



2018 Annual Report

ZONING & PLANNING BOARD ACTIVITY

Submitted by:

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Zoning Officer
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ZONING BOARD

Total number of Applications before Zoning Board in 2018 – 4

Number of applications requesting use variances – 0

Number of applications requesting bulk variances – 3

Number of applications requesting subdivisions and/or lot consolidations – 0

Number of applications requesting site plan approval – 0

Number of requests for extensions or administrative review- 1

Number of courtesy reviews/discussions/presentations (no applications) - 2

PLANNING BOARD

Total Number of Applications before Planning Board in 2018 – 7

Number of applications requesting bulk variances or waivers –4

Number of applications requesting subdivisions and/or lot consolidations –5

Number of applications requesting site plan approval – 4

Number of requests for extensions or administrative review- 0

Number of courtesy reviews/discussions/presentations (no applications) – 12

SITE REVIEW

Total number of applicants heard at Site Review in 2018– approximately 26



Summary

This report provides a synopsis of the Planning and Zoning Board activities over the past year. The applications summarized herein provide a glimpse as to the potential issues that may occur upon strict application of 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.

Bulk Variances – The Township Planning Board continues to smaller type bulk variances being asked for because of the nature of how sites are ultimately designed. Infringing on setbacks, buffers and other site design standards are typically not a critical issue in most cases. In-fact, the presence of many of these standards in the ordinance is and antiquated practice and require removal in favor of standards that augment the relationship between sites and various functions within and adjacent to them; like shared access, parking, shared open spaces.

Form-based codes are a relatively newer zoning technique that focuses of building form and function versus standards that restrict creativity. The Board should consider using such techniques to both strengthen the inter-relationship between complementary land uses while aiding in minimizing the impacts for those uses that are not.

Key points and intersection between Commercial and Residential Land Uses– There are some areas within the Township continue to require attention through Zoning amendments and/or Redevelopment Designation. These areas are where land-use pressures reveal themselves near places where land use patterns shift, i.e. from commercial to residential, and/or where major roadways present traffic and exposure. These areas worth review include; Somerset/Pennington Road; Olden /Parkway; Pennington/Parkway; Pennington/Parkside; Ewingville/Pennington; Scotch/Upper Ferry; West Upper Ferry/Grand; Grand/Railroad; Lower Ferry/Parkway; Spruce/Parkside; Prospect/Parkway; West Ingham/Calhoun; and lastly Calhoun/Martin Luther King/Princeton Avenue with and between the City of Trenton.

Of these areas, several are in the process of being reviewed for change, namely; West Ingham/Calhoun; Somerset/Pennington Road; and Olden /Parkway.



Single-family Residential – The Township continues to consider rental-housing pressures. Accordingly, the Township has made some revisions to the ordinance and will continue to review how that ordinance is effective.

Airport - Zoning around the **Airport** continues to be a concern. Continue to monitor the progress and contribute towards the County's Airport Master Plan. The zoning around the airport, because of its proximity to, and direct access from the highway is of concern, as economic activity within the core of town requires visibility and increased activity and traffic.

Initial Escrows – Escrows for smaller projects that require variances continues to be an issue. The nature of these applications do not warrant big reviews, but with three professionals reviewing beforehand and the board proceedings, the fees hurt the everyday taxpayer. The Township should continue to explore ways to streamline the review process for the everyday homeowner.

Industrial Zoning Issues. A continuing comment from past reports. Prospect Street (Subarea 7 of OARP Hazel, Robbins, Troy, Stokes); and 4th Street (Subarea 3 of 4th, 5th, Industry Court), all point to historic development patterns that will require the Township to be creative in how it ensures success of these light industries. Small lot sizes with minimal areas devoted to parking, loading, and storage, make it difficult to utilize these properties in accordance with 21st century standards. The physical constraints have led to properties devoid of landscaping with operations spilling out into public rights-of-way. The Olden Avenue Redevelopment Plan was recently amended in an attempt to address the issues. The Township should continue to review this issue through zoning practice and strategic purchase of property that can yield shared parking opportunities. Additionally, pressures on all the Township's **Industrial zones** continue with areas off of Ewingville Road (Walters, Commerce, Winterwood Aves), having the wrong bulk standards coupled with poor lot size configurations.

Enforcement - A continuing comment from past reports. Code enforcement, property maintenance, and the Township's successes thereof. The Township continues to work of these issues hand-in-hand between police, code enforcement, real estate investors, and college representatives to address conditions where property owners are non-compliant. A review of Township data pertaining to such things, including but not limited to, complaints, substandard structure data, enforcement activity, and windshield surveys, could lead to solutions in support of bolstering compliance throughout the Township.



BULK VARIANCE APPLICATIONS
BEFORE ZONING BOARD IN 2018

APPLICANT:

Denise Ogradnick
58 Dunmore Avenue
Block 481, Lot 111
R-2 Zone
App. #ZBA-18-001
App. Fee -\$50.00-Sr. Discount
Escrow posted -\$250.00

Patrick De Maynadier
1584-1586 Pennington Road
Block 139, Lot 6
R-2 Zone
App. # ZBA-17-009
App. Fee - \$100.00
Escrow posted -\$2,500.00

Hunter and Shannon Racz
515 Berwyn Avenue
Block 285, Lots 31 and 32
R-2 Zone
App. #ZBA-18-002
App. Fee - \$100.00
Escrow posted \$500.00

DESCRIPTION:

Applicant requested a bulk **variance** to construct a carport over the driveway. Dimensions of the carport require a side yard variance; ten feet (10') is required where carport will be located within one foot (1') of side yard property line. Applicant also requested any other variances or waivers deemed necessary by the Board.

Applicant sought **variance** for total lot coverage to convert impervious gravel parking area to paved and landscaped parking. Maximum total lot coverage permitted is 26%, existing total lot coverage is 86.7% and proposed total lot coverage is 70.46%. Applicant sought variances/waivers for driveway within 6 feet of side yard property line - 0 ft. existing; driveway width of 24 ft. for 90-degree parking - proposed 22 ft.; parking stall size - 3 @ 9 ft. x 18 ft. and 3 @ 8.5 ft. x 18 ft. and minimum driveway width of 10 ft.- existing width of 9 ft. Applicant also requested any other variances or waivers deemed necessary by the Board.

Applicant requested 2 foot **variance** to install 6 foot high fence on corner lot where maximum height permitted is 4 feet. Applicant also requested any other variances or waivers deemed necessary by the Board.

DETERMINATIONS:

Board approved with conditions on 1/18/18.

Board approved with conditions on 3/15/18.

Board approved with conditions on 5/17/18.



**REQUESTS FOR EXTENSIONS OR ADMINISTRATIVE REVIEW
BEFORE ZONING BOARD IN 2018**

Lower Ferry Road, LLC
1440 Lower Ferry Road
Block 225.02, Lot 51
IP-1 Zone
App. #ZB06-011
No additional application fees paid
\$500.00 escrow posted

Applicant requested third one-year **extension** of the approvals originally granted by Ewing Township Zoning Board of Adjustment on March 16, 2006 and memorialized by the Board on April 20, 2006 under Resolution 2006-Z-9 for Use and Bulk Variance and waiver approval and Preliminary and Final Site Plan approval regarding the Pennington Ewing Athletic Club's ("PEAC") use of the subject property. Pursuant to Resolution #2016-ZB-05 the Board granted a one-year extension through June 30, 2017 and pursuant to Resolution 2017-ZB-03 the Board granted a second one-year extension through June 30, 2018.

Board approved third one-year extension with conditions on 5/17/18.



BULK VARIANCE APPLICATIONS
BEFORE PLANNING BOARD IN 2018

APPLICANT:

Petros & Sons, Inc. of Ewing, N.J.
1099 Parkway Ave. and 1101
Parkway Ave.
Block 358, Lots 15 & 15.01 and
Block 357, Lot 19
BN Zone
App. #PBA-17-009
App. Fee - \$1,750.00
Escrow posted-\$ 9,360.00.

Naresh Patel
98 Louisiana Avenue
Block 156, Lots 10, 11, 12 & 13
R-2 Zone
App. #PBA-18-001
App. Fee - \$750.00
Escrow posted-\$2,500.00

Mercer Group International
of NJ, Inc.
1605 Calhoun Street
Block 12, Lot 1
OAR Zone, Sub Area 6
App.#PBA-18-002
App. Fee - \$750.00
Escrow posted-\$2,500.00

Buildquick Properties, LLC.
12 Railroad Avenue
Block 390, Lots 1 thru 8 and 30
TC Zone
App. #PBA-18-004
App. Fee - \$1,050.00
Escrow posted-\$6,360.00

DESCRIPTION:

Applicant requested Preliminary and Final Site Plan approval, lot consolidation and **variances** for construction of approximately 1,350 square foot addition to existing diner; reconstruct total parking on the properties that will result in a total of 76 parking spaces and construction of an underground storm water detention basin. Applicant also requested any other variances or waivers deemed necessary by the board.

Applicant requested preliminary and final subdivision approval with **variances** to subdivide the property into two lots and construct two single family homes. Applicant also requested any other variances or waivers deemed necessary by the Board.

Applicant requested minor site plan approval with **variances** for an eight-foot high fence and landscaping. Also requested any other variances or waivers deemed necessary by the Board

Applicant requested preliminary site plan approval, conditional use authorization, **variances** and minor subdivision approval to create two lots. One of the resulting lots will contain existing restaurant and other lot to be developed with 4-1/2 story mixed-use building containing 3,300 square feet of commercial use and parking on first floor with 38 residential units above. Freddies Tavern which currently contains 242 seats will reduce seating to 215. Applicant also requested any other variances or waivers deemed necessary by the Board.

DETERMINATIONS:

Board approved with conditions 2/1/18

Board approved with conditions 3/1/18.

Board approved with conditions 6/7/18.

Applicant withdrew application 11/1/18.



SUBDIVISIONS AND/OR LOT CONSOLIDATIONS
BEFORE PLANNING BOARD IN 2018

APPLICANT:

DESCRIPTION:

DETERMINATIONS:

Petros & Sons, Inc. of Ewing, N.J.
1099 Parkway Ave. and 1101
Parkway Ave.
Block 358, Lots 15 & 15.01 and
Block 357, Lot 19
BN Zone
App. #PBA-17-009
App. Fee - \$1,750.00
Escrow posted-\$ 9,360.00

Applicant requested Preliminary and Final Site Plan approval, **lot consolidation** and variances for construction of approximately 1,350 square foot addition to existing diner; reconstruct total parking on the properties that will result in a total of 76 parking spaces and construction of an underground storm water detention basin. Applicant also requested any other variances or waivers deemed necessary by the board.

Board approved with conditions 2/1/18.

Naresh Patel
98 Louisiana Avenue
Block 156, Lots 10, 11, 12 & 13
R-2 Zone
App. #PBA-18-001
App. Fee - \$750.00
Escrow posted-\$2,500.00

Applicant requested preliminary and final **subdivision** approval with variances to subdivide the property into two lots and construct two single family homes. Applicant also requested any other variances or waivers deemed necessary by the Board.

Board approved with conditions 3/1/18.

Phoenix Consultants, Inc.
1471 Prospect Street
Block 118.04, Lot 53
and Sydney & Kathleen Gough
1743-1745 North Olden Avenue
Block 118.04, Lot 40
OAR Zone, Sub Area
App. #PBA-18-003
App. Fee -\$500.00
Escrow posted- \$800.00

Applicant requested **subdivision** approval to subdivide portion of Lot 53 to remove access lane from Olden Avenue to interior of retention basin for consolidation with Lot 40. Applicant also requested any other variances or waivers deemed necessary by the Board.

Board approved with conditions 6/7/18.

James Cialdella
6 Carrigg Avenue
Block 385, Lots 1 & 2 and
Block 381, Lots 234, 235 & 236
R-2 Zone
App. #PBA-18-005
App Fee - \$300.00
Escrow posted - \$2500.00

Applicant requested **minor subdivision** and reconfiguration of lots to create two conforming lots. Applicant also requested any other variances or waivers deemed necessary by the Board

Board approved with conditions 9/6/18.



Buildquick Properties, LLC.
12 Railroad Avenue
Block 390, Lots 1 thru 8 and 30
TC Zone
App. #PBA-18-004
App. Fee - \$1,050.00
Escrow posted-\$6,360.00

Applicant requested preliminary site plan approval, conditional use authorization, variances and **minor subdivision** approval to create two lots. One of the resulting lots will contain existing restaurant and other lot to be developed with 4-1/2 story mixed-use building containing 3,300 square feet of commercial use and parking on first floor with 38 residential units above. Freddie's Tavern which currently contains 242 seats will reduce seating to 215. Applicant also requested any other variances or waivers deemed necessary by the Board..

Applicant withdrew application 11/1/18.



**SITE PLAN APPLICATIONS BEFORE
PLANNING BOARD IN 2018**

APPLICANT:

DESCRIPTION:

DETERMINATIONS:

Petros & Sons, Inc. of Ewing, N.J.
1099 Parkway Ave. and 1101
Parkway Ave.
Block 358, Lots 15 & 15.01 and
Block 357, Lot 19
BN Zone
App. #PBA-17-009
App. Fee - \$1,750.00
Escrow posted-\$ 9,360.00

Applicant requested **Preliminary and Final Site Plan approval**, lot consolidation and variances for construction of approximately 1,350 square foot addition to existing diner; reconstruct total parking on the properties that will result in a total of 76 parking spaces and construction of an underground storm water detention basin. Also requested any other variances or waivers deemed necessary by the board

Board approved with conditions 2/1/18.

Mercer Group International
of NJ, Inc.
1605 Calhoun Street
Block 12, Lot 1
OAR Zone, Sub Area 6
App.#PBA-18-002
App. Fee - \$750.00
Escrow posted-\$2,500.00

Applicant is requesting **minor site plan approval** with variances for an eight-foot high fence and landscaping. Also requested any other variances or waivers deemed necessary by the Board.

Board approved with conditions 6/7/18.

Buildquick Properties, LLC.
12 Railroad Avenue
Block 390, Lots 1 thru 8 and 30
TC Zone
App. #PBA-18-004
App. Fee - \$1,050.00
Escrow posted-\$6,360.00

Applicant requested **preliminary site plan approval**, conditional use authorization, variances and minor subdivision approval to create two lots. One of the resulting lots will contain existing restaurant and other lot to be developed with 4-1/2 story mixed-use building containing 3,300 square feet of commercial use and parking on first floor with 38 residential units above. Freddie's Tavern which currently contains 242 seats will reduce seating to 215. Applicant also requested any other variances or waivers deemed necessary by the Board.

Applicant withdrew application 11/1/18.

Olden Automotive Services LLC
1581 North Olden Avenue
Block 13, Lot 11
OAR SA-6 Zone
PBA-18-009
App. Fee - \$1,00.00
Escrow posted - \$19,557.00

Applicant requested **Preliminary and Final Major Site Plan approval** to use property for auto body/auto repair facility. Existing building has approximately 23,745 square feet of space and applicant is proposing to add approximately 34,465 square feet for a total of approximately 58,200 square feet. Applicant also requested any other variances or waivers deemed necessary by the Board.

Board approved with conditions 12/6/2018



COURTESY REVIEWS, DISCUSSIONS AND/OR PRESENTATIONS BEFORE BOARDS IN 2018

3/15/18 - Zoning Board reviewed and discussed 2017 Annual Report of Zoning and Planning Board Activity.

4/5/18 – 1. Planning Board held a courtesy review and discussion of Ewing Public Schools Facility Referendum Proposal for site improvements at Ewing High School, Fisher Middle School and Antheil Elementary School. **2. Planning Board** also reviewed and held a discussion on the Housing Element and the Fair Share Element of the Master Plan. **3. Planning Board** held a discussion on Resolution #18R-68, adopted by the Ewing Township Council on Tuesday, March 13, 2018 authorizing the Planning Board to undertake an investigation on two parcels, "N&H Adjacent Parcel" and "1400 Adjacent Parcel" aka the "Adjacent Parcels".

4/19/18 - Zoning Board held further discussion and then approved 2017 Annual Report of Zoning and Planning Board Activity.

6/7/18 - Planning Board held a courtesy review and discussion for Mercer County regarding subdivision of County land involving the Mercer County Library, 61 Scotch Road, Block 365, Lot 1.

7/12/18 – 1. Planning Board held a discussion on Resolution #18R-68, adopted by the Ewing Township Council on Tuesday, March 13, 2018 authorizing the Planning Board to undertake an investigation on two parcels, "N&H Adjacent Parcel" and "1400 Adjacent Parcel" aka the "Adjacent Parcels". **2. Planning Board** next discussed Ordinance 18-17 referred to the Board by Council: An Ordinance amending Chapter 215 of the revised General Ordinances of the Township of Ewing, County of Mercer, concerning development of commercial rooming units. **3. Planning Board** reviewed and discussed Annual Report of 2017 Zoning and Planning Board Activity. **4. Planning Board** held a discussion concerning Technology.

8/2/18 – 1. Planning Board held review and discussion of referral from Township Council pertaining to Ordinance replacing the entire contents of the existing Affordable Housing Ordinance of Township of Ewing to address the requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) regarding compliance with the Township's Affordable Housing obligations. **2. Planning Board** held review and discussion of referral from Township Council pertaining to Ordinance amending the Land Use Ordinance of the Township of Ewing to provide for the collection of development fees in support of Affordable Housing as permitted by the New Jersey Fair Housing Act. **3. Planning Board** held Review and discussion of referral from Township Council pertaining to Ordinance amending the revised general Ordinances of the Township of Ewing in the County of Mercer Chapter 215, Article IV Zoning District regulations; conditional uses, parking and sign requirements with respect to commercial structures.

10/4/18 – Planning Board held review and discussion on draft revisions to the Land Development Ordinance pertaining to Medicinal Marijuana.