

TOWNSHIP OF BERNARDS **ZONING BOARD OF ADJUSTMENT**

REGULAR MEETING AGENDA

Warren Craft Meeting Room

February 8, 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.** January 4, 2023 – Regular and Reorganization Sessions
- 6. APPROVAL OF RESOLUTIONS**
 - A.** Priscilla’s Pantry LLC; Block 801, Lot 4.01; 199 Morristown Road; ZB22-027 (approved)
 - B.** Finley Real Estate LLC; Block 1801, Lot 1; 55 South Finley Avenue; ZB21-031 (approved)
- 7. PUBLIC HEARING** (will be carried to 03/08/2023)
 - A.** Light, Kirsten; Block 5001, Lot 2; 13 Victoria Drive; Bulk Variance; ZB22-026
- 8. PUBLIC HEARING** (continued from 01/04/2023)
 - A.** [Signature Acquisitions LLC](#); Block 11201, Lot 3; 150 Allen Road; Preliminary/Final Site Plan, Bulk Variances, “d” Variance; ZB22-028
- 9. COMMENTS FROM MEMBERS**
- 10. COMMENTS FROM STAFF**
- 11. ADJOURN**

01/31/2023

TOWNSHIP OF BERNARDS
2022 ZONING BOARD OF ADJUSTMENT APPLICATION

- | | |
|---|---|
| <p><input checked="" type="checkbox"/> Bulk or Dimensional ("c") Variance</p> <p><input type="checkbox"/> Use ("d") Variance</p> <p><input type="checkbox"/> Conditional Use ("d") Variance</p> <p><input checked="" type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance</p> <p><input checked="" type="checkbox"/> Site Plan - Preliminary / Final</p> | <p><input type="checkbox"/> Appeal of Zoning Officer's Decision</p> <p><input type="checkbox"/> Interpretation of Zoning Ordinance</p> <p><input type="checkbox"/> Minor Subdivision</p> <p><input type="checkbox"/> Major Subdivision - Preliminary / Final</p> <p><input type="checkbox"/> Other (specify): _____</p> |
|---|---|

1. APPLICANT: Signature Acquisitions, LLC

Address: 20 Commerce Drive, Cranford, NJ 07016

Phone: (home) _____ (work) (908) 577-7597 (mobile) _____

Email (will be used for official notifications): _____

2. OWNER (if different from applicant): SIG 150, LLC

Address: 20 Commerce Drive, Cranford, NJ 07016

Phone: 212 470-5200 Email (will be used for official notifications): _____

3. ATTORNEY: Jeffrey B. Lehrer

Address: 15 Mountain Blvd., Warren, NJ 07059

Phone: (908) 757-7800 Email (will be used for official notifications): jlehrer@newjerseylaw.net

4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessary): See Attached

Name: Robert C. Moschello, P.E. Profession: Engineer

Address: 265 Main Street, P.P. Box 400, Gladstone, NJ 07934

Phone: (908) 234-0309 Email (will be used for official notifications): rmoschello@gladstonedesign.com

5. PROPERTY INFORMATION: Block(s): 11201 Lot(s): 3 Zone: E-2

Street Address: 150 Allen Road Total Area (square feet/acres): 28.305 Acres

6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY? ☒ No ☐ Yes (if yes, explain or attach Board resolution) _____

7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY? ☒ No ☐ Yes (if yes, explain) _____

8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?

[] No [X] Yes (if yes, explain) See Title Report Attached

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST: _____

See Attached

10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.): _____

See Attached

11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION: _____

See Attached

12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):

APPLICANT(S) SIGN HERE:

I/we, Signature Acquisitions, LLC hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.

Signature of Applicant(s): Jeffrey B. Lehrer and Attorney for Applicant

Sworn and subscribed before me, this 22nd day of September, 2022.

Michael E. Silbert
Notary



MICHAEL E. SILBERT, ESQ.
ATTORNEY AT LAW OF THE
STATE OF NEW JERSEY



OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):

If the application is made by a person or entity other than the property owner, or by less than all of the property owners, then the property owner or the additional owners must complete the following:

I/we, _____ the owner(s) of the property described in this application,

hereby authorize _____ to act as my/our agent for purposes of making and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.

SEE SEPARATE PAGE

Signature of owner(s): _____

Sworn and subscribed before me, this _____ day of _____, 20__.

Notary

Owner's Consent Form

[] No [] Yes (if yes, explain)

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST:

150 Allen Rd is currently a 185,000 SF
OFFICE BUILDING - WE PROPOSE TO CONVERT IT
TO (2) 130,000 SF LIGHT MANUFACTURING

10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.):

- PARKING VARIANCE
- FAR VARIANCE

11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION:

- ADDITIONAL PARKING IS NOT IN DEMAND.
- ADDITIONAL FAR WILL NOT HAVE A DETRIMENTAL IMPACT ON ZONE PLAN.

12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):

APPLICANT(S) SIGN HERE:

I/we, _____ and _____ hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.

Signature of Applicant(s): _____ and _____

Sworn and subscribed before me, this _____ day of _____, 20__.

Notary

OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):

If the application is made by a person or entity other than the property owner, or by less than all of the property owners, then the property owner or the additional owners must complete the following:

I/we, SIG 150 LLC the owner(s) of the property described in this application,

hereby authorize SIGNATURE ACQUISITION LLC to act as my/our agent for purposes of making and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.

Signature of owner(s): [Signature]

Sworn and subscribed before me, this 16th day of September, 2022

Notary



MICHAEL E. SILBERT, ESQ.
ATTORNEY AT LAW OF THE
STATE OF NEW JERSEY



DESCRIPTION OF THE PROPERTY AND PROPOSED PROJECT

Applicant is proposing to construct two (2) mixed-use buildings ("Building A" and "Building B") on property designated as Block 11201, Lot 3 on the Official Tax Map of the Township of Bernards (the "Property"), more commonly known as 150 Allen Road. The Property currently includes an office building consisting of 174,546 SF. The Property is located in the E-2 Zone District.

The Applicant proposes to remove the existing office building and construct two (2) buildings: Building A, consisting of 97,185 SF of light-industrial/manufacturing space and 30,792 SF of office space (127,977 SF total), and Building B, consisting of 101,792 SF of light-industrial/manufacturing space and 28,759 SF of office space (130,551 SF total) on the Property. The total gross floor area of the two proposed buildings is 258,528 SF. 24 trailer loading spaces are proposed (12 at each building) and 328 parking spaces are proposed. Of the 328 parking spaces proposed, 105 existing parking spaces will remain, 88 spaces are to be located under Building A and 89 spaces are to be located under Building B. 14 Make-Ready parking spaces will be provided which count as two spaces each in accordance with P.L. 2021, c.171 (§40:55D-66.18 et al.).

The proposed light manufacturing use of the buildings will be consistent with the Township's permitted uses in the E-2 Zone and will consist of activity which involves the assembly of products from previously prepared materials and will not involve the synthesis of chemicals or the processing of raw materials.

DESCRIPTION OF VARIANCES AND DESIGN WAIVERS/EXCEPTIONS

The following **variances** are requested in connection with this application:

1. **Sec. 21-15.2(d), Table 506: Setback for a Building Canopy From A Residential Zone:**

REQUIRED: 100 ft.

PROPOSED: 92 ft.

2. **Sec. 21-10.5(b), Table 402: Max. Building Height:**

MAX PERMITTED: 48 ft.

PROPOSED: 52.6 ft.

3. **Sec. 21-10.5(b), Table 402: Max. Floor Area Ratio:**

MAX. PERMITTED: 15%

PROPOSED: 21%

4. **Sec. 21-22.1: Required Number of Spaces** – Whereas manufacturing/warehouse use requires 1 Space/500 SF or 1 space per employee and based upon a total of 198,977 SF of manufacturing space proposed, 399 parking spaces are required. Whereas office space requires 4 Spaces/1,000 SF and based upon a total of 59,551 SF of office space proposed, 240 parking spaces are required.

REQUIRED: 639 Spaces

PROPOSED: 328 Spaces

5. **Sec. 21-14.2(b)(2)(b): Disturbance of Areas with Slopes between 20-25%:**

MAX. PERMITTED : 20% (0.014 Acres)

PROPOSED: 41% (0.029 Acres)

6. **Sec. 21-16.3(b): Max. Retaining Wall Height**

MAX. PERMITTED: 8 ft.

PROPOSED: 13.5 ft.

The following **design waivers/exceptions** are requested in connection with this application:

1. **Sec. 21-41.2: Light Mounting Height:**

MAX. PERMITTED: 12 ft.

PROPOSED: 16 ft.

2. **Sec. 21-41.3: Average Light Illumination Levels:**

MAX. PERMITTED: Avg. illumination of 0.9 Footcandles

PROPOSED:

- Avg. illumination of 1.1 Footcandles in the loading dock for Building A.
- Avg. illumination of 1.6 Footcandles in the loading dock for Building B.
- Avg. illumination of 1.0 Footcandles in both areas of under building parking.

3. **Sec. 21-45.1: Replacement Trees:**

REQUIRED: 649 Replacement Trees

PROPOSED: 176 Replacement Trees

ARGUMENTS IN SUPPORT OF APPLICATION

This application (the "Application") proposes the development of two (2) mixed-use buildings ("Building A" and "Building B", referred to collectively as the "Project") on property designated as Block 11201, Lot 3 on the Official Tax Map of the Township of Bernards (the "Property"), more commonly known as 150 Allen Road. The Property is located in the E-2 zone and it currently includes an office building consisting of 174,546 SF. The following proposed uses are permitted in the E-2 zone: (1) Administrative, business, executive, and professional office buildings; (2) light manufacturing, provided that it does not involve the synthesis of chemicals or the processing of raw materials. The Applicant seeks preliminary and final site plan approval together with "D-4" variance and other bulk variance relief.

Under the *Coventry Square* standard, the subject Property can accommodate the proposed FAR without substantial detriment to the surrounding properties, nor will the proposed FAR substantially impair the intent and purpose of the zone plan and zoning ordinance. The site is particularly suited for more intensive development and can accommodate the proposed floor area which is larger than what is permitted by Ordinance. Notwithstanding the applicant's deviation from the Township's maximum FAR requirements, the site is well suited for office and light-manufacturing uses. The project will not detract from the charm of downtown Basking Ridge. It promotes the Township's stated objective of providing sufficient space in appropriate locations for commercial and industrial uses to meet the needs of all New Jersey citizens. The Project will promote a desirable visual environment through creative development techniques and good civic design and arrangements and will aid in the Township's goal of balancing among various land uses that respects and reflects the goals of the master plan.

There are other bulk variances and design waivers sought in conjunction with this application including but not limited to setbacks, parking, and building height. Further testimony will be provided at the public hearing on this Application.