



January 13, 2020

Chairman Steve Greet & Planning Board Members
Borough of Garwood Municipal Building
403 South Avenue
Garwood, NJ 07027

**Re: MZ Homes, LLC c/o Zbigniew Rusin
Site Plan Approval with C(2) Variance
640 Willow Ave
Block 302, Lot 19
Borough of Garwood, NJ
Harbor Consultants, Inc. Project Number: 2020006.006**

Dear Chairman Greet and Planning Board Members,

Our office has reviewed the referenced documents for Site Plan Approval with a C(2) Variance

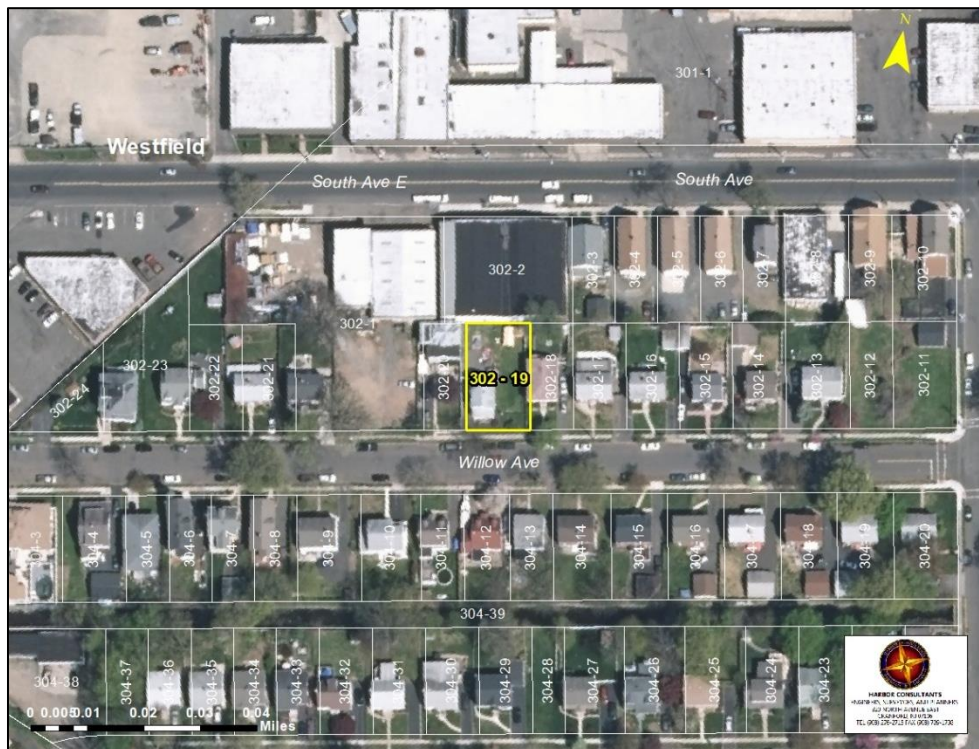
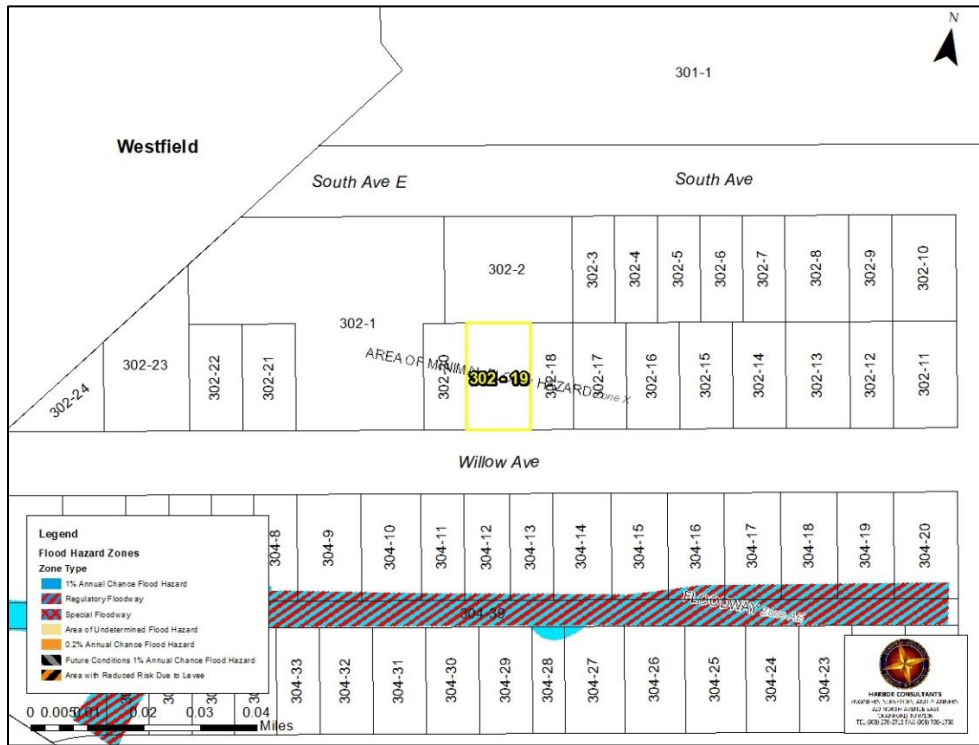
A. Documents Reviewed and Completeness Review

The following materials were received and reviewed:

1. Cover letter from Stephen F. Hehl, dated September 30, 2020
2. Development Assistance Application Package, including Variance Table and Statement of Principal Points;
3. Site Plan prepared by Guarriello & Dec Associates LLC, dated July 20, 2020 consisting of one (1) sheet;
4. Architectural Floor Plans and Elevations prepared by Andrew Podberezniak, R.A., dated July 27, 2020, consisting of two (2) sheets;
5. Cover letter from Stephen F. Hehl, dated October 1, 2020
6. Original, signed and sealed copy of the Boundary & Topographic Survey, prepared by Guarriello & Dec Associates LLC, dated July 20, 2020, consisting of one (1) sheet;
7. Fee schedule
8. Checks number 489 and 490
9. W-9 Form

B. Borough Tax Map & Aerial Imagery

The following tax and aerial map were prepared in conjunction with this review letter.



C. Project Description

The subject property is located in the RB Two-Family Residential Zone, identified as Block 302, Lot 19 on the Borough of Garwood Tax Maps. The lot has 60 feet of frontage on Willow Avenue and is 6,000 SF in area. The lot conforms with the requirements of the RB two-Family Residential Zone. The property was most recently developed with a two-story +/- 1,368 SF home and a small shed at the rear property line. The property and all improvements have been demolished and the property is currently vacant.

The surrounding neighborhood south of the site is comprised of single and two-family homes. North of the site are business and light industrial uses. The township of Westfield is located west of the site along Willow and South Avenue.

The Applicant is proposing to construct a “side-by-side” two-family dwelling with 3,138 square feet. Side-by-side style dwellings are not permitted in the zone and the applicant is requesting one variance for the design of the two-family dwelling. Each dwelling will have three (3) bedrooms and two and a half (2.5) bathrooms. The dwelling façade will be vinyl siding throughout with synthetic stone accents on the first floor. Asphalt shingles are proposed for the roof.

D. Planning & Zoning Review

The property is located in the RB– Two Family Residential Zone District. Two-Family homes are a principal permitted use in the zone. The Zoning Table below shows the required, existing, and proposed standards and restrictions for the RB Zone:

Table 1: General Zoning Requirements § 106-93: Two Family Residential (RB Zone) Borough of Garwood, NJ				
Description	Required	Existing	Proposed	Remarks
Min. Lot Area	5,000 ft	6,000 SF	6,000 SF	Conforming
Min. Lot Width	50 ft	60 ft	60 ft	Conforming
Min. Lot Depth	100 ft	100 ft	100 ft	Conforming
Front Yard Setback	Min: 25 feet Max: 35 feet	24.80 ft	25 ft	Conforming
Side Yard Setback ⁽¹⁾	One side - 6 ft min Both sides – 12 ft min	5.83 ft/ 41.73 ft	8.17 ft/ 16.34 ft	Conforming
Rear Yard Setback ⁽²⁾	35 feet	36.8 ft	35 ft	Conforming
Max. Bldg. Size	2,900 SF	1,368 SF	1,743 SF	Conforming
Max. FAR	0.54 (3,240 SF)	0.41 (2,425 SF)	0.54 (3,240 SF)	Conforming
Max. Lot Coverage	60% (3,000 SF)	40.47% (2,438 SF)	39.92% (2,395 SF)	Conforming
Min. Open Space	40%	59.53% (3,572 SF)	60.08% (3,605 SF)	Conforming
Max. Bldg. Height	35 ft / 2 ½ stories	26 ft +/- 1 ½ stories	34.90 feet 2 ½ stories	Conforming

Two Family 1 Unit/Floor	1 Unit/ Floor	N/A	Side by side 1 unit/ 2 floors	<i>Not Conforming</i>
Max. Dwelling Size	3,200 SF	1,890 SF	1,890 SF	Conforming
<p><i>*Pre-Existing non-conformity</i> <i>**Variance required</i></p> <p>(1) 10% of the lot width on both sides, except that in no case will a side yard be less than five feet. When the lot in question is a corner lot, the side yard shall conform to 50% of the required front yard setbacks on said side street as determined by the front yard requirement for the zoning district, but not less than 10 feet</p> <p>(2) 25% of the lot depth, except that in no case will a rear yard be less than 35 feet</p>				

Parking Requirements

106-114.B: Off-Street Parking Regulations: Two-Family Residential Homes

1. A parking garage may not exceed 440 square feet
2. All residential lots shall provide a private garage space for at least one off-street parking space for each dwelling unit. Such garage parking space shall be constructed of a durable, all-weather, dust-free material such as asphalt, concrete or pavers. Stone driveways are not permitted.
3. The garage counts as one parking space. The paved space in front of the garage counts as one space if it meets the minimum/maximum size requirements of a typical parking space, which is nine feet by 18 feet totally within the property dimensions. One additional parking space of nine feet by 18 feet dimensions can be constructed to the side of a one-car garage or house, provided that it is fully to the side of the dwelling/garage and not in front of the dwelling itself. This additional parking space is also to be constructed as per above, is not to be constructed in the front yard, and is to share the same driveway apron and curb cut as the garage. No parking is permitted in front of this space or in front of the extended front line of the principal structure. This additional space cannot be installed if it would exceed permitted lot coverage requirements. The driveway area between a garage and the public right-of-way shall be considered a parking space to satisfy zone requirements. No permanent off-street parking space shall be permitted in the required front yard of a residential use or district unless it is located totally within that area defined by the continuation of the side yard area through the front yard to the public right-of-way. This area may be constructed for a maximum of one parking space, provided a zoning permit is obtained and the following conditions are satisfied. No parking space, or portion thereof, may be located directly in front of a residence, unless:
 - a. There is no existing garage and there is no adequate access or area to provide a conforming garage.
 - b. The property owner submits plans to the Zoning Officer for a zoning permit and to the Department of Public Works for a street opening permit and obtains same prior to installation.

- c. The parking space is designed and installed to be as unobtrusive as possible, with a minimum of five feet of evergreen landscaping between the space and the existing principal structure and constructed as per above. Total curb cut width is not to exceed a thirteen-foot width.
 - d. Front yard parking is not permitted on corner lots, as parking is already permitted in the existing side yard
4. Residential properties shall not have more than one driveway or curb cut. The maximum driveway and curb cut for a one-car garage or front yard parking space shall be nine feet and 13 feet respectively; the maximum driveway width and curb cut for a two-car garage shall be 20 feet and 24 feet, respectively. Paving of front yard areas that are not permitted to be utilized by vehicles is prohibited.
 5. Use and occupancy of any structure containing two or more dwelling units is subject to and conditioned upon an equitable distribution of off-street accessory parking spaces among those occupying the structure. Where a ratio of one parking space to each dwelling unit is equaled or exceeded, use and occupancy is further conditioned upon the tenants of each dwelling unit having included in their leasehold sufficient parking for at least one automobile. Parking spaces required for a residential unit shall not be leased to any party other than a resident of said structure, nor for any use other than parking.
 6. All driveways/parking spaces are to be installed a minimum of one foot from the property line. Existing nonconforming driveways/parking spaces may have normal maintenance and repairs performed on them, provided the nonconformity is not increased.
 7. Parking spaces, other than garages, shall not have roof s/overhands cover all or portions of them.

The bulk schedule for the parking associated with this development is summarized in the table below.

Table 2: Off-Street Parking Regulations				
§106-114				
Item	Required	Existing	Proposed	Remarks
Required spaces for two-family dwellings	1 space/dwelling unit 2 spaces	-	4 spaces	Conforming
Max. Garage size	10x22 feet for Single-Family Dwelling	-	10 x 22 feet	Conforming
Spaces in garage	One off-street space in a garage for each unit	-	1 space	Conforming

E. Variances & Waivers

The table below summarizes the variances requested by the applicant. The applicant shall satisfy the minimum positive and negative criteria for the variances sought:

Table 3: Variances Per §106-93 Borough of Garwood, NJ				
Item	Required	Existing	Proposed	Code
Two-Family Dwelling Unit Configuration	Two-family dwelling units when the dwelling units are separated by unpierced ceilings and floors, not walls.	n/a	Two-family dwelling with side-by-side units	§106-93.B(2)

F. Engineering Review Comments:

1. The design engineer must perform stormwater calculations and install on-site small detention (seepage pits) to hold all additional rainfall runoff created by the expansion of impervious surfaces at this location.
2. Additional spot elevations are necessary along Willow Avenue so that the construction of the driveway will be adequate.
3. The driveway into the unit is too steep (12.7 percent) grade. This must be modified because there is no need to construct a driveway that steep. The entire site grading must be looked at since it does not drain away properly from the building.
4. The engineer may want to investigate the sanitary sewer lateral. The builder may use the old lateral as long as it is in good condition. A TV camera should be ran through the existing lateral to investigate its condition.
5. Even though the Borough cannot deny the condominium-ing of the building (builder must apply to the State Of NJ) into two single units. The building should have two new sewer laterals if that in fact is the future purpose of this project.
6. Front and rear yard steps should be depicted on the plans. The finish floor is 104.9 ft and the area outside of the structure is 103.0 and 102.0 respectfully. A platform and steps are required to meet the building codes.

G. Comments and Recommendations

1. The application is proposing a two-family home of the “side-by-side” design was selected for each of the proposed lots instead of the permitted configuration where each dwelling unit comprises an entire floor of the building. The selection of a “side-by-side” may lead to future required variances for the properties. If each of the units becomes “fee simple” ownership, the lots would need to be again subdivided. This would lead to two lots which would require variances to permit a 30-foot lot width where 50 feet is required, and it would require a side yard setback variance since the wall which separates the units would become the new side yard line. The Applicant shall testify to why a design which would potentially generate additional variances was selected.
2. Applicant shall discuss the use of the attic and basement areas and provide floor plans as a condition of building permit approval.
3. What is the proposed color scheme of the façade? Section §106-110 of the Garwood Municipal Code encourages construction in character with the existing residential neighborhood.
4. Will the applicant be constructing a fence between the rear yards of the dwellings? The fence shall comply with all regulations in §106-118, or additional variances may be necessary.
5. The applicant shall be responsible for any additional variances that may be discovered at time of building permit approval.
6. Developer must contribute funds to the Borough of Garwood not the Township of Cranford in relation to Garwood’s COAH ordinance prior to receiving any building permits.

H. Regulatory Agency Approvals

The Applicant is required to obtain the following regulatory approvals prior to the issuance of building permits for this project:

1. Union County Planning Board;
2. Somerset – Union Soil Conservation District Certification;
3. Any other regulatory agency having jurisdiction over or which require an approval or permit to be obtained by the Applicant.

It is the Applicant’s responsibility to secure all required permits and approvals.

It is our recommendation that should the Planning/Zoning Board grant an approval to this application, any action taken on this application by the Planning/Zoning Board is made subject to the Applicant submitting revised plans and documents satisfying the review comments within this report.

Please contact our office should you have any questions or comments.

Very Truly Yours,
Harbor Consultants, Inc.

A handwritten signature in black ink, appearing to read "V. Vinegra". The signature is fluid and cursive, with a large initial "V" and a smaller "E" following it.

Victor E. Vinegra, PE, PP, PLS

cc: Adele C. Lewis, Planning/Zoning Board Secretary
Planning/Zoning Board Attorney
Stephen F. Hehl, Applicant's Attorney