



November 17, 2022

Mr. John Maloney, Chairman
Ewing Township Zoning Board
2 Jake Garzio Drive
Ewing, NJ 08628

**RE: ZBA-22-001
Paul Liucci
2152 Pennington Road
Block 223.04, Lots 11 & 12
R-1 Zone**

Owner/Applicant:
Paul Liucci
2152 Pennington Rd
Ewing, NJ 08638

I. Proposal Summary:

The applicant seeks variance to construct an 840-sf detached garage, 153-sf attached shop, and driveway addition within the front yard and side yard setbacks. The property is 21,331-SF, consisting of 2 lots located within the R-1 Residential Zone at the corner of Pennington Rd and Woodbury Rd. Additional variances are requested for accessory structure height, garage size, and fence height.

II. Submission:

1. Land Development Application Form submitted 10/28/2022.
2. Plan of Survey, prepared by Midpoint Surveying LLC, dated 9/28/2017.
3. Site Plan and 3D rendering prepared by the applicant, dated 10/18/2022.
4. Product specs/invoice from Great Western Buildings, submitted 11/7/22.

III. Waivers and Variances

1. *Permitted accessory building and uses (§215-14(B)(1)):*
 - a. Attached and detached private garages are not to exceed spaces for 3 vehicles. The proposed structure has 800-SF of garage area and the capacity for 4 vehicles. Two (2) garage doors are shown on the plan. A design waiver is required.
2. *Front Yard - (§215-14(D)(1)(g)):*
 - a. Minimum front yard setback is 50 feet, where 14 feet is proposed. A C variance is required.
3. *Accessory Structure Height (§215-14(D)(2)(d)):*
 - a. Maximum height is 15 feet, where 19 feet is proposed. A D(6) variance is required.
4. *Fence Height (§215-63(A)):*

- a. Maximum height in the front yard is 4 feet, where 6 feet is proposed along Woodbury Rd. A C variance is required.
5. *Lot Area, Corner (§215-14(D)(1)(a))*:
 - a. 22,500-SF is required, where 21,331 exists and 21,331 is proposed. This is a pre-existing nonconforming condition.
6. *Accessory Building Coverage (215-14(D)(3)(c))*:
 - a. 1,173-sf is permitted where 1,200-sf is proposed. A C variance is required.

IV. Planning Review

1. General Comments

- a. The Land Development Application says 1,200-sf of accessory building area is proposed but the plans show 953-sf. The applicant should clarify and address this inconsistency. This remains an on going issue with this application.
- b. The applicant's property is comprised of two undersized lots. Minimum corner lot area is 22,500-SF, where 21,331-SF exists in total. The proposed accessory structure is located on Lot 12 and encroaching the side lot line of Lot 11. Deed consolidation of both lots is recommended.
- c. The submitted plans are not certified by a licensed architect or engineer.
- d. The applicant is proposing a 960-SF accessory structure. In the R-1 Zone, applicants may receive a design bonus for accessory buildings if constructed of the same or complimentary materials, colors, and architectural style as the principal structure. The maximum accessory building coverage with the applied design bonus is 960-SF. The submitted 3D rendering and product specs packet have been submitted for the board's review.
- e. Floor Area Ratio (FAR) standards in the R-1 Zone permit up to 3,106-SF of total floor area on the applicant's lot. The existing 1,592-SF house and 502-SF storage garage is 2,094-SF. The proposed 960-SF garage is compliant with FAR standards.
- f. Lot coverage should be calculated and indicated on the site plan. A variance may be required but clarification on lot and building coverage is necessary.
- g. If the applicant is proposing tree removal, all existing trees and any trees to be removed should be indicated and labelled on the site plan in accordance with the *Tree Removal and Replacement Ordinance (§425)*.

V. Conclusion

Previously, variances were granted by the board with respect to different conditions than this application. For all requested variances, the applicant must demonstrate to the negative criteria for a variance, or that: (1) the variance can be granted without substantial detriment to the public good; and (2) that it will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. In demonstrating the positive criteria for variances, the applicant must show peculiar and exceptional practical difficulties, or exceptional and undue hardship based on conditions uniquely affecting their lot or the structures existing thereon.

Should you have any questions or concerns, please feel free to contact me at 212-203-5137 or via email, cwl@latinigleitz.com.

Sincerely, Charles Latini, PP, AICP

