

Planning & Real Estate Consultants

February 26, 2021

Edwin F. Gerecht, Jr., Chair
Long Hill Township Zoning Board of Adjustment
915 Valley Road
Gillette, New Jersey 07933

RE: Application: 2020-09Z
Applicant: Patrick and Erin Dwyer
Variances and Design Waivers Related to Home Addition and Installation of
In-Ground Swimming Pool
58 Delaware Avenue, Stirling, New Jersey
Block: 13204, Lot: 20
R-2 Residence District

Dear Chairperson Gerecht and Members of the Board:

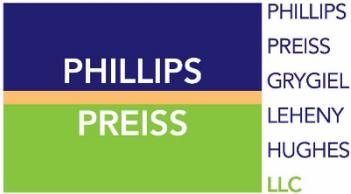
The following is a review letter of the above-referenced development application. The following documents have been reviewed:

- Application for Development for 58 Delaware Avenue, Stirling, NJ 07980 signed by Patrick Dwyer on November 1, 2020
- Architectural plans entitled "New Addition for Mr. and Mrs. Dwyer, 58 Delaware Avenue" consisting of 9 sheets prepared by O'Brien Architects, Inc. and dated September 2, 2020.
- "Plot Plan & Grading Plan Proposed Addition and Pool at Block 13204 Lot 20" consisting of 2 sheets prepared by Finelli Consulting Engineers dated July 16, 2020 with revisions through September 8, 2020.

Project Description

The proposed project involves the installation of an inground swimming pool, construction of a new family room, rear deck, and new basement access on Block 13204 Lot 20. The lot is located in the R-2 Residence zone and is otherwise known by the street address: 58 Delaware Avenue in Stirling. The lot is currently improved with a 2-story frame dwelling with an attached garage and rear deck. There are paved walkways connecting the driveway to the front door. The rear yard is characterized by steep slopes. Approximately $\pm 5,140$ square feet of the $\pm 25,408$ square foot site is shown on the site plan as critical environment area of steep slopes in excess of 15 percent. There is a frame shed in the northeastern corner of the property.

The Applicant proposes to install an inground ± 570 square foot, kidney shaped swimming pool and spa in a steeply sloped area of the rear yard. There will be a 4-foot wide concrete paver walkway surrounding the pool. There will be two nested 2.5-foot-high retaining walls located to the north of the pool as the property slopes downward in a northerly direction. A 4-foot high PVC gated fence will also be installed around the pool and extend to the rear elevation of the home. A portion of that fence will run along the upper most retaining wall. Other site improvements proposed to be



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located in the rear yard include an 18 square foot concrete pool filter pad and 13 foot by 13-foot roof drywell.

The Applicant also proposes to demolish the existing deck and construct a one-story addition to the existing home in that location. The addition will include a ±380 square foot family room with fireplace and chimney as well as a ±160 square foot covered deck with a stairway to the rear yard. To accommodate this addition an existing bay window will be removed on the rear façade. The addition will be clad in vinyl siding to match the existing house, although the chimney may be clad in masonry. There will also be other internal modifications including modifying walls and doorways on the first floor. The first floor renovations will involve 1,250 square feet of the existing 1,853 square feet. The basement will also expand by ±380 square feet under the living room to create a gym. There will be stairs from the existing basement to the gym. The Applicant also proposes to remove an existing stoop/stairwell from the existing basement and replace it with a new stairwell in a slightly modified location.

Zoning Compliance

The subject property is located within the Township’s R-2 Residence zone. A swimming pool is a permitted accessory use in the R-2 district subject to the requirements of Section 124.5. A zoning table indicating zone requirements and any variances required is provided below.

R-2 Residence Zone

Bulk Requirements	Required/ Permitted	Existing	Proposed	Relief Needed
Min. Lot Area (sf.)	45,000	25,408	25,408	EN
Min. Lot Width (ft.)	150	120	120	EN
Min. Floor Area (sf.)	1,500	3,315	3,619 ¹	—
Max. Height of Building (stories/feet)	2.5/35	2/34	2/34 ²	—
Min. Front Yard (ft.)	75 ³	50.7	50.7	EN
Min. Side Yard (ft.) of one yard	25 ⁴	18	18	EN
Min. Side Yard (ft.) of both yards ⁵	36	±34.75	±34.75	EN
Min. Rear Yard (ft.)	50	91.5	82.7	—
Max. Lot Coverage (%)	20	20.6 (±5,234 SF)	26 (±6,630 SF)	V ⁶
Max. Floor Area Ratio (sf)	4,525	±3,316	±3,856 ⁷	—
Residential Sheds/Accessory Structures⁸				
Accessory Structure Setback from Rear or Side Lot Line (ft.)	10	>10	>10	—
Each Property Shall Be Limited To One Shed (ft.)	1	1	1	—
Maximum Shed Size (sf)	100	<100	<100	—
No accessory structure shall exceed 20 feet in height (ft.)	<20	<20	<20	—
Regulations Applicable to Swimming Pools⁹				
Distance from Principal Building (ft.)	10	N/A	TBD	TBD
Distance from Accessory Building (ft.)	6	N/A	>6	—
Distance from Rear Lot Line (ft.)	20	N/A	>20	—
Distance from Side Lot Line (ft.)	20	N/A	>20	—

EN= Existing Non-Conformity

V= Variance

¹ This number should be confirmed. The Applicant indicates on page A-1 of the Architectural Plan that there will be 304 square foot increase in floor area. The living room is proposed to be ±380 square feet and the additional covered porch is proposed to be ±160 square feet (since it is covered the porch counts toward building area) which totals ±540 square feet. The additional basement floor area is excluded from floor area calculations. The Applicant should indicate the square footage of any demolition to account for the difference between ±540 and ±304 square feet.

² The Applicant should provide the measurements for height on the architectural plan.

³ The Applicant indicates the front yard setback is 50 feet in the zoning table on the site plan. The required front yard setback in the R-2 zone is 75 feet.

⁴ The Applicant indicates the rear yard setback is 12.5 feet in the zoning table on the site plan. The required side yard setback in the R-2 zone is 25 feet.

⁵ Aggregate width of side yards shall equal at least thirty (30) percent of lot width at the building line which in this case is 36 feet. The zoning table should reflect this requirement and the proposed project's compliance with said requirement.

⁶ The existing improvements on the existing lot exceed the maximum lot coverage permitted in the zone. However, since the deviation is increasing from 20.6% to 26% a variance is required.

⁷ These numbers were calculated from the percentages provided in the zoning table on the site plan. Floor Area Ratio in Long Hill is provided in square feet. The zoning table should be revised to reflect the FAR in square feet. Please note that the increase in floor area indicated in the zoning table is ±540 square feet which is consistent with the total square footage of the proposed living room (i.e., ±380 square feet) and the additional covered porch (i.e., ±160 square feet).

⁸ The Applicant should provide a zoning table on the site plan for the requirements related to accessory structures and residential sheds in order to ensure conformance of the existing shed with the ordinance.

⁹The Applicant should provide a zoning table on the site plan for the requirements related to swimming pools in order to ensure conformance with the ordinance.

In addition, the Applicant requires the following “c” bulk variances:

- **LU 142.1a:** No principal building, accessory building, parking area, pool, tennis court, patio or deck shall be located in whole or in part within a critical area. **The Applicant’s plans show that ±5,140 square feet of critical steep slopes area (i.e., steep slopes in excess of 15 percent).**
- **LU 142.1d:** All single family lots shall provide a principal building setback of at least 50 feet from any critical area located in the front or rear yard of the lot, and 25 feet from any critical area located in the side yard of the lot. **The proposed addition will be approximately 8 feet from the critical area located in the rear yard.**
- **LU 154.1e.3:** Retaining walls shall not exceed four feet in height in the front yard or six feet in height in the side and rear yards. In the event a guard rail or other restraining device is provided at the top of the wall, the wall height shall be measured to the top of said restraining device. **The proposed retaining wall closest to the pool is proposed to be 2.5 feet. The proposed fence on top of the wall is proposed to be 48 inches (but may be increased to 54 inches to comply with the Ordinance). The sum total of the height of the wall and fence will be approximately 6.5 feet which exceeds the 6-foot maximum.**

The Applicant requires the following design waivers:

- **LU 154.1(d)3:** A private residential swimming pool shall be surrounded by a fence at least 54 inches in height but no more than six feet in height, with a self-latching gate. **The Applicant is proposing a fence surrounding the pool of 4 feet (i.e., 48 inches in height).¹**

More information is required to determine if variance relief is needed from the following provisions of the zoning ordinance:

- **LU 142.1c.** In addition to the maximum lot coverage requirements established by the Schedule of Bulk Requirements, no development in the Township shall provide more than 70% impervious surface coverage of the noncritical area of the lot. **The Applicant should provide a breakdown of the total critical areas and non-critical areas on the lot to determine whether a variance from this section of the Ordinance is required.**

¹ We note that in Section LU 124.5f of the Land Use Ordinance it states, “In any case where the top of the swimming pool is at or below ground level or not in excess of two feet above ground level, the swimming pool area shall be enclosed with a substantial fence not less than four feet high.” If the Applicant were to provide a 54-inch high fence around the pool the fence would satisfy both Sections LU 154.1(d)3 and LU 124.5f of the Ordinance.

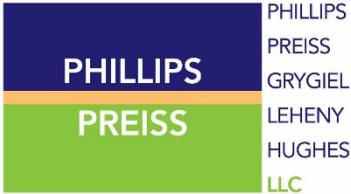
Planning Review Comments

1. There are “c” bulk variances required for this application. For “c” bulk variances there are two forms of affirmative proof. Either the Board must find that “by reasons of exceptional narrowness, shallowness or shape of a specific piece of property...the strict application of any regulation...would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the developer of a property.” The applicant need only demonstrate that the property’s unique characteristics inhibit “the extent” to which the property can be used.

Or, alternatively, the Board must find that one or more purposes of zoning would be advanced by the deviation and the benefits of granting the variance(s) for this specific piece of property would substantially outweigh any detriment.

In addition, the Board must be satisfied that the granting of the variance would not cause substantial detriment to the public good, i.e., on nearby properties. In other words, the Board must evaluate the impact of the proposed variances on adjacent properties. Additionally, the Board must be satisfied that granting the variance would not substantially impair the intent and purpose of the zone plan and zoning ordinance.

2. The Applicant shall provide testimony on the required design waiver(s). The Board may grant these waivers if they find that granting the waivers is reasonable and within the general purpose and intent of the site plan review, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.
3. The Applicant should provide a breakdown of the total square footage of floor area added by room, as well as the square footage of any floor area to be demolished.
4. The Applicant should provide a breakdown of how impervious coverage was calculated by building area, pool, shed, driveway, walkway, filter pads, drywells, etc.
5. The Applicant should provide a breakdown of square footage for the total critical areas on the lot and the total non-critical areas on the lot.
6. The Applicant should address the footnotes in the zoning compliance table provided above and make any modifications/clarifications as necessary:
 - Footnote 1: Minimum floor area should be confirmed. The Applicant indicates on page A-1 of the Architectural Plan that there will be 304 square foot increase in floor area. The living room is proposed to be ±380 square feet and the additional covered porch is proposed to be ±160 square feet (since it is covered the porch counts toward building area) which totals ±540 square feet. The additional basement floor area is excluded from floor area calculations. The Applicant should indicate the square footage of any demolition to account for the difference between ±540 and ±304 square feet.
 - Footnote 2: The Applicant should provide the measurements for height on the architectural plan.



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- Footnote 3: The Applicant indicates the front yard setback is 50 feet in the zoning table on the site plan. The required front yard setback in the R-2 zone is 75 feet.
- Footnote 4: The Applicant indicates the rear yard setback is 12.5 feet in the zoning table on the site plan. The required side yard setback in the R-2 zone is 25 feet.
- Footnote 5: Aggregate width of side yards shall equal at least thirty (30) percent of lot width at the building line which in this case is 36 feet. The zoning table should reflect this requirement and the proposed project's compliance with said requirement.
- Footnote 8: The Applicant should provide a zoning table on the site plan for the requirements related to accessory structures and residential sheds in order to ensure conformance of the existing shed with the ordinance.
- Footnote 9: The Applicant should provide a zoning table on the site plan for the requirements related to swimming pools in order to ensure conformance with the ordinance.

7. We defer to the Township Engineer for comments regarding the adequacy of the stormwater management on the site, any proposed landscaping and the intensity of any proposed lighting.

We trust that the above information is responsive to your needs.

Respectfully submitted,

Elizabeth Leheny, AICP, PP

cc: Debra Coonce
Rich Keller, PE, PP, CME
Jolanta Maziarz, Esq.

J20016