revised January 10, 2023
~~November 14, 2022~~

Mr. John Maloney, Chairman
Ewing Township Zoning Board
2 Jake Garzio Drive
Ewing, NJ 08628

RE: ***ZBA-22-005***
Homes by TLC, Inc.
1219-25 Lower Ferry Road
Block 364.01, Lots 22.01, 22.02, 22.03, 22.04

Owner:
A.N.B.L. LLC
PO Box 305
South River, NJ 08882

Applicant:
Homes by TLC, Inc.
1880 Princeton Ave
Lawrenceville, NJ 08648

I. Proposal Summary:

The applicant is seeking zoning (use) variance and~~,~~ bulk variance relief for approval of four (4) two-and-a-half-story, two-family dwellings on four (4) undeveloped lots. The project area is 3.925 acres in the R-2 Single-Family Detached Residential Zone. Duplexes are not a permitted use.

II. Submission

1. Plans titled "Revision to Approved Preliminary/Final Subdivision Plan", prepared by Trenton Engineering Co., Inc., dated 12/5/2022.
2. Memorandum from Trenton Engineering Co., Inc. dated 12/28/2022.
3. Memorandum prepared by Kyle+McManus Associates, dated 12/29/2022.

~~2.~~4. Addendum to Application.
~~3.~~5. Subdivision plat, prepared by Van Cleef Engineering Associates, dated 1/19/2007 and approved by Ewing Township Planning Board on 1/31/08.
~~4.~~6. Architectural Plans prepared by Pickell Architecture, LLC. dated 10/28/2022.

III. Waivers and Variances

1. Variances
    a. Permitted Principal Use (§215-15(A))
        i. Two-family dwellings are not permitted in the R-2 Single-Family Detached zone. A use variance is required.
    b. Lot Frontage (§215-15D(1)(c))
        i. Eighty (80) feet is required, where 21.71ft and 20.23ft is proposed on Lot 22.03 and 22.04 respectively. This is a preexisting nonconforming condition.

c. Setback, Rear Yard (§215-15D(1)(d))

i. 35ft is required, where 30ft and 29ft is proposed on Lot 22.01 and Lot 22.02 respectively. A variance is required.

d. Floor Area (§215-15D(4))

i. Maximum floor area of 1,936-sf is permitted on Lot 22.01; 1,918sf is permitted on Lot 22.02; and 2,450-sf is permitted on Lots 22.03 and 22.04, where 2,720-sf is proposed on each lot. A variance is required.

a. Bedroom Yield (§215-15D(4))

~~b.~~ii. Four (4) bedrooms are permitted on Lots 22.01 and 22.02 and five (5) bedrooms are permitted on Lots 22.03 and 22.04. Six (6) bedrooms are proposed on each lot. A variance is required.

IV. Planning Review

1. Land Use
   a. Two-family homes (duplexes) are not permitted uses/structures in the R-2 Single-Family Detached Residential Zone. A use variance is required.
   b. The applicant notes in the addendum that the units will be leased and managed by Homes by TLC, Inc., a partner of Homefront, Inc. to provide income-restricted and supportive housing. Income-restricted homes are an inherently beneficial use, which is sufficient to satisfy part of the positive criteria for a use~~D~~ variance.
2. Lot Frontage
   a. Eighty (80) feet is required, where lot frontages (widths) of 21.71ft and 20.23ft are proposed along the street right-of-way line on Lot 22.03 and 22.04 respectively. These lots are existing flag lots that were approved by a previous landowner/applicant. This is a preexisting nonconforming condition.

~~2.~~3. Setback, Rear Yard
   a. The applicant is proposing two substandard rear yard setbacks for the homes on Lot 22.01 and Lot 22.02. Thirty-five (35) feet is required, whereas the applicant proposes rear yards of thirty (30) feet and twenty-nine (29) feet respectively. A variance is required.
   b. The applicant's property is irregularly shaped, which contributes to the positive criteria for said variance. The proposed nonconforming setback condition is located between the applicant's properties and out of public view and is thus unlikely to cause substantial detriment to the public good or substantial impairment of the Township's zoning plan or zoning ordinance.
4. Floor Area
   a. Based on lot size, between 1,936sf and 2,450sf is permitted on each lot, whereas 2,720sf is proposed. A variance is required.
   b. This variance is significantly intertwined with the use variance for two-family structures in a single-family zone and the classification of income-restricted homes as an inherently beneficial use.
   c. The FAR analysis memo provided by the applicant's planner attempts to demonstrate relative consistency in size between the proposed condition and the existing neighborhood - although the FAR is higher on Lots 22.01 and 22.02. Testimony should be provided including the spatial analysis mapped of the neighborhood.
   d. We note that the floor area of each proposed dwelling unit – approximately 1,360sf – is 368sf lower than the average of all properties within 500 feet of the

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applicant's site. However, when combined into a duplex the FAR is above average.

5. Bedrooms
    a. Four (4) bedrooms are permitted on Lot 22.01 and Lot 22.02, and five (5) bedrooms are permitted on Lot 22.03 and Lot 22.04, where six (6) bedrooms are proposed on each lot. A variance is required.
    b. We concur with the applicant's planner regarding the eight (8) non-permitted bedrooms across the applicant's properties and that the proposed homes will be managed by a single entity. However, nothing precludes sale of any of the units. Testimony should be provided as to the associated deed restrictions, if applicable
    c. The applicant has testified to the limited number of vehicles per household. As noted below, the number of parking spaces provided meets the parking standards of the R-2 Zone and the RSIS.
6. Parking
    a. Two (2) parking spaces per dwelling have been provided in compliance with the R-2 Zone and RSIS parking requirements for 3-bedroom dwelling units.
    b. The applicant has provided testimony to the limited number of vehicles per household served by their organization.

~~3.~~7. General Comments
    a. Lower Ferry Rd is a county road and minor arterial, which constitutes a major thoroughfare for purposes of Section 215-15D(4.b) regarding variances commensurate with the character of a street in the R-2 Zone.
    b. Testimony regarding trash pickup and the number of trashcans is recommended as the topic was raised repeatedly during the December 2022 hearing.
    c. The Board should consider mitigating impacts of duplexes within a neighborhood single-family in nature. While precedence in Zoning is limited on a case by case basis, careful consideration should be employed.

V. Architectural Review

1. The architecture appears to be contextual with existing single-family homes in the neighborhood and Township.

~~1.~~2. Exactly one front entrance per Duplex A and Duplex B faces the roadway, which helps reinforce the appearance of single-family homes. More architecturally solidifying such appearance could be employed, namely;
    i. Emphasis of the front entryways along Lower Ferry Rd is recommended by way of a sidelight, or other means, to further reinforce the appearance of single-family homes with a single primary entrance.

~~2.~~ii. Enhancement to perhaps include a porch with landscaping

VI. Landscaping Review

1. The landscaping was not prepared in accordance with the ordinance and is unacceptable as-is.
2. The applicant has proposed evergreen tree plantings along the conservation easement boundary and the common driveway. Tree selection should be a condition of approval to bolster ecological value.
3. Street trees are required along the right-of-way per Section 215-57D Landscaping

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Standards.

VIII. Conclusion

The board may find that the inherent benefits may outweigh any substantial detriment associated with the applicant's proposal and requested zoning relief. The revised submission and site plan shows effort to address the comments by the Zoning Board and attending public at the December 2022 zoning board hearing. If the Board were to find that the above issues can be addressed working with the applicant upon approval, our office will of course oblige.

Should you have any questions or concerns, please feel free to contact me at 212-203-5137 or via email, cwl@latinigleitz.com.

Sincerely,

Charles Latini, PP, AICP

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