

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: 2021-06Z
Applicant: Marco Cavallari
Lot Coverage Variance Related to Installation of In-Ground Swimming Pool
95 E. Rayburn Road, Millington, New Jersey
Block: 12702, Lot: 38
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 95 E. Rayburn Road, Millington, NJ 07946 signed by Michael Selvaggi, Esq. and dated March 10, 2021
- Property Survey of 95 E. Rayburn Road prepared by Martin A. Grant and dated January 19, 2018.
- Pool Site Plan for 95 E. Rayburn Road prepared by Lantelme, Kurens & Associates, P. C. Engineers & Land Surveyors consisting of 1 sheet and dated December 30, 2020.

Project Description

The proposed project involves installing an inground swimming pool in the rear yard on Block 12702, Lot 38. The lot is located in the R-3 Residence zone and is otherwise known by the street address: 95 E. Rayburn Road in Millington. The lot is located at the southeast corner of E. Rayburn Road and Shawnee Path. The house is oriented toward E. Rayburn Road and the driveway is accessed from E. Rayburn Road. The lot is currently improved with a 2-story single-family home. A deck extends from the rear of the home. There is a ±200 square foot shed in the southeast corner of the rear yard. There is an AC pad along the southern façade of the existing home. There is also currently a wood platform and fire pit along the southern property line in the rear yard.

In the eastern rear yard of the existing home the Applicant proposes to remove the existing deck and replace it with a patio which would include an outdoor kitchen and fire pit. The patio will lead via a proposed paved path to a larger patio surrounding a proposed inground swimming pool. The pool will have a diving board and a spa. The shed will be relocated to just south of the proposed patio with outdoor kitchen. There would be proposed drainage chambers to the north of the pool. The pool would have two proposed fire bowls. An existing vinyl fence surrounds the western, northern, and eastern portions of the rear yard. A post and rail fence is on the adjacent property to

the south along the shared lot line. A landing from the rear of the home is proposed to be covered. A proposed silt fence would surround all sides of the rear yard. The Application indicates that the pool fence and gate will conform to the requirements of the Township code.

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 | 30,000 | 30,000 | — |
| Min. Lot Width (ft.) | 150 | 150 | 150 | — |
| Min. Floor Area (sf.) | 1,500 | >2,258 | >2,258 | — |
| Max. Height of Building (stories/feet) | 2.5/35 | 2/Not Provided | 2/Not Provided | TBD |
| Min. Front Yard (ft.) from E. Rayburn | 50 | 75.8 | 75.8 | — |
| Min. Front Yard (ft.) from Shawnee Path | 50 | 62.3 | 62.3 | — |
| Min. Side Yard (ft.) of one yard | 25 | 24.1 | 24.1 | EN |
| Min. Side Yard (ft.) of both yards ¹ | 45 | 86.4 | 86.4 | — |
| Min. Rear Yard (ft.) | N/A | N/A | N/A | N/A |
| Max. Lot Coverage (%) | 20 | 20.3 (EN) | 27.1 | V ² |
| Max. Floor Area Ratio (sf) | 10,200 | <10,200 | <10,200 | — |
| Regulations Applicable to Swimming Pools³ | | | | |
| Distance from Principal Building (ft.) | 10 | N/A | >10 | — |
| Distance from Accessory Building (ft.) | 6 | N/A | >6 | — |
| Distance from Rear Lot Line (ft.) | 20 | N/A | N/A | — |
| Distance from Side Lot Line (ft.) | 20 | N/A | 22 | — |

EN= Existing Non-Conformity V= Variance

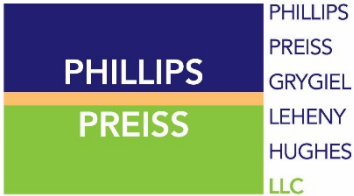
¹ Aggregate width of side yards shall equal at least thirty (30) percent of lot width at the building line which in this case is ±45 feet. The zoning table should reflect this requirement and the proposed project’s compliance with said requirement.

² The existing improvements on the existing lot exceed the maximum lot coverage permitted in the zone. However, since the deviation is increasing from 20.3% to 27.1% a variance is required.

³ 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 a “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



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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 should provide information on whether the existing wood platform and fire pit will remain in light of the proposed fire pit on the proposed patio.
3. The Applicant should provide details on any proposed landscaping around the pool area.
4. The renderings included in the application package show the pool with a spa in a different location than shown on the site plan. The renderings also show a pool slide which is not shown on the site plan and do not show a diving board which is shown on the site plan. The renderings also show the patio and outdoor kitchen with fire pit area with a roof covering. The site plan is not clear as to whether a roof covering is proposed over this area. The Applicant should provide testimony clarifying what is actually proposed for the property.
5. 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.

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