name of the contract purchaser: NONE

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.

As per Resolution ZBA-18-00001, the need for the impervious coverage variance was necessary to provide sufficient parking spaces to accommodate all anticipated patients and employees on site. At the need for parking was not necessarily required; however, with previous modifications and the proposed use in this application, the parking lot/impervious coverage will still accommodate the new proposed use. Further, the approved variance for drive aisle width was determined to be no detriment to the public good. As mentioned, both C variances were approved as part of ZBA-18-00001.

_____ 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:

The overall project that was previously approved as part of ZBA-18-00001 was determined by the Board to be an inherently beneficial use. The small increase in impervious coverage was necessary to provide ample parking for the visiting patients of the facility (and to accommodate future growth) within a single lot. Also, the minor decrease in drive aisle width did not pose any detriment as determined by the Board.

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:

The current property is suitable for the proposed use as the existing building is an approved health services and rehabilitation center. The portion of the facility to be renovated serves a limited purpose with an inpatient rehabilitation facility. The applicant proposes to re-purpose the area as out patient rehabilitation without making structural changes. Further, the entire facility has sufficient parking to accommodate the proposed use and minor restriping of spaces will occur to create additional parking for patients. Out patient rehabilitation will serve the interests of the community promote general welfare by providing more health services, and serves the public good.

C and D Variance(s):

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

The existing Parker facility serves the public good by providing a wide variety of health and rehabilitation services to the community and surrounding areas. There will be no substantial detriment to the public good as the proposed use will not generate excessive amounts of traffic, the current parking lot can easily accommodate the expected patient visitation, and the existing building will merely undergo interior renovations without exterior structural changes or expansion.

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.

As mentioned above, the Parker facility is a previously approved use that will undergo minor interior renovations the change a break room, classroom, and inpatient rehab facility into an outpatient rehab facility. There is no increase in traffic, no shortage of parking spaces, and no structural changes or expansion to re-purpose the existing facility. While located in the R-20 Zone, the use proposed will serve the community, promote general welfare, and serve the overall public good.

PART F

LIST OF PLANS, REPORTS AND OTHER MATERIALS SUBMITTED:

<u>Quantity:</u>	<u>Description of Item:</u>
<u>16</u>	<u>Parking Lot Re-striping Plan (previously provided)</u>
<u>16</u>	<u>Rehabilitation Floor Plan (previously provided)</u>
<u>16</u>	<u>Parking Study (previously provided)</u>
<u>2</u>	<u>Site Plan Application Checklist</u>
<u>2</u>	<u>Variance Application Checklist</u>
<u>1 + 24 copies</u>	<u>Site Plan Application</u>
<u>1 + 24 copies</u>	<u>Variance Application</u>
<u>1</u>	<u>Owner's Authorization</u>
<u>1</u>	<u>Escrow Fee</u>
<u>1</u>	<u>Application Fee</u>
<u>1</u>	<u>Thumb drive with submission documents</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 Bob Smith, Esq. (please cc: Daven Persaud, Esq.)

Street Address 216 Stelton Road Apt./Ste/Unit # B-1

City Piscataway State NJ Zip Code 08854

Phone (732) 752-3100 Fax (732) 752-7997

Email bsmith@bobsmithandassociates.com
CC: dpersaud@bobsmithandassociates.com

PART H

APPLICANT'S CERTIFICATION

I, DAVEN PERSAUD, of full age, being duly sworn according to law and upon my oath, depose that: I reside at PISCATAWAY in the County of MIDDLESEX 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 27 day of July, 20 23

Linda Habyk
NOTARY PUBLIC

Daven K. Persaud
APPLICANT'S SIGNATURE
ATTORNEY FOR APPLICANT
DAVEN K. PERSAUD
ATTORNEY AT LAW
OF THE STATE OF NEW JERSEY

LINDA D. HABYK
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires February 14, 2027

(If 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, DAVEN PERSAUD, of full age, being duly sworn according to law and upon my oath depose that: I reside at PISCATAWAY in the County of MIDDLESEX 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 27th day of July, 20 23

Linda Habyk
NOTARY PUBLIC

Daven K. Persaud
OWNER'S SIGNATURE
See attached Owner's Authorization
ATTORNEY FOR APPLICANT

DAVEN K. PERSAUD
ATTORNEY AT LAW
OF THE STATE OF NEW JERSEY

LINDA D. HABYK
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires February 14, 2027