

MAJOR SUBDIVISION REVIEW MEMORANDUM

To: Absecon City Planning Board

From: Robert L. Reid, AICP, PP, Board Planner

Subject: Review for Completeness / and Preliminary Major Subdivision Approval
Applicant/Owner: Patrick McHenry
Block 210, Lot 1
Cannon Avenue
RLR Project No. ABS035.01

Date: April 7, 2008

PROJECT DESCRIPTION

The Applicant, Patrick McHenry proposes to subdivide one (1) existing building lot on the unimproved portion of Cannon Avenue into three (3) new building lots. The development proposal includes the extension of Cannon Avenue consisting of curb, sidewalk, paved cartway, sanitary sewer, stormwater management system, lighting and utilities necessary to service the homes. The development proposal includes the expansion of Cannon Avenue to allow for the construction of a cul-de-sac in conformance with the New Jersey Residential Site Improvement Standards (RSIS).

The applicant is seeking a lot depth variance for one of the proposed building lots.

The applicant has revised the proposed stormwater management system. The original submission proposed a drainage ditch along the westerly side of Cannon Avenue. The drainage basin was then proposed at the street end of Cannon Avenue. The Applicant is now proposing the drainage basin in an easement on a building lot.

SITE INVENTORY

On April 4, 2008 the site visited to become familiar with the current conditions of the site and its surroundings. The site is approximately 1 acre parcel with a single-family home. The site is bounded by railroad right of way to the north, Cannon Avenue to the west and rear yards of existing single-family homes fronting on Ohio Avenue to the south and east. The existing paved cartway of Cannon Avenue is 19' wide with no concrete curb or sidewalk.

DOCUMENTS RECEIVED

<u>Drawing/Item No.</u>	<u>Item Description</u>	<u>Date</u>	<u>Revision</u>
	Application For Land Development	03/03/08	
	Supplement to Major Subdivision Application Checklist	03/03/08	
	Major Subdivision Checklist	No date	
	Site Engineering Plans prepared by Schaeffer Nasse Scheidegg Consulting Engineers LLC		
1 of 6	Cover Sheet	06/05/05	10/09/07
2 of 6	Preliminary Major Subdivision	04/04/05	10/09/07
3 of 6	Grading, Drainage and Utility Plan	04/04/05	10/09/07
4 of 6	Landscaping and Lighting Plan	04/04/05	10/09/07
5 of 6	Soil Erosion and Sediment Control Plan	04/04/05	10/09/07
6 of 6	Profile and Detail Sheet	04/04/05	10/09/07
	Storm Water Drainage Calculations	06/18/05	10/09/07

COMPLETENESS - Preliminary Review

The Preliminary Major Subdivision Review Checklist (Exhibit A3) was reviewed for completeness. The numbered items below directly correspond to the item numbers in the Preliminary Major Subdivision Review Checklist. Applicant should address/provide the following items:

6. Proof of public notice in accordance with NJSA 40:55D-12.

It is recommended that the application be deemed complete for major preliminary subdivision review subject to waivers being granted by the Board and the applicant addressing all outstanding items to the satisfaction of the Board.

ZONING

The subject property is situated in the R-2 zoning district, which permits 10,000 sq. ft. minimum lots with 75' minimum lot width at the street line. The lot width may be reduced to 56.25' (or 75% of the minimum required lot width) on the turnaround of a cul-de-sac.

The proposed subdivision meets or exceeds all bulk and area requirements of the R-2 zone with the exception of proposed lot 1.03, which requires a lot depth variance.

VARIANCES

The applicant seeks relief under NJSA 40:55D-70c(2) where the Board may grant the relief sought provided the applicant can demonstrate that by granting the relief sought, the purpose of the Act would be advanced by the deviation from the zoning ordinance and the benefits of the deviation would substantially

substantially outweigh any detriment.

Pursuant to the New Jersey Municipal Land Use Law (NJMLUL), the Applicant must provide special reasons for the Board to grant the requested variances, and address the negative impacts that would result should the variances be approved. The Applicant must demonstrate to the Board that justification exists in accordance with the NJMLUL to grant the requested variances.

No variance relief pursuant to NJSA 40:55-70 may be granted unless such variance relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the Zone Plan and Zoning Ordinance.

§224-15 A requires a minimum of 10,000 sq. ft lot area and §224-15 C requires a minimum of 100' depth for building lots in the R-2 Zoning District. The applicant is requesting relief from the lot depth requirements for proposed lot 1.03. Proposed Lot 1.03 is **10,683 sq. ft.** and backs up to the Railroad Right-of-way. The average depth proposed for this irregularly shaped lot is approximately **75'**.

It is the applicant's obligation to demonstrate justification for the relief sought in accordance with NJSA 40:55D-70c(1) and NJSA40:55D-70c(2).

The intent of the lot depth requirement for building lots are to provide for adequate light, air and open space for the single – family dwelling. The proposed building lot is slightly larger than the minimum lot area requirement. It should be noted that according to the applicant's grading plan, the proposed dwelling will be approximately 85' from the actual rail line and the elevation of the existing rail line is approximately 17' above the average proposed grade around the proposed dwelling. The Board should consider the horizontal and vertical separation proposed between the existing railroad line and the proposed dwelling when considering the lot depth variance request.

WAIVERS

The applicant is requesting a waiver from the requirement to submit an Environmental Impact Statement (EIS) and a Traffic Study. Given the size of the proposed development, I have no object to the Board waiving the EIS requirement.

The applicant is required to submit a Impact Statement, Flood Damage Prevention Data in accordance with § 224-17 or request a waiver. The subject property is outside the 500 year flood zone. I have no objection to the granting of this waiver subject to comments of the Board Engineer.

LIGHTING

The applicant is proposing a street lighting at the end of the cul-de-sac as part of this application.. Detailed review of the proposed lighting is deferred to the Board Engineer.

LANDSCAPING

§224-129 B requires that the landscaping plan clearly delineate all areas that will be preserved and landscaped. Associated construction and installation details shall accompany the plans

The applicant is proposing 5 street trees along Cannon Avenue. Additional landscaping should be

provided for each proposed building lot.

The applicant should make an effort to save any existing healthy larger caliper trees in areas outside of the building envelope on each building lot wherever practical and areas where site grading would have minimal impact on the existing vegetation. Applicant should provide testimony regarding the effort to save existing healthy larger caliper trees in areas outside the building envelope.

The detailed review of the landscape plan is deferred to the board landscape architect.

STREET IMPROVEMENTS

The Residential Site Improvement Standards (RSIS) permits a 40' radius turn-around at the end of a cul-de-sac.

The applicant is proposing a 42' radius.

The RSIS permits a 20' wide cartway with no parking proposed on the street. The RSIS also recommends that when extending an existing street, the proposed cartway width match the existing width.

The applicant is proposing a 30' wide cartway.

The fire department should review and comment on the proposed street extension.

The RSIS has no cul-de-sac length requirements in terms of distance. The RSIS controls the length of the cul-de-sac by the number of vehicle trips per day per dwelling. The maximum trips per day is 250. This three (3) building lot proposal will generate 10.2 trips per dwelling per day or 30.6 trips per day using RSIS. With the existing number of dwellings, the entire street will not exceed 250 trips per day.

The detailed review of the proposed street improvements and storm water management design for conformance with NJAC 5:21 (Residential Site Improvement Standards) and the Absecon Developmental Ordinance is deferred to the Board Engineer.

RECOMMENDATIONS

1. The applicant should provide testimony to the satisfaction of the Board for the Board to consider the requested relief. The Board is not required to grant or deny the proposal as submitted. The Board may require the Applicant to modify the plan if it feels it will reduce negative impacts.
2. Status of approvals from other regulatory authorities having jurisdiction should be provided.
3. Applicant should address comments of the other Board professionals.

4. Planning Board approval shall be contingent upon approval from other regulatory authorities having jurisdiction.
7. Recommendations in this report can be addressed as a condition of approval of this land development application.
8. Additional comments and recommendations may be offered in response to additional information provided by the applicant and / or testimony being offered at the public hearing.

cc:

Tina Lawler, Board Secretary
Patrick McHenry, Applicant
Board Professionals
Thomas Darcy, Esq.