



REVIEW MEMORANDUM

May 30th, 2024

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

Re: **Review Memorandum**
58 Spear Street
Block: 219, Lot: 54
R-2 Zone
Metuchen, NJ 08840
App #: 24-1381 E

Dear Ms. Roberts:

Please be advised that I have reviewed the application submitted by Lori and Rich Lindemann ("Applicants") to the Zoning Board of Adjustment ("Board").

Completeness Review

In accordance with Article 3 of the Metuchen Land Use Development Ordinance ("Ordinance"), I reviewed the revised application, received on May 14th, 2024, and find it to be **complete**, as of May 15th, 2024.

Application Type / Relief Required

For background purposes, Applicant is seeking "c" variances from the following Ordinance regulations:

- §110-64: Minimum Lot Size (**Pre-Existing**)
- §110-64: Minimum Lot Width (**Pre-Existing**)
- §110-64: Front Yard Setback (**Pre-Existing**)
- §110-64: Minimum Side Yard Left
- §110-64: Minimum Side Yard Right
- §110-64: Minimum Side Yard Combined
- §110-64: Maximum Building Coverage
- §110-110: Permitted Projections (**Pre-Existing**)
- §110-112.3.B.(2): Driveway Setback (**Pre-Existing**)
- §110-112.4.C.(2): Patio / Walkway Setback (**Pre-Existing**)
- §110-112.6.B.(1): Accessory Structure Setback (**Pre-Existing**)



Existing Property

The existing property is located within the R-2 zone east of the Metuchen Downtown Core. The existing detached single-family dwelling comprises 4 (four) bedrooms, a rear yard shed, a 1 (one) -car garage and an existing nonconforming driveway, with approximately 50 (fifty) feet of frontage along Spear Street.

Proposed Work

The Applicants are proposing to demolish the existing 90 square foot deck in the rear of the property to construct a 447 square foot 1-story addition, with 2 dormers at the second level facing the rear of the property. The proposed scope of work is to include a new kitchen, remodeled living and dining spaces and 4 remodeled bedrooms.

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;
Will not substantially impair the intent of the purpose of the Master Plan and Ordinance



Planning Testimony

1. **Variance Relief:** Many of the requested variances are due to the lot being existing nonconforming. These variances are triggered due to the project proposing overages in the maximum building coverage percentage for the given zone.
 - Applicants shall provide C(1) and/or C(2) variance testimony wherever applicable and shall satisfy both the negative and positive criteria for each required variance.
 - Applicants shall highlight to the Board members that the proposed addition has a combined side yard setback total of 17.9 feet, which is a tenth of a foot from total compliance with the side yard requirements of the Ordinance. This shows that the addition is attempting to comply with the zoning requirements.
2. **Bedroom Count:** Both the demolition plan and the new floor plan show 4 (four) bedrooms as the total count, however the scope of work on sheet T-1 of the site plan diagram states that 2 (two) new bedrooms are being added. The Applicants shall make clear to the Board that the bedrooms are only to be remodeled and there are no additional bedrooms being added.
3. **Rear Patio & Deck Removal:** The Applicants shall provide clarity to the Board the section of the rear patio that is to be removed in addition to the deck removal, as the site plan diagram shows that a portion of the addition will occupy a section of the existing patio. The coverage checklist only references the 90 (ninety) square foot deck and should also encompass the square footage of the patio that is to be removed as well. The Applicants shall also provide clarity on the remaining patio, and how the rear door and stoop/stair landing will be accessible. If the portion of the patio which is closer than 1 (one) foot to the property line is to be removed, it is possible 1 (one) of the pre-existing variance triggers is eliminated.
4. **Proposed Sidewalk:** The Applicants should clarify to the Board that the proposed sidewalk along Spear Street will need to be wrapped around an existing, mature street tree in the Borough right-of-way. Furthermore, the Board should require that the sidewalk be extended across the driveway entrance and a driveway apron be provided. During construction, the Applicants shall coordinate with the Borough Zoning Office to obtain the necessary permits for a driveway/sidewalk apron. Additionally, the front walkway to the front entrance of the dwelling should be connected to the newly provided sidewalk. It is requested that the Board make this a condition of approval and shown on revised plans submitted to the Zoning Office prior to the issuance of building/zoning permits.
5. **Landscaping Plan:** This office generally has no objection to the lack of plantings along the northern side yard of the dwelling due to the presence of the paver walkway. While the rear plantings are not required by Ordinance, this office has no objection to the rear plantings along the base of the addition. The Applicants should provide clarity how access will be provided to the remaining portion of the patio at the rear of the addition with the placement of the rear plantings.
6. **Front Yard Shade Tree:** The Board should recommend that the Applicants shift the proposed front yard shade tree south towards the side lot line. Trees shall be planted in mulch in a saucer-like fashion and shall be secured to the ground by wooden posts.



BOROUGH OF METUCHEN

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7. **Plant/Tree Species**: The Applicant's should coordinate with the Borough Zoning Officer and submit a revised landscaping plan to the Zoning Office to finalize the species list of shrubs and trees to confirm they are in conformance with the recommended shrub and tree planting list before the issuance of building/zoning permits.
8. **Architectural Testimony**: After consultation with the Board Planner, this office has no comments on the proposed architectural style/detailing of the proposed addition.

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):

Lori Lindemann, Applicant & Homeowner
Steven T. Zmuda RA, Applicant Architect
Eric Ribadeneyra, Applicant's Contractor
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