

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 HAS ENTERED INTO SALE PURCHASE CONTRACT WITH THE CURRENT OWNERS OF THE PROPERTY AT 5 DELAR PARKWAY FRANKLIN PARK . THE APPLICANT INTENDS TO BUILD A 2 FAMILY DWELLING UNIT ON THIS PROPERTY. THE EXISITNG STRUCTURE SHALL BE DEMOLISHED.THE PROPERTY IS LOCATED WITHIN CR - CLUSTER RESIDENTIAL ZOING OF FRANKLIN TWOSNHIP. THE CURRENT ZONING ALLOWS FOR BUILDING 2 FAMILY DWELLING UNIT ON THIS PROPERTY. THE PROPERTY ADMEASURES 255.89 FEET ALONG DELAR PKWY AND 107.83 FEET ALONG N-E BOUNDRY. ORDINANCE 112-13, LOT AND YARD REQUIREMENTS, SCHEDULE 2 REQUIRES MINIMUM FRONT YARD OF 35 FEET AND REAR YARD OF 50 FEET. THIS LEAVES ONLY 22.83 FEET DEPTH OF BUILDING POCKET. PRACTICLLY, IT IS VERY DIFFICULT TO BUILD A REASONABLE SIZE HOME WITH 22.83 FEET DEPTH. THE APPLICANT REQUEST VARIANCE OF FRONT AND REAR YARD SETBACKS IN ORDER TO BUILD A REASONABLE SIZE 2 FAMILY DWELLING UNIT ON THIS PROPERTY. PROPOSED FRONT YARD SHALL BE 25 FEET AND THAT OF REAR YARD SHALL BE 47.8 FEET.

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- 13 SCHEDULE 2	FRONT YARD - 35 FEET	FRONT YARD - 25 FEET
§112- 13 SCHEDULE 2	REAR YARD - 50 FEET	REAR YARD - 47.8 FEET
§112-		
§112-		
§112		
§112		
§112-		

PART B

APPLICANT: Individual Partnership Corporation

APPLICANT: Owner Applicant Other _____

Name MARVEL BUILDERS LLC

Street Address 20 QUICK COURT Apt./Ste/Unit # _____

City SOMERSET State NJ Zip Code 08873

Phone (973)906-9630 Fax _____

Email MARVELBUILDERS25@GMAIL.COM

OWNER (if different from Applicant):

Name ROBERT R. REISS & ELEANOR E. REISS

Street Address 16 DELAR PARKWAY Apt./Ste/Unit # _____

City FRANKLIN PARK State NJ Zip Code 08823

Phone (732)433-2292 Fax _____

Email rreiss9999@verizon.net

PART C

Note: “*” indicates not required in association with signage variances

SUBJECT PROPERTY:

Block/s 34.05 Lot/s 50.03 Zone C-R 2 FAMILY

Street Address 5 DELAR PARKWAY

City FRANKLIN PARK State NJ Zip Code 08823

Approximate Site Size * 255' X 107' Acres/ 0.61 ac / 26626 sq.ft. Sq. ft.

Present use of the property, specify: RESIDENTIAL

Proposed use of the property, specify: 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* 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: *

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:

How long has the present owner had title to this property? * SINCE 4/12/2023

Is the property under contract to be sold? Yes No

If yes, state the date of contract and name of the contract purchaser: CONTRACT DATE - 01/014/2024

CONTRACT PURCHASER - MARVEL BUILDERS LLC

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: NONE)

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.

 THE PROPERTY AT 5 DELAR PARKWAY FRANKLIN PARK IS LOCATED WITHIN CR - CLUSTER RESIDENTIAL ZONING OF

 FRANKLIN TWOSNHIP. THE CURRENT ZONING ALLOWS FOR BUILDING 2 FAMILY DWELLING UNIT ON THIS PROPERTY. THE PROPERTY

 ADMEASURES 255.89 FEET ALONG DELAR PKWY AND 107.83 FEET ALONG N-E BOUNDRY. ORDINANCE 112-13, LOT AND

 YARD REQUIREMENTS, SCHEDULE 2 REQUIRES MINIMUM FRONT YARD OF 35 FEET AND REAR YARD OF 50 FEET. THIS LEAVES ONLY 22.83

 FEET DEPTH OF BUILDING POCKET. PRACTICLLY, IT IS VERY DIFFICULT TO BUILD A REASONABLE SIZE HOME WITH 22.83 FEET DEPTH.

 THE AVAILABLE DEPTH OF 22.83 FEET CREATES A REASON OF EXCEPTIONAL NARROWNESS AND QUALIFIES FOR HARDSHIP UNDER N.J.S.A..

 40:55D-70.C(1). _____ 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 proposed property falls within CR zoning allowing 2 family dwelling unit. Currently a very small structure exists on N-E boundry of the property which is non conforming to the zoning ordinance requirements. The property across the street are already built as 2 family units. The adjoining property at 16 Delar Pkwy has been built with 25 feet front yard setback. A deviation from zoning ordinance requirements specific to front and rear yard setbacks will provide an oppotunity to develop 2 family unit on this property in line with current municiple land use synergic to the surroungding neighbourhood. Front yard setback is proposed to be 25 feet which is same as that of the existng adjoining property, creating uniformity in the front setback in the street. Both these features will not only advance the municiple land use but also improve aesthetics of the street. There is no detriments due to the proposed deviation as all other land use and zoning ordinances are fully conforming while proposed development.

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:

NOT APPLICABLE

C and D Variance(s):

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

The proposed relief request is limited to front and rear yard setbacks consistent with adjoining property without compromising any other land use or zoning requirements. No offtrack improvements proposed. The relief will not cause detriment to public good.

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.

The applicant intends to develop 2 family dwelling unit on this property consistent with current zoning plan and zoning ordinance except the relief requested. Relief is also requested limited to front and rear yard setback only. Hence, relief will not cause any detriment to the intent and pupose of the zoning plan.

PART F

LIST OF PLANS, REPORTS AND OTHER MATERIALS SUBMITTED:

<u>Quantity:</u>	<u>Description of Item:</u>
25	VARIANCE APPLICATION FORM
2	VARIANCE SUBMISSION CHECKLIST
25	VARIANCE PLOT PLAN FOR 2 FAMILY DWELLING BY MORGAN ENGINEERING
25	ARCHITECTURAL FLOOR PLAN FOR 2 FAMILY DWELLING BY 3D ARCHITECTS
2	SALE PURCHASE CONTRACT BETWEEN OWNER & APPLICANT <i>available upon request</i>
2	PROOF OF TAXES PAID
2	PROOF OF OWNERSHIP
2	MARVEL BUILDERS LLC FORMATION DOCUMENTS

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 MATTHEW R. FLYNN

Street Address 56 EAST MAIN STREET Apt./Ste/Unit # 301

City SOMERVILLE State NJ Zip Code 08876

Phone (908)526-0707 Fax _____

Email flynn@centraljerseylaw.com

Schedule 8

Variance Submission Checklist

TOWNSHIP OF FRANKLIN,
SOMERSET COUNTY, NJ



		D Variance	C Variance	Applicant Use ⁽¹⁾	Official Use		
					Accepted	Not Applicable	Waived (Initials)
SUBMITTAL REQUIREMENTS FOR ALL VARIANCES OTHER THAN SIGNAGE VARIANCES (ITEMS #1-38)							
SUBMISSION REQUIREMENTS							
1	Twenty-five (25) sets (1 original and 24 copies) of the Variance Application Form, fully completed, signed and notarized	X	X	X			
2	Two (2) copies of the Variance Submission Checklist fully completed	X	X	X			
3	Twenty-five (25) sets of a clear, legible site layout plan, prepared by an appropriately licensed or certified professional (e.g., surveyor, engineer, architect, landscape architect, planner). See requirements #17-46, below for applicable requirements.	X	X ⁽²⁾	X			
4	Twenty-five (25) sets of dimensioned renderings or elevations of the existing and proposed buildings, and dimensioned floor plans, that include the use and square footage of each area with change of use areas clearly defined, where applicable.	X	X	X			
5	Fifteen (15) sets of a traffic impact report	X		NA			
6	Fifteen (15) sets of an environmental assessment per §112-199	X		NA			
7	Proof of submittal to the D&R Canal Commission	X	X	NA			
8	Proof of submittal to the Somerset County Planning Board	X	X	NA			
9	Proof of submittal to the State Department of Transportation, if applicable	X		NA			
10	Proof of submittal to the Franklin Township Sewerage Authority, if applicable	X		NA			
11	Proof of submittal to the State Department of Environmental Protection, if applicable	X		NA			
12	Fees in accordance with §112-327 of the Land Development Ordinance and §112-213.B as applicable	X	X	X			
13	Escrow deposit in accordance with §112-213.A of the Land Development Ordinance as applicable. Applications requiring an escrow deposit shall be accompanied by a W-9 form.	X	X	X			
14	Submittal of digital copies of application materials pursuant to §112-320.1 ⁽⁴⁾	X	X	X			
15	Certification that no taxes or assessments on the property are delinquent	X	X	X			
16	Disclosure of ownership as required pursuant to N.J.S.A. 40:55D-48.1 and 2.	X	X	X			

		D Variance	C Variance	Applicant Use ⁽¹⁾	Official Use		
					Accepted	Not Applicable	Waived (Initials)
PLAN REQUIREMENTS							
17	Plan no greater than 24 inch by 36 inch in size	X	X ⁽³⁾	X			
18	Plan at a scale of no less than 1 inch equals 50 feet	X	X	X			
19	Each page numbered and titled	X	X	X			
PLAN INFORMATION REQUIREMENTS							
20	The name of the applicant and owner, the correct block and lot numbers, the legal title box, including the name, address and seal of the person preparing the plan, a North point, scale and date of plan	X	X	X			
21	All property lines of the site plotted from deed descriptions	X	X	X			
22	All adjacent lots with block and lot numbers, names of owners and approximate location of structures on such adjacent lots	X	X	X			
23	All required setbacks and proposed setbacks	X	X	X			
24	All existing and proposed street right-of-way lines, pavement widths and improvements on site	X	X	X			
25	Key map, scale, North arrow and legend	X	X ⁽³⁾	X			
26	All street intersections within 500 feet of any property line of the subject premises and the distance to such intersections	X		X			
27	All zone boundary lines	X	X ⁽³⁾	X			
28	All proposed methods of vehicular ingress and egress from the site to public streets, showing proposed widths and radii and distances from the nearest residential street in both directions	X	X	X			
29	The location and design of proposed off-street parking	X	X	X			
30	Analysis required by Chapter 222, Trees, including location of existing trees with indication of those proposed to remain or be removed, and tree replacement calculations	X	X	NA			
31	General topographic data of sufficient detail to determine the general slope and natural drainage of the land.	X	X	X			
32	A lot data table that identifies compliance/ non-compliance with applicable zoning requirements that addresses, at a minimum, the zoning requirements identified in the Lot Data Table below.	X	X	X			
33	The method of providing utility services to the site including location of sanitary sewer, water, electric and telephone lines (and associated sizing and design, as applicable), indicating points of connection to existing utilities	X	X ⁽³⁾	X			
34	Deed restrictions, covenants, easements and/or rights-of-way pertaining to the subject lot	X	X	NA			
35	The location and dimensions of all existing and proposed structures	X	X	X			
36	The location of any wells and/or septic systems on site and within 100 feet of property lines	X	X	NA			
37	Proposed means of stormwater management including location and design of existing and proposed drainage lines and facilities and supporting data/reports sufficient to provide conformance with applicable rules	X	X ⁽³⁾	NA			

		D Variance	C Variance	Applicant Use ⁽¹⁾	Official Use		
					Accepted	Not Applicable	Waived (Initials)
38	Applicable environmental constraints (and regulated buffers) on the site including wetlands and streams as may be regulated by the NJDEP, DRCC and the Township	X	X ⁽³⁾	NA			
SUBMITTAL REQUIREMENTS FOR SIGNAGE VARIANCES (ITEMS #39-46)							
Submission Requirements							
39	All signage variances: Items #1, 2, 12 and 14 indicated above		X	NA			
Variations for Freestanding Signs⁽⁵⁾							
40	A clear, legible site layout plan, prepared by an appropriately licensed or certified professional (e.g., surveyor, engineer, architect, landscape architect, planner) that clearly identifies the location of all existing and proposed freestanding sign(s) including accurate depiction of existing and/or proposed setback from property lines		X	NA			
41	Detail(s) of proposed signs, drawn to scale, reflecting their proposed design and indicating their total height from the ground, dimensions (length, width, square footage), materials, colors, lighting, lettering/ logos, support structure(s), etc.		X	NA			
42	Detail(s) or photographs of existing freestanding sign(s) with indication of whether each is proposed to remain or be removed in association with the application		X	NA			
Variations for Building-Mounted Signs⁽⁵⁾							
43	A clear, legible site layout plan, prepared by an appropriately licensed or certified professional (e.g., surveyor, engineer, architect, landscape architect, planner) that identifies the location of all existing and proposed building-mounted sign(s)		X	NA			
44	Dimensioned rendering or elevations of the existing and proposed buildings with depiction of proposed signage depicted to scale		X	NA			
45	Detail(s) of proposed signs, drawn to scale, reflecting their proposed design and indicating their height, dimensions (length, width, square footage), materials, colors, lighting, lettering/ logos, support structure(s), etc		X	NA			
46	Detail(s) or photographs of existing building-mounted sign(s) with indication of same are proposed to remain or be removed in association with the application		X	NA			

Vijay Vyas

Print name of person that prepared checklist



Signature

04/27/2024

Date

- (1) In this column, the applicant shall indicate: ("X" for items that are provided; "N/A" for items that the applicant believes are not applicable; or "W" for items for which a waiver is requested.
- (2) For the purposes of an application pursuant to the provisions of N.J.S.A. 40:55D-70.C, wherein the applicant is not required to submit an application for subdivision, site plan or conditional use approval, and where the application is for an accessory structure associated within, or for an addition to or expansion of, an existing single-family or two-family dwelling, the applicant may provide 25 sets of a legible plot plan, to scale and in accordance with an accurate boundary line survey, amended by the applicant.
- (3) Not required for applications pursuant to the provisions of N.J.S.A. 40:55D-70.C, wherein the applicant is not required to submit an application for subdivision, site plan or conditional use approval, and where the application is for an addition to or

expansion of an existing single-family or two-family dwelling, or an accessory structure on the existing residential lot improved with a single-family or two-family dwelling.

- (4) Per Section §112-320.1 this requirement shall not apply to single- or two-family homeowners preparing submittals on their own behalf and shall not include submittal of the W-9 form (which shall be provided in hard copy only).
- (5) Twenty-five (25) sets shall be provided for each of the following.

LOT DATA TABLE

Zoning District: CR

Applicable Special Zoning Requirements (e.g., conditional use standards): _____

Category	Required	Existing	Proposed
Lot Area (sf or acres)	24000	26626	26626
Lot Frontage (ft)	120	255.89	255.89
<u>Setbacks for Principal Structure</u>			
Front Yard (ft)	35	65	25
One Side Yard (ft)	15	12.5	75.9
Total Side Yard (ft)	30		162.8
Rear Yard (ft)	50	10.4	47.8
<u>Setback for Accessory Structure over 200 sf</u>			
Front Yard (ft)			
Side Yard (ft)			
Rear Yard (ft)			
<u>Setback for Accessory Structure 200 sf and under</u>			
Front Yard (ft)			
Side Yard (ft)			
Rear Yard (ft)			
<u>Height, Coverage and Building Requirements</u>			
Building Height (Stories)	2 1/2	1 1/2	2 1/2
Building Height (ft)	35	<35	28.25
Lot (Building) Coverage (%)	20	3.5	10.5
Impervious Coverage (%)	40	6.5	16.3
FAR (floor area ratio)	--		
Off-Street Parking (# spaces)	4	2	4

PART H

APPLICANT'S CERTIFICATION

I, VIJAY VYAS, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 20 QUICK CT SOMERSET NJ 08873 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 ___ day of _____, 20_____

APPLICANT'S SIGNATURE

NOTARY PUBLIC

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, Robert Reis, of full age, being duly sworn according to law and upon my oath depose that: I reside at 16 DELAR PARKWAY 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 15th day of MAY, 2024

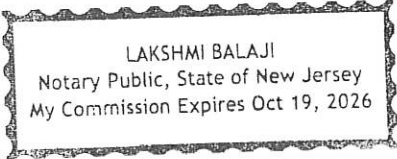
L. Balaji

NOTARY PUBLIC

Robert Reis

OWNER'S SIGNATURE

Robert Reis



PART H

APPLICANT'S CERTIFICATION

I, Vijay Vyas - Managing Member, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 20 QUICK CT SOMERSET NJ 08873 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 9th day of MAY, 20 24

[Signature]
NOTARY PUBLIC Matthew R. Flynn, Esq.
Att. ID: 306612019

[Signature]

APPLICANT'S SIGNATURE

By Vijay Vyas - Managing Member
For Marvel Builders LLC

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, _____, of full age, being duly sworn according to law and upon my oath depose that: I reside at _____ in the County of _____ and State of _____, 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 _____ day of _____, 20_____

NOTARY PUBLIC

OWNER'S SIGNATURE