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January 17, 2024

Via Hand Delivery

Robin Atlas, Zoning/Planning Board Secretary
City of Northfield
1600 Shore Road
Northfield, New Jersey 08225

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|-----|------------------------|--------------------------------------|
| Re: | Applicant: | Janet Mazza-Morey |
| | Property: | 1786 Burton Avenue and 815 Mill Road |
| | Tax Map Lots: | Block 16.01, Lot 38.01 and Lot 39 |
| | Zone: | R-1 |
| | Proposed Hearing Date: | March 7, 2024 |

Ms. Atlas:

Regarding the above-referenced matter, I am counsel for the applicant, Janet Mazza-Morey ("the Applicant"). The applicant owns the two above-referenced properties. 1786 Burton Avenue is her personal residence and 815 Mill Road contains a commercial use, Mazza's Market and Coffee House. 815 Mill Road is otherwise known as Block 16.01, Lot 38.01 and 1786 Burton Avenue is otherwise known as Block 16.01, Lot 39.

The original application in this matter sought a minor subdivision. Specifically, the Applicant sought to relocate the property line between the two aforementioned properties. The proposal was to move the property line 16 feet to the south. The specific property line to be relocated is the rear property line 815 Mill Road (the property with the commercial use) and the south side property line for 1786 Burton Avenue (the residential use).

Robin Atlas, Zoning/Planning Board Secretary
City of Northfield
January 17, 2024
Page 2

The reason the Applicant is proposing to relocate the property line is that currently there is an improved but unpaved driveway extension that allows cars to turn around on 1786 Burton Avenue. This allows vehicles to turn around on the property and therefore not be required to back onto Burton Avenue which, at times, has significant traffic.

The loop portion of the driveway is currently actually located on 815 Mill Road. However, by relocating the property line by the proposed 16 feet it will be part of 1786 Burton Avenue. This way, if either property is sold to a third party in the future, 1786 Burton Avenue can maintain the driveway turnaround.

The Applicant initially applied for the subdivision alone. However, in his November 16, 2023 Review Report, Matt Doran, P.E., P.P., P.L.S., C.M.E. ("Mr. Doran") identified the fact that given that the use on 815 Mill Road is a pre-existing non-conforming commercial use, a d(2) variance will be required. Specifically, 815 Mill Road currently contains a pre-existing farmer's market use while the R-1 Zone only allows residential uses. The use of 1786 Burton Avenue is of course a permitted use in the R-1 Zone.

Mr. Doran also identified a pre-existing non-conformity regarding 815 Mill Road in that a side yard setback of 10 feet is required but there is currently only 2.2 feet existing. However, this pre-existing non-conformity will in no way be changed by the proposed lot line adjustment. Mr. Doran's report further did confirm that the proposed lot line adjustment will not create any new bulk variance requirements and with the exception of the aforementioned pre-existing non-conformity both lots will be fully conforming if the lot line adjustment is approved.

It is respectfully submitted that in this case a d(2) variance is appropriate. What must be kept in mind is that the proposed lot line adjustment will not in any way create any new or different development than what currently exists on the properties. If the lot line adjustment is permitted the average member of the public, who would not have access to the survey, would have no idea the lot line was relocated. It also needs to be noted that the area to become part of 1786 Burton Avenue is not in any way being utilized by the commercial use on 815 Mill Road so allowing the lot line to be relocated with in no way change the activities on 815 Mill Road or impact anything such as parking or customer access.

Additionally, at least one of the purposes of zoning would be advanced by allowing this variance. *N.J.S.A. 40:55d-2(a)* provides that one of the purposes of zoning is to encourage development that promotes, among other things, "safety" and "the general welfare". The sole reason the Applicant seeks this lot line adjustment is so that in the future if the properties are no longer under common ownership the individuals residing at 1786 Burton Avenue have a convenient way to turn their automobiles around so that they are not forced to reverse onto Burton Avenue which, given the traffic on Burton Avenue, could be hazardous at times.

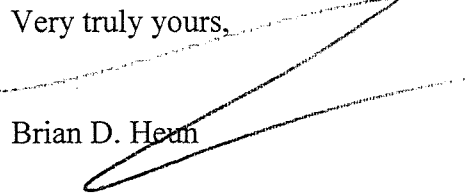
Robin Atlas, Zoning/Planning Board Secretary
City of Northfield
January 17, 2024
Page 2

Likewise, the application of the so called "negative criteria" also supports the approval of the variance. Given no new development or modification of the properties is being proposed, given the non-conforming commercial use is not being effected in any way, and given that even if the lot line adjustment is approved members of the public will not see any difference at the properties, the d(2) variance can be granted without any negative impact on the neighborhood of Northfield's Zoning Plan.

For these reasons it is respectfully requested that the Board approve the subdivision to allow the lot line adjustment, approve the needed d(2) variance, and, to the extent necessary, approve a bulk variance for the existing non-conformity regarding 815 Mills Road's existing side yard setback.

Thank you and best regards,

Very truly yours,


Brian D. Heun

BDH/bhs

cc: Joel M. Fleishman, Esquire
Matt Doran, P.E., P.P., P.L.S., C.M.E.
Dr. Richard Levitt, Chairman
Mayor Erland Chau
Councilwoman Carolyn Bucci
Clem Scharff, Vice Chairman
Mr. Henry Notaro
Mr. Derek Rowe
Mr. Peter Brophy
Mr. Jim Shippen
Mr. Paul Utts
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Mr. Daniel Reardon