

Planning & Real Estate Consultants

January 6, 2021

Long Hill Township Planning Board
915 Valley Road
Gillette, New Jersey 07933

RE: **Application: #18-01Z**
Applicant: Mario Parisi
Major Subdivision w/Variance
Delaware Avenue
Block 13302 Lot 16.01
R-2 & C Zones

Dear Members of the Board:

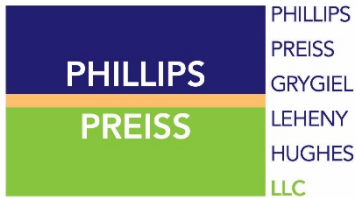
The following is a review letter of the above-referenced development application. The following documents have been reviewed:

- Application for Development, including Zoning Table Attachment, signed 12/29/2020.
- Preliminary and Final Major Subdivision Plan entitled “Delaware Ave Block 13302, Lot 16.01 Tax Map Sheet 33 Long Hill Township, Morris County, New Jersey,” prepared by Engineering & Land Planning Associates, Inc., dated 9/22/2017, last revised 12/15/2020.
- Exhibit entitled “New Residence – Conceptual Design Prototype,” prepared by Doug Schotland, AIA, sheets dated 6/18/2020.

The applicant is seeking major subdivision with variance approval to subdivide the existing Block 13302, Lot 16.01 into 8 single-family lots and 1 conservation lot. The Board should note that the applicant originally made the application in 2018, and has now submitted revised plans as referenced above.

Description of Site and Surroundings

The subject property is a 10.435-acre property located along Delaware Avenue, roughly bordered by Skyview Terrace to the west, Lower Overlook Road to the north, Woods End to the east, and NJDOT train tracks to the south. Delaware Avenue traverses the property and is afforded a 50-foot wide roadway easement. The property currently consists of unimproved land with mature tree cover and dense vegetation. There are several sensitive environmental features on-site, including wetlands and flood hazard areas near the southern lot line, and critical slope areas along the eastern lot line and in the southern portion of the site.



Planning & Real Estate Consultants

The property is designated in two different zoning districts: R-2 residential, which covers the majority of the site; and C commercial, which covers the southern portion along the NJDOT train tracks. The surrounding land uses are predominantly single family residential, and also includes wide expanses of unimproved wooded land.

Proposed Development

The applicant currently proposes to subdivide the lot into 9 new lots, including 8 (Proposed Lots 1-8) for single-family residential purposes and 1 conservation lot (Proposed Lot 9). A new cul-de-sac will be constructed to extend in a northerly direction from Delaware Avenue. 5 of the single-family lots will surround the new cul-de-sac right-of-way while 3 remaining units will be located to the south of Delaware Avenue. The final conservation lot will extend from Delaware Avenue via a gravel access drive and cover the remaining southern portion of the original Lot 16.01. The 8 single-family lots will be within the R-2 zone, while the new conservation lot will continue to be split-zoned in both R-2 and C zones.

The 8 single family lots will range from 0.52 acres to 0.7 acres in size, while the conservation lot will encompass 4.82 acres. The 5 cul-de-sac lots will each be constructed with a 2,118 square foot single-family residence and a driveway from the cul-de-sac, while the 3 Delaware Avenue lots will each be constructed with a 2,160 square foot single-family residence and associated driveway. The applicant is proposing two architectural prototypes for the single-family homes in the subdivision. Proposed Lots 7 and 9 will additionally have stormwater basins, both subject to drainage easements. A retaining wall, with maximum height of 4 feet above grade, will be provided around the perimeter of the basin on Lot 7. Wooded areas will be maintained in the southerly portions of proposed Lots 1-3 as well as surrounding the proposed stormwater basin on proposed Lot 9. New canopy and understory trees will be planted along the new cul-de-sac and access drive, as well as near property edges of the new subdivided lots.

There will also be improvements to the Delaware Avenue right-of-way, including paving of the existing gravel road, new curbs and signage, and new sidewalks, crosswalks, and ADA ramp. A post and chain barrier 4 foot tall from grade will be installed at the entrance of the Lot 9 access drive.

Master Plan Considerations

Several sections in the latest 2013 Master Plan Reexamination Report and associated Elements and Amendments are pertinent to this application. The 2013 Reexamination Report contained the following relevant overall goals:

- #1: To conserve and enhance the essential rural and residential character of Long Hill Township in order to best provide for the health, safety and general welfare of all Township residents.
- #2: To maintain the Township’s identity as a fundamentally low density residential community and insure that future development is compatible with, and sensitive to, existing residential areas and established neighborhoods.
- #6: To preserve, protect and enhance the natural resources of the Township and to make environmental issues a central part of the planning process in Long Hill.
- #7: To enhance and continue the sound long-range planning practices that merge major Township buildings, storm and sanitary sewers, natural trails and open spaces, recreational areas, community services, residential areas and roadways into an infrastructure that is resident and pedestrian friendly, and which supports the goal of preserving the Township’s rural character.

In addition to these overall goals, the reexamination report additionally contained more specific objectives and recommendations in several planning areas. Pertinent to this application, these objectives and recommendations call for the preservation of the rural character of the Township, minimizing increase in stormwater runoff from new development, enhancing open space access and conserving critical natural resources, ensuring environmentally sensitive road improvements, and ensuring sewer capacity.

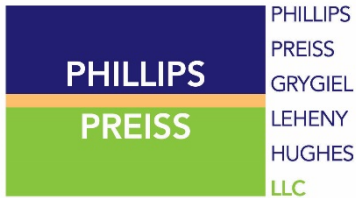
The Open Space Element of the 2013 Master Plan Reexamination Report contained the following specific open space/recreational goals relevant to this application:

- #2: Provide open space, especially in contiguous tracts.
- #4: Preserve and protect environmentally sensitive/critical natural features including areas with wetlands, floodway/floodplain, steep slopes and woodlands.
- #5: Prohibit, to the greatest extent possible on a municipal level, development of the Township’s critical areas.
- #6: Maintain and protect water quality and groundwater recharge areas.
- #7: Prevent and minimize damage from flooding and soil erosion in areas of flood plains and steep slopes.
- #8: Preserve the Township’s rural character by maintaining scenic landscapes, natural areas and wooded corridors.

Zoning Compliance

Density Modification Subdivision Determination

It appears that the applicant is requesting a Density Modification Subdivision pursuant to §LU-124.12, in which smaller lot areas than otherwise permitted are allowed in exchange for compensating common open space. However, the development



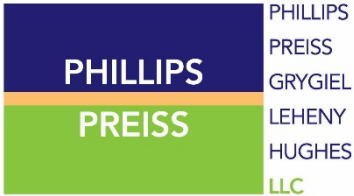
Planning & Real Estate Consultants

application indicates that a Density Modification Subdivision is not being pursued. The proposed subdivision includes a 4.8-acre conservation lot and 8 single-family lots ranging from approximately 20,000 sf - 30,000 sf in area, which are significantly smaller than the minimum lot area of 45,000 sf required in the R-2 zone. While the proposed layout seems intended for a Density Modification Subdivision, the Board should note that the proposed development is not compliant with conditions allowing a Density Modification Subdivision. Namely, §LU-124.12b states:

Lot areas of individual lots in density modification subdivisions may be reduced by not more than 30% from that normally required by the Schedule of Bulk Requirements, provided:

- The land area which would otherwise be required for house lots, but which is not so used under the permitted lot size reduction provisions of this subsection, shall be devoted instead to contiguous common open space.
- Any lot of contiguous common open space so provided shall be not less than five acres in area at least half of which shall be located on noncritical lands.
- The average lot area of the development, inclusive of lands to be devoted to roads and common open space, shall be not less than the minimum lot area otherwise required by the Schedule of Bulk Requirements.

As shown in Table 1 below, the proposed development does not satisfy the conditions related to the minimum lot area of contiguous open space required or the percentage of open space on non-critical lands. Further, pursuant to §124.12.a.4, the intent of the contiguous open space is to “include recreational facilities in appropriate relationship to places of residence” rather than a non publicly-accessible conservation lot as proposed. In regards to average lot area, the proposed development exceeds the minimum lot area of the R-2 zone but is deficient compared to the minimum lot area in the C-zone. Lastly, the proposed single family lots would constitute reductions of more than 30% of lot area otherwise permitted in the R-2 zone, which is prohibited by ordinance.



Planning & Real Estate Consultants

Table 1: Compliance with Density Modification Subdivision Conditions

	<u>Density Modification Subdivision Conditions</u>	<u>Proposed</u>
Min Lot Area of Contiguous Open Space	5 acres	4.82 acres (Lot 9)
Min Lot Area of Contiguous Open Space on Non-Critical Lands	50% of open space lot (2.5 acres)	1.25 acres (54,419 sf)
Average Lot Area	Shall not be less than minimum lot area otherwise required in the zone (R-2: 45,000 sf; C: 3 acres)	50,505 sf
Lot Size	Shall not be reduced by more than 30% (R-2: 31,500 sf; C: 2.1 acres)	Single Family Lots 1-8 are reduced by more than 30%

Because of the aforementioned deviations from Density Modification Subdivision conditions, the Board should first determine if the proposed development qualifies as a Density Modification Subdivision.

Scenario 1: Compliance with Density Modification Subdivision Bulk Requirements

If the Board determines that the proposed development constitutes a Density Modification Subdivision, albeit with several deviations, the proposed development is required to conform with reduced standards pursuant to §LU-124.12. The Tables below compare the proposed conditions of Lots 1-9 to the applicable modified R-2 and C bulk standards (Bolded text in tables denote deviations).

Table 2: Zoning Compliance of Lots 1-8 Against Reduced Bulk Requirements

	<u>R-2 (Reduced)</u>	<u>Lot 1</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Lot 4</u>	<u>Lot 5</u>	<u>Lot 6</u>	<u>Lot 7</u>	<u>Lot 8</u>
Min Lot Area (sf)	31,500	28,618	25,533	22,823	24,092	23,055	30,433	26,304	23,504
Average Lot Area (sf)	45,000	50,505	50,505	50,505	50,505	50,505	50,505	50,505	50,505
Min Lot Width (ft)	105	106.92	116.42	107.60	145.93	192.40	102.63	111.98	128.94
Min Front Yard (ft)	50	35.79	60.00	30.00	36.47	34.70	30.80	59.81	34.78
Min Rear Yard (ft)	35	> 35	> 35	> 35	51.10	35	45.4	35.07	76.96
Min Side Yard (ft)	17.5	25	25	25	52.99	25	38.37	46.11	> 17.5
Min Aggregate Side Yard (ft)	31.5 (30% of Lot Width)	> 31.5	> 31.5	> 31.5	> 31.5	> 31.5	> 31.5	> 31.5	> 31.5
Max Lot Coverage	20%	< 20%	< 20%	< 20%	< 20%	< 20%	< 20%	< 20%	< 20%
Min Floor Area (sf)	1,500	> 1,500	> 1,500	> 1,500	> 1,500	> 1,500	> 1,500	> 1,500	> 1,500
Max FAR (sf)	4,200 sf + 6% of Lot Area Over 20,000 sf	3,964	3,964	3,964	3,705	3,705	3,705	3,705	3,705
Max Building Height	2.5 stories/ 35 ft	<= 2.5 stories/ 35 ft	<= 2.5 stories/ 35 ft	<= 2.5 stories/ 35 ft	<= 2.5 stories/ 35 ft	<= 2.5 stories/ 35 ft	<= 2.5 stories/ 35 ft	<= 2.5 stories/ 35 ft	<= 2.5 stories/ 35 ft

Table 3: Zoning Compliance of Lot 9 Against Reduced Bulk Requirements

	<u>R-2 (Reduced)</u>	<u>C (Reduced)</u>	<u>Lot 9</u>
Min Lot Area (sf)	31,500	91,476 sf (2.1 acres)	209,895
Average Lot Area (sf)	45,000	3 acres	50,505
Min Lot Width (ft)	105	175	34.56
Max Lot Coverage	20%	15%	< 15%
Min Lot Area of Contiguous Open Space	5 acres		4.82 acres (Lot 9)
Min Lot Area of Contiguous Open Space on Non-Critical Lands	50% of open space lot (2.5 acres)		1.25 acres (54,419 sf)

Scenario 2: Compliance with Standard R-2 & C Zone Bulk Requirements

If the Board determines that the proposed development does not qualify as a Density Modification Subdivision due to the noncompliance with conditions set forth in §LU-124.12.b, the standard requirements for R-2 and C Zones as set forth in the Schedule of Bulk Requirements shall apply. Tables 4-5 below compare the proposed conditions of Lots 1-9 to the applicable standard R-2 and C bulk requirements (Bolded text in tables denote deviations).

Table 4: Zoning Compliance of Lots 1-8 Against Standard Bulk Requirements

	<u>R-2</u>	<u>Lot 1</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Lot 4</u>	<u>Lot 5</u>	<u>Lot 6</u>	<u>Lot 7</u>	<u>Lot 8</u>
Min Lot Area (sf)	45,000	28,618	25,533	22,823	24,092	23,055	30,433	26,304	23,504
Min Lot Width (ft)	150	106.92	116.42	107.60	145.93	192.40	102.63	111.98	128.94
Min Front Yard (ft)	75	35.79	60.00	30.00	36.47	34.70	30.80	59.81	34.78
Min Rear Yard (ft)	50	> 50	> 50	> 50	51.10	35	45.4	35.07	76.96
Min Side Yard (ft)	25	25	25	25	52.99	25	38.37	46.11	> 25
Min Aggregate Side Yard (ft)	45 (30% of Lot Width)	> 45	> 45	> 45	> 45	> 45	> 45	> 45	> 45
Max Lot Coverage	20%	< 20%	< 20%	< 20%	< 20%	< 20%	< 20%	< 20%	< 20%
Min Floor Area (sf)	1,500	> 1,500	> 1,500	> 1,500	> 1,500	> 1,500	> 1,500	> 1,500	> 1,500
Max FAR (sf)	4,200 sf + 6% of Lot Area Over 20,000 sf	3,964	3,964	3,964	3,705	3,705	3,705	3,705	3,705
Max Building Height	2.5 stories/ 35 ft	<= 2.5 stories/ 35 ft	<= 2.5 stories/ 35 ft	<= 2.5 stories/ 35 ft	<= 2.5 stories/ 35 ft	<= 2.5 stories/ 35 ft	<= 2.5 stories/ 35 ft	<= 2.5 stories/ 35 ft	<= 2.5 stories/ 35 ft

Table 2: Zoning Compliance of Lot 9 Against Standard Bulk Requirements

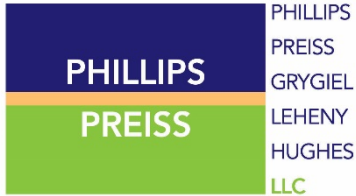
	<u>R-2</u>	<u>C</u>	<u>Lot 9</u>
Min Lot Area (sf)	45,000	3 acres (130,690 sf)	209,895
Min Lot Width (ft)	150	250	34.56
Max Lot Coverage	20%	15%	< 15%

Required Variances

- A. Regardless of whether the development is determined as a Density Modification Subdivision or a standard subdivision, the following “c” variances are required:
- Deficient lot areas for Proposed Lots 1-8.
 - Deficient front yards for Proposed Lots 1, 3, 4, 5, 6 & 8
 - Deficient lot width for Proposed Lot 9
 - §142.1.a: No principal building, accessory building, parking area, pool, tennis court, patio or deck shall be located in whole or in part within a critical area (with slopes > 15%). It appears that proposed Lots 1-3 will partially have improvements within critical areas.
 - §135.1 and 2: No new dwelling shall be erected in a housing development consisting of two or more houses if it shall appear from the plans submitted that said house is substantially alike in exterior design and appearance with any adjacent dwellings situated on the same or opposite sides of the street within 300 feet of the proposed dwelling or within said distance from a proposed dwelling for which a building permit has been issued or is pending. Houses

within such specified distance from each other shall be considered uniform in exterior design and appearance if they have any one of the following characteristics:

- a. The same basic dimensions and floor plans are used without substantial differentiation of one or more exterior elevations.
 - b. The height and design of the roofs are without substantial change in design and appearance.
 - c. The size, type and location of windows and doors in the front elevation are without substantial differentiation.
 - Additional variances that require more information for determination:
 - Pursuant to §LU-142.1.b, all single family residential lots shall contain at least 10,000 square feet of contiguous, noncritical land with direct access to an existing or proposed street. For lots served by septic systems, the contiguous, noncritical land requirement shall be a minimum of 20,000 square feet. The applicant shall provide measurements to demonstrate compliance for Proposed Lots 1-3 that contain critical areas, or request variance(s).
 - Pursuant to §LU-142.1.c, no development in the Township shall provide more than 70% impervious surface coverage of the noncritical area of the lot. The applicant shall provide impervious surface coverage of the noncritical area of Proposed Lots 1-3 and 9 to demonstrate compliance, or request variance(s).
- B. If the Board determines that the proposed application qualifies for a Density Modification Subdivision, the following “c” variances in addition to those listed above under subheading “A” shall be required:
- Deficient contiguous open space area (Lot 9)
 - Deficient open space on non-critical lands (Lot 9)
 - Deficient average lot area after subdivision. It should be noted that the average lot area following subdivision surpasses the non-modified R-2 standard, but is deficient compared to the non-modified C standard.
- C. If the Board determines that the proposed application does not qualify as a Density Modification Subdivision and should be reviewed as a standard subdivision, the following “c” variances in addition to those listed above under subheading “A” shall be required:
- Deficient lot widths for Proposed Lots 1-8.
 - Deficient front yard setbacks for Proposed Lots 1-8
 - Deficient rear yard setbacks for Proposed Lots 5-7.



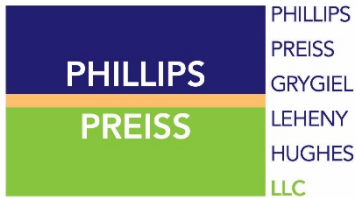
Planning & Real Estate Consultants

Planning Review Comments

1. As noted previously, the Board should first determine if the proposed application should be reviewed as a Density Modification Subdivision or as a standard subdivision in light of the various deviations from conditions allowing for a Density Modification Subdivision and the proposed reduction of more than 30% as allowed by the ordinance.
2. In regard to the “c” bulk variances, the applicant shall provide testimony in accordance with criteria set forth at N.J.S.A. 40:55D-70c. The MLUL provides for two standards of relief: c(1) in which the strict application of the regulation will result in practical difficulties or undue hardship by reason of peculiar physical features of the property or extraordinary and exceptional situation uniquely affecting the property; and c(2) in which the benefits of granting the variance would be greater than the detriments, and would advance the purposes of zoning and the MLUL. The applicant must also address the two prongs of negative criteria.

Because this application concerns single-family subdivisions rather than a high-density development on a single lot, the Board may consider whether there is an excessive number of lots proposed. Particular consideration should be given to the facts that all proposed single-family lots are deficient in size, the proposed conservation lot for purposes of allowing a Density Modification Subdivision also is deficient in size, and three of the single-family lots seem to encroach upon critical slope areas.

3. The applicant shall also provide measurements of contiguous, non-critical areas with access to a public street and impervious coverages on non-critical portions of Lots 1-3 as specified previously. If additional “c” variances are identified, the applicant must also provide testimony to justify such variances in accordance with the positive and negative criteria at N.J.S.A. 40:55D-70c.
4. It appears that a small portion of the existing woodlands on Lot 9 that is within a wetlands buffer area will be cleared. If any disturbance will occur within the wetlands transition areas, NJDEP approval is required. Approval of the development shall be conditioned upon the applicant obtaining NJDEP approval and providing a copy of such to the Township prior to construction.
5. The zoning table in the submitted subdivision plan requires several revisions:
 - a. The applicable bulk requirements, either reduced or standard R-2 and C zone requirements, in the table shall be edited according to the determination made by the Board.

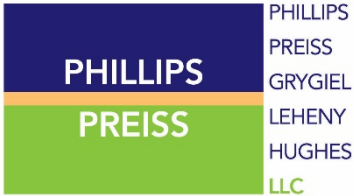


Planning & Real Estate Consultants

- b. The zoning table in the submitted Major Site Plan does not provide precise measurements of setback distances, lot coverage, or building height. While compliance with setback and overall lot coverage standards could be determined by certain labels on the drawings and the scaling, the applicant shall edit the table to provide precise measurements to the extent practicable. The applicant shall also provide precise building height measurements, or stipulate at the hearing that it will comply with building height standards as a condition of approval.
 - c. The applicant mistakenly indicated that the R-2 zone maximum FAR is 15%, whereas the Schedule of Buk Regulations refers to standards in §LU-132.6. The FAR measurements as provided in the architectural plan shall be added to the subdivision plan zoning table.
6. If the Board determines that the application qualifies as a Density Modification Subdivision, the Board should note that §LU-158.5 provides the following criteria when making decisions regarding density modification subdivisions:
 - a. Whether the proposal conforms to the Master Plan of the Township.
 - b. Whether the proposal furthers the intent and spirit of this Ordinance and the Master Plan of the Township.
 - c. Whether the proposal does comply with the intent and purpose of the density modification provisions, as described in Subsection 124.12, and complies with the design standards herein specified.
 - d. The need for additional public open space or recreational facilities in the area.
 - e. The potential for an open space connection between two public open space areas.
 - f. The desirability of public access due to the peculiar physical characteristics of the area which make it suitable for public open space uses not otherwise available in that area.
 - g. Whether the proposed common open space area is suitable for recreational or open space uses.

The applicant should discuss and the Board should consider each of the above criteria. Please refer to the “Zoning Compliance” and “Master Plan Considerations” sections of this letter for additional context to assist the Board.

7. In addition to above criteria, §124.12.b provides that the common open space lot in a Density Modification Subdivision (Proposed Lot 9) must be either dedicated to the Township for public use and maintenance, or owned and maintained by a homeowners association. The applicant shall provide testimony on this subject.



Planning & Real Estate Consultants

8. §LU-158.5.c.2 provides that “all house lots shall have reasonable access to the common open space” in a Density Modification Subdivision. The Proposed Lot 9 is proposed to have a gravel driveway with a post and chain barrier at the entrance. The applicant shall provide testimony on how access will be provided, maintained, and enforced.
9. The applicant should provide testimony regarding how it proposes to comply with §135.1 and 2 regarding uniformity in architectural design or appearance.
10. We defer to the Board engineer on additional comments regarding the grading, paving, stormwater management, lighting, landscaping, and other details in site improvements.

We trust that the above information is responsive to your needs.

Respectfully submitted,

Elizabeth Leheny, AICP, PP

J20011