

## MEMORANDUM

Number: 1000.6.22  
To: William Smith, Esq.  
Date: January 14, 2022  
Subject: New Concepts for Living, Inc. site plan  
33 Ruckman Avenue (Lot 3 in Block 2004)  
Borough of Hillsdale, New Jersey

### BACKGROUND

The applicant proposes to construct a new one story residence to provide housing for persons with special needs on the above noted vacant site; a residence and detached structure have already been removed. The property is owned by New Concepts for Living, Inc., a community based 501(c) (3) non-profit organization dedicated to serving individuals with developmental disabilities and their families. The facility will be utilized to provide a home and care for individuals with special needs. This proposal will provide the residents will have a safe and positive environment where they can thrive and enjoy the benefits of family living. The proposed use is a "group home" as defined in N.J.S.A. 40:55B-4, and is defined by New Jersey Statutes as an "inherently beneficial use." The property is located on the western side of Ruckman Avenue, between Piermont Avenue and Watson Place, in the Borough of Hillsdale's R-2, Residential Zone. The following are comments in support of the application.

### FINDINGS IN SUPPORT OF THE APPLICATION

#### 1. Existing Conditions

The subject property is located on the western side of Ruckman Avenue, between Piermont Avenue and Watson Place. The site was developed with a

single family dwelling and a detached structure in the rear; the structures have all been removed. The 22,172 sq. ft. site has a width of 134.73 ft. and a depth of 164.94 ft. The lot is relatively level with a slight slope upward towards the rear.

## 2. Neighborhood Conditions

The surrounding neighborhood, to the north and west, is developed with single family residences on similar sized lots. The Meadowbrook Elementary School and the Board of Education offices are located directly across the street.

## 3. Variances Requested

- a. N.J.S.A. 40:55D-66(c) requires that all group homes be permitted in single-family zones. This lot and the proposal conforms with all zoning requirements except for the follow 3 requested variances:
  1. Minimum front yard: the proposed building will be set back 43.2 ft., where a minimum of 50 ft. is required.
  2. Maximum building coverage: the proposed building will cover 22.8% of the lot, where a maximum of 20% is permitted.
  3. Maximum impervious coverage: an impervious coverage of 44.8% will be provided, where a maximum of 30% is permitted.

## 5. Positive Criteria: Bulk Variances

Section 40:55D-70(c)(2) of the Municipal Land Use Law allows variances to be granted "where in an application or appeal relating to a specific piece of property the purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment". The proposal meets these standards as follows:

- a. N.J.S.A. 40:55D-4 specifically mentions "group home" as an inherently beneficial use. All Inherently beneficial uses satisfy the positive criteria necessary for the grant of a variance. Inherently beneficial uses are

assumed to serve the zoning purpose of promoting the general welfare. The proposed building will provide bedrooms for 6 individuals, in addition to a kitchen, laundry, medication room and staff office space. The group home will provide individual bedrooms for all residents, which will increase the quality of their lives and is recommended by the State of New Jersey which oversees the facility.

- b. Although the proposed building requires a front yard variance, the structure itself is at a conforming setback of 50 ft., with only the covered porch area extending into the setback area. In order to provide a sufficient amount of parking in the rear, the building is slightly closer to the street than permitted.
- c. The proposed building exceeds the allowable lot coverage by 2.9% or approximately 640 sq. ft. Although the lot coverage is exceeded, the building meets the rear and side yard setback limitations of the zone, with only the covered porch extending into the front yard. The project engineer has indicated that all drainage will be contained on the site and additional landscaping will be provided to enhance what exists and to screen adjacent properties.
- d. The proposed building and paved areas exceed the allowable impervious coverage limitations of the R-2 Zone. This is primarily caused by the need for a larger parking area to serve the group home and the site design which places that parking area in the rear yard to reduce visual impacts on the adjacent residential and school uses. If there were no parking area, the impervious coverage standard would be met by the building, driveway and walkways and no variance would be required.
- e. The State's affordable housing regulations allow a municipality to receive credits towards their affordable housing obligation for the development of group homes. The proposed facility will provide those credits to the Borough.

## **6. Negative Criteria**

The grant of the requested variances will not be substantially detrimental to the public good nor will they substantially impair the intent and purpose of the zoning ordinance for the following reasons:

- a. The residence for persons with special needs is a permitted use in the R-2 Zone and is considered under the Municipal Land Use Law as an inherently beneficial use.
- b. The proposed building meets the side yard and rear yard setback requirements and only the front porch extends into the front setback area; this portion of the building is open and does not increase the usable floor area. A sufficient amount of light, air and open space is provided.
- c. A sufficient amount of parking is provided for the 6 bedroom group home as well as staff and visitor to the facility. The parking area is located behind the building to reduce any esthetic impacts on the adjacent residences or the school property across the street. In addition, parking is not permitted in the street

## CONCLUSIONS

As an inherently beneficial use, the proposed structure satisfies the positive criteria. N.J.S.A. 40:55D-66(c) requires that this group home be permitted in a single-family zone. The nature of the use requires that it satisfy all State requirements related to staff, size of hallways, ingress and egress, etc., requiring a slightly expanded footprint and additional parking which is not permitted on the street. The three variances are minimal, exceeding lot coverage by 2.9%, exceeding impervious coverage by 14.8%, and exceeding the front yard setback by 6.8 feet. These minimal variances will not have any negative impact on any of the surrounding properties, and will not be substantially detrimental to the public good, nor will they substantially impair the intent and purpose of the Zoning Ordinance and Master Plan. The use and the requested variances will advance the overall purposes of zoning, which is to encourage inherently beneficial uses.

*David Spatz*

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David Spatz, P.P., AICP