

TO: Borough of Fair Haven Zoning Board of Adjustment

FROM: Elena Gable, PP, AICP, CFM

RE: James Cady
137 Grange Avenue
Block 22 Lot 53
Completeness & Bulk Variances v3

DATE: June 15, 2021

As requested, we have reviewed the following materials in preparation of our report for this application:

- Zoning Board of Adjustment Application, received March 18, 2021;
- Zoning Officer Denial Letter dated March 1, 2021 with a 1-page (8.5 inch x 11 inch) engineering drawing entitled "Driveway Variance Plan" prepared by Jensen Design Group, dated January 18, 2021;
- 2-page response from applicant, entitled "Zoning Board Application Question #5 Statement of Legal Basis for Granting Variances Sought", no date;
- 1-sheet engineering drawing entitled, "Final As-Built Survey of Lot 53, Block 22", prepared by InSite Engineering, dated November 14, 2020, revised December 3, 2020;
- 1-sheet engineering drawing entitled "Driveway Variance Plan" prepared by Jensen Design Group, dated January 18, 2021;
- Completeness Review Response, prepared by William E. Jensen of Jensen Design Group, dated May 10, 2021;
- Land Development Application Checklist, dated May 10, 2021;
- Borough of Fair Haven Tax Account Detail Inquiry, dated April 28, 2021;
- 3-page document entitled "Notification List" which includes a 200-foot map and properties within 200-feet of the subject property accessed from NJParcels.com, no date;
- 4-pages of photographs of subject property, no date;
- 6 pages of Google Street View of adjacent properties, no date;
- Borough of Fair Haven 200 Foot List, dated May 27, 2021;
- 1-page response from William E. Jensen, Jr. PE, of Jensen Design Group, dated June 2, 2021; and
- Proposed Notice for newspaper publication and property owners within 200-feet.

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 incomplete; however, we take no objection to the Board granting the waivers for completeness purposes.

- Item #9- Completed Monmouth County Planning Board application- The applicant has requested a waiver for this item. We recommend a waiver be granted for completeness purposes only, as the property does not front on a County Road.
- Item #10- Completed Freehold Soil Conservation District application- The applicant has requested a waiver for this item noting that this will be provided during the building permit process (if required). We recommend a waiver for completeness purposes only. The applicant shall provide testimony at the hearing addressing whether this item is applicable.
- Item #11- Completed Monmouth County Health Department Application- The applicant has requested a waiver noting that the project does not involve Health Department Approval. We recommend a waiver for completeness purposes.
- Item #16- Copies of all easements, covenants and deed restrictions- The applicant has noted in the application this item is not applicable to their application and that a survey was submitted. We recommend a waiver for completeness purposes only. The applicant shall provide testimony pertaining to whether there are any easements, covenants and/or deed restrictions on the property.
- Item #37- Schedule of required zoning district- The applicant has submitted the schedule, but has omitted the building height and habitable floor area ratio and habitable floor area sq. ft. The applicant has requested a waiver for completeness purposes only, noting that lot coverage calculations are provided, but a waiver is requested for building requirements as no changes are requested as part of this project.
- Item #46- Size and location of any existing and proposed structures with all setbacks dimensioned- The applicant's resubmitted Application Checklist notes that the submitted materials comply, however, the survey and the proposed driveway variance plan do not include all the setbacks dimensioned, including the rear yard setback to the dwelling, the northern side yard setback to the stairwell, front yard setback to the front covered porch, side yard setback to the covered porch in the rear yard, rear yard setback to the

detached garage, etc. The applicant has requested a waiver for this item, noting that these are existing conditions that are not proposed to change. We recommend the applicant add the setbacks to any revised plan that will be submitted as part of the application.

Application Guidelines

In addition to the above Items from the Application Checklist, the applicant has not submitted the following required items from the Application Guidelines:

- Complete floorplans showing existing and proposed conditions with string dimensions- The applicant has requested a waiver for completeness purposes only noting that the proposed project does not propose any changes to the existing residential dwelling or detached garage.
- Elevations of all sides of structure(s) with string dimensions- The applicant has not submitted this information. The applicant has requested a waiver for completeness purposes only noting that the proposed project does not propose any changes to the existing residential dwelling or detached garage.
- Zoning Schedule: must include habitable floor area and floor area ratio- The applicant has omitted the habitable floor area and habitable floor area ratio from the zoning schedule. The applicant has requested a waiver for completeness purposes only as the proposed project does not propose any changes to the existing residential dwelling or detached garage.
- Detail as to calculation of habitable floor area- The applicant has not submitted this information. The applicant has requested a waiver for completeness purposes only noting that the proposed project does not propose any changes to the existing residential dwelling or detached garage.
- Location and type of proposed attic access (if any)- The applicant has requested a waiver for completeness purposes only noting that the proposed project does not propose any changes to the existing residential dwelling or detached garage.

Zoning Officer's Denial Letter

The applicant has not submitted information per the Zoning Officer's letter dated March 1, 2021. In the letter, the Zoning Officer requests the applicant provide the following:

- Provide detailed breakdown of calculations regarding lot coverage, showing items to be removed and those being added. The applicant has submitted a detail to the lot coverage calculation on the "Driveway Variance Plan". However, the items to be added/removed are unclear on full-size drawings. We note the proposed impervious coverage are easy to see on the submitted 8.5 x11 plan.
- Provide calculations for the allowable coverage of 25% of the front yard area as detailed in §30-7.8(g)- The applicant has noted that the existing driveway in the front yard occupies 14.6% and the proposed coverage is 42.2%.
- Provide information regarding driveways and a subsequent Street Opening Permit for review and approval- The applicant has requested a waiver for this item, noting that the permit will be obtained once feedback from the Board is received and if construction is allowed to move forward. Should the Board act favorably on this application, we recommend this item be satisfied as a condition of compliance.
- Provide information and calculations for proposed stormwater management at the subject property for increased impervious coverage as well as collection and treatment of stormwater prior to exiting Grange Avenue- The applicant has requested a waiver for this item noting that this information will be submitted once feedback from Board members is received.

Property and Project Description

The subject property is located at 137 Grange Avenue, approximately 1,700 feet north of its intersection with River Road. The property's rear lot line is approximately 360 feet from the Navesink River. The property is 22,513 square feet in area and, as shown on the submitted "Final As Built Survey," is developed with a two-and-a-half-story single-family structure with an associated driveway, detached garage, rear patio, and pool. The dwelling has covered porches affixed to the front, side and rear elevations. Surrounding the property are other single-family homes, some of which have pools.

The applicant is seeking approval to install a rear patio around a portion of the pool and is seeking approval for a U-shaped driveway in the front yard. A pair of decorative stone pillars are proposed at each of the driveway's entrances. The applicant requires several bulk variances for this improvement.

Zoning

The subject property is located within the R-30 Zone, where single-family homes are a permitted use.

Bulk Standards for the R-30 Zone				
	Required	Existing	Proposed	Variance
Minimum Lot Area	30,000 sq. ft.	22,513 sq. ft.	22,513 sq. ft.	ENC
Minimum Lot Width*	125 ft.	Approx. 101.5 ft.	Approx. 101.5 ft.	ENC
Minimum Lot Frontage	125 ft.	104.84 ft.	104.87 ft.	ENC
Minimum Lot Depth	200 ft.	239 ft.	239 ft.	-
Principal Structure				
Minimum Front Yard Setback*	50 ft.	Approx. 48 ft.	Approx. 48 ft.	ENC
Minimum Side Yard Setback-One*/Both*	20 ft./40 ft.	Approx. 19 ft. / Approx. 39.5 ft.	Approx. 19 ft. / Approx. 39.5 ft.	ENC
Minimum Rear Setback	30 ft.	106.2 ft.	106.2 ft.	-
Maximum Building Height*	35 ft.	Unk.	Unk.	-
Maximum Stories	2.5 stories	2.5 stories	2.5 stories	-
Maximum Allotments				
Maximum Habitable Floor Area Sq. Ft.*	5,180 sq. ft.	Unk.	Unk.	-
Maximum Habitable Floor Area Ratio*	0.15	Unk.	Unk.	-
Maximum Building Coverage*	20%	16.9%	16.9%	-
Maximum Lot Coverage	30%	29.98%	41.97%	V
Parking				
Number of Driveways (lot width <150 ft.)	1	1	2	V
Driveway coverage in front yard (single-family districts)	25%	14.6%	42.2%	V
Accessory Structure –Pool				
Rear Yard Setback	10 ft.	64.9 ft.	64.9 ft.	-
Side Yard Setback	10 ft.	20.7 ft.	20.7 ft.	-
Accessory Structure –Garage				
Rear Yard Setback*	10 ft.	approx. 70 ft.	approx. 70 ft.	-
Side Yard Setback	10 ft.	11.2 ft.	11.2 ft.	-
Maximum Height*	15 ft.	Unk.	Unk.	-

*The applicant has not included this information in the submitted bulk chart and/or the dimensions are not shown on the submitted plans.

ENC: Existing Nonconforming Condition

V: Variance

Variances Required

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

- §30-5.1 Table C – Minimum Lot Area- Where the minimum required lot area is 30,000 square feet, and 22,513 square feet is existing and proposed.
- §30-5.1 Table C – Minimum Lot Frontage- Where the minimum required lot frontage is 125 feet, and 104.87 feet is existing and proposed.
- §30-5.1 Table C – Minimum Lot Width- Where the minimum required lot frontage is 125 feet, and approximately 101.5 feet is existing and proposed.
- §30-5.1 Table C – Minimum Front Yard Setback- Where the minimum front yard setback in the R-30 zone is 50 feet, where approximately 48 feet is existing and proposed.
- §30-5.1 Table C – Minimum Side Yard Setback (One)- Where the minimum side yard setback (one) in the R-30 zone is 20 feet, where approximately 19 feet is existing and proposed.
- §30-5.1 Table C – Minimum Side Yard Setback (Both)- Where the minimum side yard setback (both) in the R-30 zone is 40 feet, where approximately 39.5 feet is existing and proposed.

Based upon the proposed improvements, the applicant requires the following variances:

- §30-5.1 Table C – Maximum Lot Coverage- Where the maximum lot coverage in the R-30 zone is 30%, where 29.98% is existing and 41.97% is proposed.
- §30-9.2.b.6.(d)- Number of driveway openings – Where lots with less than 150 feet of frontage are permitted a maximum number of one (1) driveways, where the lot has a frontage of 104.84 feet and is seeking approval for two (2) driveway openings.
- §30-7.8(g)- Driveway coverage in front yard – Where driveways and off-street parking are not permitted exceed 25% of the front yard area in single-family zones, where the existing driveway covers 14.6% of the front yard area, and 42.2% is proposed.

Planning Comments

1. Variances: The applicant requires c-variance relief. The applicant shall provide variance testimony that demonstrates how the request for relief may be granted based on one of the standards provided in the MLUL at N.J.S.A. 40:55D-70.c:

- a. Positive criteria: There are two types of c variances – the **c(1) hardship** and the **c(2) flexible variance**.
 - i. 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 the property can include:
 - 1. Narrowness, shallowness, or irregular shape
 - 2. An exceptional topographic condition
 - 3. Other unique conditions or features affecting the property
 - ii. The c(2) flexible variance, or "broad c," requires a finding that the proposed variance relief furthers the purposes of the MLUL and that the benefits of granting the variance substantially outweigh the detriments.
- 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. Master Plan

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

The 2016 Master Plan Reexamination Report included an objective of protecting and enhancing the existing character of the Borough and residential quality of the neighborhoods. As stated in the 2016 Master Plan Reexamination Report, "the most

common concerns about new homes and home additions were parking on the property [and] site design."

3. The applicant has incorrectly calculated the Lot Width for the property. Lot Width is defined as, "The distance between the property side lines measured along the front yard setback line..." The applicant shall revise the bulk chart to address this error.
4. The front yard setback and side yard setbacks shown on the plan and included in the bulk chart do not take into account the wrap-around porch or areas of the principal structure that have a roof. Pursuant to §30-7.8h, "a porch, deck, patio or similar structure designed to adjoin or as part of the principal building shall in all cases conform to the yard requirements of the principal building except where the structure has no roof and is constructed not more than six inches above grade, it shall adhere to the yard requirements for an accessory structure..."
 - a. The applicant shall revise the setbacks in the bulk chart accordingly and shall add the dimensions onto the submitted "Driveway Variance Plan" and/or "Final as Built Survey."
5. The applicant has incorrectly calculated the existing and proposed building coverage. Building coverage is defined as, "The area of a tract covered by buildings and roofed areas. Building coverage is expressed as a percentage of the total tract area." The applicant shall revise the bulk chart to show the existing/proposed building coverage as defined by Borough ordinances.
 - a. The detail for the impervious coverage calculation notes the following items applicable to building coverage:
 - i. Dwelling & porches: 2,929 sq. ft.
 - ii. Detached garage: 547 sq. ft.
 - iii. Stairwell: 88 sq. ft.
 - iv. Cover walkway: 246 sq. ft.
 - v. Total: 3,810 sq. ft.
 - vi. Building Coverage: $3,810 / 22,513 = 16.9\%$
6. The applicant is seeking variance approval to install a "horseshoe" driveway consisting of gravel with a Belgian block curb that has two curb cuts onto Grange Avenue. Multiple variances are required for this improvement.

- a. We note the applicant had previously applied to the Zoning Board in 2019 and had subsequently withdrawn their application. At the time of their last application, the property had two existing curb cuts and the horseshoe shaped driveway. A site visit indicates that the 2nd curb cut for the driveway remains and that the horseshoe shaped driveway has since been removed and revegetated.
7. The application notes that two driveway curb cuts and the U-shaped driveway "will allow vehicles to safely exit the property without having to back out of the driveway."
 - a. Have there been any problems associated with vehicles exiting the site?
 - b. Is there room at the western edge of the driveway for vehicles to turn around via k-turn?
8. The applicant shall confirm that the proposed impervious coverage calculation takes into the account the entire driveway area.
 - a. The existing impervious coverage calculation on the "Driveway Variance Plan" states that the stone driveway occupies 1,465 square feet, and the proposed condition will occupy a total of 3,683 square feet, reflecting an additional 2,218 square feet of impervious coverage from the driveway. The applicant shall confirm.
9. The "Statement of Legal Basis for Granting Variances Sought" states that many of the neighboring properties have circular driveways, and that the expanded driveway will not have a negative impact with regard to stormwater management.
 - a. Has the applicant conducted an analysis of stormwater runoff on the property?
 - b. Is the applicant proposing any stormwater management on the property?
 - c. Has the applicant considered reducing the area of the proposed rear patio as a means to better conform to the impervious coverage requirement? As currently proposed, the proposed rear patio will consist of 515 sq. ft.
 - d. While still requiring variance relief from the Borough's ordinance for impervious coverage, has the applicant considered installing porous pavers for the rear patio and/or proposed driveway as a means to mitigate the requested relief?
10. There is a note on the "Driveway Variance Plan" which states, "Proposed 515 S.F. paver patio (install steps if required.)" What is meant by "install steps if required"? We note there

doesn't appear to be a significant grade change in this area, based upon the spot elevations shown on the plan.

11. The applicant has not submitted details pertaining to the height of the proposed decorative pillars. The material is noted on the plans as being stone. The applicant shall submit details.

a. Is the area of the decorative pillars included in the impervious coverage calculation?

12. The applicant shall provide testimony pertaining to any discrepancies between the full-size engineering drawings and the reduced size (8.5 x 11) engineering drawings, both of which are prepared by Jensen Design Group, entitled "Driveway Variance Plan", and are dated January 18, 2021.

a. We note that the 8.5x11 drawing shows a portion of the driveway, located closest to the garage and encompassing 840 sq. ft., is noted as being paved, where the remainder of the driveway is proposed to consist of gravel with a Belgian block curb. The paved portion is not included on the full-size drawing. The applicant shall provide testimony pertaining to this discrepancy and shall address any additional discrepancies between the two drawings.

13. The applicant shall confirm that no changes are proposed to the dwelling at this time.

14. Is the applicant proposing any tree removal or landscaping?

15. The applicant shall provide testimony pertaining to whether outside agency is required, including Freehold Soil Conservation District and NJDEP/CAFRA.

a. It appears the improvements fall outside of the 300-foot buffer associated with Navesink River, which is classified as a category-one waterway. The applicant shall confirm.

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

Aerial Map of Property



Photographs of the Property taken 4/27/2021



Photograph of existing driveway and dwelling



Photo of existing secondary driveway curb cut and dwelling

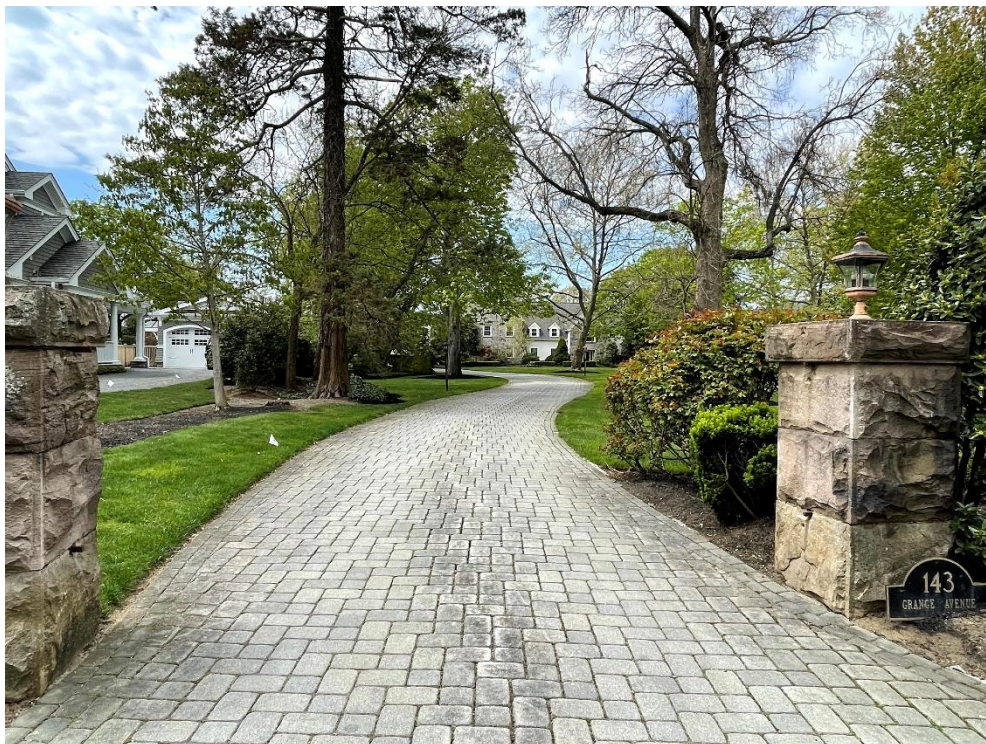


Photo of adjacent property (143 Grange Avenue)



Photo of property across Grange Avenue