

# TOWNSHIP OF MIDDLETOWN

## Zoning Board of Adjustment and Appeals

1 Kings Highway  
Middletown, NJ 07748-2594

JAMES HINCKLEY  
Chairman

AMY H. CITRANO, P.P., A.I.C.P.  
Director of Planning



ERIN URIARTE  
Zoning Board Secretary

Tel: (732) 615-2102  
Fax: (732) 615-2103

### ADDENDUM TO PLANNING TECH MEMO DATED 12/3/21

**DATE:** December 20, 2021  
**BOARD:** Zoning Board of Adjustment and Appeals  
**APPLICATION:** Sirois (#2021-016)  
24 Witches Lane  
Block 770, Lot 4  
R-45 Zone  
“Planning” Variance, Use “D6” Variance for Building Height Relief, and  
Bulk Variance for Front-Yard Setback and Number of Building Stories

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In addition to the variance relief identified in our Planning Technical memo dated 12/3/2021 that is required for the above-reference application, bulk “c” variance relief is required for maximum Stories permitted. The applicant is proposing a 3-story structure and 2 1/2 stories is the maximum permitted in the R-45 Zone.

#### **Statutory Requirements for the granting of bulk variance relief**

Based on the Municipal Land Use Law standard for granting bulk variance relief, the applicant shall indicate to the Board whether a “hardship” variance or “flexible C” variance will be sought for the bulk variance indicated above, and provide testimony supporting the chosen approach.

Physical Characteristics - N.J.S.A. 40:55D-70.C(1) (a/k/a Hardship Variance) – Testimony should indicate if strict application of the maximum requirement of number of building stories would result in peculiar and exceptional difficulties, or exceptional and undue hardship, to the applicant.

- By reason of exceptional narrowness, shallowness or shape of a specific piece of property;
- By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property;
- By reason of an extraordinary or exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

Benefits Outweighing Detriments - N.J.S.A. 40:55D-70.C(2) (a/k/a Flexible C Variance) - The applicant may also establish, in the absence of proving “hardship,” whether the granting of a variance will further the purposes of the Municipal Land Use Law, and if the benefits of granting the variance will substantially outweigh any detriment.

#### **Many Neighborhoods. One Middletown!**

Belford ◦ Chapel Hill ◦ Fairview ◦ Harmony ◦ Leonardo ◦ Lincroft ◦ Locust ◦ Middletown Village  
Monmouth Hills ◦ Navesink ◦ New Monmouth ◦ North Middletown ◦ Nut Swamp ◦ Oak Hill ◦ Port Monmouth ◦ River Plaza

Negative Criteria - Additionally, with any type of C variance, testimony should confirm that the proposed improvements requiring bulk variance relief will not create a substantial detriment to the public good or substantial impairment of the intent and purpose of the Master Plan and the Zoning Ordinance.

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## DOCUMENTS REVIEWED

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- Critical Slopes Survey, consisting of one sheet, prepared by Richard E. Stockton & Assoc., Inc., dated August 31, 2021;
- Location Survey, consisting of one sheet, prepared by Richard E. Stockton & Assoc., Inc., dated August 15, 2021;
- Variance Plan, consisting of one sheet, prepared by Richard E. Stockton & Assoc., Inc., dated August 15, 2021;
- Alterations and Additions Plan, consisting of eight sheets, prepared by Studio ONE Architects, dated April 8, 2021 and last revised September 21, 2021;
- Certificate of Appropriateness from Middletown Landmarks Commission, May 2021;
- Application for Development Permit;
- Zoning Officer Denial Letter;
- Property Modification Approval from Monmouth Hills Inc.;
- Certification of property taxes; and
- Deed for subject property.

I reserve the right to make additional comments based upon the submission of additional documents or testimony presented to the Board.

**Report Prepared by:**

  
Amy H. Citrano, PP, AICP

Director of Planning

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