

PLANNING BOARD/ZONING BOARD OF ADJUSTMENT FORM

BOROUGH OF FLEMINGTON
38 PARK AVENUE
FLEMINGTON, NEW JERSEY 08822

* The application, with supporting documentation *
* must be filed with the Board Secretary and must *
* be delivered to the professional for review at *
* least (21) business days prior to the meeting * *
which the application is to be considered. *

To be completed by Board Secretary

Date Filed _____ Application No. _____

Planning Board _____

Zoning Board of Adjustment _____ Application Fees \$ _____
Escrow Fee \$ _____

Schedule for: Review for Completeness _____
Hearing _____

FOLLOWING MUST BE COMPLETED BY APPLICANT

1. SUBJECT PROPERTY:

Location: 8 New York Avenue Block 19 Lot 7 & 8
Dimensions Frontage _____ Depth _____ Total Area _____
Zoning District Single Family Residential (SF)

2. APPLICANT:

Name Family Promise of Hunterdon County, Inc.
Address 8 Bartles Corner Road, Flemington, NJ 08822
Telephone Number (908) 782-2490
X - non-profit
Applicant is a Corporation / Partnership _____ Individual _____

3. DISCLOSURE STATEMENT:

Pursuant to N.J.S. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S. 40:55D-48.2 that

disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed.

(Attach pages as necessary to fully comply)

Name N/A - Applicant is a non-profit

Address _____ Interest _____

4. If owner is other than the applicant, provide the following information on the Owner(s):

Owner's

Name Calvary Episcopal Church

Address 44 Broad Street, Flemington, NJ 08822

Telephone Number (908)782-7227

5. PROPERTY INFORMATION:

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:

Yes (Attach copies) _____

No X

Proposed None

NOTE: All deed restrictions, covenants, easements, association by-laws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved

Present use of the premises: See Addendum attached hereto.

All applicants must attach to this application a schedule showing the following information (if applicable): Type of construction (frame, stone, brick, cement, etc.)

Present use of existing building(s) See attached Addendum premises. See attached Addendum

Describe any deed restrictions affecting this property. _____

None known.

Total proposed dwelling units (square footage of each) _____
None.

Total proposed professional offices (number and square footage of each) None.

Total proposed floor area. N/A

Total proposed parking spaces. Twenty-three (23)

A photograph or photographs of land and buildings involved in the application. See attached.

Names and addresses of all expert witnesses proposed to be used.

John Madden, P.P., 256 Heath Village, Hackettstown, NJ 07840

Proof of payment of all taxes due and owing on the premises.
 (See attached sheet)

A legible plot plan or survey to scale (not less than 1" equals 50 feet) indicating the relation of the existing and/or proposed structure with adjoining property and structures accompanies this application. Scale drawings (of not less than .25" - 1') of the proposed building(s), of the existing structure indicating the changes, alterations or additions contemplated that will be presented at the hearing, if relevant.

6. APPLICANT'S ATTORNEY Steven P. Gruenberg, Esq.

Address 151 Main Street, Flemington, NJ 08822

Telephone Number (908) 751-7181 Fax Number (908) 751-7182

7. APPLICANT'S ENGINEER Not Applicable

Address _____

Telephone Number _____ Fax Number _____

8. APPLICANT'S PLANNING CONSULTANT John Madden, P.P.

Address 256 Heath Village, Hackettstown, NJ 07840

Telephone Number _____ Fax Number _____

9. APPLICANT'S TRAFFIC ENGINEER Not Applicable

Address _____

Telephone Number _____ Fax Number _____

10. List any other Expert who will submit a report or who will testify for the Applicant: (Attach additional sheets as may be necessary)Name Not Applicable

Field of Expertise _____

Address _____

Telephone Number _____ Fax Number _____

11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:**SUBDIVISION:**

_____ Minor Subdivision Approval

_____ Subdivision Approval (Preliminary)

_____ Subdivision Approval (Final)

Number of lots to created _____ (including remainder lot)

Number of proposed dwelling units _____ (if applicable)

SITE PLAN:

_____ Minor Site Plan Approval

_____ Preliminary Site Plan Approval (Phases if applicable) _____

_____ Final Site Plan Approval (Phases if applicable) _____

_____ Amendment or Revision to an Approved Site Plan

Area to be disturbed (square feet) _____

Total number of proposed dwelling units _____

_____ Request for Waiver From Site Plan Review and Approval

Reason for Request: _____

_____ Informal Review

_____ Appeal decision of an Administrative Officer

[N.J.S.40:55-D70a]

_____ Variance Relief (hardship) [N.J.S.40:55D-70c(1)]

_____ Variance Relief (substantial benefit) [N.J.S40:55D-70c(2)]

X _____ Variance Relief (use) [N.J.S.40:55D-70d]

_____ Conditional Use Approval [N.J.S.40:55D-67]

_____ Direct issuance of a permit for a structure in bed of a mapped street, public drainage way, or flood control basin [N.J.S.40:55D-34]

_____ Direct issuance of a permit for a lot lacking street frontage [N.J.S. 40:55D-35]

12. Section(s)

Section(s) of Ordinance from which a variance is requested.
2613B, principal permitted uses of SF Zone.

13. Waivers Requested of Development Standards and/or Submission requirements: (attach additional pages as needed.)

14. Attach a copy of the Notice to appear in the official newspaper of the municipality and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the 200 feet in all directions of the property which is subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable.

The publication and the service on the affected owners must be accomplished at least 10 days prior to the date scheduled by the Administrative Officer for the hearing.

An affidavit of service on all property owners and a proof of publication must be file before the application will be complete and the hearing can proceed.

15. Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises: (attach pages as needed)
See Addendum attached hereto.

16. Attach a completed Form A (Feasibility And Allocation Of Public Sewer And Water)

17. Have any proposed new lots been reviewed by the Tax Assessor to determine appropriate block and lot numbers?
Not applicable.

18. Are any off-tract improvement required or proposed? No.

19. Is the subdivision to be filed by Deed or Plat? N/A.

20. What form of security does the applicant propose to provide as performance and maintenance guarantees?

Not applicable.

21. Other approvals which may be required and date plans submitted:

	YES	NO	DATE PLANS SUBMITTED
Raritan Township Municipal			
Utilities Authority	<u> </u>	<u>X</u>	<u> </u>
Hunterdon Co. Health Department	<u> </u>	<u>X</u>	<u> </u>
Hunterdon Co. Planning Board	<u> </u>	<u>X</u>	<u> </u>
Hunterdon Co. Soil Conservation			
District	<u> </u>	<u>X</u>	<u> </u>
N.J. Dept of Environmental Protection	<u> </u>	<u>X</u>	<u> </u>
Sewer Extension Permit	<u> </u>	<u>X</u>	<u> </u>
Sanitary Sewer Connection Permit	<u> </u>	<u>X</u>	<u> </u>
Stream Encroachment Permit	<u> </u>	<u>X</u>	<u> </u>
Wetlands Permit	<u> </u>	<u>X</u>	<u> </u>
Potable Water Construction Permit	<u> </u>	<u>X</u>	<u> </u>
Other <u> </u>	<u> </u>	<u>X</u>	<u> </u>
N.J. Dept of Transportation	<u> </u>	<u>X</u>	<u> </u>
Public Service Electric & Gas Company	<u> </u>	<u>X</u>	<u> </u>

22. Certification from the Tax Collector that all taxes due on the subject property have been paid.

23. List of Maps, Reports and other materials accompanying the application (attach additional pages as required for complete listing).

It is the responsibility of the applicant to mail or deliver copies of the application form and all supporting documents to the members of the professional staff (Engineer, Planning Consultant, Attorney for the Board of which the application is submitted) for their review. The documentation must be received by the professional staff at least twenty-one (21) business days prior to the meeting at which the application is to be considered, otherwise the application will be deemed incomplete. A list of the professional staff is attached to the application form.

24. The Applicant hereby requests that copies of the reports of the professional staff reviewing the application be provided to the following of the applicant's professionals.

Specify which reports are requested for each of the applicant's professionals or whether all reports should be submitted to the professional listed.

Applicant's Professional	Reports Requested
Attorney X	All reports
Engineer	
Planner X	All reports

Attorney X	All reports
Engineer	
Planner X	All reports

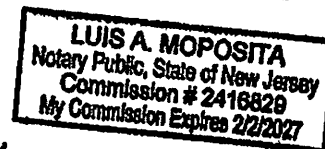
25. I certify that the foregoing statements and the materials submitted are true. I further certify I am the individual application or that I am an Officer of the Corporate applicant and that I am authorized to sign the Application for the Corporation or that I am a general partner of the partnership applicant.

If the applicant is a corporation this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner.

Sworn to and subscribed before me this
16 day of May, 2022

Angela Fields
Signature of Applicant

[Signature]
NOTARY PUBLIC



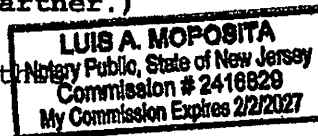
26. I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision is the same manner as if I were the applicant.

(If the owner is a corporation this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner.)

Sworn to and subscribed before me this

16th day of May, 2022

[Signature]
NOTARY PUBLIC



N/A
Signature of Owner

27. I understand that the sum of \$1,950.00 has been deposited in an escrow account. In accordance with the

Specify which reports are requested for each of the applicant's professionals or whether all reports should be submitted to the professional listed.

Applicant's Professional	Reports Requested
Attorney	
Engineer	

25. I certify that the foregoing statements and the materials submitted are true. I further certify I am the individual application or that I am an Officer of the Corporate applicant an that I am authorized to sign the Application for the Corporation or that I am a general partner of the partnership applicant.

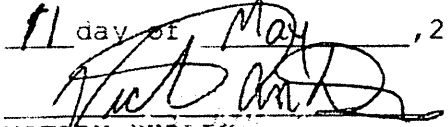
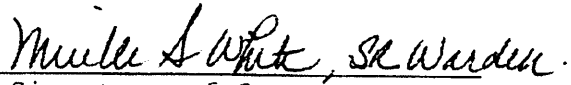
If the applicant is a corporation this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner.

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

_____ Signature of Applicant	_____ NOTARY PUBLIC
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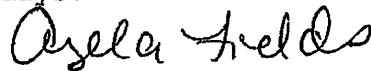
26. I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision is the same manner as if I were the applicant.
(If the owner is a corporation this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner.)

Sworn to and subscribed before me this

<u>11</u> day of <u>May</u> , 20 <u>22</u>  NOTARY PUBLIC	 Signature of Owner
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27. I understand that the sum of \$ _____ has been deposited in an escrow account. In accordance with the

Ordinances of the Borough of Flemington, I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum of the escrow account within fifteen (15) days.



Signature of Applicant

FLEMINGTON BOROUGH PROFESSIONAL STAFF

SECRETARY: Eileen Parks
eparks@historicflemington.com

38 Park Ave.

Flemington, NJ 08822

908 782-8840

908 782-0142 (fax)

ENGINEER: Van Cleef Engineering/Robert Clerico
rclerico@vcea.org

1128 Route 31

Lebanon NJ 08833

908 735-9500

908 735-6364 (fax)

ATTORNEY: MYKL Law/Kara Kaczynski
kara@mykl-law.com

50 Main Street, Suite 3-A

Flemington NJ 08822

908-800-7010

908 722-7787 (fax)

)

PLANNER: Kyle+McManus/Elizabeth McManus
bmcmanus@kylemcmanus.com

PO Box 236

Hopewell NJ 08525

609 257-6707

TRAFFIC: McDonnough & Rea Assoc/Jay Troutman
jayt@mratraffic.com

105 Elm Street

Westfield NJ 07090

908 789-7180

908-789-7181 (fax)

FAMILY PROMISE OF HUNTERDON COUNTY, INC.

APPLICATION FOR d(1) USE VARIANCE RELIEF

Applicant: Family Promise of Hunterdon County

Owner: Calvary Episcopal Church

Property Address: 8 and 10 New York Avenue

Block 19, Lots 7 and 8

NARRATIVE STATEMENT

The Applicant is the tenant of premises known as Block 19, Lot 7, consisting of 0.4488± acres on the Flemington Borough Tax Map which property is owned by the Calvary Episcopal Church and is developed with an existing two-story, single-family dwelling, one-way ingress driveway, and paved parking. The property is located in the SF (Single Family Residence) Zoning District and is currently used for office space for the Calvary Episcopal Church and Sunday School classrooms. The paved parking area connects to a one-way egress driveway located on the adjacent Block 19, Lot 8, which is also owned by the Calvary Episcopal Church. The Calvary Episcopal Church is located on the adjacent Lot 6.

Applicant is pleased to present an application that seeks a d(1) use variance from §2613B, principal permitted uses, of the Flemington Borough Zoning Ordinance to use the existing single-family dwelling as supervised transitional housing for displaced families between the hours of 5:00 p.m. to 9:00 a.m., Monday through Friday and all day Saturday, Sunday and holidays. While the proposed use is not specifically permitted in the SF Zone, houses of worship are a principal permitted use in the zone and include "A building or group of buildings, including customary accessory buildings, designed or intended for public worship or religious education." Arguably, the intended use of supervised transitional housing for the families experiencing homelessness is part and parcel of the permitted house of worship use as being a customary accessory building. Nevertheless, the applicant has filed for d(1) use variance relief.

Applicant proposes to convert the interior of the dwelling which is presently used as an office, into four bedrooms and 2 bathrooms and does not propose any exterior changes or improvements to the property. Applicant is only proposing to use the premises for supervised transitional housing while guiding its clients to self-sufficiency and permanent housing. All other activities between 9:00 a.m. to 5:00 p.m. involving Applicant and its clients would be conducted at Applicant's existing facilities located in Raritan Township.

Applicant reserves the right to supplement this application and/or seek at the time of hearing, such other approvals, interpretations, variances, exceptions, and/or waivers as may be requested or required by Applicant or the Board.

At the time of the public hearing on its application, the Applicant and its professionals will provide testimony in support of the d(1) use variance, that the proposed use is an inherently beneficial use. An inherently beneficial use not only presumptively satisfies the positive criteria by satisfying the purpose of advancing the general welfare, but also satisfaction of the negative criteria does not depend on an

enhanced quality of proof. An "inherently beneficial use" is defined in the Municipal Land Use Law as "a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Such a use includes, but is not limited to, a hospital, school, child care center, group home, or a wind, solar or photovoltaic energy facility or structure." N.J.S.A. 40:55D-4.

Our courts have held that the creation of two apartments for low income or people experiencing homelessness was held to be an inherently beneficial use even though its developer was a private nonprofit group, not a public entity and the development itself was very small. Homes of Hope v. Zoning Bd. of Adj., 236 N.J. Super. 584, 587-589 (Law Div. 1989). The proposed supervised transitional housing is limited in scope, is completely analogous to the Homes of Hope case and provides a desperate service to the community consistent with the House of Worship services that are permitted uses in the zone.

Assuming the Board agrees that the application presents an inherently beneficial use, the applicant is deemed to have presumptively satisfied the positive criteria since the use has been found to advance the general welfare. The Board must then engage in a balancing of the positive and negative criteria. The standard of review is generally referred to as the "Sica standard" and was established in the case, Sica v. Board of Adjustment of Tp. of Wall, 127 N.J. 152, (1992). First, the Board must initially identify the public interest at stake. The Court points out in this regard that even among inherently beneficial uses, some are more compelling than others. Next, the Board must identify the detrimental effects that would ensue from the grant of a variance. For example, the Court pointed out that such effects as an increase in traffic would usually attend any nonresidential use in a residential zone. Next, the board should determine whether it can reduce any detrimental effect by imposing reasonable conditions on the use and, if so, the weight accorded the adverse effect should be reduced by the anticipated effect of those restrictions. Finally, the board should weigh the positive and negative criteria, that is, the public interest against the public detriment, and determine whether, on balance, the grant of the variance would cause a substantial detriment to the public good. Sica v. Board of Adjustment of Tp. of Wall, 127 N.J. 152, 162-166 (1992).

The Applicant will present testimony that the proposed supervised transitional housing for children and families experiencing homelessness satisfies a desperate need of the County of Hunterdon in serving the displaced and that there would be no detrimental effects to the neighborhood as the character of single family uses would be maintained. Certainly there would be no substantial detriment to the public good and the public good is served by the proposed application.

We look forward to presenting this application to the Board at public hearing and answering Board members and the public's questions.