

Planning & Real Estate Consultants

February 8, 2022

Technical Review Committee
Township of Berkeley Heights
29 Park Avenue
Berkeley Heights, NJ 07922

**Re: TRC Planning Review
Application M-1-22
Minor Subdivision
Block 1902, Lot 1
162 Kline Boulevard
Profita Development 25 Wilson LLC
R-15**

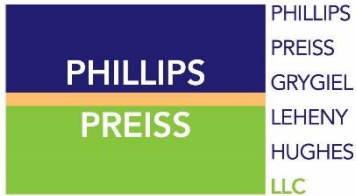
Dear Members of the Technical Review Committee:

Our office is in receipt of the above referenced application, including the following documents submitted by the applicant:

- Application for Minor Subdivision, unsigned and no date (only the Owner Consent form has been signed and dated 1/10/2022).
- Architectural Plans entitled "Proposed New Single-Family Dwelling 162 Kline Boulevard, Berkeley Heights, NJ Proposed Lot 1.01, Block 1902," prepared by Anadal Architecture & Design PC, dated 1/4/2022.
- Minor Subdivision Plan for "No. 162 Kline Boulevard Lot 1, Block 1902 (Tax Map #19)," prepared by Harbor Consultants, Inc., dated 12/21/21.

The subject property is a 25,765 square foot lot located at the intersection of Lawrence Drive and Kline Boulevard with frontage along both streets. The site is currently improved for single-family residential use, including a 1.5-story dwelling, a detached masonry garage to the rear, outdoor patio areas, and a gravel drive from Kline Boulevard. The applicant proposes to eliminate the existing improvements and subdivide the property into 2 lots for single-family dwellings.

As detailed in the following sections of this letter, our office believes that the applicant is **substantially complete and qualifies as a minor subdivision** pursuant to Section 2.1.1 of the Municipal Land Use Procedures Ordinance. We recommend that the Planning Board formally designate the application as a minor subdivision and grant waiver for the requirement of notice and public hearing pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-47 and referenced in the Municipal Land Use Procedures Ordinance Section 9.4.2.A.



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Minor Subdivision Classification

Pursuant to the Municipal Land Use Procedures Ordinance Section 2.1.1, a minor subdivision is defined as follows:

A subdivision of land for the creation of not more than three (3) lots; provided that such subdivision does not involve (1) a planned development, (2) any new street or (3) the extension of any off tract improvement the cost of which is to be prorated pursuant to Section 30, c. 291, P.L. 1975, (N.J.S.A. 40:55D-42).

The application meets the above definition and qualifies as a minor subdivision application.

Completeness Review

Because the application is a minor subdivision, the applicant has indicated “N/A” for many items on the Subdivision Checklist that will not be impacted by the proposed improvements. We support the granting of waivers for those items, but defer to the Township Engineer. It is our opinion that the application is **substantially complete**.

Compliance Review

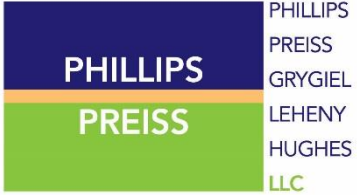
The subject property is located in the R-15 zone. The proposed single-family dwellings are permitted uses in the zone. The following “c” variances have been identified at this time:

- Proposed Lot 1.01
 - Deficient lot area: pursuant to Section 3.1.2.H, corner lots shall have at least 10% more lot area than that required for interior lots. In the R-15 zone, the base requirement for lot size is 15,000 square feet. Therefore, for Proposed Lot 1.01, the minimum required lot size is increased to 16,500 square feet, whereas 15,180 square feet is proposed.
 - Deficient lot width: pursuant to Section 3.1.2.H, corner lots shall have at least 20% more frontage than that required for interior lots. In the R-15 zone, the base requirement for lot width is 100 feet. Therefore, for Proposed Lot 1.01, the minimum required lot depth is increased to 120 feet whereas 117.15 feet proposed.
 - Deficient lot depth: pursuant to Section 3.1.2.H, corner lots shall have at least 20% more frontage than that required for interior lots. In the R-15 zone, the base requirement for lot depth is 130 feet. Therefore, for Proposed Lot 1.01, the minimum required lot depth is increased to 156 feet whereas 125.56 feet proposed.

- Deficient front yard setback: the proposed portico/entrance areas of the building currently encroach upon the 50-ft required setback areas.
- Deficient setback of deck: the building footprint indicates a deck to the rear of the building. Pursuant to Section 3.1.8, decks in the R-15 zone must conform to all side yard setback lines and have a minimum 30-ft rear yard setback. If the eastern side is considered the rear yard area, the deck does not meet side yard setback requirements.
- Proposed Lot 1.02
 - Deficient lot size: 10,585 square feet proposed whereas 15,000 square feet required.
 - Deficient lot width: 85.04 feet proposed whereas 100 feet required.
 - Deficient lot depth: 122.95 feet proposed whereas 130 feet required.
 - Deficient front yard setback: the proposed portico/entrance areas of the building currently encroach upon the 50-ft required setback areas.

Planning Comments

1. The applicant should provide testimony on the required “c” bulk requirements in accordance with the Municipal Land Use Law at N.J.S.A. 40:55D-70c.
2. The applicant should provide additional information as follows to confirm compliance with zoning requirements:
 - a. On Proposed Lot 1.02, there is a deck in the eastern area. Pursuant to Section 3.1.8, decks in the R-15 zone must conform to all side yard setback lines and have a minimum 30-ft rear yard setback. No measurement has been provided for the setback of the deck from the eastern lot line.
 - b. The applicant shall provide estimates of “Other Coverage” on both Proposed Lots 1.01 and 1.02 to confirm compliance, or else seek “c” variances.
3. The applicant has provided conceptual footprints of each dwelling and architectural plans. These details suggest that the proposed dwellings will comply with height and coverage requirements. The applicant should be



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prepared to stipulate to a condition that compliance with these requirements will be achieved if the Board looks favorably on this application.

- 4. We respectfully defer to the Board Engineer on comments regarding the circulation, paving, grading, and other construction details.

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

Respectfully submitted,

Keenan Hughes, AICP, PP