

**BOROUGH OF LAKE COMO
1740 MAIN STREET
LAKE COMO, NJ 07719**

PLANNING BOARD AGENDA

**DECEMBER 13, 2021
REGULAR MEETING ~ VIRTUAL**

**7:00 PM
LAKE COMO**

I. CALL TO ORDER

II. SUNSHINE LAW:

THE NOTICE REQUIREMENTS OF R.S. 10:4-18 OPEN PUBLIC MEETINGS ACT HAVE BEEN SATISFIED BY THE PUBLICATION OF THE REQUIRED ADVERTISEMENT IN THE ASBURY PARK PRESS ON JANUARY 29, 2021, AND BY POSTING IT ON THE BULLETIN BOARD IN BOROUGH HALL. A COPY OF SAID NOTICE HAS BEEN FILED WITH THE BOROUGH CLERK AND SENT TO THE COAST STAR. NOTICE OF THE IN-PERSON MEETING WILL ALSO BE POSTED ON OUR WEBSITE. ALL MEETINGS ARE OPEN TO THE PUBLIC.

**** FLAG SALUTE ****

III. ROLL CALL

IV. MEMORIALIZATION OF A RESOLUTION:

**BARRON, DONALD
1714 OAK TERRACE
BLK - 11 LOT - 15 & 35**

V. CONTINUED MINOR SUBDIVISION/PRE-LIMINARY & FINAL SITE PLAN APPLICATION:

**TOLOMANOSI, VANCHO
1707 OAK TERRACE
BLK - 11 LOT - 12**

VI. VARIANCE APPLICATION:

**TERNOWCHEK, SAM & JEANNE
1819 PARKWAY
BLK - 17 LOT - 9**

**VII. REDEVELOPMENT COMMITTEE JOE CAVALUZZI & ALAN HILLA
(WILL UPDATE AS NEEDED)**

**VIII. FUTURE MEETING DISCUSSIONS
STONES IN DRIVEWAYS, GRADING PLAN**

**IX. MINUTES TO BE APPROVED
MINUTES TO BE APPROVED AS TYPEWRITTEN AND/OR E-MAILED.**

X. MOTION TO ADJOURN

THE NEXT REORGANIZATION & REGULAR MEETING OF THE LAKE COMO PLANNING BOARD WILL BE HELD ON MONDAY, JANUARY 10, 2022, AT 7:00 PM IN THE MEETING ROOM. ALL MEETINGS ARE OPEN TO THE PUBLIC.

APPLICANT: DONALD BARRON
APPLICATION NO. 2021-09
BLOCK 11, LOTS 15 AND 35
PROPERTY: 1714 OAK TERRACE

LAKE COMO PLANNING BOARD

**RESOLUTION OF THE PLANNING BOARD
OF THE BOROUGH OF LAKE COMO,
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

WHEREAS, Donald Barron, Applicant, is the owner of the property located at 1714 Oak Terrace, Block 11, Lot 15 and 35, in the Borough of Lake Como, County of Monmouth, and State of New Jersey, hereinafter referred to as the "Applicant", and has filed an application with the Planning Board of the Borough of Lake Como, hereinafter referred to as the "Board", for variances to permit the construction of a two-story addition to the rear of an existing single-family home, and a screened-in porch. Existing and proposed uses are conforming for the zone, however, the existing lots and the proposed addition require variance relief; and

WHEREAS, a virtual public hearing was held on November 8, 2021, and all notice requirements were satisfied by the Applicant and the Board has jurisdiction here to consider and determine the application at issue; and

WHEREAS, the Board has given due consideration to the evidence, exhibits and testimony presented herein makes the following findings of fact and conclusions of law:

1. The property in question consists of two tax lots. Both lots are in the Borough's single-family residential zone, R-40. Access to the property is by a gravel driveway via the Redmond Avenue frontage, and the property also has a front yard on Oak Terrace. The structures on the property are a two-story frame dwelling, a paver patio, and a shed. Proposed is a two-story addition to the rear of the existing dwelling, and an added screened-in porch to the front of the existing dwelling. All the existing and proposed uses are conforming for the zone.
2. Testimony was presented by the Applicant and his architect, Jennifer Schmidt, a licensed architect in the State of New Jersey. Ms. Schmidt testified as to the oddly shaped lot and the unusual configuration of the property. The Applicant is seeking to build an addition consistent with other properties in the zone. They are seeking to construct a two-story addition to the rear of the existing dwelling and a screened porch to the front of the existing dwelling. The variances requested are lot width where 40 feet are required and 22 feet is existing; lot frontage where 40 feet is required and 24.75 feet is existing; side yard setback where 3 feet is required and 2.3 feet is existing; and front yard setback on Oak Terrace where 20 feet is required, 20 feet is existing, but 10.5 feet is proposed. The only change brought about by the new construction is the front yard setback on Oak Terrace.

3. No members of the public appeared to testify or to offer comments.

NOW THEREFORE, BE IT RESOLVED by the Lake Como Planning Board that it makes the following findings of fact and conclusions of law:

1. The Applicant is seeking relief variance relief to the oddly-configured and -shaped existing lot. The property consists of two lots on the southeasterly side of Oak Terrace with a gravel driveway out to Redmond Terrace for frontage. Property currently contains a two-story frame dwelling unit, paver patio, and shed. The proposal requests permission to construct a two-story addition to the rear of the existing dwelling unit and a screened-in porch to the front of the existing dwelling.
2. The Applicant requires four variances, three of which are existing; lot width where 40 feet is required and 22 feet is existing; lot frontage of 40 feet as required 24.75 is existing; and side yard setback from the shed where 3 feet is required and only 2.3 feet is existing. The proposed addition requires a front yard setback from Oak Terrace where 20 feet is required, 20 feet is existing, and 10.5 feet is proposed. Furthermore, the property consists of two tax lots; Lot 15 and Lot 35.
3. The Board finds that the granting of the variances will not be disruptive to the Master Plan of the Borough or have a negative impact on the zone or the neighborhood. The new structure, while requiring an additional variance, will not have any significant impact on the neighborhood or the zone. Furthermore, the Board concludes that the need for the variances are based on the configuration of the lot that is essentially a flag lot with a driveway from Redmond and frontage on Oak Terrace.

BE IT FURTHER RESOLVED by the Planning Board of the Borough of Lake Como that the variance requested is hereby subject of the following conditions:

- A. The Applicant, at his own expense, shall cause by deed, the merger of lots 15 and 35 into one lot.
- B. All construction and development on this site will be consistent with the plans, renderings, and testimony presented at the public hearings and submitted, and any and all conditions set forth at the public meeting, whether or not included in this resolution.
- C. Subject to the Applicant complying with any and all Federal, State, County, and local laws, rules and regulations affecting or pertaining to the development and use of the site in question. Furthermore, if any governmental agency grants a waiver or variance or a regulation which affect this approval, any condition attached hereto, or otherwise requires any changes to the plans herein approved, this matter shall be brought back before the Board for review of any action and the Board has the right to modify this approval and or the conditions attached hereto as a result of any such actions.

THEREFORE, the application for a two-story addition and screened-in porch by the Applicant is hereby granted.

RESOLUTION: 2021-09

MOVED BY:

SECONDED BY:

ADOPTED BY THE FOLLOWING VOTES:

AYES:

NAYS:

ABSTAIN:

The above resolution was approved by the Planning Board of the Borough of Lake Como at its Regular meeting on the _____ day of _____, 2021. I do hereby certify that the foregoing is a true and correct copy of Planning Board Resolution No. 2021-09.

CHAIRMAN, JOSEPH CAVALUZZI



architects + engineers

4810 Belmar Boulevard, Ste 201
Wall Township, NJ 07753 | tel 732.414.2661

ENGINEERING NJ #24GA28019100
LAND SURVEYING NJ #24GA28019100
LANDSCAPE ARCHITECTURE NJ #24GA28019100

December 8, 2021

Lake Como Planning Board
c/o Viveca Graham, Board Secretary
1740 Main Street
P.O. Box 569
Lake Como, NJ 07719

Re: Completeness/Technical Review (Tolomanasi) No. 3
1707 Oak Terrace
Block 11, Lot 12
H2M Project No. LKCP 2004

Dear Chairman and Board Members:

I am in receipt of an ***amended*** application package for the referenced project. The package includes the following documents:

- Architectural Plans (6 sheets) prepared by M. B. Architectural Design and Consulting, LLC, Sheets 1, 3-6 dated September 9, 2020, and Sheet 2 dated revised September 2, 2020;
- Plan of Minor Subdivision (1 sheet) prepared by Daren C. Leeper, P.L.S. dated February 5, 2021; and
- Grading Plan (1 sheet) prepared by William E. Jensen, Jr, P.E., dated revised July 21, 2021.

Based on my review of these submitted documents, I find that this application is substantially complete and may be scheduled for a public hearing. Based on my review of the submitted documents with the Borough Zoning Ordinance, a site visit, and good engineering practice, I offer the following comments for your use through the public hearing process. ***This letter is based my review dated October 15, 2021, and my new comments based on the revised documents are bolded and italicized herein.***

General

The property in question is located on the southwesterly corner of Oak Terrace at the intersection with 17th Avenue. This location is within the Borough's Single-Family Residential District R-40. The 6,267 square foot lot currently hosts two 1 ½ - story frame dwellings and a one 1 story dwelling, with a shared concrete driveway from 17th Avenue. The Applicant proposes raze the existing dwellings, subdivide the existing lot into two non-conforming lots and construct new 2-story dwellings on each lot created. The existing lot and the proposed uses are conforming to the zone, however, the existing use, the proposed lots and proposed structures are non-conforming for the zone.

Land Use/Site Planning Issues

My review of the proposed plan identified the following issues that should be addressed through the public hearing process:

1. Code Section 17-9.1 sets forth the yard, area and building requirements for the R-40 Zone.

My review of these requirements in conjunction with the subject application identified the following inconsistencies:

- Minimum Lot Area – 4,000 sq. ft. required; **3,900 sq. ft. proposed (Lot A) and 2,367 sq. ft. proposed (Lot B);**
- Minimum Lot Depth – 100 feet required; **65 feet proposed (Lot A) and 60 feet proposed (Lot B).**
- Minimum Lot Width – 40 feet: **35 feet proposed Lot B.**
- Maximum Building Coverage – 35% allowed, **36% proposed (Lot A) and 45% proposed (Lot B); and**
- Minimum Front Yard Landscape Area – 50% required, **37.9% proposed (Lot B).**

Bulk variances will be required for these proposed non-conforming conditions **bolded** above.

In addition, the architectural plans depict elevation views that do not scale to the dimensions noted on the plans. Specifically, the Building Heights for both structures are denoted as 35 feet in height as defined by the ordinance; however, the structure for Lot A only scales around 32 feet in height and the structure for Lot B only scales around 31 feet in height. The Board should elicit testimony regarding this issue as I believe the plans do not accurately depict the proposed structures, and the variances for Building Coverage have as much to do with building bulk as it does building footprint. **This issue is more clearly defined now on the new plans; however, I recommend that the Board specifically approve a height for each structure within the resolution as the plans still make references to 35 feet in height.**

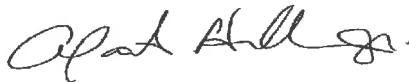
Regarding the Front Yard Landscape Area for Lot A, please see my comments in Item 3 below. My comments will likely lead to a redesign of the proposed driveway arrangement, thus modifying the Front Yard Landscaping calculations. **This has been adequately addressed by the driveway re-configuration. Notwithstanding, a variance for the driveway setback from 17th Avenue will be required as set forth in Item 3 below.**

2. Code Section 17-10.4 sets forth the requirements for fences throughout the Borough, and as applies to this application, no fences are to be constructed within the site triangle at an intersection. The plans show a proposed four (4') high foot fence encroaching in this area, which would be a variance condition; however, the Board should note that my comments in Item 3 below may significantly impact the redesign of the intersection corner of Lot A, potentially making this encroachment a moot point. **The driveway re-configuration and removal of the proposed fence adequately address this issue.**
3. Code Section 17-10.7 sets for the driveway requirements for all uses within the Borough. Specific to this application, driveways must be set back a minimum of 50 feet from any street intersection. The proposed plan calls for a double wide driveway accessing 17th Avenue at the corner intersection with Oak Terrace (0-foot setback). On the surface of it, this is a variance condition; however, from a safety and user expectancy perspective, this feature is **absolutely unacceptable**. There is ample room on the proposed lot down Oak Terrace to accommodate off street parking immediately adjacent to and similar to that proposed for Lot B. Furthermore, the use of Oak Terrace for driveway access is in keeping with the good engineering practice of providing access along the street of lesser classification. I cannot stress it enough that the proposed arrangement should **not** be negotiable. **The driveway for Lot A has been re-configured to be located 32 feet from 17th Avenue. Accordingly, a variance will be required for this proposed non-conformity.**

4. The site visit revealed that the bulk of the curb and sidewalk fronting the subject property (both streets) is in fair to poor condition. The Board should consider conditioning any approval on the complete replacement of these features. Further, the site visit further revealed that the sidewalk on Oak Terrace contains a fire hydrant that is in the middle of the sidewalk. I suggest the Board explore with the Applicant the possibility of jogging the sidewalk around the hydrant to maintain the 4-foot width when passing the hydrant. Such a request would require a slight easement from the Applicant to allow the sidewalk to legally encroach on the Applicant's property. **Also, the sidewalk encroaches the Applicant's property at the corner (for a total of about 12 square feet). This situation would also require an easement for the sidewalk to legal exist on Lot A.**

I trust this report is suitable for your purposes. If you have any questions regarding this application, please contact me.

Very truly yours,
H2M ASSOCIATES, INC.



Alan P. Hilla, Jr., P.E., P.P., CME
Planning Board Engineer

cc: Vancho Tolomanasi, Applicant (via email)
Adam Schneider, Esq., Board Attorney (via email)

November 24, 2021

Planning Board Chairman
Borough of Lake Como Planning Board
1740 Main Street
Lake Como, New Jersey 07719

RE: Application for Lot Subdivision
Seventeenth Avenue & Oak Terrace
Lot 12, Block 11

Dear Sir/Madam,

In response to the Board comments, we have revised the drawings. The modifications are as follows:

General

1. The zoning analysis chart has been revised to indicate the modification to the site plan.

Proposed Lot A

1. Relocated and reduced the parking spaces square footage. The parking spaces provided are 32'-0" from the intersection of 17th Avenue and Oak Terrace and the square footage reduced from 540 square feet to 380 square feet.
2. The relocation of the parking spaces allows for the front yard coverage to increase to 56%
3. The parking area will be pavers reducing the total impervious coverage to 47%.
4. Building height has been indicated on drawings and will be less than the maximum height allowed of 35' from top of curb to roof high point.

570 North Broad Street, Suite 15 Elizabeth New Jersey 07208
Phone (908) 316 5337 Fax (908) 787 7595
info@mbarchitecturaldesign.com

Proposed Lot B

1. The parking area will be pavers reducing the total impervious coverage to 55%.
2. Building height has been indicated on drawings and will be less than the maximum height allowed of 35' from top of curb to roof high point.

Sincerely,

A handwritten signature in black ink, appearing to read 'Martha Brazoban', with a long horizontal flourish extending to the right.

Martha Brazoban, RA
NJ License #: A1015405

Attachment -



Graham, Viveca <vgraham@boro.lake-como.nj.us>

FW: Re:

1 message

Vancho Tolomanosi <Vancho@vjvit.com>

Wed, Nov 24, 2021 at 7:12 AM

To: "Graham, Viveca" <vgraham@boro.lake-como.nj.us>

Hay Viveca please find attached the updated prints for Dec 13 meeting. I will drop off hard copies on Tuesday.

Thanks and happy thanks giving

Vancho Tolomanosi

vancho@vjvit.com

Ph. 1.201.803.0060



FULL SET_17TH & OAK.pdf
1876K

BASEMENT PLAN
SCALE: 3/16" = 1'-0"

SECOND FLOOR PLAN
SCALE : 3/16" = 1'-0"

FIRST FLOOR PLAN
SCALE: 3/16" = 1'-0"

ROOF PLAN
SCALE: 3/8" = 1'-0"

WALL SCHEDULE

[illegible]

M/B Architects and
Interior & Decorating

Marble

500 NORTH HARRISON - SUITE 104
DALLAS, TEXAS 75201, DALLAS, TEXAS 75201
PHONE (214) 351-1517
FAX (214) 351-1517
info@marbleinterior.com
www.marbleinterior.com

M/B INTERIOR 11111 W. 11th Street, Suite 1111
DALLAS, TEXAS 75244
PHONE (214) 351-1517
FAX (214) 351-1517
info@marbleinterior.com
www.marbleinterior.com

PROJECT	PROPOSED SUBDIVISION AND CONSTRUCTION OF NEW ONE FAMILY HOUSE
OWNER/CUSTOMER	VANCHO TOLMANOSKI
PROJECT LOCATION	OAK TERRACE & SEVENTEENTH AVENUE LAKE COMO, NJ BLOCK 11 LOT: 12

DRAWING TITLE PROPOSED FLOOR PLAN - LOT A	DRAWN BY:	N.J.M.
	CHECKED BY:	M.B.
	SCALE:	AS NOTED
	DATE:	9-9-2020
	PROJECT NO:	MS 2027

SHEET NO. 130F6
A-1

NO	DATE	REVISIONS / ISSUE
1		ISSUED FOR PERMIT
2		ISSUED FOR PERMIT
3		ISSUED FOR PERMIT
4		ISSUED FOR PERMIT
5		ISSUED FOR PERMIT
6		ISSUED FOR PERMIT
7		ISSUED FOR PERMIT
8		ISSUED FOR PERMIT
9		ISSUED FOR PERMIT
10		ISSUED FOR PERMIT

MJB Architects
THOMAS J. BORDO, AIA
Principal Architect
1000 N. 10TH ST., SUITE 100
PHILADELPHIA, PA 19107
PH: 215.593.8800
WWW.MJBARCHITECTS.COM

PROJECT
PROPOSED SUBDIVISION AND CONSTRUCTION OF NEW FAMILY HOUSE

OWNER/CLIENT
VANCHO TOLOMANOS

PROJECT LOCATION
OAK TERRACE & SEVENTEENTH ST
LANE COMO, NJ
BLOCK 11 LOT 12

DRAWING TITLE
ELEVATIONS - LOT A

DESIGNED BY
MJB

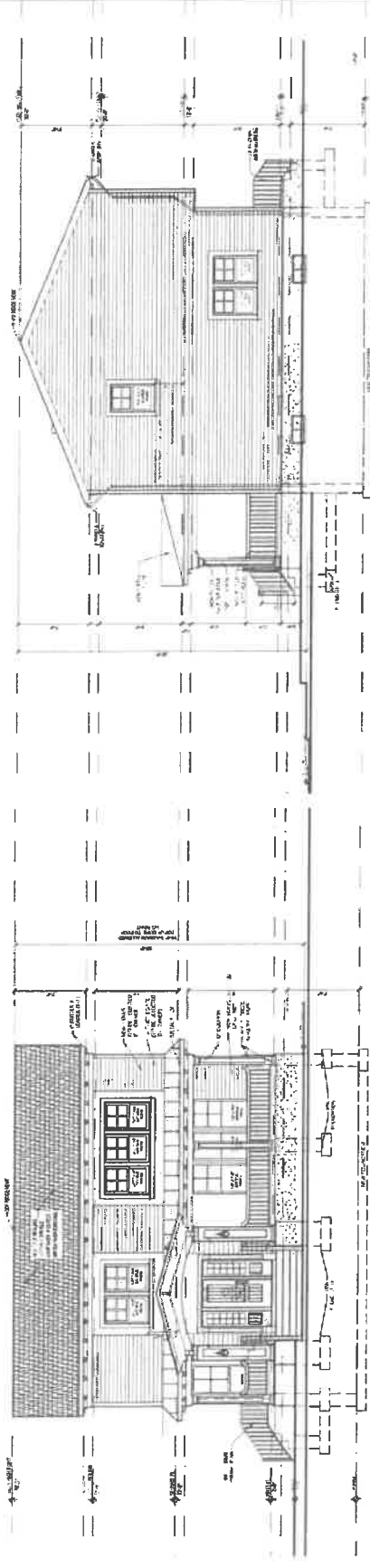
SCALE
AS NOTED

DATE
04-2020

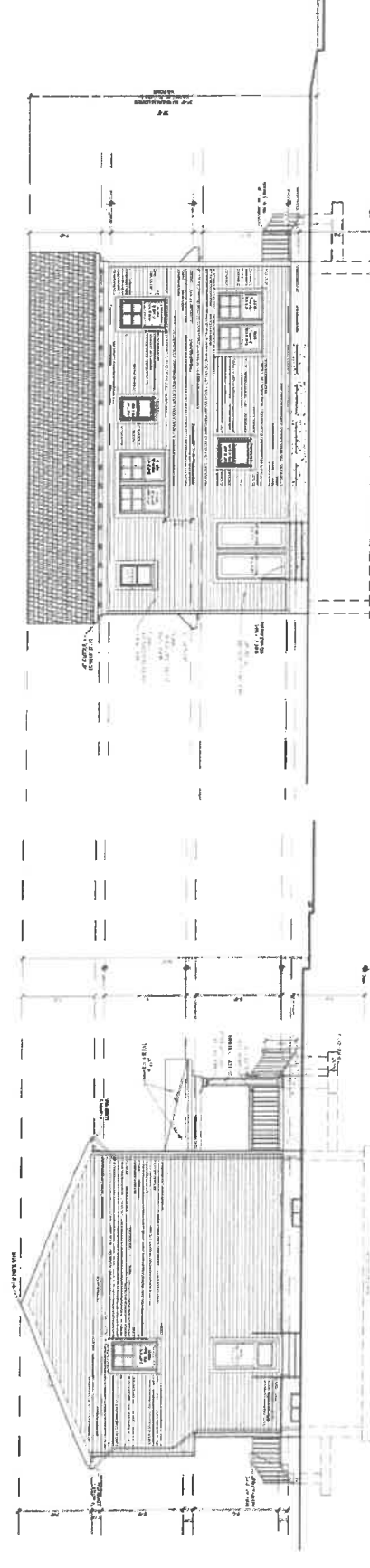
PROJECT NO.
MB 200000

SHEET NO.
A-2

4 OF 6

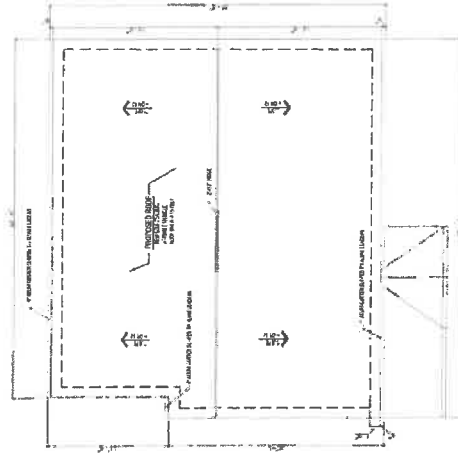
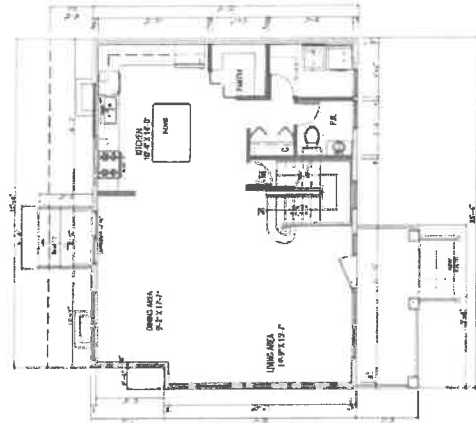
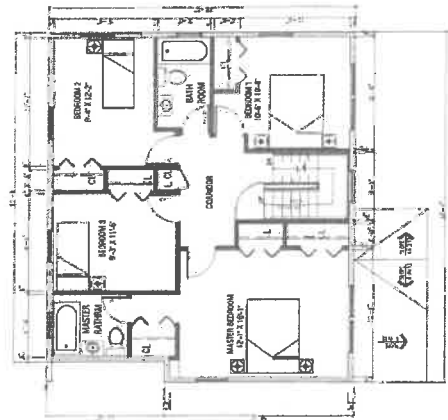


FRONT ELEVATION
SCALE 3/16" = 1'-0"



REAR ELEVATION
SCALE 3/16" = 1'-0"

SIDE ELEVATION
SCALE 3/16" = 1'-0"



WALL SCHEDULE

NO	DATE	REVISIONS / ISSUE	1	18/07/00	2004-00 COLLECTIVE

MJB Architects and
Engineers & Consulting
10000 Highway 100, Suite 100
Houston, TX 77036
Tel: 281.465.1100
Fax: 281.465.1101
www.mjb-engineers.com

PROJECT	PROPOSED SUBDIVISION AND CONSTRUCTION OF NEW ONE FAMILY HOUSE
OWNER/CLIENT	VANCHO TOLOMANOSHI

PROJECT LOCATION	OAK TERRACE & SEVENTEENTH AVENUE LAKE COMO, NJ	BLOCK: 11 LOT: 12
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DRAWING TITLE	DRAWN BY:	NO.
PROPOSED FLOOR PLANS - LOT B	CHECKED BY:	M.B.
	SCALE:	AS NOTED
	DATE:	9-9-2020
	PROJECT NO:	MBS 2027

DATE	NO.	DATE	NO.
A-3	50F6		

EXHIBIT NO:	DATE REC:
A-4	6 OF 6



TESTED BY: _____ DATE: _____



1888

1

Ck# _____ \$ 70⁰⁰ Rec'd by VH Date 8-5-20 Permit # 20-55

*** A NON-REFUNDABLE \$70.00 FEE MUST BE SUBMITTED WITH THIS APPLICATION ***

Borough of Lake Como

Zoning Application for Residential and Commercial Properties

1. **Address of Property:** corner of Oak and 17th ave 1707 OAKTER
Block: 11 **Lot:** 12 **Zone:** _____

2. **Property Designation:** Single Family ☒ Multi Family _____ Commercial _____

3. **Applicant's Name*:** Vancho Tolomansi

Address: 1702 Oak Terrace Lake Como NY 0771,

Phone Number: 201-803-0060

***Applicant is:** Owner ☒ Contractor ☒ Other _____
(If other, please describe) _____

4. **Owner's Name:** Vancho Tolomansi

Address: 1702 Oak Terrace Lake Como NY 0771,

Phone Number: 201-803-0060

5. **Type of Proposal: (please check)**

<input checked="" type="checkbox"/> New Home	_____ Alteration to Existing Home: 1 - 1 1/2 Story _____ 2 - 2 1/2 Story _____
_____ Pool: Above Ground _____ In-Ground _____	
_____ Shed _____ Fence _____ Deck _____	Other *If other, please describe: _____
Water Line: Existing _____ New _____ Upgraded _____	
Sewer Line: Existing _____ New _____ Upgraded _____	

Dimension of New Building/Addition: _____ x _____ **Height of New Building/Addition:** _____
Area of New Building/Addition: _____ sq. ft. **Number and Types of Rooms:** _____

* If multiple additions are being applied for, itemize the additions and provide all pertinent information for each addition as requested above. * If addition is a pool, please indicate type and height of fencing.

Additional Information:

Demolish 3 small homes and build 2 new
homes as per proposed Plans

I sent via email currently lots are undersized
Proposed

ZONING

6. *** Must Submit Two (2) Copies of Plot Plan/Survey Indicating Proposed Structures with Dimensions and Setbacks from Property Lines ***

7. Applicant certifies that all statements and information made and provided as part of this application are true to the best of their knowledge, information and belief. Applicant further states that all pertinent municipal ordinances, and all conditions, regulations and requirements of site plan approvals, variances, and other permits granted with respect to said property shall be complied with.

Signature of Applicant

Date

REVISD DRAWINGS 9/9/2020
REVISD AGAIN - 10/22/2020

Office Use Only

Zoning Reviewer:

MARK FESSLER

Date: 9/20/20

Application Complete: Yes ☒ No ☐

Approved: _____

Rejected: * AS NOTED

Planning/Variance Board action needed: Yes ☒ No ☐

Proposed Work Needs Construction Permits: Yes ☒ No ☐

Mercantile License Needed? Yes ☐ No ☒

Notes: * SEE ATTACHED REVIEW LETTER
LISTING THE REQUIRED VARIANCES &
SUB-DIVISION APPROVAL REQUIRED FROM
THE PLANNING BOARD

~~* INCONSISTENCIES ON DRAWINGS SHOULD BE CORRECTED
PRIOR TO SUBMISSION TO THE PLANNING BOARD.~~ DONE

* REVIEW IS BASED ON LATEST REVISED DRAWINGS
DATED 9/9/2020.

Mark A. Fessler
9/20/2020
10/30/2020

Zoning Review of Property at the SW Corner of Seventeenth Ave. & Oak Terrace

(Based on revised submitted architectural drawings dated 9/9/2020
and the revised Minor Subdivision Plan dated 2/5/2021)

The previous sub-division proposal by the previous owners of the property in question was never approved, so the property as it stands consists of a single 6267 sq.ft corner lot with three non-conforming 'Use' single-family dwellings.

This sub-division proposal consists of two undersized lots (Lot A @3900sq.ft & Lot B @2367sq.ft.) with one conforming 'Use' single-family residence on each lot. There is a total of ten variance approvals that would be required as follows:

Lot - "A"

*Lot Area...3900sq.ft. where 4000sq.ft minimum is required.....**Variance required***

*Lot Width....60ft. where 40ft. minimum is required.....Conforms

*Lot Depth...65ft. where 100ft. minimum is required.....**Variance required***

*Building Coverage...38% (1480sf) where 35%max.(1365sf) is allowed.....**Variance required***
(1184sf house + 296sf front porch)

(Note: House on undersized lots and no garage are still limited to 35% building coverage)

*Impervious Lot Cover..64% (2498sf) where 60% (2340sf) is allowed.....**Variance required***

*Front Yard Setbacks...Oak Terrace:

20'-0" where 20'-0" or average of the block is required.....Conforms
Seventeenth Ave.:

20'-0" where 20'-0" or average of the block is required.....Conforms

(Note: No "average of the block" calculations were submitted, but the applicant's side of Oak Terrace are all newer homes with a 20ft.setback)

*Rear Yard Setback...13'-0" where 10'-0" minimum is required.....Conforms

*Side Yard Setback....3'-0" where 3'-0" minimum is required.....Conforms

*Parking...(4) 9'x19' parking spaces (no garage) where two spaces are required.....Conforms

*Building Height...30'-0" proposed where 35'-0" allowed for lots 40ft.+ wide.....Conforms

*Front Yard Coverage..Front Yard area is 2100sf, which requires 1050sf min.(50%)
is required to be left open for landscaping. The proposed "landscaping"
(front porch +front steps & walk +driveway +side door platform,
steps & walkway) is 1290sf (61.4%), which leaves only 710sf (35.5%)
open for landscaping.....**Variance required ***

* "Open" Front Porch Setback...12'-0" proposed where 10'-0" minimum is required...Conforms

NOTE: The Minor Subdivision Plan does not show the cantilevered second floor areas or the front porches, driveways walkways, etc., but does appear to include them in their calculations.



Borough of Lake Como

1740 Main Street, Lake Como, New Jersey 07719
(732) 681-3232 • FAX (732) 681-8981

Kevitt G. Higgins
Mayor

FORMAL
PLANNING BOARD APPLICATION

Louise A. Makash
Borough Clerk/Administrator

For Municipal Use Only

Application No. 20-
Received by Clerk: 10-26-05
Fees Collected: 0
Hearing Date: 12-14-05
Resolution Adopted by Board:

ESOWN #1560 Recd 2/16/06

() Granted () Denied

If something is not applicable to application being submitted, please specify with N/A.

1. Applicant(s) Name & Address: Vanessa Te Lamm, et al.
1702 Oak Terrace
Little Ferry, NJ 07643
Telephone No.: 201-263-0000
2. If the applicant is being represented by an attorney, please state name, address, and telephone no.
3. Applicant is:
Corporation _____
Partnership _____
Individual _____
Other _____

NOTE: If applicant is a corporation or a partnership, please attach a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership.

4. The relationship of applicant to the property in question is: ☒ Owner ☐ Lessee

1740 Main Street, Lake Como, New Jersey 07719
(732) 681-3232 • FAX (732) 681-8981

5. If applicant is not Owner, please state name and address and telephone number of Owner: _____
6. Application is a request for the following:
☐ Preliminary Site Plan
☒ Final Site Plan
☒ Joint Preliminary and Final Site Plan
☒ Minor Subdivision (3 or less lots)
☐ Preliminary Subdivision
☒ Final Subdivision
☒ Joint Preliminary and Final Subdivision
☒ Variance requests please specify _____
 including Bulk & Use Variances _____
☐ Informal Hearing
7. Give brief description of application: request to not respond to credit items and for a minor improvement
8. Street Address of Property: 1767 OAK TERR
 Block: 11 Lot(s): 1 ****Must be Current Bk/Lot**
9. Use of Property: Existing _____
 Zone: _____ Proposed _____
 Lot Area: _____ Building Area: _____
10. Map Information: Map Dated _____
 Prepared by _____
 Map Entitled _____
11. Additional comment by applicant which may be relevant to hearing: all information as told Board

I certify that the statements and information contained in this application are true.

Date 8-7-82

[Signature]
 Applicant/Agent

I authorize the applicant to submit this application and process for approval.



H2M Associates, Inc.

4810 Belmar Boulevard, Ste 201
Wall Township, NJ 07753 | tel 732.414.2661

November 24, 2021

Lake Como Planning Board
c/o Viveca Graham, Board Secretary
1740 Main Street
P.O. Box 569
Lake Como, NJ 07719

**Re: Completeness/Technical Review (Use Variance)
Ternowchek, 1819 Parkway
Block 17, Lot 9
H2M Project No. LKCP 2107**

Dear Chairman and Board Members:

I am in receipt of an Application package for the referenced project. The package includes a Site Plan and Architectural Plans (three sheets, signed and sealed) prepared by Mary Hearn, AIA, dated July 2, 2021; and a completed Application form with attachments. Based on my review of these submitted documents, I find that this application is substantially complete, and may be scheduled for a public hearing at the Board's earliest convenience. Further, based on my review of these documents with the Borough Zoning Ordinance, a site visit, and good engineering practice, I offer the following comments for your use through the public hearing process.

General

The property in question is located on western side of Parkway, south of 18th Avenue. This location is within the Borough's Single-Family Residential District R-40. The Applicant wishes to construct a new 2 story residential with ancillary site improvements. The proposed use is conforming to the zone; however, the existing lot and the proposed dwelling are non-conforming for the zone.

Land Use/Site Planning Issues

My review of the proposed plan identified the following issues that should be addressed through the public hearing process:

1. Code Section 17-19.1D sets forth the yard, area and building requirements for the R-40 Zone. My review of these requirements in conjunction with the subject application identified the following inconsistencies:
 - Lot area – 4,000 square feet required; 2,862 square feet existing;
 - Lot Frontage – 40 feet required; 30 feet existing;
 - Lot Width – 40 feet required; 30 feet existing;
 - Lot Depth – 100 feet required, 95.4 feet existing;
 - Building Height – 26.25 feet maximum, **30.23 feet proposed**; and
 - Building Coverage – 40% maximum allowable, **43.9 % proposed**.

The existing non-conforming conditions cited above are provided for the Board's information only. A *use criteria variance* (d(6)) will be required for the proposed building height cited above

as it exceeds the allowable by more than 10%. A Bulk variance will be required for Building Coverage cited above.

The application seems to be centered around a proposed two (2) story dwelling; however, the architectural elevation drawings depict a 2 ½ story dwelling and that there would be a front balcony associated with the ½-story. The Board should elicit testimony regarding the ½-story discrepancy and consider this aspect when considering the Use criteria variance for Building Height.

The Board should be aware that this property is located within the AE 10 flood zone and should be mindful of this during the discussion regarding the building height.


2. The site plan needs to be revised to include (1) topographic (contours and spot elevation) information; (2) proposed drainage facilities (so as to not impact adjacent properties); (3) existing/proposed water and sanitary sewer connections along with details; (4) location of electric and gas services; (5) height and purpose of the proposed retaining wall and associated construction detail; and (6) construction details for paver driveway and patio. The revised plan needs to be signed and sealed by a licensed engineer.

Also, the plan relies on the use of dry-laid pavers to minimize runoff; however, there is no detail on what pavers would be used or how they would be constructed to ensure that recharge of surface water would occur. The Board should require the Applicant to provide such details to ensure what is proposed is in keeping with the intent of the ordinance.

3. The existing boundary and topographic survey provided is not to scale and is not sealed. The Applicant should be required to provide a full-sized survey sealed by the professional that prepared it.
4. The survey provided depicts the front property line at the curb line of Parkway, and that what is typically public sidewalk is fully located on the Applicant's property. The Board should condition any approval on the Applicant providing a suitable easement to legally permit the sidewalk to legally remain.
5. The site visit revealed that the curb and sidewalk fronting this property are in fair to poor condition and should be replaced as a condition of any approval.

I trust this report is suitable for your purposes. If you have any questions regarding this application, please contact me.

Very truly yours,
H2M ASSOCIATES, INC.



Alan P. Hilla, Jr., P.E., P.P., CME
Planning Board Engineer

cc: Sam & Jeanne Ternowchek, Applicant
Adam Schneider, Esq., Board Attorney
George McGill, Esq., Applicant's Attorney



Borough of Lake Como

1740 Main Street, P.O. Box 569 • Lake Como, New Jersey 07719-0569
(732) 681-3232 • FAX (732) 681-8981

Formal Application

PLANNING BOARD APPLICATION

FOR MUNICIPAL USE ONLY

Application Number:

2021-

Received By:

VH/M

Fees Collected:

\$1100⁰⁰ App / \$1000⁰⁰ Es

Hearing Date:

Resolution Adopted By Board:

☐ Granted

☐ Denied

If something is not applicable to the application being submitted, please specify with N/A

1. Applicant(s) Name, Address & Telephone Number

Sam & Jeanne Ternowcheck

42 Hilltop Road

Yardley, PA, 19067

2. If the applicant is being represented by an attorney, please state name, address & telephone number

George D. McGill, Esq., McGill & Hall, LLC.

708 10th Avenue

Belmar, NJ, 07719

&32-419-9000

3. Applicant is:

☐ Corporation ☐ Partnership ☒ Individual ☒ Other married

NOTE: If application is a corporation or a partnership, please attach a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership.

4. The relationship of applicant to the property in question is:

☒ Owner ☐ Lessee

5. If applicant is not Owner, please state name, address and telephone number of the owner:

The applicants are the owners

6. Application is a request for the following:

- ☐ Preliminary Site Plan
- ☐ Final Site Plan
- ☐ Joint Preliminary and Final Site Plan
- ☐ Minor Subdivision (3 or less lots)
- ☐ Preliminary Subdivision
- ☐ Final Subdivision
- ☐ Joint Preliminary and Final Subdivision

☒ **Variance requests, including bulk or use variances – please specify**

☐ **Please see attached addendum**

☐ Informal Hearing

7. Give a brief description of application:

Please see attached addendum

8. Street Address of Property:

1819 Parkway

Block: **17** Lot: **9**

9. Use of Property: **single-family residential**

Existing: **single-family residential**

Zone: **R-40**

Proposed: **single-family dwelling structure**

Lot Area: **2862 s.f.**

Building Area: **1,259 s.f.**

10. Map Information:

Map Dated: **July 2, 2021**

Prepared By: **Mary B. Hearn, AIA**

Map Entitled: **TERNOWCHEK RESIDENCE, 1819 Parkway – Lake Como, NJ**

11. Additional comments by applicant which may be relevant to hearing:

Please see attached addendum

I certify that the statements and information contained in the application are true. I authorize the applicant to submit this application and process for approval

October 4, 2021

Date

Applicant/Agent

Addendum to Application of Sam and Jeanne Ternowchek:

In Response to No. 6, Variance Relief Sought.

The applicants are seeking the following variances.

- a) Lot Coverage where 40% is permitted, and 43.9% is proposed.
- b) Building Height where 26.25 feet is permitted, and 30.1 feet is proposed.

To the extent the Board deems such action to be necessary, the applicants seek variance relief from the following pre-existing nonconforming conditions as to the lot dimensions:

- c) Lot area where 2,862 s.f. exists, and 4,000 feet is required.
- d) Lot width where 30 feet exists, and 40 feet is required.
- e) Lot frontage where 30 feet exists, and 40 feet is required.
- f) Lot depth where 95.4 feet exists, and 100 feet is required.

In Response to No. 7, Description of Project

The applicants are proposing to build a very nice single-family dwelling structure that will transform a previously underperforming, Sandy-ravaged, property into an asset to the community. (Photo attached hereto.) The Board Members may recall that the applicants were before the Board virtually on February 8 of this year. Their application was denied at that time. (The Resolution of the Board is attached hereto.) Sam and Jeanne have since reduced the proposed height of the structure from 34.4 feet to 30.1 feet, removed all livable area from the upper level, shortened the length of the structure by one foot, improved the drainage on the lot by proposing to connect to an underground stormwater system located between the sidewalk and the curb, and eliminated variance requests for front yard impervious and total impervious conditions. The applicants have maintained the charm of their original submission while reducing its impact on the streetscape. The applicants are now proposing to construct a home that they feel will better fit into the style of the structures in the surrounding community. The structure will meet all set back and parking requirements. The property is undersized and there is no property available to ameliorate that deficiency. The undersized nature of the lot creates a hardship in that smaller lots require a higher percentage of coverage to provide a livable structure. The property is also located in a flood zone which requires the applicants to construct the structure at a raised level so as to avoid the issues presented by floods and storms. This will be the year-round residence of the applicants.

In Response to No. 11, Other Comments

The applicants removed the structure that was damaged in Sandy prior to coming into the Planning Board for approvals because it was an eyesore, a neighborhood hazard and a detriment to the community.

The Denial of Permit dated July 8, 2021, is attached.

A Copy of the Survey dated September 10, 2019, prepared by Justin Hedges, P.L.S is attached as well.

ZONING

Ck# 4776 \$ 70⁰⁰ Rec'd by VH/A Date 7-8-21 Permit # 21-57

* A NON-REFUNDABLE \$70.00 FEE MUST BE SUBMITTED WITH THIS APPLICATION*

Borough of Lake Como
Zoning Application for Residential and Commercial Properties

1. Address of Property: 1819 Parkway
Block: 17 Lot: 9 Zone: R-40
2. Property Designation: Single Family X Multi Family Commercial
3. Applicant's Name*: Mary Hearn, Architect
Address: 1007B Main Street, Belmar, NJ 07719
Phone Number: 732-556-9055
*Applicant is: Owner Contractor Other X
(If other, please describe) Architect
4. Owner's Name: Sam & Jeanne Ternowchek
Address: 42 Hilltop Road, Yardley, PA 19067
Phone Number: 609-915-2798
5. Type of Proposal: (please check)

<u>X</u> New Home	<u> </u> Alteration to Existing Home: 1 - 1 1/2 Story <u> </u> 2 - 2 1/2 Story <u> </u>
<u> </u> Pool:	Above Ground <u> </u> In-Ground <u> </u>
<u> </u> Shed	<u> </u> Fence <u> </u> Deck <u> </u> Other *If other, please describe: <u> </u>
Water Line:	Existing <u> </u> New <u>X</u> Upgraded <u> </u>
Sewer Line:	Existing <u> </u> New <u>X</u> Upgraded <u> </u>

Dimension of New Building/Addition: 23.5 FT x 52.0 FT Height of New Building/Addition: 30.1 FT
Area of New Building/Addition: 2,269 sq. ft. Number and Types of Rooms: 9 rooms
Kitchen/Family/Dining, Baths, Bedrooms, Laundry, Closet, Mechanical, Garage

* If multiple additions are being applied for, itemize the additions and provide all pertinent information for each addition as requested above. * If addition is a pool, please indicate type and height of fencing.

Additional Information:
Flood Zone: AE10

*** SEE FULL-SIZE PLAN IN MAP DRAWER**

6. *** Must Submit Two (2) Copies of Plot Plan/Survey Indicating Proposed Structures with Dimensions and Setbacks from Property Lines ***

7. Applicant certifies that all statements and information made and provided as part of this application are true to the best of their knowledge, information and belief. Applicant further states that all pertinent municipal ordinances, and all conditions, regulations and requirements of site plan approvals, variances, and other permits granted with respect to said property shall be complied with.

Signature of Applicant

07/07/2021

Date

Office Use Only

Zoning Reviewer:

MARK FESSLER

Date: 7/9/21

Application Complete:

Yes ☒

No ☐

Approved:

Rejected: *

AS NOTED

Planning/Variance Board action needed: Yes *

No ☐

Proposed Work Needs Construction Permits: Yes *

No ☐

Mercantile License Needed?

Yes ☐

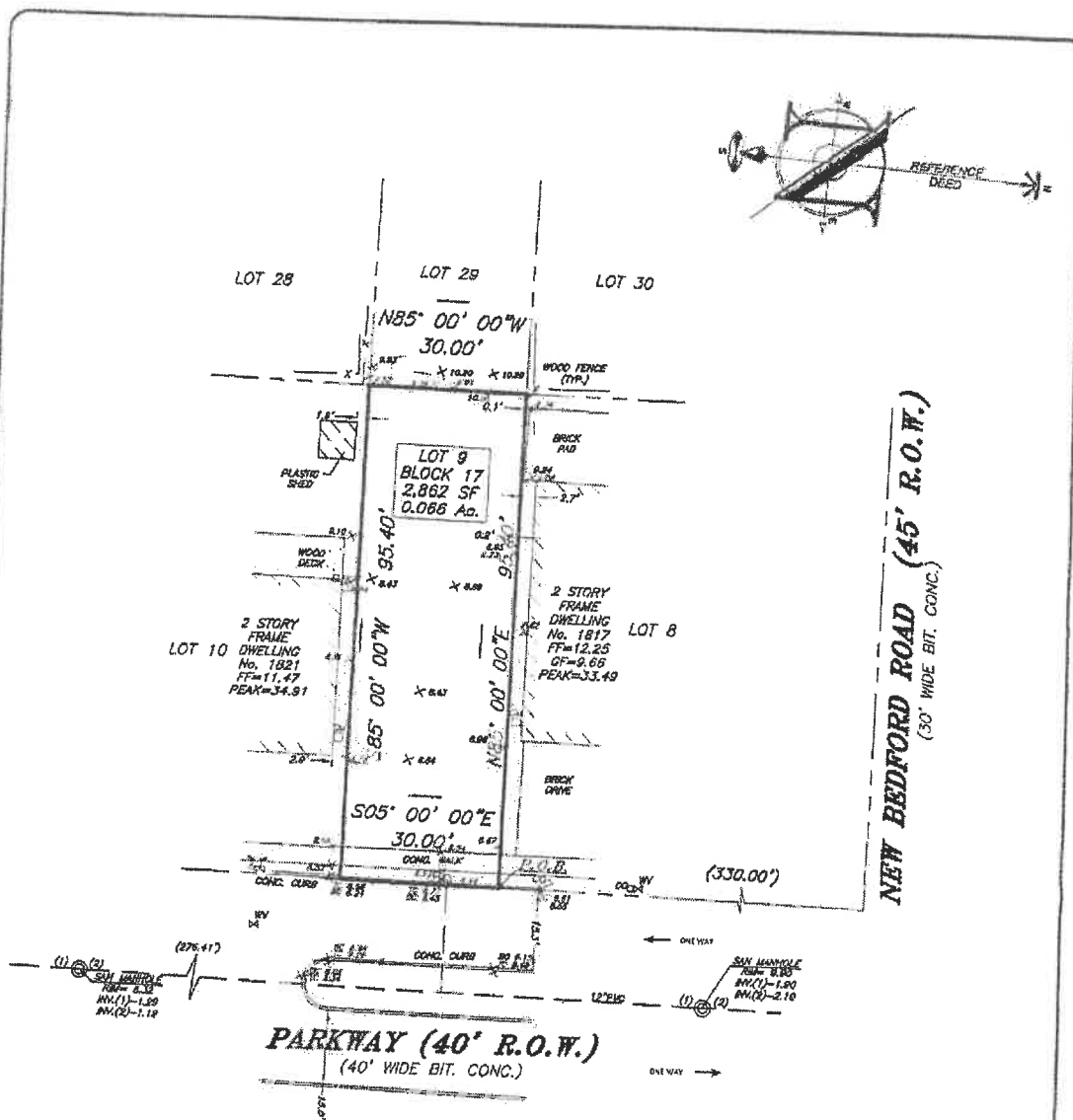
No *

Notes: * PROPERTY IS UNDERSIZED IN LOT WIDTH, DEPTH AND TOTAL AREA.

* PROPOSED BUILDING AREA OF 44.3% EXCEEDS THE 40% MAXIMUM ALLOWED.

* PROPOSED BUILDING HEIGHT OF 30.1 FT. EXCEEDS THE 26.25 FT. MAXIMUM FOR 30 FT. WIDE LOTS.

Mark Fessler
7/9/21



SURVEY NOTES:

THIS IS TO CERTIFY THAT THIS SURVEY IS ACCURATE, AND THAT THIS DRAWING IS A TRUE REPRESENTATION OF ACTUAL CONDITIONS EXISTING ON THE PROPERTY, EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE.

A WRITTEN WAIVER AND DECLARATION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L. 2002 C.14 (L. 2002-36-3) AND N.J.A.C. 17:40 - 3.1(d).

ALL ELEVATIONS ARE RELATIVE TO THE NORTH AMERICAN DATUM OF 1988 (NAVD83).

THIS SURVEY HAS NOT DETERMINED THE PRESENCE OF WETLANDS AT THE SITE.

MAP REFERENCE:

A MAP ENTITLED, "BOROUGH OF LAKE COMO, LOT 9, BLOCK 17, LAKE COMO MUNICIPALITY, MONMOUTH COUNTY, NEW JERSEY, BY ROBERT L. FARR, DATED 06/02/2004."

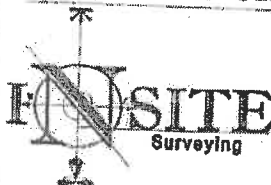
FILED MAP:

A MAP ENTITLED, "LOT 9, BLOCK 17, OF PROPERTY BELONGING TO THE DOLLAR REALTY COMPANY, BOROUGH OF LAKE COMO, MONMOUTH COUNTY, NEW JERSEY, SAID MAP BEING DULY DATED 07/07/2016, IN THE MONMOUTH COUNTY CLERK'S OFFICE AD 0468 NO 114."

DEED REFERENCES:

DB 6206 PG 1178

BOUNDARY & TOPOGRAPHIC SURVEY



InSite Surveying, LLC
CERTIFICATE OF AUTHORIZATION:
NJCS 30000100
1608 ROUTE 34, SUITE 1A
WALL, NJ 07719
732-331-7100 (PH) 732-331-7344 (FAX)
inSite@insitesurveying.net
www.insitesurveying.net

Site Location:

1819 PARKWAY
LOT 9, BLOCK 17
BOROUGH OF LAKE COMO
MONMOUTH COUNTY, NEW JERSEY

CAUTION: IF THIS DOCUMENT DOES NOT CONTAIN THE SIGNATURE AND RAISED SEAL OF THE PROFESSIONAL, IT IS NOT AN ORIGINAL, AND MAY HAVE BEEN ALTERED

Justin L. Hergees
JUSTIN L. HERGEES

PROFESSIONAL LAND SURVEYOR NJ LIC. NO. GS43362

InSite Project No.

10-5013-53

Drawing No.

10-5013-53 BTU

Date

08/10/18

Scale

1"=20'

Drawn By:

GS

Checked By:

JPH

Revisions

APPLICANTS: SAM AND JEANNE TERNOWCHEK
APPLICATION NO. 2021-04
BLOCK 17, LOT 9
PROPERTY: 1819 PARKWAY
ATTORNEY: GEORGE MCGILL, ESQ.

LAKE COMO PLANNING BOARD

**RESOLUTION 2021-04 OF THE PLANNING BOARD
OF THE BOROUGH OF LAKE COMO,
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

WHEREAS, SAM AND JEANNE TERNOWCHEK, Applicants, are the owners of the property located at 1819 Parkway, Block 17, Lot 9, in the Borough of Lake Como, County of Monmouth, and State of New Jersey, hereinafter referred to as the “Applicants”, and they have filed an application with the Planning Board of the Borough of Lake Como, hereinafter referred to as the “Board”; and

WHEREAS, the Applicants appeared before the Board on February 8, 2021, represented by their attorney, George McGill, Esq., and all notice requirements mandated by statute were made and notices provided to the public and proof submitted to the Board; and

WHEREAS, a virtual public hearing was held via Zoom on February 8, 2021; and

WHEREAS, the Board had jurisdiction to hear consider and determine the application issue; and

WHEREAS, the Board, having given due consideration to the exhibits moved into evidence and the testimony presented at said meeting, does hereby make the following findings of fact and conclusions of law:

1. The property in question is located in the R-40 residential zone of the Borough and the proposed single-family dwelling is a permitted use in the zone.
2. The Application as presented requires the following variances:
 - A. Undersized lot where 2862 SF is provided and 4000 SF is required.
 - B. Lot width where 30 feet is provided and 40 feet is required.
 - C. Lot frontage where 30 feet is provided and 40 feet is required.
 - D. Lot depth where 95.4 feet is provided and 100 feet is required.
 - E. Building coverage where 44.9% is requested and 40% is allowed.

- F. Impervious lot coverage where 62.3% is requested and 60% is permitted.
- G. Proposed open front yard landscape area where 30.2% is requested and 50% is required.
- H. Proposed building requested is 34.4 feet where 26.25 feet is allowed.

3. The following exhibits were moved into evidence:

- A-1 Picture of damaged house formerly located on property.
- A-2 Picture of damaged house formerly located on property.
- A-3 Picture of property.
- A-4 Picture of property.
- A-5 Picture of property
- A-6 Panoramic view of Parkway, northwest view, empty lot included.
- A-7 Three architectural renderings of proposed structure.
- A-8 Architectural plans for proposed structure.
- A-9 Engineering report prepared by William Jensen.

4. The Applicants testified on their own behalf. Mrs. Ternowchek testified that she and her husband own a condominium immediately next-door to the lot in question. During Superstorm Sandy, the house on the lot, which they did not own at the time of the storm, and another small structure on that block suffered severe damage, rendering them uninhabitable. The Applicants purchased the lot, demolished the structures, and have since maintained the lot. Mrs. Ternowchek testified that they were seeking to build a house to fit in with the neighborhood, and that was big enough so the family would all be able to stay on premises.

5. Mary Hearn, licensed architect in the state of New Jersey, testified on behalf of the Applicants. Ms. Hearn testified as to the design of the house and the difficulties it presented. Building the house on an undersized lot in a flood zone presented various practical problems, while she still sought to make the house aesthetically pleasing. She testified as to the desire for first floor living space, making it necessary to have the mechanicals on both the first and third floor, providing for three parking spaces including one in the garage, and the fact that the house is in a flood zone,

6. William Jensen, professional engineer licensed to do business in the State of New Jersey, testified on behalf of the Applicants. His testimony focused on the various methods proposed by the Applicants to remove water from the property without creating issues for the neighboring properties. He proposed swells in the rear yard so that the water would drain to the street and flow onward to the appropriate municipal drainage.

7. Members of the public participated both by asking questions of the witnesses and testifying during the public comment portion. Linda Ford of 1816 Parkway asked questions about parking in flood zones. Wanda Patire of 1817 Parkway asked questions about window

placement and privacy. Kevin Lynch of 1823 Parkway asked questions about drainage and had engineering concerns. Allison Wiedemann of 1808 Parkway testified that she wanted to keep the Applicants as his neighbors and liked the look of the house. Kevin Lynch testified that the Applicants have been part of the community for 10 years and he understood the request to build a taller building. Kurt Schleck, 1818 Parkway, testified he built his house in 2008 with consistent with the height restriction as per the ordinance. He further testified that he wanted a nice house on the property and that the proposed house would be better for the street, but he had concerns as to the height, drainage, and parking, and thought that the house was bigger than should be allowed on that lot.

8. The Board finds that the Applicants have not demonstrated hardship and/or special reasons for the granting of the variances requested. The proposed house, while thoughtfully designed and attractive, was simply too big to be built on an under-sized lot. The height, more than 10% higher than permitted by ordinance, required a D variance. The proposed structure would have been much taller than the other houses on the block. Furthermore, the drainage issues on the street would have been made even more problematic by the lot coverage of the building. The Applicants, while presenting an attractive, well-designed house, did not present any form of hardship or special reason for the granting of the variance. Granting of the height variance, along with the other bulk variances, would have been detrimental to the zoning plan for the street and Borough.

NOW THEREFORE, BE IT RESOLVED by the Lake Como Planning Board that it adopts the aforesaid findings of fact and specifically makes the following conclusions of law:

1. Based on the aforesaid findings of fact and conclusions of law, the Board concludes that the granting of the approval requested by the Applicants for the variances will cause detriment to the public good and will impair the intent and purpose of the zoning ordinance or zoning plan.

BE IT FURTHER RESOLVED by the Planning Board of the Borough of Lake Como that the variance is hereby denied.

BE IT FURTHER RESOLVED by the Planning Board of the Borough of Lake Como denies the following bulk variances:

1. Construction of dwelling on an undersized lot of 2862 SF whereas 4000 SF is required.
2. Lot width where 30 feet is provided and 40 feet is required.
3. Lot frontage where 30 feet is provided and 40 feet is required.
4. Lot depth where 95.4 feet is provided and 100 feet is required.
5. Building coverage where 44.9% is requested and 40% is allowed.

6. Impervious lot coverage where 62.3% is requested and 60% is permitted.
7. Proposed open front yard landscape area where 30.2% is requested and 50% is required.
8. Proposed building requested is 34.4 feet where 26.25 feet is allowed.

All relief requested by the Applicants is hereby denied.

THEREFORE, the Application for variance relief for building a house on an under-sized lot is hereby denied.

RESOLUTION: 2021-04

MOVED BY:

SECONDED BY:

ADOPTED BY THE FOLLOWING VOTES:

AYES:

NAYS:

ABSTAIN:

The above resolution was denied by the Planning Board of the Borough of Lake Como at its Regular meeting on the ____ day of _____, 2021. I do hereby certify that the foregoing is a true and correct copy of Planning Board Resolution No. **2021-04**.

CHAIRMAN, JOSEPH CAVALUZZI



