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**To:** Borough of Milltown Planning Board

**From:** John Barree, PP, AICP

**CC:** Neil Marotta, Esq.  
Gabriella Siboni, Board Secretary  
Michael McClelland, PE, PP, CME  
Louis Ploskonka, PE

**Date:** August 5, 2020

**Re:** Martin Hipko  
4 Centre Street  
Block 69, Lots 27-32  
Minor Subdivision

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We have reviewed the following materials in preparation of this report:

- Cover letter from James M. Curran, Esq dated May 28, 2020
- Borough of Milltown Variance application and checklist, dated May 22, 2020.
- Borough of Milltown Subdivision Sketch Plat application, dated May 22, 2020.
- Borough of Milltown Subdivision Sketch Plat Checklist, dated May 22, 2020.
- Proposed Minor Subdivision plan consisting of one (1) sheet, prepared by Angelo J. Valetutto, P.E., P.P., dated March 12, 2020
- Boundary and Topographic Survey prepared by Braginsky Surveying, LLC, dated October 12, 2019.
- Affidavit of Ownership
- Affidavit of Applicant
- Tax Clearance Certificate
- 200' Property List
- Planning Board Escrow Deposit Form

### **Property and Project Description**

The subject property is a 15,000 square foot tract that consists of six 25' x 100' lots on the Borough tax map, located at 4 Centre Street in the northeast portion of the Borough. The property is developed with a 1.5 story single-family residence with an attached garage, driveway, and rear deck.

The applicant is proposing to subdivide the property into two 75' x 100' (7,500 square foot) lots. The existing home will remain on proposed lot 27.01 and a new building lot will be created on lot 27.02. No construction is proposed as part of this application. The applicant has indicated that grading details and any other necessary information will be submitted for the Borough's review when construction is proposed in the future.

The surrounding neighborhood is developed with single-family residences on a variety of lot sizes. There does not appear to be a consisting prevailing pattern of lot sizes in the area. Some of the lots are oversized, some are undersized, and some are irregularly shaped due to road curvatures and river abutment.



**Zoning**

The site is located in the R-10 Single Family Zone of the Borough. The proposed minor subdivision involves permitted uses.

<b>R-10 Bulk Schedule</b>			
	<b>Required</b>	<b>Proposed Lot 27.01</b>	<b>Proposed Lot 27.02</b>
<b>Min. Lot Area</b>	10,000 sf	7,500 sf (V)	7,500 sf (V)
<b>Min. Lot Width</b>	80 feet	75 feet (V)	75 feet (V)
<b>Min. Lot Depth</b>	100 feet	100 feet	100 feet
<b>Min. Front Yard Setback</b>	25 feet	25.11 feet	>= 25 feet
<b>Min. One Side Yard Setback</b>	12 feet	11.96 feet (ENC)	>= 12 feet
<b>Min. Combined Side Yard Setback</b>	24 feet	24.53 feet	>= 24 feet
<b>Max. Height</b>	2.5 stories/ 35 feet	1.5 stores / 24 feet	< 2.5 stories / 35 feet
<b>Max. Lot Coverage (Building)</b>	25%	19.47%	<25%
<b>Max. Impervious Coverage</b>	40%	33.87%	<40%
<b>Min. GFA / DU</b>	1,000 sf	2,227.56 sf	>1,000 sf
<b>Accessory Buildings</b>			
<b>Min. Side Yard</b>	10 feet	14.02 feet	n/a
<b>Min. Rear Yard</b>	10 feet	37.18 feet	n/a
<b>Max. Height</b>	15 feet	12 feet	n/a

(ENC) = Existing Non-conforming Condition

(V) = Variance Required

**Parking**

The Borough Ordinance requires two (2) parking spaces for a single-family residence. The Residential Site Improvement Standards (RSIS) parking requirements are based on the number of bedrooms:

Single-Family Detached	Parking Requirement
2 Bedroom	1.5
3 Bedroom	2.0
4 Bedroom	2.5
5 Bedroom	3.0

Lot 27.01 has three parking spaces, which satisfies the Borough Ordinance and the RSIS. The plans indicate that any development on Lot 27.02 will adhere to the RSIS requirement.

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### **VariANCES & WAIVERS REQUIRED**

1. Insufficient Lot Area – A minimum of 10,000 square feet of lot area is required in the R-10 zone, where 7,500 square feet is proposed for both lots 27.01 and 27.02.
2. Insufficient Lot Width – A minimum lot width of 80 feet is required in the R-10 zone where 75 feet is proposed for both lots 27.01 and 27.02.

### **PLANNING COMMENTS**

- 1) The applicant shall provide planning testimony demonstrating that the statutory standard for relief set forth in the Municipal Land Use Law at N.J.S.A. 40:55D-70.c is met. The applicant's testimony can address either:
  - a) C(1) hardship, which shows that there is hardship associated with the shape, topography, or other physical characteristic of the lot that prevents the property from being used in a conforming manner.
  - b) C(2) benefits vs. detriments, which argues that the proposed relief would advance the purposes of zoning and that the benefits of the proposal would outweigh the detriments.
  - c) In either case, the applicant must demonstrate that the proposal will not have a substantial negative impact on the neighboring properties or the community as a whole.
- 2) The pattern of development in the neighborhood consists of a variety of different sized lots. It may be helpful for the Board if the applicant provides a map showing the lot areas and widths of the properties within several hundred feet of the subject property.
- 3) The property slopes from west to east away from the existing house toward the neighboring property at 8 Centre Street. The applicant has not submitted a grading plan because no construction is proposed as part of this application. The applicant should provide testimony about the grade of the slopes and about potential future grading.
- 4) The applicant has indicated that the parking requirement in the RSIS will be met – 2.0 spaces are required for a three-bedroom home, which can be accommodated in the proposed driveway shown on the plans assuming there is also an attached garage. If more than three bedrooms are proposed, a larger driveway may be needed to provide the required parking.
- 5) Affordable Housing Development Fees – At the time of application for building permits, the applicant shall be required to comply with the Borough's Housing Ordinance and Development Fee Ordinance (34-18A), which requires a payment of 1.5% of the assessed value of the new construction to the Borough's Affordable Housing Trust Fund.

- 6) Chapter XIX of the Borough Code deals with the Protection of Trees. The subdivision plan indicates that one (1) tree will be removed to facilitate the construction of a new home on proposed lot 27.02. The design at this stage is conceptual and no construction is proposed. The applicant should be required to prepare a tree save, removal and replacement plan and comply with all comments from the Borough Shade Tree Commission as well as the requirements at Ordinance Section 19-4 "Tree Preservation and Removal Plans" at the time of any application for construction.

