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July 30, 2020

VIA EMAIL AND U.S. MAIL

Dawn M. Farrell, Administrative Clerk
TOWNSHIP OF MONROE ZONING BOARD
125 Virginia Avenue, Suite 5A
Williamstown, New Jersey 08094-1768

Re: Use Variance (1st Review)
Plate 148, Block 14801, Lot 17
2731 Fries Mill Road
Zone: RA, Residential Age-Restricted District
Applicant: John Chirico
Application № 20-24
MC Project №: MMZ-071

Dear Ms. Farrell:

The above referenced application is a request for a use variance review.

1.0 Project Description

1.1 Proposal

The applicant seeks use variance approval to allow the demolition of an existing single-family dwelling and replace with the construction of a 3,500 s.f. single-family dwelling along with an inground pool. In addition, the applicant proposes the construction of a 4,000 s.f. 2-story garage-style building for his restoration business known as Champion Restoration Experts to be located behind his residence. The property is currently served by public water and private sewer.

1.2 Existing Conditions

The 2.97± acre parcel is situated on Fries Mill Road (C.R. #655) across from the Stirling Glen I development currently under construction. The property currently has an existing single-family dwelling, an accessory detached garage and other improvements. The property is zoned RA, Residential Age-Restricted District.

1.3 Surrounding Land Uses

The surrounding parcels directly adjacent to the north and south are also zoned RA, Residential Age-Restricted and contain existing single-family non-age restricted



dwellings. The property directly to the west is wooded and is also zoned RA, Residential Age-Restricted. Directly across Fries Mill Road is the age-restricted Stirling Glen I development and across Fries Mill Road to the southeast is the Scotland Run Golf Course solar panel field, which is in the B, Business Park zone.

2.0 Materials Reviewed

We have reviewed the referenced submission, encoded by the Zoning Board as #20-24 06172020, received June 28, 2020 and subsequently via email July 20, 2020, consisting of the following:

<i>Sheet</i>	<i>Title</i>	<i>Date</i>
---	Application	June 17, 2020
A.1	Floor Plan	February 4, 2020
A.2	Elevations	February 4, 2020
A.3	Sections	February 4, 2020
A.4	Details	February 4, 2020
1 of 1	Use Variance Plan	June 15, 2020

The use variance plan is signed by Jay F. Sims, PE of Consulting Engineer Services (CES). The architectural plans are prepared by Shirk LLC.

3.0 Zoning Requirements

3.1 Use

1. The intent of the Residential Age-Restricted (RA) District is to promote residential development on appropriately located tracts of land in the non-Pinelands Areas of the Township, especially designed to meet the special housing needs of older persons, with special emphasis on their particular physical and social needs. However, the RA District shall permit the construction of new non-age-restricted housing, or the expansion of non-age-restricted housing in accordance with the provisions of this section as follows:
 - (a) A single-family detached dwelling located in the RA District, which has received a certificate of occupancy or temporary certificate of occupancy prior to April 10, 2007, may be enlarged without an appeal to the approving authority, even though the dwelling may be on a nonconforming lot, provided that: (1) the proposed enlargement conforms with the use, area, yard, building height and lot coverage requirements of the R-2 Zoning District; and (2) the proposed enlargement does not increase the nonconformity of any dimensional setback violations existing prior to April 10, 2007.



(b) In accordance with § 175-162.1D, a lot located in the RA Zoning District may be developed with a single-family dwelling without an appeal to the approving authority, provided the lot does not require subdivision and cannot be reasonably combined with another vacant lot from a tract having at least eight acres, the lot is vacant with an area measuring at least 30,000 square feet, and the setbacks and other requirements of the R-2 Zoning District can be satisfied or the lot had received final subdivision approval from the Planning Board prior to April 10, 2007.

The application proposes to demolish the existing dwelling and replace it with a 3,500 s.f. new dwelling. This application is a hybrid of these two permitted standards. The lot has existing non age-restricted homes on either side. The property itself is too small to build an age-restricted development. The applicant shall provide testimony on the age and condition of the existing home.

2. In accordance with § 175-89C, no business, service or industry shall be conducted within a private garage, except for lawfully permitted home occupations in accordance with § 175-111. As proposed, the application does not conform to this requirement, proposing a business within a garage of 4,000 square feet. As such, a use variance is required.
3. In accordance with § 175-127, no lot shall have upon it more than one principal permitted use, except that a single dwelling unit may be permitted on a lot used primarily for a nonresidential use in the C Zoning District; provided, however, that the site plan shall indicate adequate parking for both uses. The proposed structure, secondary to the proposed residence, is to be used for the applicant's restoration business. The property will thus contain two principal uses being the single-family residence and the proposed business. As such a use variance is required.
4. In accordance with § 175-89F(1), a maximum of two accessory buildings consisting of one shed and one garage are permitted. One garage is permitted with a maximum size floor area ratio of 900 square feet and a maximum height of 18 feet from the ground level to the peak. As proposed, the application does not conform to this requirement, proposing a garage of 4,000 square feet. As such, a d'4' variance is required.

3.2 Bulk Requirements – R-2 (on-site disposal)

1. **Lot Area:** The minimum required lot size is 1 acre. The plan conforms this requirement, proposing 2.97 acres.
2. **Front Yard Setback:** The maximum permitted front yard setback is 60 feet. The plan conforms to this requirement, proposing 173 feet.



3. **Side Yard Setback:** The minimum required side yard setback is 20 feet. The plan conforms to this requirement, proposing 42 feet.
4. **Rear Yard Setback:** The minimum required rear yard setback is 75 feet. The plan conforms to this requirement, proposing 242 feet.
5. **Lot Frontage:** The minimum required lot frontage is 120 feet. The plan conforms to this requirement, proposing 175 feet.
6. **Lot Width:** The minimum required lot width is 150 feet. The plan conforms to this requirement, proposing 175 feet.
7. **Lot Coverage:** The maximum permitted lot coverage is 20%. The plan conforms with this requirement.

4.0 Master Plan Consistency

The proposed dual use is not consistent with the goals and objectives of the Master Plan. Should the use variance be granted, site improvements and physical impacts of the proposed additional use needs to be addressed and mitigated, if required.

5.0 Design and Performance Standards

- 5.1 In accordance with § 175-89G(1), the roof shape of a garage or shed shall be visually compatible with building and/or structures to which it is visually related. Testimony regarding compliance to be provided.
- 5.2 In accordance with § 175-89G(2), the relationship of materials, textures and color of the façade and roof of a garage or shed should be visually compatible with the materials and structures to which it is visually related. Testimony regarding compliance shall be provided.

6.0 Fees, Contributions and Obligations

6.1 Escrow

The applicant must contact the Township's finance office to settle any outstanding review escrow accounts prior to any approvals taking effect or plans being signed.

7.0 General Comments/Recommendations

- 7.1 In accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-76b), the applicant may elect to submit an application requesting approval of the use variance and a subsequent application for the approval of a site plan, if required, provided that the approval of the variance is conditioned upon the applicant



obtaining all required subsequent approvals from the Zoning Board. No such subsequent approval shall be granted unless such approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

Consequently, any variance granted permitting the proposed use must be conditioned upon the applicant obtaining the necessary site plan approval from the Zoning Board.

- 7.2 The applicant must demonstrate sufficient “special reasons” why the proposed use carries out a purpose of zoning, or how the refusal to allow the project would impose on the applicant an undue hardship. In addition, the applicant must demonstrate that the requested use variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
- 7.3 Testimony should be provided regarding the access to be shared by both uses, the number and type of vehicles to frequent the site and adequacy of a stone surface intended for the access drive and parking provisions.
- 7.4 The applicant should confirm if they are, or will be, the primary resident of the property in question.
- 7.5 Testimony should be provided regarding the location of the existing and/or proposed septic. Does the garage structure propose to contain a bathroom.
- 7.6 Testimony should be provided regarding any proposed signage.
- 7.7 Testimony should be provided regarding the proposed business hours, number of employees and if customers will frequent the site.
- 7.8 This application would be subject to any applicable outside agency approvals such as, but not limited to:
 - Gloucester County Planning Board
 - Gloucester County Health Department.

The above comments and/or recommendations are submitted for your review and consideration. Should you have any questions with regard to this matter or require additional information, please do not hesitate to contact our office at (609) 910-4068.



Dawn M. Farrell, Administrative Clerk
MC Project No. MMZ-071
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Regards,

MASER CONSULTING P.A.

A handwritten signature in blue ink that reads 'Pamela J. Pellegrini'. The signature is written in a cursive, flowing style.

Pamela J. Pellegrini, P.E., P.P., C.M.E.
Project Manager

PJP/rld

cc: Richard P. Coe, Esquire

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