

Memorandum

To: Bedminster Township Zoning Board of Adjustment
From: Francis J. Banisch III, PP/AICP
Date: May 30, 2020
Re: Rylocait, Inc.
280, 300, 308 and 312 Main Street
Block 34, Lots 1, 3 & 4
Variance and Preliminary and Final Major Site Plan and Major Subdivision Application
LUB# 19-011 (BOA)

1.0 Materials Reviewed

- 1.1 Zoning Board of Adjustment Application including Statement of Purpose dated October 28, 2019
- 1.2 Checklist dated October 11, 2019
- 1.3 Environmental Review Scoping Checklist dated October 11, 2019
- 1.4 Architectural Plans consisting of three sheets, prepared by Jonathon E. Booth, AIA dated March 13, 2019
- 1.5 Preliminary and Final Site Plan and Major Subdivision consisting of 8 sheets, prepared by Paul Fox, PE and dated September 6, 2019 revised through May 14, 2020
- 1.6 Completeness review prepared by Paul Ferriero, PE and dated November 27, 2019 and April 28, 2020
- 1.7 Boundary and Partial Topographic Survey, prepared by Wayne F. Holman PLS, dated March 27, 2018



3D View Looking South (above) and North (below)



2.0 Nature of the Application

- 2.1 The subject parcels are located along the south side of Main Street at the intersection of Route 202. The properties are in the VN - Village Neighborhood District. The combined property is approximately 1.02 acres; Lot 1 is .67 acres, Lot 3 is .24 acres, and Lot 4 is .11 acres. The sites are currently developed with buildings and associated parking and driveway areas. The application proposes site plan modifications to the existing buildings and parking on Lots 1, 3 and 4 and a resubdivision of the property into two lots (Lot 1 and Lot 3).

2.2 The applicant proposes to demolish the existing structures on Lot 4 and Lot 3 respectively, both seen at right. A new north/south driveway is proposed on Lot 4, for better access to the rear parking area.



2.3 A new one-story addition is proposed to the rear of the building at right along with parking areas, new sidewalks, dumpster enclosures. A new pergola seating area is proposed in the northeast corner, near the driveway entrance.



2.4 The proposal would also create an expanded parking area in place of the building to be removed on Lot 3

2.5 The property is located on US 202 (Somerville Road) at the point where it curves and becomes Main Street. To the rear of the property is the Bedminster school.

3.0 Requested Variances

3.1 The applicant requires a d(4) variance relief for exceeding the FAR:

- D(4) Floor Area Ratio - where .17 is permitted and .47 exists and is proposed for Lot 1 and .197 is proposed for Lot 3 (Section 13-405.4)

A d(4) FAR variance indicates that the intensity of development by the applicant exceeds what is contemplated by the ordinance and therefore the applicant must demonstrate that the site will accommodate the increased FAR. In particular, the focus should be on how the proposed development will impact adjacent properties and traffic movements around and onto the site.

Positive Criteria/ Special Reasons

Applicant's expert must provide testimony to support the use variance in accordance with the requirements of the Municipal Land Use Law which provides for a d-type variance *"In particular cases and for special reasons..."*



280 US 202 Looking East (above) and South (below)



Generally, there are three categories of "special reasons" that can be used to justify the grant of a d variance: 1) when the refusal to allow the project would impose on the

applicant an undue hardship, 2) when a proposed project carries out a purpose of zoning, and 3) when the use is inherently beneficial.

Accordingly, the testimony should identify one or more of the purposes of zoning and explain why such purposes would be advanced by this application. The purposes of zoning are set forth in the Municipal Land Use Law, N.J.S. 40:55D-2.

Negative Criteria

The negative criteria consist of two parts, or “prongs”. The first prong focuses on the ability to grant the variance without substantial detriment to the public good while the second prong must establish that the variance sought is not inconsistent with the intent and purpose of the master plan and zoning ordinance.

The applicant is seeking non-use "d" variances as noted above. As with a (d)1 use variance, the applicant must still satisfy the positive and negative criteria, but each has a different standard of proof. In addition, the applicant should identify if any alternative designs were considered that could reduce or alleviate any of the variances.

3.2 The applicant also seeks the following bulk variance relief:

- Front yard setback where 30 feet is required, and the following exists; Lot 1: 4.22 feet, and Lots 3 and 4: 0 feet. Proposed Lot 1 will have 12.82 feet and proposed Lot 3 will have 4.22 feet.
- Side yard set back where 15 feet is required, and 3.59 feet is proposed for Lot 3.
- Lot coverage where
Lot 1: 45% is permitted and 55.85% (12,163 sf) is proposed
Lot 3: 45% is permitted and 84.76% (19,004 sf) is proposed

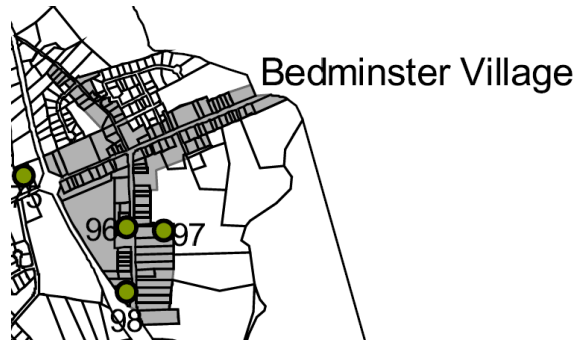
The applicant also seeks waivers from the requirements of stormwater management, parking stall size and driveway access.

4.0 Review Comments

- 4.1 The site plan indicates that the proposed concrete paving on Lot 3 will extend to the existing sidewalk, adjacent to the existing paver walk for the current building. Some form of barrier or break should be considered at the edge of the paver walk as well as the sidewalk. This could include planter boxes or some other decorative barrier to signal a change from a pedestrian area to a parking lot.
- 4.2 The landscaping plan includes new plantings, mainly smaller ornamental trees along the eastern portion of the site and shrubs within the site. Given the existing developed nature of the site and proximity of the buildings to the roadway, the landscape plan is appropriate for the size and scale of the site.
- 4.3 The applicant should provide testimony regarding any new signs. If signs are proposed, the applicant should provide details including sizes, colors, materials and any illumination.

4.4 The site plan indicates a pergola seating area at the northeastern corner of the site, adjacent to the driveway and Route 202. This appears to be in the location of an existing bus stop. Is the intended area for the use of the bus stop?

4.5 The subject buildings are situated within the Bedminster Village Historic District. The proposed addition should be reviewed by the Historic Preservation Commission to provide input on the architectural style of the building and addition to maintain the feel of the village and its historic character. The buildings to be removed should be photographically documented (interior and exterior) to *create a permanent record* of the character that is being eliminated.



4.6 We concur with Mr. Ferriero's comments regarding cross easements, parking overhang areas and parking demand if a restaurant is proposed.

4.7 Any approval by the Land Use Board should be conditioned upon approval by any other agency having jurisdiction.

cc via email: Janine Deleon, Land Use Board Secretary
Land Use Board members
Paul Ferriero, PE
Thomas Collins, Esq.
Rylocat, Inc
Brian W. Fahey, Esq.
Paul Fox, PE, CME
Jonathon Booth AIA