

TO: Borough of Fair Haven Zoning Board of Adjustment

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

RE: Cramsie
77 Willow Street
Block 53 Lot 11
Completeness & Bulk Variances v1

DATE: November 25, 2020

As requested, we have reviewed the following application materials:

- Zoning Board Application (ZB 20-13) and checklist received on October 13, 2020;
- Zoning Officer's Denial Letter, dated July 28, 2020;
- Photographs of the property and adjacent properties, dated August 5, 2020;
- 1-sheet Survey of Property, prepared by Brian T. Yuro, PLS, dated June 12, 2020;
- 1-sheet Survey of Property with marked up notes, signed and sealed by Dugasz & Brower Architects, no date; and
- 4-sheet set of Architectural Drawings entitled "Cramsie Residence, 77 Willow Street, Fair Haven, NJ 07704," prepared by Dugasz & Brower Architects, issued September 15, 2020.

Completeness Review

The application has been checked for compliance with the Borough of Fair Haven Land Development Application checklist. The applicant has not completed all required submissions. The application is deemed incomplete; however, we take no objection to the Board granting waivers for completeness purposes only.

- Item #9- Completed Monmouth County Planning Board Application- The applicant has requested a waiver for this item. We take no exception to the granting of the waiver for completeness purposes only as the property does not front on a County Road.
- Item #10- Completed Freehold Soil Conservation District (FSCD) Application- The applicant has requested a waiver for this item. We take no exception to the granting of the waiver for completeness purposes only, as it appears this requirement may not applicable because this project involves a disturbance of less than 5,000 square feet of soil. The applicant shall provide testimony to confirm.
- Item #11- Completed Monmouth County Health Department Application- The applicant has 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 #16 – Copies of all easements, covenants and deed restrictions including metes and bounds descriptions, on or affecting the property in question- The applicant has requested a waiver for this item. We take no exception to the granting of the waiver for completeness purposes only.

Property and Project Description

The subject property is Lot 11 in Block 53, located at 77 Willow Street. The property is a 5,998 square-foot corner lot located at the northern corner of the intersection of Willow Street and Oak Place. The property has 54.3 feet of lot frontage along Willow Street and 112.55 feet of lot frontage along Oak Place. The property is currently developed with a two-story single-family dwelling that fronts on Willow Street and a detached garage that fronts on Oak Place. The property is located approximately 250 feet from McCarter Park and is surrounded by other single-family homes.

The applicant is proposing to renovate and enlarge the existing dwelling. Proposed improvements include a second story addition over the one-story rear portion of the dwelling, a new deck in the rear of the dwelling, and the demolition of the existing covered porch and its replacement with a new wrap-around covered porch. Additionally, the applicant is proposing to demolish the existing walkway in the rear yard to install a paver patio, and to demolish the existing wheel path driveway and construct a new asphalt driveway with concrete apron. A new generator and two (2) air conditioning condensers are proposed on the east side of the dwelling. Neither are within the required side yard setback.

The first floor and second floor would be reconfigured as part of the proposed project. The existing first floor contains a living room, dining room, kitchen, family room, laundry room, and powder room. After the project improvements, a new uncovered deck will be added to the rear of the dwelling, the family room will be removed and replaced with the kitchen, and the powder room and laundry room will be relocated to the previous kitchen location.

The existing second floor contains three (3) bedrooms and one (1) bathroom. The proposed second floor relocates the master bedroom to the rear of the dwelling, adds a bathroom to the

master bedroom, and expands the existing bathroom. The second floor will contain three (3) bedrooms and two (2) bathrooms.

The exterior is proposed to be clad in cedar impressed siding on the first and second floor with board and batten siding with standing seam metal roofing in the eaves. An asphalt shingle roof is proposed with a standing seam metal roof on the wrap around porch.

Zoning

The property is located in the R-5 zone where single-family dwellings are a permitted use.

Bulk Standards for the R-5 Zone				
	Required	Existing	Proposed	Variance
Lot Requirements				
Minimum Lot Area	7,000 sq. ft.	5,998 sq. ft.	5,998 sq. ft.	ENC
Minimum Lot Width (Willow Street)	70 feet	54.3 feet	54.3 feet	ENC
Minimum Lot Width (Oak Place)	70 feet	112.55 feet	112.55 feet	-
Minimum Lot Frontage (Willow Street)	70 feet	54.3 feet	54.3 feet	ENC
Minimum Lot Frontage (Oak Place)	70 feet	112.55 feet	112.55 feet	-
Minimum Lot Depth	100 feet	112.55 feet	112.55 feet	-
Principal Structure				
Minimum Front Yard Setback (Willow Street)	25 feet	32.2 feet	31 feet	-
Minimum Front Yard Setback (Oak Place)	25 feet	8.7 feet	9.5 feet	Variance
Minimum Side Yard Setback- One	7 feet	10.4 feet	7.5 feet	-
Minimum Rear Setback	30 feet	29.5 feet	21.5 feet	Variance
Maximum Building Height	30 feet	27.5 feet	29.5 feet	-
Maximum Stories	2.5	2	2	-
Maximum Building Coverage	35%	22.5%	28.7%	-
Maximum Habitable Floor Area Ratio	0.4	0.27	0.33	-
Maximum Habitable Floor Area Sq. Ft.	2,200 sq. ft.	1,621 sq. ft.	1,965 sq. ft.	-
Maximum Lot Coverage	50%	28%	45.6%	-

Accessory Structure				
	Required	Existing	Proposed	Variance
Minimum Rear Yard Setback	10 feet	1.9 feet	1.9 feet	ENC
Minimum Side Yard Setback	5 feet	1.9 feet	1.9 feet	ENC
Maximum Height	15 feet	Not Provided	Not Provided	Unknown

ENC: Existing Nonconformity

VariANCES

A review of the application indicates that the property has the following existing nonconforming conditions:

- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements - Minimum Lot Area – A minimum lot area of 7,000 square feet is required for corner lots in the R-5 Zone, where 5,998 square feet exists and is not proposed to change.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements - Minimum Lot Width and Frontage (Willow Street) – A minimum lot width and frontage of 70 feet is required, where 54.3 feet exists and is not proposed to change.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements - Minimum Rear Yard Setback, Accessory Structure – A minimum 10-foot rear yard setback is required for accessory structures, where 1.9 feet exists and is not proposed to change.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements - Minimum Side Yard Setback, Accessory Structure - A minimum 5-foot side yard setback is required for accessory structures, where 1.9 feet exists and is not proposed to change.

The applicant has the following existing nonconforming conditions which will be exacerbated based upon the proposed improvements, requiring variances:

- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements - Minimum Front Yard Setback (Oak Place) -A minimum 25-foot front yard setback is required, where 8.7 feet exists, and 9.5 feet is proposed.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements – Minimum Rear Yard Setback – A minimum 30-foot rear yard setback is required, where 29.5 feet exists, and 21.5 feet is proposed.

Planning Comments

1. The applicant shall provide testimony addressing the positive and negative criteria for each 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:

- i. The variance can be granted without substantial detriment to the public good; and
- ii. The variance can be granted without causing substantial detriment to the zone plan.

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

2. The majority of the proposed project limits the second story addition to the existing footprint of the dwelling. The applicant is also proposing to extend the cantilevered 2nd floor bathroom to meet the proposed 2nd story addition.
 - a. The rear yard setback variance is caused by the addition of a porch/deck in the rear of the dwelling.
 - b. The extension of the cantilevered bathroom does not require variance relief. The applicant shall confirm.
3. The applicant shall provide testimony to clarify the rear deck/porch. The floor plans label the area as a porch, and the elevations label the area as a wood frame deck. The applicant shall revise the labeling to be consistent with one another. We recommend the applicant label the rear uncovered deck/porch as a "deck".
4. The applicant is proposing to remove the existing steps along the Oak Place elevation and the existing covered porch fronting on Willow Street. The porch will be reconstructed to wrap around a portion of the Oak Place elevation, the Willow Street elevation, and a portion of the easterly side elevation. The applicant requires a front yard setback variance from the Oak Place property line for the new covered porch. By removing the existing steps along Oak Place, the applicant is technically decreasing the intensity of the existing front yard setback from Oak Place. However, the second-floor addition and the new uncovered deck are also located within the required front yard setback and will make the dwelling appear closer to Oak Place than it is currently.
 - a. Our office notes that according to the submitted survey, the property line along Oak Place is setback approximately 7 feet from the right-of-way.
5. The applicant shall provide testimony confirming that the habitable floor area was calculated in accordance with Borough definitions.
 - a. Our review of the HFA indicates that the applicant calculated the HFA correctly.
6. The applicant shall provide testimony pertaining to whether there is a cellar or basement existing and proposed in the dwelling.
 - a. Per the architectural exterior elevations, the cellar appears to extend approximately 2 feet above grade. The applicant shall confirm.

7. The applicant shall provide testimony pertaining to the existing picket fence around the perimeter of the property. Is the applicant proposing to remove the fence?
8. The applicant shall provide testimony pertaining to the color and type of materials proposed for the exterior of the dwelling.
9. Has the applicant considered adding additional windows on the eastern-facing elevation as a means to help break up the façade?
10. The applicant shall provide testimony pertaining to whether any landscaping is proposed on the property.
11. Pursuant to §30-7.8g Accessory Buildings and Structures, "a single-family zone district or on a lot with a single-family dwelling, an entry driveway or walkway may cross any yard but not more than 25% of the front yard area shall be used as a driveway or for off-street parking." The applicant shall provide testimony pertaining to whether the proposed driveway occupies more than 25% of the front yard area.
12. The applicant is proposing to add a total of 1,055 square feet of impervious coverage to the site. While not requiring variance relief, the applicant shall provide testimony pertaining to the flow of stormwater on the site.
 - a. We note that the submitted survey does not show the elevation contours on the property.
13. The applicant shall provide testimony pertaining to building permits received by the construction office.
 - a. A site visit to the property confirms that the existing dwelling is currently under construction.
14. Are any changes proposed for utility connections? The Borough's Ordinance (§30-9a13) requires utility connections to be installed underground.

Aerial Map of Property



Photographs of Property taken 11/25/2020



Photograph of property from Willow Street



Photographs of property from Oak Place



Photograph of adjacent property along Oak Place



Photograph of adjacent property along Willow Street