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August 23, 2021

Ms. Michelle Hack, RMC, CMR, Board Secretary
Planning Board
Borough of Riverton
505A Howard Street
Riverton, New Jersey 08077

Re: Application Number: SD-V-04-21
Applicant/ Owner: JRB Property Group, LLC
Block 801 Lots 5, 6, and 7
409-413 Lippincott Avenue
Borough of Riverton, Burlington County, New Jersey
Minor Subdivision Approval
Planning Letter #2
TDG Project No. 2020-110.05P

Dear Mr. Chairman and Board Members,

Our office has received and reviewed the following submission items:

- **Application for Minor Subdivision Approval** by JRB Property Group, LLC, May 24, 2021, received June 2, 2021.
- **Minor Subdivision I – Block 801, Lots 5, 6, & 7**, prepared by Robins Associates, RA, consisting of 1 sheet, dated May 5, 2021.
- **Minor Subdivision II – Block 801, Lots 5 & 6**, prepared by Robins Associates, RA, consisting of 1 sheet, dated August 16, 2021.
- **Haddon Model Foundation, First Floor, Second Floor and Elevation**, prepared by Bishop & Smith, consisting of 3 sheets, dated March 6, 2018.
- **Photographs of Constructed Dwelling**, no preparer, no date, consisting of 2 sheets, received June 22, 2021.

Currently, we offer the following comments:

A. Site, Proposal, & Surrounding Land Use

1. The subject property is located at Block 801 Lots 5, 6, and 7, with a combined area of 42,854SF (0.98 acres). It is located south of Church Lane, west of Broad Street (CR-543), north of Lippincott Avenue, and east of 4th street.
2. The property is located within the R-8 Residential District and Historic Area and contains a single-family residential dwelling with a garage attached by an open, roofed breezeway, fenced courtyard between the dwelling and garage, and detached woodshed.
3. The Historic Survey documentation notes that the original structure was constructed 1882 to 1883; and Frederick Groves, the homeowner retained an architect, to design additions and alterations to the residence which was accomplished in approximately 1901. At that time, Mr. Groves purchased the adjoining lots 5 and 7.
4. The lots have been consolidated by deed. The existing attached garage straddles Lot 5 and 6. Lots 5 and 7 provide extensive and compliant single and aggregate side yard setbacks for the dwelling on Lot 6.

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5. Lippincott Avenue and surrounds are located where there is a 0.2% Annual Chance of Flood Hazard, outside the Special Flood Hazard Area.
6. The Applicant seeks a Minor Subdivision and bulk variance approval to build a two-story house and detached two-car garage on both Lots 5 and 7; and remove the woodshed from the site.
 - a. The proposed lot 5 contains 65 feet of lot width, at the front lot line, and an area of 12,332 SF.
 - b. The proposed lot 6 contains 85.24 feet of lot width at the front lot line and an area of 16,215 SF.
 - c. The proposed lot 7 contains 75 feet of lot width at the front lot line and an area of 14,307 SF.
 - d. The existing dwelling and surrounding dwellings face Lippincott Avenue. Church Lane functions as an alley, and the existing and proposed lots are through lots, as defined, where rear garages are accessed from the alley.
7. The parcel is surrounded by single family residential uses to the north, east, south, and west. The site and surrounding area can be seen in the image following, courtesy of Bing Maps © 2021 Microsoft © TomTom © OpenStreetMap.



B. Zoning Ordinance

1. Building Setback Line, as defined, is *“an established line within a property defining the minimum required distance between the face of any structure to be erected and the specified right-of-way or property line. This face, as measured to the major portion of the structure, includes sun parlors, foyers, bay windows, porches, projecting eaves, dormers, gutters, and any other solid projections and solid entrances.”*
2. *The minor subdivision plan and zoning table should be corrected, as may be necessary, to provide the correct existing and proposed setbacks from porches, projecting eaves, etc.*



C. Subdivision

1. The Municipal Land Use Law (MLUL) at N.J.S.A. 40: 55D-7 defines Subdivision as follows:

*“means the division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this act, if no new streets are created:...(5) the conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons **and** all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality. The term ‘subdivision’ shall also include the term ‘resubdivision.’”*

2. At §113-3 of the Subdivision Ordinance defines minor subdivision as follows:

*“Any subdivision containing not more than three lots fronting on an existing improved street nor involving a planned development nor involving any new street or road or the extension of off-tract improvements **and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Master Plan, Official Map, Zoning Ordinance,** or this chapter. Any rearrangement of lot lines which does not increase the number of building lots and/or which creates parcels which are to be consolidated with existing lots shall be classified as a “minor subdivision”, provided that it meets the applicable criteria set forth in other parts of this definition, and provided further that either a deed of consolidation or a filed plan indicating such consolidation is present and recorded. Lots that are exempt from subdivision requirements shall be first reviewed by the Planning Board. Prior to receiving Planning Board approval, no person shall transfer, sell, or agree to transfer or sell, as owner or agent, any land which ordinarily would require subdivision approval were it not exempt. No unit shall be built on any lands classified as exempt from subdivision regulations until said parcel has been reviewed under the subdivision procedures of this chapter.*

3. Based upon the definition of subdivision in the MLUL and the definition of minor subdivision in the municipal Subdivision Ordinance, the administrative officer cannot certify that existing Lots 5, 6, or Lot 7 conform to the municipal development regulations. The existing structure located on part of Lot 5 and Lot 6, currently has conforming single and aggregate side yards. The subdivision/ resubdivision will result in a nonconforming structure with substandard single and aggregate side yards, in conflict with the Zoning Ordinance R8 District bulk regulations. We note that Minor Subdivision Plan II removes Lot 7, however, Lot 7 provides a compliant side yard for the dwelling on Lot 6. Any transfer of Lot 7, without a subdivision, creates a nonconforming structure on Lot 6.

D. VariANCES

1. Testimony should be provided that the setbacks of the structures proposed to remain on the plan are consistent with Riverton’s ordinances as above or additional variances may be required. At this time, variances are required from §128-20, Residential R8 District as follows:
 - a. Pursuant to **§128-20.C(1)** 10 feet is the minimum required side yard setback on each side, but is not provided.
 - i. The existing attached garage is setback approximately 7 feet from the proposed western property line, adjoining Lot 5. *The dimension should be provided from the most projecting portion of the structure.*



- ii. The existing porch is approximately 8 feet from the proposed eastern property line adjoining Lot 7. *The dimension should be provided from the most projecting portion of the structure.*
 - b. Pursuant to **§128-20.C(1)** 25 feet is the minimum required aggregate side yard setback; however, the measurement from the existing porch to the proposed eastern property line is not provided. The proposed aggregate side yard setback is approximately 15 feet. *The dimensions should be provided from the most projecting portion of the existing structure.*
 - c. Pursuant to **§128-20.F** the minimum required frontage is 75 feet, but 65 feet is proposed for lot 5.
2. The following chart characterizes the R8 District Area and Bulk Regulations.

<i>Residential R8 Bulk and Area Regulations</i>		<i>Existing Lots 5, 6, 7</i>	<i>Proposed Lot 5</i>	<i>Proposed Lot 6</i>	<i>Proposed Lot 7</i>
Principal Building					
Lot Size (Min.)	8,000 SF	40,854 SF	12332 SF	16215 SF	14307 SF
Front Yard (Min.)	25'	34.6' porch 50' dwelling	39.3' stoop 45' dwelling	34.6' porch 50' dwelling	25'
One Side Yard (Min.) West	10'	72'	12'	7' (V)	12' (18')
One Side Yard (Min.) East			13' (18')	8' (V)	13'
Aggregate Side Yard (Min.)	25'	83'	25' (30')	15' (V)	25' (30')
Rear Yard (Min.) 25% lot depth	47.5'	71.4'	47.4'	47.5'	47.6'
Building Height (Max.)	35'	<35'	<35'	<35'	<35'
Frontage (Min.)	75'	225.25'	65'	85.24'	75'
Lot Coverage (Max.)	35%	13.50%	21.70%	33.70%	18.70%
Accessory Building					
Side Yard (Min.)	3'	NA	3'	NA	3'
Rear Yard (Min.)	3'	NA	30'	NA	30'

E. Comments

1. The minor subdivision includes requests for variances pursuant to N.J.S.A. 40:55D-70c(2) "special reasons". These variances are generally not restricted by a physical reason required by the "c(1)" criteria, which cannot be self-created. Under the "c(2)" criteria it is the burden of the applicant to show:
 - a. The requests relate to a specific piece of property.
 - b. Purpose(s) of Zoning put forth in the Municipal Land Use Law would be advanced by the deviations from the requirements of the ordinance.
 - c. Variances can be granted without substantial detriment to the public good.
 - d. The "positive criteria" demonstrated by the applicant, or the benefits of the deviations sought substantially outweigh the "negative criteria" or any identified detriments relating to nuisance issues related to light, air, and open space.
 - e. The variance will not substantially impair the intent and purpose of the Master Plan and Zoning Ordinance.



2. As with all variances, it is the Board's discretion to impose conditions upon the variances that they determine may mitigate any identified negative impacts.
3. Testimony should be provided in support of the requested bulk variances for the following:
 - a. Lot frontage decrease of 10 feet to 65 feet, on Lot 5.
 - b. The 10 feet required minimum side yard setback where approximately 7 feet is provided at the garage along the western property line on proposed lot 6.
 - c. The 10 feet minimum required side yard setback where approximately 8 feet is provided to the roofed porch along the eastern property line on proposed lot 6.
 - d. The 25 feet required minimum aggregate side yard setback reduced to approximately 15 feet on proposed Lot 6.
4. Side yard setbacks provide light, air, and open space. The wide dwelling on Lot 6 deviates from the neighborhood scheme and rhythm of solids and voids along the block face on both sides of the street. The dwelling's width is less noticeable because of the side yard widths and remaining landscape setting.
5. We recommend that the Applicant and the Board consider increasing the side yard widths on the east side of Lot 5 and west side of Lot 7 to provide the required single and aggregate (25 feet required, 15 feet provided) side yard widths for the remaining structure on Lot 6. This yard area should be restricted from the construction of any structures, as a landscape easement to protect the setting. Any easement would be extinguished in the event of more than partial destruction, demolition, or removal of the dwelling on Lot 6. For example, once the roofs overhanging porches setbacks are shown on the plan, the following may satisfy concerns:
 - a. Lot 5 should maintain a side yard of 18 feet on the east lot line which will provide the 5 feet easement area, which cannot be provided on Lot 6.
 - b. Lot 7 should maintain a side yard of 18 feet on the west lot line which will provide the 5 feet easement area, which cannot be provided on Lot 6.
6. Testimony and supporting documentation should be provided in accordance with Article V Design and Construction Standards (see §1113) as follows:
 - a. Sidewalks or curbs damaged during construction should be replaced. A note should be added to the plan.
 - b. It does not appear that there are any street and traffic signs along the frontage, but testimony should be provided.
 - c. Shade trees are required and appear to be in good health along the street. Where trees die as the result of construction they should be replaced by similar species or as approved by the Planning Board, Shade Tree Board, or Board Landscape Architect. Consistent with Chapter 35, an inspection of the Shade Trees by the Shade Tree Board is required within 10 days of receipt of the subdivision plan.
 - d. Testimony should be provided that adequate sanitary capacity and water supply is available; and any outside agency approvals should be provided.
 - e. A drainage and grading plan should be provided.
 - f. Topsoil protection methods should be provided.
 - g. Natural features preservation, such as trees, is required. Mature vegetation is located on the site. The grading plan should be provided. Tree preservation methods including tree protection fencing around the dripline of all trees to be preserved within 25 feet of construction or grading, should be provided.
 - h. Streetscape preservation should be addressed and specifically, the requirement that no new lot be created, or subdivision approval granted within any residential district unless the lots created are equal in size, shape, and orientation, as defined, to the prevailing character of the street. The orientation is related to the relationship of existing buildings along the front, side, and rear lot lines. Further, the standard is intended to advance the design, layout, and aesthetic values associated with existing patterns of development.



A portion of Sheet 5, 1911 Sanborn Map illustrating the predominant orientation of the existing dwellings and accessory structures on the street and rear alley is provided, following page. This map graphically illustrates the predominant orientation of dwellings as they exist on the street, the provided yard areas, porches, building walls, accessory structures, and alleys.

7. Per §128-46 the Architectural Review Committee (ARC) is to advise the Planning Board on applications for development. An ARC correspondence has been provided to the Board.
8. We offer the following regarding the existing and proposed architecture and streetscape preservation (see §11334.1):
 - a. The proposed architectural elevations for the dwellings and detached garages should be provided. The proposed dwellings should align vertically and horizontally with the adjacent structures to maintain the current regular street rhythm and building massing.
 - b. The main building wall of the existing dwelling is setback 50 feet from the front lot line, which is consistent with the adjacent dwelling setbacks along the street. At a minimum we suggest that any approval of the subdivision be conditioned upon the building walls of the proposed dwellings be setback 50 feet from Lippincott Avenue.
 - c. The straight portion of the existing porch is setback approximately 38 feet from the front lot line, which is largely consistent with the adjacent porch setbacks along the street. At a minimum we suggest that any approval be conditioned upon any roofed and open porches be setback 38 to 40 feet from Lippincott Avenue.
 - d. The elevation of the first, second floors, and roof sill plate should be generally aligned with the neighboring structures.
 - e. Roof lines and slopes should be consistent with or complementary to neighboring structures.
 - f. Ganged windows should be avoided, and windows should be provided along the side elevations of the proposed structures. All windows and openings should have wide surrounds.
9. Chapter 113 regulates Tree Planting and Landscaping. We recommend providing a landscape plan consistent with §113-40, however, minor subdivisions are exempted.
10. We recommend the applicant select deciduous, evergreen, and other tree species native to the area and consistent with the neighborhood, reducing the disturbance to existing trees on the proposed site.
11. Testimony should be provided that less than ¼ acre of regulated impervious surface will be created.

If you have any questions or require additional information regarding this application, please do not hesitate to contact our office.

Very truly yours,
Taylor Design Group, Inc.



Michelle Taylor, PP, AICP
Founder & President

Ec: Charles 'Chuck' D. Petrone, Esq., Board Attorney
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Figure 1 – Site and dwelling illustrated on Sheet 5 of the 1911 Sanborn Map, courtesy Princeton University Library.

