

July 16, 2020

Ms. Eileen Rubano
Administrative Officer
Howell Township
Zoning Board of Adjustment
4567 US Route 9
PO Box 580
Howell, NJ 07731

**Re: 366 Ramtown Greenville Road, LLC
366 Ramtown Greenville Road
Block 3, Lot 29
Use Variance
Our File: HWZB 20-08**

Dear Board Members:

Our office received and reviewed materials that were submitted in support of an application for use variance approval for the above referenced project. The following documents were reviewed:

- Township of Howell Development Application and Checklist received May 29, 2020.
- Submission Waiver Request Letter from Charles Surmonte, PE, PLS, dated May 28, 2020.
- Stormwater Narrative, prepared by Charles Surmonte, PE, PLS, dated May 1, 2020.
- Traffic Impact Analysis, prepared by John H. Rea, PE, and Scott T. Kennel, of McDonough & Rea, Associates, Inc., dated March 19, 2020.
- Environmental Impact Report for Block 3, Lot 29, prepared by Raymond Walker, PhD, PWS, of Maser Consulting, PA, dated May 2020.
- Outbound and Topographic Survey of 366 Ramtown- Greenville Road, consisting of one (1) sheet, prepared by Charles Surmonte, PE, PLS, dated January 20, 2020.
- Use Variance Plan for 366 Ramtown- Greenville Road, consisting of two (2) sheets, prepared by Charles Surmonte, PE, PLS, dated May 18, 2020.
- Proposed New Warehouse Building for The Fishing Line, LLC Architectural Plans, consisting of one (1) sheet, prepared by Richardo Perez, AIA, of Perez & Radosti Associates, PC, dated May 12, 2020.

1. Site Analysis and Project Description

The subject property consists of Block 3, Lot 29, a 10.089-acre parcel located on the north side of Ramtown- Greenville Road in ARE-2 Agricultural Rural Estate Zone District. The property is currently developed with a one-story, 17,485 sq. ft. masonry building in the southeastern portion of the property with a covered loading dock, fenced in stone storage area, and associated parking. A water tower and associated shed are also located on the eastern portion of the property. A New Jersey American Water Easement and Right of Way exists along the property's Ramtown-Greenville Road frontage. Freshwater wetlands and an associated 150 ft. buffer exist on the southwestern portion of the property. All surrounding properties are located within the ARE-2 Zone District and consist of residential, farm, vacant, and Township owned properties.

The applicant is seeking bi-furcated use variance approval to construct a 31, 530 sq. ft. warehouse with 6,000 sq. ft. of mezzanine office space in the northeastern portion of the property. The existing one-story masonry building is proposed to remain.

2. Consistency with the Zone Plan

The property is located in the ARE-2 Agricultural Rural Estate Zone District. The purpose of the ARE-2 Zone is to minimize the impacts of development in areas located outside of the centers identified in the Township's Master Plan. The goals include not only the preservation of rural and agricultural uses and preservation of rural character, but in addition to act as a buffer between zones of greater development and the ARE-3, ARE-4 and ARE-6 Zones. Principal permitted uses in the ARE-2 Zone include agricultural and horticulture; single-family residences; Municipal buildings and other public-purpose buildings owned by the Township, as well as quasi-public uses limited to fire stations and first-aid building; community residences for the developmentally disabled and community shelters for victims of domestic violence that contain fewer than six occupants public recreation (passive or active) facilities, including soccer and baseball fields; and multigenerational family accommodations.

The applicant is proposing to construct a 31,530 sq. ft. warehouse with 6,000 sq. ft. of mezzanine office space, requiring a d(1) use variance. Testimony should be provided as to all proposed uses on the site, within both the proposed and existing buildings. The subject application will require an additional d(1) use variance to multiple principle buildings on a single lot. Testimony should be provided as to the intended use for each building and if the uses in each building will operate independently of each other.

3. Bulk Requirements

- A. The ARE-2 Zone District borders the subject property on all sides; therefore a 50 ft. residential buffer is required along all lot lines (§188-63A). All setbacks are measured from required buffers. As such, a minimum side yard setback of 30 ft. is required from the

50 ft. buffer along the eastern property line, whereas the existing side yard setback is 34.9 feet from the existing masonry building to the property line. **This is an existing non-conformity.**

4. Other Ordinance Requirements

A. *Buffers*

- 1) The properties located to the south of the subject property, across Ramtown Greenville Road are located in the ARE-2 residential zone and the subject application consists of a commercial use; therefore a 50 ft. residential buffer is required along the southern lot lines (§188-63A). **The principal front yard setback should be depicted from the required buffer. A variance is needed.**
- 2) As per §188-63D, no structure, disturbance, storage of materials, or parking of vehicles shall be permitted in a buffer area. **The applicant is proposing a stormwater management basin and retaining walls within the 50 ft. residential buffer along the front of the property. A variance is needed.**
- 3) As per §188-63E, the required buffer shall contain a four-season buffer consisting of landscaping, fencing or walls at least ten (10) feet high and a landscaped berm at least six (6) ft. high. **The applicant is required to provide a buffer along all property lines, whereas it does not appear the required buffer is being provided. A variance is needed.**

B. *Circulation*

- 1) As per §188-106.F, all main driveways into commercial and/or industrial areas shall be a minimum of 30 ft. wide. The subject application is proposing to a 25 ft. wide aisle to north of the existing building and a 20 ft. wide aisle to the east, north, and west of the new building. **Waivers are required.**
- 2) As per §188-106.G, areas between parking areas and buildings shall be landscaped, whereas no landscaping appears to be proposed at this time. **A waiver is required.**
- 3) No curb or sidewalk is proposed along the Ramtown Greenville Road frontage. While it does not appear that any of the neighboring property frontages have sidewalk, **a waiver is required**, as per §188-225.G.

C. *General Non-residential Architectural Design Standards*

- 1) As per §188-228C., Articulation. No wall shall have a blank, uninterrupted length exceeding 50 feet without including a revealed pilaster, change in texture, color or material, change in plane, window, lattice, or equivalent element. The maximum spacing between such articulations shall be 40 feet. The minimum projection or depth of any

individual articulation shall not be less than three feet. Roofline offsets shall be provided along any roof measuring longer than 75 feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long roof. **The north, east, and west facades do not meet this requirement.**

- 2) As per §188-228D., Facades and exterior walls. The architectural treatment of a facade shall be completely continued around all visibly exposed sides of a building. All sides of a building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details. Developments with facades over 50 feet in linear length shall incorporate wall projections or recesses a minimum of three-foot depth and shall extend over 10% of the facade. **The proposed facades do not include projections or recesses meeting this requirement.**
- 3) **We recommend the applicant revise the proposed architectural renderings to better meet the Township's Design Standards.**
- 4) **The applicant should provide testimony and architectural plans for the existing building.**

5. Required Proofs for Variance Relief

A. *D(1) Use Variance*

This application requires use variances pursuant to N.J.S.A. 40:55D-70.d(1). Testimony is required to demonstrate that the application satisfies the positive and negative criteria of the Municipal Land Use Law for the granting of the use variance relief. To obtain a d(1) use variance, the Applicant must show that the proposal meets four separate criteria:

- 1) Positive Criteria
 - (a) *That the site is particularly suited to the use.* The Applicant must prove that the site is particularly suited for the proposed use. This requirement sets a high bar, requiring findings that the general welfare is served because the use is particularly fitted to the proposed location of the use. It requires the Applicant to show why the location of the site within the Township is particularly suited for the proposed use despite the underlying zoning, or the unique characteristics of the site that make it particularly appropriate for the proposed use rather than a permitted use.
 - (b) *Special Reasons.* The Applicant must prove that special reasons exist for granting the use variance by demonstrating either that there is an unreasonable hardship in not granting the variance, or that the proposed project furthers one or more of the purposes of the Municipal Land Use Law.

2) Negative Criteria

(a) *The variance will not substantially impair the intent and purpose of the zoning plan and ordinance.* The Applicant must prove that the proposal does not substantially impair the intent of the zoning ordinance or master plan. This criterion comes out of the basic principal that municipalities should make zoning decisions by ordinance rather than by variance, and that the grant of a variance should not represent a complete departure from the enacted policy of the governing body.

(b) *The variance can be granted without a substantial detriment to the public good.* This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.

B. C Variances

A number of “c” variances are required. There are two types of c variances with different required proofs.

1) Boards may grant a c(1) variance upon proof that a particular property faces hardship due to the shape, topography, or extraordinary and exceptional situation uniquely affecting the specific property.

2) Boards may grant a c(2) variance based upon findings that the purposes of zoning enumerated in the MLUL are advanced by the deviation from the ordinance, with the benefits of departing from the standards in the ordinance substantially outweighing any detriment to the public good. The Supreme Court’s ruling in Kaufmann v. Planning Board for Warren Township provides additional guidance on c(2) variances, stating that “the grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of the c(2) case, then, will be...the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.”

3) C variances must also show consistency with the negative criteria as well.

C. A number of design waivers are required. The Board has the power to grant design waivers as “exceptions” from the requirements of the Township’s Land Use Ordinance as part of site plan review under N.J.S.A. 40:55D-51(b), so long as the exceptions are reasonable and within the general purpose and intent of the provisions for site plan review and approval, if the literal enforcement of one or more provisions is impracticable or will exact undue hardship because of the peculiar conditions pertaining to the land in question.

6. **Additional Comments**

A. The Applicant should provide testimony on all required variances and clarify all points where additional information is needed.

- B. The applicant should provide testimony regarding the proposed uses on site including the typical hours of operation, the maximum number of employees, the anticipated visitors to the site, any type of deliveries that will be made to the site, equipment and materials that will be stored on site, and if maintenance of vehicles or equipment will be done on site.
- C. The applicant should indicate if any refrigeration is proposed for the warehouse building.
- D. The applicant should indicate if both buildings will be occupied by one (1) user, or if multiple users are proposed for the site.
- E. The proposed warehouse and office space will be located in the area currently occupied by the water tower and shed. Is the water tower currently in operation, and if so, is that use proposed to be relocated elsewhere?
- F. A single refuse enclosure is proposed in the area between the two (2) buildings. Testimony should be given as to the adequacy of the proposed size and ability to access the refuse enclosure for the two (2) buildings. We recommend that any refuse enclosure be of masonry block construction.
- G. The applicant should provide testimony as to any proposed signage for the site. If the proposed signage does not comply with the Township's ordinance, variances may be required at the time of a site plan application.

Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant. Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Jennifer C. Beahm, P.P.
Board Planner

JCB:clb

cc: Charles Cunliffe, P.E., Board Engineer
Ron Troppoli, Esq., Board Attorney
Charles Surmonte, PE, PLS, Applicant's Engineer (ct.surmonte@comcast.net)
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