

ZB: 20-06

RECEIVED
JUN 23 2020
Per Original Copy

FAIR HAVEN ZONING BOARD OF ADJUSTMENT

APPLICANT: Andrew Anderson PROPERTY ADDRESS: 81 Riverlawn Drive
BLOCK: 26 LOT: 7 ZONE: R-30 PHONE #: c/o 732-280-2606
APPLICANT ADDRESS (IF DIFFERENT): _____
ZONING BOARD ACCOUNT #: _____

APPLICATION GUIDELINES

In accordance with Borough requirements, the following items must be submitted with the application before it can be deemed complete.

- Letter from Zoning Office
- Compliance with Chapter 30.12 of the Fair Haven Land Development Code
- Original signed survey with raised seal, plus 15 copies
- Architectural plans containing the following information:*
 - Complete floor plans showing **existing** and proposed conditions with **string dimensions**
 - Elevations of all sides of structure(s) **with string dimensions**
 - Zoning Schedule: must include total habitable floor area and floor area ratio
 - Detail as to calculation of habitable floor area. All measurements must be from exterior perimeter of structure.
 - Detail as to lot coverage calculation
 - Location and type of proposed attic access
 - Site plan showing existing and proposed conditions and setbacks
 - Key Map showing all properties within 200'
- Photographs of the property and adjacent properties
- Statement of legal basis for granting variances sought
- List of property owners within 200' and all others required to be served
- Proof of payment of taxes for the current quarter
- Proposed** Notice to Property Owners with copy of Zoning Officer's letter attached.
- Proposed** Notice to be published in newspaper.
- Payment of application and escrow fees

THE FOLLOWING ARE TO BE SUBMITTED AFTER NOTIFICATION THAT APPLICATION HAS BEEN DEEMED COMPLETE

- Affidavit of Publication from Newspaper
- Affidavit of Service: Copy of Notice sent to property owners with copy of Zoning Officer's letter attached, must be attached to affidavit.

IF A WAIVER OF ANY OF THE ABOVE REQUIREMENTS IS REQUESTED, SUCH REQUEST MUST BE IN WRITING AND SUBMITTED WITH THE APPLICATION

* For applications involving variances only, 15 copies of the plans are required. Of those, 11 may be reduced size. For applications involving a site plan, 20 copies are required and 15 may be reduced size.

30-12 SPECIFICATIONS OF DOCUMENTS TO BE SUBMITTED.

30-12.1 Purpose.

The documents to be submitted are intended to provide the Municipal Agency with sufficient information and data to assure compliance with all municipal codes and specifications and to ensure that the proposed development meets the design and improvement requirements of this chapter. The specification of documents is based on the of development and particular stage of development application. (2002 Code § 16.48.010)

30-12.2 Requirements.

a. The documents to be submitted are shown in the Schedule of Required Documents and are indicated by the letter "X." In specific cases and for documented reasons, the Borough may waive the submission of a particular document or require the submission of additional documents. The reasons for the waiver shall be indicated in the minutes of the Municipal Agency. (2002 Code § 16.48.020)

Please read + initial pages 3281-3287

Borough of Fair Haven
Land Development Application Checklist

Name of Application: Andrew Anderson Date: June 22, 2020

Block: 26 Lot(s): 7 Address: 81 Riverlawn Drive

Individual Completing Checklist: Mark R. Aikins, Esquire Title: Attorney

An application shall not be considered complete until all the materials and information specified below has been submitted, unless upon receipt of a written waiver request from the applicant, a specified requirement is waived by the municipal agency. The waiver request shall be granted or denied within 45 days of receipt of said request. If an item is considered by the applicant to be "Not Applicable", a waiver request should be made.

Item Number	Minor						Major		Variance	Item Description	Applicant Mark	Status	Borough Mark	Comments
	Prelim						Final		40:55D-70					
	Subdivision	Site Plan	Subdivision	Site Plan	Subdivision	Site Plan	(a) & (b)	(c)	(d)					
1	•	•	•	•	•	•	•	•	•	Completed Application Form	X	Complies		
												Waiver		
2	•	•	•	•	•	•	•	•	•	Calculation of the application fee and review escrow	X	Complies		
												Waiver		
3	•	•	•	•	•	•	•	•	•	Individual checks made out to the Borough of Fair Haven in the amount calculated for the application fee and review escrow	X	Complies		
											X	Waiver		
4	•	•	•	•	•	•	•	•	•	A completed Checklist (latest revision) with written explanations for all requested completeness waivers.	X	Complies		
												Waiver		

Item Number	Minor						Major		Variance		Item Description	Applicant Mark	Status	Borough Mark	Comments
	Subdivision		Site Plan		Subdivision		Site Plan		40:55D-70						
	Subdivision	Site Plan	Subdivision	Site Plan	Subdivision	Site Plan	(a) & (b)	(c)	(d)						
5	•	•	•	•	•	•	•	•	•	Completed Escrow Agreement signed by owner and applicant.	X	Complies			
												Waiver			
6	•	•	•	•	•	•	•	•	•	Completed Ownership Disclosure Statement.	X	Complies			
												Waiver			
7	•	•	•	•	•	•	•	•	•	Tax Collector Certification from the Borough Tax Collector that all current taxes and assessments on the property are paid to date.	X	Complies			
												Waiver			
8	•	•	•	•	•	•	•	•	•	Certified list of property owners within 200' of the property as prepared by the Borough Tax Assessor.	X	Complies			
												Waiver			
9	•	•	•	•	•	•	•	•	•	Completed Monmouth County Planning Board application. Copy of a check made payable to "Monmouth County."		Complies			
												Waiver			
10	•	•	•	•	•	•	•	•	•	Completed Freehold Soil Conservation District (FSCD) application. Copy of a check made payable to "FSCD."		Complies			
												Waiver			

LAND USE AND DEVELOPMENT REGULATIONS

30-12

Item Number	Minor		Major		Variance			Item Description	Applicant Mark	Status	Borough Mark	Comments
			Prelim	Final	40:55D-70							
	Subdivision	Site Plan	Subdivision	Site Plan	Subdivision	Site Plan	(a) & (b)					
11	•	•	•	•	•	•	•	•	Completed Monmouth County Health Department application. Copy of a check made payable to "Monmouth County."	Complies		
										Waiver		
12	•	•	•	•	•				Public utility "will serve" letters.	Complies		
										Waiver		
13			•	•	•	•			Environmental Impact Assessment	Complies		
										Waiver		
14	•	•	•	•	•				Freshwater wetlands Letter of Interpretation.	Complies		
										Waiver		
15	•	•	•	•	•				List of all Federal, State, regional, and/or municipal approvals or permits required.	Complies		
										Waiver		
16	•	•	•	•	•	•	•	•	Copies of all easements, covenants and deed restrictions including metes and bounds descriptions, on or affecting the property in question.	X Complies		
										Waiver		

Item Number	Minor						Major			Variance			Item Description	Applicant Mark	Status	Borough Mark	Comments
	Subdivision		Site Plan		Subdivision		Site Plan		40:55D-70								
	Subdivision	Site Plan	Subdivision	Site Plan	Subdivision	Site Plan	(a) & (b)	(c)	(d)								
17	•	•	•	•	•	•	•	•				Twenty (20) prints prepared by a New Jersey licensed Professional Engineer or Land Surveyor. Each sheet must be signed and sealed by the appropriate professional. (8 copies 24x36, 12 copies 11x17).	X	Complies			
														Waiver			
18	•	•	•	•	•	•	•	•				A digital copy of the plan in .dwg format (ACAD 2007 or later) and .pdf format (Adobe).	X	Complies			
														Waiver			
19	•		•		•							Certification from the Borough Tax Assessor approving the block and lot designations.		Complies			
														Waiver			
20			•									Certification from the Borough approving the road names and subdivision name.		Complies			
														Waiver			
21		•		•								An affirmative statement in writing indication how all applicable conditional use standards are met.		Complies			
														Waiver			
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.		Complies			
														Waiver			

LAND USE AND DEVELOPMENT REGULATIONS

30-12

Item Number	Minor		Major		Variance			Item Description	Applicant Mark	Status	Borough Mark	Comments
	Subdivision	Site Plan	Prelim	Final	40:55D-70							
			Subdivision	Site Plan	Subdivision	Site Plan	(a) & (b)					
23					•	•				Complies		
								An engineer's estimate of all the improvements identified on the approved preliminary plan, whether completed or remaining to be completed.		Waiver		
24					•	•				Complies		
								Deed descriptions including metes and bounds for all easements and right-of-way dedications, as identified on the approved preliminary plan.		Waiver		
25	•	•	•	•						Complies		
								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.		Waiver		
26		•				•				Complies		
								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. Include a .dwg format (ACAD 2007 or later) and .pdf format (Adobe).		Waiver		

Item Number	Minor						Major			Variance	Item Description	Applicant Mark	Status	Borough Mark	Comments
	Prelim		Final		40:55D-70										
	Subdivision	Site Plan	Subdivision	Site Plan	Subdivision	Site Plan	(a) & (b)	(c)	(d)						
27	•	•	•	•	•	•	•	•	•	Photograph(s) of the subject property.	X	Complies			
												Waiver			
28	•	•	•	•	•	•	•	•	•	List of variances required or requested.	X	Complies			
												Waiver			
29	•	•	•	•	•	•				List of requested design waivers or exceptions.		Complies			
												Waiver			
Plans shall show or include the following:															
30	•	•	•	•	•	•				Map scale not less than 1" = 100', showing the entire tract on one sheet not exceeding 24"x36."		Complies			
												Waiver			
31	•	•	•	•	•	•				Key map at specified scale showing location to surrounding properties, streets, watercourses, municipal boundaries, etc., within 500' of property.		Complies			
												Waiver			
32	•	•	•	•	•	•				Site or Subdivision name.		Complies			
												Waiver			
33	•	•	•	•	•	•				Name, signature, license number, seal, address, phone number, web address, and email address of professional responsible for preparing the plans.		Complies			
												Waiver			

LAND USE AND DEVELOPMENT REGULATIONS

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Item Number	Minor						Major			Variance			Item Description	Applicant Mark	Status	Borough Mark	Comments	
	Subdivision		Site Plan		Subdivision		Site Plan		Subdivision		Site Plan							40:55D-70
	Subdivision	Site Plan	Subdivision	Site Plan	Subdivision	Site Plan	Subdivision	Site Plan	(a) & (b)	(c)	(d)							
34	•	•	•	•	•	•							Title block denoting type of application, tax map sheet, County, name of municipality, block and lot, and street location		Complies			
															Waiver			
35	•	•	•	•	•	•							Name, address, and phone number of property owner and applicant.		Complies			
															Waiver			
36	•	•	•	•	•	•							North arrow and scale		Complies			
															Waiver			
37	•	•	•	•	•	•			•	•			Schedule of required zone district requirements. Include basis for building and lot coverage, building height, FAR, and habitable floor area.	X	Complies			
															Waiver			
38	•	•	•	•	•	•							Approval signature block for Board Chairman, Secretary, and Borough Engineer.		Complies			
															Waiver			
39	•		•		•								Certification blocks required by map filing law.		Complies			
															Waiver			
40	•		•		•								Monumentation as specified by map filing law.		Complies			
															Waiver			
41	•	•	•	•	•	•			•	•			Date of current property survey.	X	Complies			
															Waiver			

Item Number	Minor						Major			Variance	Item Description	Applicant Mark	Status	Borough Mark	Comments
	Prelim						Final			40:55D-70					
	Subdivision	Site Plan	Subdivision	Site Plan	Subdivision	Site Plan	(a) & (b)	(c)	(d)						
42	•		•		•							Complies			
												Waiver			
43	•		•		•	•						Complies			
												Waiver			
44	•	•	•	•	•	•						Complies			
												Waiver			
45	•	•	•	•	•	•	•	•				X Complies			
												Waiver			
46	•	•	•	•	•	•	•	•				X Complies			
												Waiver			
47	•	•	•	•	•	•						Complies			
												Waiver			
48	•		•		•							Complies			
												Waiver			

LAND USE AND DEVELOPMENT REGULATIONS

30-12

Item Number	Minor		Major		Variance			Item Description	Applicant Mark	Status	Borough Mark	Comments
			Prelim	Final	40:55D-70							
	Subdivision	Site Plan	Subdivision	Site Plan	Subdivision	Site Plan	(a) & (b)					
49	•		•		•					Complies		
										Waiver		
50	•	•	•	•	•	•				Complies		
										Waiver		
51	•	•	•	•	•	•				Complies		
										Waiver		
52	•	•	•	•	•	•				Complies		
										Waiver		
53	•	•	•	•	•	•				Complies		
										Waiver		
54			•	•	•	•				Complies		
										Waiver		
55	•		•		•					Complies		
										Waiver		
56			•							Complies		
										Waiver		
57	•		•							Complies		
										Waiver		

Item Number	Minor						Major			Variance			Item Description	Applicant Mark	Status	Borough Mark	Comments
	Subdivision		Site Plan		Subdivision		Site Plan		40:55D-70								
	Subdivision	Site Plan	Subdivision	Site Plan	Subdivision	Site Plan	(a) & (b)	(c)	(d)								
58			•	•	•	•							Phasing plan as applicable.	Complies			
														Waiver			
59					•	•							Solid waste management and recycling plan showing holding location and provisions for waste and recyclables.	Complies			
														Waiver			
60	•	•	•	•	•	•							Site layout showing all roadways, circulation patterns, curb, sidewalk, buffers, structures, open space, recreation, etc., as applicable.	Complies			
														Waiver			
61	•	•	•	•	•	•							Grading and utility plan.	Complies			
														Waiver			
62	•	•	•	•	•	•							Profiles of existing and proposed roadways and including all utilities and stormwater facilities. Roadway cross section at 50' intervals.	Complies			
														Waiver			
63	•	•	•	•	•	•							Landscaping plan.	Complies			
														Waiver			
64	•	•	•	•	•	•							Soil erosion and sediment control plan prepared in accordance with the standards for soil erosion and sediment control standards in New Jersey.	Complies			
														Waiver			

LAND USE AND DEVELOPMENT REGULATIONS

30-12

Item Number	Major						Variance			Item Description	Applicant Mark	Status	Borough Mark	Comments
	Minor						40:55D-70							
	Subdivision	Site Plan	Subdivision	Site Plan	Subdivision	Site Plan								
65	•	•	•	•	•	•				Lighting plan.	Complies			
											Waiver			
66	•	•	•	•	•	•				Construction details for any on-site and off-site improvement.	Complies			
											Waiver			

(2002 Code § 16.48.020; Ord. No. 2014-18)

App Fee & Escrow
received 6/23/2010

ZB# 20-06

APPLICATION TO ZONING BOARD OF ADJUSTMENT
OF THE BOROUGH OF FAIR HAVEN
PART III

TO BE FILLED IN ONLY IF APPLICATION IS MADE DIRECTLY TO THE BOARD OF ADJUSTMENT OR IF ALTERNATIVE RELIEF IS SOUGHT PURSUANT TO N.J.S. 40:55D-70c or d. AND ARTICLE 4 OF THE LAND USE ORDINANCE AND DEVELOPMENT REGULATIONS OF THE BOROUGH OF FAIR HAVEN.

Phone #: c/o 732-280-2606

Applicants' Name: ANDREW ANDERSON

Applicants' Address: c/o Mark R. Aikins, Esquire, 3350 Rt. 138, Bldg, 1, Ste 113, Wall, N.J. 07719

Owner's Name: SAME AS ABOVE

Owner's Address: SAME AS ABOVE

Relationship of Applicant/Owner: (i.e. tenant, purchaser under contract, etc).

Location of Premises: 81 RIVERLAWN DRIVE BLOCK 26, LOT 7
(Street) (Tax Map Reference)

The premises are located in the following Zone R-30

.....
Request is hereby made for permission to construct additions and internal renovations to the existing residential dwelling, contrary to the requirements of Articles 30-5.1 Table C of the Zoning Ordinance, or for other relief as follows:

The Applicant seeks a variance for single side yard setback for principal structures where 20 feet is required and 9.6 feet exists on the south side (a pre-existing non-conforming condition). The proposed front porch creates a new single side yard setback of 8.2 feet, exacerbating a pre-existing non-conforming condition; Combined side yard setback is 40 feet, where the existing combined side yard setback is 19.2 feet (a pre-existing non-conforming condition). The proposed additions on the north side, new covered entry, new front porch and pergolas on garage creates new combined side yard setbacks of 17.7 feet, exacerbating a pre-existing non-conforming condition.

1. Said property is 27,680 square feet
(give dimensions and area)

and has the following structure two (2) story dwelling
(dwelling, garage, shed, pool, etc.)

2. Size of proposed building: 2,025 sq.ft. exists; 631 sq.ft. (new); 2,656 sq.ft. (total).

a) Total square footage of all stories (exclusive of attached garage & cellar), half stories

b) Number of stories : 2 1/2 story dwelling

c) Height of principal building: 35ft./2.5 st. required; ≤35ft./2.5 st. exists (no change)

3. Setbacks of building: Front: 50 ft. required; 84.5+ ft. exists; 78.6+ ft. proposed
Rear: 30 ft. required; 140.8+ ft. exists; (no change)

Side Yard: (total): 40 ft. required; 20.2+ ft. exists; 18.8+ ft. proposed

4. Has there been any previous appeal, request, or application to this or any other Borough Board or the Construction Official involving these premises? Yes No

IF YES, state the nature, date and the disposition of said matter:

Building Permit issued on May 22, 2020 for home renovations.

5. Attach a statement to this application stating what exceptional conditions exist preventing the Applicant from complying with the Zoning Ordinance. Also include a statement of facts showing why the relief requested can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance.

SEE ATTACHED ADDENDUM 1

6. All applicants must attach to this application a schedule showing the following information (if applicable):

Type of construction (frame, stone, brick, etc) - **See Plans attached**

Present use of existing building(s) and premises **Residential**

Describe any deed restrictions affecting the property: **None**

Total proposed dwelling units: **one (1)**

Total proposed parking spaces – **See Plans attached**

A photograph or photographs of land and buildings involved in the application: **Attached**

Name and address of all expert witnesses proposed to be used:

(1) Steven R. Krog, Landscape Architect, 19 Harris Park, Red Bank, N.J. 07701

(2) James C. Anderson, Architect, 120 East River Road, Rumson, N.J. 07760

Proof of payment of all property taxes due and owing on the premises. **Attached**

7. A SEALED SURVEY made by a licensed Land Surveyor to scale (not less than 1" = 100 of the property). Scale drawings (of not less than .25" = 1' of the proposed buildings) of the existing structures indicating the changes, alterations or additions contemplated, if relevant. **Attached**
8. A copy of any conditional contract or agreement related to this application must be filed with the application or presented to the Board at the time of the hearing. **Not Applicable**
9. A signed copy of the checklist indicating the documents to be submitted with the Application to conform to the requirements of the Fair Haven Land Use Ordinance with respect to applications for variances and as set forth in Article 12 of the Fair Haven Land Use Ordinance. **Attached**

ADDENDUM I

BLOCK 26, LOT 7 BOROUGH OF FAIR HAVEN (81 RIVERLAWN DRIVE)

Section 30-5.1 Table "C": The minimum required single side yard setback in the R-30 Zone for principal structures is 20 feet. The existing and proposed single side yard setback is 9.6 feet to the principal structure on south side, a pre-existing non-conforming condition. The proposed front porch creates a new single side yard setback to the principal structure of 8.2 feet exacerbating a pre-existing non-conforming condition.

Section 30-5.1 Table "C": The minimum required Combined Side Yard Setbacks in the R-30 Zone for principal structures is 40 feet. The existing and proposed Combined Side Yard Setbacks is 19.2 feet to the principal structure, a pre-existing non-conforming condition. The proposed additions on north side of the house, new covered entry, new front porch and pergolas on garage creates new Combined Side Yard Setbacks to the principal structure of 17.7 feet, exacerbating a pre-existing non-conforming condition.

Section 30-5.1 Table "C": The minimum Single Side Yard setback in the R-30 Zone is 20 feet. There is an air conditioning unit in the side yard with a Single Side Yard Setback of 8 feet, a pre-existing non-conforming condition.

ADDENDUM II

**BLOCK 26, LOT 7
BOROUGH OF FAIR HAVEN
(81 RIVERLAWN DRIVE)**

Statement of Legal Basis

Applicant seeks approval to finish the second floor above the garage and add an exterior pergola to the garage, convert existing rear living space to a patio with exterior pergola and to an enclosed porch, add a projecting breakfast nook with exterior pergola, add a new covered entry on the east side of the residence and add a front porch with roof at the subject property. The benefits of granting the requested variances will outweigh the detriments and there is no significant detriment to the zone plan or to the neighborhood if the variances are granted.

MARK R. AIKINS, L.L.C.
COUNSELORS AT LAW
AUTUMN RIDGE OFFICE PARK
3350 ROUTE 138, BUILDING 1, SUITE 113
WALL, NEW JERSEY 07719

MARK R. AIKINS

E-MAIL: maikins@aikinslaw.com

WEBSITE: www.aikinslaw.com

TELEPHONE: 732-280-2606

FACSIMILE: 732-280-8084

June 23, 2020

Hand Delivered

Ms. Jennifer M. Johnson
Zoning/Planning Board Secretary
Borough of Fair Haven, 748 River Road
Fair Haven, New Jersey 07704

RE: Andrew Anderson
Block 26, Lot 7
81 Riverlawn Drive, Fair Haven

Dear Ms. Johnson:

The undersigned represents the Applicant, Andrew Anderson, in connection with the above matter.
Enclosed please find the following documents:

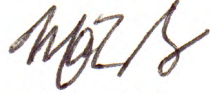
- Original + 15 copies of Development Application
- 16 copies of Land Use & Development Regulations Checklist
- Copy of Denial Letter dated June 15, 2020 from the Zoning Officer of the Borough of Fair Haven
- 16 sets of architectural renderings prepared by Anderson Campanella, Architects dated 5/14/20
- 16 sets of Site Plans prepared by Steven R. Krog, L.A., dated 5/14/20
- 16 copies of Survey prepared by Charles Surmonte, P.E. & P.L.S., dated 12/16/16
- Copy of certified list of property owners within 200 ft. of the above property from the Borough of Fair Haven Tax Assessor
- Certification of Taxes provided by the Borough of Fair Haven
- Statement of Legal Basis
- Digital copy of Plans
- Photographs
- Check #158 payable to the Borough of Fair Haven in the amount of \$325.00 representing the application fee
- Cashier's Check #079028207 payable to the Borough of Fair Haven in the amount of \$1,800.00 representing the escrow fee
- W-9 Form
- Escrow Agreement

RECEIVED
JUN 23 2020
Per _____

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June 23, 2020

Kindly advise as to when this matter is deemed complete for hearing before the Board. Thank you.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'MRA', written in a cursive style.

Mark R. Aikins

MRA:mb
Enclosures

cc: Mr. Andrew Anderson w/o/attachments (via e-mail)
Anderson & Campanella, Architects, w/o/attachs. (via e-mail)
Steven R. Krog, L.A., w/o/encs. (via e-mail)