



2021 Annual Report

ZONING & PLANNING BOARD ACTIVITY

Submitted by:

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Zoning Officer

May, 2022



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ZONING BOARD

Total number of Applications before Zoning Board in 2021 - 7

Number of applications requesting use variances - 1

Number of applications requesting bulk variances - 6

Number of applications requesting site plan approval - 1

Number of courtesy reviews/discussions/presentations - 1

PLANNING BOARD

Total Number of Applications before Planning Board in 2021 - 5

Number of applications requesting bulk variances or waivers - 4

Number of applications requesting subdivisions and/or lot consolidations - 3

Number of applications requesting site plan approval - 4

Number of courtesy reviews/discussions/presentations - 7

SITE REVIEW

Total number of applicants heard at Site Review in 2021– approximately 21



Summary

This report provides a synopsis of the Planning and Zoning Board activities over the last year. The applications summarized herein provide a glimpse as to the potential issues that may occur upon strict application of the rules within the Township's land Development Ordinance.

In accordance with **New Jersey Land Use Law section 40:55D-70.1** *"The board of adjustment shall, at least once per year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance request and its recommendations for zoning ordinance amendment or revisions, if any. The board of adjustment shall send copies of the report and resolution to the governing body and planning board"*.

Accordingly, the issues the Planning Board should consider exploring, by plan and/or ordinance based on this report, are as follows. Some of these issues remain from the prior year's analysis.

Single-family Residential – The Township continues to evaluate its housing zoning in consideration of collegiate housing pressures. Zoning variances for floor area were prevalent in 2020.

Zoning around the **Airport** continues to be a concern as warehousing pressures continue to mount.

Initial Escrows for smaller variance projects continue to be an issue. The nature of these applications does not warrant big reviews, but with three professionals reviewing beforehand and the board proceedings, the fees and their application fees potentially hurt the everyday taxpayer. The Township should continue to explore ways to streamline the review process for the everyday homeowner.

Pressures on all the Township's **Industrial zones** continue. Whitehead Road was discussed previously in 2016, but the nature of areas off of Ewingville Road (Walters, Commerce, Winterwood Aves), these areas have the bulk standards coupled with poor lot configurations that make development without variance difficult.

Enforcement – Code enforcement, property maintenance and the Township's successes thereof, are directly related to the marketability of future investment opportunities and ultimately the Township's success. The Township should continue to work on these issues hand-in-hand between police, code enforcement, real estate investors and college representatives to address conditions.



USE VARIANCE APPLICATIONS
BEFORE ZONING BOARD IN 2021

APPLICANT:

Sanocki Enterprises, LLC
1901 Pennington Road
Block 246, Lot 9
Zone R-1
App. #ZBA-21-005
App. Fee - \$300.00
Escrow posted - \$4,000.00

DESCRIPTION:

Applicant requested Use variance approval and floor area ratio ("FAR") relief pursuant to NJSA 40:55D-70.d.(1) and (4) respectively to demolish existing structures and build a two-story student dormitory with basement totaling approximately 6,944 square feet. The building will consist of (17) single occupancy bedrooms with 8.5 bathrooms, kitchen-dining area, living room, laundry, common area and 18 parking spaces. Applicant will thereafter submit a subsequent application for preliminary and final site plan approval and any and all required variances and design waivers.

DETERMINATIONS:

Board denied on
10/21/21.



BULK VARIANCE APPLICATIONS
BEFORE ZONING BOARD IN 2021

APPLICANT:

DESCRIPTION:

DETERMINATIONS:

Ewing Properties, LLC
1602 Pennington Road
Block 141, Lots 9 & 10
BN Zone
App. #ZBA-20-003
App. & Escrow Fees –all fees paid
in 2020 prior to 9/17/20 hearing
where it was determined that
applicant would only be requesting
Use variance at that time.

Applicant requested preliminary and final site plan approval with **variances** for reduced setback to remove an existing Office/Residential Structure and for construction of a new ten (10) unit multi-family residential structure. Applicant also requested any other variances or waivers deemed necessary by the Board. Applicant was before Zoning Board of Adjustment on 9/17/2020 and requested and was approved for use variance to permit the use.

Board approved with conditions on 3/18/21.

NOTE: Applicant had modified plan since last submission to reduce it to ten (10) units with conforming parking.

Habitat for Humanity of
Burlington
and Mercer Counties
129 Glendale Drive
Block 440, Lot 216
R-2 Zone
App. #ZBA-21-001
App. Fee - \$250.00
Escrow Posted - \$2,500.00

Applicant requested **variances** to permit lot width of 60 feet (80 feet required), lot frontage of 60 feet (80 feet required), lot depth of 100 feet (110 feet required), front yard setback of 30 feet (40 feet required), lot area of 6,000 square feet (10,000 square feet required) to build affordable housing in the form of a single family dwelling on an existing non-conforming lot. Applicant also requested any other variances or waivers deemed necessary by the Board.

Board approved with conditions on 3/18/21.

Amitkumar Shah
1562 Parkside Avenue
Block 93, Lot 2
R-2 Zone
App. #ZBA-20-007
App. Fee - \$500.00
Escrow posted - \$2,500.00

On October 15, 2020 as memorialized by resolution 2020-ZB-08 on November 19, 2020, applicant was granted approval of a d(1) use variance to permit conversion of former retail boutique store on first floor of existing structure located at 1562 Parkside Avenue, Block 93, Lot 2, into 2-bedroom apartment. In addition, the applicant was granted bulk variance relief to permit a maximum impervious surface ratio of 54.01% where a maximum impervious surface ratio of 26% is permitted in the R-2 Residential District, minimum lot area, where 10,000 square feet is required and 5,241.8 square feet exists, minimum lot width, where 80' is required and 65' exists, minimum lot depth, where 100' is required and 43' exists, minimum front yard,

Board approved with conditions on 3/18/21.



where 40' is required and 38.6' exists, minimum side yard, where 10' is required and 4.5' exists, minimum rear yard, where 35' is required and 0.2' exists and maximum floor area ratio, where 1,236 is the maximum permitted and 1,624 square feet exists. As part of the Board's consideration of the matter, a Concept Plan was reviewed, and certain areas of pavement were shown as being removed and curb and sidewalk was proposed to be installed along the frontage of Parkside Avenue in accordance with standards set forth by the County of Mercer. On 3/18/2021, the applicant formally requested the Board reconsider the condition of its approval requiring the removal of certain areas of pavement shown on the Concept Plan, increasing the impervious coverage on the site to a total of 61.28% versus the 54.01% approved, although 75.75% exists. The applicant also requested that curb and sidewalk not be required to be installed, but rather the existing paved area which currently exists be allowed to remain and continue to act as sidewalk across the site. Applicant also requested any other variances or waivers deemed necessary by the Board.

David & Melissa Zygmund
80 Louisiana Avenue
Block 156, Lots 1 & 2
R-2 Zone
App. #ZBA-21-002
App. Fee - \$100.00
Escrow posted - \$1,000.00

Applicant requested **variance** for 6 foot high fence on corner lot where maximum height permitted is only 4 feet. Applicant also requested any other variances or waivers deemed necessary by the Board.

Board approved with conditions on 4/15/21.

Paul Liucci
2152 Pennington Road
Block 223.04, Lots 11 & 12
R-1 Zone
App. #ZBA-21-003
App. Fee - \$100.00
Escrow posted - \$1,000.00

Applicant sought **variance** to construct a 704 sq. ft. or 22 ft. x 32 ft. garage within the front yard setback. Proposal indicates garage to be placed 16 ft. from the property line whereby 50 ft. is required. Other variances included fence 6 ft. high where maximum 4 ft. is permitted, garage height of 19 ft. where 15 ft. is maximum and accessory building coverage of 1304 sq. ft. where 1173 sq. ft. is maximum permitted. Applicant also requested any other variances or waivers deemed necessary by the Board.

Board approved with conditions on 4/15/21.



Sanocki Enterprises, LLC
1871 Pennington Road
Block 259, Lot 19
Zone R-2
App. #ZBA-21-004
App. Fee - \$250.00
Escrow posted - \$4,000.00

Applicant requested **variance** for 6 inch x 10 foot sign above front door. Sign is 5 square feet in area and only 2 square feet is permitted. Applicant also requested any other variances or waivers deemed necessary by the Board.

Board approved with conditions on 7/15/21.



SITE PLAN APPLICATIONS
BEFORE ZONING BOARD IN 2021

APPLICANT:

Ewing Properties, LLC
1602 Pennington Road
Block 141, Lots 9 & 10
BN Zone
App. #ZBA-20-003
App. & Escrow Fees –all fees paid
in 2020 prior to 9/17/20 hearing
where it was determined that
applicant would only be requesting
Use variance at that time.

DESCRIPTION:

Applicant requested **preliminary and final site plan** approval with variances for reduced setback to remove an existing Office/Residential Structure and for construction of a new ten (10) unit multi-family residential structure. Applicant also requested any other variances or waivers deemed necessary by the Board. Applicant was before Zoning Board of Adjustment on 9/17/2020 and requested and was approved for use variance to permit the use.
NOTE: Applicant had modified plan since last submission to reduce it to ten (10) units with conforming parking.

DETERMINATIONS:

Board approved with conditions on 3/18/21.



BULK VARIANCE APPLICATIONS
BEFORE PLANNING BOARD IN 2021

APPLICANT:

DESCRIPTION:

DETERMINATIONS:

Blackstone Poultry and
Livestock, LLC
333-339 Fourth Street
Block 117, Lots 6 & 8
OAR, SA-3 Zone
App. #PBA-21-001
App. Fee -\$1,000.00
Escrow posted - \$9,450.00

Applicant requested major preliminary and final site plan approval with **variances** and waivers to permit Applicant to use existing building and property to conduct poultry distribution operations, indoor and outdoor storage and office space. Applicant also requested any other variances or waivers deemed necessary by the Board.

Board approved with conditions 5/6/21.

Justin Fahy
0 Parkside Avenue
(across from Bethany Lutheran Church)
Block 294, Lots 69 thru 72
R-2 Zone
App. #PBA-21-002
App. Fee - \$850.00
Escrow posted - \$3,900.00

Applicant requested subdivision approval with **variances** to create three residential building lots. Applicant also requested any other variances or waivers deemed necessary by the Board.

Board approved with conditions 6/3/2021.

Universal Display Corp., LLC
375 Phillips Boulevard
Block 225.02, Lot 53
IP-1 Zone
App. #PBA-21-003
App. Fee- \$1,000.00
Escrow posted \$9,450.00

Applicant requested preliminary and final site plan approval with **variances** for construction of two (2) one-story additions totaling approximately 4,830 square feet, and in each instance the addition is exacerbating the existing rear yard setback non-conformity. Applicant also requested a rear yard **variance** for an accessory building/generator as a minimum off 25 feet is required and only 10 feet is proposed. Applicant also requested any other variances or waivers deemed necessary by the Board.

Board approved with conditions 8/5/21.



Ewing Prop., LLC
Silvia Street
Block 341.01, Lots 3.01 & 5.01
TC Zone
App. #PBA-21-004
App. Fee - \$1,900.00
Escrow posted - \$32,840.00

Applicant requested minor subdivision, lot consolidation, preliminary and final site plan approval, waivers and **variances** to convert an existing 2 story office building to 42 residential apartments and build four (4) multi-family 3-story residential buildings containing 96 dwelling units plus all attendant site improvements. Applicant also requested variance to permit height of the existing 2 story building where a minimum building height of 2-1/2 stories is required for multi-family residential buildings. Applicant also requested any other variances or waivers deemed necessary by the Board.

Board approved with conditions 10/7/21.



**SUBDIVISIONS AND/OR LOT
CONSOLIDATIONS
BEFORE PLANNING BOARD IN 2021**

Justin Fahy
0 Parkside Avenue
(across from Bethany Lutheran
Church)
Block 294, Lots 69 thru 72
R-2 Zone
App. #PBA-21-002
App. Fee - \$850.00
Escrow posted - \$3,900.00

Applicant requested **subdivision** approval with variances to create three residential building lots. Applicant also requested any other variances or waivers deemed necessary by the Board.

Board approved with conditions 6/3/21.

Ewing Prop., LLC
Silvia Street
Block 341.01, Lots 3.01 & 5.01
TC Zone
App. #PBA-21-004
App. Fee - \$1,900.00
Escrow posted - \$32,840.00

Applicant requested **minor subdivision, lot consolidation**, preliminary and final site plan approval, waivers and variances to convert an existing 2 story office building to 42 residential apartments and build four (4) multi-family 3-story residential buildings containing 96 dwelling units plus all attendant site improvements. Applicant also requested variance to permit height of the existing 2 story building where a minimum building height of 2-1/2 stories is required for multi-family residential buildings. Applicant also requested any other variances or waivers deemed necessary by the Board.

Board approved with conditions 10/7/21.

G & K Realty, LLC
111-115 Spring Garden Avenue
Block 590, Lots 6, 7 & 8
IP-3 Zone
App. #PBA-21-005
App. Fee - \$1,400.00
Escrow posted - \$6,383.00

Applicant requested preliminary and final site plan approval with **lot consolidation** for construction of a 6,588 sf one-story warehouse building as well associated improvements. Applicant also requested any other variances or waivers deemed necessary by the Board.

Board approved with conditions 10/7/21.



**SITE PLAN APPLICATIONS BEFORE
PLANNING BOARD IN 2021**

APPLICANT:

Blackstone Poultry and
Livestock, LLC
333-339 Fourth Street
Block 117, Lots 6 & 8
OAR, SA-3 Zone
App. #PBA-21-001
App. Fee -\$1,000.00
Escrow posted - \$9,450.00

Universal Display Corp., LLC
375 Phillips Boulevard
Block 225.02, Lot 53
IP-1 Zone
App. #PBA-21-003
App. Fee- \$1,000.00
Escrow posted \$9,450.00

Ewing Prop., LLC
Silvia Street
Block 341.01, Lots 3.01 & 5.01
TC Zone
App. #PBA-21-004
App. Fee - \$1,900.00
Escrow posted - \$32,840.00

DESCRIPTION:

Applicant requested major **preliminary and final site** plan approval with variances and waivers to permit Applicant to use existing building and property to conduct poultry distribution operations, indoor and outdoor storage and office space. Applicant also requested any other variances or waivers deemed necessary by the Board.

Applicant requested **preliminary and final site plan** approval with variances for construction of two (2) one-story additions totaling approximately 4,830 square feet, and in each instance the addition is exacerbating the existing rear yard setback non-conformity. Applicant also requested a rear yard variance for an accessory building/generator as a minimum off 25 feet is required and only 10 feet is proposed. Applicant also requested any other variances or waivers deemed necessary by the Board.

Applicant requested minor subdivision, lot consolidation, **preliminary and final site plan approval**, waivers and variances to convert an existing 2 story office building to 42 residential apartments and build four (4) multi-family 3-story residential buildings containing 96 dwelling units plus all attendant site improvements. Applicant also requested variance to permit height of the existing 2 story building where a minimum building height of 2-1/2 stories is required for multi-family residential buildings. Applicant also requested any other variances or waivers deemed necessary by the Board.

DETERMINATIONS:

Board approved with conditions 5/6/21.

Board approved with conditions 8/5/21.

Board approved with conditions 10/7/21.



G & K Realty, LLC
111-115 Spring Garden Avenue
Block 590, Lots 6, 7 & 8
IP-3 Zone
App. #PBA-21-005
App. Fee - \$1,400.00
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Applicant requested **preliminary and final site plan** approval with lot consolidation for construction of a 6,588 sf one-story warehouse building as well associated improvements. Applicant also requested any other variances or waivers deemed necessary by the Board.

Board approved with conditions 10/7/21.



**COURTESY REVIEWS, DISCUSSIONS AND/OR
PRESENTATIONS BEFORE BOARDS IN 2021**

3/4/21- The Planning Board had a discussion on Ordinance #21-04 amending the revised general ordinances of the Township of Ewing, County of Mercer, to amend Chapter 215, Article IV, Zoning District Regulations; Conditional Uses; Parking and Sign Requirements. The Ordinance was before Council on February 23, 2021 and passed on first Reading and was referred to the Planning Board for review and to report as to its consistency with the Ewing Township's Master Plan. The ordinance dealt with amendments to the Industrial Park 1, 2, and 3 Zones. Formal action was taken. Motion made to send back to Council with letter from Board.

6/3/21-The Planning Board had a discussion on Ordinance #21-09 amending the revised general ordinances of the Township of Ewing, County of Mercer, to amend Chapter 215, Article IV, Zoning District Regulations; Conditional Uses; Parking and Sign Requirements. Formal action was taken. Motion made to send back to Council with letter from Board.

The Planning Board also had a discussion on Ordinance #21-11 amending the Parkway Avenue Redevelopment Plan. Both Ordinances were before Council on May 11, 2021 and passed on first Reading and were referred to the Planning Board for review for recommendation and Master Plan Consistency. Formal action was taken. Motion made to send back to Council with letter from Board.

6/3/21-The Planning Board had a discussion regarding Cannabis. No formal action was taken.

7/8/21- The Planning Board was to have discussion on Ordinance #21-11 amending the Parkway Avenue Redevelopment Plan. Ordinance was before Council and was referred to the Planning Board for review for recommendation and Master Plan Consistency. Discussion was put off as Mr. Latini was going to be meeting with Council and would be getting more information for the board.

7/15/21-The Zoning Board reviewed and had discussion on 2020 Annual Report of Zoning and Planning Board Activity. Motion was made to approve the 2020 Annual Report.

8/5/21- The Planning Board reviewed and had discussion on 2020 Annual Report of Zoning and Planning Board Activity. Motion was made to approve the 2020 Annual Report and it was sent to Council.

12/2/21- Planning Board reviewed and had discussion on Parkway Ave Redevelopment Plan as it pertains to the Naval Base. No formal action taken.