

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

PLANNING BOARD AGENDA

MAY 13, 2024
REGULAR MEETING

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 COAST STAR ON FEBRUARY 1, 2024, AND BY POSTING IT ON THE BULLETIN BOARD IN BOROUGH HALL. A COPY OF THE SAID NOTICE HAS BEEN FILED WITH THE BOROUGH CLERK AND SENT TO THE COAST STAR. NOTICE OF THE MEETING WILL ALSO BE POSTED ON OUR WEBSITE. ALL MEETINGS ARE OPEN TO THE PUBLIC.

**** FLAG SALUTE ****

III. OATHS OF OFFICE
STEVEN PETROSINO, CLASS IV

IV. ROLL CALL

V. COMMUNICATIONS
NONE.

VI. VARIANCE APPLICATION
DUDA, RICK
1805-1805 ½ PARKWAY
BLK - 17 LOT - 3

VII. MEMORIALIZATION OF A RESOLUTION
LANDES, MILTON c/o PLEVITIS, JOHN (CONTRACTOR), UNLIMITED HOME IMPROVEMENTS
11 RIPLEY LANE
BLK - 19 LOT - 7

VIII. UPDATES & CONTINUED PLANNING & ZONING DISCUSSIONS
1. REDEVELOPMENT COMMITTEE JOE CAVALUZZI & ALAN HILLA
(WILL UPDATE AS NEEDED)

IX. FUTURE MEETING DISCUSSIONS
PLANNING BOARD APPLICATION AND ESCROW FEES, STONES IN DRIVEWAYS

X. MINUTES TO BE APPROVED
MINUTES TO BE APPROVED AS TYPEWRITTEN REVIEWED AND E-MAILED.

XI. MOTION TO ADJOURN FOR THE PURPOSE OF GOING INTO EXECUTIVE SESSION REGARDING ALACAN, EDGAR, 301-16TH AVE., BLK - 1, LOT - 45.02
*IF DEEMED NECESSARY

XII. RECONVENE REGULAR MEETING FOR A MOTION TO ADJOURN IF NECESSARY

THE NEXT REGULAR MEETING OF THE LAKE COMO PLANNING BOARD WILL BE HELD ON MONDAY, JUNE 10, 2024, AT 7:00 PM IN THE MEETING ROOM. ALL MEETINGS ARE OPEN TO THE PUBLIC.



architects + engineers

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

| ENGINEERING NJ #24GA28019100

May 1, 2024

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
Duda Variance Application
1805-1805 ½ Parkway
Block 17, Lot 3
H2M Project No. LKCP 2402**

Dear Chairman and Board Members:

I am in receipt of an application package for the referenced project. The package includes Architectural Plans (2 sheets) prepared by Mary B. Hearn, R. A. dated December 7, 2023; Plot Plan prepared by Joseph J. Kociuba, P.E., P.P., date January 11, 2024, Outbound & Topographic Survey prepared by Alan R. Boettger, P.L.S., dated July 24, 2023, and a completed application form with attachments. Based on my review of these submitted documents in conjunction with the Borough Ordinance 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 the western side of Parkway, south of 18th Avenue. This location is within the Borough's Residential Zone (R-40). The lot currently contains 2- 1 story frame dwellings. The Applicant proposes to demolish the existing structures and construct a new 2 story single family dwelling with off-street parking. The proposed use is conforming for the zone; however, the existing lot, existing use and principal structure 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(d) sets forth the Requirements within the R-40 Zone. A review of the plans in conjunction with this section identified the following non-conformities:
 - Lot Area – 4,000 square feet required, 2,862 square feet existing;
 - Lot Frontage – 40 feet required, 30 feet existing;



6. The architectural plans depict a side wall vent for the proposed fireplace that appears to discharge beneath the proposed cantilevered second floor. This is more a code issue than zoning; however, the Board should confirm with the Applicant's architect that such a condition is permissible by the prevailing building code.

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.

A handwritten signature in black ink, appearing to read 'Alan P. Hilla, Jr.' with a stylized flourish at the end.

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

cc: Rick Duda, Applicant
Adam Schneider, Esq., Board Attorney (via email)
George McGill, Esq., Applicant's Attorney

ZONING

Ck# 1518 \$ 70⁰⁰ Rec'd by [Signature] Date 1-7-24 Permit # 27-03

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

Borough of Lake Como 1140

Zoning Application for Residential and Commercial Properties

1. Address of Property: 1805 Parkway

Block: 17 Lot: 3 Zone: R-40

2. Property Designation: Single Family Multi Family Commercial

3. Applicant's Name*: George D. McGill, Esq.

Address: 708 10th Avenue, Belmar, NJ 07719

Phone Number: 732-419-9000 732-618-2447

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

4. Owner's Name: Rick Duda

Address: 1118 Trenton Avenue, Point Pleasant, NJ 08742

Phone Number: 732-803-1677

5. Type of Proposal: (please check)

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: 23.83 x 57 Height of New Building/Addition: 26.15
Area of New Building/Addition: 1144 footprint sq. ft. Number and Types of Rooms: 12 rooms
4 bedrooms, 4 1/2 bath, walkin closet, kitchen/dining, family room, mud room

* 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:

Undersized Lot - Lot Area 2862 sf where 4000 sf required, Lot Frontage & Width 30 ft where 40 ft required

Lot Depth 95.40 ft where 100 ft required

* SEE FULL-SIZE PLAN IN MAPS DRAWER
(PLOT PLAN & ARCHITECT'S PLAN)

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

1/4/24

Office Use Only

Zoning Reviewer: _____

JPR

Date: _____

1/9/24

Application Complete: Yes _____ No _____

Approved: _____

Rejected _____

Planning/Variance Board action needed: Yes _____ No _____

Proposed Work Needs Construction Permits: Yes _____ No _____

Mercantile License Needed? Yes _____ No _____

Notes:

SEE ATTACHED

1805-1805 ½ PARKWAY Zoning Application #24-03

Owner proposes new house 4 Bedrooms in an R-40 Zone

The following Variances will be required:

Lot Area	2862 SF where a minimum of 4000 SF is required
Lot Width	30' where a minimum of 40' is required
Lot Depth	95.40' where a minimum of 100' is required
Front Yard Landscape Area	27.3% where a minimum of 50% is required

Attics > 5' in height cannot be more than 50% of the floor below

Building Height Undersized Lots in Width: Reduced proportionately Existing Width divided by 40' times

35' equals Maximum Height (example 33' Proposed height/40' in R-40 Zone = $.825 \times 35' = 28.875'$ Maximum Height allowed)

Driveway can be stone with concrete apron

ZONE R-40	REQUIRED	EXISTING	PROPOSED	COMMENTS
Min. Lot Area	4000 SF			
Min. Lot Width	40'			
Min. Lot Depth	100'			
Principle Structure				
Front Yard Setback or Average	20'			
Side Yard Setback	3'			
Side Yard Setback	3'			
Rear Yard Setback	10'			
Building Height from curb top	35'			
Base Flood Elevation				
ABFE				
Finished Floor Elevation				
Accessory Structure				
Side Yard Setback	3'			
Rear Yard Setback	3'			
Principle Structure Separation	5'			
Pool (Side, Rear & Buildings)	5'			
Height measured from ground				
Garage	16'			
Shed	12'			
Max Area				
Lot Requirements				
Building Coverage		40%		
Principal Structure				
Accessory Structure				
Shed				
Deck (50%)				
Impervious Lot Coverage		60%		
Building Total from above				
Driveway (Pavers 50%)				
Patio (Pavers 50%)				
Sidewalk/Steps				
Front Yard Landscape Area		50%		
Parking Spaces Minimum 9'x19'				
1-2 Bedrooms		1 Space		
3-4 Bedrooms		2 Spaces		
5-6 Bedrooms		3 Spaces		
Plus 1 Bedroom		Plus 1 Space		

4 BEDROOMS
26.15'
HEIGHT

When using the average front yard setbacks on the existing block, work with the principal structure (not the porch & steps don't count) and any thing more 20', count only 20'
 Accessory Structures Only in Side or Rear Yard not Front Yard
 Open Porches (1 story only/4' above grade) can extend 8' into the front setback (10' Back Minimum)
 Overhangs can be 18" into setbacks



Borough of Lake Como

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

Kevin G. Higgins
Mayor

Andrew Huisman
Administrator

PLANNING BOARD APPLICATION

FOR MUNICIPAL USE ONLY	
Application Number:	24-
Received By:	<i>[Signature]</i>
Fees Collected:	App # / Esc. \$ 1000 ¹⁷²
Hearing Date:	5-13-24
Resolution Adopted By Board:	_____
<input type="checkbox"/> Granted <input type="checkbox"/> Denied	

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

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

Rick Duda

1118 Trenton Avenue, Point Pleasant, NJ 08742

732-803-1677

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

George D. McGill, Esq.

708 10th Avenue, Belmar, NJ 07719

Office: 732-419-9000 Cell: 732-618-2447

3. Applicant is:

Corporation Partnership Individual Other _____

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:

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
 - o Lot Area, Lot Width, Lot Depth, Front Yard Landscape Area
See attached Narrative for details of variances.
- Informal Hearing

7. Give a brief description of application:

8. Street Address of Property:

1805-1805 1/2 Parkway

Block: 17 Lot: 3

9. Use of Property:

Existing: _____
 Zone: R-40
 Proposed: Single-family Residential
 Lot Area: 2862
 Building Area: 1144

10. Map Information:

Map Dated: December 7, 2023
 Prepared By: Mary B. Hearn, AIA
 Map Entitled: Duda Residence


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

See Attached Narrative

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

2-29-24

Date


 Applicant/Agent George D. McGill, Esq.

Narrative:

The applicant is Rick Duda. The property is 1805 Parkway, Block 17, Lot 3, and is located in the R-40 zone. The property is situated as the fourth property south from 18th Avenue and is located on the westerly side of the street. The property presently contains two residential dwelling structures and as such the use of the property is nonconforming as only single family residences are allowed. The structures themselves are also nonconforming to the bulk requirements of the zone in that the structures, one or both, violate the side yard setback, rear yard setback, building coverage and impervious surfaces requirements for the zone. The applicant proposes to take down the two existing dwellings and to construct a conforming single- family structure. The applicant requires variances to do this however because the existing dimensions of the lot do not meet the requirements of the zone. The applicant requires a variance for lot area where the zone requires 4,000 square feet and 2,862 feet exists and is proposed, for lot frontage where 40 feet is required and 30 feet exists and is proposed, for lot width where 40 feet is required and 30 feet exists and is proposed, and for lot depth where 100 feet is required, and 95.40 feet exists and is proposed. The Zoning Officer has also called out a variance for front yard landscape area. The applicant requests such variance relief as may be required however it is the applicant's position that such relief may not be necessary as currently designed. The applicant submits that the variance relief is warranted because the project will replace a highly nonconforming scheme with a largely conforming development and as such represents a better zoning alternative under N.J.S.A. 55D:40-70(c-2). Also, the property's dimensions are pre-existing in nature and there is no available property by which to remedy any of the conditions thus representing a hardship to the reasonable development of the property under N.J.S.A. 55D-40-70 (c-1). The applicant otherwise proposes to construct a dwelling that will comport with the scope and scale of the neighborhood, conform to the architectural design of the surrounding properties, and provide an aesthetic benefit to the community. The proposed structure was drawn by Mary Hearn, A.I.A. and she will be present before the Board to more fully explain her design. The applicant will also present the Plot Plan prepared by Joseph J. Kociuba, P.E., P.P., who will also be present to describe and discuss the variance relief requested in this application.

In a nutshell, the applicant is proposing to eliminate a largely nonconforming situation and to replace it with a largely conforming one which will be a benefit to the community.

Attached hereto is a Google aerial photo, site photos, and the denial of permit in this matter. The applicant further expects to present additional photographs as may be produced by Ms. Hearn and such testimony as may be necessary to support the relief requested herein.

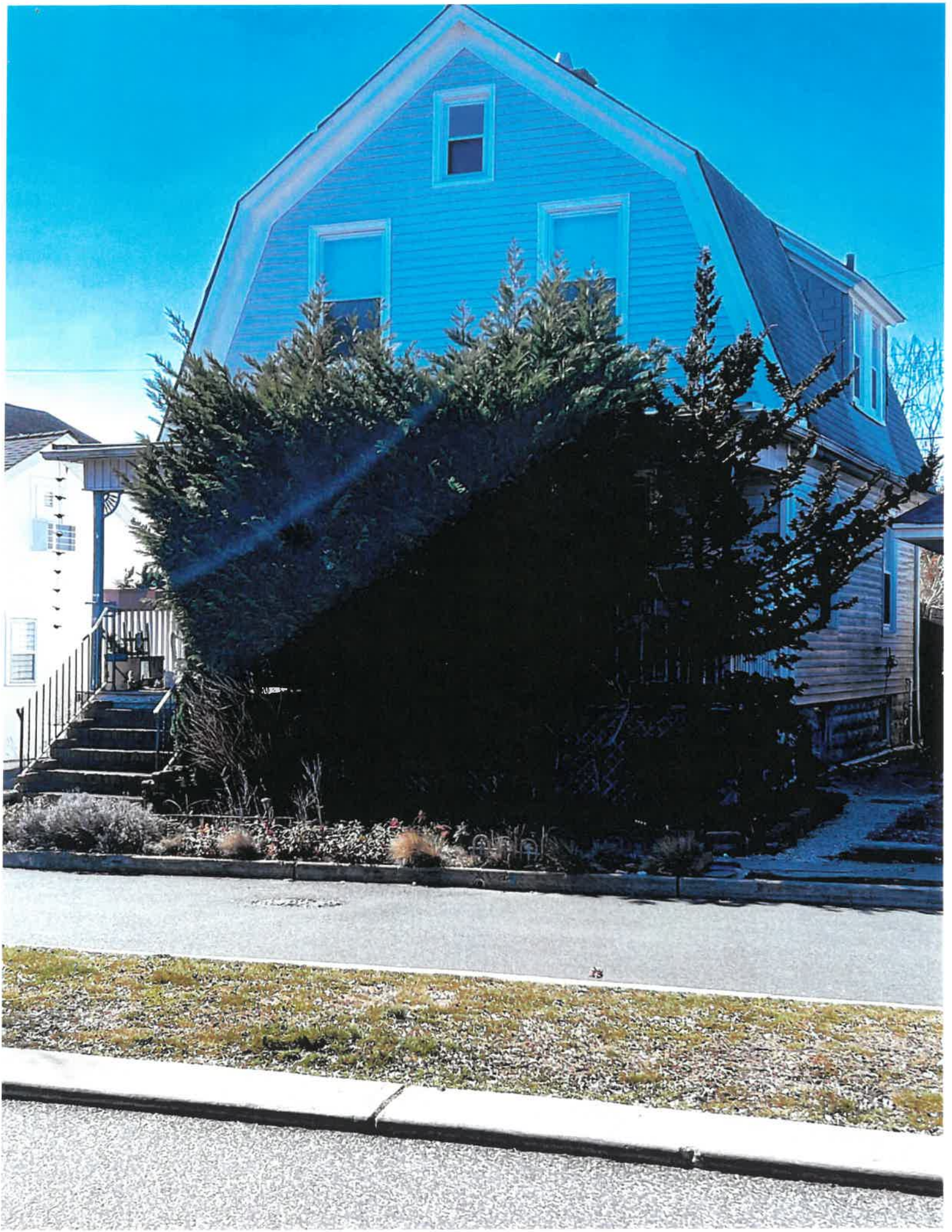


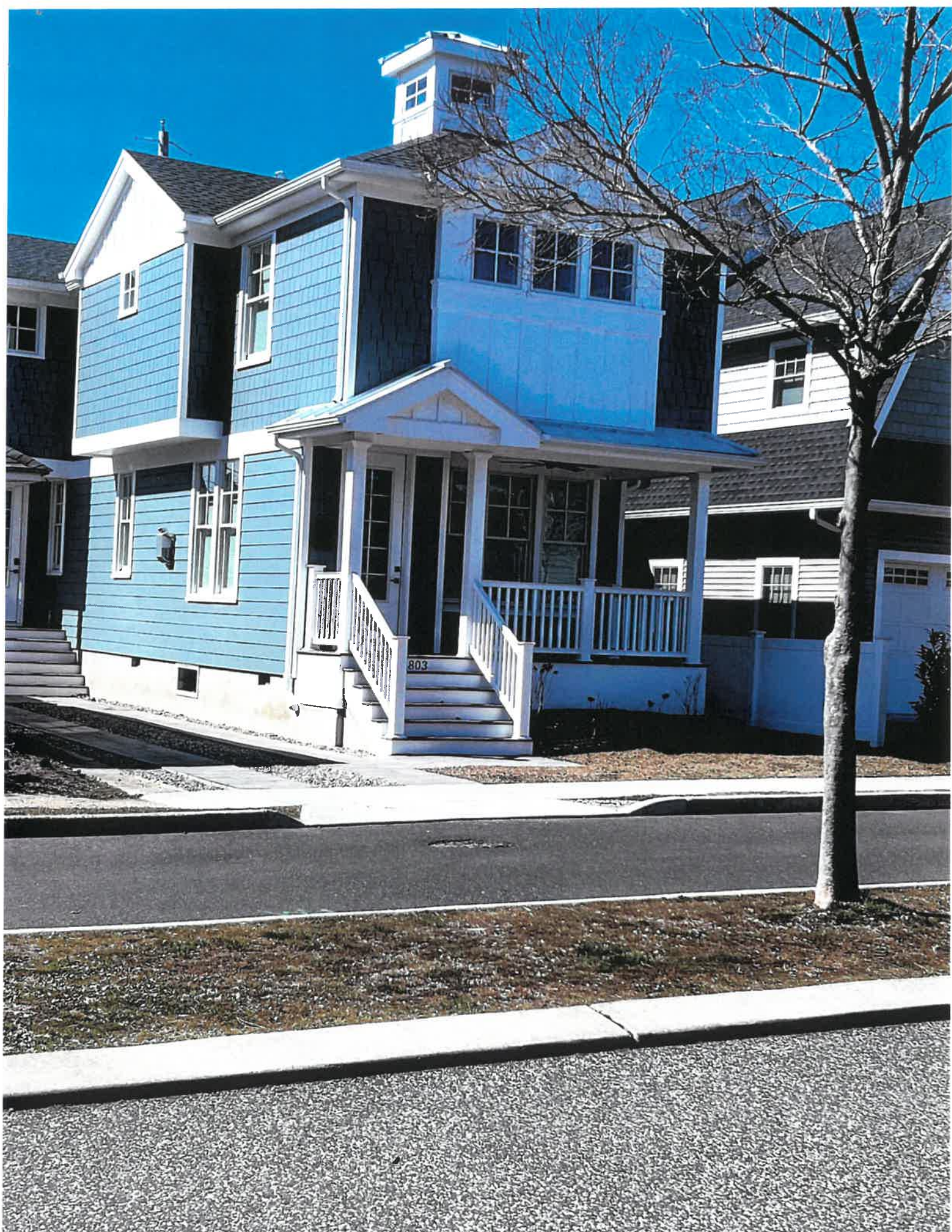






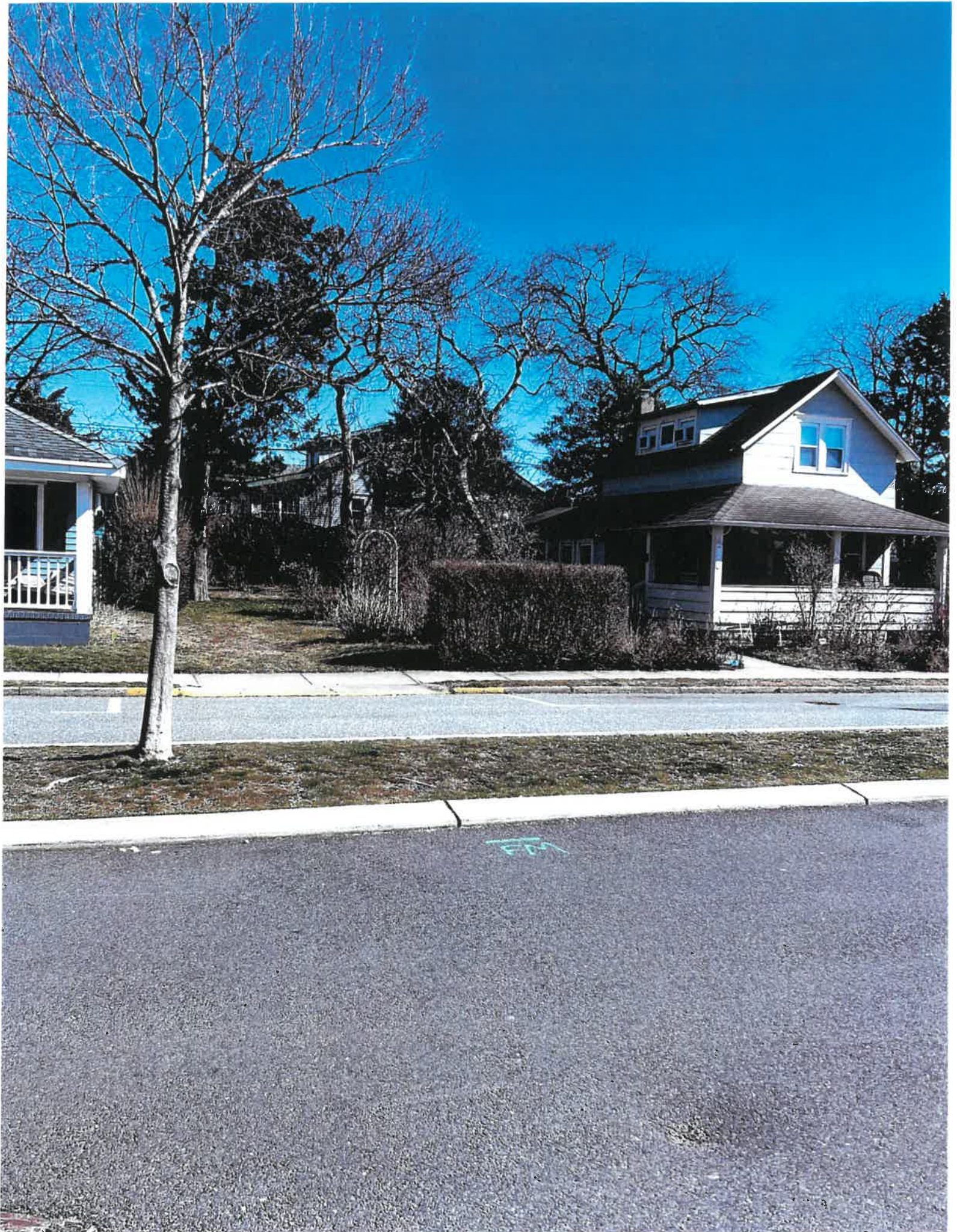






803





Loop-2500

A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L.2003, C.14 (C45:8-36.3) AND NJAC 13:40-5.1 (D)

- NOTES:
1. THIS SURVEY DOES NOT PURPORT TO IDENTIFY, IF ANY, ENCROACHMENTS, WETLANDS, UTILITIES, SERVICE LINES OR STRUCTURES BELOW GROUND;
 2. PROPERTY SUBJECT TO DOCUMENTS OF RECORD;
 3. NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THIS PROPERTY IS CLAIMED BY THE STATE OF N.J. AS TIDELANDS;
 4. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY THE LAND SURVEYOR FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO USE OF SURVEY FOR SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN THE CERTIFICATION EITHER DIRECTLY OR INDIRECTLY.
 5. ONLY COPIES FROM THE ORIGINAL SURVEY MARKED WITH AN ORIGINAL PROFESSIONAL LAND SURVEYORS EMBOSSED SEAL SHALL BE CONSIDERED VALID COPIES;
 6. SIGNATURE AND EMBOSSED SEAL SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE ADOPTED BY THE N.J. STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS;
 7. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED PROFESSIONAL LAND SURVEYOR'S SEAL IS ILLEGAL AND PUNISHABLE BY LAW;
 8. OFFSETS SHOWN HEREON ARE NOT TO BE USED AS A BASIS FOR ANY CONSTRUCTION OF PERMANENT STRUCTURES I.E. BUILDINGS, SHEDS, FENCES, ETC.
 9. SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD, IF ANY.
 10. THE HORIZONTAL DATUM IS NAD83 AND THE VERTICAL DATUM IS NAVD88.
 11. THE SURVEY SHOWN HEREIN, AND/OR TOPOGRAPHY WAS MAPPED UTILIZING TRADITIONAL SURVEY METHODS, ROBOTICS, RECTIFIED ORTHO PHOTOGRAPHY, PHOTOGRAMMETRIC MAPPING, REMOTE SENSING, AIRBORNE/MOBILE LASER SCANNING AND OTHER SIMILAR PRODUCTS, TOOLS OR TECHNOLOGIES AS THE BASIS FOR SHOWING THE LOCATION OF CERTAIN FEATURES (EXCLUDING BOUNDARIES) WHERE GROUND MEASUREMENTS WERE NOT OTHERWISE NECESSARY TO LOCATE THOSE FEATURES TO AN APPROPRIATE AND ACCEPTABLE ACCURACY RELATIVE TO A NEARBY BOUNDARY ACCORDING TO CURRENT ALTA/NSPS STANDARDS.

DESCRIPTION:
BEING KNOWN AS LOT 3 IN BLOCK 17 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF LAKE COMO, MONMOUTH COUNTY, NEW JERSEY.

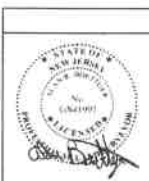
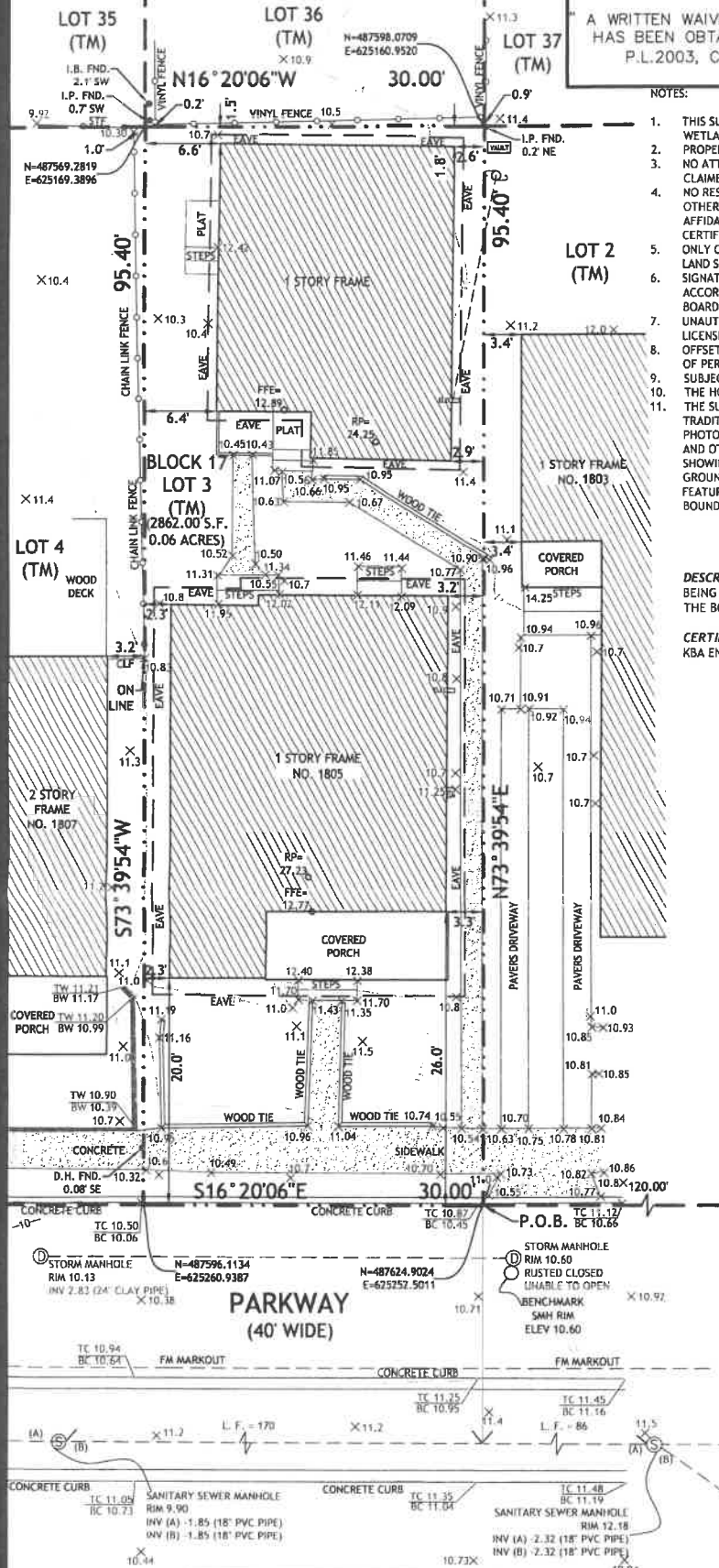
CERTIFIED TO:
KBA ENGINEERING SERVICES, LLC.

18TH AVENUE (STREET SIGN)
(EIGHTEENTH AVENUE - TM)
(NEW BEDFORD ROAD - DEED)
(45' WIDE)



LEGEND:

- ⊕ UTILITY VAULT
- ⊕ GAS METER
- ⊕ UTILITY POLE
- ⊕ MANHOLE
- ⊕ STORM MANHOLE
- ⊕ SANITARY SEWER MANHOLE
- ⊕ ELECTRIC METER
- ▭ BRICK PAVERS
- ▭ CONCRETE PAVING
- OVERHEAD WIRE
- WALL
- FENCE LINE



DATE: 07-24-2023

ALAN R. BOETTGER
PROFESSIONAL LAND SURVEYOR
N.J. LICENSE NO. 41997

CLEARPOINT SERVICES LLC
Professional Land Surveyors

Headquarters: 1 940 Hartman Road (Unit 3) | Jackson, NJ 08527
New York Office: 1 222 Edison Avenue 1 (Unit 201) | Middletown, NY 10940
Florida Office: 1 341 Ruby Avenue (Unit 205) | Kissimmee, FL 34741
712-905-5443
www.clearpoint-surveyors.com

CERTIFICATE NO. 246AZB115000

OUTBOUND & TOPOGRAPHIC SURVEY
PREPARED FOR
1805 PARKWAY
-LOT 3 - BLOCK 17-
SITUATED IN THE
BOROUGH OF LAKE COMO,
MONMOUTH COUNTY, NEW JERSEY

JOB NO. 23-35399	SCALE 1"=10'	DATE: 07-24-2023	SHEET 1 OF 1	PM - AB
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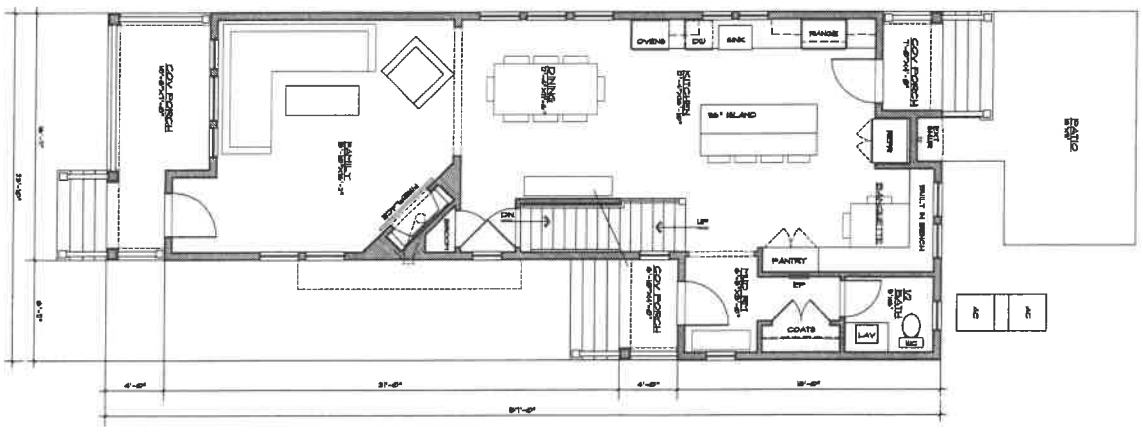
SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"



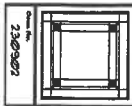
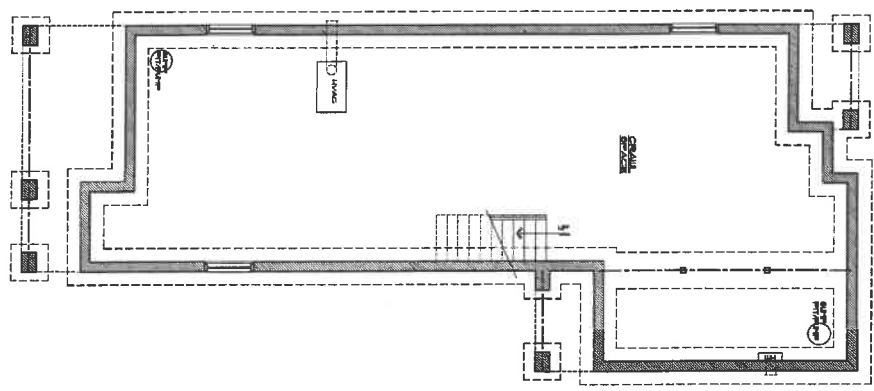
FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



FOUNDATION PLAN

SCALE: 1/2" = 1'-0"



M. B. HEARN ARCHITECTURE, LLC

10078 MAIN STREET BELLMAR, NEW JERSEY 07103
 (732) 556-3080 FAX: (732) 556-5022

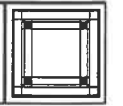


FOUNDATION PLAN
 FIRST FLOOR PLAN
 SECOND FLOOR PLAN

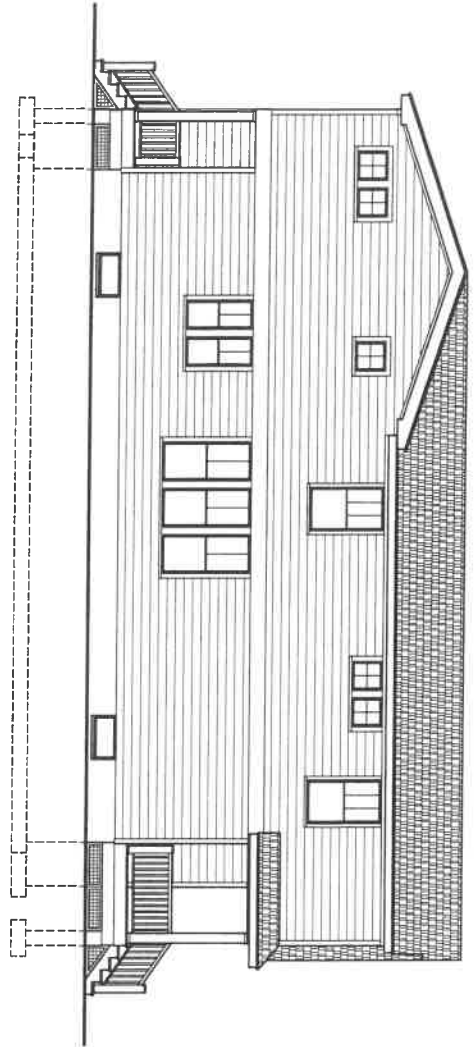
Drawn By: MBH
 Date: 03-07-20

DUDA RESIDENCE
 1825 PARKWAY
 LAKE COMO, NJ

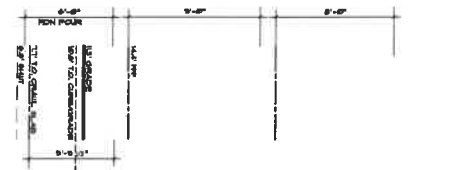
Date: 03-07-20
 Sheet No: 1 OF 2



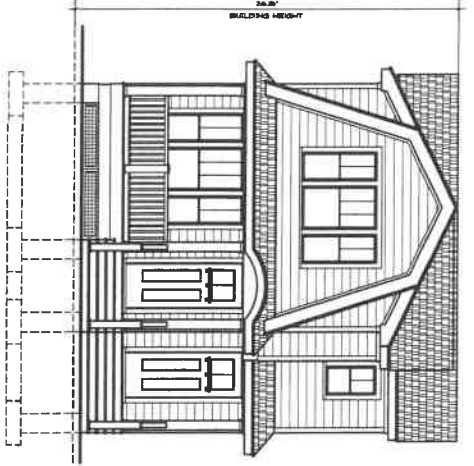
SOUTH (SIDE) ELEVATION



SCALE: 1/4" = 1'-0"



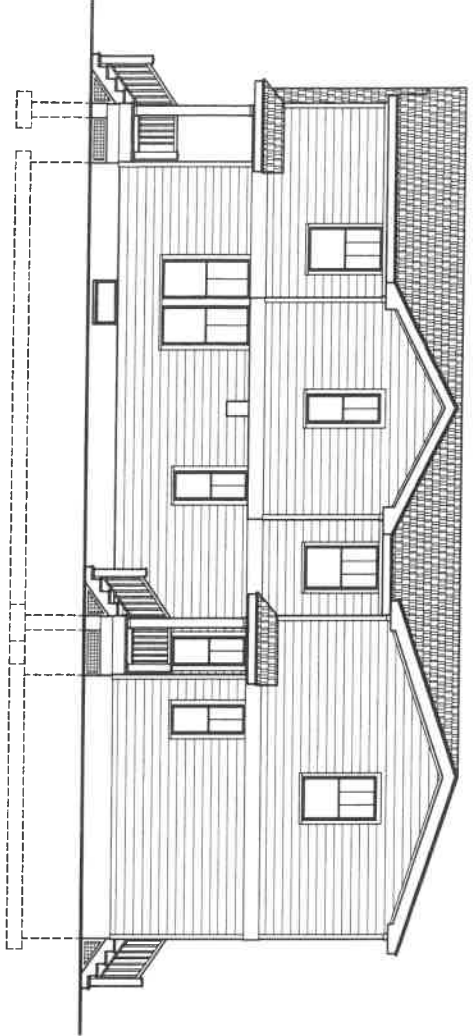
EAST (FRONT) ELEVATION



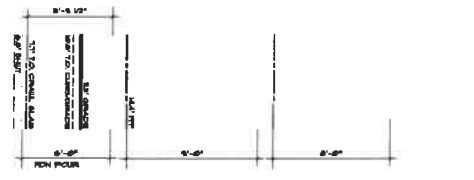
SCALE: 1/4" = 1'-0"



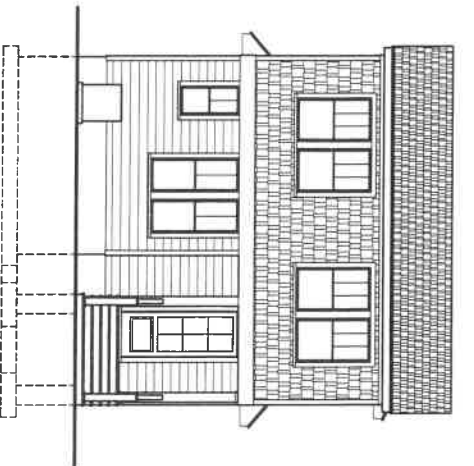
NORTH (SIDE) ELEVATION



SCALE: 1/4" = 1'-0"



WEST (REAR) ELEVATION

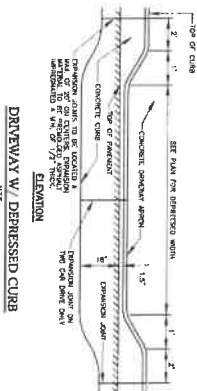


SCALE: 1/4" = 1'-0"



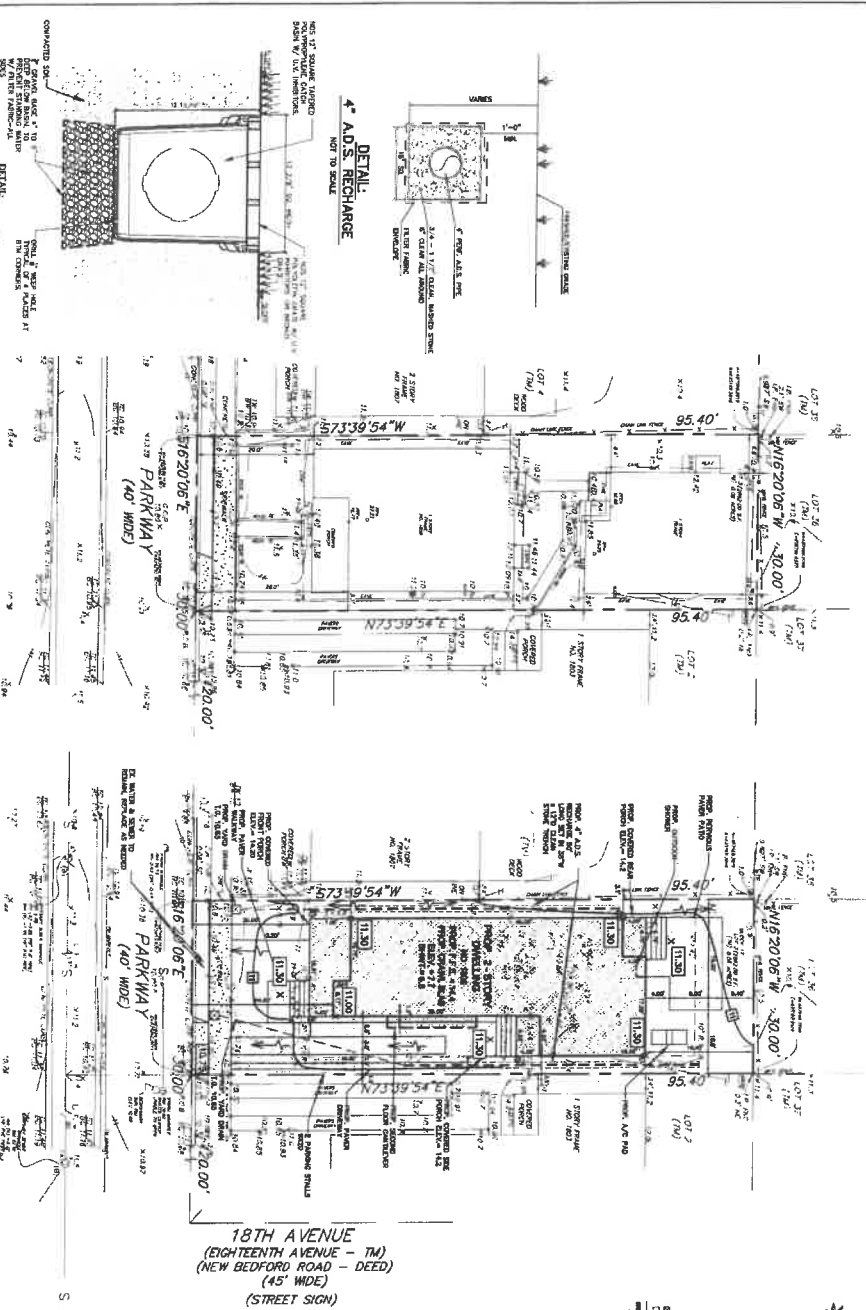


PROJECT LOCATION



DRIVEWAY W/ DEPRESSED CURB ELEVATION

GENERAL NOTES:
 PROPERTY IS SHOWN AS BLOCK 17, LOT 3 AS SHOWN ON TAX MAP SHEET 2 OF THE ORIGINAL TAX MAPS OF THE BOROUGH OF LAKE COMA, MONMOUTH COUNTY, NEW JERSEY.
 PROPERTY IS LOCATED IN THE R-40 RESIDENTIAL ZONE AND CONTAINS A TOTAL OF 1.00 ACRES.
 THIS PROJECT IS SUBJECT TO THE FOLLOWING ZONING REGULATIONS:
 R-40 RESIDENTIAL ZONE
 THE PROPOSED DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE ZONING REGULATIONS.
 APPLICANT PROPPOSES TO CONSTRUCT A 2-STORY GARAGE.



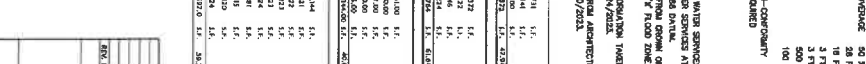
18TH AVENUE (EIGHTEENTH AVENUE - TM) (NEW BEDFORD ROAD - DEED) (45' WIDE) (STREET SIGN)



EXISTING CONDITIONS PLAN SCALE IN FEET (1"=10')



PROPOSED PLOT PLAN SCALE IN FEET (1"=10')



DETAIL: 4' ADS RECHARGE (NOT TO SCALE)



DETAIL: COMPACTED SOIL (NOT TO SCALE)

PERMITS REQUIRED:
 1. CONSTRUCTION PERMIT
 2. ELECTRICAL PERMIT
 3. PLUMBING PERMIT
 4. MECHANICAL PERMIT
 5. GAS PERMIT
 6. FIRE ALARM PERMIT
 7. ELEVATOR PERMIT
 8. SIGNAGE PERMIT
 9. ADVERTISING PERMIT
 10. SPECIAL EVENTS PERMIT
 11. TEMPORARY OCCUPANCY PERMIT
 12. TEMPORARY USE PERMIT
 13. TEMPORARY SIGNAGE PERMIT
 14. TEMPORARY STRUCTURE PERMIT
 15. TEMPORARY USE OF PUBLIC SPACE PERMIT
 16. TEMPORARY USE OF PUBLIC UTILITY PERMIT
 17. TEMPORARY USE OF PUBLIC FACILITY PERMIT
 18. TEMPORARY USE OF PUBLIC RESOURCE PERMIT
 19. TEMPORARY USE OF PUBLIC SERVICE PERMIT
 20. TEMPORARY USE OF PUBLIC PROPERTY PERMIT

NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY PLAN	10/15/2022	J. KOUBA
2	FINAL PLAN	10/15/2022	J. KOUBA

PREPARED BY: JOSEPH J. KOUBA, P.E., P.P.
 ENGINEERING SERVICES, LLC
 2017 Highway 26, Suite 100
 Lakewood, NJ 07033
 TEL: 908.426.1111
 FAX: 908.426.1112
 WWW.JKENGINEERING.COM

FOR RECORD:
 BOROUGH OF LAKE COMA
 MONMOUTH COUNTY, NEW JERSEY
 1805 - 1805 1/2 PARKWAY
 BLOCK 17 - LOT 3

**APPLICANT: MILTON LANDES
ATTORNEY: EDWARD V. MURACHANIAN, ESQ.
APPLICATION NO. 2024-05
BLOCK 19, LOT 7
PROPERTY: 11 RIPLEY LANE**

LAKE COMO PLANNING BOARD

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

WHEREAS, Milton Landes, Applicant, is the owner of property located at 11 Ripley Lane, Block 19, Lot 7, 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", seeking all appropriate approvals for construction of a cabana on his property; and

WHEREAS, a public hearing was held on April 8, 2024; and

WHEREAS, 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 Applicant was represented by Edward Murachanian, Esq., an attorney licensed to practice in the State of New Jersey with an office in Brick; and

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

1. The premises are located in the Borough's R-60 zone. The lot contains a two-story single-family dwelling with an attached garage, shed, and driveway. The Applicant is seeking to construct a 315 square foot cabana and a 332 square foot paver patio. The cabana is a proposed accessory use and is nonconforming for the zone pursuant to Ordinance 17-9.1B.
2. The proposed cabana would contain of a half-bath and a cooking station. The cabana would have electric, heat, and plumbing. It would be one-story, 15.8 feet high, with a vaulted ceiling, designed to be aesthetically compatible with the main structure.
3. Borough Ordinance Code § 17-9.1B sets forth permitted accessory uses and structures and does not list cabanas as a permitted use, only allowing garages and utility sheds. The Board, upon the advice of its professionals, determined that a variance would be required for the proposed accessory use. Since all setback requirements were met by the

Applicant, and lot coverage was compliant and not an issue, the only variance required was from the ordinance not permitting cabanas.

4. Testimony was provided by Debra Bullock, an Engineer licensed in the State of New Jersey, with the firm of Morgan Engineering. She testified that with the proposed addition and patio, the property would be compliant with Borough ordinances, and would follow all stormwater management rules and regulations for not increasing water runoff from the property. There would be a drywell installed that could contain up to a three-inch rainfall.
5. The Applicant, Milton Landes, testified on his own behalf. His testimony was that the proposed patio and cabana would enhance his family's use and enjoyment of the property by providing an outdoor place for them to go after a day at the beach. They would be able to stay outside to watch TV, play games, and socialize in their own yard. He further testified that he could move the cabana and attach it to the house with a breezeway but thought this proposed addition would be significantly more attractive and comfortable for his family. He further testified that another reason he wanted the cabana to be detached is because cooking apparatus would be allowed in a detached structure, whereas cooking could not be accommodated in an attached structure per code. He also testified that he was trying to do things appropriately and consistent with the Borough ordinances. His testimony was that the design of the cabana was consistent with the house, and it was one of the reasons that the roof line was set at 15.8 feet.
6. The following exhibits were moved into evidence:
 - A-1. Grading plan and stormwater management drawings for patio and cabana prepared by Debra Bullock of Morgan Engineering.
 - A-2. Architectural drawings and renderings of cabana and patio showing gas, electric and plumbing.

The Board, having considered the testimony of the professional witness and the Applicant, and having reviewed the application, denied the application for the following reasons:

1. The accessory structure would expand living space, not permitted for an accessory structure under the Borough ordinance.
2. The location of the cabana at the corner of the property could interfere with light and air of the neighbors, while protection of air and light are valid goals of zoning regulation.
3. The structure could be connected to the house with a breezeway and constructed without variances, achieving the Applicant's goals without requiring a variance.
4. Approval would be disruptive to the Master Plan because accessory structures permitted under the ordinance are not intended to expand living space. The relevant permitted

accessory uses in the zone are garages and utility sheds. Even though no bulk variances were required for the structure, accessory structures that expand living space are not permitted.

5. Applicant failed to meet its burden of proof as to the negative and positive criteria necessary for the granting of the variance at issue. The Applicant is proposing to add an accessory structure specifically designed to be used as living space by the Applicant, which is not permitted under the ordinance. The proposed second structure on the property benefits only the Applicant, while increasing the statutory undesirable element of a second unit designed only for living space. Under the terms of the ordinance, this is not permitted and is considered undesirable in a neighborhood zoned as single-family.

WHEREFORE, the application is hereby denied.

RESOLUTION: 2024-05

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 _____, 2024. I do hereby certify that the foregoing is a true and correct copy of Planning Board Resolution No. 2024-05.

CHAIRMAN, Joseph Cavaluzzi