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May 3, 2021
70587 00

Attn: Ms. Denise Schmied, Secretary
Southampton Township Zoning Board
5 Retreat Road
Southampton, NJ 08088-3591

Re: **Anderson Garage**
238 Red Lion Road
Block 1902, Lot 44
Bulk Variances for Proposed Garage Additions

Dear Board Members,

We have reviewed an application for Bulk Variances for the property referenced above, which included the following documents:

1. Planning Board & Zoning Board application form;
2. Checklist for C Variance, undated;
3. Applicants' Cover Letter, undated;
4. Zoning Officer Denial Letter, dated 10/22/20;
5. County Department of Health Letter, dated 03/10/21;
6. Plan of Survey, prepared by Tim J. Maser, PLS of Maser Surveying LLC in Southampton, NJ, dated 12/24/20;
7. Front, side, and plan view hand-drawn sketches (7) and truss plans (2) of proposed addition; and
8. Photographs (6) of existing property.

General Information

Applicant/Owner: Raymond & Linda Anderson
238 Red Lion Road
Southampton, NJ 08088

Applicant's Land Surveyor: Tim J. Maser, PLS
Maser Surveying, LLC
416 New Road
Southampton, NJ 08088

Development Proposal

The Applicant has an existing 576 SF detached, 2-car concrete block garage. It seeks to add a 516 SF (24' wide x 21.5' deep) frame addition to the rear of the existing garage, which can accommodate 2 more vehicles, and a 512 SF (16' wide x 32' deep) frame addition to the west side of the same which can accommodate 1 vehicle. (NJ RSIS vehicle parking sizes are 9'x18'.) Most of the additional garage space will be on the rear portion of an existing stone driveway.

The proposed 1,040 SF additions will make it a 1,604 SF accessory garage to the 1,798 SF 1-story frame single-family detached dwelling. It will be able to accommodate the storage of 5 vehicles. The new additions will have ABM metal panel cladding secured onto posts set into the ground pole-barn style.

Zoning Review: Rural Residential (RR) Zone

Use Requirements: The proposed garage is a permitted accessory use in this residential zone.

1. §12-4.1.c. indicates that a detached garage cannot accommodate more than 3 vehicles. **Because the proposed development will enable it to accommodate the storage of 5 vehicles, a bulk variance is required for this accessory structure. The Applicant should provide testimony about this as part of its bulk variance proofs.**

2. Ordinance 2020-11 adopted 11/17/20, after the 10/22/20 zoning denial but before the filing of the current application on or about 03/13/21, amended the existing §12-4.1.c. to indicate that a detached garage cannot exceed 1,260 SF in area. **Because the proposed 1,040 SF addition will increase the garage to 1,604 SF and exceed the maximum permitted area by 344 SF or 27%, another bulk variance is required for this accessory structure.**

Area and Bulk Requirements:

The last column in the following table indicates how the proposed development conforms to the area and bulk requirements in the RR zone based on the submitted property survey.

Dimensions	Require	Propose	Statu
Lot			
Min. Lot Area (Acres)	2	1.750	PE
Min. Lot Frontage (Feet)	100	111.2	C
Max. Total Lot Coverage (Percent)	20	9.5	C
Principal Building (Dwelling – No proposed)			
Accessory Structures (Proposed Garage with)			
Max. Floor Area less than Principal Building (Square		YES	C
Max. Accessory Building Coverage (Percentage)	1.5%	2.45	V
Max. Accessory Building Height (Feet)	35	16.17	C
Min. Front Yard Setback (Feet) <behind dwelling		YES	C
Min. Side Yard Setback (Feet)	6	5.95*	V
Min. Rear Yard Setback (Feet)	25	>35	C

PE = Pre=Existing condition not affected by proposed development and not requiring a variance;

C = Conforming; V = Variance required; and * = Applicant sketch indicates the proposed rear addition eaves will extend 0.75' (9") from building foundation, which is setback 6.7' from the side yard.

3. **The table above indicates that the proposed garage addition will require the following bulk variances:**
 - a. **From §12-3.9d.9 for having more than 1.5% of accessory building coverage, and**

 - b. **From §12-4.1b.2. for a side yard setback less than 6'.**

Bulk Variance Proofs

The proposed development will require four (4) bulk variances. The Applicant must provide testimony to justify the requested variances by using either the c(1) or c(2) proofs. For c(1) variances the Applicant must demonstrate that strict application of the zoning requirement would have “peculiar and exceptional practical difficulties to, or exceptional and undue hardship” upon the Applicant arising out of:

- a. The 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 and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.”

OR

For c(2) variances the Applicant must demonstrate:

- a. That the purposes of the MLUL would be advanced by a deviation from strict application of the zoning requirement;
- b. That the variance can be granted without substantial detriment to the public good;
- c. That the benefits of the deviation would substantially outweigh the detriment; and
- d. That the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

General Comments

- 4. The submitted survey indicates that the stone driveway extends around the northwest (left) and northwest (rear) sides of the existing garage; however, current aerial photography does not show this but does show another shed behind the garage. The Applicant should provide testimony to clarify the amount of existing approved and proposed stone driveway coverage. This may affect the zoning table above but will not require a zoning variance.
- 5. The Applicant should provide testimony indicating:
 - a. Whether the garage will have electrical, plumbing, or other utility services;
 - b. The locations and types of any proposed exterior lighting and provisions to ensure there will be no glare to adjacent properties; and
 - c. That no commercial business activity will be associated with the proposed garage. **If there will be any business activity will occur there, then a use variance will be required.**

The Applicant has the burden of proof to present “positive” and “negative” criteria to justify any use variance, as indicated below:

- 1. There are “special reasons” to grant the requested relief (e.g., is it “inherently beneficial”);
- 2. The site is particularly suited to the proposed use OR would be zoned into inutility without the variance;
- 3. The proposed will advance the purposes of the Municipal Land Use Law (MLUL) and Township’s Master Plan & Land Development Ordinance;
- 4. The variance can be granted without substantial detriment to the public good; and
- 5. The variance will not substantially impair the intent and purpose of the zone plan and zoning ordinances.
- 6. The survey plan indicates that a portion of the property is freshwater wetlands; however, it did not include a NJDEP letter of interpretation (LOI) indicating their location or required buffer width. The survey also indicates that the revised FEMA Flood Insurance Relief Map (FIRM) 100-year flood zone AE is about 22’ from the rear of the proposed addition. Our review of NJDEP GIS data indicates that the existing wetland corridor is more than 100’ from the rear of the proposed development within the forested part of the property. For these reasons, we would recommend a submission waiver for the LOI.
- 7. The survey plan did not provide any information about existing and proposed grading around the proposed addition to ensure that there will be no adverse stormwater runoff onto adjacent properties. Given the proximity of the proposed addition to Lot 43, the Applicant should provide testimony about this concern. We recommend that any Board approval be condition of the Board Engineer’s approval of a grading plan for the proposed development.

Outside Agency Approvals

8. Any approval is subject to applicant obtaining all required permits and approvals including the following and satisfying the review letters of the Board's Professionals.
 - a. Southampton Township Construction Office, and
 - b. Any and all others that may be required.

We reserve the opportunity to further comments as additional information becomes available.

Should you or the Applicant have any questions, please feel free to contact the undersigned.

Sincerely yours,



Rakesh R. Darji, PE, CME, PP
Zoning Board Engineer



Edward Fox, AICP, PP
Zoning Board Planner

RRD/ EF

cc: Raymond & Linda Anderson, Applicants, via email munch97@aol.com

Tim J. Maser, PLS, Applicant's Professional Land Surveyor via email masersurveying@aol.com

Thomas Coleman, Esq., Zoning Board Attorney tomcoleman@rclawnj.com