



H2M Associates, Inc.

119 Cherry Hill Road, Ste 110
Parsippany, NJ 07054 | tel 862.207.5900

October 24, 2023

Borough of Leonia Planning Board
312 Broad Ave
Leonia, NJ 07605

**Re: High Jump Realty LLC
Preliminary and Final Minor Subdivision Plan
Block 504, Lots 1 & 2
515 & 517 Grand Avenue
H2M Project No.: LEON2304**

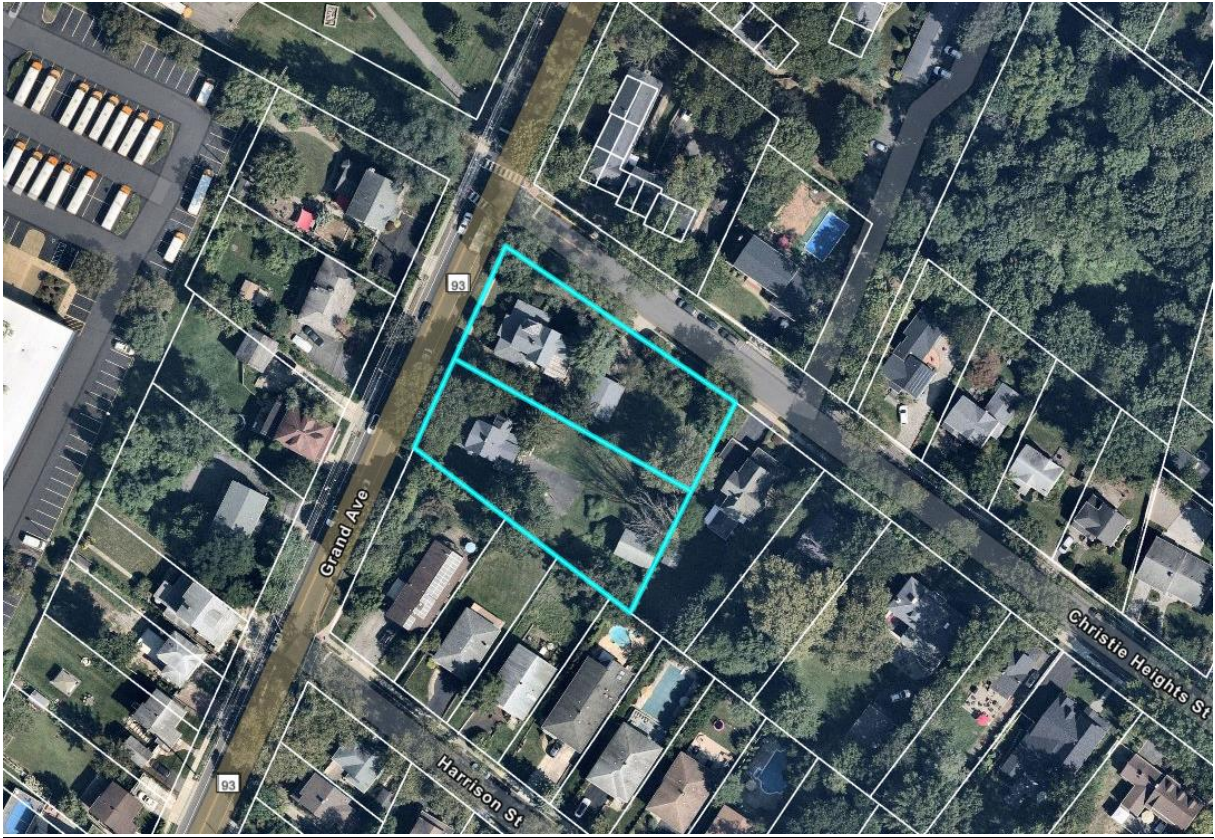
Dear Borough of Leonia Zoning Official:

In preparation of this review letter, I have reviewed the application materials provided to our office below, reviewed the Borough Land Use Ordinance and Master Plan. H2M reserves the right to continue to review and provide additional technical comments as the application progresses through the process.

I am in receipt of the following items submitted in connection with this application:

- Application for Subdivision, prepared by Gregory Asadurian, Esq., dated September 7, 2023.
- Survey entitled "Topographic Survey of property at 515 & 517 Grand Avenue," prepared by prepared by Bruce D. Rigg, P.E., P.L.S., P.P. Rigg Associates, P.A., dated November 2, 2022, revised March 01, 2023, consisting of one (1) sheet.
- Site Plans entitled "Proposed Subdivision Plat for High Jump Realty, LLC", prepared by Bruce D. Rigg, P.E., P.L.S., P.P. Rigg Associates, P.A., dated July 10, 2023, revised August 24, 2023, consisting of six (6) sheets.
- Architectural Plans entitled "Proposed New Home: 176 Christie Heights St, Leonia, NJ", prepared by Vincent C. Graziano, AIA, Vincent C. Graziano, AIA, LLC, dated June 7, 2023, consisting of five (5) sheets.
- Elevation drawing entitled "Front Elevation, Proposed New Home: 176 Christie Heights St, Leonia, NJ" consisting of one (1) sheet, prepared by Vincent C. Graziano, AIA, Vincent C. Graziano, AIA, LLC, dated August 24, 2023.

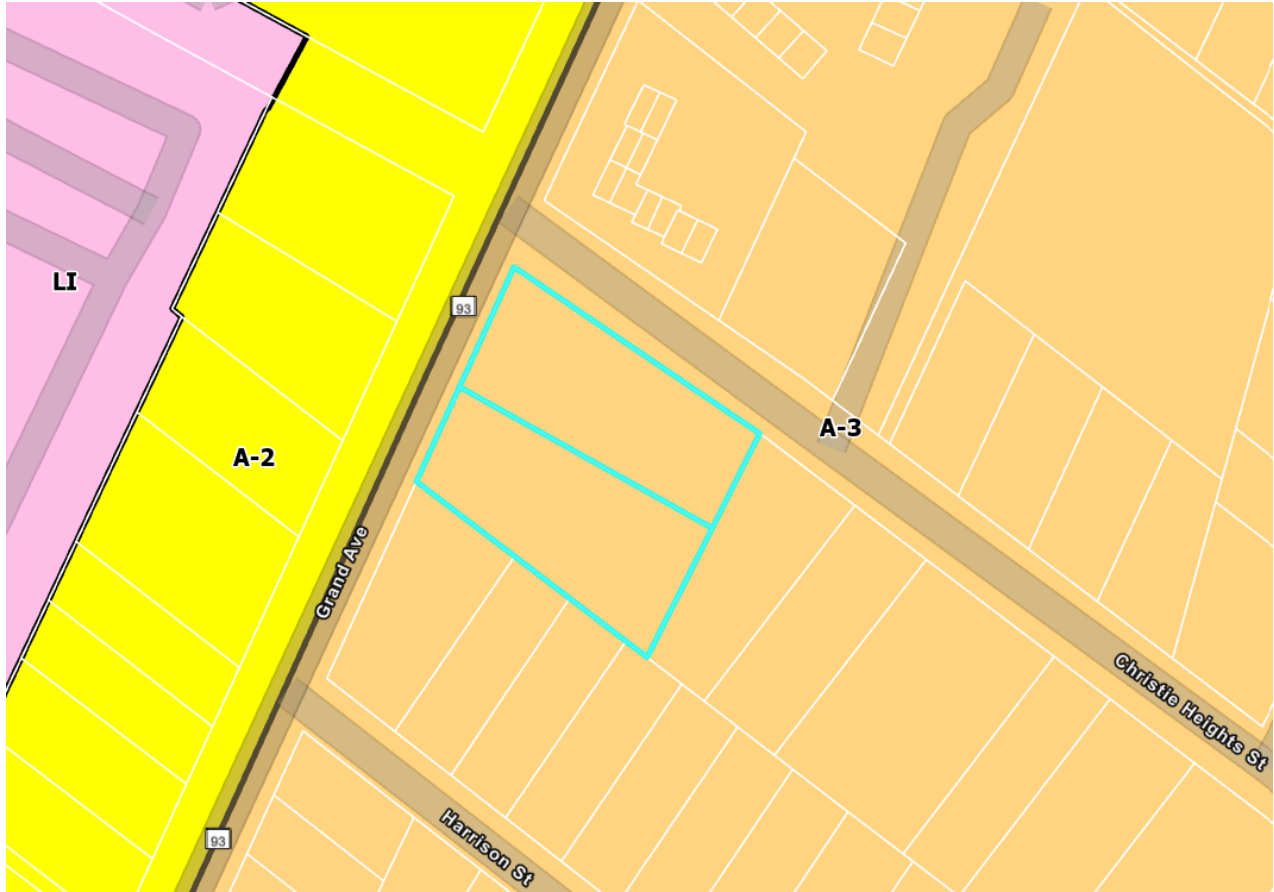
PROJECT OVERVIEW



The applicant, High Jump Realty LLC, has submitted a minor subdivision plan with variances application for Block 504, Lots 1 and 2 consisting of 0.807 acres located in the A-3 Single-Family Residential Zone. The site is an irregular-shaped, oversized lot located at 515 and 517 Grand Avenue. The existing lots are each currently improved with a detached single-family home along with appurtenant driveways. In addition, Lot 2 contains a detached garage. Lot 2 (517 Grand Avenue) is a corner lot with frontages along Grand Avenue and Christie Heights Street. Adjacent land uses are primarily single-family homes while the lot at the corner of Christie Heights Street and Grand Avenue, to the north of 517 Grand Avenue, is a multifamily building.

The applicant is proposing to subdivide the two existing lots into three lots.

ZONING



The site is entirely within the A-3 Residential Zone. As per Leonia Borough's zoning regulations, the A-3 Residential Zone permits single-family detached dwellings on parcels with a minimum lot area of 5,000 square feet. The zoning ordinance also requires minimum bulk standards for single-family homes as detailed in the table on the following page. The existing single-family homes currently conform to all of the bulk standards for the A-3 zone, except for the existing non-conforming front yard setbacks. Given that these are existing non-conformities that will not be exacerbated by the proposed minor subdivision, the applicant is not required to seek a variance for the front yard setbacks. The applicant, however, requires variances for the accessory structures as noted in the following table.

APPLICATION VARIANCES AND EXCEPTIONS

Ordinance Requirement	Regulation	Required	Proposed Lot 1.01	Proposed Lot 2.01	Proposed Lot 2.02	Status
Use	§290-7A	Single-family, detached dwelling, used as a residence by not more than one family and not to exceed one such dwelling unit on each lot	Single-family detached dwelling	Single-family detached dwelling	Single-family detached dwelling	<i>Compliant</i>
Minimum Living Floor Area	§290-8G	1,100 sq.ft. (one-story) 1,600 sq.ft. (two-story)	>1,600 square feet	>1,600 square feet	To comply	<i>Compliant</i>
Minimum Lot Area	§290-8E	5,000 square feet	10,575 square feet	11,198 square feet	13,378 square feet	<i>Compliant</i>
Minimum Front Yard Setback	§290-8B	25 feet	22.5 feet	21.1 feet	32.5 feet	<i>Existing non-conformity</i>
Minimum Rear Yard Setback	§290-8C	25 feet	57.8 feet	49.0 feet	66.0 feet	<i>Compliant</i>
Minimum Side Yard Setback	§290-8D	10 ft (one); 40% combined lots	19.6 feet; 42.6 ft (30 ft required)	18.0 ft.; 48.4 ft (38.44 ft required)	16.0 ft.; 32.17 ft (30.40 ft required)	<i>Compliant</i>
Maximum Lot Coverage	§290-8F	50%	35.9%	38.6%	34.9%	<i>Compliant</i>
Maximum Building Coverage	§290-8F	25%	11.6%	21.9%	21.9%	<i>Compliant</i>
Minimum lot width	§290-9	75 feet	75 feet	96.1 feet	76 feet	<i>Compliant</i>
Accessory Structures rear yard setback	§290-45.A.4	3 feet	2 feet	2 feet	-	<i>Requires c variance*</i>

***With the proposed subdivision, the existing driveways will not comply with the minimum required setback of three feet as portions of the driveways on Lot 1.01 and 2.01 will maintain a side yard setback of two feet. As per Section 290-3, an accessory structure is defined as a subordinate building or structure on the same lot with a principal building or structure, occupied or devoted exclusively for an accessory use, which in turn is defined as a use naturally and normally incidental and subordinate to the principal use of a structure or lot. Thus, not only is the existing garage an accessory structure but also the two existing driveways (Nuckel v. Little Ferry Planning Board., 208 N.J. 95 (2011)). Variance relief is required for the existing driveways on the proposed Lot 1.01 and 2.01.**

VARIANCE COMMENTS

1. While this office defers to the Board attorney in advising the Board on the application of relevant variance criteria; this report identifies the variance criteria for the purposes of establishing a framework for review. The applicant bears the burden of proof, which is divided into two parts, in the justification of the “c” variance.
2. Positive Criteria. The applicant bears the burden of proof (which is divided into two parts – positive criteria and negative criteria) in the justification of the “c” variance. To satisfy the positive criteria for a “c” variance, the applicant has two choices. First, known as “c(1)” variance relief, the applicant may demonstrate that strict application of the regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship due to one of the following:
 - By reason of exceptional narrowness, shallowness or shape of a specific piece of property;
 - By reason of exceptional topographic conditions or physical features uniquely affecting the specific piece of property; or
 - By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

The applicant should provide testimony regarding any peculiar and exceptional practical difficulties or exceptional and undue hardship if seeking c(1) variance relief for the proposed variances. Alternatively, and known as “c(2)” variance relief, the applicant may demonstrate the following positive criteria in support of the request for relief:

- Where in an application or appeal relating to a specific piece of property the purposes of the Act (N.J.A.C. 40:55D-2) would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.
 - The applicant should provide testimony regarding any public benefits of the project if seeking c(2) variance relief for the impervious coverage and steep slope disturbance variances.
3. Negative Criteria. Should the applicant satisfy the positive criteria, it must also be demonstrated that the granting of the variance can be accomplished without resulting in substantial detriment to the public good and without substantial impairment of the intent and purpose of the zoning ordinance and zone plan.

OTHER PLANNING COMMENTS

1. General. The applicant in the site plan calculated that the average width of the lots within the neighborhood is 59.97 feet, indicating that the minimum required width for the lots must meet the 75-foot standard set in Section 290-9B. It should be noted that Leonia Code Section 290-3 defines “Neighborhood” as the following:

Those lots of land situated within a radius of 500 feet in all directions from the exact midpoint of the tract to be subdivided.

The applicant should provide testimony that the average lot width calculation is the calculation of the average width of lots situated within a radius of 500 feet in order to comply with the ordinance.

2. General. Section 290-95A requires that not more than 40% of the front yard area of a single-family or two-family dwelling shall be paved or used for parking. The applicant should provide a calculation of the percentage of the front yard that is proposed to be paved. If the percentage exceeds 40%, the applicant must seek an additional variance.

High Jump Realty LLC

October 24, 2023

Page 6 of 6

3. General. Section 290-45.A.7 requires that no more than 25% of the rear yard may be devoted to accessory structures. Testimony should be provided calculating the percentage devoted to accessory structures for the proposed Lot 1.01 and 2.01.
4. General. For all other aspects of this application regarding the site layout and design and stormwater management, this office defers to the Board Engineer.

H2M reserves the right to provide additional comments as we continue through the review of this application and/or based upon additional testimony provided by the applicant. If you have any further questions regarding the above letter, please contact the undersigned at (862) 207-5900 extension 2285.

Very truly yours,



Sanyogita Chavan, PP, AICP
Practice Leader
H2M Associates, Inc.