



REVIEW MEMORANDUM

April 24th, 2024

Joanna Roberts, Board Secretary
Borough of Metuchen Zoning Board
500 Main Street
Metuchen, NJ 08840

Re: **Review Memorandum**
48 Home Street
Block: 184, Lot(s): 73
R-2 Zone
Metuchen, NJ 08840
App #: 24-1379

Dear Ms. Roberts:

Please be advised that I have reviewed the revised application resubmitted by Adam and Nicole Spector to the Zoning Board of Adjustment ("Board").

Completeness Review

In accordance with Article 3 of the Metuchen Land Use Development Ordinance ("MLDO"), I reviewed the revised application, received on April 12th, 2024, and find it to be **complete** as of April 15th, 2024

Existing Property

The subject property is located within the R-2 Residential District. The three (3) bedroom, two (2) story single family dwelling currently consists of an existing nonconforming one car garage, an existing nonconforming accessory shed and a driveway. The dwelling has approximately fifty (50) feet of frontage along Home Street and is 6,000 square feet in area. The property is located off of Woodbridge Avenue, southeast of the Downtown Core.

Variance Relief Required

The Applicant is seeking Bulk "C" Variance Relief from the following zoning parameters

- 110-64: Minimum Lot Size (**pre-existing, triggered by coverage variance**)
- 110-64: Minimum Lot Width (**pre-existing, triggered by coverage variance**)
- 110-64: Maximum Impervious Coverage (**new variance**)
- 110-64: Maximum Building Coverage (**new variance**)
- 110-64: Front Yard Setback (**pre-existing, triggered by coverage variance**)
- 110-64: Minimum Side Yard (Left) (**pre-existing, triggered by coverage variance**)
- 110-64: Side Yard Combined (**pre-existing, triggered by coverage variance**)
- 110-112.6: Required Setback for Accessory Structures (Both Garage and Shed)



Planning Review

In accordance with Section 110-60 of the MLDO, any such relief shall require a variance pursuant to N.J.S.A 40:55D-70c:

"C" Variances

- The Board must determine whether Applicant has provided sufficient testimony to justify the granting of variance relief by satisfying the positive criteria, based on either the "c(1)" or "c(2)" criteria as well as the negative criteria, as follows:

Positive Criteria: Applicant shall provide testimony that satisfies the positive criteria based on either the "c(1)" or "c(2)" criteria:

1. In the case of a "c(1)" variance, which is often referred to as the "hardship" variance, Applicants must meet the physical features test, as provided by N.J.S.A. 40:55D-70.c(1). Applicants must prove hardship where: (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
2. In the case of a "c(2)" variance, which is often referred to as the "flexible-c" variance, Applicants need not prove hardship; however, Applicants must meet the public benefits test, as provided N.J.S.A. 40:55D-70.c(2). Applicants must show that in an application or appeal relating to a specific piece of property: (a) the purposes of the Municipal Land Use Law ("MLUL") at N.J.S.A. 40:55D-2 would be advanced by a deviation from the Ordinance, and (b) the (public) benefits of the deviation would substantially outweigh any detriment.

Negative Criteria: In addition, Applicant shall provide testimony that satisfies the negative criteria in two (2) parts; such testimony shall demonstrate that the variance or other relief:

1. Can be granted without substantial detriment to the public good and;
2. Will not substantially impair the intent of the purpose of the Master Plan and Ordinance

Plan Review

1. Variance Relief: Many of the requested variances are due to the lot being existing nonconforming. These variances are being triggered due to the project causing overages in building coverage percentage and impervious coverage percentage.
 - o Applicant shall provide C(1) Variance Testimony and/or C(2) Variance testimony wherever applicable and shall satisfy both the negative and positive criteria
 - o Applicant should provide testimony to the Board differentiating between the existing side yard setbacks (both individual and combined) of the existing home and the side yard setbacks of the proposed addition. This will reflect that the proposed addition is not being built fully out to the



- noncompliant side yards, showing that the Applicants are not exacerbating or building fully out to the existing nonconformities
 - The Applicants should consider applying the C(2) Variance proof criteria to the proposed deviations from the building coverage and impervious coverage maximums.
 - The Applicants should consider having ready the approximate height/floor area of the neighboring dwelling additions and photographs to be provided to the Board members as exhibits to aid in their variance testimony regarding their reference to the adjacent homes on Home Street having equal/larger additions. This will help prove a pattern in the neighborhood
2. **Landscaping Plan:** The Applicant's are proposing one (1) shade tree, one (1) flowering tree and one (1) street tree in conformance with the Borough's ordinance listed in section 110-112.7. the Applicant's are not proposing any foundation plantings along the existing foundation, however there are existing shrubs and a mulch bed within the front yard of the property.
- Proposed trees should be planted within a mulch bed in a "saucer" like fashion and should be secured to the ground by wooden stakes
 - As per L-1, the proposed foundation plantings are only shown to be proposed within the front mulch planting bed of the dwelling. The ordinance stipulates that foundation plantings should be planted along the sides of the dwelling and proposed addition, however this office generally finds the side plantings to be impractical due to the placement/orientation of the concrete strip driveway and existing patio on both sides of the dwelling
 - The Board should request clarification on the proposed species of flowering and shade trees within the front of the dwelling
 - The Board should recommend that the tree labeled "B" and the tree labeled "A" be switched so that the shade tree is closer to the street frontage
3. **Architectural Testimony:** Generally, there are no significant comments regarding the proposed elevations. However, after consulting with the Board Planner, the Applicant should consider reorienting the proposed eave and returned eave details to match the existing home for general consistency by returning the upper roof using a shallow roof reveal and extending the lower roof to a point, not a vertical line. The Applicants should also consider redesigning the proposed window trim surrounds to match the existing home (thicker trim with a more pronounced sill). Lastly, the Applicants should consider redesigning the arched picture window depicted on the rear elevation as it is inconsistent with the rest of the home.
4. **Existing Driveway:** The Applicants should provide testimony regarding the setback of the existing driveway to the side property line.
5. **Roof Drains:** The Applicants should provide clarity to the Board on the proposed roof leaders draining to the front yard. Applicants should clarify whether they are discharged to splash blocks to the front yard or whether they will be tied directly to the storm sewer, or if the roof leaders will drain via daylighting. If daylighting;



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- How far will the pipe be placed from the house and how far from the property line?
- If the leaders will be draining to splash blocks, the Applicants should show where the splash blocks will be located

Should you have any questions, please feel free to reach out at 732-632-8514 during the hours of 8 am to 4 pm Monday through Friday.

Sincerely,

Thomas J. DiMartino
Zoning Officer

Cc (via email):

Chris Cosenza AICP, PP, LEED AP, Board Planner
Robert Mannix PE, PP, CME., Board Engineer
Robert Renaud Esq., Board Attorney
Adam Colicchio Esq., Board Attorney
Steven T. Zmuda RA, Applicant Architect
Adam Spector, Applicant & Homeowner
Eric Ribadeneyra, Applicant Contractor