

TO: Borough of Fair Haven Zoning Board of Adjustment

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

RE: Keefe
25 Beechwood
Block 74 Lot 27
Completeness & Bulk Variances v2

DATE: January 13, 2021

As requested, we have reviewed the following application materials:

- Zoning Board Application (ZB 20-11) and checklist received on September 30, 2020;
- Zoning Officer's Denial Letter, dated September 9, 2020;
- Photographs of the property and adjacent properties, no date;
- 1-sheet Survey of Property, prepared by Charles Surmonte, P.E. & P.L.S., dated March 18, 2018;
- 1-sheet Topographic Plan of Property, prepared by Charles Surmonte, P.E. & P.L.S., dated August 2, 2019;
- 4-sheet set of Architectural Drawings entitled "Keefe Residence, Single family Addition and Renovation, 25 Beechwood Place, Block 74, Lot 27, Monmouth County," prepared by Alec P. Shissias, RA, RLA, dated November 25, 2020; and
- Letter from John A. Sarto, Esq. of Giordano, Halleran & Ciesla, PC, dated November 30, 2020.

Completeness Review

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

- 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.

Property and Project Description

The subject property is Lot 27 in Block 74, located at 25 Beechwood Place. The property is a 13,926 square foot irregularly shaped lot with frontage/access on Beechwood Place, adjacent to the cul-de-sac. The site is currently developed with a two and a half story single-family dwelling with an attached garage, a wood deck and enclosed porch in the rear of the dwelling. An asphalt driveway provides access from Beechwood Place to the entrance of the garage located to the rear of the building. The surrounding properties are other single-family dwellings.

The applicant is proposing to renovate and enlarge the existing dwelling. A one-story addition and covered porch are proposed in the rear of the dwelling where the existing rear deck is located. The existing rear enclosed porch is proposed to be removed. The applicant is also proposing to remove and replace the existing front porch and front yard walkways. The attached two-car garage will be reconfigured to be accessible from the front façade, as opposed to the existing rear entrance. A second story addition is proposed above the existing first-floor and attached garage. The applicant is also proposing to remove portions of the existing driveway located within the side and rear yard of the property and is proposing to expand the driveway within the front yard. A rear patio is proposed to the rear of the dwelling, as are cellar walk out steps leading to the proposed basement beneath the one-story addition.

The first floor and second floor would be reconfigured as part of the proposed project. The existing first floor contains a garage, den, mudroom, kitchen, dining room, living room, bathroom, sunroom, and a deck connected to the rear of the residence. After the project improvements, the first floor would consist of the two-car garage, a new mudroom, pantry, kitchen, dining area, living area, den, a full bathroom, a powder room, and an office. A new covered porch is proposed in the front of the home and a patio is proposed in the rear.

The existing second floor contains four (4) bedrooms, and two (2) bathrooms. The proposed second floor contains a master bedroom, inclusive of a full bathroom and walk-in closet, four (4)

additional bedrooms, two (2) additional full bathrooms, a laundry room, and a “loft” area. After site improvements, the renovated dwelling is proposed to contain a total of five (5) bedrooms, four (4) full bathrooms, and one (1) powder room.

Zoning

The property is located in the R-10B zone where single-family dwellings are a permitted use.

Bulk Standards for the R-10B Zone				
	Required	Existing	Proposed	Variance
Lot Requirements				
Minimum Lot Area	10,000 sq. ft.	13,926 sq. ft.	13,926 sq. ft.	-
Minimum Lot Width	100 feet	100 feet	100 feet	-
Minimum Lot Frontage	100 feet	90 feet	90 feet	ENC
Minimum Lot Depth	100 feet	127.7 feet	127.7 feet	-
Principal Structure				
Minimum Front Yard Setback	25 feet	39.8 feet	36.7 feet	-
Minimum Side Yard Setback- One	10 feet	12 feet	12 feet	-
Minimum Side Yard Setback- Both	25 feet	28.7 feet	28.7 feet	-
Minimum Rear Setback	30 feet	55.8 feet	52.2 feet	-
Maximum Building Height	32 feet	24 feet	31 feet	-
Maximum Stories	2.5	2.5	2.5	-
Maximum Building Coverage	35%	13.9%	18.3%	-
Maximum Habitable Floor Area Ratio	0.28	0.17	0.255	-
Maximum Habitable Floor Area Sq. Ft.	3,220 sq. ft.	2,371 sq. ft.	3,542 sq. ft.	Variance
Maximum Lot Coverage	45%	31.8%	37%	-

ENC: Existing Nonconforming Condition

Variations

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 Frontage- The minimum required lot frontage is 100 feet, where 90 feet exists and is not proposed to change.

The application requires the following variations:

- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Maximum Habitable Floor Area - The maximum permitted habitable floor area is 3,220 square feet in the R-10B Zone, where 2,371 square feet is existing and 3,542 square 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 benefits will substantially outweigh any detriments.

- 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.

2. The applicant requires a variance for habitable floor area. The applicant is proposing 3,542 square feet where a maximum of 3,220 square feet is permitted, exceeding the habitable floor area by 322 square feet. The application does not exceed the habitable floor area ratio and building coverage requirements of the zone.
 - a. Has the applicant considered reducing the size of the proposed additions to meet the habitable floor area requirement?
 - b. We note the applicant is expanding the building's footprint by 533 square feet.
3. It appears the applicant incorrectly labeled the front porch as "existing bedroom 1." We recommend the applicant revise this label, should the Board act favorably on the application.
4. 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 2.5 feet above grade. The applicant shall confirm.
5. 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.
6. The applicant shall provide testimony pertaining to the type of materials proposed for the exterior of the dwelling.
7. Does the applicant propose any landscaping or tree removal as part of the project? The applicant shall confirm that no trees will be removed as part of this application.

8. The applicant shall provide testimony pertaining to Note 10 in §30-5.1 Table C: Schedule of Area, Yard and Building Requirements, which states, "In residential zones... the distance between the principal buildings on adjacent lots must be equal to the minimum required combined side yard setback for the zone in question."
9. Is the applicant proposing any stormwater management?
10. Does the applicant propose any changes proposed for utility connections? The Borough's Ordinance (§30-9a13) requires utility connections to be installed underground. We defer comment regarding utility connections to the Board Engineer.

Aerial Map of Property



Photographs taken on 11/25/2020



Photographs of subject property



Photographs of adjacent properties along Beechwood Place



Photograph of property across Beechwood Place



Photograph of property across Beechwood Place in cul-de-sac