

FOR OFFICIAL USE ONLY

Planning Board

Zoning Board of Adjustment

Name of Application: The Easton at Rutgers Plaza

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.

This Site Plan Application by Levin Properties, L.P. is for the transformation of an obsolete big box space at Rutgers Plaza into an amenity-centric residential component. This "Greyfield" Redevelopment will utilize the underlying infrastructure and transform the site to a two hundred (200) unit residential dwelling including a twenty percent (20%) affordable component. The project will include a community area, an outdoor pool, fitness center, multiple elevators, and on-site, fully staffed leasing and maintenance offices.

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>
§112-12	Retail / Commercial	Retail & Multi-Family Residential Apartments
§112-14	2 Stories	4 Stories
§112-14	30 ft. height	47 ft. height
§112-14	FAR .30	FAR .35
§112-14	70% Impervious	73.2% Impervious
§112-		
§112-		

**PART B**

APPLICANT:       Individual       Partnership       Corporation

APPLICANT:    Owner       Applicant       Other \_\_\_\_\_

Name Levin Properties, L.P.

Street Address P.O. Box 326 Apt./Ste/Unit # \_\_\_\_\_

City Plainfield State New Jersey Zip Code 07061

Phone (908) 226-5282 Fax \_\_\_\_\_

Email ptavaglione@levinmgt.com

**OWNER (if different from Applicant):**

Name \_\_\_\_\_

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 385 Lot/s 2.07 Zone G-B

Street Address Rutgers Plaza, 940 Easton Avenue

City Franklin State New Jersey Zip Code 08873

Approximate Site Size \* 27.4179 Acres/ 1,194,328 Sq. ft.

Present use of the property, specify: obsolete / abandoned Big Box Retail

Proposed use of the property, specify: 200 unit amenity-centric residential apartments

Public water available:\* [checked] Yes [ ] No If not, proposed? [ ] Yes [ ] No

Public sanitary sewer available: \* [checked] Yes [ ] No If not, proposed? [ ] Yes [ ] No

Describe any off tract improvement required or proposed\* N/A

Deed restrictions, covenants, easements, association by-laws:

[ ] Yes (Provide a copy) [checked] No [ ] Proposed (Must be submitted for review)

Does the applicant own any contiguous property?\* [ ] Yes [checked] No

If yes, state the address, block and lot of such property: \*

Has there been any previous appeal, request, or application to this or any other Township Boards involving this property? [checked] Yes [ ] No

If, yes, state type, docket number, the nature and date of such appeal: Stop & Shop Supermarket Co. application under Docket No. PLN 2004-0019; McDonalds USA, LLC application under Docket No. PLN-22-00018

How long has the present owner had title to this property? \* 1995

Is the property under contract to be sold? [ ] Yes [checked] 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: Use variance)

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: N/A

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.

While this application reduces impervious coverage by adding green space, the size of the parcel, unavailability of additional level, and the need for parking for the existing commercial use and proposed residential use create exceptional circumstances.

\*See Appendix

\_\_\_\_\_ 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 transformation of a vacant and obsolete big box retail store to a two hundred (200) unit amenity-centric residential apartment complex in the G-B district is advantageous and needed. The development works in harmony and complete symbiosis with the surrounding neighborhood and substantially outweighs any detriment arguably created by permitting a residential use in this business district.

\*See Appendix

**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:

Due to weak demand for big box retail anchor space, declining tenancy after K-Mart closed, and the overall disruption occurring in the retail real estate industry from the influence of Internet sales, conversion of the vacant and obsolete big box retail to a two hundred (200) unit amenity-centric residential apartment building is a viable solution. Stop & Shop is a strong supporter of this conversion, and it will also enable the leasing of vacant space elsewhere in the center.

**C and D Variance(s):**

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

If the Site Plan Application is not granted, a large, obsolete, and vacant, big box retail building will continue to lay fallow for the foreseeable future. This will have a negative influence on the viability of the remaining retail units. Conversely, a residential component will greatly enhance the viability of the entire site by providing a market for all other tenants, and will draw tenants to the existing strip mall.

\*See Appendix

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 narratives and Appendix



**PART F**

**LIST OF PLANS, REPORTS AND OTHER MATERIALS SUBMITTED:**

<u>Quantity:</u>	<u>Description of Item:</u>
15	Traffic Statement by Langan Engineering, dated 10/24/23
25	Truck Movement Plan by Menlo Engineering, revised 10/26/23
15	Stormwater Management Report with drainage maps by Menlo Engineering, dated 10/26/23
15	Operation & Maintenance Manual by Menlo Engineering, dated 10/26/23
15	Sanitary Sewer & Potable Water Service Report by Menlo Engineering Associates, Inc., dated 10/26/23
25	Full Set of Preliminary Site Plans by Menlo Engineering Associates, Inc., revised 10/26/23
25	Architectural Design Package by Minno & Wasko, revised 8/16/23
25	Partial Topographic, Suvey and Utility Survey, revised

**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 John S. Wisniewski, Esq.

Street Address 17 Main Street Apt./Ste/Unit # \_\_\_\_\_

City Sayreville State New Jersey Zip Code 08872-1559

Phone (732) 651-0040 Fax (732) 651-0060

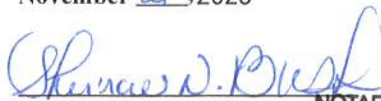
Email jwisniewski@wisniewskilaw.com

PART H


APPLICANT'S CERTIFICATION

I, Stacy A. Garrity, of full age, being duly sworn according to law and upon my oath, depose that: I ~~reside~~<sup>work</sup> at 975 US Highway 22 West, North Plainfield in the County of Union 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 21<sup>st</sup> day of November 21<sup>st</sup>, 2023

  
NOTARY PUBLIC

SHER'RAE N BUSH  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires July 23, 2028

  
APPLICANT'S SIGNATURE  
Stacy A. Garrity, Vice President & Corporate Secretary of JHL Holdings, Inc., general partner of Levin Properties, L.P.

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, Stacy A. Garrity, of full age, being duly sworn according to law and upon my oath depose that: I ~~reside~~<sup>work</sup> at 975 US Highway 22 West, North Plainfield in the County of Union 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 21<sup>st</sup> day of November 21<sup>st</sup>, 2023

  
NOTARY PUBLIC

SHER'RAE N BUSH  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires July 23, 2028

  
OWNER'S SIGNATURE  
Stacy A. Garrity, Vice President & Corporate Secretary of JHL Holdings, Inc., general partner of Levin Properties, L.P.