



Borough of Milltown
Planning Board
39 Washington Ave.
Milltown, NJ 08850
(732)828-2100 ext. 181

Planning Board
Zoning Ordinance Variance
Application
Must be filed in Triplicate (3)

Filed _____
Hearing _____
Disposition _____
Cal. No. _____

Name of Applicant Martin Hipko Block 69 Lot 27-32

Applicant E-mail jim@currantriallaw.com Phone Number 732-296-0500

Address of Applicant: c/o James M. Curran, Esq., 86 Washington Avenue Milltown NJ 08850
Address Town State Zip Block Lot

Address of Affected Premise 4 Centre Street Milltown 69 27-32
Address Town Block Lot

Is the applicant the owner of the premises?

Owner Lessee Other _____

What is the current zone of the property?

R-18 R-10 R-8 R-6 R-4
 B-1 B-2 B-3 M-1

Property Information

Proposed Use of Property Retain existing dwelling and sell new lot.

Size of Lot 15,000 SF to be subdivided into two 7,500 SF lots.

Size of Building At Street Level _____ Feet Front 51 and n/a Feet Deep 28 and n/a

Percentage of Lot Occupied by Buildings 19.47 and n/a Height of Building 1.5 and n/a Stories 24 and n/a Feet

Set Back from Property Line Front 25.11 and n/a Side 11.96/24.53 and n/a Corner Lot n/a

Has there been any previous appeal involving these premises?

Yes No

If Yes, Date of Disposition _____ Character of Disposition _____

Appeal Information

An appeal is hereby made for a variance from the terms of Article _____ Section _____ of the Zoning Ordinance so as to permit _____

This appeal is based on the order issued by the Building Official dated _____ Copy attached.

The law requires that the conditions set forth in the following three sections must be established before a variance can be granted. Answers to these sections must be complete and full.

1. That the strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with its general purpose and intent.
See attached.

2. That there is exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.
See attached.

3. That the granting of a variance can be made without substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning plan and zoning ordinance.
See attached.

RIDER TO PLANNING BOARD
ZONING ORDINANCE VARIANCE APPLICATION

MARTIN HIPKO
4 CENTER STREET

This is an application to subdivide a oversized lot into two lots. Each lot will be 75 feet wide; 100 feet deep and contain 7,500 square feet. One of two lots will contain the existing one and one-half story dwelling in which the Applicant resides. The improved lot will be retained by the Applicant. The other lot will be sold by the Applicant as an unimproved lot.

Each lot will require both a lot area variance and a lot width variance. Where required is a lot area of 10,000 square feet in the R-10 zone; each lot will have an area of 7,500 square feet. Additionally, where required is a lot width of 80 feet in the R-10 zone; each lot will have a width of 75 feet. Both the improved lot and the unimproved lot will comply with all remaining bulk requirements in the R-10 zone; including setbacks, coverages and building height.

The basis for granting the lot area and lot width variances is that the proposal is a better zoning alternative and can be justified under N.J.S.A. 40:55D-70(c)(2). Through testimony from the Applicant's professionals at the hearing, the Applicant will identify the benefits that would flow to the Borough by granting the variances, as well any detriments. The Applicant's professionals will then engage in a weighing process and confirm that the benefits substantially outweigh the detriment.

The benefits from the granting of the variances is the elimination of a lot the size of which is out of character with the neighborhood and which is also 50% larger than what the ordinance requires. Of greater benefit, is that the updating of the Borough's housing stock through the creation of a new dwelling and opportunity for home ownership.

There are no detriments to the zone plan as granting the subdivision would not change the character of the neighborhood. The neighborhood is almost fully developed, and there is no other parcel in the neighborhood with an oversized lot as this that could lead to a domino effect. Similarly, there will be no substantial detriment to the public good, and that sufficient light, air and open space is being promoted by the location of the two homes on the proposed two lots. All of the bulk standards in the R-10 zone are being met, other than the lot area and width.