

**TO:** Borough of Fair Haven Zoning Board of Adjustment

**FROM:** Elena Gable, PP, AICP, CFM  
Leigh Fleming, PP, AICP

**RE:** Bruiser Woods, LLC  
611 River Road  
Block 25 Lot 12  
*Completeness & Preliminary and Final Major Site Plan v4*

**DATE:** November 11, 2020

---

As requested, we have reviewed the following new materials in preparation of this report:

- 3-page letter from applicant's attorney, dated March 19, 2020;
- Boundary and Topographic Survey prepared by InSite Surveying, dated February 20, 2020;
- Preliminary and Final Major Site Plan prepared by Insite Engineering, dated March 6, 2020, revised September 22, 2020, revised October 30, 2020;
- Architectural Plans prepared by Anthony M. Condouris, Architect, dated January 22, 2020, revised October 29, 2020;
- Application to the Zoning Board of Adjustment of the Borough of Fair Haven, dated March 13, 2020.
- 2 pages from the American Land Title Association, Commitment for Title Insurance, entitled "Schedule B, Part II", dated May 23, 2017;
- Letter from Anthony M. Condouris, AIA, dated May 18, 2020;
- Photographs of the property, no date; and
- Letter from Jason Fichter, PE, PP, CFM, CME, of Insite Engineering dated May 18, 2020; and
- Letter from Jason Fichter, PE, PP, CFM, CME, of Insite Engineering dated November 2, 2020;

### **Completeness Review**

The application has been checked for compliance with the Borough of Fair Haven Land Development Application checklist. The applicant has completed all required submissions. The application has been deemed **complete**.

- Item #9- Completed Monmouth County Planning Board Application- The applicant has requested a waiver and has indicated that they will obtain upon Fair Haven Zoning Board approval. We take no exception to the granting of the waiver for completeness purposes only. Should the Board act favorably upon the application, it shall be submitted as a condition of approval.

- Item #10- Completed Freehold Soil Conservation District (FSCD) Application- The applicant has requested a waiver for this item, indicating that they will obtain upon Fair Haven Zoning Board approval. We take no exception to the granting of the waiver for completeness purposes only as the applicant has stated that this requirement would not be applicable because this project involves a disturbance of less than 5,000 square feet of soil. The applicant shall provide testimony confirm.
- Item #11- Completed Monmouth County Health Department Application- The applicant has not requested a waiver for this item. We take no exception to the granting of the waiver for completeness purposes only as the Monmouth County Health Department application only relates to public recreational bathing places, body art establishments, food establishments, pet shops, septic system construction and alterations, tobacco retail establishments, food and beverage vending machines and construction/alteration of private wells.
- Item #12 – Public Utility “will serve” letters – The applicant has not indicated whether a waiver is requested for this item. We take no exception to the granting of the waiver for completeness purposes only. The applicant shall provide testimony regarding these items at the hearing.
- Item #13 – Environmental Impact Statement – The applicant has listed “N/A” on the application. We take no exception for the granting of this waiver for completeness purposes only as the site is already developed with a 1-story building and parking area. Should the Board request additional information, that information shall be provided.
- Item #14 – Freshwater Wetlands Letter of Interpretation - The applicant has not indicated whether a waiver is requested for this item. We take no exception to the granting of the waiver for completeness purposes only as the property is already developed with 94.7% impervious coverage. The applicant shall provide testimony regarding this item at the hearing.
- Item #15 – List of Federal, State, regional, and/or municipal approvals or permits required- The applicant has not indicated whether a waiver is requested for this item. We take no exception to the granting of the waiver for completeness purposes only. The applicant has stated they will submit an application to the Monmouth County Planning Board. It is recommended that a letter of no interest or a decision from the Monmouth County

Planning Board be a resolution compliance condition, should the Board approve the project.

- Item # 18 – A digital copy of the plan in .dwg format (ACAD 2007 or later) and .pdf format (Adobe) – The applicant stated they will provide upon Fair Haven Zoning Board approval. We take no exception to the granting of the waiver for completeness purposes only.
- Item #22 – An engineer's estimate of all the improvements identified on the approved preliminary plan, which remain to be completed at the time of final plat - The applicant stated they will provide upon Fair Haven Zoning Board approval. We take no exception to the granting of the waiver for completeness purposes only. Should the Board request this information, that information shall be provided.
- Item #23 – An engineer's estimate of all the improvements identified on the approved preliminary plan, whether completed or remaining to be completed. The applicant stated they will provide this upon Fair Haven Zoning Board approval. We take no exception to the granting of the waiver for completeness purposes only. The applicant shall provide this information upon Board approval.
- Item #25 – Six (6) copies of the Stormwater Management Plans and Reports in accordance with N.J.A.C 7:8 including pre and post development calculations and drainage area maps - The applicant has requested a waiver for this item. We take no exception to the granting of the waiver for completeness purposes only. Should the Board request this information, that information shall be provided.
- Item #26 – As built drawing/survey depicting all proposed site improvements approved during the preliminary site plan application and any deviations noted in the actual constructed improvements - The applicant has noted that this item is not applicable to their application. We take no exception to the granting of the waiver for completeness purposes only. Should the Board request additional information, that information shall be provided.
- Item #47 – Size and location of all existing structures within 200' of the site boundaries. – The applicant is requesting a waiver and has stated that an exhibit will be provided during the hearing. We take no exception to the granting of the waiver for completeness purposes only. The applicant has updated their application to state this item will be

presented at the hearing, and that the information has been included on the revised title sheet.

- Item #58 – Phasing plan as applicable – The applicant has not indicated whether a waiver is requested for this item. We take no exception to the granting of this waiver for completeness purposes only as it appears the applicant is not proposing to Phase the plan.
- Item #59 – Solid waste management plan showing holding location and provisions for waste and recyclables – The applicant has not indicated whether a waiver is requested for this item. We take no exception to the granting of this waiver for completeness purposes only. The plans depict the location of refuse containers.
- Item #61 – Grading and utility plan – The applicant has not indicated whether a waiver is requested for this item. We take no exception to the granting of this waiver for completeness purposes only. The applicant has included elevation points on the proposed plans and has stated they will be using existing utility connections.
- Item #62—Profiles of existing and proposed roadway including all utilities and stormwater facilities. Roadway cross section at 50' intervals—The applicant has not requested a waiver for this item. We take no exception to the granting of this waiver for completeness purposes only. The applicant has noted in their revised materials that this item is not applicable to the project.
- Item #64 – Soil Erosion and Sediment Control Plan - We take no exception to the granting of the waiver for completeness purposes only as it appears this requirement would not be applicable because this project involves a disturbance of less than 5,000 square feet of soil.

#### **Application Guidelines**

- Letter from Zoning Officer- The applicant has not provided a Zoning Officer's Determination Letter as the applicant applied directly to the Zoning Board. We take no exception to the granting of this waiver for completeness purposes only. Should the Board request additional information, that information shall be provided.

#### **Property and Project Description**

The subject property is known as Lot 12 in Block 25, located at 611 River Road. The property is a rectangularly shaped through lot with frontage and access on River Road and rear access from Navesink Road. The site is currently developed with a single-story commercial building and

associated surface parking lot containing 14 spaces. Surrounding land uses are primarily commercial.

The applicant is proposing additions and renovations to the principal structure as well as other lot improvements. The applicant is proposing to expand the building footprint with a two-story addition at the rear of the building that will provide a secondary stairwell in the building. The first floor is proposed to consist of two dance rooms, a reception area, dressing room, two bathrooms, and two stairwells, which lead to the proposed second floor. The reception area is proposed to be located closest to the rear entrance.

The new second-floor addition is proposed to be located over the existing first floor. The second story is proposed to contain two dance rooms and a storage area. The proposed materials for the front elevation consist of brick on the first floor and stucco on the second floor, while the remaining elevations are proposed to consist of stucco with a trim line separating the 1<sup>st</sup> and 2<sup>nd</sup> floors. The applicant is proposing three sets of faux shutters on the left 2<sup>nd</sup> floor elevation and three windows on the right 2<sup>nd</sup> floor elevation, adjacent to the driveway.

**Zoning**

The property is located in the B-1 Zone where dance studios are a permitted use.

<b>Bulk Standards for the B-1 Zone</b>				
<b>Lot Requirements</b>				
	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Minimum Lot Area	5,000 SF	9, 315.42 SF	9, 315.42 SF	-
Minimum Lot Width (River Road)	50 ft.	48.9 ft.	48.9 ft.	<b>ENC</b>
Minimum Lot Frontage (River Road)	50 ft.	49.03 ft.	49.03 ft.	<b>ENC</b>
Minimum Lot Width (Navesink Road)	50 ft.	47.9 ft	47.9 ft	<b>ENC</b>
Minimum Lot Frontage (Navesink Road)	50 FT.	47.77 ft.	47.77 ft.	<b>ENC</b>
Minimum Lot Depth	100 ft.	193.03 ft.	193.03 ft.	-

**ENC** = Existing Nonconforming Condition

<b>Principal Building</b>				
	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Minimum Front Yard Setback	35 ft.	1.5 ft	1.5 ft.	<b>ENC/Yes</b>
Minimum Side Yard Setback (one)	5 ft.	1.48 ft	1.48 ft	<b>ENC/Yes</b>
Minimum Side Yard Setback (both)*	10 ft.	12.2 ft.	12.2 ft.	-
Minimum Rear Yard Setback	10 ft.	137.7 ft.	128.21 ft.	-
Maximum Building Height	35 ft.	Not Provided	30.22 ft.	-
Maximum Stories	2.5	1	2	-
<b>Maximum Allotments</b>				
	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Maximum Habitable Floor Area	2,200 SF	1,960 SF	4,184 SF	N/A
Maximum Habitable Floor Area Ratio	0.4	0.21	0.45	<b>Yes</b>
Maximum Building Coverage	50%	21.1%	22.5%	-
Maximum Lot Coverage	80%	94.7%	92.7%	<b>Yes/ENC</b>

**ENC** = Existing Nonconforming Condition

<b>Parking and Loading Compliance</b>				
	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Standard Stall Size	9 ft. x 18 ft.	9 ft. x 18 ft.	9 ft. x 18 ft.	-
ADA Stall Size	12 ft. x 20 ft.	13.2 ft. x 23 ft.	16 ft. x 18 ft.	<b>Yes</b>
Number of Parking Spaces	1 space per 200 SF Gross Floor Area= 4,184 SF/200SF= 20.92 → 21 spaces	15 spaces	13 spaces	<b>Yes</b>
Minimum Front Yard Parking Setback	10 ft.	>10 ft.	>10 ft.	-
Minimum Side Yard Parking Setback	3 ft.	0 ft.	4.25 ft.	-
Minimum Rear Yard Parking Setback	3 ft.	1.5 ft.	0.5 ft.	<b>Yes</b>
Minimum Aisle Width	60 degrees = 18 ft. 90 degrees = 24 ft.	13.8 ft. (60 degrees)	25 ft. (90 degrees)	-
Minimum Driveway Width	12 ft.	10.7 ft.	10.7 ft.	<b>ENC</b>
Maximum Driveway Width	36 ft.	22.7 ft.	25 ft.	-

**ENC** = Existing Nonconforming Condition

## **Variances**

The property has the following existing nonconformities:

- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Lot Width (River Road) – The minimum required lot width is 50 feet where 48.9 feet exists and is not proposed to change along the River Road frontage. This is a preexisting nonconforming condition of the property.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Lot Frontage (River Road) – The minimum required lot frontage is 50 feet, where 49.03 feet exists and is not proposed to change along the River Road frontage. This is a preexisting nonconforming condition of the property.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Lot Width (Navesink Road) – The minimum required lot width is 50 feet, where 47.9 feet exists and is not proposed to change along the Navesink Road frontage. This is a preexisting nonconforming condition of the property.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Lot Frontage (Navesink Road) – The minimum required lot width/frontage is 50 feet, where 47.7 feet exists and is not proposed to change along the Navesink Road frontage. This is a preexisting nonconforming condition of the property.
- §30-9.2.b.6.(c)—Driveway Width—Where the minimum driveway exclusive of curb shall not be less than 12 feet in width, where 10.7 feet exists and is not proposed to change. This is a preexisting nonconforming condition of the property.
- §30-9.2.b.3(c) – Minimum Aisle Width – Whereas a minimum of 18 feet is required for 60 degree angle parking spaces and 13.95 feet is existing, and the applicant is proposing 90 degree angle parking spaces with a 25-foot aisle width, which alleviates the existing nonconforming condition.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements – Maximum Lot Coverage. The maximum permitted lot coverage is 80% whereas 94.7% is existing and 92.7% is proposed.

New variances and existing non-conformities which will be exacerbated based upon the proposed improvements require the following variances:

- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements – Maximum Habitable Floor Area Ratio. The maximum permitted habitable floor area ratio is 0.4, whereas 0.21 is existing and 0.43 is proposed.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Front Yard - The minimum front yard setback is 35 feet, where 1.5 feet is existing and will be exacerbated based upon the proposed improvements.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Side Yard - The minimum side yard setback is 5 feet, where 1.48 feet is existing and proposed. This existing nonconformity will be exacerbated based upon the proposed improvements.
- §30-7.24.b.14(e) Permitted signs in Business Zones- Where the permitted sign area of a sign on an awning is 10 square feet, and approximately 24.75 square feet is proposed.
- §30-9.2.b.2. – ADA Parking Space Size – Whereas ADA spaces are required to be 12 feet x 20 feet and an ADA space measuring 16 feet x 18 feet is proposed.
- §30-9.2.b – Number of Parking Spaces – Whereas the application requires 21 parking spaces and 15 spaces are proposed.
- §30-9.2.b.5(b) – Minimum Rear Yard Parking Setback – Whereas a minimum of 3 feet is required and 1.5 feet is existing and 0.5 feet is proposed.
- §30-9.2.b.3(f)- Concrete Curbing- Whereas concrete curbing is required along the perimeter of all parking areas, internal islands, and planting areas, and the applicant is not proposing concrete curbing along the perimeter of the parking area.

The following design waivers are required:

- §30-8.4e.2(a)—Buffering and Screening- Whereas buffers shall be provided along side and rear property lines which abut areas that are residentially zoned or used for residential purposes. Buffer strips shall be 25 feet wide but not to exceed 10% of the lot area. The applicant is not proposing a buffer along the rear property line that abuts residential properties.
- §30-8.4e.2(b)—Buffering and Screening- Whereas any parking area, garbage collection, utility areas, and loading and unloading areas should be screened around their perimeter



by a strip of a minimum of 5 feet wide, where the proposed buffer is 4.26 feet wide at the rear of the property and the applicant is not proposing to utilize the entire strip as a screening strip.

- §30-8.4f(1)—Parking Lot Landscaping- Whereas at least 5% of the interior of parking areas shall be landscaped with plantings and one tree for each 10 spaces shall be installed, the applicant is not proposing any interior parking lot landscaping.
- §30-9.2.a.12.a Lighting- Whereas parking lots for low level activity with the objective of pedestrian safety are required to be illuminated by 0.2 footcandles, and the applicant is proposing 0 footcandles over a portion of the parking lot.

## **Planning Comments**

### *Variances*

1. The applicant is seeking a d(4) Floor Area Ratio variance to permit an increase in the permitted habitable floor area ratio. In order to grant a 'd' variance, the applicant must satisfy both the positive and negative criteria.

For a d(4) Floor Area Ratio variance, the applicant has a lesser burden of proof than a d(1) use variance. The applicant must demonstrate that the property can accommodate the problems associated with the proposed permitted use with a larger floor area than permitted by the ordinance. The applicant must also demonstrate that there will be no substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The Board may consider imposing conditions to ensure that the deviations from the FAR requirement do not cause substantial detriment to the public good and substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

- a. The applicant has indicated in their application that the depth of the lot is almost double the required lot depth for the B-1 Zone.
  - b. Our office notes that the existing lot is nearly double the minimum lot size required for the zone.
2. In addition to the d(4) variance, the applicant shall provide testimony addressing the positive and negative criteria for each "c" variance being sought. It is the Applicant's responsibility to bear the burden of proof. In order to satisfy the positive and negative criteria for each c variance enumerated above, the applicant should provide testimony

that satisfies either the c(1) hardship criterion or c(2) flexible criterion as set forth in the MLUL.

- a. Positive criteria: There are two types of c variances- c(1) hardship and c(2) flexible variances.

The c(1) hardship criteria states that a “hardship” will occur if the variance is not granted. The hardship relates to the physical or topographical features of the property and cannot relate to financial or personal hardship. Hardship relating to property can include:

- i. Narrowness, shallowness, or irregular shape
- ii. An exceptional topographic condition
- iii. Other unique conditions or features affecting the property

The c(2) flexible variance states that by granting the variance, the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement and that the variance can be granted without substantial detriment to the public good.

- b. Negative criteria: The applicant must satisfy the two-prong test of the negative criteria; 1) the variance can be granted without substantial detriment to the public good; and 2) the variance can be granted without causing substantial detriment to the zone plan. The negative criteria focus on the potential impacts that the proposed use may have on the community.

The applicant's testimony regarding the negative criteria should address any potential impacts that the proposed use may have on the neighborhood, as well as how the proposed use is consistent with, or in potential conflict with, both the zoning ordinance and the Master Plan of the Borough.

#### *Master Plan*

3. The Borough adopted its last Master Plan in 1991, and subsequent Reexamination Reports, with the most recent occurring in 2016. These planning documents set forth recommended policies to guide the development in the Borough.

The 2016 Master Plan Reexamination Report included several objectives pertaining to the B-1 Business District, including traffic safety, compatibility with adjacent residential

neighborhoods, design character of commercial buildings, impervious coverage, and parking regulation and improvements.

The applicant should provide testimony regarding the visual impact of the proposed development on neighboring properties, the existing setbacks and building area of the surrounding properties, and number of driveway curb cuts as a means to address the negative criteria listed above.

#### *Operations*

4. Although this is an existing business within the Borough, the applicant shall provide testimony pertaining to the hours of operation and the number of employees and persons proposed to be on site at any given time.
5. The applicant shall provide testimony regarding on-site storage and disposal of refuse and recyclables.
6. The applicant shall provide testimony pertaining to any deliveries proposed to occur, how deliveries will be handled, and the time of day deliveries will occur.

#### *Architectural*

7. The applicant is proposing a second story addition above the existing first story and an addition consisting of a stairwell located at the rear of the building to serve as a secondary exit. The second floor is proposed to contain two dance rooms and a storage area.
8. The architectural plans include length and width dimensions for each of the rooms on each floor; however, some of these spaces are oddly shaped. We recommend the plans be revised to include the square footage of each room.
  - a. We note the applicant has provided the area of the first floor and second floor as a means to provide occupancy calculations; however, these calculations differ from what is submitted on the application. The revised architectural drawings indicate the proposed building will consist of 4,184 sq. ft whereas the application and engineering notes the building will consist of 4,052 square feet. The applicant shall provide testimony to confirm the habitable floor area of the building and revise the submitted documents as needed.

9. The applicant has labeled the proposed materials as brick on the first floor and stucco on the second floor. We recommend the applicant provide samples of materials and/or colored renderings of the building for the Board's review during the hearing.
10. The applicant has noted that no basement exists or is proposed.
11. The applicant has proposed three sets of faux shutters along the 2<sup>nd</sup> story of the left/westerly elevation, three windows along the 2<sup>nd</sup> story of the right/easterly side elevation, and a trim line between the floors as a means to help break up the façade.
  - a. There is an ornamental decoration labeled "trim line" that runs between the first and second floors along the length of the left- and right- elevations. The applicant shall confirm the material.
12. Has the applicant considered setting the 1<sup>st</sup> story back approximately 10 feet as a means to break up the massing along the front façade and River Road?

#### *Signs*

13. The proposed sign on the front façade of the building is 20 square feet.
  - a. Per §30-7.24b14(e) Permitted Signs in Business Zones, wall signs, window signs, projected signs, and signs on awnings are permitted in the Business Zone. The proposed sign would be a conforming wall sign if it were flush against the wall, rather than positioned on the awning. However, because the sign is located on the awning, a variance is required.  
  
Signs are permitted on awnings in business districts provided the maximum area is 5% up to 10 sq. ft., which the proposed sign exceeds.

#### *Lighting*

14. The applicant is proposing to add three LED light fixtures to the building. Two light fixtures are proposed to be located along the building's eastern façade adjacent to the existing driveway, and the third fixture is proposed to be located on the rear of the proposed two-story addition. The lighting fixtures are proposed to be mounted at a 15-foot height.
15. The rear 6 parking stalls are not proposed to be illuminated. The applicant shall provide testimony pertaining to this deviation from the Borough's ordinance.

- a. Pursuant to the Borough's Ordinance, §30-9.3 Exhibit D, entitled "Illumination Guidelines for Street, Parking and Pedestrian Areas", low level activity in open parking facilities with the objective of pedestrian safety is required to have an illumination level of 0.2 footcandles. Low activity is defined as local merchant parking, industrial employee parking, and educational facility parking.

*Circulation/Parking*

16. The applicant is requesting a variance to provide 13 parking spaces where 21 spaces are required. The site has 15 existing spaces. The applicant is doubling the size of the building but is decreasing the parking availability by two spaces. The applicant shall provide testimony to the parking needs of the dance studio.
  - a. We note that the number of parking spaces is decreasing as the applicant is creating a conforming aisle width, conforming to the side yard setback for the parking lot, and creating conforming parking spaces.
17. We note that the applicant is proposing to seal coat the parking lot and driveway and restripe the parking stalls. The applicant shall confirm. The applicant shall provide testimony pertaining to all other improvements proposed for the parking lot.
18. The applicant is providing one ADA parking space. Although the dimensions of the ADA space require variance relief, we note that the ADA stall is compliant with State and Federal ADA regulations.
19. The applicant shall provide testimony pertaining to the movement of vehicles entering and exiting the site.
20. The applicant is proposing to modify the existing on-site circulation that permits vehicles to enter the site from River Road and exit the site to Navesink Avenue. The applicant is proposing two-way access from Navesink Road and one-way access (entering the site) from River Road. The applicant shall confirm.
  - a. The site plan notes that there will be a stop sign and a no right turn sign when exiting the site at Navesink Avenue. The existing "Do Not Enter" sign affixed to the building's rear elevation is proposed to remain.
21. Pursuant to §30-9.2.b.(h), "For nonresidential developments... a payment shall be made to the Borough in the amount of \$2,500 for each parking spaces in which said relief has

been granted." The applicant shall provide testimony confirming that they will comply should the Board act favorably on this application.

*Landscaping*

22. The applicant shall provide testimony regarding the proposed landscaping improvements, as well as the removal of mature trees and whether tree removal permits are required.
23. The property currently has 94.3% impervious coverage and will be reducing the impervious coverage to 92.7%. The applicant shall provide testimony regarding the proposed landscaping and any measures that are being taken to mitigate the impact of 12.7% more impervious coverage than what is permitted.
24. The applicant requires waiver relief for a 25-foot buffer area when adjacent to a residential zone or property used for residential purposes. Across Navesink Avenue are residential properties that are zoned B-2. The applicant shall provide testimony addressing how they plan to address the impact of the proposed addition and intensification of the use on the adjacent residential properties.
  - a. The revised engineering drawings note that three trees along the property's rear lot line are proposed to remain; however, it appears as though only two trees are on or adjacent to the site. The applicant shall provide testimony as to whether supplemental landscaping can be provided along the rear lot line to buffer the parking lot.
25. The site plan shows refuse containers located to the rear building where the stairway addition is proposed.
  - a. We note the applicant is generally proposing a 5-foot side yard setback along the western property line and is proposing three arborvitaes to screen the refuse area from the adjacent property.
26. There appears to be an existing street tree located in front of the existing building, which has been labeled on the plans to remain. The applicant shall provide testimony confirming that no changes are proposed within the right-of-way.

*Misc. Comments*

27. We defer to the Board Engineer regarding comments associated with grading, utilities, and stormwater management.

**Aerial Map of Property**

