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Planning Report #1

Date: February 16, 2021
To: South Orange Planning Board
From: Greer Patras, AICP, PP, Board Planner
Applicant: Andrea Mazara
Subject: Application No. 280
353 West South Orange Avenue, Block 1802, Lot 41
Minor Subdivision & Preliminary/Final Site Plan

The purpose of this report is to provide the Planning Board with an evaluation of Application #280 submitted by Douglas M. Angoff, Esq. on behalf of Andrea Mazara (the "Applicant"). The Applicant proposes to subdivide Lot 41 into two separate lots and construct two single-family dwellings, one on each new lot. The Applicant requires minor subdivision and preliminary/final site plan approval as well as bulk variance relief for non-compliant lot widths.

The following items were reviewed:

- **Planning Board Application Submission**, filed January 19, 2021.
- **Cover Letter**, written by Douglas M. Angoff, Esq., dated January 19, 2021.
- **Site Plan**, consisting of five sheets prepared by Michael J. Roth, P.E. of Roth Engineering, dated January 7, 2021 and last revised on February 5, 2021.
- **Boundary & Topographic Survey**, consisting of one sheet prepared by Kiersten Osterkorn, P.E., P.L.S., P.P. of Omland & Osterkorn, Inc., dated November 30, 2020.
- **Stormwater Management Letter**, consisting of two pages prepared by Michael J. Roth, P.E. of Roth Engineering, dated February 5, 2021.
- **Response Letter**, consisting of three pages prepared by Michael J. Roth, P.E. of Roth Engineering, dated February 10, 2021.

I. EXISTING CONDITIONS

- A. **The Site:** The Site consists of an interior lot that is 50,432 SF and has frontage along West South Orange Avenue (County Route 510). The Site consists of a 2.5 story single-family dwelling with a detached garage. The Site also contains an asphalt driveway, a paver patio/walkway, a retaining wall, and heavy vegetation.



Figure 1: Aerial Map (Courtesy of Google)

- B. **Neighborhood Context:** The Site is bounded by residential dwellings to all directions. Directly across West South Orange Avenue is the RA-60 zone, and further east of the Site is the South Mountain Elementary School. The South Orange train station and Business District is just 0.5 miles from the Site.
- C. **Zoning:** Residence A-100 (RA-100)

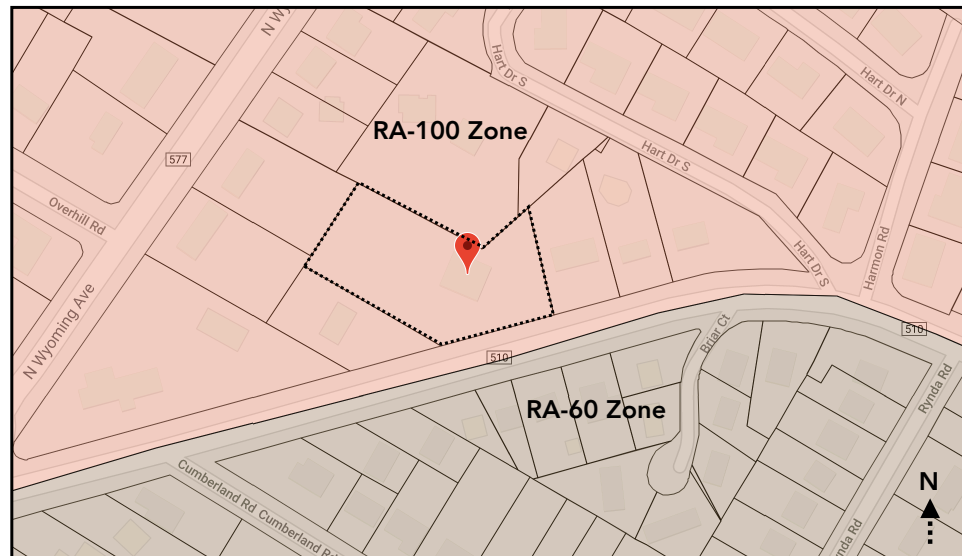


Figure 2: Zoning Map

II. PROPOSAL

- A. **Proposed Project:** The Applicant proposes the following:
 - 1. Subdivide Lot 41 into two separate lots:

- Lot 41.01 will be 34,947 SF or 11,552 SF (see bulk chart below) with non-compliant lot width of 112.7'
- Lot 41.02 will be 15,485 SF or 11,269 SF (see bulk chart below) with non-compliant lot width of 112.7'



Figure 3: Subdivision Proposal (Courtesy of Google)

2. Demolish all existing structures, improvements, and 32 trees
3. Construct new 2.5-story single-family dwellings with attached garages, one on proposed Lot 41.01 and on proposed Lot 41.02. Both new dwellings will front on West South Orange Avenue. Associated improvements on both lots include curbcuts, driveways, concrete walkways, decks/patios, landscaping, drywells, and utilities.

B. **Bulk Table:** Compliance with the bulk requirements of the RA-100 zone is as follows:

Lot 41.01	Required	Existing	Proposed
Lot Area Total (Min.)	N/A	50,432 SF	34,947 SF
Lot Area within 100' of Property Line (Min.) ¹	10,000 SF	22,821 SF	11,552 SF
Lot Frontage (Min.)	N/A	179.13'	66.44'
Lot Width (Min.)	175'	225.4' ²	112.7'² (M)
Front Yard Setback (Min.) ³	47.1'	53.6'	47.2'
Side Yard Setback (East) (Min.) ⁴	9.4'	N/A	12'
Side Yard Setback (West) (Min.) ⁴	9.4'	Applicant to confirm	29.2'
Rear Yard Setback (Min.)	16'	7.6 (E)	62.3'
	41.8' ⁵		
Lot Coverage (Max.)	30%	16.1%	11.8%

Building Height (Max.)	2.5 Stories / 35'	2.5 Stories / <35'	2.5 Stories / 34.9'
Parking Spaces (Min.)	2 spaces	N/A	>2 spaces
(E) Existing Non-conforming (M) Variance Required			
¹ Measured within 100 feet of the front street property line.			
² The minimum lot width shall be measured at the minimum required setback line and maintained for a minimum distance of 40 feet to the rear of the minimum setback line. The minimum lot width at the right-of-way line shall be not less than 50% of the minimum required lot width.			
³ Based on the average setback within 200 feet on each side of the lot, but there shall be no requirement for a setback greater than 50 feet.			
⁴ Side yard setback measurement: 4 feet plus one inch for each foot of average lot width in excess of 48 feet to a maximum of 12 feet.			
⁵ But not less than 20% of the average lot depth.			

Lot 41.02	Required	Existing	Proposed
Lot Area Total (Min.)	N/A	50,432 SF	15,485 SF
Lot Area within 100' of Property Line (Min.) ¹	10,000 SF	22,821 SF	11,269 SF
Lot Frontage (Min.)	N/A	179.13'	112.69'
Lot Width (Min.)	175'	225.4' ²	112.7'² (M)
Front Yard Setback (Min.) ³	47.1'	53.6'	47.2'
Side Yard Setback (East) (Min.) ⁴	9.4'	Applicant to confirm	17.7'
Side Yard Setback (West) (Min.) ⁴	9.4'	N/A	35'
Rear Yard Setback (Min.)	16' 28.3' ⁵	7.6 (E)	36.3'
Lot Coverage (Max.)	30%	16.1%	25.3%
Building Height (Max.)	2.5 Stories / 35'	2.5 Stories / <35'	2.5 Stories / 34.9'
Parking Spaces (Min.)	2 spaces	N/A	>2 spaces
(E) Existing Non-conforming (M) Variance Required			
¹ Measured within 100 feet of the front street property line.			
² The minimum lot width shall be measured at the minimum required setback line and maintained for a minimum distance of 40 feet to the rear of the minimum setback line. The minimum lot width at the right-of-way line shall be not less than 50% of the minimum required lot width.			
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⁴ Side yard setback measurement: 4 feet plus one inch for each foot of average lot width in excess of 48 feet to a maximum of 12 feet.			
⁵ But not less than 20% of the average lot depth.			

III. VARIANCE DISCUSSION

A. The Applicant requires the following "c" Bulk Variance Relief:

1. Section 185 Attachment 3: Lot Width (Lot 41.01)

- Required: 175' (Min.)
- Proposed: 112.7'

2. Section 185 Attachment 3: Lot Width (Lot 41.02)

- Required: 175' (Min.)
- Proposed: 112.7'

B. The Standard for "C" variance relief under N.J.S.A 40:55D-70:

The Applicant must prove and the Board must find that the necessary criteria for "c(1)" and/or "c(2)" variances, identified by the Municipal Land Use Law have been satisfied. The criteria is as follows:

For a c(1) variance, the Applicant must prove hardship:

- By reason of exceptional narrowness, shallowness or shape of a specific piece of property, or
- By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
- By reason of an extraordinary situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act (40:55D-62 et seq.) would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such a property, grant, upon an application or an appeal relating to such a property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship
- AND that such relief from the zoning ordinance will not be substantially detrimental to the public good, and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

For a c(2) variance, the Applicant must prove:

- that the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement and
- that the variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance (negative criteria).

IV. PLANNING COMMENTS:

1. The Applicant should provide an overview of all existing site improvements and proposed changes. Testimony should include a comparison of the proposed lot sizes on surrounding residential properties, as well as a discussion of compliance with the minimum zoning requirements, specifically the variance request for lot width on both proposed lots.
2. Per Ordinance §185-66, the Applicant should confirm that these lots will not be further subdivided, and therefore is a "minor subdivision."
3. The Applicant should confirm that these two lots can be developed in compliance with the ordinance requirements, particularly as it relates to building location, massing, coverage, materials, landscaping, and lighting.
4. To offset the lot width variance requested, the Board and Applicant should discuss whether there are any potential mitigating factors, such as enhanced architecture, increased landscape/buffering, or sustainable design elements that could be employed.

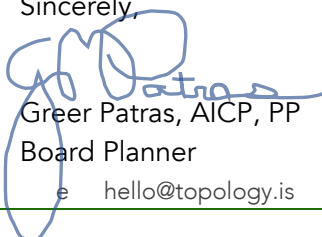
5. The Applicant proposes to remove and replace 32 total trees on the Site. Per Note 3 on Sheet 3 of the site plan, "landscaping will be designed to provide 16 trees for each lot including a variety of trees to be placed along the street and for buffering."

The Applicant should provide testimony regarding tree removal and the proposed replacement trees and landscape improvements. We recommend that any significant trees that are being removed are replaced in coordination with Environmental Commission's recommendation, with further landscaping details required as a condition of approval.

6. The Applicant has confirmed that "lighting is to be designed in accordance with the Township's Ordinance with no light spillage onto adjacent properties" per Note 2 on Sheet 3 of the site plan. Further lighting details should be provided as a condition of approval.
7. The Applicant shall confirm compliance with §185-175 *Requirements For One- And Two-Family Detached Residence Parking*. The maximum driveway width is 10', but up to 20' wide is permitted for access to a two-car garage. The Applicant proposes a 30' wide driveway at the garage. This should be reduced to comply, or the Applicant must specifically request relief.
8. The Applicant should confirm if front porches are proposed, as it may affect compliance with the required front yard setback. If porches are proposed, the front yard setback should be measured from that point, and the plans should be revised accordingly.
9. The rear yard setback for proposed Lot 41.02 shall be measured from the proposed rear deck to the rear lot line to confirm compliance with the minimum requirement. The plans should be revised accordingly.
10. The Applicant should confirm the existing side yard setbacks from the existing dwelling for Lot 40 and Lot 42.
11. We defer any comments to the Board Engineer regarding grading, drainage, stormwater management, utilities, and soil erosion and sediment control.
12. Minor Subdivision approval is conditioned upon the following:
 - a. Per MLUL Section 40:55D-47, the Applicant must follow all procedures in regard to submissions to the County and filing of deed / submission of final approved plat.
 - b. The Applicant must meet the requirements of Ordinance §185-68 to -71.
 - c. The Applicant must provide will serve letters from all applicable utility companies.
 - d. The Applicant shall provide an engineer's cost estimate of the project.
 - e. Per §185-253.A1, the Applicant shall pay a fee of one and a half percent (1.5%) of the equalized assessed value for residential development.

If you have any questions regarding this application, please feel free to contact our office.

Sincerely,


Greer Patras, AICP, PP
Board Planner