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60 Union Street, #1N  
Newark, NJ 07105

## Completeness + Planning Report #1

DATE: May 21, 2019  
TO: South Orange Zoning Board  
FROM: Greer Patras, AICP, PP  
SUBJECT: Application #1036 – Richard Residence  
62 Crest Drive  
Block 1705, Lot 9  
APPLICANT: Rhonda + Stephen Richard  
62 Crest Drive, South Orange, NJ 07079

The purpose of this report is to advise the Board on the completeness of Application #1036, submitted by property owners, Rhonda and Stephen Richard. At this time, we find that the application can be considered **complete**.

### I. APPLICATION SUMMARY

- A. The site is a conforming 28,531 SF lot with a detached single-family residential structure. The house fronts on Crest Drive within the Residential RA-100 zone and is surrounded by residential uses.



- B. The Applicant proposes to renovate the property with various site improvements that include:
- installation of an in-ground pool
  - additional rear yard patio coverage
  - reconfiguration of the driveway, walkways and steps in the front of the dwelling

- installation of pool equipment
- removal of concrete pads in the rear yard
- 54" tall fence in the rear yard, which meets pool codes
- new utility lines to service a grill and pool equipment

## II. COMPLETENESS REVIEW

- A. The Applicant has requested several submission waivers including the list below, and given the narrow scope of the residential application, we recommend granting all requested:
- #11 – County Application Form
  - #12 – Completed County Health Department Application.
  - #13 – HEPSCD Application
  - #14 – New Jersey State Approvals.
  - #19 – Traffic and Parking Impact Assessment
  - #37 – Existing wells and septic system

## III. VARIANCE DISCUSSION:

- A. Compliance with the bulk requirements of the RA-100 zone is as follows:

Residential A 100 Zone	Required	Existing	Proposed
Minimum Lot Area	10,000 S.F.	28,531 S.F.	No Change
Minimum Lot Width	175'	150' (E)	No Change
Min. Front Yard Setback	25' *	25'	No Change
Min. Side Yard Setback**	12.5' **	10.6' (E)	No Change
Min. Rear Yard Setback ***	16' ***	>16'	No Change
Max. Building Height	2.5 stories / 35'	1 story / 22'	No Change
Max. Lot Coverage	30%	36%	39% (V)
Min. Pool Setback to Sides	10'	N/A	>10'
Min. Equipment Setback to Dwg.	20'	N/A	5' (V)
(V) Variance Required (E) Existing Non-conforming Condition			
* Or the average setback within 200' on each side of the lot, no greater than 50'			
** Setback is 4' plus 1" for each 1' of average lot width in excess of 48'.			
*** but not less than 20% of the average lot depth			

- B. The Applicant seeks "c" bulk variance relief for the following:
1. To permit the increase in imperious coverage from 36% to 39% where 30% maximum is permitted in the RA-100 zone per §185 Attach 3. The proposed patio, driveway and walkway reconfiguration, and removal of the rear concrete pads result in a net increase of 854 SF.
  2. To locate the pool equipment closer to the dwelling than permitted by Ordinance, where 5' distance is proposed but 20' is the minimum permitted. Per §185-163I "All water-filtering systems and other swimming pool appurtenances must be enclosed by an approved shelter and located not less than four feet from the rear and side lot lines nor within 20 feet of the main building."



C. The Applicant must prove and the Board must find that the necessary criteria for "c(1)" and/or "c(2)" variances, identified by the Municipal Land Use Law at section 40:55D-70, have been satisfied. The criteria is as follows:

1. For a c(1) variance, the Applicant must prove hardship:
  - a. by reason of 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 situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act (40:55D-62 et seq.) would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such a property, grant, upon an application or an appeal relating to such a property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship

AND that such relief from the zoning ordinance will not be substantially detrimental to the public good, and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

2. For a c(2) variance, the Applicant must prove:
  - a. that the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement and
  - b. that the variance 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 (negative criteria).

#### IV. GENERAL COMMENTS:

1. The Applicant should provide an overview of the existing site conditions, proposed site conditions, and all improvements. We note that the location of the pool complies with size and setback requirements of the ordinance.
2. Testimony should be provided regarding tree clearing and replacement, the limits of disturbance, and proposed landscaping. A tree clearing and replacement plan has been provided.
3. Attention should be given to the proposed impervious coverage increase from 36% to 39%, where 30% maximum is permitted. All efforts to mitigate the negative impacts of the proposed increase should be discussed, including any pumps, drainage systems, pervious materials, and/or landscaping.
4. The Applicant should provide testimony and further details for the required pool equipment shelter. Attention should be given to the location, which requires relief to be setback 5' from the building where 20' is required. We note that the proposed 5' setback would provide a location that is adjacent to other existing site utilities (ac unit, etc.) and may be less intrusive into the yard. Additionally, for further buffering and/or in lieu of the required enclosed shelter, an evergreen screen could be planted around the equipment.

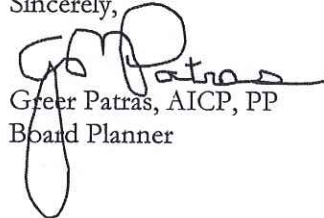
5. The Applicant should clarify the number of stories for the main building in their testimony and on the plans. Additionally, the bulk chart should to identify the site's existing non-conformities.

## V. DOCUMENTS REVIEWED

- A. **Application Form**, filed May 17, 2019.
- B. **Permit Plan**, consisting of one (1) page, prepared by Marc Nissim, CLA of Harmony Design Group on May 6, 2019.
- C. **Tree Removal and Replacement Plans**, consisting of one (1) page, prepared by Marc Nissim, CLA of Harmony Design Group on May 6, 2019.
- D. **Planting Plan**, consisting of one (1) page, prepared by Marc Nissim, CLA of Harmony Design Group on May 6, 2019.
- E. **Property Survey**, consisting of one (1) page, prepared by David J. Von Steenburg, PLS of Morgan Engineering and Surveying, LLC. on September 7, 2018.
- F. **Limited Environmental Assessment**, consisting of one (1) page, prepared by Marc Nissim, CLA of Harmony Design Group

If you have any further questions regarding this application, please feel free to contact our office.

Sincerely,



Greer Patras, AICP, PP  
Board Planner