

# Memorandum

To: Bedminster Township Land Use Board  
From: Francis J. Banisch III, PP/AICP  
Date: June 5, 2020  
Re: 1120 Lamington Road, LLC  
Block 39, Lot 12, 15, 21  
1120 Lamington Road  
R-10 Rural Residential District  
Amended Preliminary and Final Major Subdivision with Variance - LUB# 20-001 (PB)

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## **1.0 Documents reviewed**

- 1.1 Land Use Application undated
- 1.2 Application Checklist with attachments, undated  
Environmental Review Scoping Checklist
- 1.3 Boundary Survey, prepared by Jeffrey Grunn, PLS, dated March 22, 2019
- 1.4 Set of Plans entitled, "Bedminster Farms, Block 39, Lots 12, 15, 21" prepared by Ronald A Kennedy, P.E., Gladstone Design, Inc., dated January 15, 2020, consisting of 14 sheets
- 1.5 Technical Review and photo overlay prepared by Paul Ferriero, PE, dated June 5, 2020

## **2.0 Nature of Application**

- 2.1 The applicant proposes to subdivide Block 39, Lots 12, 15 and 21, located at 1120 and 1310 Lamington Road, into nine (9) lots in the R-10 Rural Residential District. The three lots total approximately 113.9 acres. Existing Lots 15 and 21 are currently developed with two-story single family dwellings, with associated improvements, while Lot 12 is undeveloped. All three lots are heavily constrained with wetlands, stream corridor areas and associated transition areas (buffers).
- 2.2 Lot 15 previously received approval for a two-lot subdivision. However, the applicant now seeks to utilize this lot as part of the three-lot tract proposed for subdivision.
- 2.3 A private road would serve most lots in the subdivision, gaining access from Lamington Road across new Lot 21.04. This private drive will extend across Lot 21 to the south and then west into Lot 12, terminating at a cul-de-sac at new Lots 12.09, 12.08, 12.07 and 12.06.
  - Lot 15.01 and Lot 12.07 would access the cul-de-sac with common driveways, rather than through their "stems" which have frontage but are heavily constrained.

- Lot 21 would be subdivided to include new Lot 21.04, along Lamington Road and remaining lot 21.
- Lot 15 would be subdivided into two lots; Lot 15.01 and remaining Lot 15. New Lot 15.01 is a flag lot to the south. The plan indicates that the current single-family home on Lot 15 will be removed and a new building site is identified. Access to Lot 15 will extend from Lamington Road. Access to Lot 15.01, in the “preferred” layout, is via a common driveway with new Lot 12.09, both accessing the cul-de-sac.
- Lot 12 would be subdivided into 5 lots including remaining Lot 12, Lot 12.06, Lot 12.07, Lot 12.08 and Lot 12.09. Lot 12.07 would achieve access through a common driveway with Lot 12.08 to reach the cul-de-sac.

2.4 The subdivision requires the following variance relief:

- Two lots require relief from the minimum lot size circle (Section 13-401A.4) where 500' is required and 461.8' is proposed for remaining Lot 15 and 356.2' for remaining Lot 21.
- Lot Coverage - Remaining Lot 21 requires proposes 12.08% where 5% is permitted.
- Two lots require relief from the front yard setback where 200' is required, remaining Lot 21 proposes 92' and proposed Lot 21.04 is 102'.

2.5 Two pre-existing non-conforming conditions exist on proposed Lot 21. The minimum required accessory building setback is 50' while the guest house is 5.8' from the main dwelling.

### **3.0 Comments**

3.1 The properties are heavily constrained with wetlands, stream corridor and wetland transition areas. The “preferred” subdivision layout depicts lots that will have access through a private road terminating at a cul-de-sac and common driveways. The "preferred" plan shows Lots 15.01 and 12.07 having access via a driveway that connects to the cul-de-sac, terminating on Lot 12.09. The proposed lots have frontage that meets ordinance requirements, however the proposed access would be through common driveways. The access layout is highly unusual and the applicant should explain why a more traditional access configuration is not possible.

3.2 Resource conservation calculations on Sheet 1 indicate that Lot 12 has 17.3 unconstrained acres and Lot 21 has 50.5 unconstrained acres, for a total of 67.8 acres. No resource conservation calculations are provided for Lot 15, which has extensive wetlands and transition areas. Complete resource conservation calculations for all parcels is required to determine the total number of lots permitted.

3.3 It appears the existing house on Lot 15 will be removed and replaced with a new dwelling. The applicant should provide testimony regarding any existing dwellings, on any lots, what will be removed and what will remain.

- 3.4 The applicant should provide testimony regarding the developable area of each lot, the configuration of constrained lands and how each lot can provide a suitable usable lot area with limited disturbance. Natural features should be retained to the maximum extent, in order to provide screening and protect habitat areas and other natural features.
- 3.5 If the guest house is to remain as a dwelling unit, the subdivision layout should be amended to reflect the requirements for an accessory dwelling as seen below:

**13-601.4 Accessory Dwelling Unit.**

- a. An accessory dwelling unit shall be permitted in the R-10 district only in accordance with the following conditions:
    1. No more than one (1) accessory dwelling unit shall be permitted on any lot, and such unit may be constructed in an existing or new structure.
    2. An accessory dwelling unit shall be at least six hundred (600) square feet and no more than one thousand two hundred (1,200) square feet.
    3. Any lot containing both a principal and an accessory dwelling unit shall be at least fourteen (14) acres in area.
    4. Each dwelling unit shall have its own separate septic system, unless otherwise approved by the Board of Health.
    5. No rent may be charged for any accessory dwelling unit created after the effective date of adoption of this ordinance.\* However, accessory units existing legally prior to the effective date of adoption may be rented.
    6. The detached accessory dwelling unit(s) shall be located within one hundred fifty (150') feet of the principal residence or in an agricultural barn that is the responsibility of the occupant of the accessory dwelling unit.
    7. The access to the accessory dwelling unit(s) must be via the same driveway as the access to the principal dwelling.
- 3.6 The applicant should provide testimony as to the number, size and type of trees to be removed.
- 3.7 Any approval by the Land Use Board should be conditioned upon any other agency having jurisdiction.

cc: Janine Deleon, Land Use Board Secretary, Land Use Board members and professionals (via email)  
Ronald Kennedy, PE (via email)  
Michael Lavery, Esq. (via email)  
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