
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 26, 2020

Re: Heritage of Milltown
149, 153, and 161 South Main Street
Block 76, Lots 1, 2.02, and 4
Minor Subdivision

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

- Borough of Milltown Subdivision Sketch Plat application, dated March 9, 2020
- Borough of Milltown Subdivision Sketch Plat Checklist
- Affidavit of Ownership
- Affidavit of Applicant
- Tax Clearance Certificate
- Proposed Minor Subdivision plan consisting of one (1) sheet, prepared by Juan J. Rodriguez, P.L.S., dated January 17, 2020
- 200' Property List
- Planning Board Escrow Deposit Form

Property and Project Description

The subject properties are lots 1, 2.02, and 4 in Block 76. The properties are located at 149, 153, and 161 South Main Street respectively. Each of the lots extends from South Main Street to the unimproved Christopher Street right-of-way. Lots 1 and 4 are rectangular lots, which are split between the B-3 and R-8 Zones. Lot 2.01 is an "L-shaped" lot that wraps around adjacent Lot 3.

Lot 1 is developed with a 2.5 story mixed-use building with ground floor office space that appears to have an upstairs apartment. There is a detached two-car garage in the backyard. The property shares a driveway with adjacent lot 28 in Block 75, which is in common ownership with Lot 1.

Lot 2.02 is developed with a residential dwelling that shares a driveway with adjacent Lot 3.02, which extends to a rear yard parking area. The rear portion of the "L" that extends behind Lot 3.02 is wooded and undeveloped.

Lot 4.01 is developed with a 2.5 story mixed-use building with a ground floor office and upstairs apartment. A driveway, paved parking area, detached garage, and shed are located on the property.

The applicant is proposing to adjust the lot lines and consolidate portions of Lots 2.02 and 4 with Lot 1. As a result of the proposed subdivision, new Lot 1.01 will be a 33,042 square feet L-shaped property that extends perpendicular from South Main Street back to the Christopher Street right-of-way, and then along that right-of-way behind Lots 2.03, 3.02, and 4.01. New Lot 2.03 will be 5,000 square feet and new Lot 4.01 will be 14,550 square feet in area.



Zoning

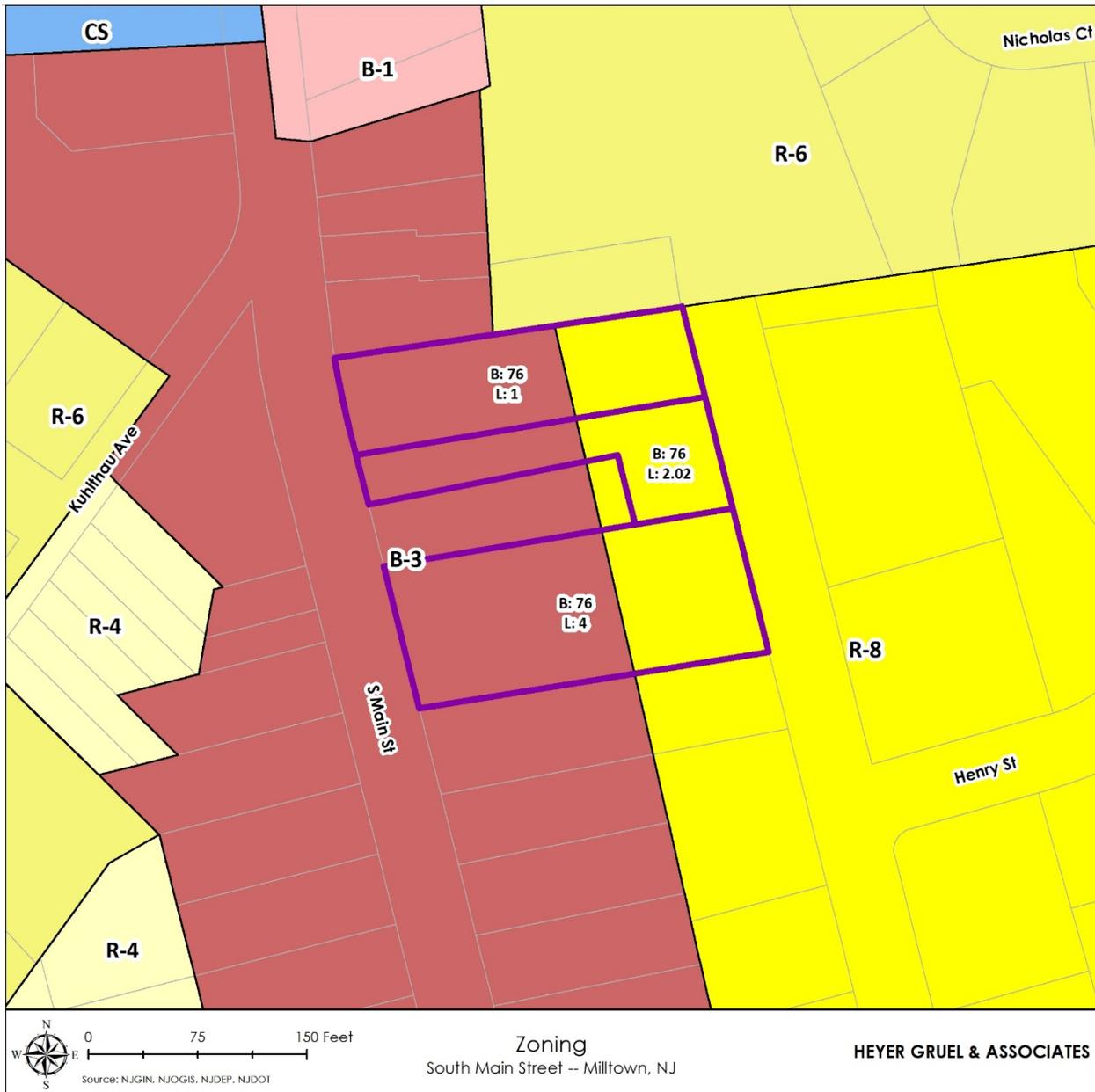
The subject properties are split between the B-3 Limited Commercial Zone and R-8 Single Family Zone of the Borough. The proposed minor subdivision involves permitted uses.

Bulk Schedule					
	R-8 Required	B-3 Required	Proposed Lot 1.01 (Split R-8 / B-3)	Proposed Lot 2.03 (Split R-8 / B-3)	Proposed Lot 4.01 (B-3)
Min. Lot Area	8,000 sf	5,000 sf	33,042 sf	5,000 (R-8 V)	14,550 sf
Min. Lot Width	80 feet	50 feet	69.84' / 248.53'	34.33' (ENC)	99.95'
Min. Lot Depth	100 feet	100 feet	243.74'*	143.98'	146.80'
Min. Front Yard Setback	20 feet	20 feet	8.94' (B-3 ENC)	14.04' (B-3 ENC)	13.77' (B-3 ENC)
Min. One Side Yard Setback	10 feet	10 feet	10.18'	2.21' (B-3 ENC)	2.5' (B-3 ENC)
Min. Combined Side Yard Setback	20 feet	20 feet	32.48'	5.23' (B-3 ENC)	73.78'
Max. Height	2.5 stories/ 35 feet	2.5 stories/ 35 feet	2.5 stories / <35'	2.5 stories / <35'	2.5 stories / <35'
Min. Distance Between Buildings	20 feet	20 feet	23.43'	13.83' (B-3 ENC)	16.42 (B-3 ENC)
Max. Lot Coverage (Building)	25%	30%	4.2%	27.9%	6.3%
Max. Impervious Coverage	40%	75%	12.1%	61.4%	46.3%
Min. GFA / DU	1,000 sf	1,000 sf	1,395 sf	1,397 sf	922 sf (B-3 ENC)
Accessory Buildings					
Min. Side Yard	5 feet	5 feet	16.67'	n/a	2.84' (B-3 ENC)
Min. Rear Yard	5 feet	5 feet	108.75'	n/a	39.75'
Max. Height	15 feet	15 feet	<15'	n/a	<15'

(ENC) = Existing Non-conforming Condition

(V) = Variance Required

* = Measurement unclear



Variances & Waivers Required

1. Insufficient Lot Area – A minimum of 8,000 square feet of lot area is required in the R-8 Zone, where proposed Lot 2.03, which is split between the B-3 and R-8 Zone, is 5,000 square feet in area.

Existing Non-Conforming Conditions

There are several existing non-conforming conditions identified in the Bulk Schedule. While the rear portion of each lot is proposed to be modified, the front portion along South Main Street, and the side dimensions will remain unchanged. The existing non-conforming conditions have to do with front yard setbacks, side yard setbacks, lot width, distance between buildings, and accessory structure setbacks. These conditions are proposed to remain as they are today in the post-subdivision scenario.

The lots have been in the existing configuration for many years. It is unknown if formal relief was ever granted for the existing conditions. The applicant may opt to seek formal relief for the conditions as part of this application to secure the right to rebuild in the existing location in the event of destruction.

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 applicant is creating an irregularly shaped lot with variable depth along the Christopher Street right-of-way. The minimum required depth in the R-8 Zone, which is defined in the Borough Ordinance as "the mean distance between its mean front line and its mean back lot line, measured at right angle to the front property line", is 100 feet. The depth from Christopher Street is as shallow as approximately 70 feet behind Lot 3.02. The applicant should clarify the calculation in the bulk table, which lists the maximum depth of the property between South Main Street and Christopher Street.
- 3) The zone line shown on the subdivision plan is described as "approximate". It does not appear to match the most recent version of the Borough zoning map, which depicts the westward jog

in the line between the B-3 and R-8 Zones one property to the north of where it is shown on the subdivision (see zoning map on page 4 of this report). The applicant should correct the zone boundary on the plans.

- 4) The Subdivision Plan has incorrect values for the maximum permitted lot coverage by building and impervious coverage. These values should be corrected for the R-8 and B-3 Zones with the values in the Bulk Schedule on page 3 of this report.
- 5) In a vacuum, the irregular shape of proposed Lot 1.01 is not a desirable planning condition. Did the applicant attempt to acquire additional land from Lot 3.02 to create a more uniform lot line parallel to Christopher Street? Was there consideration to modifying Lot 2.03 to place it entirely in the B-3 Zone to eliminate the split-zone condition?
- 6) The applicant owns a number of lots to the north of the property along Main Street, at the end of the Christopher Street right-of-way, and on the opposite side of Christopher Street. Does the applicant have long-term comprehensive development plans that will include the property that is subject of this application?
- 7) Lot 1 is in common ownership with adjacent Lot 28 in Block 75 and shares a common driveway. The subdivision plan does not reference an easement that defines the shared driveway. The applicant should provide testimony about any existing easements and should add the information to the Plan.
- 8) There is a recorded easement for the shared driveway between Lot 2.03 and Lot 3.02 (which is not part of this application). The easement should be noted with a reference to the recorded document (Middlesex County Book 1639, Page 35) and shown on the Plan.
- 9) The applicant has not submitted an Environmental Impact Statement as outlined in Ordinance Section 34-33.8. The applicant is not proposing any building at this time, but the Board may request additional information about the presence of any sensitive environmental features on site as outlined in the Ordinance.
- 10) Chapter XIX of the Borough Code deals with the Protection of Trees. The subdivision does not propose any grading, demolition, tree removal or construction. At the time of future development, the applicant should be required to prepare a tree save, removal and replacement plan, comply with all comments from the Borough Shade Tree Commission, and the requirements at Ordinance Section 19-4 "Tree Preservation and Removal Plans."