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April 16, 2020

Marlboro Township Zoning Board
1979 Township Drive
Marlboro, NJ 07746

Re: Avetisyan (ZB19-6696)
Bulk Variance – Engineering and Planning Review #2
Block 287 Lot 36
Location: 430 Union Hill Road
Zone: R-20 (Residential)
Our File: H-MR-Z0287.01

Dear Zoning Board Members:

Our office received the following information in support of the above-referenced application for Bulk Variance approval:

- In ground Swimming Pool and Pool Cabana Plan (1 sheet) prepared by Geller Sive and Company dated October 24, 2019, last revised March 16, 2020;

In accordance with your authorization, we have reviewed this application for Bulk Variance Approval and offer the following comments:

1. Project Description

The subject 22,716 s.f. property is a land-locked parcel within an R-20 Zone District and contains no frontage upon an approved public right-of-way. Currently, the property contains a 2-story dwelling with associated walk and rear wood deck. Access is provided by a paved driveway via an existing easement from Union Hill Road through adjoining properties.

The Applicant is seeking Bulk Variance approval to install an in-ground swimming pool with associated patio and fencing and to construct a 1-story pool cabana (792 s.f.; 22 feet by 36 feet) with an attached covered porch/patio area (362 s.f.; 16 feet by 22 feet) along the east side of the property.

The Applicant was previously granted bulk variance approval per Resolution (ZB12-6439) dated June 5, 2012 to construct the existing dwelling and onsite improvements.

In general, the Plans have been revised to reduce the size of the proposed cabana (from 24 feet by 39 feet to 2 feet by 36 feet) and porch/patio (from 18 feet by 24 feet to roughly 16 feet by 22 feet), as well as the pool size.



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2. Surrounding Uses

Properties north, south and east of the subject property are similarly zoned R-20 containing a mix of residential parcels. Properties south of the subject site are zoned C-3 and contain commercial uses fronting upon Clayton Road.

3. Zoning Compliance

The subject property is situated within an R-20 Zone District. The table below summarizes the Bulk Measures and Zone Requirements for the property:

| <u>DESCRIPTION</u> | <u>REQUIRED</u> | <u>EXISTING</u> | <u>PROPOSED</u> |
|---------------------------------------|-----------------|---|---|
| Minimum Lot Area | 20,000 s.f. | 22,716 s.f. | 22,716 s.f. |
| Minimum Lot Frontage | 100 feet | 0 feet | 0 feet (EC) |
| Minimum Lot Width | 100 feet | 145 feet± | 145 feet± |
| Minimum Lot Depth | 150 feet | >150 feet | >150 feet |
| Minimum Front Yard Setback | 40 feet | 40.9 feet (dwelling) 36.5 feet (steps) | 40.9 feet (dwelling) 36.5 feet (steps) (EC) |
| Minimum Side Yard Setback | 10 feet | 27.8 feet | 27.8 feet |
| Minimum Rear Yard Setback | 50 feet | 54.3 feet | 54.3 feet |
| Maximum Building Height | 35 feet | <35 feet | <35 feet |
| Minimum Gross Floor Area | 1,500 sf | >1,500 s.f. | >1,500 s.f. |
| Minimum Ground Floor area | 1,000 sf | 2,223 s.f. ± | 3,015 s.f. ± (including cabana) |
| Maximum Percentage of Lot Coverage | 28% | 14.4% ± | 237% ± |
| Minimum Side Yard Setback (Accessory) | 10 feet | N/A | 11.9 feet (cabana) |
| Minimum Rear Yard Setback (Accessory) | 20 feet | N/A | 14.1 feet (cabana porch) (V) |
| Maximum Building Height (Accessory) | 15 feet | N/A | <15 feet |



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(EC) – Existing Condition (V) – Variance Required

The 2012 Resolution granted the following variances which would remain pertinent to the property:

- a. **Section 220-35D(5)** – Every principal building shall be built upon a lot with frontage upon a public street; the subject property provides no frontage upon a public right-of-way.
- b. **Section 220-56C (Table I)** – The minimum required front yard setback is 40 feet; 36.5 feet is provided to the front steps along the dwelling.

The Applicant has requested the following variances with this application:

- c. **Section 220-42G(3)** – Private swimming pool shall comply with the zoning regulations as to rear and side line requirements governing accessory buildings, whereby a 20 foot rear yard setback is required; 17.1 feet is proposed to the pool along the rear property line.
- d. **Section 220-56C (Table I)** – The minimum required rear yard setback for an accessory building is 20 feet; 14.1 feet is proposed to the cabana covered porch along the rear property line.
- e. **Section 220-140D(1)(Table III)** – The maximum permitted area for an accessory structure within an R-20 Zone shall be 550 s.f.; a 792 s.f. cabana with an attached 352 s.f. covered porch (1,154 s.f. total) is proposed.
- f. **Section 220-140D(1)(Table III)** – The maximum permitted total building coverage within an R-20 Zone shall be 14%; approximately 14.9% is proposed.

In addition to the above, the following variance appears necessary:

- g. **Section 220-42B(3)(f)** – There shall be no change in existing grade which raises any portion of the lot more than 3 feet above the existing ground level at a point 15 feet from the property line; the finished floor grade (127.6) for the cabana and covered porch raises the existing grade more than 3 feet within 15 feet of the side and rear property line.
4. The Applicant should be prepared to discuss the following issues with the Board:
- a. Compliance with any Conditions of Approval contained within the June 5, 2012 Resolution and/or any other prior Resolutions associated with the property.



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- b. The amenities associated with the proposed cabana, specifically whether utilities will be extended to same. The Board may wish to consider providing a Condition of Approval, if granted, that said cabana not be utilized as any bedroom and/or habitable living area.
 - c. The stormwater management of the property, including the need for any drywell system.
 - d. The need for any updated Survey Plan to be provided, whereby same dated December 14, 2016 is indicated as utilized.
 - e. Any permits/approvals required by outside agencies. The Applicant shall discuss the status of all outside agencies with the Board and copies of all outside agency approvals shall be forwarded to this office.
5. Based upon our review, the Plan should be revised to indicate the proposed height of the cabana, and include Accessory Building Height requirement to the Zone Data Schedule.

The right is reserved to present additional comments pending the receipt of revised plans and/or the testimony of the Applicant before the Board.

If you have any questions with regard to the above matter, please do not hesitate to call.

Very truly yours,

CME ASSOCIATES

Laura Neumann

Laura J. Neumann, PE, PP
Board Engineer and Planner

LJN/GAC/pg

cc: Marlboro Township Engineering Department
Ronald Cucchiaro, Esq. – Board Attorney
Artur Avetisyan – Applicant
Geller Sive and Company – Applicant's Engineer
Cirangle Architects – Applicant's Architect
Salvatore Alfieri, Esq. – Applicant's Attorney