

TOWNSHIP OF MIDDLETOWN

Zoning Board of Adjustment and Appeals

1 Kings Highway
Middletown, NJ 07748-2594

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TECHNICAL MEMORANDUM

DATE: October 13, 2022 (1st Review 6/29/2022)
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

The applicant submitted revised plans. Our planning tech memo has been updated as per the revised plans. New text is noted in **bold**, and text no longer applicable is ~~struck out~~.

Significant changes to the original plan include:

- 1) Revised location of the pool, patio and cabana/pool house, now situated more to the rear of the home.
- 2) Reduction in the size of the proposed cabana/pool house.
- 3) Reduction in the size of the pool from 1,800 sf to 1,155 sf.
- 4) Reduction in the size of the pool patio from 2,009 sf to 1,144 sf.
- 5) Reduction in the overall proposed lot coverage (variance still required).

No changes in the area, dimensions or setbacks for the proposed 2-car detached garage, or proposed car library. Variance relief for side yard setback is still required for the 2-car garage.

PROJECT DESCRIPTION & VARIANCE SUMMARY

The applicant is proposing to construct an **1,155 s.f.** ~~1,800 s.f.~~ inground pool and **1,144 s.f.** ~~2,009 s.f.~~ associated patio; **820 s.f. roof terrace**; ~~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. 2-car detached garage. Some modification to the existing driveway is proposed to service the proposed car library. 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 **12.8%** is proposed; and cabana size. ~~15.6% is proposed~~; and ~~cabana size where 250 square feet is permitted and 1,041 s.f. is proposed~~.

PROPERTY DESCRIPTION, ZONING AND SURROUNDING LAND USES

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, **roofed outdoor**

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

kitchen, spa pool, rear patios, riverside deck, 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.

PLANNING COMMENTS

A. Variances

The proposed development requires variance relief from minimum side yard setback for accessory structures, maximum lot coverage, and maximum cabana size requirements.

- 1) Section 540-905A2 requires a 40 feet side yard setback where 26.7 feet is proposed for the detached 2-car garage. **The Zoning Schedule on Sheet 1 of the Plot Plan shall be revised to indicate a proposed side yard setback for the 2-car garage as an Accessory Side Yard Setback. The 2-car garage is considered detached as per the Township definition for “Garage” such that the breezeway connection does not encompass more than 50% of the wall of the garage.**
- 2) Section 540-905B.(2)(b) permits a 10% maximum lot coverage where **12.8%** is proposed. ~~15.6% is proposed.~~ **The Site Coverage Chart on Sheet 1 of the Plot Plan calculates the proposed lot coverage incorrectly. The entire existing rear patio shall be included in the calculation not just the portion exceeding 1,000 s.f. Also, if the pool water surface area exceeds 800 s.f. the entire surface area is included in the lot coverage calc. not just the portion exceeding 800 s.f. The applicant shall re-calculate the proposed lot coverage.**
- 3) Section 540-203 permits a 250 square feet maximum cabana size. **The revised plans modify the proposed cabana/pool house design. The applicant shall indicate in testimony the proposed area of the cabana in order to determine compliance with Section 540-203.** ~~where 1,327 square feet is proposed.~~

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 bulk requirements 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. **Additionally, the proposed car library will be considered an Accessory Structure because the architectural connection with the principal dwelling does not encompass more than 50% of the wall of the garage. The Zoning Schedule shall be updated accordingly.**

D. Proposed 2-car detached garage – **The proposed 2-car detached garage will be 24' wide and 40' long. Section 540-619B restricts private garage space to no more than five vehicles on lots 45,000 sf and greater. In addition to the proposed 2-car garage, the applicant proposes a car library. The applicant shall indicate in testimony the total number of vehicles that will be stored/parked in both structures to determine compliance with this design standard.**

MISCELLANEOUS

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

DOCUMENTS REVIEWED

- Alteration/Addition Plan, consisting of **nine seven** sheets, prepared by Monteforte Architectural Studio LLC, dated February 18, 2022, **last revised October 7, 2022;**
- Preliminary/Final Minor Site Plan, consisting of one sheet, prepared by Shore Point Engineering, dated January 18, 2022, last revised **October 5, 2022** ~~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

LOCATION MAP

