

# TOWNSHIP OF MIDDLETOWN

## Zoning Board of Adjustment and Appeals

1 Kings Highway  
Middletown, NJ 07748-2594

JAMES HINCKLEY  
Chairman



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### TECHNICAL MEMORANDUM

**DATE:** June 29, 2022  
**BOARD:** Zoning Board of Adjustment and Appeals  
**APPLICATION:** Ignazio Giuffre  
2 Browns Dock Road  
Block 885, Lot 15  
R-110 Zone  
Bulk "C" Variances for Side Yard Setback, Lot Coverage, and Cabana Size

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### PROJECT DESCRIPTION & VARIANCE SUMMARY

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The applicant is proposing to construct an 1,800 s.f. inground pool and 2,009 s.f. associated patio; 2,471 s.f. lawn terrace; 1,004 s.f. hedge garden; 1,327 s.f. (1,041 s.f. interior space and 287 s.f. covered porch) cabana/pool house; 2,035 s.f. car library; and 960 s.f. detached garage. Bulk variance relief is required for accessory side yard setback where 40 feet is required and 26.7 feet is proposed; lot coverage where 10% is the maximum permitted and 15.6% is proposed; and cabana size where 250 square feet is permitted and 1,041 s.f. is proposed.

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### PROPERTY DESCRIPTION, ZONING AND SURROUNDING LAND USES

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The subject property contains an area of approximately 4.6 acres on 2 Browns Dock Road in the R-110 Residential Zone District. The rear of the lot slopes downwards backing up to the Navesink River. The site is currently developed with a 2-story, single-family dwelling, stone driveway, spa with pool and patio, rear patio, riverside deck, A/C patio, rubber mulch playground area towards the rear of the property, and a dock leading to the river.

The subject property is surrounded by predominantly residential uses in the R-110 Zone District. The rear of the lot fronts Navesink River.

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### PLANNING COMMENTS

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#### **A. Variances**

The proposed development requires variance relief from minimum side yard setback for accessory structures, maximum lot coverage, and maximum cabana size requirements. Section 540-905A2 requires a 40 foot side yard setback where 26.7 feet is proposed for the detached 2-car garage. Section 540-905B.(2)(b) permits a 10% maximum lot coverage where 15.6% is proposed. Section 540-203 permits a 250 square feet maximum cabana size where 1,327 square feet is proposed.

**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

### **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 variances 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 setback and lot coverage requirement 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.

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.

### **B. Cabana Size- Additional Regulations**

The applicant shall address compliance with the additional regulations for cabanas:

As per Section 540-203, the pool cabana must be seasonal (closed for at least 90 days) and is not permitted to have heating equipment, air conditioning, contain a full-service kitchen or be designed for cooking or sleeping. *This shall be made a condition of approval.*

A deed restriction containing the following language to be filed with the Monmouth County Clerk's office: The grantor and grantee specifically represent and warrant that this deed contains a deed restriction whereby the cabana use will not contain heating equipment, bedroom and/or living quarters, full service kitchen or be designed for cooking or sleeping. This deed restriction is intended to prohibit conversion to a habitable space. *This shall be made a condition of approval.*

### **C. Proposed Game Trophy Room / Car Library** – The applicant shall provide in testimony the proposed use of the car library. The Plot Plan indicates a 2,035 s.f. car library whereas the architectural plan set indicates the same space as a game/trophy room totaling 2,490 s.f.

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### **MISCELLANEOUS**

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1. Grading Plan approval from the Township Engineer shall be made a condition of approval.

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**DOCUMENTS REVIEWED**

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- Alteration/Addition Plan, consisting of seven sheets, prepared by Monteforte Architectural Studio LLC, dated February 18, 2022;
- Preliminary/Final Minor Site Plan, consisting of one sheet, prepared by Shore Point Engineering, dated January 18, 2022, last revised May 16, 2022;
- Survey of subject property, consisting of one sheet, prepared by InSite Surveying, LLC, dated December 20, 2021;
- Project narrative;
- Certification that property taxes are current;
- Deed for the subject property;
- Zoning Officer denial; and
- Development Permit Application

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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## LOCATION MAP

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