

ORIGINAL

**RESOLUTION
OF THE TOWNSHIP OF
EDISON PLANNING BOARD**

#P5232

RESOLUTION IN THE MATTER OF THE APPLICATION OF PAGODA HOMES, LLC, FOR MINOR SUBDIVISION APPROVAL TO CREATE THREE CONFORMING BUILDING LOTS FROM FIVE EXISTING TAX LOTS, WITH A SINGLE FAMILY DWELLING EXISTING ON TWO OF THE TAX LOTS AND ANOTHER SINGLE-FAMILY DWELLING EXISTING ON THREE OF THE TAX LOTS, THE LATTER OF WHICH WILL REMAIN, AND PERMITTING THE CONSTRUCTION OF TWO NEW FULLY CONFORMING SINGLE-FAMILY DWELLINGS ON MODIFIED LOTS 1 AND 2, AT PROPERTY LOCATED AT 231 PLAINFIELD ROAD, BLOCK 593-D, LOTS 1 AND 2, AND 225 PLAINFIELD ROAD, BLOCK 593-D, LOTS 3, 4 AND 5.

WHEREAS, Pagoda Homes, LLC, filed an application with the Township of Edison Planning Board with respect to property located at 231 Plainfield Road, Block 593-D, Lots 1 and 2, and 225 Plainfield Road, Block 593-D, Lots 3, 4 and 5 in the Township of Edison, seeking approval of a conforming minor subdivision which would create three lots out of five existing tax lots now improved with two single-family dwellings, one of which will be demolished;

WHEREAS, the subject property is located in the R-B Residential District, where single family dwellings are permitted on lots with a minimum lot area of 7,500 square feet and a minimum lot width of 75 feet; and

WHEREAS, Lots 1 and 2 form a 14,086 square foot corner parcel improved with a single-family dwelling with 90.89 feet of

frontage on Plainfield Road and 157.73 feet of frontage on Broad Avenue; and

WHEREAS, Lots 3, 4 and 5 form a 19,684 square foot corner parcel improved with a single-family dwelling with 126.67 feet of frontage on Plainfield Road and 149.56 feet of frontage on Manor Boulevard; and

WHEREAS, the proposed subdivision would shift the lot line separating Lots 2 and 3 extending from Plainfield Avenue to increase the size of Lots 1 and 2, and add a lot line extending from Broad Avenue to divide Lots 1 and 2 into two buildable lots; and

WHEREAS, the existing dwelling on Lots 3, 4 and 5 would remain, albeit with reduced frontage on Plainfield Road measuring 93.18 feet; and

WHEREAS, the newly created lot at the corner of the Plainfield Road and Broad Avenue would have 94.26 feet of frontage on Plainfield Road and 62.71 feet of frontage on Broad Avenue, but with a width of 77.2 feet at the 25-foot front setback line where lot width is measured; and

WHEREAS, the newly created interior lot would have 75.03 feet of frontage on Broad Avenue; and

WHEREAS, the three lots would all exceed the minimum required lot area of 7,500 square feet and lot width of 75 feet, and would be improved with single-family dwellings, thereby

conforming to the minimum lot requirements for single-family dwellings in the R-B Zone; and

WHEREAS, all three dwellings would fit within the permissible building envelope and would meet all other bulk standards governing single-family dwellings in the R-B Zone; and

WHEREAS, a hearing on this application was held before the Township of Edison Planning Board on May 27, 2021, with the meeting conducted remotely due to Covid-19 and Executive Orders issued in response thereto; and

WHEREAS, the Applicant filed an affidavit with the Board showing compliance with the statutory requirements concerning notice to the affected property owners and of making proper and timely publication of the application in the official newspaper of the Township of Edison.

NOW, THEREFORE, be it resolved by the Planning Board of the Township of Edison as follows:

This is an application seeking minor subdivision approval to create three single-family dwelling lots from five existing tax lots improved with two single-family dwellings at property located at 231 Plainfield Road, Block 593-D, Lots 1 and 2, and 225 Plainfield Road, Block 593-D, Lots 3, 4 and 5 in the Township of Edison. The subject property is located in the R-B Residential District which permits single family dwellings on

lots measuring 7,500 square feet in area and a width of 75 feet. Lot 1 and 2 form a corner parcel with 90.89 feet of frontage on Plainfield Road and 157.73 feet of frontage on Broad Avenue; Lots 3, 4 and 5 form a corner parcel with 126.67 feet of frontage on Plainfield Road over two courses and 149.56 feet of frontage on Manor Boulevard. Both existing parcels are oversized, with Lot 1 and 2 measuring 14,096 square feet and Lots 3, 4 and 5 measuring 19,684 square feet, and both parcels are improved with single-family dwellings. Applicant proposed to demolish the dwelling on Lots 1 and 2 but preserve the dwelling on Lots 3, 4 and 5. The proposed subdivision would move the lot line separating Lots 2 and 3 which extends from Plainfield Road so that the frontage on Plainfield Road for Lots 3, 4 and 5 would be reduced to 93.18 feet. A new lot line extending from Broad Avenue would create two lots, a corner lot with frontage of 62.71 feet on Broad Avenue and an interior lot with frontage of Broad Avenue measuring 75.03 feet. The frontage of the corner lot on Plainfield Road would be 94.26 feet. Middlesex County had accepted the dedication of a portion of the Plainfield Road frontage between Broad Avenue and Manor Boulevard for a road widening project, with the width of the dedication varying across the frontage. The dedication removed 19.99 feet of frontage from Lot 1 at the intersection with Broad Avenue and 31.67 feet of frontage from Lot 5 at the Manor Boulevard intersection. Thus,

the proposed lot at the corner of Plainfield Road and Broad Avenue would have only 62.71 feet of frontage on Broad Avenue but its width would measure 77.2 feet at the building setback line, where lot width is measured. The area of the lot at the corner of Plainfield Road and Broad Avenue would measure 8,024 square feet; the lot area of the interior lot fronting on Broad Avenue would measure 8,047 square feet; and the lot area of the remainder lot at the intersection of Plainfield Road and Manor Boulevard will measure 14,523 square feet. Thus, all three lots will conform or exceed the lot area and width requirements of the R-B Zone. Although the existing dwelling on Lots 3, 4 and 5 would remain, new single-family dwellings would be constructed on the two lots with frontage on Broad Avenue. All three dwellings would fit within the permissible building envelopes, even on the two corner lots. Thus, no variance relief was necessary.

In order for the Applicant to gain approval of the proposed minor subdivision, it must meet all the standards set forth in the Township's Subdivision and Site Plan Ordinance governing minor subdivision approval.

The Applicant was represented by Steven J. Tripp, Esq., of the firm Wilentz, Goldman & Spitzer, P.A. Mr. Tripp presented the testimony of Frank Baer, a New Jersey licensed professional engineer with the firm WSB Engineering Group, P.A. Mr. Baer was accepted by the Board as an expert in his field. The Board also

received reports and heard testimony from William Ybarra of the firm Delaware-Raritan Engineering, Inc., the Board's consulting engineers, and from Todd Bletcher of Bignell Planning Consultants, Inc., the Board's consulting planners. One member of the public participated in the hearing.

Based on the evidence presented at the hearing, the Board made the following findings of fact:

1. The subject property is comprised of five tax lots which operate as two oversized parcels, each improved with a single-family dwelling, and totaling 33,780 square feet;
2. Lot 1 and 2 form a 14,086 square foot corner parcel with 90.89 feet of frontage on Plainfield Road to the east and 157.73 feet of frontage on Broad Avenue to the north;
3. Lots 3, 4 and 5 form a 19,684 square foot corner parcel to the south of Lots 1 and 2, with 107.18 feet of frontage on Plainfield Road to the east and 149.56 feet of frontage on Manor Boulevard to the south. The two lots share a common lot line measuring 160.65 feet in depth from Plainfield Road which is the southerly side lot line of Lot 2 and the northerly side lot line of Lot 3;
4. Both lots are in the R-B Zone, which establishes a minimum lot area of 7,500 square feet and minimum lot width of 75 feet;

5. Applicant sought subdivision approval permitting the adjustment of the 160.65-foot common lot line extending from Plainfield Road by moving it 33.49 feet to the south, thereby increasing the frontage on Plainfield Avenue of Lots 1 and 2 to 94.26 feet and reducing the frontage on Plainfield Road of Lots 3, 4 and 5 to 93.18 feet;

6. Applicant also sought to subdivide Lots 1 and 2 by creating a new lot line extending 108.43 feet to the south from Broad Avenue, resulting in a corner lot and an interior lot, both with frontage on Broad Avenue. Thus, the proposed lot line adjustment and subdivision would create three single-family dwelling lots from the existing two development parcels. New dwellings were proposed for the two lots with Broad Avenue frontage while the dwelling on Lots 3, 4 and 5 would remain, albeit on a smaller parcel;

7. Plainfield Road is a county roadway, and Middlesex County has accepted dedication of the Plainfield Road frontage between Manor Boulevard and Broad Avenue to facilitate a road widening project. The depth of the dedicated area varies, but it results in the loss of 19.99 feet of Broad Avenue frontage at the intersection with Plainfield Road and the loss of 31.67 feet of frontage on Manor Boulevard at the intersection with Plainfield Road;

8. With the loss of frontage due to the dedication, the proposed subdivision would result in the new corner lot having 62.71 feet of frontage on Broad Avenue while the new interior lot would have 75.03 feet of frontage on Broad Avenue. The Manor Avenue frontage of Lot 5 was reduced to 117.76 feet;

9. Lot width is measured at the front setback line rather than the right-of-way line, and the new corner lot with only 62.71 feet of frontage on Broad avenue would still measure 77.2 feet in width at the 25-foot front setback line, and thus no variance for lot width was necessary;

10. The newly formed lot at the corner of Broad Avenue and Plainfield Road would measure 8,024 square feet, while new the interior lot with frontage on Broad Avenue would measure 8,047 square feet. The area of Lots 3, 4 and 5 would be reduced to 14,523 square feet. Thus, all three lots would conform to the lot area and width standards applicable in the R-B Zone;

11. The remaining dwelling on Lots 3, 4 and 5 would continue to comply with all bulk standards in the R-B zone, and the two new dwellings fronting on Broad Avenue will fit within the permissible building envelope and would comply with all other bulk standards in the R-B Zone, including the front yard setback of 25 feet along both street frontages of the corner lot. Driveway access to the corner lot would be from Broad Avenue;

12. A 12-foot wide paved alleyway runs along the westerly lot line of the subject property, from Manor Boulevard to Broad Avenue. Only that portion of the alleyway that extends from Broad Avenue along the westerly lot line of Lots 1 and 2 is paved, with approximately half the width of the paved alleyway on Lots 1 and 2. As proposed on Applicant's plans, the new dwelling on the interior lot would be set back only six feet from the westerly lot line and thus would abut the paved alleyway. The R-B Zone requires side yard setbacks of a minimum of six feet on one side and a combined 18 feet. Thus, a 12-foot setback was proposed for the dwelling on the interior lot from its eastern side lot line;

13. Although Applicant disputed the adjoining property owner's right to continue to use that portion of the alleyway that is located on Lots 1 and 2, the Applicant agreed to flip the proposed dwelling so that the setback from the western side lot line would be 12 feet and the setback from the western side lot line would be six feet;

14. Applicant will comply with all regulations governing the construction of new dwellings in the Township at the time it applies for permits. This shall include new sidewalks and curbing along all three street frontages, if necessary, stormwater regulations, the Township's tree ordinance, and varied designs for the two new dwellings;

15. Applicant must submit letters demonstrating that construction will not occur within 75 feet of any transmission lines; and

16. Parking for each dwelling shall comply with the Residential Site Improvement Standards.

On the basis of these findings of fact, the Board made the following conclusion of law:

1. The proposed lot line adjustment and subdivision would conform in all respects with the requirements of the R-B Zone, and thus approval is as-of-right; and

2. Any dispute over the right to use the alleyway on the westerly edge of the subject property is not within the Board's jurisdiction.

On the basis of these findings of fact and conclusion of law, the Board, by a vote of eight (8) in favor and none opposed, determined that the Applicant had met the standards governing minor subdivision review and that approval of the fully conforming subdivision application was as-of-right.

NOW, THEREFORE, be it resolved by the Planning Board of the Township of Edison that the application for minor subdivision approval which would create three single-family dwelling lots from five existing tax lots which form two oversized single-family dwelling lots in the R-B Zone at property located at 231

Plainfield Road, Block 593-D, Lots 1 and 2, and 225 Plainfield Road, Block 593-D, Lots 3, 4 and 5 in the Township of Edison, be and hereby is GRANTED, subject to the following:

1. Conformance with the plans submitted to the Board prepared by WSB engineering Group, P.A., with a revision date of May 3, 2021, except as modified hereby;

2. The filing of a subdivision deed or plat approved by the Board's attorney and its consulting engineer and signed by the Board's Chairperson and Secretary;

3. Compliance with the letter report of the Board's consulting planner, dated May 20, 2021, subject to Township Ordinances in effect at the time building permit applications are filed;

4. Compliance with the letter report of the Board's consulting engineer, dated April 30, 2021, subject to Township Ordinances in effect at the time building permit applications are filed;

5. Shifting the proposed dwelling on the Broad Avenue interior lot so that the westerly side yard setback is twelve feet and the easterly side yard setback is six feet;

6. Submission of a stormwater management plan to the township engineer demonstrating conformance with all applicable state and local regulations;

7. Compliance with the Township's tree ordinance, and Applicant's submission of a landscape plan to the Board's consulting planner for his review and approval;
8. Construction of curbing and sidewalks along the full length of all three street frontages;
9. Varying the design of the three new dwellings in accordance with the standards set forth in the Township's land use regulations;
10. Submission of letters to the Board's consultants demonstrating that construction will not take place within 75 feet of any transmission lines;
11. Assignment of new lot numbers by the Township Tax Assessor, as necessary;
12. All other necessary governmental approvals, including, without limitation, the Middlesex County Planning Board;
13. Compliance with all applicable building and fire codes;
14. Posting of all required performance bonds, maintenance guarantees and inspection fees; and
15. No modifications to the plans approved by the Board, except as permitted hereby or as may be subsequently approved upon the filing of an application with the Board seeking amended subdivision approval.

IN FAVOR OF GRANTING THE APPLICATION:

Mr. Corrette	Yes
Mr. Hahn	Yes
Vice Chairman Pipala	Yes
Mr. Pizzi	Yes
Ms. Ruggieri	Yes
Mr. Sendelsky	Yes
Mr. Singh	Yes
Mr. Soltesz	Yes

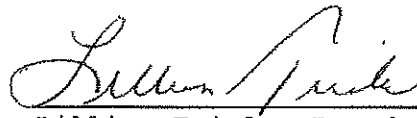
(8) Yes

OPPOSED TO GRANTING THE APPLICATION:

None

(0) No

The undersigned, secretary to the Township of Edison Planning Board, certifies that the foregoing is a true copy of the Resolution adopted on the 19th day of July, 2021, to reflect the action taken by said Board on the 27th day of May, 2021.



Lillian Triola, Board Secretary