

TOWNSHIP OF BERNARDS **ZONING BOARD OF ADJUSTMENT**

REGULAR MEETING AGENDA

Warren Craft Meeting Room

June 7, 2023

7:30 PM

This meeting will be held in person in the Warren Craft Meeting Room. In addition, the public will be able to view the meeting live on Verizon FIOS TV – Channel 35. For those interested in watching on their computers, the link will be available at 7:30 PM by clicking on the “Watch the Meeting Live” icon on the Bernards Township Zoning Board of Adjustment web page. Please note that all questions/comments must be made in person.

- 1. CALL TO ORDER**
- 2. FLAG SALUTE**
- 3. OPEN PUBLIC MEETING STATEMENT**
- 4. ROLL CALL**
- 5. APPROVAL OF MINUTES**
 - A.** May 3, 2023 – Regular Session
 - B.** May 11, 2023 – Special Session
- 6. PUBLIC HEARING** (continued from 05/11/2023)
 - A.** [Signature Acquisitions LLC](#); Block 11201, Lots 2 & 3; 150 Allen Road; Preliminary/Final Site Plan, Bulk Variances, “d” Variances; ZB22-028
- 7. COMMENTS FROM MEMBERS**
- 8. COMMENTS FROM STAFF**
- 9. ADJOURN**

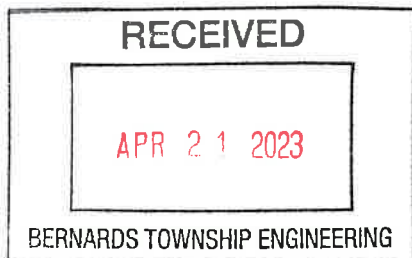
05/31/2023 dssw
FINAL



DiFrancesco Bateman
Kunzman, Davis, Lehrer & Flaum, P.C.

15 Mountain Boulevard
Warren, New Jersey 07059

Telephone: (908) 757-7800
Fax: (908) 757-8039
www.newjerseylaw.net



Jeffrey B. Lehrer
Member
Extension 180
jlehrer@newjerseylaw.net

April 21, 2023

VIA HAND DELIVERY AND EMAIL

Ms. Cyndi Kiefer, Zoning Board of Adjustment Secretary
Township of Bernards Planning & Zoning
277 South Maple Avenue
Basking Ridge, New Jersey 07920

**Re: Application Amendment – Inclusion of Block 11201, Lot 2
Signature Acquisitions, LLC – Allen Road
Application #22-028-ZB
DB File No.:C24887**

Dear Ms. Kiefer:

As you are aware, this firm represents Signature Acquisitions, LLC (“Signature”) in connection with an application for preliminary and final major site plan approval with certain “d” and “c” variance relief. Please allow this letter to serve as a formal amendment to the above-captioned application. The original application was for property located at Block 11201, Lot 3, as shown on the Official Tax Map of the Township Bernards. By way of this letter, Signature does hereby formally amend its application to include both **Block 11201, Lot 2** and Block 11201, Lot 3 (the “Property”) in its application for preliminary and final major site plan approval to the Bernards Township Zoning Board of Adjustment (the “Board”) as indicated in the enclosed materials.

Signature seeks to demolish the existing office building on Lot 3 in order to construct two (2) new light manufacturing buildings with office space (identified on the site plan as “Building A” and “Building B”) on Lot 3. Building A is proposed to consist of 97,185 SF of light manufacturing space and 30,792 SF of office space (127,977 SF total) and Building B is proposed to consist of 101,792 SF of light manufacturing space and 28,759 SF of office space (130,551 SF total). The Applicant proposes access to Lot 3 by way of the existing driveway located on Lot 2. The Applicant proposes minor improvements to the existing driveway on Lot 2 within an existing easement area, which improvements have been identified by the County Planning Board in one or more of its review letters.

The enclosed materials shall serve as Signature's formal amendment to its application which includes an amended request for the variance relief and exceptions sought emanating from Signature's inclusion of Lot 2 to its application. Signature will provide legal notice for the upcoming scheduled hearing before the Board on May 3, 2023. Legal notice is scheduled to be published in the *Courier News* on April 23, 2023, which notice will also be sent to those property owners within 200' of the Property ten (10) days in advance of the hearing.

Out of an abundance of caution and to eliminate all alleged jurisdictional issues, Signature has elected to amend its application and notice for certain "d" and "c" variance relief. Signature contends that some of the variance relief sought in connection with this application is neither necessary nor pertinent to the application to be heard before the Board. While Signature has elected to include these variances in its amended application, Signature reserves the right to argue at the upcoming hearings on this matter that certain variance relief requested is not required for this application. As such, this amended application should not be construed as Signature's acquiescence that the additional variance relief sought is necessary.

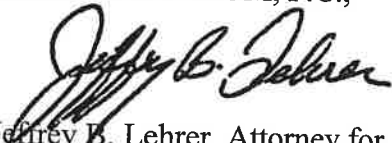
In support of this amended application, I enclose the following materials:

- 1) Seventeen (17) copies of a list variance relief and exceptions sought, entitled "Variance Relief Sought to the Extent Necessary" in connection with this amended application;
- 2) Seventeen (17) copies of a signed Owner's Consent from an authorized representative of Allen Center Farm, LLC, the owner of Lot 2, authorizing the making of and prosecution of this amended application and the variance relief sought therein;
- 3) Seventeen (17) copies of a signed Contribution Disclosure Statement from an authorized representative of Allen Center Farm, LLC, the owner of Lot 2;
- 4) Seventeen (17) copies of a letter from Robert C. Moschello, PE, of Gladstone Design, Inc., dated April 19, 2023, indicating the formal inclusion of Lot 2 to the revised site plan set;
- 5) Seventeen (17) copies of an updated site plan cover sheet, entitled "150 Allen Road Lots 2 & 3 Block 11201 Township of Bernards Somerset County New Jersey" prepared by Robert C. Moschello, PE, of Gladstone Design, Inc., last revised April 21, 2023;
- 6) Seventeen (17) copies of a letter from Edward Neighbour, AIA, of Parette Somjen Architects, dated April 19, 2023, indicating the formal inclusion of Lot 2 to the revised architectural plan set;
- 7) Seventeen (17) copies of an updated architectural plan cover sheet, entitled "Signature Acquisitions Office and Light Manufacturing 150 Allen Road Basking Ridge, NJ 07920 Block: 11201, Lot: 2 & 3," identified as sheet "A11" prepared by Edward Neighbour, AIA, of Parette Somjen Architects, dated April 19, 2023;

- 8) Seventeen (17) copies of a letter from Matthew J. Seckler, PE, PP, PTOE and John R. Corak, PE, of Stonefield Engineering and Design, LLC, dated April 19, 2023, indicating the inclusion of Lot 2 to the Traffic Impact Study; and
- 9) Seventeen (17) copies of a revised Traffic Impact Study, prepared by Matthew J. Seckler, PE, PP, PTOE and John R. Corak, PE, of Stonefield Engineering and Design, LLC, dated September 16, 2022, last revised April 19, 2023;

Digital copies of the enclosed materials will be provided to the Township and to the identified objecting attorneys.

Respectfully submitted,
DIFRANCESCO BATEMAN
KUNZMAN, DAVIS,
LEHRER & FLAUM, P.C.,



Jeffrey B. Lehrer, Attorney for Applicant

Cc. Steven Warner, Esq., Board Attorney (via email)
David Schley, PP, Township Planner (via email)
Donald L. Berlin, Esq. (via email)
Robert F. Simon, Esq. (via email)
Jennifer P. Smith, Esq. (via email)

Variance Relief Sought to the Extent Necessary

150 Allen Road

Signature Acquisitions, LLC – Amended Application (22-028ZB)

Bernards Township Zoning Board of Adjustment

- Use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) may be required for Block 11201, Lot 2 as Lot 2 is located in the Township's R-1 Residential Zone, where light manufacturing and office use is not permitted and the Applicant proposes to use the existing driveway on Lot 2 for access to Lot 3. It should be noted that the existing driveway on Lot 2 is currently used as access to Lot 3 from Allen Road. The existing access driveway on Lot 2 was required by the Township's Planning Board pursuant to site plan/subdivision approval granted in the 1980's. The Applicant proposes minor improvements to the existing driveway within the existing easement on Lot 2 in accordance with the County Planning Board's review letters.
- Use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) may be required for Block 11201, Lot 3 in the event the Board determines that the proposed use on Lot 3 is determined to NOT be a "light manufacturing" use as defined in §21-3.1 of the Township's Land Development Ordinance, or any other use permitted in the E-2 Zone.
- Use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) may be required for Block 11201, Lot 2 in the event the Board determines that two (2) principal uses exist on Lot 2, where one principal use is allowed pursuant to §21-3.1 of the Township's Land Development Ordinance and where one principal use on Lot 2 may be farming and the second principal use proposed thereon is the driveway or access way to the Light Manufacturing/Commercial use on Lot 3. It should be noted that this is potentially a pre-existing non-conforming condition since this situation potentially currently exists with respect to possible farming on Lot 2 and existing driveway on Lot 2 servicing the office uses on Lot 3.
- A planning variance pursuant to N.J.S.A. 40:55D-35 and N.J.S.A. 40:55D-36 may be required for the development of a lot (Lot 3) not having direct access to the public right-of-way (i.e., not abutting a street). It should be noted that this is potentially a pre-existing non-conforming condition.
- Variance relief pursuant to N.J.S.A. 40:55d-70(d)(2) may be required for Lot 2 to permit an expansion and/or an intensification of a pre-existing non-conforming use on the existing driveway on Lot 2, as the Applicant proposes minor improvements to the existing driveway within the existing easement on Lot 2. The Applicant notes that, pursuant to the Township's Ordinance, §21-21.5, private access to nonresidential uses shall not be through a residentially zoned lot or lots and, as a result variance relief may be required. Variance relief pursuant to N.J.S.A. 40:55d-70(d)(2) is ultimately based upon the Board's determination that the existing driveway is a pre-existing non-conforming

use and if such a determination is made, that the proposed minor improvements constitute an intensification of this use.

- Variance relief pursuant to N.J.S.A. 40:55d-70(d)(4) is required for Lot 3, to permit an increase in the maximum permitted floor area ratio (“F.A.R.”) where pursuant to §21-10.5b / Table 402 of the Township’s Ordinance, a maximum of 15% F.A.R. is permitted and 21.0% F.A.R. is proposed.

In addition to the variance relief described above and to the extent necessary, the Applicant seeks the following additional bulk variance relief, pursuant to N.J.S.A. 40:55D-70(c)(1) and/or N.J.S.A. 40:55D-70(c)(2):

Section	Description	Permitted	Proposed
§21-10.5b / Table 402	Maximum Height with respect to Building “A”	48 Feet	52.55 Feet
§21-10.5b / Table 402	Maximum Height with respect to Building “B”	48 Feet	50.65 Feet
§21-14.2.b.2(b)	Maximum disturbance to slopes of 20%-25%	20% (0.014 acres)	41% (0.029 acres)
§21-15.2.d / Table 506	Minimum residential zone setback with respect to the proposed canopy of Building “B”	100 Feet	92.2 Feet
§21-16.3.b	Maximum retaining wall height with respect to the wall south of the “ring road”	8 Feet	13.5 Feet
§21-16.3.b	Maximum retaining wall height with respect to the wall northwest of the “ring road”	8 Feet	12.2 Feet
§21-16.3.b	Maximum retaining wall height with respect to the wall south and west of Building “A”	8 Feet	11.5 Feet
§21-21.5	Private access to nonresidential uses shall not be through a residentially zoned lot, which may trigger “d-2” relief as described above.		The existing/proposed access to the site is through the residentially zoned adjoining Lot 2
§21-22.1.a.1	Minimum number of off-street parking spaces.	639 Spaces	328 Spaces* (300 standard spaces plus 14 “make-ready” electric vehicle charging stations, which count as 2 spaces each)

§21-28.2.b	No construction shall occur within any buffer area.		A retaining wall, fence and grading are proposed within the 50' wide buffer adjoining residentially zoned lot 2 to the northwest
§ 21-14.2.b.3	Disturbance to slope greater than 25% is not permitted, unless necessary, without specific Board approval.		Disturbance of 0.067 acres of land area with slopes greater than 25%.
§ 21-28.2.c	Removal of existing vegetation in existing buffer is not permitted without specific Board Approval.		Removal of existing trees and other vegetation from the 50' buffer, requiring specific approval by the Board.
§ 21-28.2.d	Adequate screening required where nonresidential uses abut residentially zoned lots where existing vegetation does not provide adequate screening.		To be determined by the Board whether adequate screening exists. To the extent necessary, Applicant requests relief from this requirement.

Exceptions:

The Applicant seeks the following exceptions from the Township's Ordinance to the extent necessary, pursuant to N.J.S.A. 40:55D-51(a) and/or N.J.S.A. 40:55D-51(b):

Section	Description	Permitted	Proposed
§21-39.1.b.1	Minimum size of parking spaces within a garage or under a cover.	10 Feet x 20 Feet	9 Feet x 18 Feet
§21-41.2	Maximum height of parking area light poles within 250' of a residential zone.	12 Feet	19 light poles at 16 Feet
§21-41.2	Maximum spacing of light standards for other than walkway lighting	80 Feet (5 times the mounting height)	Greater than 80 Feet
§21-41.3	Maximum average illumination in vehicular areas with respect to the Building "A" loading docks	0.9 Footcandles	1.3 Footcandles
§21-41.3	Maximum average illumination in vehicular areas with respect to the Building "B" loading docks	0.9 Footcandles	1.6 Footcandles
§21-41.3	Maximum average illumination in vehicular areas with respect to the parking area under each building.	0.9 Footcandles	1.0 Footcandles
§21-45.3.b.2(c)	Minimum number of replacement trees	649 Trees	176 Trees* Applicant to address the deficiency by way of an in-lieu contribution to the Township Tree Fund

§21-46A.1.e.5	All buildings shall have fire lanes in front of their public entrance, at least 25' wide with the road edge closest to the structure at least 20' from the structure.		Applicant to comply with Fire Official's report and recommendations
---------------	---	--	---

Approval is also sought for such variances, waivers, exceptions and/or other relief (whether pre-existing or not) from the requirements of the Township's Zoning Ordinances as may be deemed necessary or required at the time of the hearing in this matter.

**TOWNSHIP OF BERNARDS
PLANNING BOARD/ZONING BOARD OF ADJUSTMENT
CONTRIBUTION DISCLOSURE STATEMENT**

Contribution Disclosure Statement Required. Pursuant to Bernards Township Ordinance Section 21-7A (Ordinance #1745, adopted October 26, 2004), Contribution Disclosure Statements are required for certain types of development applications that include a request for a variance or other relief. When required, a Contribution Disclosure Statement must be submitted by all applicants and property owners, as well as all professionals who apply for or provide testimony, plans or reports in support of the application. See Section 21-7A for details.

Applicant: Signature Acquisitions, LLC Application: ZB22-028

Pursuant to Bernards Township Ordinance Section 21-7A, I hereby certify that I, or the firm or entity with which I am associated, made the following contributions to or on behalf of a candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of, or pertaining to, the Township of Bernards, within one year prior to the filing of the above application.

☒ I made no contributions.

☐ I made the following contributions:

Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____
Date: _____	Amount: _____	Recipient: _____

Signature: _____

Name: _____

Title: _____

Firm: _____

Address: _____



Timothy Quinlan

authorized representative

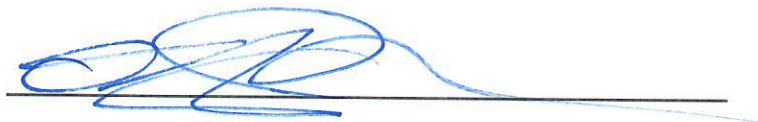
Allen Center Farm, LLC

157 Columbus Ave #2E New York, NY 10023

Date: 4/19/23

I/we, Timothy Gunlan the owner(s) of the property designated as Block 11201, Lot 2, as shown on the Official Tax Map of the Township of Bernards (the "Property") and as described in that certain site plan application bearing application #ZB22-028 (the "Application"), as the Application has been amended, hereby authorizes Signature Acquisitions, LLC, to make and prosecute the Application on my/our behalf, make any amendments to the Application, and I/we hereby consent to any and all variance or design waiver relief (if any) granted and all conditions of approval thereof. Such authorization is granted to Signature Acquisitions, LLC with the understanding that all rights and obligations of the parties were memorialized by those certain cross access easements dated August 3, 1983, and recorded in the Somerset County Clerk's Office on August 5, 1983, in Deed Book 1485 at pages 216 through 224 and in Deed Book 1485 at pages 225 through 230."

Signature of owner(s):



Sworn and subscribed before me,

this 14th day of
April, 2023.



Notary

ROBERT S. COHEN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01CO4853984
Qualified in Westchester County
My Commission Expires 3/3/2026

GLADSTONE DESIGN, Inc.

Consulting Engineers
Land Surveyors
Landscape Architects
Land Planners

265 Main Street, P.O. Box 400
Gladstone, New Jersey 07934
T: (908) 234-0309
F: (908) 719-3320
www.gladstonedesign.com

Ronald A. Kennedy, P.E.; P.P.; CME; LEED AP
Kurt T. Hanie, P.L.S.
Robert C. Morris
Robert C. Moschello, P.E.

April 21, 2023
1114-02

Ms. Cyndi Kiefer, Board Secretary
Bernards Township Zoning Board of Adjustment
1 Collyer Lane
Basking Ridge, New Jersey 07920

Re: Resubmission Letter
150 Allen Road
Lots 2 & 3, Block 11201
Bernards Township, Somerset County, New Jersey 07920

Dear Ms. Kiefer,

The legal notice, filed on April 19, 2023, revises the application for development at 150 Allen Road to be heard in front of the Board of Adjustment on May 3, 2023, to include Lot 2, Block 11201 as part of the application.

Accordingly, the Project Data & Vicinity Plan (Sheet 1 of 22), as prepared by Gladstone Design, Inc., has been revised to include Lot 2, as submitted herein with the revision date of April 21, 2023.

The balance of application documents prepared by Gladstone Design, Inc. and deemed complete by the Township in a letter dated November 11, 2022, are not impacted by the inclusion of Lot 2 in the application.

Should you have any questions or require additional information, please do not hesitate to contact this office. Thank you.

Sincerely,

GLADSTONE DESIGN, INC.



Robert C Moschello, P.E.

cc: Jeffrey B. Lehrer, Esq.
Signature Acquisitions
SIG150 Allen LLC

PARETTE
SOMJEN



ARCHITECTS

19 April 2023

Cyndi Kiefer, Board Secretary
Township of Bernards Planning & Zoning
277 South Maple Avenue
Basking Ridge NJ 07920

Re: 150 Allen Road
App# 22-028-ZB Architectural updates to Application.

Principals

*Marc R. Parette, AIA, PP
Gregory J. Somjen, AIA

Partners

*William Bannister, AIA
*John Carlton, AIA
Stephen D. Quick, AIA

Sr. Associate

Edward Neighbour, AIA
C. William Ross, AIA
Joshua Thompson, AIA

Associates

Hae-An Chyun, AIA
Steven Colella, AIA
*David Didimamoff, AIA
Melissa Insinga, NCIDQ
Kenneth Mieleles, AIA
Rachel Tiedemann, AIA

*LEED AP

Ms. Kiefer,

I am writing with regard to the Signature Acquisitions, LLC Application #22-028-ZB for preliminary and Final Site plan approval. The subject properties for the application has been amended to include Block 11201 Lot 2 in addition to Block 111201 Lot 3, which was listed on the original application.

A cover Sheet A11 is enclosed herein to supplement the previously submitted architectural plans to reflect the applications inclusion of Lot 2, however the inclusion of Lot 2 has no material impact on the architectural plans and building designs

Regards,
Parette Somjen Architects, LLC

By: Edward Neighbour, AIA | Senior Associate

STONEFIELD

April 19, 2023

Bernards Township
Zoning Board of Adjustment
1 Collyer Lane
Basking Ridge, NJ 07920

**RE: Traffic Assessment Letter
Proposed Light Manufacturing Redevelopment
150 Allen Road
Block 11201, Lots 2 and 3
Bernards Township, Somerset County, New Jersey
SE&D Job No. PRI-220206**

Dear Board Members:

Stonefield Engineering and Design, LLC ("Stonefield") has prepared this letter based upon Signature Acquisitions, LLC's ("Signature") inclusion of Block 11201, Lot 2 ("Lot 2") to application (ZB-22-028). The Traffic Impact Study, enclosed herein, has been revised to reflect the inclusion of Lot 2 to the subject property and application. The Traffic Impact Study that was previously submitted already took into account the access driveway located on Lot 2 and its related traffic impacts. Thus, it has been determined that the formal inclusion of Lot 2 to Signature's application does not have an impact on the findings of the Traffic Impact Study prepared for the proposed development. The findings of the Traffic Impact Study remain valid irrespective of Signature's amendment to include Lot 2 to the above-referenced application.

Please do not hesitate to contact our office if there are any questions.

Best regards,



Matthew J. Seckler, PE, PP, PTOE
Stonefield Engineering and Design, LLC



John R. Corak, PE
Stonefield Engineering and Design, LLC

Z:\Princeton\PRI\2022\PRI-220206 Signature Acquisitions - 150 Allen Road, Bernards Township NJ\Calculations & Reports\Traffic\Reports\2023-04 TIS\2023-04 Letter.docx

STONEFIELDENG.COM

92 PARK AVENUE, RUTHERFORD, NJ 07070 201.340.4468 T. 201.340.4472 F.