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**To:** Borough of Milltown Planning Board

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

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

**Date:** August 5, 2020

**Re:** John Dziubeck  
19 and 21 Millers Lane  
Block 106, Lot 4.09, 4.10, and 4.11  
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 December 3, 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 58,775 square foot tract that consists of three lots on the Borough tax map, located at 19 and 21 Millers Lane Street in the southeast portion of the Borough. The property is developed with a 2-story single-family residence on Lot 4.09, and a detached garage and driveway, and fenced in concrete patio on existing Lot 4.10.

The applicant is proposing a subdivision to adjust the lot lines to create three relatively equal sized lots. Existing Lots 4.09 and 4.10 are substantially larger than Lot 4.11. The existing home will remain on proposed lot 4.09, and it appears that the applicant intends to demolish the detached garage and other improvements on Lot 4.10. 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.

Millers Lane is a narrow street off Milltown Road between the East Brunswick municipal line and New Jersey Turnpike. There are residential properties along the west side of the street.



2015 Aerial  
19 and 21 Millers Lane - Milltown, NJ

**HEYER GRUEL & ASSOCIATES**

**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 4.09</b>	<b>Proposed Lot 4.10</b>	<b>Proposed Lot 4.11</b>
<b>Min. Lot Area</b>	10,000 sf	18,758.25 sf	20,008.80 sf	20,008.80 sf
<b>Min. Lot Width</b>	80 feet	75 feet (V)	80 feet	80 feet
<b>Min. Lot Depth</b>	100 feet	250.11 feet	250.11 feet	250.11 feet
<b>Min. Front Yard Setback</b>	25 feet	49.73 feet	>/= 25 feet	>/= 25 feet
<b>Min. One Side Yard Setback</b>	12 feet	12.45 feet	>= 12 feet	>= 12 feet
<b>Min. Combined Side Yard Setback</b>	24 feet	48.36 feet	>= 24 feet	>= 24 feet
<b>Max. Height</b>	2.5 stories/ 35 feet	2 stories / 28 feet	< 2.5 stories / 35 feet	< 2.5 stories / 35 feet
<b>Max. Lot Coverage (Building)</b>	25%	3.74%	<25%	<25%
<b>Max. Impervious Coverage</b>	40%	9.33%	<40%	<40%
<b>Min. GFA / DU</b>	1,000 sf	1,353.41 sf	>1,000 sf	>1,000 sf
<b>Accessory Buildings</b>				
<b>Min. Side Yard</b>	10 feet	n/a	n/a	n/a
<b>Min. Rear Yard</b>	10 feet	n/a	n/a	n/a
<b>Max. Height</b>	15 feet	n/a	n/a	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 4.09 has three parking spaces in the existing driveway and carport, which satisfies the Borough Ordinance and the RSIS. The plans indicate that any development on Lots 4.10 and 4.11 will adhere to the RSIS requirement.

### **VariANCES & WAIVERS REQUIRED**

1. Insufficient Lot Width – A minimum lot width of 80 feet is required in the R-10 zone where 75 feet is proposed for lot 4.09.

### **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 proposed lots are substantially oversized for the zone. The lots are more than twice as deep as the minimum required dimension. The only variance requested is a 5-foot deficiency in lot width for Lot 4.09. Existing Lot 4.11 is currently only about 55-feet wide, so in effect, the subdivision will make the lots more conforming than they currently are.
- 3) 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.
- 4) The subdivision plan is also titled "Demolition Plan". No details have been provided for the extent of demolition. The applicant should provide testimony to confirm the demolition of the garage, driveway, concrete patio, and any other work that is proposed at this time.
- 5) The subdivision plan indicates a gas line that "may reflect a utility easement" on the property that runs adjacent to the Turnpike. Testimony about the use, ownership, and access to the gas line should be provided.

- 6) 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.
- 7) Chapter XIX of the Borough Code deals with the Protection of Trees. The subdivision plan indicates that there are a significant number of trees in the southern part of the property on proposed Lot 4.11. It is recommended that these trees be retained as part of any future development of the site. 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.
- 8) The applicant will be required to prepare deeds for filing that comply with applicable law. The dimensions and metes and bounds descriptions of each lot shall be review and verified by the Borough Engineering prior to filing with the County.



