

# DORAN

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**MEMO TO:** Northfield Planning Board /Zoning Board

**FROM:** Matthew F. Doran, Board Engineer

**DATE:** January 21, 2021 (Rev 1/29/21)

**RE:** Danny Davila  
Doran # 9687

**LOCATION:** 96 West Mill Road  
BLOCK: 87 LOT: 3

**STATUS:** Interpretation/ "C" Variance Request for the Construction of a Single-Family Dwelling.

**BASIS FOR REVIEW:** Plans prepared by Arthur W. Ponzio & Associates  
Sheet 1 of 1, dated 12/15/2020

Architectural plans prepared by Homeowner  
3 (three) sheets, undated.

**PROJECT DESCRIPTION:** The applicant has requested an Interpretation, with regards to this lot meeting the criteria of Section 215-18 (Continuance of nonconforming uses and use of undersized lots.) or, if the Board does not make a favorable interpretation, the variances for lot size and frontage are needed.

## ARTICLE IV Nonconforming Uses, Lots and Buildings

### Section 215-18. Continuance of nonconforming uses and use of undersized lots.

- A. Except as otherwise provided in this chapter, the lawful use of land or a building existing at the date of the adoption of this chapter may be continued although such use or building does not conform to the regulations specified by this chapter for the zone in which such land or building is located; provided, however, that:
- 1) No nonconforming lot shall be reduced in size.
  - 2) No nonconforming building shall be enlarged, extended or increased unless such enlargement is conforming.
  - 3) No nonconforming use may be expanded.
  - 4) A lot of record under one ownership at date of adoption of this chapter, where the owner thereof owns no adjoining land, may be used as a lot for any purposes

permitted in the residential zone, provided that the minimum area for such a lot 5,000 square feet and has a fifty-foot width and further provided that all other regulations prescribed for the zone are complied with.

B. The prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a nonconforming use or structure exists may apply in writing for the issuance of a certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming in accordance with N.J.S.A. 40:55D-68. The applicant shall have the burden of proof. Application pursuant hereto may be made to the administrative officer (Zoning Officer) shall collect a fee for such certificates in accordance with Section 215-17 of this chapter. Denial by the administrative officer shall be appealable to the Planning Board in accordance with N.J.S.A. 40:44D-72. Through 40:44D-75 and sections thereof.

**USE:** Single Family

**COMPLETENESS REVIEW:** The application was reviewed for completeness utilizing the criteria shown in Section 215-63 of the ordinance. The following information should be provided, or a waiver granted by the Board.

1. Proof of Service Public Notice
2. Certificate of Paid Taxes

**ZONING REQUIREMENTS:** This property is located in the R-1 Zone, which allows primarily for Residential Uses. The following is a review of the bulk requirements for the proposed project:

ITEM	REQUIRED	EXISTING	CONFORMITY
LOT AREA	10,000 sf	8,000 sf	ENC
LOT WIDTH	100'	80'	ENC
<b>SETBACKS:</b>			
FRONT (Mill)	25'	25'	C
SIDE	15'	15'	C
SIDE	10'	15'	C
REAR	25'	25'	C
HEIGHT	2 ½ sty (30')	2 ½ sty (30')	C
<b>MIN.GROSS FLOOR AREA:</b>			
ONE STORY	1200 sf	-	-
TWO STORY	1350 sf	1792 SF	C
BLDG COVERAGE	25%	22%	C
TOTAL COVERAGE	40%	M/C	C

M/C- Must comply at time of building permit requests.

**REVIEW COMMENTS:**

1. The applicant should provide testimony regarding the requirements for nonconforming lots, particularly, Section 215-18 A (4) mentioned above.
2. If the interpretation of the Grandfather Clause is denied the applicant has requested "C" Variance Relief for Frontage and Lot Area, in order to allow for the construction of a 2-story dwelling on the property.

Following is a list of Variances that are required, if the interpretation is denied:

- a) Lot Area- 10,000 SF is required; 8,000 is existing.
  - b) Lot Width- 100' is required; 80' is existing.
3. The Board has the power to grant the Bulk Variances, provided the applicant can demonstrate to the Board's satisfaction, that either:
    - A. C (1) 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 affected a specific piece of property or (c) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property of the structures awfully 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, or,
    - B. C (2) Where an application or appeal to a specific piece of property, the purpose of this act would be advanced by a deviation from the Zoning Ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

The applicant has submitted a written analysis and presented the case that variances can be granted using both criteria.

The applicant should supply this testimony to the Board.

4. The applicant should further address the Negative Criteria where no variances or other relief may be granted under the terms of this section without showing that such variance or other relief can be granted, without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zone Ordinance.
5. The applicant is required to install curbs and sidewalks along Mill Road. The plan should be revised to show the improvements of a waiver granted by the Board.

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This should be discussed with the Board., if curbs and sidewalks are required, the plan should be revised to provide a profile of the curb line and details for all improvements.

Mill Road is a County Road, and any improvements will require a Road Opening Permit from the County.

6. The applicant is proposing domestic water and sewer. A Road Opening Permit for any proposed opening in the public street, Mill Road is a County Road.
7. The plan should be revised to show street trees at 30' on center, along the frontage of the Road.
8. The applicant is proposed a new driveway access to Mill Road. The apron is required to be constructed of concrete. A detail should be added to the plan. A County Road Opening Permit is required for the new apron.
9. The applicant should contact the Sewer Department in order to obtain the sewer lateral connection and the connection fees.

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

Very truly yours,



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