

TO: Borough of Fair Haven Planning Board

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

RE: River Road 756 LLC
China Closet
756 River Road
Block 52, Lot 1
Amended Site Plan

DATE: July 31, 2020

As requested, we have reviewed the following application materials.

- Completeness letter from Fair Haven's Board Engineer, Richard Gardella, dated September 25, 2018 deeming the application incomplete;
- Cover letter from applicant's attorney, Kevin I. Asadi, Zager Fuchs, PC, Counselors at Law, dated August 30, 2018;
- 1-sheet Property Survey prepared by Morgan Engineering and Surveying, dated May 15, 2017;
- 4-sheet set of photographs of subject property;
- Application and application checklist, filed September 13, 2018;
- Planning Board resolution granting minor site plan approval with variances and signage, adopted January 11, 2000, memorialized January 24, 2000;
- 3-page Fair Haven Historic Preservation Commission Memorandum of Action for 756 River Road for Laurie Caccavo for meeting date of July 25, 2017, signed July 28, 2017;
- 19-page Zoning Permit Application #17-207 for 756 River Road, applicant Meg Tracy, dated August 2, 2017, approved December 18, 2017;
- Zoning Officer's Incomplete letter, dated January 9, 2018;
- Letter from applicant's attorney, Kevin I. Asadi, Zager Fuchs, PC, Counselors at Law, dated January 11, 2018;
- 24-page Revised Zoning Permit Application #17-207 for 756 River Road, applicant Laurie Caccavo, dated January 11, 2018, approved January 22, 2018;
- Completeness letter from Fair Haven's Board Engineer, Richard Gardella, dated July 23, 2019 deeming the application incomplete;
- Email from applicant, Laurie Caccavo, dated April 25, 2020;

- Completeness letter from Fair Haven's Board Engineer, Richard Gardella, dated April 24, 2020 deeming the application incomplete;
- Letter from applicant's engineer, Walter Joseph Hopkin, PE, PP, CME, WJH Engineering, dated March 6, 2020;
- Letter from applicant's engineer, Walter Joseph Hopkin, PE, PP, CME, WJH Engineering, dated March 6, 2020, revised March 11, 2020;
- Letter from applicant's engineer, Walter Joseph Hopkin, PE, PP, CME, WJH Engineering, dated March 8, 2020;
- Letter from applicant's engineer, Walter Joseph Hopkin, PE, PP, CME, WJH Engineering, dated March 18, 2020;
- 3-page Letter from applicant's attorney, Rick Brodsky, AG&A, dated March 11, 2020;
- 2-page Letter from applicant's attorney, Rick Brodsky, AG&A, dated March 11, 2020;
- Completeness letter from Fair Haven's Board Engineer, Richard Gardella, dated June 18, 2020 deeming the application complete;
- Monmouth County Planning Board Final Approval notice dated May 14, 2020;
- 3-sheet Minor Site Plans entitled "Amended Minor Site Plan of Block 52, Lot 1, Borough of Fair Haven, Monmouth County, New Jersey," prepared by WJH Engineering, dated August 31, 2018, last revised March 5, 2020

Property and Project Description

The site of this application is located at 756 River Road at southeast corner of the intersection of River Road and Fair Haven Road. The property is approximately 8,973 square feet and is located in the B-1 Business District. The property is currently developed with a two-story building and an associated parking area containing 14 parking spaces. The property has two 18-foot-wide driveways, one on River Road and one on Fair Haven Road. Vehicles enter the site via the River Road driveway and exit via the Fair Haven Road driveway. The property was the subject of a Planning Board minor site plan approval memorialized in a resolution dated January 24, 2000. The projects was granted variance relief for lot depth of 91.92 feet where 100 feet is required, a front yard setback of 7.2 feet where 30 feet are required and available parking for 14 spaces where 15 spaces were required for the office use associated with the application. The resolution approved the minor site plan subject to nine (9) conditions.

Since the prior approval, the property has changed ownership and is no longer an office. The property was occupied by The China Closet & Home Furnishings. The occupant and retail use did

not trigger a change of use application requirement because the retail use had a less intense parking requirement than the previously approved office. The applicant received zoning permits for change of use and signage.

The applicant is proposing to amend the approved site plan for the property with zero (0) square feet of lot area to be disturbed. When the applicant applied for change of use and sign permits, the zoning review uncovered issues related to the minor site plan approved by the Planning Board Resolution memorialized January 24, 2000. The building is currently vacant with “Available” signs in the windows.

Zoning

The property is located in the B-1 Business Zone where retail is a permitted use within this district.

Bulk Standards for the B-1 Zone				
Lot Requirements				
	Required	Existing	Proposed	Variance
Minimum Lot Area (Corner Lot)	7000 SF	8,973 SF	8,973 SF	-
Minimum Lot Width/ Frontage	70 ft.	91.98 ft	65 ft	-
Minimum Lot Depth	100 ft.	98.12 ft.	162.5 ft.	ENC Previously Approved
Principal Building				
Minimum Front Yard Setback	35 ft.	7 ft. from River Road / 10 ft. from Fair Haven Road	7 ft. from River Road / 10 ft. from Fair Haven Road	ENC Previously Approved
Minimum Side Yard Setback (one)	5 ft.	Approx. 29 feet	Approx. 29 feet	-
Minimum Side Yard Setback (both)*	10 ft.	N/A	N/A	-
Minimum Rear Setback	10 ft.	62.4 ft.	62.4 ft.	-
Maximum Building Height	35 ft.	Not Provided	Not Provided	-
Maximum Stories	2.5 stories	2 stories	2 stories	-
Maximum Allotments				
Maximum Habitable Floor Area Sq. Ft.**	N/A	Approx. 2,753 sq. ft.	Approx. 2,753 sq. ft.	-
Maximum Habitable Floor Area Ratio**	0.4	0.3	0.3	-
Maximum Building Coverage	50%	15.4%	15.4%	-

Maximum Lot Coverage	80%	78.8%	78.8%	-
Parking				
Minimum Number of Parking Spaces	1 space / 1,000 SF GFA (6 spaces)	14 spaces	14 spaces	-
Fences				
Maximum Fence Height in Front Yard	42 inches*	N/A	48 inches	Yes
* Since the subject property is a corner lot, it has two front yards, and 1 rear yard opposite the shortest street frontage, and 1 side yard.				
** The applicant appears to have incorrectly calculated the habitable floor area of the building. However, it does not appear that D-variance relief is necessary.				

Variations and Waivers Required

Section 30-7.25.c Fence Height in Front Yard – Whereas the applicant is proposing a 48-inch-tall fence in a front yard and the maximum permitted height of fences in a front yard is 42 inches.

Planning Comments

1. The applicant is seeking approval to amend a site plan which was granted in 2000 by a prior property owner and use. The applicant shall provide testimony to the prior approval and any proposed deviations of the previously approved plan. The previous application was approved subject to certain conditions. The applicant shall provide testimony to how those conditions were met and whether or not the applicant is requesting any relief from those conditions.
 - a. The prior approval included signing a recordable easement related to shared parking with a restaurant located on neighboring Block 52, Lot 26. Is there still a shared parking agreement in place where the restaurant uses the subject property's parking lot? The Survey did not indicate there are any existing easements on the site.
2. The applicant is proposing a 48-inch-tall PVC fence to enclose the air conditioner compressors and trash/recycling receptacles. Since the subject property is a corner lot, the air conditioners are located in the front yard, and therefore, the maximum permitted height of the fence is 42 inches instead of 4 feet. The applicant shall provide testimony to the approximate size of the air conditioning condensers and trash receptacles the fence is proposed to screen.

3. Fences located in front yards shall be "open fences." The ordinance defines open fences as "a fence in which ½ the area, between grade level and the top cross member (wire, wood, or other material), is open. The provided detail indicates the proposed fence is a 48' tall white PVC picket fence. The applicant shall provide testimony to how the proposed fence meets the open fence requirement.
4. The applicant shall provide testimony pertaining to whether the existing trees that are located along Fair Haven Road in front of the air conditioners and refuse containers will be impacted by the proposed fence.
5. The applicant shall provide testimony pertaining to the existing location of trash/recycling cans, as they are not labeled on the site plan.
6. The applicant shall provide testimony pertaining to existing landscaping on the site. The Amended Site Plan includes a note that all on site trees and shrubs will be trimmed to be below 24 inches or above 7 feet. Are any changes proposed?
7. The applicant shall provide testimony to any existing and proposed lighting on the site.
8. It appears the site has two driveways which are each one way and that vehicles access the site from the River Road driveway and leave the site from the Fair Haven Road driveway. The applicant shall clarify whether or not the driveways are two way or one way. There are no circulation markings on the site. Has the applicant considered adding arrows to the driveway pavement to indicate circulation flow to and from the site?
9. It appears as though the applicant has incorrectly calculated the Habitable Floor Area Ratio for the property. According to the Amended Minor Site Plan, the building has the dimensions of 27.7 feet by 49.7 feet, resulting in a building footprint of 1,376.7 sq. ft. Since the building consists of two stories, the HFA for the site is approximately 2,753.4 sq. ft. We recommend the applicant update the zoning chart included on the first sheet of the engineering drawings.
 - a. We note that the applicant does not require variance relief from the HFA standard, as the standard only applies to single-family dwellings.
 - b. Further, the applicant does not require d-variance relief for exceeding the habitable floor area ratio.

10. During a site visit conducted on July 22, 2020, the signs for the China Closet were removed from the building and the building was vacant. The applicant shall provide testimony pertaining to whether a new use proposed for the site.
 - a. The applicant shall provide testimony pertaining to the proposed use, hours of operation, number of employees, and anticipated parking demand.

Aerial of Property



Images of Property taken on 7/22/2020



Front Elevation of Building Along River Road



View of Front and East Side Elevation



AC Units and Bike Rack Located on the West Side of the Building



West Side of Building – Available Space Sign



Sidewalk Along Fair Haven Road



Parking Lot in Rear of Site