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January 19, 2024  
# 50802 03

Re: Eric Appel  
**Variance Application**  
303 Austin Avenue  
Block 43, Lot 3  
Barrington Borough  
Zoning Permit Application #23-017

Borough of Barrington Planning Board  
229 Trenton Avenue  
Barrington, NJ 08007

Attn: Carol Fultano, Board Secretary

Dear Board Members,

We have reviewed an application for Bulk Variance submitted by Eric Appel and offer the following for your consideration:

### **Submitted Documents**

The following documents were submitted and reviewed by our office:

1. Barrington Borough Application for Petition of Appeal / Special Permit (Form Z-1), prepared by Eric Appel, Applicant, dated December 27, 2023.
2. Verification of Taxes Form, dated December 27, 2023.
3. Parcel Profile Report Map, created December 27, 2023.
4. "Survey of Premises", prepared by Donovan Surveyors, dated January 23, 2020.
5. Borough of Barrington Zoning Permit Application No. 23-017, dated March 17, 2023.
6. "Site Plan and Section", prepared by Remus Architecture, including not-to-scale pencil sketch of proposed improvements.

### **Proposal**

The Applicant is proposing construction of a 12 feet by 20 feet (240 SF) metal shed, situated in the front yard area of the Third Avenue frontage of his property at 303 Austin Avenue. The property is currently improved with a single-family dwelling, a large accessory structure to the rear of the single-family dwelling, a block shed and a two-car garage which fronts Third Avenue and various associated improvements. A bulk variance is required for the proposed shed to allow it to be situated within the required front yard setback. Additionally, several retaining walls have been constructed in the vicinity of the proposed shed without any apparent approval granted. The property is located in the R-3 (Semi-

Detached Residence) Zoning District. The property is bound by residential properties on all sides, with the exception of Interstate 295 which bounds the northerly property line. The property is a corner lot, situated on the northwesterly corner of Austin Avenue and Third Avenue and comprising 30,584 SF (0.702 Acres).

### **Completeness Review**

Our office has reviewed the submitted materials for completeness and we recommend that the application be deemed incomplete until a Topography / Grading Plan, conforming to the requirements of Section 114A of the Borough Ordinance is submitted for review by the Board, its professionals and the Borough Construction Office.

### **Zoning Review**

The property in question is located in the R-3 Zone.

1. It appears from the information submitted that the proposed shed will be setback approximately eleven feet (11') from the Third Avenue frontage, whereas Section 128-36-A(6) requires that all detached accessory structures in residential districts be situated within the rear yard of the property, resulting in a required setback of thirty feet (30') as per Section 128-18-B(4) of the Ordinance.
2. Once a Topography / Grading Plan consistent with the requirements of Section 114A of the Borough Ordinance has been submitted, it will be evaluated to determine whether any further relief from the bulk standards of the R-3 Zone are required.
3. With respect to Item Nos. 1 through 2 for "c" variances the applicant must demonstrate that the strict application of the zoning regulations to the property create a hardship or result in exceptional practical difficulties by reason of the exceptional shape of the property or the exceptional topographic conditions uniquely affecting the property.

### **General Comments**

While we do not recommend that the application be deemed complete at this time, we offer the following comments for the Applicant's consideration when preparing future submissions:

1. It is our understanding that the various concrete retaining walls, concrete stairs, concrete slabs, etc. that have recently been constructed in the area of the proposed shed have been built without approval from the Borough Construction Department. The scope of such improvements requires the submission of a Topography / Grading Plan conforming to the requirements of Section 114A of the Borough Ordinance. We do not recommend the granting of a waiver for the submission of same.
2. The Topography / Grading Plan shall also include a summary of the existing and proposed bulk standards promulgated in 128-18-B of the Borough Ordinance so that the proposal can be evaluated to see what, if any, further bulk variance relief may be required.



3. The Topography / Grading Plan shall illustrate the presence of any environmental constraints and associated buffers (i.e. streams / wetlands, etc.)
4. Structural calculations signed and sealed by an engineer licensed in the State of New Jersey, and any other information required by the Borough Construction Department, shall be provided by the Applicant for the various un-permitted concrete retaining walls that have been constructed in the vicinity of the proposed shed and existing garage.
5. The retaining wall constructed along the Third Avenue frontage has created a situation where a steep drop off occurs adjacent to the public sidewalk along Third Avenue. The concern is of the potential for a pedestrian to fall several feet from the sidewalk. Appropriate protection (i.e. railing, etc.) should be provided along the edge of the public walk to mitigate the potential for a pedestrian to fall along the entirety of the wall.
6. The Applicant is directed to Section 128-34 of the Borough Ordinance governing retaining walls for bulk requirements for same.
7. The height of the proposed shed should be provided.
8. No information has been provided regarding the colors and building materials of the proposed shed. Testimony regarding same should be provided at the Board hearing.
9. The Applicant should provide testimony regarding whether any utilities (i.e. electricity) will be provided to the structure.
10. The Applicant shall provide testimony regarding the proposed use(s) of the shed, including the types of items that will be stored in the shed.
11. Should the Application be approved, the Applicant is responsible for obtaining all relevant permits and approvals from the Borough Construction Office.

Should you or the Applicant have any questions or require any additional information please do not hesitate to the contact me.

Sincerely,



G. Jeffrey Hanson, PE, CME  
Planning Board Engineer

Cc: Stephen Boraske, Esq., Planning Board Solicitor  
Robert Harris, Borough Construction Department Manager  
Brian Kelly, Borough Zoning Coordinator  
Chris Mecca, Borough Construction Official  
Eric Appel, 303 Austin Avenue, Barrington, NJ 08007