

Planning & Real Estate Consultants

March 11, 2022

Planning Board
Township of Berkeley Heights
29 Park Avenue
Berkeley Heights, NJ 07922

**Re: Planning Review #1
Application M-1-22
Minor Subdivision
Block 1902, Lot 1
162 Kline Boulevard
Profita Development 25 Wilson LLC
R-15**

Dear Chair Johnson and Planning Board Members:

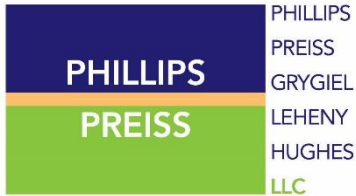
Our office is in receipt of the above referenced application, including the following documents submitted by the applicant:

- Architectural Plans entitled “Proposed New Single-Family Dwelling 162 Kline Boulevard, Berkeley Heights, NJ Proposed Lot 1.01, Block 1902,” prepared by Anadal Architecture & Design PC, dated 1/4/2022.
- Minor Subdivision Plan for “No. 162 Kline Boulevard Lot 1, Block 1902 (Tax Map #19),” prepared by Harbor Consultants, Inc., dated 12/21/21, last revised 3/4/2022.

The subject property is a 25,765 square foot lot located at the intersection of Lawrence Drive and Kline Boulevard with frontage along both streets. The site is currently improved for single-family residential use, including a 1.5-story dwelling, a detached masonry garage to the rear, outdoor patio areas, and a gravel drive from Kline Boulevard. The applicant proposes to eliminate the existing improvements and subdivide the property into 2 lots for single-family dwellings.

Completeness & Minor Subdivision Classification

The Technical Review Committee (TRC) reviewed the application on February 15, 2022. The TRC determined that the application was **substantially complete and qualified as a minor subdivision** pursuant to Section 2.1.1 of the Municipal Land Use Procedures Ordinance. We recommend that the Planning Board formally designate the application as a minor subdivision and grant waiver for the requirement of notice and public hearing pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-47 and referenced in the Municipal Land Use Procedures Ordinance Section 9.4.2.A.



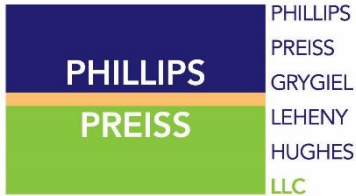
Planning & Real Estate Consultants

Compliance Review

The subject property is located in the R-15 zone. The proposed single-family dwellings are permitted uses in the zone. However, the following “c” variances have been identified:

- Proposed Lot 1.01
 - Deficient lot area: pursuant to Section 3.1.2.H, corner lots shall have at least 10% more lot area than that required for interior lots. In the R-15 zone, the base requirement for lot size is 15,000 square feet. Therefore, for Proposed Lot 1.01, the minimum required lot size is increased to 16,500 square feet, whereas 15,180 square feet is proposed.
 - Deficient lot width: pursuant to Section 3.1.2.H, corner lots shall have at least 20% more frontage than that required for interior lots. In the R-15 zone, the base requirement for lot width is 100 feet. Therefore, for Proposed Lot 1.01, the minimum required lot width is increased to 120 feet whereas 115 feet proposed.
 - Deficient lot depth: pursuant to Section 3.1.2.H, corner lots shall have at least 20% more frontage than that required for interior lots. In the R-15 zone, the base requirement for lot depth is 130 feet. Therefore, for Proposed Lot 1.01, the minimum required lot depth is increased to 156 feet whereas 136.13 feet proposed.
 - Deficient front yard setback: the proposed portico/entrance areas of the building are setback 47.6 feet from Kline Boulevard whereas 50-ft required for front yard setback.
 - Deficient setback of deck: the building footprint indicates a deck to the rear of the building. Pursuant to Section 3.1.8, decks in the R-15 zone must conform to all side yard setback lines and have a minimum 30-ft rear yard setback. If the eastern side is considered the rear yard area, the deck with its 2.1-ft setback does not meet side yard setback requirements

- Proposed Lot 1.02
 - Deficient lot size: 10,585 square feet proposed whereas 15,000 square feet required.
 - Deficient lot width: 85.04 feet proposed whereas 100 feet required.



Planning & Real Estate Consultants

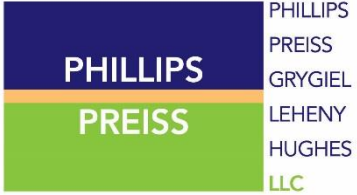
- Deficient lot depth: 122.95 feet proposed whereas 130 feet required.
- Deficient front yard setback: the proposed portico/entrance areas of the building is setback 47.2 feet from Lawrence Drive whereas 50-ft required for front yard setback.

Planning Comments

1. The applicant should provide testimony on the required “c” bulk requirements in accordance with the Municipal Land Use Law. Pursuant to N.J.S.A. 40:55D-70c, the Board can grant “c” variances under two criteria: “c(1)” variance is for cases of hardship due to factors such as shape or topography, or due to “an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon”; OR “c(2)” variance may be granted where the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments.

A “c” variance applicant also must address the “negative criteria,” and affirmatively demonstrate that the variance can be granted “without substantial detriment to the public good” and “without substantial impairment to the intent and purpose of the zone plan and zoning ordinance” of the municipality. The applicant's professionals must address the above requirements.

2. The applicant should provide planning testimony regarding the appropriateness of the proposed new undersized lots relative to the character of the surrounding neighborhood.
3. The applicant should revise the zoning table to reflect the requirements for lot size, lot width, and lot depth applicable to corner lots as noted in this letter (Proposed Lot 1.01 is a corner lot). Additionally, the table should be corrected to indicate that variances are required for the proposed lot width and lot depth for Lot 1.01.
4. The applicant has provided conceptual footprints of each dwelling and architectural plans. These details suggest that the proposed dwellings will comply with height and coverage requirements. The applicant should be prepared to stipulate to a condition of compliance with these requirements should the Board look favorably on this application.



Planning & Real Estate Consultants

- 5. We respectfully defer to the Board Engineer on comments regarding the circulation, paving, grading, and other construction details.

We trust that the above information is responsive to your needs.

Respectfully submitted,

Keenan Hughes, AICP, PP