



Planning & Real Estate Consultants

April 29, 2021

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

RE: Application: 2021-01Z
Applicant: Joe and Carla Jbeily
Lot Coverage Variance Related to Addition and Installation of In-Ground Swimming Pool
75 Cottage Place, Gillette, New Jersey
Block: 13407, Lot: 28
R-3 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 75 Cottage Place, Gillette, NJ 07933 signed by Joe and Carla Jbeily and dated February 19, 2021
- Architectural plans entitled “Proposed Alteration to Existing Structure for Mr. and Mrs. Jbeily, 75 Cottage Place, Gillette, Morris County, NJ,” prepared by Scialla and Associates Architects, Incorporated consisting of 6 sheets and dated June 4, 2020.
- “Variance Grading Plan for Lot 28 Block 13407, 75 Cottage Place Township Of Long Hill, Morris County, New Jersey,” prepared by Murphy & Hollows Associates LLC consisting of 3 sheets and dated January 6, 2021

Project Description

The proposed project involves expanding the existing family room and kitchen and installing an inground swimming pool in the rear yard on Block 13407, Lot 28. The lot is located in the R-3 Residence zone and is otherwise known by the street address: 75 Cottage Place in Gillette. The lot is currently improved with a single-family home. The lot slopes downward from Cottage Place. As such, from Cottage Place the home appears to be single-story. However, a ground-floor garage and basement area are exposed on the south and east elevations.

The Applicant proposes to enlarge the existing first story family room and kitchen and create an office area and relocated laundry room off of the rear second story. The enlarged family room and kitchen will have a new vaulted ceiling. The Applicant proposes to replace an existing deck with a new deck accessed from the new family room and kitchen. The addition will be clad in the same material as the existing home. The deck will have a spiral staircase to the backyard. On the basement level, the Applicant proposes a new bathroom and new patio below the new kitchen. The area under the deck will be decorative gravel. The home’s front porch entrance will

also be expanded by ±31 square feet with a pedimented portico. Aside from the portico the additions to the home will not be visible from Cottage Place.

In the eastern rear yard of the existing home the Applicant proposes a ±378 square foot roughly “L-shaped” swimming pool with a concrete surround totaling ±297 square feet. The pool will be approximately ±10 feet from the proposed deck and approximately ±11 feet from the proposed deck stairs. The pool will be surrounded by a fence and landscaping. A new row of landscaping will be placed between the pool and the lot line to the north of the property. A drywell will be located in the southeastern section of the rear yard. A retaining wall will be rebuilt in the rear yard of 3 feet in height. Where the wall exceeds 3 feet in height a fence or landscaping will be placed on top of it.

Zoning Compliance

The subject property is located within the Township’s R-3 Residence zone. A swimming pool is a permitted accessory use in the R-3 district subject to the requirements of Section 124.5. A zoning table indicating zone requirements and any variances required is provided below.

R-3 Residence Zone

Bulk Requirements	Required/ Permitted	Existing	Proposed	Relief Needed
Min. Lot Area (sf.)	30,000	20,733.4	20,733.4	EN
Min. Lot Width (ft.)	150	122.4	122.4	EN
Min. Floor Area (sf.)	1,500	2,137	2,648	EN
Max. Height of Building (stories/feet)	2.5/35	2/27.83	2/27.83	—
Min. Front Yard (ft.) in R-3	50	51.1	51.1	—
Min. Side Yard (ft.) of one yard	25	26.6	26.6	—
Min. Side Yard (ft.) of both yards per R-3 Zone ¹	35.775	61.2	61.2	—
Min. Rear Yard (ft.)	40	69	61	—
Max. Lot Coverage (%)	20	23 (EN)	28 ³	V ²
Max. Floor Area Ratio (sf)	4,244	2,137	2,648	—
Regulations Applicable to Swimming Pools⁴				
Distance from Principal Building (ft.)	10	N/A	10	—
Distance from Accessory Building (ft.)	6	N/A	N/A	—
Distance from Rear Lot Line (ft.)	20	N/A	22	—
Distance from Side Lot Line (ft.)	20	N/A	21.3	—

EN= Existing Non-Conformity

V= Variance

¹ 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.

² The existing improvements on the existing lot exceed the maximum lot coverage permitted in the zone. However, since the deviation is increasing from 21% to 28% a variance is required.

³ The Applicant should note that per Section LU 136.2(g)1: If a deck is not covered, it is eligible for a 50% reduction in lot coverage if it meets requirements of Section LU 136.2(g)1(a)-(e).

⁴ 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.

Planning Review Comments

1. There is at least one “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 lot is sloped. The Applicant should provide testimony as to whether any of these slopes can be characterized as “Critical Area” under Long Hill’s Land Use ordinance, i.e., portions of the site having an average slope of 15% or greater measured across 10 vertical feet of contour. Further, the Applicant should provide testimony as to whether the proposed site disturbance as a gross area of disturbance of greater than 1,500 square feet. If disturbance of critical areas are 1,500 square feet or greater than additional “c” variances from Section LU 142 Critical Area Requirements would be required.
3. The Applicant should provide details on the height of the proposed retaining wall.
4. The Applicant should provide details on the fencing proposed around the swimming pool. Section LU 142.5(f) requires a fence of at least 4 feet around the pool. The Applicant should indicate compliance with this requirement.
5. The zoning table on the engineering plans should be revised to reflect the correct zoning requirements for the property. The property is in the R-3 Residence zone not the R-2 Residence zone.
6. The existing and proposed bulk table on the architectural and engineering plans are inconsistent with regard to lot area, building height, lot width, lot coverage, rear yard setback, and maximum floor area ratio. The zoning tables on the engineering and architectural plans should be revised to be consistent. The Applicant should provide testimony as to which table is correct. Both zoning tables should provide the relevant requirements for swimming pools.
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.



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Respectfully submitted,

Elizabeth Leheny, AICP, PP

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

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