

NARRATIVE OF PROPOSAL

FOX & FOXX DEVELOPMENT, LLC

29 HALSEY STREET

METUCHEN, NEW JERSEY

APPLICATION FOR CONDITIONAL USE APPROVAL WITH BULK VARIANCE

The applicant, Fox & Foxx Development, LLC, is the contract purchaser of an isolated undersized lot located at 29 Halsey Street, within the B-3 Office Business District (the "Property"). The Property contains 9,503.06 square feet (0.218 acres), and has a width of 76.74 feet. The minimum required lot area for the B-3 District is 10,000 square feet, and the minimum required lot width is 100 feet. The Property contains an existing non-conforming single-family residence, which is not a permitted use in the B-3 District.

The immediately adjacent property to the south contains an existing non-conforming single-family dwelling. It has a lot area of approximately 6,400 square feet and a lot width of 50 feet, and therefore is undersized to a substantially greater degree than the subject Property. Immediately adjacent to the north is Amtrak property, which contains a substation and the northeast corridor railroad right-of-way. Across Halsey Street is a municipal parking lot, owned by the Metuchen Parking Authority.

The applicant proposes to demolish the existing structure and redevelop the Property with a two-family detached dwelling, with a condominium form of ownership. Pursuant to §§110-77c(1) and 76c(2) of the Metuchen Land Development Ordinance, a two-family detached dwelling is a conditional use in the B-3 District. There are two conditions applicable to two-family dwellings in the B-3 District, set forth in §110-87E(1) and (2). First, the use cannot be located on certain streets within the Borough. Since Halsey is not one of those streets, that condition is satisfied. Second, two-family detached dwellings shall comply with the setback requirements for single-family detached dwellings in the R-2 Residential District. Here, the proposed two-family structure meets all setback requirements applicable to single-family residences in the R-2 Zone, satisfying the second condition. Therefore, the applicant is entitled to conditional use approval.

The proposed two-family dwelling meets applicable bulk requirements for the B-3 District, including lot coverage, impervious coverage and height. The design and landscaping requirements for new home construction are met as well. The applicant is seeking bulk variance relief, to the extent deemed necessary, regarding the existing nonconforming lot area and lot width. Such relief, if required, meets the criteria of N.J.S.A. 40:55D-70c(2), for the following reasons:

1. The purposes of the Municipal Land Use Law are advanced because the applicant is replacing an existing nonconforming use with a conforming conditional use that complies with the conditional use standards and the B-3 bulk regulations. As such, construction of the proposed two-family dwelling will bring the Property into a greater degree of zoning conformance than currently exists.
2. There are no detriments to the proposal for a number of reasons. The immediately adjacent property to the south is nonconforming to a greater degree than this Property, having a width of half of the 100 feet required, and a lot area of less than two-thirds of the 10,000 square feet required. The majority of the other properties along Halsey Street also are nonconforming. The property immediately to the north is a Conrail substation, and across the street is a municipal parking lot. Therefore, replacing a nonconforming single-family dwelling with a conforming two-family dwelling will result in a beneficial effect on the neighborhood, with no adverse impacts whatsoever.
3. There is no substantial detriment to the public good, based on the existing pattern of development in the neighborhood, including the existing lot sizes and widths, and current uses. There is no substantial impairment to the zoning ordinance or master plan because the proposal replaces a nonconforming use with a conforming conditional use.