Long Branch Zoning Board of Adjustment
Ms. Courtney Lopez, Board Secretary
344 Broadway
Long Branch, NJ 07740

Re: Brian and Maureen Cullen (ZB 20-04)
Engineering Review No. 1
Block 473, Lot 14; Zone R-3
37 White Street

Dear Board Members:

As requested, I have reviewed the following as it relates to the referenced application:

- Development Plan Application prepared by Brian and Maureen Cullen dated July 7, 2020;
- Zoning Permit Denial with attachments prepared by Erik Brachman, Zoning Officer dated June 23, 2020;
- Survey of Property prepared by Michael L. Roman, PLS, P.P. of Main Street Surveying dated March 17, 2020, consisting of one (1) sheet;
- Architectural Plans prepared by CA Young Architecture, consisting of four (4) sheets, last revised May 5, 2020.

A single-family dwelling exists on the property. The applicant proposes to demolish a portion of the existing structure and construct a two-story addition to the rear of the remaining portion of the dwelling and expand the house towards the rear of the property. The property is located in the R-3 Zone. Vehicle access to the site is from White Street.

I offer the following for the Board’s consideration:

1.0 Off-site Improvements

1.1 Sidewalk and curb exists along the frontage on White Street. A note should be added to the plan that any curb or sidewalk damaged prior to or due to the construction shall be repaired to the satisfaction of the City Engineer or the Public Works department. Details for this work should be included on the plans.

2.0 Zoning

2.1 The applicant proposes to construct an addition to the existing structure. The proposed use is permitted on the site. Section 345-104 of the City Ordinance outlines the requirements for the zone.
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The existing lot contains the following non-conformities:

<table>
<thead>
<tr>
<th>Description</th>
<th>Required</th>
<th>Existing</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side Yard Setback</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One side</td>
<td>10’</td>
<td>15’</td>
<td>8’**</td>
</tr>
<tr>
<td>Both sides</td>
<td>20’</td>
<td>30’</td>
<td>18’*</td>
</tr>
<tr>
<td>Front Yard Setback</td>
<td>35’</td>
<td>9.9’*</td>
<td>9.9’*</td>
</tr>
<tr>
<td>Frontage</td>
<td>75’</td>
<td>50’*</td>
<td>50’*</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>35%</td>
<td>35.15%*</td>
<td>46.44%**</td>
</tr>
</tbody>
</table>

*Existing Variance  
**Proposed Variance or existing variance exasperation

Relief is required from these requirements unless variance approval has been provided in the past.

2.2 The plans indicate lot coverage of 46.44%, where 35% is permitted. The calculation appears to include all of the proposed improvements. The applicant should provide a summary of the coverages added and those removed to assure all required areas have been added. See comment 3.3.

2.3 Per City Ordinance, Section 345-42A requires that driveways be no closer than 10’ to the property line. The setback to the driveway should be provided on the plan. It measures approximately 2’. The actual setback should be provided. This is an existing condition shown to continue. Relief is required.

2.4 Section 345-11 P (6) a requires that in Residential Zones R-1 through R-8, or with regard to any single-family property in any other zone, any accessory building, such as but not limited to detached garages, cabanas, outbuildings, sheds, workshops, greenhouses, pool houses, animal shelters, etc., shall not be greater in floor area than 50% of the footprint of the principal structure or use located on the property and shall not exceed a total combined size of 700 square feet; The size of the existing garage should be provided. I note the Zoning denial indicates a zoning permit was issued on March 7, 1991 for a 16’x15’ shed. The applicant should address if the garage is what was constructed under this permit. It appears the garage exceeds the 700 SF permitted. Relief is required.

2.5 Section 345-10 (H) indicates “all yards facing on a public street shall be considered front yards and shall conform to the minimum front yard requirements for the zone in which they are located. A setback exception exists as follows: “The minimum front yard setback requirements in all residential zones shall be as indicated in the zoning schedule, except for the following listed conditions: Buildings shall be located a greater or lesser distance than the minimum allowed front yard setback when the pattern of existing buildings within 300 feet of either side of the lot on the same side of the street is established at a greater or lesser distance. When this condition exists, then the mean average existing setback distance shall control.” The applicant should address how their proposed front yard setback conforms to this requirement.
Section 345-11 V(1) outlines requirements for patios and decks for a one family use. Relief is required for the proposed decks as follows:

a. Section 345-11V(1b) requires any deck or patio in a side yard must be 10’ from any side or rear property line. The plans indicate a setback of 8’ to the deck.
b. Section 345-11V(1c) requires elevated decks are not permitted in the front yard. A balcony is proposed over the existing enclosed porch.
c. Section 345-11V(1b) requires elevated decks located in the side or rear yard meet the side or rear yard setback requirement for the zone. The proposed second story deck is shown at the 8’ setback, where a 10’ setback is required in the zone.

The setbacks to the AC units should be provided on the plan. The AC units appear to be within the required front yard setback and possibly the side yard setback. Relief is required should either setback be violated.

3.0 Grading Plan

3.1 Neither the survey nor the site plan indicates existing grades for the property. The site is shown in a Flood Zone X on the City 2009 FEMA maps. The Ordinance uses the most restrictive of the FEMA mapping. The January 31, 2015 mapping (attached) indicates the site in the AE 9 flood zone. An addition is required to be 2’ above any surrounding flood elevation. The applicant should address the elevation of the existing structure and if the proposed addition will need to be elevated higher than the existing finish floor. This could impact the proposed height. A jurisdictional determination from NJDEP is required. Please note relief is required if the proposed addition is not located a minimum 2’ above the flood elevation.

3.2 The City Grading check list requires that a grading plan be provided. If a grading plan is not required during the hearing, I recommend the resolution indicates a grading review was not performed so that one will be performed as part of the building permit process. Since grades are not provided a grading review has not been performed in accordance with City requirements. I recommend this be noted in any approval the Board may grant. A separate application and fee will be required to be provided to the City for the review if not done as part of the Zoning Board application. I also recommend the applicant be required to return to the Board should the review require changes from what is approved by the Board.

3.3 The applicant should address the topography of the property and if runoff drains to any of the neighbors. The plan does not propose any mitigation. I note that the grading checklist required the roof runoff for a 10-year storm be handled on-site for additions that exceed 50% of the existing structure. The applicant should address the ratio of the addition to the existing structure. Based on the zoning schedule it appears this criterion is exceeded.
3.4 Section 345-104 permits a height of 2 ½ stories or 30’. The height of the structure is measured from the average grade of the elevation around the proposed home. The grades are not provided. The architectural plans indicate that the proposed height is 29.9’ from the average grade. I can not confirm the proposed height without grades shown on the plans. This should be addressed by the applicant. Please note if the property is located with in a flood zone as noted in comment 3.1 above, the City Ordinance 345-10 A 4(a) allows the height of the structure to be increased a maximum of 10%, not to exceed 3’ above the permitted height.

4.0 General Comments

4.1 The number of bedrooms that exist on the site are not noted, as the existing footprint does not label the use of each of the rooms. The proposed layout labels four (4) rooms as bedrooms. The floor plans also indicate an enclosed den and office on the second floor. Section 345-3 of the Ordinance indicates a definition of a bedroom is “Any space or area in a building used for, but not limited to, the following: sleeping facilities, guest room, library, game room, sun room, private office, hobby room, den, sitting room, home gym, loft or any other similar-type use.” Based on this, the office and den would count each as a bedroom. Based on the floor plans provided, a total of six (6) bedrooms are proposed on the site. The City Ordinance requires 2.5 parking spaces be provided for the single-family structure up to four (4) bedrooms. Section 3645-10H indicates an additional space is required for each bedroom over four (4). Based on this, a total of 4.5 or 5 parking spaces is required by the Ordinance. RSIS requires that 2.5 spaces be provided for a four (4) bedroom structure. The regulations indicate that the number of spaces is rounded down when the fraction is 0.5 or less; therefore 2 spaces are required per RSIS. The applicant proposes to utilize the existing driveway with a modification at the garage. The applicant should address how parking is to be handled on the site and if the garage will be used to address vehicular parking. See comment 4.2 on the realignment of the driveway.

4.2 The plan indicates the applicant proposes to widen the access to the existing garage. The applicant should address if they propose to modify the existing garage. The side view of the existing home based on Google maps indicates the garage has two overhead doors. The widening of the drive appears to add driveway access to the second garage door. A detail of the proposed driveway construction should be added to the plan. This should be addressed.

4.3 The applicant should confirm that existing utilities are to be used. Any proposed additions to or changes to existing utilities should be shown on the plans and the associated disturbances shown. Existing utility connections should be shown on the plan. Limits of disturbance for any proposed utility or replacement of existing should be shown on the plan.

4.4 The applicant should address if the use of the existing garage contains or is proposed to contain any habitable space.
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4.5 The applicant should address if an attic and/or a basement is proposed. If they exist/ proposed the applicant should address if the attic or the basement will be used for habitable space. In addition, any habitable space in the basement or the attic may add to the bedroom count. I note that if the site is confirmed as located within a regulated flood zone, then a basement will not be permitted under the proposed addition and the height of the crawl space will be limited to the lowest existing grade around the building.

4.6 City Ordinance Section 345-42 C(7) requires “In no case shall more than 20% of any front yard area be used for parking or driveways in any R Residential Zone.” The applicants should provide the width of the existing drive in the front yard to confirm that this requirement is met.

4.7 The grading plan submitted for a grading permit should include the limit of disturbance for all work on and outside of the property. Soil Erosion and Sediment Control certification or exemption is required from Freehold Soil Conservation District. A copy of the certification/exemption should be provided. Copies of any plan used for the permit/exemption should be provided to the Board.

4.8 An original copy of the survey that is signed and sealed should be provided to the Board for their files.

4.9 Construction details of the proposed improvements, including the enclosure for the AC units and the sidewalk, should be added to the plan.

4.10 If the application is approved, final plans should be revised to provide a signature block for the Board Chairperson, Board Secretary and Board Engineer.

I reserve the right to make additional comments once the above information is requested. If you have any questions or require additional information, kindly advise.

Very Truly Yours,

Elizabeth M. Waterbury, P.E, P.P., C.M.E.
City of Long Branch
Zoning Board Engineer and Planner

cc: Michael A. Irene, Esq. via email
Brian Whiteman, Esq. via email brian@whitemanlawgroup.com
Brian and Maureen Cullen. via email maureencullen@icloud.com
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Aerial View from Google Maps

Street View from Google Maps
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Aerial View from Google Maps

FEMA FIRM mapping January 31, 2015