

April 15, 2024

Karen Radcliffe, Board of Adjustment Secretary
Kingwood Township Board of Adjustment
559 Oak Grove Road
Frenchtown, NJ 08825

via email: boa@kingwoodtownship.com

Reference: Bifurcated Variance Application – Engineering Review
Block 10, Lot 2 – 917 State Highway 12
Kingwood Township, Hunterdon County, New Jersey
Applicant: Blitzen, LLC
VCEA # 6598.040

Dear Board Members:

Our office is in receipt of the referenced Variance Application as submitted by Kara A. Kaczynski, Esq., Applicant's Attorney, on behalf of the Applicant, Blitzen LLC, for the property located at Block 10, Lot 2, having an address of 917 State Highway 12. The property is located in the Route 12 Scenic Corridor Overlay (SCO) District. The underlying zoning district is the Highway Commercial (HC) District. The Applicant seeks variance relief in the bifurcated application as submitted, prior to submission of a Preliminary and Final Major Site Plan application.

Documentation submitted by the Applicant in support of the initial application, as well as revised application materials provided by the Applicant's Attorney in response to our office's initial completeness review, consist of the following:

1. Cover letter from Kara A. Kaczynski, Esq., Applicant's Attorney, dated February 7, 2024.
2. Letter from Kara A. Kaczynski, Esq., Applicant's Attorney, with responses to our office's completeness review letter, dated March 6, 2024.
3. Kingwood Township Board of Adjustment Variance Application, including Exhibit A and Attachments 1 and 2, dated February 5, 2024.
4. Copy of revised Variance Application, page 2, updating the Applicant's Professional Planner information, received March 6, 2024.
5. Checklist for Variance Applications, dated December 22, 2023.
6. List of Requested Waivers and List of Requested Variances, undated.
7. Annual Report Certificate, issued by NJ Div. of Revenue and Enterprise Services, dated October 2, 2023.
8. Board of Adjustment Escrow Agreement, dated February 1, 2024.
9. Applicant's W-9 Form.
10. Certified list of property owners within 200 feet, dated December 12, 2023.

OFFICE LOCATIONS

www.vancleefengineering.com

Lebanon, NJ
908-735-9500

Hamilton, NJ
609-689-1100

Toms River, NJ
732-573-0490

Freehold, NJ
732-303-8700

Bethlehem, PA
610-332-1772

Hillsborough, NJ
908-359-8291

Mt. Arlington, NJ
862-284-1100

Phillipsburg, NJ
908-454-3080

Doylestown, PA
215-345-1876

Leesport, PA
610-670-6630

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11. Tax Collector’s Certification, dated March 2, 2024.
12. Exterior rendering of proposed development, as prepared by Cerminara Architect, dated January 5, 2024.
13. Architectural plan titled “Blitzen LLC,” as prepared by Cerminara Architect, consisting of five (5) sheets, dated January 5, 2024.
14. Engineering plan titled “Use and Bulk Variance Application,” as prepared by Bayer-Risse Engineering, Inc., consisting of five (5) sheets, dated December 22, 2023.

The bifurcated Variance Application was deemed complete at the Board’s public hearing on March 6, 2024.

Application Summary

The subject property contains approximately 20.8 acres and is currently cultivated for agricultural purposes. The property has frontages on both State Highway 12 (Frenchtown Flemington Road) to the south, and on Old Route 12 to the north. Portions of the property are constrained by wetlands and a 300-foot riparian buffer to the Lockatong Creek, a Category 1 waterway. The property is located in the Route 12 Scenic Corridor Overlay (SCO) District. The underlying zoning district is the Highway Commercial (HC) District. An aerial image of the subject property showing existing conditions is provided in Figure 1 below.

The Applicant seeks the following relief: d(1) principal use variance; d(3) conditional use variance; c(2) variances for lot coverage and principal building coverage; d(6) variance for principal building height; and a design waiver from minimum parking requirements. The application is bifurcated: variance relief is sought prior to submission of a Preliminary and Final Major Site Plan application.

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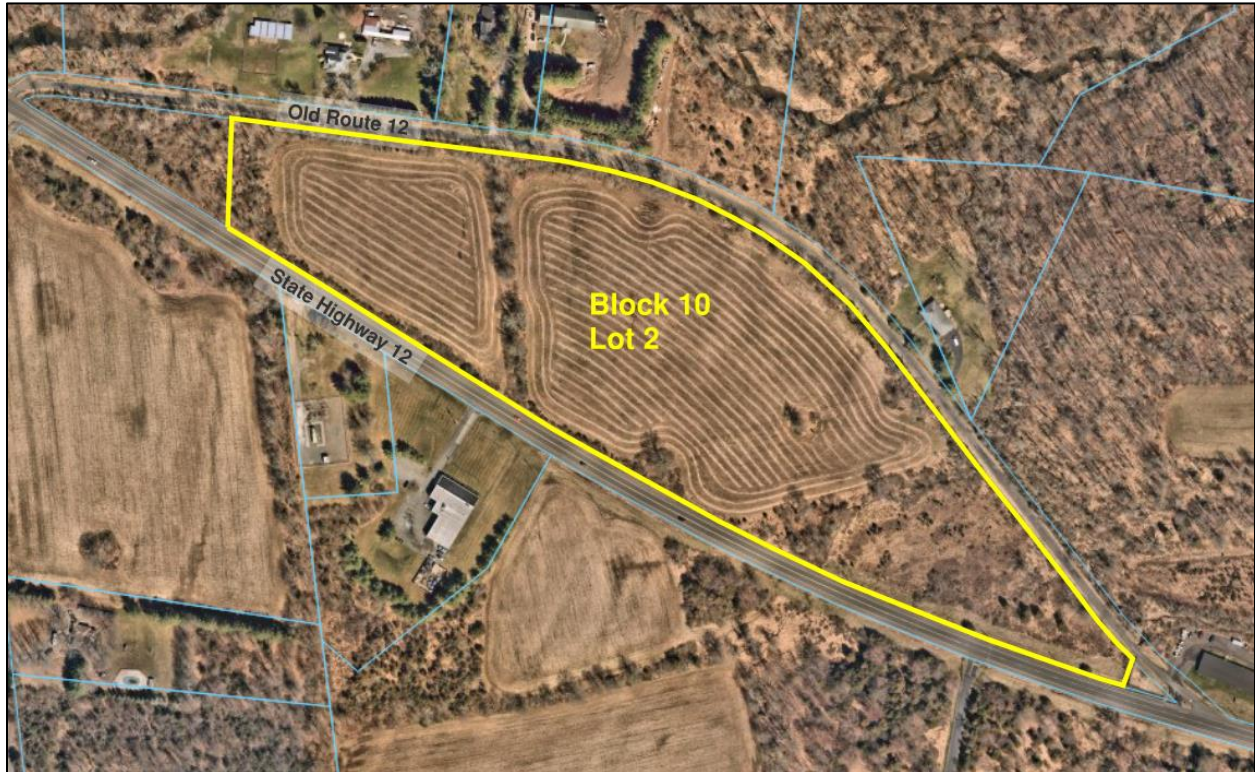


Figure 1. Subject property, showing existing conditions and approximate boundary lines.
Aerial imagery courtesy of Nearmap.com, March 2023

Engineering Review

1. The subject property is Block 10, Lot 2, which is situated entirely within the Route 12 Scenic Corridor Overlay (SCO) Zone. The property's underlying zoning district is HC – Highway Commercial. We note the following regarding the relevant zoning regulations:
 - a. In accordance with §132-41C, the standards set forth for the SCO Zone apply uniformly to the underlying zoning districts; in those cases where the standard varies with the district, the SCO Zone provisions supersede.
 - b. In accordance with §132-41H(1), the subject property, being situated east of the intersection of Route 12 and County Route 519, must comply with area and yard requirements for the AR-2 District, except that principal and accessory structures shall maintain a minimum setback of 100 feet from Route 12.

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- The Applicant proposes construction of a seed mill and processing facility, with intended combined principal uses of warehousing, manufacturing, and business office. The AR-2 District regulations, which apply for the subject property as noted above, do not include area and yard requirements for the proposed principal uses. The submitted application has utilized area and dimensional requirements under the AR-2 District category of Church, Cemetery, Farms, and Public Uses. These requirements are in most cases more restrictive than the alternative AR-2 category requirements. In the absence of directly applicable area and dimensional requirements for the proposed uses in the AR-2 District, we find the application of Church, Cemetery, Farms and Public Uses requirements to be satisfactory. The following area and dimensional requirements apply.

**Route 12 Scenic Corridor Overlay (SCO) Zone, East of Baptistown:
 AR-2 – Agricultural and Single-Family Residential District Requirements**

Principal Building	Required	Existing	Proposed	
Min. Lot Area	7 Acres	20.8 Acres	19.1 Acres ¹	
Min. Lot Frontage	300 ft	2,083 ft	2,083 ft	
Min. Lot Width	300 ft	1,865 ft	1,865 ft	
Min. Lot Depth	600 ft	594.5 ft ^(a)	594.5 ft ^(a)	
Min. Side Yard (each)	100 ft	N/A	731.29 ft	
Min. Front Yard ²	100 ft		102.66 ft	
Min. Rear Yard ²	100 ft		102.66 ft	
Max. Building Height ³	1 story / 25 ft		N/A	50 ft ^(b)
Max. Building Coverage	5%			8.75% ^(b)
Max. Agg. Impervious Lot Coverage	10%			19.38% ^(b)
Max. Floor Area Ratio ⁴	10%			8.79%
Min. Lot Circle Diameter	250 ft	> 250 ft	> 250 ft	
Min. Buildable Area	2 Acres	> 2 Acres	> 2 Acres	
Accessory Building				
Min. Front Yard	150 ft	N/A	350.05 ft ⁵	
Min. Side Yard	50 ft		729.39 ft	
Min. Rear Yard	50 ft		152.99 ft ⁵	
Min. Distance Between Buildings	50 ft		217.72 ft	
Max. Building Coverage	1%		0.12%	
Max. Building Height ³	1 story / 25 ft		< 25 ft ⁶	

(a) Existing nonconformance.

(b) Variance required.

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- ¹ Exclusive of proposed right-of-way to Old Route 12 per definition of Lot Area at §132-4; area as noted in General Note 7 on the submitted plan.
 - ² Two lot frontages. Front yard and rear yard minimum requirements are both equal to 100 ft.
 - ³ In accordance with the regulation at §132-41G.
 - ⁴ In accordance with the regulation at §132-34F(1) for the HC District.
 - ⁵ Scaled setback dimensions for proposed accessory building (water tank and pump house) do not appear to match values in submitted Bulk Requirements Table.
 - ⁶ As noted in letter from Applicant's Attorney dated March 6, 2024.
3. The proposed uses (warehousing, manufacturing, and business office) are not permitted principal or conditional uses in the SCO Zone. We defer to the Board Planner for a determination on appropriate use variance relief.
 4. The proposed principal building height is 50 feet, where a maximum principal building height of 25 feet is required in the SCO Zone in accordance with the standard at §132-41G. A d(6) variance is required as the building exceeds the maximum by 10 feet.
 5. The proposed building coverage for the principal structure is 8.75%, where a maximum building coverage of 5% is required in accordance with the standard at §132-30F(1), Schedule of Lot and Building Requirements for the AR-2 District. A (c) variance is required.
 6. The proposed aggregate impervious lot coverage is 19.38%, where a maximum lot coverage of 10% is required in accordance with the standard at §132-30F(1), Schedule of Lot and Building Requirements for the AR-2 District. A (c) variance is required.
 7. The existing and proposed lot depth is 594.5 feet, where 600 feet is required. This existing non-conforming condition will not change under the proposed condition.
 8. The applicant should provide testimony as to whether the height of the proposed facility can be decreased, in order to reduce or eliminate the deviation from the maximum height requirement.
 9. The applicant should provide testimony as to whether the size (area) of the proposed facility can be decreased, in order to reduce or eliminate the deviation from the maximum principal building coverage requirement.
 10. The applicant should provide testimony as to whether the total area of impervious lot coverage can be decreased, in order to reduce or eliminate the deviation from the maximum aggregate lot coverage requirement.
 11. The following parking standard applies in accordance with §132-53G(1):

Where there are a mixture of uses on site, the total parking requirement shall be the sum of the requirements for each component use based on the gross floor area or other measurements for

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each use. In the event that the total parking resulting from this combination of uses is less than would be required if the development consisted of the use(s) with the most parking requirements, either the applicant shall indicate reserved area(s) for additional parking meeting the requirements of this chapter for the use(s) with the greatest parking requirements or a notice shall be included on the plat in the approving resolution and in the deed stating "No change in use shall be permitted without a review and approval of the site plan to determine whether adequate parking exists on site; and, if adequate parking cannot be provided, the change in use will not be permitted."

Parking calculations based on the three (3) proposed uses have been provided in accordance with the provision above. Calculations have been provided in the "Parking Data Table" on Sheet 3 of the submitted Variance Plan, using parking standards required in the BP Business Park District [§132-35G]. As the proposed uses do not conform with the principal uses and associated parking requirements as provided in §132-41L for the SCO Zone, we have no objection to use of the BP District parking standards for the subject application. A summary of parking requirements is as follows:

Use	Use Area	Required Spaces	Provided Spaces	Deviation
Warehousing	63,455 ft ²	64	64	0
Manufacturing	8,633 ft ²	13	13	0
Business Office	7,668 ft ²	31	25	6
	Total	108	102	6

A total of 102 parking spaces have been provided where 108 parking spaces are required. A design waiver from the standards at §132-35G is required.

Remaining parking standards such as size, layout, reserve parking and loading areas will be reviewed at the time of Preliminary/Final Major Site Plan application.

12. Any approval issued by the Board for the subject bifurcated Variance Application should be conditioned upon successful application for and approval of Preliminary and Final Major Site Plan.
13. Completeness waivers were granted for a number of items, as listed in our office's Completeness Review Letter dated March 1, 2024. These items must be provided at the time of any future application for Preliminary and Final Major Site Plan.
14. At time of Preliminary/Final Major Site Plan submission, approvals will be required from the following agencies:
 - a. Hunterdon County Planning Board
 - b. Hunterdon County Soil Conservation District

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- c. Hunterdon County Health Department
- d. New Jersey Department of Transportation (NJDOT)
- e. New Jersey Department of Environmental Protection (NJDEP)
- f. Delaware Raritan Canal Commission

This concludes our review at this time. Should there be any questions, please contact our office.

Sincerely,



Thomas R. Decker, PE, PP, CME
Kingwood Township Board Engineer

cc: Sara Morrison, Blitzen LLC – Applicant (via email: sara@onsetworldwide.com)
Kara A. Kaczynski, Esq. – Applicant’s Attorney (via email: kara@mykl-law.com)
Theodore H. Bayer, PE – Applicant’s Engineer (via email: tbayer@bayer-risse.com)
John Mannino, AIA – Applicant’s Architect (via email: jmannino@cerminaraarchitect.com)
Matthew R. Flynn, Esq. – Board Attorney (via email: flynn@centraljerseylaw.com)
David Banisch, PP – Board Planner (via email: davidbanisch@banisch.com)