



MEMORANDUM

Clarke Caton Hintz

Architecture
Planning
Landscape Architecture

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To: Montgomery Township Zoning Board of Adjustment

From: Michael Sullivan, ASLA, AICP
James Clavelli, PP, AICP

Re: **The Malvern School Properties, LP
Height Variance and Bulk Variances**
982 Georgetown-Franklin Turnpike
Block 28010, Lots 57 & 58
H-C Highway Commercial Zone

Date: March 22, 2023

1. Project & Site Description

1.1. Bifurcated Application: The applicant is submitting the first half of a bifurcated application to the Montgomery Township Zoning Board. The first application includes a request for a height variance pursuant to N.J.S.A. 40:55D-70.d(6) and a bulk variance for an undersized lot. The applicant indicates that, should the Zoning Board of Adjustment look upon the variance application favorably, they will submit the second application for preliminary and final major site plan approval.

1.2. Project Description: As indicated above, the applicant is requesting -d(6) variance relief for an oversized building and a bulk variance for an undersized lot relating to the development of a childcare center and a medical office on two (2) lots. The applicant intends to consolidate the two (2) lots.

The proposed childcare center contains 8,640 sf. of floor area and is 37.17 feet in height. The variance plan indicates that the child care center will employ 20 individuals and will have 120 children attending the center. The proposed medical office contains 4,000 sf. of floor area.

In addition to the two (2) principal buildings, the applicant is also proposing 58 parking spaces, one (1) driveway entrance, one (1) reinforced emergency access lane, sidewalks, outdoor play equipment, fencing, a "shade structure", stormwater infrastructure, plantings, one (1) building mounted sign and directional/vehicular signs. A lighting plan has not been provided at this time.

John Hatch, FAIA
George Hibbs, AIA
Brian Slaugh, AICP
Michael Sullivan, AICP
Michael Hanrahan, AIA
Mary Beth Lonergan, AICP



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- 1.3. **Lot Consolidation as Condition of Approval:** The existing site is composed of two (2) separate lots. The applicant indicates in their correspondence that they intent to consolidate the lots. This report analyzes the site as one (1) combined lot, rather than two (2) separate lots. Consolidation of the lots should be a condition of variance approval if the Board looks favorably upon the application.
- 1.4. **Additional Relief Required:** In addition to the height variances and lot size variance requested by the applicant, additional relief is also required. A comprehensive list of necessary relief can be found in section 16.
- 1.5. **Existing Conditions:** The existing site is 2.046 acres (89,128 sf.). Existing improvements consist of a one (1) story single frame dwelling, a driveway leading from Georgetown-Franklin Turnpike (Country Road 519) to the front of the dwelling, an attached canopy, concrete patio and concrete walkway. There are several trees of various sizes found on the site, including a 38-inch DBH tree



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located near the property frontage and a 36-inch DBH tree found in the rear of the site. Steep slopes are found on the site. There is a paper street called Brecknell Way, a planned municipal street to bypass the intersection of U.S. Route 206 and Country Route 518, that wraps around the site and would be fully developed as part of the second half of the bifurcated application if approved. The lot contains frontage on one (1) street, however, the development of Brecknell way, which will wrap around the property, will leave the property with three (3) front yards.

- 1.6. Site Context:** The site is located on County Road 518 near the intersection with U.S. Route 206. The property to the west contains a single-family dwelling. The property to the east contains a vacant commercial use. To the rear is a townhouse neighborhood. An ATV dealer is located across the street. The Tiger's Tale Grill is located just down the street at the intersection with U.S. Route 206.



View of Site from Route 518

2. Use & Bulk Standards

- 2.1. Permitted Principal Use(s):** The plan complies. Pursuant to §16-4.12k, a child care center may be developed within a second building on a lot within the HC Highway Commercial zoning district pursuant to several conditions relating to



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bulk standard which are articulated Table 1. Thus, the child care center complies, and having two (2) uses on one (1) lot complies.

2.1.1. Permitted Principal Use. Medical Office: Pursuant to §16-4.12.a.1. medical offices are a permitted use in the HC zone, as they have been determined to be a “service” use. Per the above comment, they are permitted in conjunction with a second permitted use in the HC zone, which in this case is a child care center. The plan complies.

2.2. Accessory Permitted Uses: The plan complies. §16-4.12b permits several accessory structures such as parking lots, signs and fencing, all of which are proposed by the applicant. Additional structures that are accessory to the proposed child care facility, including play equipment and a shade structure, are also proposed. **While this may be a more appropriate question for the site plan review portion of the project, the application should indicate whether the proposed accessory structures are to be affixed to the ground.**

2.3. Height: A variance is required: §16-4.12c states “no principal building shall exceed 30 feet and two and one-half stories in height...” The proposed child care facility is proposed to be 37.17 feet, which requires variance relief. The proposed medical office height is less than 30 feet, which conforms.

2.3.1. Conditions for Exceptions for HVAC Equipment not Met: Pursuant to §16-6.2b, buildings are permitted to exceed maximum height limitations to house HVAC and other related equipment, which the applicant is proposing in the nonconforming portion of the building. However, the same regulation states that if the portion of the building housing said equipment exceeds maximum height limits by 20% than a variance is required. The proposed height is greater than 20% of what is permitted. The exception is does not apply.

2.4. Area & Yard Requirements. Variance relief is required: §16-4.12d identifies area and yard requirements for all uses, while §16-4.12k identifies additional standards for lots with two (2) principal uses where one (1) of which is a child care center. Variance relief is required for minimum lot size and setbacks related to accessory structures. Due to the lot containing three (3) front yards and one (1) rear yard, standards for side yards are not included in the zoning table. Conformance with the zoning standards is indicated in the following table.



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Table 1: Area & Yard Requirements in the HC Zone ~ §16-4.12d/k					
	Required	Existing	Proposed Childcare Center	Proposed Medical Office	Complies?
Principal Building(s)					
Lot Area (acres)	3(1)	2.046	No change	No change	No (V)
Distance between principal buildings (feet)	50	NA	~87	~87	Yes
Lot frontage (feet)	150	242.7	No change	No change	Yes
Lot width (feet)	150	304.5	No change	No change	Yes
Lot depth (feet)	150	267.5	No change	No change	Yes
Front yard for CR 518 (feet)	50	187.8	50	209	Yes
Front yard for Brecknell North (feet)	50	NA	210	50.1	Yes
Front yard for Brecknell West (feet)	50	NA	133.1	164.4	Yes
Rear yard (feet)	50	129.2	66.4	53.3	Yes
Floor area ratio (FAR)	20%	3%	14%		Yes
Lot coverage	55%	6.7%	49.3%		Yes
Accessory Structures					
Distance to rear lot line (feet)	20	-	-	-	-
▪ Shade Structure	20	NA	19.9	-	No (V)
▪ Infant Play Eq.	20	NA	98	-	Yes
▪ Play Eq. 1	20	NA	77	-	Yes
▪ Play Eq. 2	20	NA	42	-	Yes
Distance to other building (feet)	20	-	-	-	-
▪ Shade Structure	20	NA	32' 7"	-	Yes
▪ Infant Play Eq.	20	NA	13.5	-	No (V)
▪ Play Eq. 1	20	NA	15	-	No (V)
▪ Play Eq. 2	20	NA	11' 9"	-	No (V)
Front yard setback (2) (feet)	50	-	-	-	-
▪ Shade Structure	50	NA	25' 3"	-	No (V)
▪ Infant Play Eq.	50	NA	31.5	-	No (V)
Notes:					
(1) Pursuant to §16-4.12k.1, when containing two uses, one of which being a child care center, a lot shall be at least three acres, three times greater than typically required in the HC zone.					
(2) Pursuant to §16-5.1.e, on a corner lot a an accessory building shall be set back from the side street to comply with the setback line applying to the principal building for that side street.					



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- 2.5. **Minimum Lot Size: Variance relief is required.** Per §16-4.12k(1), when two (2) principal buildings are located on the same lot in the HC zone, and one (1) of the uses is a child care facility, a minimum lot size of three (3) acres is required. The lot is 2.046 acres. **A variance is required.**
- 2.6. **Accessory Structure Distance to Rear Lot Line. Shade Structure: Variance relief is required.** Per §16-4.12d, the minimum required distance to the rear line for accessory structures is 20 feet. The proposed shade structure is 19.9 feet from the rear lot line. The applicant should relocate the shade structure .1 feet further from the lot line. **A variance is required for the current location of the shade structure.**
- 2.7. **Accessory Structure Distance to Other Building: Infant Play Equipment. Variance relief is required.** Per §16-4.12d, accessory structures are required to be at least 20 feet from other buildings on the lot. The proposed infant play equipment is located 13.5 feet from the principal building. **A variance is required.**
- 2.8. **Accessory Structure Distance to Other Building. Play Equipment 1: Variance relief is required.** Per §16-4.12d, accessory structures are required to be at least 20 feet from other buildings on the lot. The proposed play equipment 1 is located 15 feet from the principal building. **A variance is required.**
- 2.9. **Accessory Structure Distance to Other Building. Play Equipment 2: Variance relief is required.** Per §16-4.12d, accessory structures are required to be at least 20 feet from other buildings on the lot. The proposed play equipment 2 is located 11 feet and nine (9) inches from the principal building. **A variance is required.**
- 2.10. **Accessory Structure Front Yard Setback. Shade Structure: Variance relief is required.** Per §16-5.1e, when located on a corner lot, accessory structures shall be set back from the side street to comply with the setback line applying to the principal building, which in this case is 50 feet. The proposed shade structure is setback 31.5 feet from Georgetown-Franklin Turnpike. **A variance is required.**
- 2.11. **Accessory Structure Front Yard Setback. Infant Play Equipment: Variance relief is required.** Per §16-5.1e, when located on a corner lot, accessory structures shall be set back from the side street to comply with the setback line applying to the principal building, which in this case is 50 feet. The proposed infant play equipment is setback 25 feet and three (3) inches from Georgetown-Franklin Turnpike. **A variance is required.**
3. **General Requirements for the HC District**



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- 3.1. **Driveways:** Pursuant to §16-4.12f.1, where feasible driveways providing vehicular access between adjacent properties shall be permitted and required, with appropriate cross easements, and the on-site circulation systems and parking areas shall be designed to accommodate such interconnections between adjacent lots.
- 3.2. **Outdoor Equipment:** *Variance relief may be required.* Pursuant to §16-4.12f.2, no merchandise, products, equipment or similar material and objects shall be displayed or stored outside. The play equipment appears to fall in this category, all of which is stored outside. **A variance may be required.**
- 3.3. **Planting Requirement:** Pursuant to §16-4.12f.3, all portions of a lot not covered by buildings or structures (e.g., parking lots, parking spaces, loading areas, access aisles, driveways, sidewalks, walkways, curbs, trash enclosures, etc.) shall be suitably landscaped with grass, shrubs, and trees and shall be maintained in good condition. In any case, no less than 45% of the area of any lot or tract shall be so landscaped, and the landscaped area may include approved detention and/or retention basin. The planting plan provided indicates proposed plantings, however, a “grass area” is only labeled one (1) area in the western portion of the plan, and its extent is unclear. One may intuit that the areas around the parking area containing the proposed plantings will be filled with grass, as the applicant proposed grass pavers for the emergency exit on the northern property boundary. If this is the case, the applicant should indicate on the plan where grass is proposed to be located and indicate in percentage terms how much of the property is to be covered in grass, shrubs, and trees (including the basin).
- 3.4. **Parking Areas in Side and Rear Yards:** The plan complies. Per §16-4.12f.4, structures such as parking areas, loading areas, driveways or other structures in side and rear yards that share a common property line with a residential zoning district are not permitted. The property contains three (3) front yards and one (1) rear yard. While the rear yard borders the Mixed-Use Overlay Zone, none of the uses prohibited in this regulation are proposed in the rear yard.
- 3.5. **Parking and Loading Areas, Driveway and other Structure Distance:** The plan complies. Per §16-4.12f.5, within the HC zone, no parking area, loading area, driveway, or other structure (except for approved access ways, signs and fencing) shall be permitted within the first 25 feet adjacent to any street line nor within the first 15 feet adjacent to any other property line. The plan complies.



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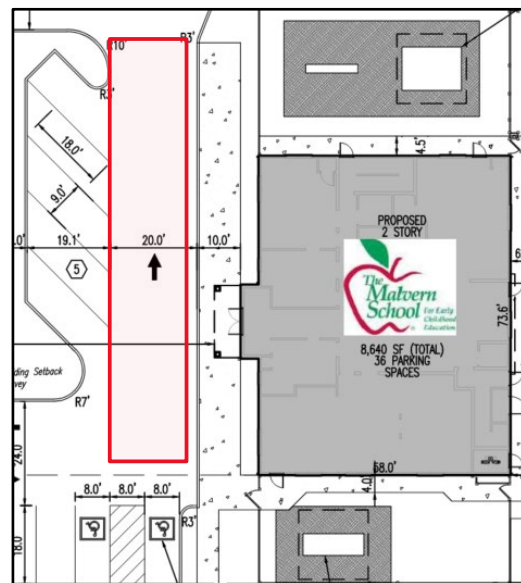
3.5.1. Lawn Area Within Buffer. *More information is required.* Per §16-4.12f.5 (the same regulation indicated in the preceding comment), the required distance between structures and the street line and adjacent property lines shall be planted and maintained with lawn or ground cover and trees and shrubbery as approved by the Board. It is unclear whether the space between the parking area and street line is filled entirely with lawn, or only certain parts. **The plan should be updated to indicate the exact area of proposed lawn and/or ground cover.**

4. Off-Street Parking, Circulation and Trash Removal

4.1. Off-Street Parking for Medical Office: The plan complies. Pursuant to §16-4.12g.1, *retail sales and service uses, banks and offices shall provide parking at the ratio of one parking space per 200 square feet of gross floor area or part thereof.* The proposed medical office is 4,000 sf., requiring 20 parking spaces. 22 are proposed. The plan complies.

4.2. Off-Street Parking for Child Care Center: The plan complies. Pursuant to §16-4.12g.5, *child care centers shall provide parking at the ratio of one parking space per employee plus one additional parking space for every eight children.* The plan indicates that the child care center will employ 20 individuals and at maximum contain 120 children/students. This equates to a required 20 parking spaces for the employees and 15 for the students ($120/8 = 15$), or a total of 35 spaces. 36 are proposed. The plan complies.

4.3. Off-Street Loading Area for Children Attending the Child Care Center: *Additional information is required.* Pursuant to §16-4.12g.5, *adequate area shall be provided for the loading and unloading of children, which shall take place on site and not in the public right-of-way.* The image to the right (the red rectangle was included by this office) indicates a



a 20-foot wide drive aisle which may be the proposed loading area for child drop off, however, it is not indicated on the plan. **The applicant should testify as to**



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whether this is the “loading area” as required in the ordinance, and if so, it should be labeled on the plan.

- 4.4. Off-Street Loading – General:** Per 16-4.12h.1, any building or group of buildings within the HC zone is required to have one (1) loading space at the side, rear or within the proposed building. The applicant has not proposed a loading area, though they have requested a variance from the requirement. The applicant should discuss the proposed operations for the medical office, as supply and equipment delivery and maintenance are common in medical offices. The extent of such deliveries should be testified to by the applicants, as should a description of the type of vehicles expected for such deliveries. As the proposed medical office is located on the same lot where children will be attending a child care facility, and the applicant intends outdoor use of the property by the children, the delivery and movement of goods to and from the medical office is of particular importance as regards the safety of the child care facility.

As regards the child care facility and loading for that use, the applicant should testify as to the number and type of deliveries expected to the site, as well as any large vehicle pickup and drop-off of students.

A variance is required.



Brecknell Road currently being developed (View from Route 518)



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- 4.5. **Pedestrian Circulation:** Pedestrian circulation is proposed within the site. A 10-foot wide sidewalk is proposed in front of the child care center. A six-foot wide sidewalk is proposed around the remainder of the building, and along the southern and southwestern portion of the parking area, terminating at Brecknell Way. The medical office contains one (1) six-foot wide sidewalk along the proposed building frontage along the parking area.
- 4.6. **Sidewalks:** *A design exception is required.* §16-5.14C.1(d) requires “sidewalks shall be provided along all existing streets upon which all residential and nonresidential development abuts, unless specifically waived in certain locations by the reviewing municipal agency based upon good cause shown by the applicant ...” A sidewalk does not currently exist along the frontage of the property on Georgetown-Franklin Turnpike, nor is a sidewalk proposed (the proposed concrete walkway is within the sites interior, not on its boundary with the street(s)). The frontage proposed along the future Brecknell Way also does not contain any sidewalks in the plan. **A design exception is required.**
- 4.7. **Trash and Garbage Pickup:** The plan complies. Pursuant to §16-4.12h.2, there shall be at least one trash and garbage pick-up location within convenient access to the building being served, including provisions for the separation and collection of recyclable materials in accordance with the recycling requirements of Somerset County. Two (2) trash and garbage pick-up locations are proposed on the plan, one (1) for each building. The northernmost enclosure is proposed in close proximity to the concrete walk in front of the medical building, while the southernmost enclosure is proposed in close proximity to the concrete walk in front of the child care center. The applicant also indicates in note 15.A of their variance plan on Sheet 3 that the collection of recyclable materials is in accordance with the recycling requirements of the County.
- 4.7.1. **Trash Enclosure Requirement:** Pursuant to §16-4.12h.2(c), trash and garbage located outside of a building requires a steel-like, enclosed trash and garbage contained located in a manner obscured from view by a fence, wall, planting or combination of all three.
- The plan indicates in note 15.C that the trash enclosure is made of steel or similar material. When the eventual site plan is applied for, the applicant should provide a detail of the receptacle to verify the material.



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- A planting screen is proposed around the trash disposal areas. This office defers to the Board Landscape Architect in determining the efficacy of the selected plantings.
- A 10-foot trash enclosure is proposed around the trash receptacles which serves as an effective screen from all directions, and the plan indicates that the enclosure contains a gate to block the front from view.

5. Landscape Design & Plantings

This office defers to the Board Landscape Architect regarding the planting selection. This review only relates to quantifiable standards found within the ordinance.

- 5.1. **Trees:** *A design exception is required.* Per §16-5.6d.3, a minimum of 14 trees per acre of gross tract shall be planted throughout the tract in the case of nonresidential or multifamily development. At 2.046 acres, the plan requires 29 trees. 102 trees are proposed. The plan complies.
- 5.2. **Street Trees:** The plan complies. §16-5.6d.15 requires street trees at 50 foot intervals. With 834 feet of total frontage, the applicant is required to have 17 street trees ($834 / 50 = 16.68$ trees). The applicant is proposing more than 16 trees along the property frontage. The plan complies.

6. Steep Slopes

- 6.1. **Steep Slopes:** *Variance relief is required.* The applicant is proposing to disturb steep slopes. An analysis provided by the applicant indicates that steep slopes between 15% and 19.99%, 20% and 24.99% and greater than 25% are found on the property. All of the steep slopes found on the property will be disturbed by the proposed development. §16-6.4e.1 states that steep slopes shall not be disturbed. **Variance relief is required.**

7. Architecture

- 7.1. **Architectural Standards in the HC District.** Architectural review of the proposal is deferred to when the applicant's site plan application is submitted.



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8. Signs

- 8.1. **Sign Standards in the HC District.** Review of the proposed signs is deferred to when the applicant's site plan application is submitted.

9. Miscellaneous

- 9.1. **Development Fee for Affordable Housing: *Condition of Approval*.** The applicant is required to comply with the nonresidential development fee ordinance consistent with §15-24.

10. Consideration of the Height Variance

- 10.1. **Consideration of the Height Variance.** The "d(6)" designation is related to its codification in the NJ Municipal Land Use Law (NJ MLUL) at 40:55D-70.d(6). The applicant bears the burden of proof in the justification of the variance to exceed by 10 feet or 10% the maximum height permitted in the ordinance. A zoning board of adjustment can grant variance relief for exceeding the permitted height in a zone by 10 feet or 10% "in particular cases and for special reasons".

- 10.2. **Positive Criteria:** The applicant should demonstrate that the proposed height in excess of the height permitted in the zone district provides a benefit to the general welfare, and that the site is suitable for a building with such a non-conforming height. Additionally, similar to the testimony required for a d(3), d(4), or d(5) variance, the applicant must demonstrate that the site can accommodate the problems associated with deviating from the height standard.

- 10.3. **Negative Criteria:** The negative criteria must be met by demonstrating to the Board an "enhanced quality of proof" that exceeding the permitted height will not cause substantial impairment of the intent and purpose of the zoning ordinance and Master Plan.

11. Consideration of the "C" Variances

- 11.1. While this office defers to the Board attorney in advising the Board on the application of relevant variance criteria; this report identifies the variance criteria for the purposes of establishing a framework for review. The applicant bears the burden of proof, which is divided into two parts, in the justification of the "c" variance.



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11.2. Positive Criteria: The applicant bears the burden of proof (which is divided into two parts – positive criteria and negative criteria) in the justification of the “c” variance. To satisfy the positive criteria for a “c” variance, the applicant has two choices. First, known as “c(1)” variance relief, the applicant may demonstrate that strict application of the regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship due to one of the following:

- By reason of exceptional narrowness, shallowness or shape of a specific piece of property;
- By reason of exceptional topographic conditions or physical features uniquely affecting the specific piece of property; or
- By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

11.3. Alternatively, and known as “c(2)” variance relief, the applicant may demonstrate the following positive criteria in support of the request for relief:

11.3.1.1. Where in an application or appeal relating to a specific piece of property the purposes of the Act (N.J.A.C. 40:55D-2) would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

11.4. Negative Criteria: Should the applicant satisfy the positive criteria, it must also be demonstrated that the granting of the variance can be accomplished without resulting in substantial detriment to the public and without substantial impairment of the intent and purpose of the zoning ordinance and zone plan.

- Negative Criteria: Impact to the public health, safety and welfare. Impact to the public, typically relates to any substantial detriment to the adjoining neighbors or within the surrounding neighborhood. Substantial detriments are usually nuisance related such as noise, dust, trash, parking, traffic, visual distraction, light, runoff, vegetation removal and aesthetics that cannot be adequately mitigated. The applicant should address any impacts to the character of the neighborhood resulting from the proposed position of the swimming pool and related structures.



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- Negative Criteria: Impact to the zone plan. The applicant must show that the relief can be granted without substantially impairing the zone plan and zoning ordinance. In evaluating the negative criteria as it relates to the zoning ordinance and zone plan, the Board should consider the manner in which this application could impact the overall fulfillment of the AR zone.

The applicant should provide testimony in support of the variance, and be prepared to discuss any potential negative impacts on neighboring properties and the zone plan.

12. Design Exceptions

The proposal includes design exceptions. The Municipal Land Use Law at N.J.S.A. 40:55D-51.b discusses the criteria for the granting of exceptions. While the burden of proof is lower than that of variances, the statute does provide a framework for decisions:

The planning board when acting upon applications for preliminary site plan approval shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

13. Relevant Policy

13.1. Master Plan Goals. The Township Master Plan includes several goals which are relevant to the Board's consideration of this application. The following goals can be found on pages 6 through 8 of the 2017 Master Plan Reexamination Report:

2. *The identity of the Township as a totality and the integrity of individual neighborhood areas should be preserved, enhanced and created to the maximum extent possible.*

As the zone does permit both of the uses being proposed, and permits more than one (1) use per lot, the proposal does generally comply with the intended purpose of the zone, and thus the neighborhood as envisioned in the master plan.



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4. *The Development Plan should strive to prevent the homogenous spread of suburban development throughout the municipality. Specific areas of the Township should be designated for specific types of residential and non-residential development. The rural and country atmosphere which prevails throughout most of the municipality should be maintained.*

The proposed use does introduce uses unique to the immediate area, and as stated earlier, both proposed uses are permitted in the zone. Permitting such development in this zone should limit attempts at its development in those rural and country regions of the Township.

14. Materials Reviewed

- 14.1. *Montgomery Zoning Board of Adjustment Application*, dated January 30, 2023.
- 14.2. *Steep Slope Analysis*, 1 sheet, prepared by Jeffrey Haberman, PE and Jacquelyn Giordano, PE, Dynamic Engineering, dated December 9, 2022.
- 14.3. *Use Variance Plans*, 7 sheets, prepared by Jeffrey Haberman, PE and Jacquelyn Giordano, PE, Dynamic Engineering, dated December 6, 2022.
- 14.4. *Traffic & Parking Assessment*, prepared by Nick Verderese, PE and Kevin Savage, PE, PTOE, Dynamic Traffic, dated December 15, 2022.
- 14.5. *Environmental Impact Statement for The Malvern School Properties*, prepared by Jeffrey Haberman, PE, Dynamic Engineering, dated December, 2022.
- 14.6. *The Malvern School Architectural Drawings*, 3 sheets, prepared by Raymond Klumb Architect, dated December 9, 2022.
- 14.7. *ALTA/NSPS Land Title Survey*, 1 sheet, prepared by Craig Black, PE, PLS, Dynamic Survey, dated August 26, 2022.

15. Applicant / Owner / Professionals

- 15.1. **Owner/Applicant:** The Malvern School Properties, LP, 20 Creek Road, Glen Mills, PA 19342.



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15.2. Attorney: Frank Petrino, Esq., Princeton Pike Corporate Center, 2000 Lenox Drive, Suite 203, Lawrence, NJ. Telephone: 609.989.5029.

15.3. Engineer: Jeffrey Haberman, PE, PP, Dynamic Engineering, 1904 Main Street, Lake Como, NJ 07719. Telephone: 732.974.0198.

15.4. Architect: Ray Klumb, 571 North Frontage Road, Pearce, AZ 85628. Telephone: 520.826.5352.

16. Summary

16.1. The applicant is seeking a “d(6)” height variance and bulk variances relating to the development of a child care center and medical office in the HC District. This is the first of two (2) halves of a bifurcated application. If the ZBA looks favorably upon the variance application, the applicant will then submit a site plan.

The following variances and design exceptions are required (additional variances and design exceptions may be identified by other Board professionals):

- a) Variances
 - §16-4.12c Height variance
 - §16-4.12k(1) Minimum lot size
 - §16-4.12d Rear setback of shade structure
 - §16-4.12d Infant play equipment distance to other structure
 - §16-4.12d Play 1 equipment distance to other structure
 - §16-4.12d Play 2 equipment distance to other structure
 - §16-5.1e Accessory structure front yard setback – play equipment
 - §16-5.1e Accessory structure front yard setback – shade structure
 - §16-4.12f.2 Play equipment stored outside
 - Per 16-4.12h.1 Required loading space
 - §16-6.4e.1 Development in area with steep slopes
- b) Design Exceptions
 - §16-5.14c.1(d) Sidewalks

Please contact this office with any questions you may have.