

TO: Borough of Fair Haven Planning Board

FROM: Elena Gable, PP, AICP, CFM

RE: Washington Phillips, LLC
101 Princeton Road
Block 5 Lot 19
PB 21-01
Minor Subdivision

DATE: April 13, 2021

As requested, we have reviewed the following application materials:

- Standard Development Application Form, dated January 20, 2021;
- Borough of Fair Haven Land Development Application checklist, dated January 2021;
- 2-sheet set of engineering drawings entitled, "Minor Subdivision Plan of 101 Princeton Road," prepared by Richard K. Heuser Land Surveying, Engineering, Planning, dated November 30, 2020;
- Map of Survey, prepared by Bruce Heuser, PLS, dated November 5, 2020;
- Impervious Area/Stormwater Management letter, prepared by Richard K. Heuser, dated December 22, 2020; and
- Tax Map Reference for Lot 19.01, Block 5, prepared by Richard K. Heuser, PE & LS, dated December 22, 2020.

Property and Project Description

The subject property is an oversized lot located at 101 Princeton Road, just south of the intersection of Park Avenue and Princeton Road. The property is 22,498 square feet (0.52 acres) in area. The site is currently developed with a two-story single-family dwelling, a rear wood deck and brick patio, a driveway, walkway, and a shed located in the south eastern corner of the lot. A row of hedges is located along the front lot line, with a chain link gate that provides access to the driveway. Surrounding the property are single-family homes, with the Harding Bird Sanctuary located approximately 500 feet to the south of the property.

The applicant is proposing to subdivide the lot into two (2) separate conforming lots (Proposed Lots 19.01 and 19.02). Both lots are proposed to have frontage along Princeton Road. As part of this application, the applicant is also proposing to demolish the existing dwelling and remove existing improvements including the driveway, deck, patio, and shed.

Zoning

The subject property is located in the R-10 Single-Family Residential Zone, where single-family detached dwellings are a permitted use. The following table outlines the bulk requirements applicable to minor subdivisions in the R-10 Zone.

Bulk Standards for the R-10 Single-Family Residence Zone					
Lot Dimensions- Interior Lot					
	Required	Existing	Proposed Lot 19.01	Proposed Lot 19.02	Variance
Minimum Lot Area	10,000 sq. ft.	22,498 sq. ft.	11,249 sq. ft.	11,249 sq. ft.	-
Minimum Lot Width/Frontage	75 feet	150 feet	75 feet	75 feet	-
Minimum Lot Depth	100 feet	149.99 feet	149.99 feet	149.99 feet	-
Principal Structure					
Minimum Front Yard Setback	30 feet	40 feet	30 feet	30 feet	-
Minimum Side Yard Setback	One: 10 feet	44.9 feet	10 feet	10 feet	
	Both: 24 feet	105.1 feet	24 feet	24 feet	
Minimum Rear Setback	30 feet	80.8 feet to dwelling	30 feet	30 feet	-
Maximum Bldg. Height	32 feet	Unknown	32 feet	32 feet	-
Maximum Stories	2.5	2	2.5	2.5	-
Maximum Bldg. Coverage	35%	Unknown	35%	35%	-
Maximum Habitable Floor Area Ratio	0.28	Unknown	0.28	0.28	-
Maximum Habitable Floor Area Sq. Ft.*	3,220 sq. ft.	Unknown	3,149 sq. ft.	3,149 sq. ft.	-
Maximum Lot Coverage	45%	Approx. 13.6%	45%	45%	-

*See Planning Comment below

Variations Required

A review of the application indicates that the following existing nonconforming condition exists:

- §30-7.25.f. Fences and Walls- Where chain link, open wire or wire mesh fence are not permitted to be located within the front yard, where a chain link fence exists within the

front yard. It is unclear whether the existing fence is proposed to be removed as a result of proposed improvements. See planning comment below.

Design Waivers Required

The application requires the following design waivers:

- §30-8.4.d.1. Street Trees - Street trees are required to be installed at planting intervals where the applicant is proposing two (2) white oaks (large trees) spaced 77 feet apart, where three (3) are required spaced 50 feet apart.

Planning Comments

1. *Variances*

The applicant has an existing nonconforming condition (chain link fence in the front yard) and it is unclear whether the fence is proposed to be removed.

Should variance relief be required, the applicant shall provide notice in accordance with M.L.U.L requirements and shall provide testimony at the Planning Board hearing that demonstrates how the request for relief may be granted based on one of the standards provided in the MLUL at N.J.S.A. 40:55D-70c. It is the applicant's responsibility to bear the burden of proof.

In order to satisfy the positive and negative criteria for each c variance enumerated above, the applicant should provide testimony that satisfies either the c(1) hardship criterion or c(2) flexible criterion as set forth in the MLUL.

- a. Positive criteria: There are two types of c variances - the c(1) hardship and the c(2) flexible variance.

The *c(1) hardship* criteria states that a "hardship" will occur if the variance is not granted. The hardship relates to the physical or topographical features of the property and cannot relate to financial or personal hardship. Hardship relating to property can include:

- i. Narrowness, shallowness, or irregular shape
- ii. An exceptional topographic condition
- iii. Other unique conditions or features affecting the property

The *c(2) flexible variance* states that by granting the variance, the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement

and that the benefits of granting the variance substantially outweigh the detriments.

- b. Negative criteria: The applicant must satisfy the two-prong test of the negative criteria;
 - i. The variance can be granted without substantial detriment to the public good; and
 - ii. The variance can be granted without causing substantial detriment to the zone plan.

The applicant's testimony regarding the negative criteria should address any potential impacts that the proposed variances may have on the neighborhood, as well as how the proposed development is consistent with, or in potential conflict with, both the zoning ordinance and the Master Plan of the Borough.

2. *Master Plan*

The Borough adopted its last Master Plan in 1991, and subsequent Reexamination Reports, with the most recent occurring in 2016. These planning documents set forth policies to guide the development in the Borough.

The 1991 Master Plan included the objective of preserving the existing residential neighborhoods. The 2016 Master Plan Reexamination Report included an objective of protecting and enhancing the existing character of the Borough and residential quality of the neighborhoods.

The applicant's testimony should address the visual impact of the proposed subdivision and future development on the property on the neighboring properties. The applicant shall provide testimony pertaining to the prevailing setback of the adjacent dwellings.

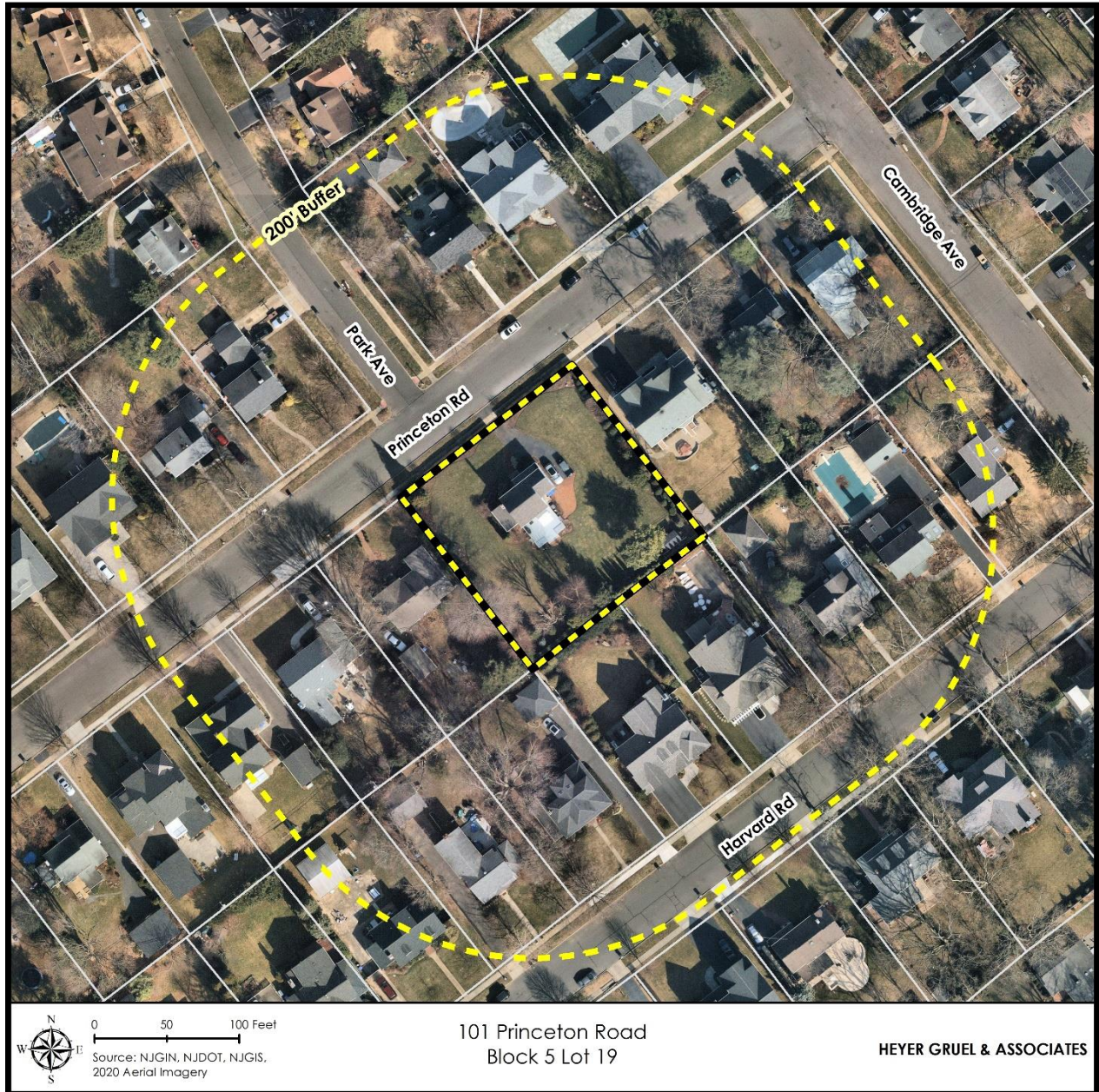
3. The applicant shall provide testimony to demonstrate compliance with the general subdivision design standards set forth in §30-8.3.
4. We note the applicant is seeking minor subdivision approval and that Site Plan approval for the improvement of single-family dwellings is not required. However, the applicant shall confirm that the proposed properties can be developed with dwellings that can adhere to the Ordinance requirements. In the event the proposed dwellings do not adhere to the

Borough Ordinance requirements, approval from the Zoning Board of Adjustment will be required.

- a. The submitted bulk chart on the Minor Subdivision Plan includes the maximum habitable floor area square feet cap for the zone. However, in order to conform with the habitable floor area ratio of 0.28, each dwelling would be permitted to have 3,149 square feet of habitable floor area.
 - b. We recommend that the applicant revise bulk chart to reflect a fully conforming dwelling on each proposed lot or note in the chart that the Principal and Accessory Structures' bulk requirements will conform.
 - c. Further, the applicant shall also be aware that the Borough's ordinance requires all residential parking to be located behind the front yard setback line (§30-9.2b1(f)).
 - d. The applicant shall provide testimony pertaining to whether the location of the dwellings, driveways, and improvements are proposed or whether they are conceptual.
5. The property has an existing nonconforming chain link fence which wraps around the entire property and extends into the Princeton Road Right-of-Way. The applicant shall provide testimony addressing the status of the chain link fence.
- a. If the applicant is proposing to remove the fence, we recommend the subdivision plan be revised to reflect its removal.
 - b. If the applicant is proposing to maintain the fence, variance relief shall be required from §30-7.25f, which prohibits chain link, open wire and wire mesh fences within a front yard, and variance relief may also be required from §30-7.25 Fences and walls, which states "no fence exceeding 42 inches in height shall be erected within a front yard."
6. The applicant is proposing a white oak tree on the north western corner of each proposed lot. The trees are spaced approximately 77 feet apart.
- a. The applicant shall provide testimony pertaining to this waiver.
 - b. Has the applicant considered planting a third tree as a means to satisfy §30-8.4.d.1 Street Trees?

7. The Minor Subdivision Plan does not indicate whether any trees or landscaping are proposed to be removed. The applicant shall provide testimony pertaining to the removal of any mature trees and the project's conformance with the Borough's Ordinance §30-8.4.c.3 Protection of Existing Plantings.
 - a. A site visit indicates that there are several trees on the property within the front yard, vegetated buffers along the side lot lines, in addition to a row of hedges along the front lot line in front of an existing chain link fence.
8. The proposed lot numbering is subject to review and approval of the Borough Tax Assessor.
9. We defer comment to the Board Engineer regarding utilities, grading, drainage and stormwater management.

Aerial of Property



Photographs of the Property taken February 23, 2021





Adjacent dwelling located at 111 Princeton Road



Adjacent dwelling located at 91 Princeton Road



Dwelling located across Princeton Road