

DORAN

ENGINEERING, PA

ENGINEERS • PLANNERS • SURVEYORS

840 NORTH MAIN STREET • PLEASANTVILLE, NJ 08232
(609) 646-3111 FAX (609) 641-0592

MEMO TO: Northfield Planning Board

FROM: Matthew F. Doran, Board Engineer

DATE: November 16, 2023

RE: Janet Morey
Doran # 9724

LOCATION: 815 Mill Road/ 1786 Burton Avenue
Block: 16.01 Lot: 38.01 & 39

STATUS: Minor Subdivision

BASIS FOR REVIEW: Plans prepared by Paul Koelling & Associates
Sheet 1 of 1 dated September 27, 2023

Application Form signed by Janet Mazza Morey

USE: Single Family/ Existing Commercial

ZONING REQUIREMENTS: This property is in 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 Lot 38.01/ Prop. Lot 38.01	Existing Lot 39/ Prop. Lot 39	Conformity
LOT AREA	10,000 SF	38,781 SF / 36,170 SF	43,545 SF/ 46,156 SF	C
LOT WIDTH	100'	128.3' / 128.3'	121.50' / 137.67'	C
<i>SETBACKS:</i>				
FRONT (Mill)	25'	27.4' / 27.4' (roofed area)	-	C
FRONT (Burton)	25'	43.5' / 43.5'	55.20' / 55.20'	C
ONE SIDE	10'	2.2' / 2.2'	25.1' / 25.1'	ENC
BOTH SIDES	25'	214.3' / 198.31'	36' / 77.1'	C
REAR	25'	212.1' / 196.1'	74.9' / 74.9'	C
HEIGHT	2 ½ STY/30'	1 STY/ 1 STY	1 ½ STY/ 1 ½ STY	C
Min Gross Floor Plan:				
One Story	1,200 SF	>1,200 SF	-	C
Two Story	1,350 SF	-	>1,350 SF	C
Building Coverage	25%	7.3% / 7.8%	7.3% / 7.8%	C
Total Coverage	40%	15% / 16.1%	7.3% / 6.9%	C

Accessory Structure:

Item	Required	Prop. Lot 38.1	Prop. Lot 34	Conformity
SIDE	10'	155'	70'	C
REAR	10'	N/A	121'	C

Project Description:

The applicant has applied for a Minor Subdivision to re-align existing lot lines between two properties. The re-alignment is minor, where both properties will remain over the minimum requirement of 10,000 SF.

The two properties are located at the corner of Mill Road and Burton Avenue and contains the Mazza's Farm Market, and the residential home on Burton Avenue. No physical changes are proposed as part of the application.

The applicant will require a "d" (2) variance for the commercial portion of the property. There presently exists the commercial farmer market on lot 38.01, which is the parcel of ground at the corner of Mill Road and Burton Avenue.

Since the lot area of a non-conforming use is being reduced, the applicant will need a "d" (2) variance for the expansion of a non-conforming use.

Review Comments:

1. The applicant is proposing to re-align the property line between two (2) adjoining lots on Burton Avenue.

No new "c" variances are created as part of the subdivision. There does presently exist a non-conformity of a side setback on Lot 38.01, however, the subdivision does not change the status of the existing conformity. Therefore, no new "c" variances are required for this application. The applicant will be required to obtain a "d" (2) variance for the expansion of a non-conforming use.

2. The applicant will require a "d" (2) variance for the expansion of a non-conforming use. The commercial use, a farmer market, presently exists on a lot size of 38,781 SF. The subdivision will reduce the size of the commercial lot to 36,170 SF, a reduction of 2,611 SF, this creating the expansion of the non-conforming use.
3. 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) and expansion of non-conforming uses, (3) deviation drive a specification or standard pursuant to Section C. 40:55D-67 pertaining solely to a conditional use, (4) and increase in the permitted floor area ration as defined in Section C. 40:55D-4, except as applied to the required lot area for a lot or lots detached on or two dwelling unit buildings, which lots or lots are either an isolated undersized lots or lots resulting from a minor subdivision or (6) a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.

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 prove additional testimony as to how the “d” (2) 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 “d” (3) variance is a lower standard than a “d” (1) variance. With the “d” (3) variance, the applicant has to address the criteria as to the condition of the “d” (3) nonconformity that does not comply. In this case, the applicant should testify if releasing condition No. 10, affects the lot area and lot frontage requirement for the conditional use.

4. The Board has the power to grant a “c” (1) or “c” (2) variance if needed, provided the applicant, can demonstrate to the Board’s satisfaction, that either:
 - 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 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. Known as the C (1) criteria.
 - 2) 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 requirement and the benefits of the deviation would substantially outweigh any detriment.
 - 3) The applicant shall also address the negative criteria, where no variance may be granted under the term of this section without a showing that such variance or relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.

Review Comments:

1. The plan shows that curbs and sidewalks exist along both frontages of the property.
2. The ordinance requires shade trees at 30’ on center along the frontage. The residential lot is heavily wooded; however, the Burton Avenue frontage of the commercial property has no trees.

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. C.M.E.
Engineer