

Memorandum

DATE: April 27, 2017
TO: South Orange Zoning Board – Chairman & Board Members
FROM: Philip Abramson, PP – Board Planner
Chris Kok, PP – Principal Land Use Planner
SUBJECT: Application #1029 – 410 Summit Avenue
APPLICANT: Jeff and Nicole Drury
410 Summit Avenue
South Orange, NJ 07079
ATTORNEY: Pro Se

The purpose of this memorandum is to provide the Board guidance in its review of Application #1029 requiring bulk variance relief.

I. PLANS & DOUMENTS REVIEWED

A. Application Documents

- 1) **Planning & Zoning Board Application Form**, dated April 19, 2017

B. Plans, Drawings & Studies

- 1) **Survey**, signed by George Thomas Hinck, P.L.S., dated July 17, 2009.
- 2) **Architectural Drawings**, signed and sealed by Michael Drury, R.A., dated April 13, 2017
- 3) **Site photos** (3)

II. APPLICATION SUMMARY

A. Existing Conditions.

- *The Neighborhood:* The property is located within the RA-50 Single Family District at the south side of the Village, near the border with Maplewood. Based on a review of surrounding blocks, the neighborhood consists of single-family properties with a median area of 8,300 square feet, a minimum area of 4,300 square feet, and a maximum area of 15,700 square feet. Over 60 percent of the properties on these blocks were constructed before 1930.
- *The Site:* Applicant's property is a 2 ½ story wood frame structure with wooden shingle siding and was constructed in 1904. There is a porch on

the front of the structure and a wooden deck on the rear of the structure. A driveway runs along the left side of the property extending to approximately halfway between the front and the rear of the principal structure. There is an accessory shed in the rear of the property.

- *Zoning:* RA-50
- *Pre-existing Non-conformities:* The site has the following pre-existing non-conformities:
 - Minimum lot width
- *Bulk Chart:* The following bulk chart is provided for reference:

Requirements	Required/Permitted	Existing	Proposed
Minimum Lot Area	5,000 sf	7,500 sf	No Change
Minimum Lot Width	90 ft	50 ft (E)	No Change
Min. Front Yard Setback	25 ft	39.77 ft	No Change
Min. Side Yard Setback - Each	4.83 ft	9.88 ft	No Change
Min. Rear Yard	30 ft	64 ft	No Change
Max. % Lot Coverage	40%	36.62%	No Change
Max. Building Height	2.5 stories 35 ft	2.5 stories 35 ft	2.654 stories 35 ft (V)

(E) Denotes existing non-conformity.

(V) Denotes variance required.

B. The Proposal.

The Applicant's proposal includes the following:

- Conversion of attic space into a master suite.
- Construction of new dormers on the rear of the property expanding the top "half" floor.

C. Completeness Review.

The following table shows the Applicant's conformance with the submission requirements of the Township of South Orange Village. **Planner recommends application be deemed conditionally complete pending submission of required items.** Required items are shown in bold in the "Recommendation" column.

Checklist Item	Status	Notes	Recommendation
#1 – Completed Checklist	Complete		
#2 – Application Form – Township	Complete		

Checklist Item	Status	Notes	Recommendation
#3 – Individual Checks made out to the Township of South Orange Village.	Complete		
#4 – Tax Collector Certification	Complete		
#5 – Certified list of property owners within 200'	Complete		
#6 – Deed and affidavit Title for lands	Complete		
#7 – Completed Escrow Agreement	Complete		
#8 – Ownership Disclosure Affidavit	Complete		
#9 – Public Hearing Notification	Complete		
#10 – Letter(s) signed by a responsible officer of the water company, sewer authority, or other utility company	Waiver Requested	Applicant states that utility service already exists and no changes are proposed.	Planner recommends the granting of this waiver.
#11 – Application Form for County	N/A	Application does not impact County roads or County drainage facilities.	
#12 – Completed Essex County Health Department Application	N/A	Application does not impact Health Department approvals.	
#13- Hudson-Essex-Passaic Soil Conservation District application	N/A	Application does not propose enough soil disturbance to require an application to the Soil Conservation District.	
#14 – New Jersey State Approvals	N/A	No Department of Transportation or Department of Environmental Protection approvals.	
#15 – Digital copy of the Site Plan	Complete		
#16 – A Final Plat/Site Plan	Waiver Requested	Applicant proposes to submit final plat following approval.	Planner recommends the granting of this waiver.
#17 – Environmental Impact Assessment	Not Required		
#18 – Photograph(s) of the subject premises	Complete		

Checklist Item	Status	Notes	Recommendation
#19 – Traffic and Parking Impact Assessment	Not Required		
#20 – Affirmative Statement in Writing for Compliance with Conditional Uses	Not Required		
#21 – An Engineer's Cost Estimate of all improvements.	Not Required		
#22 – Certification from the Township of South Orange Village Tax Assessor	Not Required		
#23 – "As-Built" Plans or Final Plats	Not Required		
#24 – Certificate from the Township of South Orange approving road names and subdivision name	Not Required		
#25 – Title Block	Complete		
#26 – Name, Address and Telephone Number	Complete		
#27 – North Arrow with Reference	Complete		
#28 – Drawn at Scale not less than 1 inch equals 50 feet	Complete		
#29 – Professional Seals	Complete		
#30 – Zoning Compliance Schedule	Complete		
#31 – Historic Site or District identification	N/A	Applicant's property is not located in any historic district.	
#32 – Boundary information, Lot Lines	Complete		
#33 – Setback Lines	Complete		
#34 – Areas and Dimensions of Lots	Complete		
#35 – Existing Critical Environmental Areas	N/A	There are no critical environmental areas on the property.	

Checklist Item	Status	Notes	Recommendation
#36 – Existing Trees	Incomplete	No trees are shown on either the survey or the architectural drawings. It appears there is at least one tree in the front yard, and it is unknown whether any trees exist in the rear yard.	Applicant's architect shall provide testimony as to the location of any trees on-site and their proximity to the proposed construction.
#37 – Existing Wells and Septic System	Incomplete	Applicant states that this requirement is not applicable.	Applicant shall provide testimony as to the presence or lack thereof of any wells or septic systems.
#38 – Landscaping Plan	Not Required		
#39 – A Developer's Agreement	Not Required		
#40 – Key Map	Not Required		
#41 – Signature Blocks for Board Chairperson, Secretary and Engineer	Not Required		
#42 – Approvals Statement	Not Required		
#43 – Utility Systems	Not Required		
#44 – Structure Locations and Uses	Waiver Requested	It is likely that this application will have limited impact on surrounding properties, however that impact would be greatest on adjacent properties.	Applicant shall provide a drawing showing the location of the principal structure relative to the properties to the right and left of Applicant's property. Drawing should include distances between the buildings.
#45 – Shortest Distance between buildings, lot lines, etc.	Complete		
#46 – Architectural Plans and Elevations	Complete		
#47 – Solid Waste and Recyclable Material	Not Required		
#48 – Entire Tract on One Sheet	Not Required		
#49 – Existing and Proposed Rights-of-Way and Easements	Not Required		

Checklist Item	Status	Notes	Recommendation
#50 – Current topographic Survey	Not Required	Note: Applicant provided a copy of a survey completed in 2009. The footprint of the principal building in the survey does not match the footprint as shown in the architectural drawings.	Applicant shall provide testimony as to the correct footprint of the principal structure.
#51 – Grading Plan	Not Required		
#52 – Stormwater Management Plan	Not Required		
#53 – Circulation Plan	Not Required		
#54 – Parking Calculations	Not Required		
#55 – Lighting Plan	Not Required		
#56 – Sign Plans	Not Required		
#57 – Soil Erosion and Sediment Control Plan	Not Required		
#58 – Residential Cluster Details	Not Required		
#59 – Certification from Applicant’s Engineer re: conformance of final plat to preliminary plat	Not Required		
#60 – Soil Permeability Logs	Not Required		

D. Requested Variances:

Upon an initial review, the application requires the following variances. Additional required variances may be found upon a full application review.

- 1) “C” Variances: the Applicant’s proposal would require the following bulk variance:
 - **Section 92-198: Maximum Building Height**
 - **Permitted:** 2.5 stories
 - **Proposed:** Greater than 2.5 stories
 - **Note:** The Land Development Ordinance defines a half story as the “part of a building...under a sloping roof...with a floor area of not more than 50% of the floor area of the story below.” Because the proposed attic space will occupy 65.4% of the area of the floor below, the building exceeds the permitted 2.5 stories.