

DORAN

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MEMO TO: City of Northfield Planning/Zoning Board

FROM: Matthew F. Doran, Board Engineer

DATE: October 26, 2020 (Revised November 24, 2020) (Revised December 1, 2020)

RE: 1st Choice Property Management, Inc.
Doran #9685

LOCATION: BLOCK: 95 LOTS: 46, 47
322 Northfield Avenue

STATUS: Minor Subdivision

BASIS FOR REVIEW: Plans prepared by James R. Boney, PLS
Sheet 1 of 1 dated 9-15-20; revised plan, undated

USE: Existing Single Family

ZONING REQUIREMENTS: This property is in the O-P Zone, which allows primarily for office professional uses. The following is a review of the bulk requirements for the proposed project:

| Item | Required | Existing Lot 46 | Proposed Lot 46 | Existing Lot 47 | Proposed Lot 47 | CONFORMITY |
|------------------------|-----------|-----------------|-----------------|-----------------|-----------------|------------|
| LOT AREA | 15,000 SF | 11,950 SF | 11,950 SF | 22,072 SF | 22,072 SF | DNC |
| LOT WIDTH | 100' | 50' | 50' | 67' | 117' | DNC |
| SETBACKS: | | | | | | |
| FRONT | 45' | N/A | 45' | 7.3' (67') | 7.3' | ENC |
| SIDE | 15' | N/A | 15' | 20.3' (43.8') | 20.3' (43.8') | C |
| SIDE | 15' | N/A | 15' | 1.0' | 51' | C |
| REAR | 25' | N/A | 25' | 145' | 65' | C |
| HEIGHT | 2-sty/25' | N/A | M/C | 2 2-sty | 2-sty | C |
| MIN. GROSS FLOOR AREA: | | | | | | |
| ONE STORY | 1500 SF | M/C | M/C | N/A | N/A | C |
| TWO STORY | 1500 SF | M/C | M/C | >1500 SF | >1500 SF | C |
| BUILDING COVERAGE | 25% | M/C | M/C | 7% | 7% | C |
| TOTAL COVERAGE | 80% | M/C | M/C | 14% | 14% | C |

ENC- Existing Non-Conformity

DNC- Does Not Comply- Needs Variance

November 24, 2020 (Revised December 1, 2020)
Northfield Planning/Zoning Board
1st Choice Property Maintenance, Inc.
Doran #9685

PROJECT DESCRIPTION:

This is an application for a Minor Subdivision, to re-align the lot lines of existing Lot 46 and Lot 47.

The subdivision as proposed, keeps the lot areas of each lot the same.

The required lot size in the O-P Zone is 15,000 SF.

There presently exists two (2) pre-existing residential structures located on existing Lot 47. These structures will remain on the requested new Lot 47, if the minor subdivision is approved.

COMPLETENESS REVIEW:

Following is a review of the submission requirements as outlined in Section 215-61 B plot requirements.

The following items should be supplied, or a waiver granted by the Board, prior to the application being deemed complete.

All plat requirements have been addressed.

REVIEW COMMENTS:

1. The application form indicates that the applicant is seeking a Certificate of Non-Conformity for the (2) two residential uses existing on Lot 47. The applicant should provide evidence, such as a tax bill, water and sewer bills indicating that (2) uses existed for some length of time, other types of evidence such as utility bills that identify separate units can also be presented, if available in order for the Board to make their decision, on whether or not to grant the Certificate of Non-Conformity.

If it is determined that the (2) two single family homes on Lot 47 are not a valid non-conforming use than a Use (“D”) Variance is being ought to legalize them.

The entire property including Lot 46 and Lot 47 are located in the O-P Zone, that does not permit single family dwellings.

As part of the application for a subdivision, a request for a Use (“D”) Variance is being requested in order to allow for the construction of a single family dwelling on the newly configured Lot 46, which is also located in the O-P Zone.

2. At present, the applicant states that the subdivision is the reconfiguration of the existing lot line between Lot 46 and Lot 47.

The applicant should provide information to determine if these lots merged into one (1) lot as outlined in the merger doctrine after the Loechner case

It is possible that the lots were previously merged into one particular lot.

3. Since the proposed subdivision involves an existing non-conforming use of (2) two residential structures on a property in the O-P Commercial Zone, a “D” Variance is required, as stated above if a Certificate of Non-Conformity is not granted the use “D” Variance will be needed,

along with the request for a Use (“D”) Variance for residential use in the O-P Zone,
and a “C” Variance the proposed lot width of Lot 46, where 100’ is required, and 50’ is proposed.

4. **A use variance falls under the jurisdiction of the Zoning Board as permitted in NJS 40:55D-60.a and 40:55D-70.d, the Board may “in particular cases and for special reasons grant a variance to allow departure from regulations pursuant to Article 8 of this act to permit; (1) a use or principal structure in a district restricted against such use or principal structure, (2) an expansion of a non-conforming use, (3) deviation from a specification or standard pursuant to Section C. 40:55D-67 pertaining solely to a conditional use, (4) an increase in the permitted floor area ratio as defined in Section 3.1 of P.L. 1975, c. 291 (C. 40:55D-4), (5) and increase in the permitted density as defined in section 3.1 of P.L. 1975, c. 291 (C. 40:55D-4), except as applied to the required lot area for a lot or lots detached one or two dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision or (6) a height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure. A variance under this subsection shall be granted only by affirmative vote of at least five members, in the case of a municipal board, or 2/3 of the full authorized members, in the case of a regional board, pursuant to article 10 of this act [40:55D-77 to 40:55D-88].**

The applicant must prove, and the Board must find “quality of proof as well as clear and specific findings” that the granting of this variance will not be inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance. This is commonly known as the Negative Criteria.

The applicant must also show “special reasons” for the Board to grant this variance. Special reasons have been defined as those reasons that carry out a purpose of zoning.

The applicant needs to provide additional testimony as to how the d (1) variance can be granted in accordance with the criteria outlined above and within the M.L.U.L.

The Municipal Land Use Law (N.J.S.A. 40:55d-2) enumerates the Purpose of Zoning as:

- a To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b To secure safety from fire, flood, panic and other natural and man-made disasters;
- c To provide adequate light, air and open space;
- d To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- f To encourage the appropriate and efficient expenditure of public funds by the coordination or public development with land use policies;

- g To provide sufficient space in appropriate locations for variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- h To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- i To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- j To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- l To encourage senior citizen community housing construction;
- m To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- n To promote utilization of renewable energy resources;
- o To promote the maximum practicable recovery and recycling of recyclable materials from solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

The Board has the power to grant the bulk (“C”) variances provided the applicant can demonstrate to the Board’s satisfaction, that either:

1. (a) By reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or (c) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of the zoning regulations would result in the peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the development of the property.
2. Where the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.
3. The applicant should provide testimony to the Board, regarding the possible use of proposed Lot 46.
4. The map has been reviewed for compliance to the Map Filing Law.

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The following items should be shown on the plan in order for the map to comply.

- a. Co-ordinate values should be shown on a minimum of three outside corners of the site.
- b. Monuments should be placed on the outbounds of the property where said corner intersects a Right-Of-Way.

If you have any questions or require further information, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Matthew Doran", is written over a light blue rectangular background.

Matthew Doran, P.E., P.P., P.L.S.
Engineer