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

#### PLANNING BOARD AGENDA

JUNE 09, 2025 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 20, 2025, 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. ROLL CALL
- IV. COMMUNICATIONS~REQUEST TO CARRY USE VARIANCE APPLICATION
  TONELLI, JAMES
  1808 FERNWOOD RD.
  BLK 14 LOT 40
- V. MEMORIALIZATION OF A RESOLUTION ENNIS, MICHAEL & AMY 1844 FERNWOOD RD. BLK – 14 LOT – 21
- VI. CONTINUED VARIANCE APPLICATION
  PAPA, ANDREW & MARY KAY
  1701 NEWMAN STREET
  BLK 7 LOT 1.01
- VII. USE VARIANCE APPLICATION STUTO, JOSEPH 399 NORTH BOULEVARD BLK – 18 LOT – 20
- VIII. FUTURE MEETING DISCUSSIONS
  PLANNING BOARD APPLICATION AND ESCROW FEES; STONES IN DRIVEWAYS; VERGE
- IX. MINUTES TO BE APPROVED
  MINUTES TO BE APPROVED AS TYPEWRITTEN REVIEWED AND E-MAILED.
- X. MOTION TO ADJOURN

THE NEXT REGULAR MEETING OF THE LAKE COMO PLANNING BOARD WILL BE HELD ON MONDAY, JULY 14, 2025, AT 7:00 PM IN THE MEETING ROOM. ALL MEETINGS ARE OPEN TO THE PUBLIC.

### McGill & Hall, L.L.C.

### ATTORNEYS AT LAW

708 10<sup>th</sup> Avenue, Second Floor Belmar, N.J. 07719 Telephone (732) 419-9000 Fax: 732-749-7480

George D. McGill, Esq.

Email, gdm@mcgillhall.com

Direct Dial, 732 749 7501

Thomas Hall, Esq. N.J. and N.Y. Bars Email, th@mcgillhall.com Direct Dial, 732 749 7502

June 6, 2025

Viveca Graham Planning Board Secretary Borough of Lake Como 1740 Main Street Lake Como, NJ 07719

Re: Tonelli Land Use Application

1808 Fernwood Road, Lake Como

Dear Ms. Graham:

As you know, I represent the Applicant, James Tonelli. Unfortunately, it has come to our attention that our architect is not available for the June 9, 2025 meeting, so I am writing to request that the Board carry our application to the July 14, 2025 meeting without further notice or publication requirements. The applicant agrees to waive any time limits for the Board to act.

As always, thank you for your courtesies and kind assistance in this matter.

GEORGE D. MCGILL

APPLICANT: MICHAEL ENNIS AND AMY ENNIS

ATTORNEY: GEORGE MCGILL, ESQUIRE

APPLICATION NO: BLOCK: 14; LOT: 21

PROPERTY: 1844 FERNWOOD ROAD

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

WHEREAS, Michael Ennis and his wife Amy, are the owners of property located at 1844 Fernwood Road, also known as Block 14, lot 21 on the Tax Map of the Borough of Lake Como, and the applicant, hereafter referred to as the "Applicant" has filed with the Planning Board of the Borough of Lake Como, seeking appropriate approval to permit the construction of a residential dwelling house with a height of 28.8 feet, which requires variance relief, and also; and to permit one parking space on the site where the ordinance requires two spaces. There are also pre-existing non-conforming bulk variances with respect to lot size, lot width and lot frontage and;

WHEREAS, The applicant appeared before the Board on May 12, 2025 represented by their attorney, George McGill, Esquire, and all notice requirements mandated by statute were made and notices were provided by the public, and proof was submitted to the Board; and

WHEREAS, The Board has jurisdiction to hear, consider and then determine the application and;

WHEREAS, The Board, having given due consideration to the exhibits submitted into evidence, and the testimony presented by and on behalf of the Applicant, makes the following findings of fact:

- 1. The subject property is located on the eastern side of Fernwood Road approximately 175 feet from the intersection with Ripley Lane in the Borough of Lake Como. The subject property is located within the R-40 zone of the Borough of Lake Como.
- 2. The use of the premises is consistent with that which is permitted in the R-40 zone as a single family house.
- 3. The subject application seeks to permit the construction of a single family dwelling house with a height of 28.8 feet to permit the installation of utilities, such as HVAC, etc., in the attic as the water table at the site is overly high and a basement or crawl space cannot be accommodated.

- 4. Testimony was provided by Mary Hean AIA, who is a New Jersey Licensed architect. The witness was qualified and recognized by the Board as an expert witness in the field of architecture and she testified that the applicants are the record owners of the subject property. Ms. Heam testified further that it is the intention of the applicants to retire in the near future and to move to the subject property as their full time residence. She testified further that the proposal of the applicant will make the subject property more "livable" in terms of the anticipated use by the applicant as their "forever home." She provided additional testimony to the effect that the proposed new dwelling house could be effectuated without undue imposition or offense to the local zoning ordinance or the Municipal Land Use Law.
- 5. Ms. Hearn further testified that due to the shape of the subject lot, and the location thereof, it was her opinion that the lot fits within the criteria of a hardship under section "C" of NJSA 40:55D-70(c)(1) which would justify the relief sought in this application. In particular Ms. Hearn noted that due to the elevated water table at the subject property, it would be impossible or at a minimum, impractical to construct the proposed dwelling house with a basement or crawl space and as such, the utilities would need to be installed in the attic. The attic will not be utilized for living space.
- 6. Andrew Meyer, 1846 Fernwood Avenue, Lake Como; and Patty Johnson, 1849 Fernwood Avenue, Lake Como; and , Lake Como offered comments with respect to the application and both interested parties testified favorably on behalf of the application noting that the proposal would not adversely affect the overall quality and character of the neighborhood wherein the subject dwelling house is located.
- 7. The Following Exhibits were moved into evidence

A-1 Ariel Photographs of 1844 Fernwood Road and vicinity:

A-2 Architectural renderings of the proposed dwelling house dated 9/13/24 prepared by Mary Hearn A I A;

A-3 Color renderings/photographs of the proposed dwelling house.

WHEREFORE, The Board finds that the relief sought by the applicant with respect to this application, specifically the following variances, may be granted based upon the hardship under section "(c)(1)" of the Municipal Land Use law, without undue hardship or offense to either the Municipal Land Use Law, or the Lake Como local ordinance and the granting of such relief will not impair the intent and/or purpose of the Lake Como zoning ordinance or zoning plan. The variances approved are;

 Applicant may construct a dwelling house with a height of 28.8 feet to permit the installation of utilities in the attic of the subject dwelling house. The attic wherein the utilities are located shall not be utilized as living space;

- 2. Applicant shall be permitted to have one (1) parking space where two (2) parking spaces are required as per the ordinance;
- 3. Applicant may continue the 30 foot frontage where 40 foot frontage is required pursuant to the ordinance (note this is a preexisting non-conforming condition);;
- 4. Applicant may continue the use of the property as undersized the property being 3000 square feet wherein the ordinance requires 4000 square feet (note this is a preexisting non-conforming condition);

NOW THEREFORE, BE IT RESOLVED that the Lake Como Planning Board concludes that the granting of the application requested by the Applicant will not impair the zoning plan for the R-40 zone or the Borough and subject to all the conditions set forth in this resolution.

**BE IT FURTHER RESOLVED** by the Planning Board of the Borough of Lake Como that the application is approved subject to the following conditions:

- 1. Applicant will cause to be created and filed and recorded a sidewalk easement for the sidewalk adjoining the frot of the dwelling house; and
- 2. All construction and development on the site will be consistent with the plans, renderings and testimony presented at the public hearing and subject to any and all conditions set forth at the public meeting whether or not included in this resolution;
- 3. Subject to the Applicants complying with any and all federal, state, county, and/or local laws and regulations pertaining to the development and use of the site in question. Furthermore, if any governmental agency grants a waiver or variance of a regulation which affects this approval, this matter shall be brought back before the Board for review of any such action and the Board shall have the right to modify this approval and/or conditions attached hereto as a result of any such action.

**THEREFORE**, the application to grant the bulk relief sought by the Applicant with respect to the single story addition and patio on the northerly side of the premises subject to the conditions set forth herein, is hereby granted.

RESOLUTION
MOVED BY:
SECONDED BY:
ADOPTED BY THE FOLLOWING VOTES:
AYES:

NAYS:
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### **ABSTAIN**

The above resolution was approved by the Planning Board of the Borough of Lake Como at its regular meeting on the 12th Day of May, 2025. I do hereby certify that the foregoing is a true and correct copy of Planning Board Resolution No

CHAIRMAN, JOSEPH CAVALUZZI

### CLEARY | GIACOBBE | ALFIERI | JACOBS LLC

SALVATORE J. ALFIERI, Partner sjalfieri@cgajlaw.com

Reply to: Matawan Office

June 2, 2025

#### Via Email

Lake Como Planning Board c/o Viveca H. Graham, Planning Board Secretary Borough of Lake Como 1740 Main Street Lake Como, NJ 07719

Re:

Papa Variance Application 1701 Newman Street Block 7, Lot 1.01

Dear Chairman and Board Members:

As you are aware, the undersigned serves as counsel to Applicants, Mary Kate and Andrew Papa. Following the May 12, 2025 meeting and in further support of their variance application, the Papas made supplemental submissions by way a revised site plan and setback survey. These supplemental submissions show that the Applicants are now only seeking a bulk variance for the Front Yard Setback on Seventeenth Avenue where the Applicants propose a setback of 13-feet whereas 16.24 feet (average front yard setback) is required. Accordingly, the Applicants are seeking relief from the average front yard setback in the amount of 3.24'.

In that regard, please let this correspondence serve as confirmation that the above-captioned Application will be heard on June 9, 2025 at which time we will provide supplemental testimony outlining the changes to plan and the amended relief sought. Please do not hesitate to contact this office should you have any questions or concerns.

Thank you for all courtesies and attention.

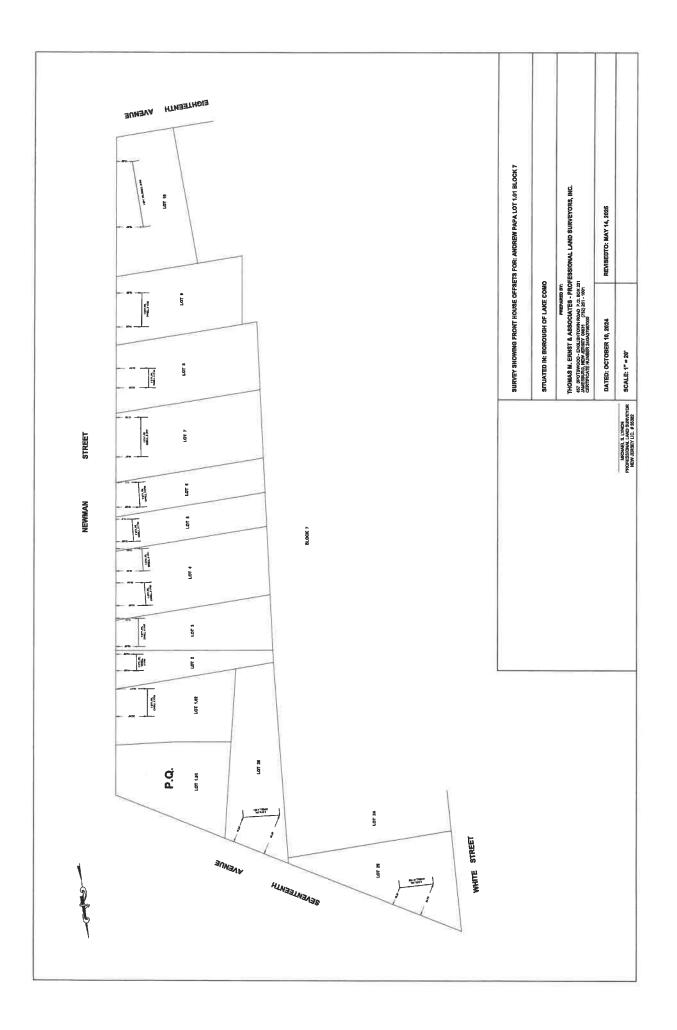
Very truly yours,

/s/ Salvatore J. Alfieri SALVATORE J. ALFIERI SJA/gm

Enclosures

Cc: Anthony Maltese, P.E., P.L.S., P.P., C.M.E.

Matawan Office: 955 State Route 34, Suite 200, Matawan, NJ 07747 Tel 732 583-7474 Fax 732 290-0753 Oakland Office: 169 Ramapo Valley Road, UL 105, Oakland, NJ 07436 Tel 973 845-6700 Fax 201 644-7601 Somerville Office: 50 Division Street, Suite 501, Somerville, NJ 08876 Tel 732 583-7474 Fax 908 524-0096 Haddonfield Office: 255 Kings Highway East, Haddonfield, NJ 08033 Tel 732 583-7474 Fax 732 290-0753





Block 7 Lof 1.01 Ares of Trect is 4.463 S.F. or 0.102 Acres

EXISTING GRAVEL DRIVEWAY TO REMOVED BI

EXISTING SHED TO REMAIN

EXISTING DECK

6. GRAVEL TO BE
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Lot 1.02

ock 7



# ZONĘ REQUIREMENTS: Project is located in the residental (R-45) zone

BUILDING REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA MIN. LOT PROMTADE (NEWMAN 8T.) MIN. LOT PROMTADE (NEVENTEENTH AVE.) MIN. LOT WOTH MIN. LOT DEPTH	4.000.8 F. 40 ET. 40 ET. 40 ET. 100 ET.	4488 8.F. 86.53 FT. 86.88 FT. 46.88 FT.	4,468 3.F. 85,43 FT. 38,6 FT. 46,66 FT.
SETBACKO (PROMOTRAL BILLINO) LINI, FRONT YAKO (NEMANA ST.) MIN, FRONT YAKO (SEVENTEBATH AVE.) LINI, SERVA YAKO MIN, REAR YAKO MIN, BERAY YAKO MIN, BERAY YAKO	20 FT. 18.24 FT. 3 FT. 18 FT.	22.8 FT. 23.85 FT. 23.45 FT.	22 22 28 8 FE 22 28 8
MAX. BUILDING COVERAGE MAX. IMPERVIOUS COVERAGE	<b>56</b>	20.0%	27.4%



AVENUE AVENUE (40. P.O.W.)

PROP. 30'x8' COVID PORCH

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	EXCEPTING	PROPOSED
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SHED	22.00	280
TOTAL BLDG COVER	TOTAL.	1,222 5.F.
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GRAPHIC SCALE

(40' R.O.W.) 新疆

NEWMAN STREET

224 Federal



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### SITE PLAN

1701 NEWMAN STREET
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AUT. 1.0.1
BOROUGH OF LAKE COMO
MOMBOLIN COUNTY
MOWN JEESEN

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Ck# 5301 s 10 Rec'd by 11 Date 12/14 Permit # 24-1
* A NON-REFUNDABLE \$70.00 FEE MUST BE SUBMITTED WITH THIS APPLICATION
Borough of Lake Como 4720
Zoning Application for Residential and Commercial Properties
1. Address of Property: 170/ NEWMAN ST
Block: 7 Lot: 1.01 Zone: R-40
2. Property Designation: Single Family Multi Family Commercial
3. Applicant's Name*: ANDREW & MARY KAY PAPA
Address: 125 RANDOLPH AVE, SOUTH PLAINFAELD, NAT
Phone Number: 908-812-5018 07080
*Applicant is: Owner Contractor Other (If other, please describe)
4. Owner's Name: SAME apapal2@comast.
Address:
Phone Number:
5. Type of Proposal: (please check)
New Home Alteration to Existing Home: 1 - 1 ½ Story 2 - 2 ½ Story
AdditionPool: Above Ground In-Ground
T ( T
Shed Fence Deck Other *If other, please describe:
Vater Line: Existing New Upgraded X ewer Line: Existing New Upgraded X
imension of New Building/Addition: 30' x 30' Height of New Building/Addition: rea of New Building/Addition: 4860 grants

2 EXISTING-BEDPOON

<sup>\*</sup> 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:		9	ă		A	
			Plan/Survey			ed Structures wi
7. Land Use Information:  Zone: R-40 R-50 R-60 M	F, GB	-	Lot Size:			
				7,8		
Setbacks: Front Yard		Rear Yan	d S	ide Yard	H. 5	Side Yard
		Existing			Propo	sed
Building Coverage	1			%		
Impervious Coverage				%		
Front Yard Landscape Area	-			%		
Structure Height from Curb	-			%		
Floor Area Ratio	-			-		
Bedrooms						
Parking Spaces Flood Zone				_		
and other permits granted with	ay !	Papa	perty shail be c	_	12/19	1/24
		Office Us	e Only		12/2	3/~0
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pproved:	Re	jected	***			
anning/Variance Board action need	led: Ye	<u> </u>	No			f
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ercantile License Needed?	es	No				
tes: SEE ZONING	J E	DEN/Y	te			

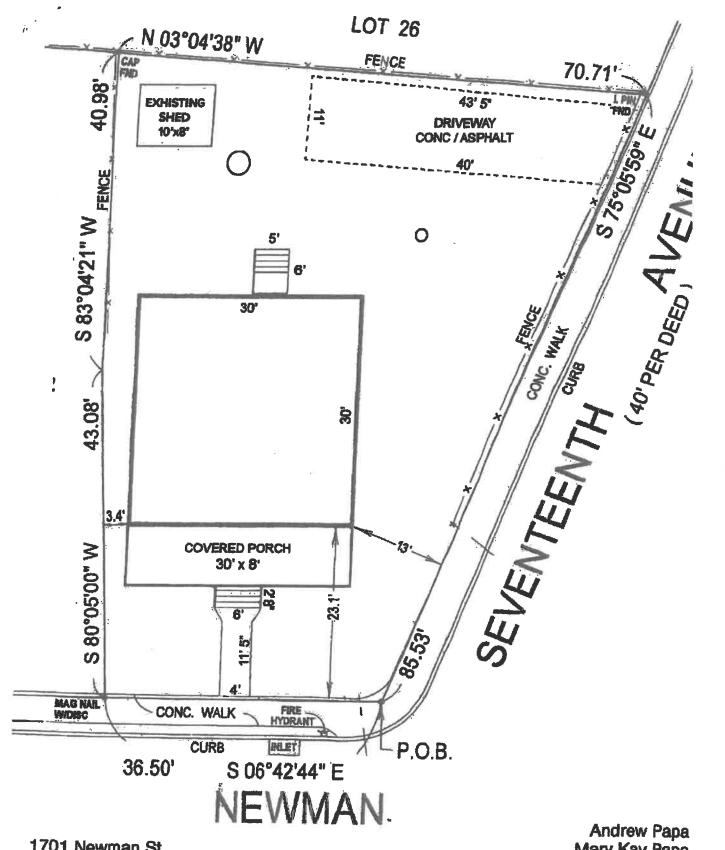


### Borough Of Lake Como 1740 Main Street Lake Como, NJ 07719 (732)681-3232

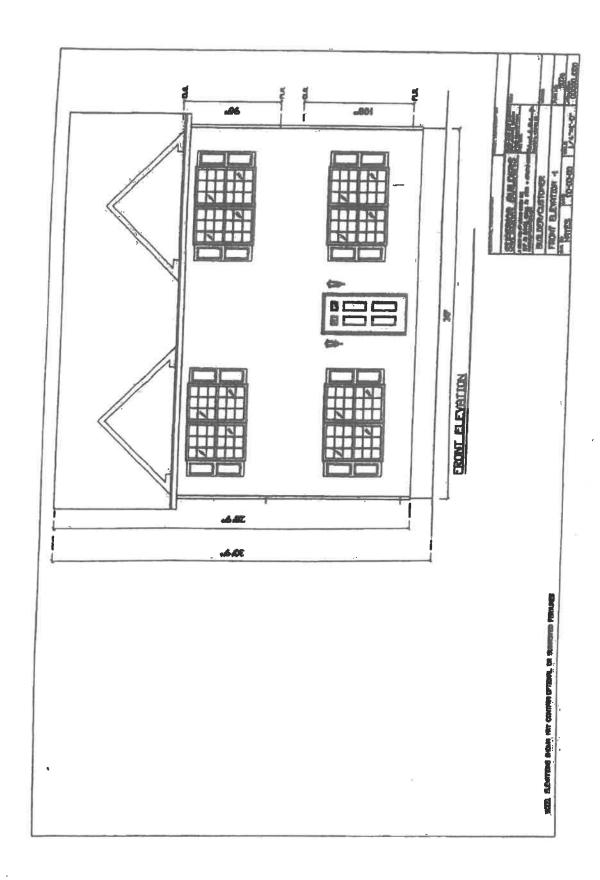


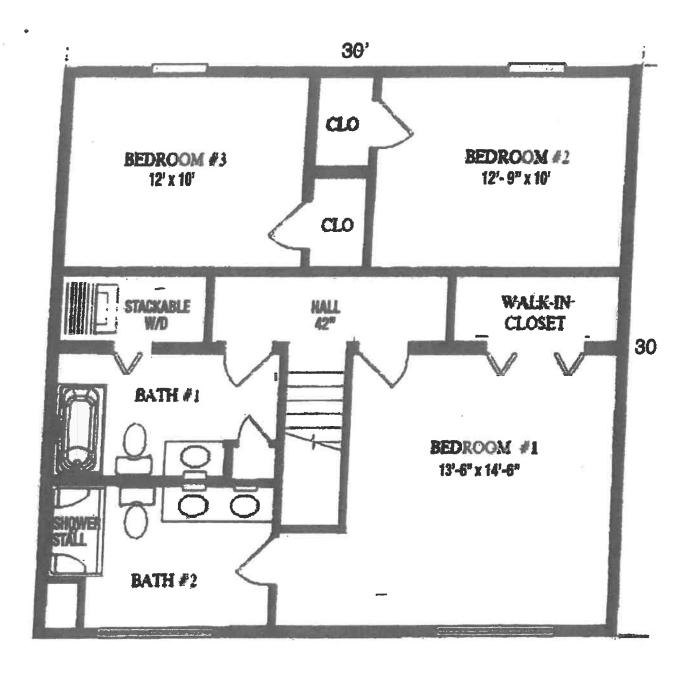
Permit Number: Z2400103	Permit I	ssue Date: 1	12/23/	24	i	nvoice #:	24-0050
Application Id: 4730	Applica	tion Date: 1	12/23/	24			
	Age.		2.4				
Block/Lot/Qual: 7. 1.01		Phon	ne#: (	908)812-5018			
Owner Name: PAPA, ANDREW J & MARY KAY	1	Zoning Distr	rict:				
Address: 125 RANDOLPH AVE		Locati	ion: 1	701 NEWMAN ST	REET		
SOUTH PLAINFIELD, NJ 07080	- 1						
	- 1						
Contractor: PAPA, ANDREW J & MARY KAY							
Address: 125 RANDOLPH AVE, SOUTH PLAINF	100						
•							
one Number:	- 1						
License #:	- 1						
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OPERTY IS AN IRREGULAR 4486 SF CORNER LOT.							
PROPOSED FRONT SETBACK ON 17TH AVE IS 13' WHERE 20'	)' IS NEEDEC	). REFERRED	TO PL	ANNING BOARD			
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E: If construction does not commence within one (1) year of truction ceases for a period of six (6) months, this permit is v		r if					
Je 12	2/3	04					
ng Officer Date	æ	,					

Wet Taxable Value Deductions Cd No-On		
Code Value 0 ·		
546,900 85,800 632,700		
Lend Bank Impr Zip 07080 Total Zone R-40		
Street Address City & State Excepty Location 1704 NEWAN STREET	13 SE	26 122 28 28 28 28 28 28 28 28 28 28 28 28 2
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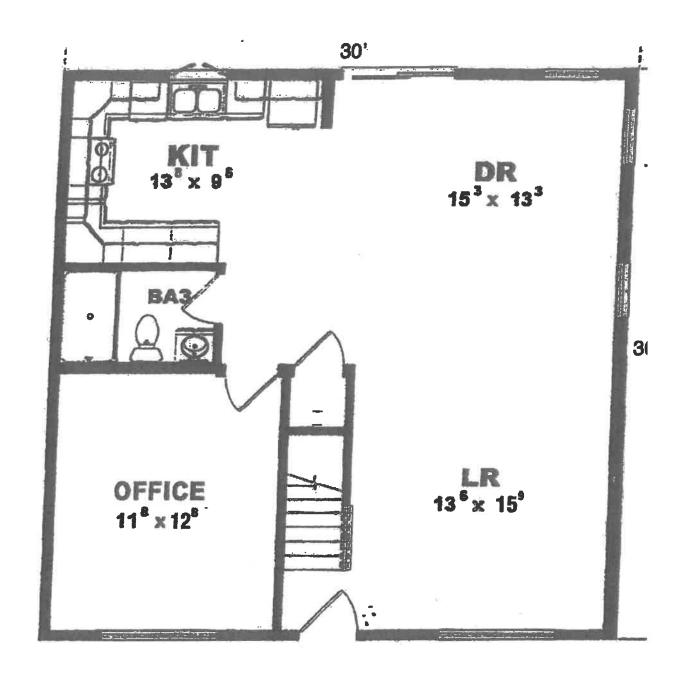
1701 Newman St Block 7 Lot 1.01 Zone R-40 Proposed 30'x30' Andrew Papa Mary Kay Papa 908-812-5018 apapa12@comcast.net





### 1701 Newman St Block 7 Lot 1.01 Zone R-40 Proposed 2nd Floor 30'x30'

Andrew Papa Mary Kay Papa 908-812-5018 apapa12@comcast.net



### 1701 Newman St Block 7 Lot 1.01 Zone R-40 Proposed 1st Floor 30'x30'

Andrew Pap Mary Kay Pap 908-812-501 apapa12@comcast.ne



### Borough of Lake Como

formerly South Belmar Incorporated 1924 Monmouth County

Michael B. Ryan Mayor

Louise A. N. Borough Clerk/Admin;

### PLANNING BOARD APPLICATION

### For Municipal Use Only

	Application No. 25- Received by Clerk: Fees Collected: \$3,000 Hearing Date: Man 12 P Resolution Adopted by Bo ( ) Granted		nied
	something is not applicabl mitted, please specify wit		2
1.	Applicant(s) Name & Address	ANDREW & NADY KA	z PAPA
	Telephone No.	908-812-5018	
2.	If the applicant is being represented by an attorned please state name, address and telephone no.	ey,	70.E_
3.	Applicant is:     Corporation     Partnership     Individual     Other	_N/A	
NOTE	If applicant is a corpor please attach a list of the persons having a 10% inte- corporation or partnership	he names and addresses rest or more in the	of
4.	The relationship of applic question is: MA Owner		Lessee

, 1.

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 SET BACK including Bulk or Use Variances
7.	() Informal Hearing  Give brief description of application: WE ARE
•	PROPOSING A 13' SIDE SETBACK (CORNER LOT) WHERE 20' IS MEEDED FOR MEW CONSTRUCTION.
8.	Street Address of Property: 170/ NEWMAN STREET  Block: 7. Lot(s: 1.0/ **Must be Current Blk/Lot
9.	Use of Property: Existing YES Zone R-HO Proposed N/A
	Lot Area: 4,45555 Building Area: 1.2215.F.
10.	Map Information: Map Dated Prepared by AMERICAN LAYOUT-FREEHOLD ABBUNGON ENG-TREFHOLD Map Entitled BOUNDARY TOPO SVRVEY STEMAP 1 03 25
11.	Additional comments by applicant which may be relevant to hearing:
	I certify that the statements and information contained in this application are true. May by Date  Applicant/Agent

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

### MONMOUTH COUNTY PLANNING BOARD

FREEHOLD · NEW JERSEY

CHARLES CASAGRANDE Chairman



JOSEPH BARRIS, PP, AICP, CFM Director of Planning

February 21, 2025

Mary Kay Papa 125 Randolph Avenue South Plainfield, NJ 07080

re:

1701 Newman Street (Block 7, Lot 1.01)

Lake Como, New Jersey

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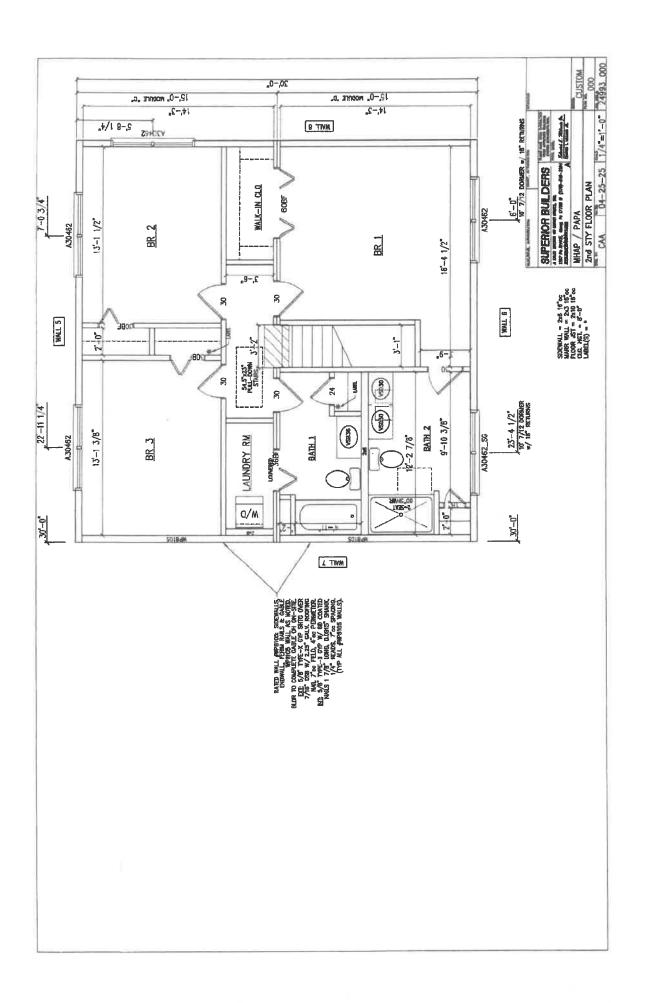
Dear Ms. Papa:

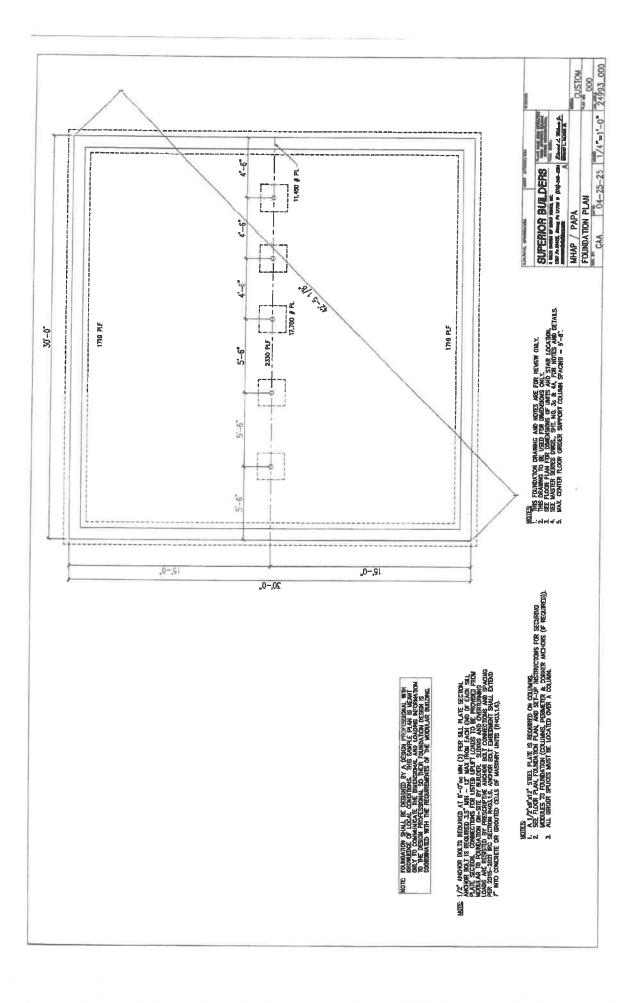
This is in response to our phone conversation on dated February 18, 2025, regarding the proposed construction of a single-family residence at the above-referenced property.

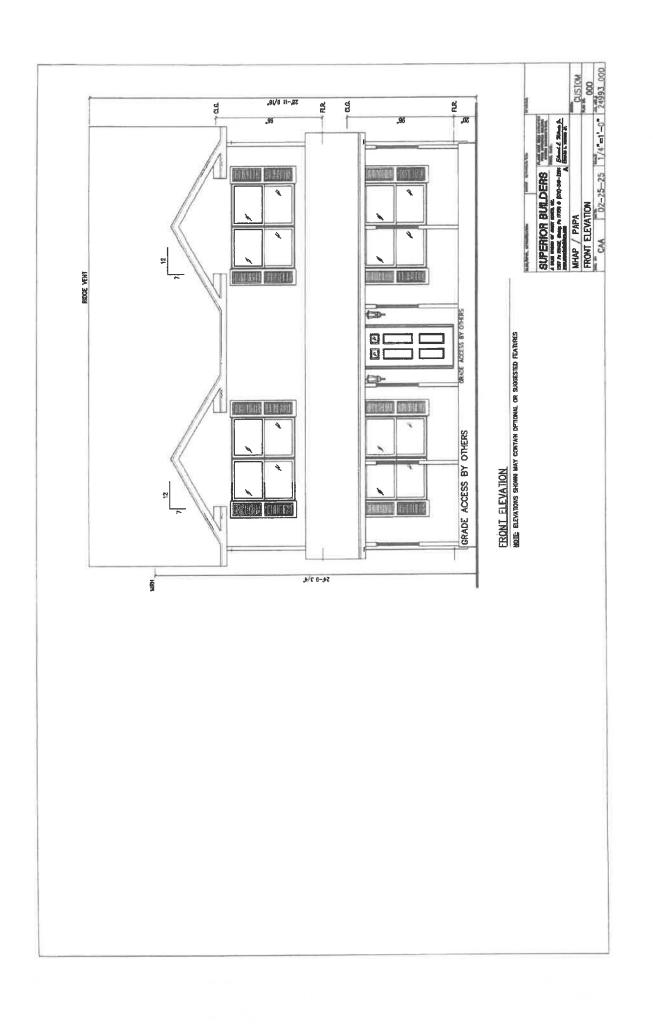
Pursuant to §1.05-4 of the Monmouth County Development Regulations (Volume I), and §40:27-6.6a of the County Planning Act, any and all applications seeking approval for construction relating to a single-family or two-family residence, including applications seeking variance relief related to such construction, are exempt from county site plan review and approval.

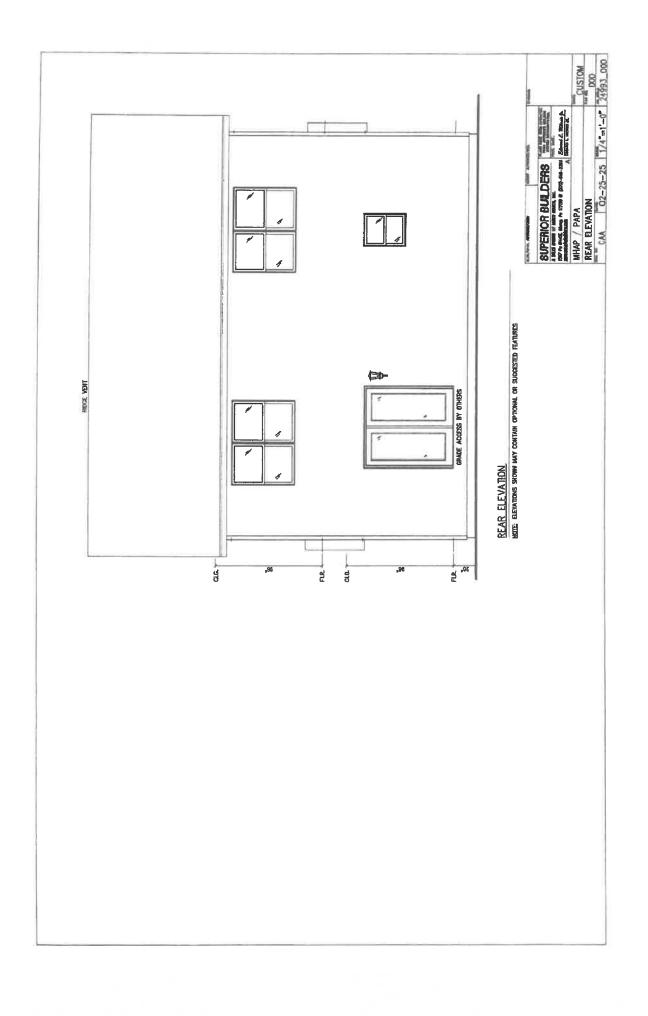
Sincerely.

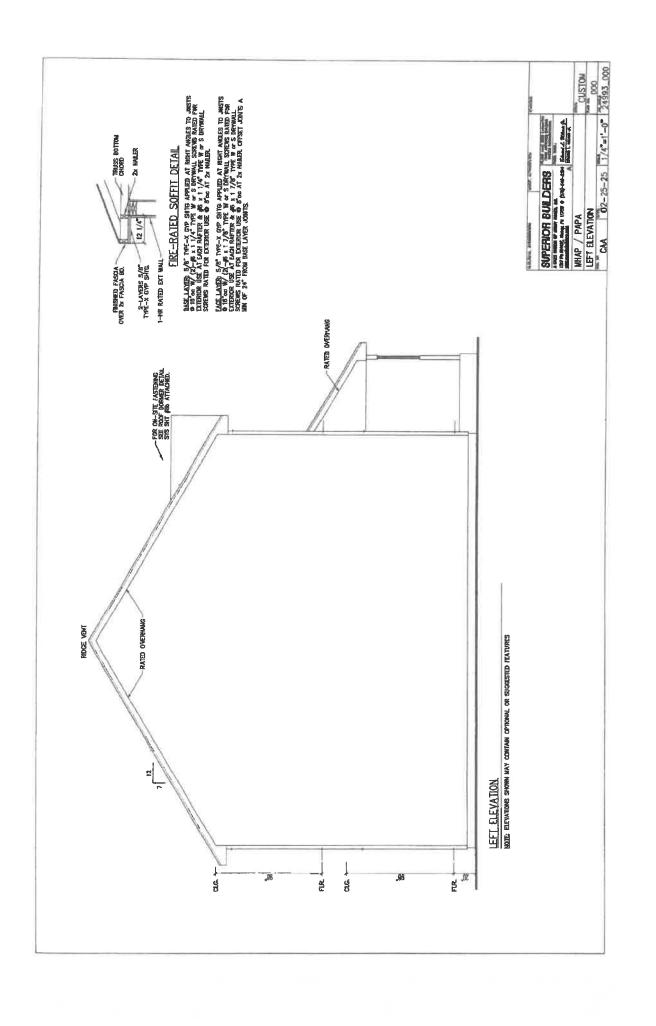
Kyle A. DeGroot Senior Planner

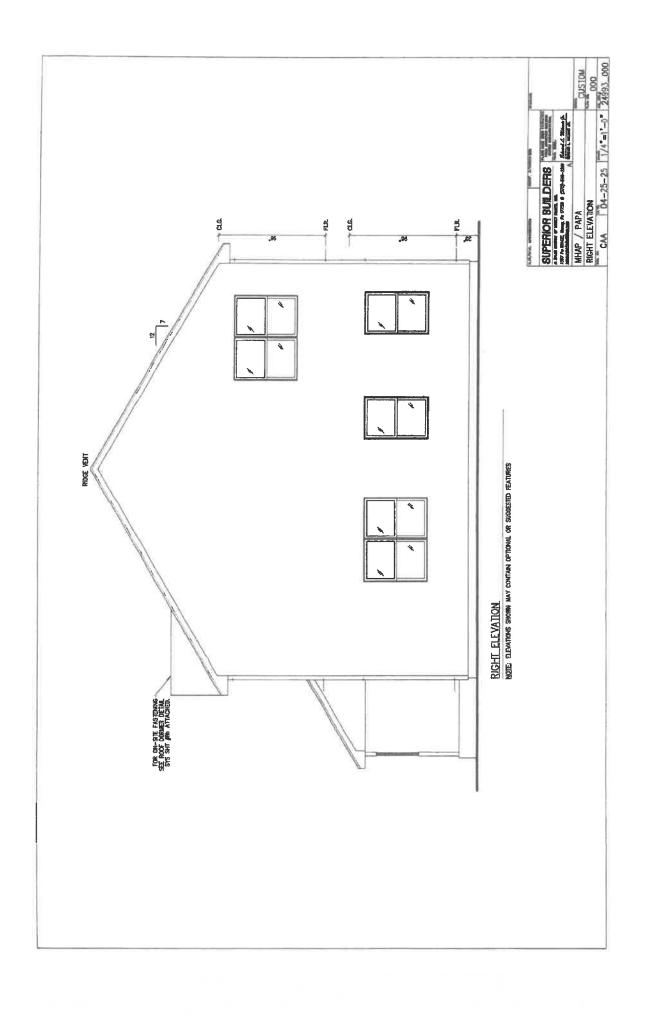














**ENGINEERING NJ #24GA28019100** 

April 30, 2025

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 Papa Variance Application 1701 Newman Street Block 7, Lot 1.01 H2M Project No. LKCP 2504

#### Dear Chairman and Board Members:

I am in receipt of an application package for the referenced project. The package includes Site Plan (1 sheet) prepared by Anthony Maltese, P.E., P.L.S., P.P., C.M.E., dated January 29, 2025, Boundary and Topographic Survey prepared by Anthony Maltese, P.E., P.L.S., P.P., C.M.E., dated January 3, 2025, a completed Planning Board Application, and denied Zoning Application. At this time, I find that this application is substantially complete and may be scheduled for a public hearing at the Board's convenience. Accordingly, based on my review of these documents in conjunction with the Borough Zoning Ordinance, I offer the following comments for your use through the public hearing process.

#### General

The property in question is located at the southwesterly corner of the intersection of Newman Street and 17th Avenue. This location is within the Borough's Residential Zone 40 (R-40). The subject lot currently contains a one-and-a-half-story dwelling with covered front porch, a rear wood deck with metal shade structure, a detached shed, gravel driveway, and vinyl fence. The Applicant proposes to remove the existing dwelling, covered rear deck, and gravel driveway. The Applicant proposes to construct a two-story dwelling with front covered porch and asphalt driveway. The existing dwelling is conforming for the zone; however, the existing lot, proposed lot, and 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

Papa Variance Application 1701 Newman Street April 30, 2025 Page 2 of 3



### through the public hearing process:

- 1. Code Section 17-9.1 sets forth the development criteria for the R-40 Zone. My review of this criteria in conjunction with the proposed plan identified the following non-conformities:
  - Minimum Lot Frontage 40 feet required; 36.5 feet existing;
  - Minimum Lot Depth 100 feet required; 83 feet existing;
  - Front Yard Setback (17th Avenue, dwelling) 20 feet required; 21.75 feet existing;
     13 feet proposed;
  - Side Yard Setback (accessory) 3 feet required; 2.5 feet existing;
  - Rear Yard Setback (accessory) 3 feet required, 2.91 feet existing.

The existing non-conformities cited above are provided for the Board's information as none are exacerbated by the proposal. However, variance relief will be required for the proposed non-conformities **bolded** above.

- 2. The Applicant did not provide architectural plans as part of the Planning Board application. The Applicant included a page in the denied Zoning Board application depicting the height of the proposed dwelling as 30.9 feet. The height of the proposed dwelling is not reflected on the site plan or on an elevation plan, and thus cannot be measured against the curb, as established in Code Section 17-7. The Board should elicit testimony to determine the proposed dwelling height and condition any approval on the submission and approval of architectural plans drawn to a recognized scale.
- 3. Code Section 17-7 specifies that all open front porches which project into the front yard setback must also be one-story. The covered porch is not depicted on the elevation document attached to the Zoning Application. The Board should elicit testimony to determine what is proposed above the covered porch and further require complete architectural plans depicting the entire proposal.
- 4. The Site Plan does not depict the proposed grading and drainage for the property. The grading depicted on the Site Plan matches that found on the Boundary and Topographic Survey. The Board should elicit testimony regarding the proposed grading and drainage on the site to prevent impacting neighboring properties, and further condition any approval on submission and approval of a Grading and Drainage Plan as required by ordinance.

Papa Variance Application 1701 Newman Street April 30, 2025 Page 3 of 3



- 5. A site visit revealed sections of the sidewalk adjacent to the Applicant's property along Newman St are in disrepair. The Board should condition any approval on the replacement of aged sidewalk flags.
- 6. The site visit revealed that there is an existing fence at the front of the property that includes a gate across the driveway. Given the tight confines of 17<sup>th</sup> Avenue adjacent to the site and the vertical and horizontal configuration of 17<sup>th</sup> Avenue there, I am concerned with the continued safety of the public where the users of this property must stop in the traveled way to open the gate to enter the site. The Board should elicit testimony regarding the necessity of this condition and consider conditioning any approval on the elimination of this feature.
- 7. The application is silent with regard to locations and types of mechanical equipment exterior to the structure. The Board should elicit testimony regarding the proposed equipment to ensure it is conforming and neighbor friendly.

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: Andrew & Mary Kay Papa, Applicant (via email)
Adam Schneider, Esq., Board Attorney (via email)

APPLICANT: ANDREW AND MARY KAY PAPA ATTORNEY: SALVATORE ALFIERI, ESQUIRE

APPLICATION NO: BLOCK: 7; LOT: 4.01

PROPERTY: 1701 NEWMAN STREET, LAKE COMO, NJ

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

WHEREAS, Andrew Papa and Mary Kay Papa, are the record owners of a parcel of real property which is shown as Block 7, Lot 1.01 6 on the Tax Map of the Borough of Lake Como, and the applicant, hereafter referred to as the "Applicant" has filed with the Planning Board of the Borough of Lake Como, approval to construct a single family residential dwelling house on the subject site which is an irregular comer lot and seek a variance for the front yard setback; and

WHEREAS, The applicant appeared before the Board on May 12, 2025 and June 9, 2025 represented by their attorney, Salvatore Alfieri, Esquire, and all notice requirements mandated by statute were made and notices were provided by the public, and proof was submitted to the Board; and

WHEREAS, The Board has jurisdiction to hear, consider and then determine the application and;

WHEREAS, The Board, having given due consideration to the exhibits submitted into evidence, and the testimony presented by and on behalf of the Applicant, makes the following findings of fact:

- 1. The subject property is located on the northern side of Twenty-First Avenue, east of Margerum Avenue in the Borough of Lake Como. The subject property is located within the R-40 zone of the Borough of Lake Como.
- 2. The use of the premises is consistent with that which is permitted in the R-40 zone as a single family house.
- 3. The subject application seeks to permit the demolition of the existing dwelling house and the construction of a new "modular type" house in its place on the site. There are no other improvements sought by the applicant.

- 4. Testimony was provided by Anthony Maltese, PE PLS, PP and CME, who is a New Jersey Licensed Engineer and Planner. The witness was qualified and recognized by the Board as an expert witness in the field of architecture and she testified that the applicants are the record owners of the subject property. Ms. Taneja testified further that it is the intention of the applicants to retire in the near future and to move to the subject property as their full time residence. She testified further that the proposal of the applicant will make the subject property more "livable" in terms of the anticipated use by the applicant as their 'forever home." She provided additional testimony to the effect that the proposed additions and improvements could be effectuated without undue imposition or offense to the local zoning ordinance or the Municipal Land Use Law.
- 5. Mr. Maltese further testified that due to the shape of the subject lot, and the location thereof, it was his opinion that the lot fits within the criteria of a hardship under section "C" of NJSA 40:55D-70(c)(1) which would justify the relief sought in this application specifically as the subject lot is a corner lot with essentially two (2) front yards and as such, a variance for the front yard setback of 13 feet is requested wherein the local ordinance requires 20 feet.
- 6. The Applicant also presented testimony from Mary Kay Papa, who noted that the existing dwelling house is nearly 100 years old and is not properly insulated nor winterized. Ms. Papa testified that she and her husband intend to live in this house as their "forever home" and to live out their retirement at the house.
- 7. Thereafter, Al Hila, the Board engineer raised a question as to the overall height of the building relative to the setback. At this point the applicant sought to adjourn the hearing to properly address this question and the Board granted the request and the matter was carried to the June 9, 2025 meeting without further notice.
- 8. Thereafter, the Applicant presented additional evidence, specifically a revised survey dated May 14, 2025 which reflected and set forth the sole variance sought which was a 13 foot front yard setback and also addressed the height issue to the satisfaction of Mr. Hila and the Board.
- 9. The Following Exhibits were moved into evidence

A-I Survey of the site;

A-2 Plans for the modular home to be constructed by the applicant

A-3 Updated survey of the subject property dated May 14, 2025

WHEREFORE, The Board finds that the relief sought by the applicant with respect to this application, specifically the following variances, may be granted based upon the hardship under section of the Municipal Land Use law, without undue hardship or offense to either the Municipal Land Use Law, or the Lake Como local ordinance and the granting of such relief will not impair the intent and/or purpose of the Lake Como zoning ordinance or zoning plan. The variances approved are

1. Front Yard Setback on Newman Street, 13 feet where 20 feet are required by the ordinance.

NOW THEREFORE, BE IT RESOLVED that the Lake Como Planning Board concludes that the granting of the application requested by the Applicant will not impair the zoning plan for the R-40 zone or the Borough and subject to all the conditions set forth in this resolution.

BE IT FURTHER RESOLVED by the Planning Board of the Borough of Lake Como that the application is approved subject to the following conditions:

- 1. Applicant may construct the modular home with a front yard setback of 13 feet where 20 feet is required pursuant to the ordinance.
- 2. Applicant will submit drainage calculations to the Borough Engineer for approval thereby as part of the permitting application process.
- 3. All construction and development on the site will be consistent with the plans, renderings and testimony presented at the public hearing and subject to any and all conditions set forth at the public meeting whether or not included in this resolution.
- 4. Subject to the Applicants complying with any and all federal, state, county, and/or local laws and regulations pertaining to the development and use of the site in question. Furthermore, if any governmental agency grants a waiver or variance of a regulation which affects this approval, this matter shall be brought back before the Board for review of any such action and the Board shall have the right to modify this approval and/or conditions attached hereto as a result of any such action.

THEREFORE, the application to grant the bulk relief sought by the Applicant with respect to the single story addition and patio on the northerly side of the premises subject to the conditions set forth herein, is hereby granted.

**RESOLUTION 2024-10** 

MOVED BY:

SECONDED BY:

CHAIRMAN, JOSEPH CAVALUZZI
The above resolution was approved by the Planning Board of the Boroug of Lake Como at its regular meeting on the 9 <sup>th</sup> day of June, 2025. I do hereby certi that the foregoing is a true and correct copy of Planning Board Resolution No 202 10.
ABSTAIN
NAYS:
AYES:
ADOPTED BY THE FOLLOWING VOTES:

Ck# 897	s 17000	Rec'd by	Date 1 10 24	Permit #	24-05
-	<del>-       -  </del>	1111	July 1		

\* 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: 399 NORTH BLVD				
4		Block: Lot: Zone: 2-50				
7	2.	Property Designation: Single Family Multi Family Commercial				
	3.	Applicant's Name *: MARK A. FESSLER R.A.				
2		Address: P.O. BOX 448 SPRING LAKE, NJ 07762				
=		Phone Number: 732-701-3770				
		*Applicant is: Owner Contractor Other * APCHITECT				
1	4. Owner's Name: JOSEPH + SUE STUTO					
		Address: 399 HORTH BWD, LAKE COMO, HI 07719				
		Phone Number: 917-359-6390				
5	5.	Type of Proposal: (please check)				
Ner	w H	ome Alteration to Existing Home: 1 - 1 ½ Story 2 - 2 ½ Story				
Poo	oł:	Above Ground In-Ground				
She	d	Fence Deck Other *If other, please describe:				
Vater Lin ewer Lin	ie: e:	Existing K New Upgraded Existing K New Upgraded				
imension	of !	New Building/Addition: 16-4" x 21-4" Height of New Building/Addition: 734FT.				

Area of New Building/Addition: 1320 sq. ft. Number and Types of Rooms: 4 Best 200145. A NEW SITTING ROOM/DEN & 2 NEW BATHROOMS.

\* 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: GARAGE APT. DWELLING, WHICH WOULD THEN BECOME THEIR PERHANENT RESIDENCE. THE HOUSE IS LOCATED IN THE FLOOD ZONE & THE EXISTING GROUND LEVEL WILL CONTINUE TO BE USED FUR A GARLGE & STORAGE, PLEASE REFER TO THE ATTACHED PLANS & ZONING CHAPT WHICH DETAILS THE EXISTING HON-CONFORMING CONDITIONS.

6.	*** Must Submit		s of Plot Plan/Survey Inc and Setbacks from Prop	dienting Proposed Structures with erty Lines ***
true mui and	e to the best of their nicipal ordinances, a	knowledge, info ind all condition	rmation and belief. Appl	provided as part of this application are icant further states that all pertinent ments of site plan approvals, variances, omplied with.  JAN. B. 2024  Date
Proposed W		n needed: Yes	NoNo	Date: 1/15/24

### Zoning Application #24-05 399 North Blvd

Owner proposes
ADDITION/ALTERATION
ADDITION 16'4"X 21'4" 34' HEIGHT
4 BEDROOMS, NEW SITTING ROOM/DEN, & 2 NEW BATHROOMS. FIRST FLOOR IN
FLOOD ZONE TO BE USED AS GARAGE & STORAGE

DENIAL

EXISTING LOT IS 2994 SF IN A R-50 ZONE 28,86' X 106,32'

VARIANCES WILL BE NEEDED FROM THE PLANNING BOARD:

FRONT SETBACK

17' WHERE 20' IS REQUIRED

SIDE SET BACKS

3.7' & 0' WHERE 5' IS REQUIRED

**BUILDING HEIGHT** 

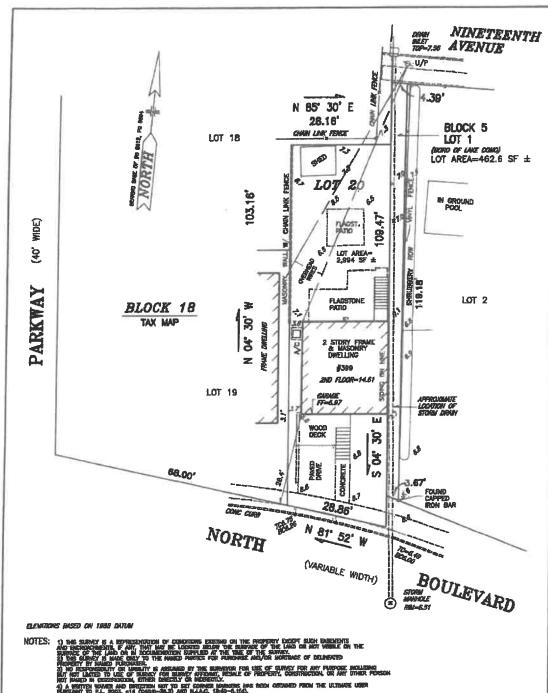
34' WHERE 22.2' IS PERMITTED.

THE NEIGHBORING EAST LOT IS IN DISPUTE AT THIS TIME

Approved Denied Received

John P. Rowe, Zoning Officer

Date



M OF PONCES ON OTHER BIRLICTURES.

CERTIFIED TO:

JOSEPH C. STUTO

TOPOGRAPHIC SURVEY OF 399 NORTH BOULEVARD BOROUGH OF LAKE COMO MONMOUTH COUNTY, NEW JERSEY

PREPARED FOR: JOSEPH C. STUTO

REVISED: AUGUST 22, 2023 : LOT 1 AREA

JUNE 16, 2023 SCALE: 1"=20' JOB 33140 FB213-114

## DOMINICK J. VENDITTO, III

NJ LIC. PROFESSIONAL LAND SURVEYOR #30093 626 FERNWOOD TERRACE, LINDEN, NJ 07036 908-310-3968 FAX 908-925-8829 908-310-3968

1				
Zone: R-50	Required	Existing	Proposed	Proposal wextra land
Principle Use	Single-Family	Single-Family	Single-Family	Single-Family
Lot Area	5000 sq.ft.	2994 sq.ft.*	2994 sq.ft.*	3244 sq.ft.**
Lot Frontage	50 ft.	28.86 ft. *	28.86 ft.*	32.53 ft.**
Lot Width	50 ft.	28.16 ft. *	28.16 ft.*	31.711.+**
Lot Depth	- 100 ft.	106.32ft.±	106.32ft.±	106.32ft.+
Front Setback	- 20 ft. or Average	17ft.±*	17ff.±*	17ft.±*
Side Setbacks —	- 5ft. & 5ft.	3,7ft.*& 0 ft.*	3.74.* & 0 ft.*	3.7ft.* & 4ft.±**
			(5.33ft.± at addition)	(5.33ft.± at addition)
Rear Setback —		50 ft.±	33ft.±	33ft.+
Building Height -	- 2 1/2story/35ft.	1 1/2 /24ft.±*	2 1/2 /34ft.±*	2 1/2 /34ft,±*
Narrow Lot	Narrow Lot Width= (56.3%x35=19.7ft.)			(63.4%x35=22.2ft.)
Accessory Bldg.				
Side Setback	- 5 ft.	254±*	AN	2.5ft.+*
Rear Setback —	5 ft.	.5 ft.±*	AN	.5ft.+*
Shed Area		80 sq.ft.	AN	80 sq.ft.
Building Area —	40%max.	29.2%±(875sf)	40%(1196sf)	39.3%(1276sf)
Impervious Area	60%max.	49%(1467sf)	54.6%(1636sf)	52.9%(1716sf)
Front Yard (Landscape))	te)) 50% mln.	49.2%(232sf)*	49.2%(232sf)*	55.7%(302sf)
	(28.86x16=472x50%=236sf)		•	(472+70=542x50%=271sf)
Parking	2	7	7	2



# 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 I	MUNICIPAL USE ONLY
Recel Fees ( Hearl	cation Number:  ved By: Collected:  ng Date: ution Adopted By Board:
	☐Granted ☐Denied
lf som	ething is not applicable to the application being submitted, please specify with N/A
1.	Applicant(s) Name, Address & Telephone Number  TOBETH STUTO  399 NORTH BLVD. LAKE COMD NT 07719  917-359-6390
2.	If the applicant is being represented by an attorney, please state name, address & telephone number
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:
5.	If applicant is not Owner, please state name, address and telephone number of the owner:

6.	Application is a request for the follow	/ing:		
	☐ Preliminary Site Plan			
	☐ Final Site Plan			
	☐ Joint Preliminary and Final Site Pla	an		
	☐ Minor Subdivision (3 or less lots)			
	☐ Preliminary Subdivision			
	·			
	☐ Final Subdivision	*.*		
	☐ Joint Preliminary and Final Subdiv			
	☐ Variance requests, including bulk	or use variances — please spectry		
		A &WIDTH FRONT & SIDE YARD SETRACKS:		
	PULLDING HEIGH			
	☐ Informal Hearing			
7.	Give a brief description of application:	House were the same and the same to the sa		
	DWHERES WIGH TO CONVERT	THOSE EXISTING "GARAGE APT." VALLATION HOM		
	HATO THENE PERMAUENT YEAR	PROJED HOME BY LODING ALL ADDITION TO THE		
		14 AH ADDITIONAL STORY TO THE EXISTING		
8.		lane and the		
		LAKE COMO, NJ		
_	Block: 12 Lot:	FEMALY		
9.	Frank 1			
	Existing: 514462-750			
	Proposed: 5414LE -	FAMILY		
	7.994	CRET		
	Building Area: V320 CQ.	T. (PLVS GLESSE & DECKS)		
10.	Map Information:			
	Map Dated: JUNE 16			
	Prepared By: Daniel	J. VENDITTO TIL		
	Map Entitled: Topo Surve	1 OF 399 HORTH BLVD, LLKE COMO		
L1.	Additional comments by applicant which	LOOD ZÜNE (BFE NO) AND		
	1. 11 1 160 2	LARY GTO D AF LAND BULLED		
	BY THE TO DOWN OF LA	WE COMP. WHICH THE APPLICANT		
	15 TRYING TO PURCHASE	ALL OUR SOMES OF TO REDUCE THEIR		
	BY THE BIRDUAH OF LAVE COMB WHICH THE APPLICANT IS TRYING TO PURCHASE ALL OUR SOMES OF TO RESIDE THEIR NOU-CONFORMING CONDITIONS.  Certify that the statements and information contained in the application are true. I authorize			
	the applicant to submit this application	and process for approval.		
	1-30-24			
	Date	Applicant/Agent		

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

## **GENERAL INFORMATION**

Meeting Dates:

As published pursuant to N.J.S.A. 40:55D-9 et and additional meetings

scheduled as required.

Time & Place:

7:00pm

Lake Como Borough Hall Meeting Room 1740 Main Street, Lake Como, NJ 07719

Chairman:

Joseph Cavaluzzi

Attorney:

Adam Schneider, Esq.

## PROCEDURES CHECKLIST:

Submit following with each application

- One (1) original and three (3) copies of application form. Fill out application in its entirety.
   Answer all questions pertaining to your application. Update all tax information from Tax Collector/Assessor's office.
- 2. Appropriate fee-check made payable to the Borough of Lake Como in accordance with fee schedule.
- 3. Include fifteen (15) full size prints of site plan and/or subdivision map and/or survey and/or photographs as required. Survey should be signed, certified and dated within last ten (10) years.

  \*\*PLEASE FOLD PLANS. DO NOT ROLL\*\*

THERSE POLD PORTS, DO NOT NOLL	_
Major Subdivision	
Minor Subdivision (3 or less lots)	
Preliminary Subdivision	
Final Subdivision	
Site Plan – Preliminary	
Site Plan — Final	
Hardship variance(s) — Single Family	<u>X</u>
Informal	
Other	

NOTE: When an application includes request for more than one action, the total accumulated for each action shall be collected. No application will be scheduled for hearing unless it is considered complete at least 21 days prior to the meeting date.

NOTE: When application represents requests for both preliminary and final approval simultaneously, both fees shall be collected.





February 3, 2025

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 #3
Stuto Use Variance Application
399 North Boulevard
Block 18, Lot 20
H2M Project No. LKCP2407

#### Dear Chairman and Board Members:

I am in receipt of an amended application package for the referenced project. The application package includes Plot Plan and Architectural Plans (10 sheets) prepared by Mark A. Fessler, R.A., dated revised January 20, 2025, a completed application, and a survey of the property prepared by Dominick J. Venditto, dated revised August 22, 2023.

At this time, I find this revised application is substantially complete at this time and may be scheduled for a public hearing at the Board's convenience. 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. It should noted as this matter has yet to be heard by the Board, this review letter supersedes my review letter dated January 2, 2025.

#### General

The property in question is located on the northerly side of North Boulevard, approximately 90 feet east of the intersection with Parkway. This location is within the Residential R-50 Zone. The undersized lot currently contains a 2- story frame & masonry dwelling with raised deck above the driveway, and two flagstone patios and a shed in the rear. The Applicant proposes to demolish the shed and patios in the rear and install (1) a 3 story addition to the rear of the existing dwelling; (2) a full width expansion of the second floor deck in the front of the dwelling; and (3) full additional story above the expanded floorplan of the existing structure. The existing and proposed uses are conforming for the zone; however, the existing lot and existing and principal structure are non-conforming for the zone.

The Board should be mindful that this property was before the Board around 10 years ago and while I do not have any of the documentation from that action at this time, the Board Secretary will be providing copies of the resolution for your information prior to the hearing. The Board should also be aware that various documents as part of the application package refer to Borough owned land on the easterly side of the subject lot that contains existing drainage infrastructure, and though the Applicant has sought to acquire same, this land is not under consideration through this application.

Stuto Variance Application 399 North Boulevard February 3, 2025 Page 2 of 2



## 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-50 Zone. A review of the plans in conjunction with this section identified the following non-conformities:
  - Lot Area 5,000 square feet required, 2,994 square feet existing;
  - Lot Frontage 50 feet required, 28.86 feet existing;
  - Lot Width 50 feet required, 28.16 feet existing;
  - Front Yard Setback 20 feet minimum, 17 feet existing (to 2<sup>nd</sup> floor deck), 17 feet proposed (to 3<sup>rd</sup> floor deck);
  - Side Setback (west side) 5 feet minimum, 3.7 feet existing, **3.7 feet proposed (to 3**<sup>rd</sup> floor addition to existing structure);
  - Side Setback (east side) 5 feet minimum, 0 feet existing, 0 feet proposed (to 2<sup>nd</sup> floor deck and 3<sup>rd</sup> floor addition to existing structure), 1.66 feet proposed (to 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor addition to the rear);
  - Building Height 2.5 stories/19.7 feet maximum, 2 stories/24 feet existing, **3 stories/32.75 feet proposed**; and
  - Building Coverage 40% maximum allowable, 30.7% existing, 40.2% proposed.

The existing non-conforming conditions cited above are provided for the Board's information only as they are existing conditions. Bulk variances will be required for the non-conforming dimensions cited above with the exception of Building Height. The proposed Building Height as determined by ordinance would be 3 stories totaling 32.75 feet. This includes the ground floor, main floor, and upper floor, as depicted by the Architectural Plans. Due to the narrow width of the site, the building height is permitted to be 20.3 feet (58% of 35ft). The proposed height of 32.5 feet is in excess of the maximum by 12.2 feet, which is approximately 60% over the allowable amount. As this dimension exceeds 10% of the allowable building height, a Use Variance will be required for the proposed Building Height.

- 2. There is no Grading Plan provided and topographic contours/elevations are not represented on the Plot Plan. There is no information provided regarding intended stormwater management at the site. The Board should elicit testimony regarding stormwater management and condition any approval on submission of an acceptable Grading Plan.
- 3. The Plot Plan and survey do not depict an easement for the sidewalk that is located on the property. The Board should consider any approval on the Applicant providing an easement to permit the existing sidewalk to remain as part of this application.
- 4. Sheet A-7 appears to be an unscaled close-up of the property survey with hatching in the previously mentioned adjacent land strip. This sheet should be modified as it promotes confusion with respect to the adjacent Borough property and its relationship to the Applicant's property.

Stuto Variance Application 399 North Boulevard February 3, 2025 Page 3 of 2



- 5. The property is in the FEMA Flood Zone AE 9, which has a flood elevation of 9 feet. The finished floor of the existing garage is 6.97 per the survey. This property is subject to flooding of the ground floor. The proposed improvements exceed 50% of the property's market value, thus triggering FEMA's 50% Rule with regard to Substantial Improvement. Among the Rule's requirements, all improvements and the existing building to comply with the post-FIRM construction requirements. Of specific concern is the existence of a bathroom on the ground floor that is proposed to remain per the Architectural Plans. This bathroom must be removed per FEMA requirements. The Board should elicit testimony regarding the FEMA 50% Rule and how the Applicant intends to comply with all of the requirements.
- 6. The proposed plan identifies an existing mechanical unit in the westerly side yard and appears to propose a new mechanical unit at the rear of the proposed structure. As the 50% Rule cited above would require the existing unit to be raised in the non-conforming side yard location, the Board should elicit testimony regarding the placement of all raised mechanical equipment in a conforming location in the rear yard.
- 7. The Board should expressly condition any approval on the removal of the rear shed as that is not clearly proffered within the application but has bearing of the Building Coverage calculation.

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: Joseph Stuto, Applicant

Adam Schneider, Esq., Board Attorney (via email)

George McGill, Esq., Applicant's Attorney (via email)



ENGINEERING NJ #24GA28019100

January 2, 2025

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 #2
Stuto Use Variance Application
399 North Boulevard
Block 18, Lot 20
H2M Project No. LKCP2407

#### Dear Chairman and Board Members:

I am in receipt of an amended application package for the referenced project. The application package includes Plot Plan and Architectural Plans (10 sheets) prepared by Mark A. Fessler, R.A., dated revised October 14, 2024, a completed application, and a survey of the property prepared by Dominick J. Venditto, dated revised August 22, 2023.

At this time, I find this application is substantially complete at this time and may be scheduled for a public hearing at the Board's convenience. 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 northerly side of North Boulevard, approximately 90 feet east of the intersection with Parkway. This location is within the Residential R-50 Zone. The undersized lot currently contains a 2- story frame & masonry dwelling with raised deck above the driveway, and two flagstone patios and a shed in the rear. The Applicant proposes to install an addition to the rear of the existing dwelling and install a full additional story, including an expansion of the deck in the front of the dwelling. The existing and proposed uses are conforming for the zone; however, the existing lot and existing and principal structure are non-conforming for the zone.

The Board should be mindful that this property was before the Board around 10 years ago and while I do not have any of the documentation from that action at this time, the Board Secretary will be providing copies of the resolution for your information prior to the hearing. The Board should also be aware that various documents as part of the application package refer to Borough owned land on the easterly side of the subject lot that contains existing drainage infrastructure, and though the Applicant has sought to acquire same, this land is not under consideration through this application.

Stuto Variance Application 399 North Boulevard January 2, 2025 Page 2 of 2



## 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-50 Zone. A review of the plans in conjunction with this section identified the following non-conformities:
  - Lot Area 5,000 square feet required, 2,994 square feet existing;
  - Lot Frontage 50 feet required, 28.86 feet existing;
  - Lot Width 50 feet required, 28.16 feet existing;
  - Front Yard Setback 20 feet minimum, 17 feet existing (to 2<sup>nd</sup> floor deck), 17 feet proposed (to 3<sup>rd</sup> floor deck);
  - Side Setback (west side) 5 feet minimum, 3.7 feet existing, 3.7 feet proposed (to 3<sup>rd</sup> floor addition to existing structure);
  - Side Setback (east side) 5 feet minimum, 0 feet existing, 0 feet proposed (to 2<sup>nd</sup> floor deck and 3<sup>rd</sup> floor addition to existing structure), 1.33 feet proposed (to 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor addition to the rear);
  - Building Height 2.5 stories/19.7 feet maximum, 2 stories/24 feet existing, 3 stories/32.75\* feet proposed;
  - Building Coverage 40% maximum, 29.2% existing, 41.4\*% proposed; and
  - Impervious Coverage 60% maximum, 49% existing, 63.8\*% proposed;
  - \* The values reported above for Building Height, Building Area, and Impervious Area differ from the table on Sheet A-2 of the Architectural Plans. The values utilized in the table were not reproducible and were found to be variance conditions by our calculations which were based on scaling of the provided plans.

The existing non-conforming conditions cited above are provided for the Board's information only as they are existing conditions. Bulk variances will be required for the non-conforming dimensions cites above with the exception of Building Height. The proposed Building Height as determined by ordinance would be 3 stories totaling 32.75 feet. This includes the ground floor, main floor, and upper floor, as depicted by the Architectural Plans. Due to the narrow width of the site, the building height is permitted to be 20.9 feet (59.8% of 35ft). The proposed height of 32.5 feet is in excess of the maximum by 11.6 feet, which is approximately 55.5% over the allowable amount. As this dimension exceeds 10% of the allowable building height, a Use Variance will be required for the proposed Building Height.

- 2. We have noted scaling discrepancies across the Survey, Plot Plan and Architectural Plans that should be revised prior to final submission to ensure consistency between reported dimensions and scaled dimensions.
- 3. There is no Grading Plan provided and topographic contours/elevations are not represented on the Plot Plan. There is no information provided regarding intended stormwater management at the site. The Board should elicit testimony regarding stormwater management and condition any approval on submission of an acceptable Grading Plan.

Stuto Variance Application 399 North Boulevard January 2, 2025 Page 3 of 2



- 4. The Plot Plan and survey do not depict an easement for the sidewalk that is located on the property. The Board should consider any approval on the Applicant providing an easement to permit the existing sidewalk to remain as part of this application.
- 5. Sheet A-7 appears to be an unscaled close-up of the property survey with hatching in the previously mentioned adjacent land strip. This sheet should be modified as it promotes confusion with respect to the adjacent Borough property and its relationship to the Applicant's property.
- 6. The property is in the FEMA Flood Zone AE 9, which has a flood elevation of 9 feet. The finished floor of the existing garage is 6.97 per the survey. This property is subject to flooding of the ground floor. The proposed improvements exceed 50% of the property's market value, thus triggering FEMA's 50% Rule with regard to Substantial Improvement. Among the Rule's requirements, all improvements and the existing building to comply with the post-FIRM construction requirements. Of specific concern is the existence of a bathroom on the ground floor that is proposed to remain per the Architectural Plans. This bathroom must be removed per FEMA requirements. The Board should elicit testimony regarding the FEMA 50% Rule and how the Applicant intends to comply with all of the requirements.
- 7. The proposed plan identifies an existing mechanical unit in the westerly side yard and appears to propose a new mechanical unit at the rear of the proposed structure. As the 50% Rule cited above would require the existing unit to be raised in the non-conforming side yard location, the Board should elicit testimony regarding the placement of all raised mechanical equipment in a conforming location in the rear yard.

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: Joseph Stuto, Applicant

Adam Schneider, Esq., Board Attorney (via email)

**PO BOX 448** SPRING LAKE

MARK A. FESSLER REGISTERED ARCHITECT Lic#NJ-21-A100659100

Lake Como Planning Board c/o Vivica Graham, Board Secretary 1740 Main St., Lake Como, NJ 07719 January 8, 2025

RE: Stuto Variance Application 399 North Blvd., Lake Como Block:18; Lot: 20

Vivica-

I received Alan Hilla's Engineering Review letter, for the above project, dated 1/2/2025. 1) After reviewing Alan's letter, I went back out to the property to verify the existing dimensions of the house footprint, and revised some dimensions to both the existing house and the addition accordingly, so that the project will not exceed the building & impervious cover requirements. The revised plans (which have additional dimensions added) show that the 'Proposed Building Coverage' to be 1195 sq.ft. or 39.9% (existing house @ 640 sq.ft. + front deck @ 219 sq.ft. + the rear addition @ 336 sq.ft.) and the 'Proposed Impervious Lot Coverage' to be 1732 sq.ft. or 57.8% (building coverage @ 1195 sq.ft. + existing town sidewalk @ 115 sq.ft. + existing driveway & front walk @ 218 sq.ft. + rear patio @ 192 sq.ft. + A/C pads @ 12 sq.ft.).

- 2) The 'review letter' refers to the proposed project as a '3-story house' while my zoning chart refers to it as a '2 1/2 stop house'. Both the Planning Board and the Building Code allow for houses in flood zones to be raised up to be above the 'base flood elevation' with a garage/ storage area below, and not count the area below the 'base flood elevation' as a story. There are numerous houses in the flood zone area that the Planning Board and the Building Dept. have allowed and have not considered them to be 3-story.
- 3) The existing property has a grade elevation at the rear property line of elevation 7.3 ft. and slopes down to an elevation of 6.7 ft. at the front sidewalk, which will allow surface water to drain to North Blvd. There is presently a depressed area in the middle of the rear yard, which would be raised accordingly with this project.
- 4) The 4 ft. wide Borough sidewalk is located within the Stuto property, similar to all the properties on either side of Parkway and a few other streets in town. To my knowledge none of these other properties have been required to deed an easement to the Borough; though it is an issue that the mayor & council might want to review on a town wide scale.

Respectfully submitted.

Mark A. Fessler, R.

**PO BOX 448** SPRING LAKE

Lake Como Planning Board c/o Vivica Graham, Board Secretary

1740 Main St., Lake Como, NJ 07719

Lic#NJ-21-A100659100

January 24,2025

**RE:** Stuto Variance Application 399 North Blvd., Lake Como Block:18; Lot:20

Vivica-

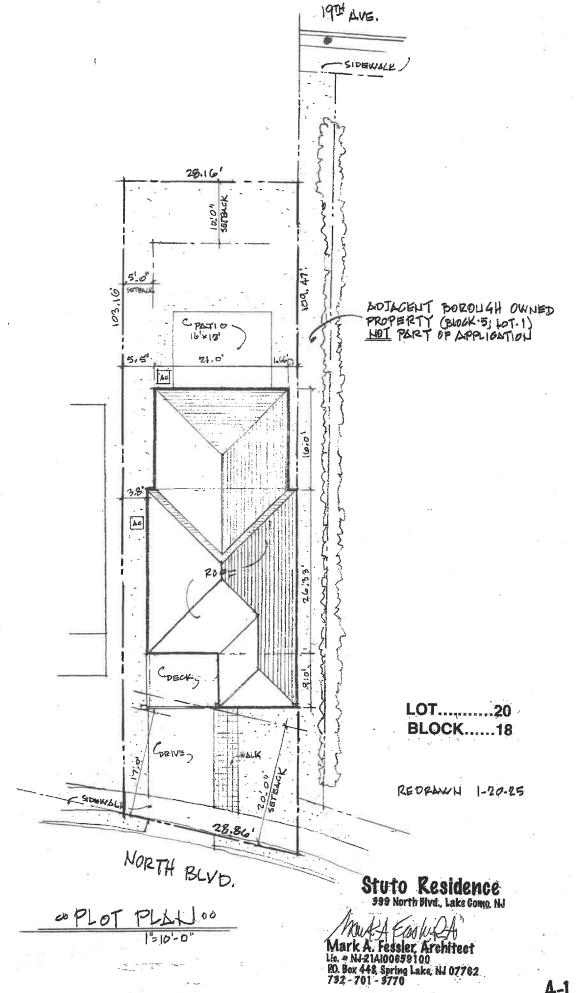
My submitted drawings revision dated 1/4/2025 were numerically dimensionally correct, however, some of the drawings were slightly out of scale graphically. The numbers shown were all correct but some of the drawings were slightly out of scale.

As per Alan Hilla's request, I have redrawn everything so that the drawings are now both graphically and dimensionally correct. These redrawn drawings have been dated 1/20/2025.

Attached are two 'signed & sealed' sets. Please get one set to Alan as soon as possible.

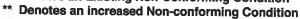
Thank you.

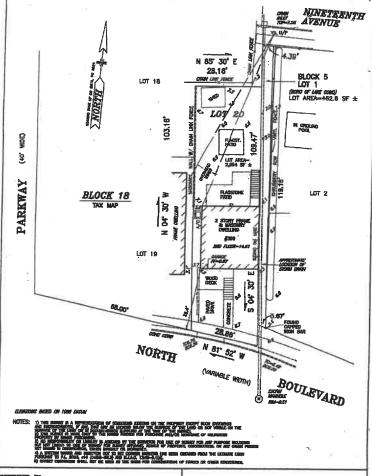
Mark A. Fessler, R.A.



ZONING CHART Stuto Residence - 399 North Blvd., Lake Como, NJ						
Zone: R-50	Required	Existing	Proposed			
Principle Use	Single-Family	Single-Family	Single-Family			
Lot Area	5,000 sq.ft.	2994 sq.ft. *	2994 sq,ft.*			
Lot Frontage	50 ft.	28.86 ft. *	28.86 ft.*			
Lot Width	50 ft.	28.16 ft.*	28.16 ft.*			
Front Setback	20 ft. / or average	17 ft.± @ exist. deck*	17 ft. @ deck*			
Side Setbacks	5 ft. & 5 ft.	3.7 ft. & 0 ft.	3.7 ft. & 0 ft.			
Rear Setback	10 ft.	50 ft. +	33 ft.+			
Building Height (Narrow Lot Width=56.9%x35-19.7ft.)	2 1/2 story / 19.7ft.	1 1/2story / 24ft.± *	2 1/2 story / 33ft.± **			
Accessory Bidg.						
Side Setback	5 ft.	2.5 ft.± *	NA NA			
Rear Setback	5 ft.	.5 ft.+*	NA NA			
Shed Area	100 sq. ft.	80 sq. ft.	ÑA			
<b>Building Coverage</b>	40% (1197.6sf)	30.7% ±(921sf)	39.9% ±(1195sf)			
Impervious Coverage	60% (1796.4sf)	54.6%± (1635sf±)	57.8%± (1732sf±)			
Parking	2	2	2			
Front Yard (Landscaping) ( 28.86 X 16.0 = 462 sq.ft. X 50%	50%min. (231sf)	51.3% (236.8%)	51.3% (236.8%)			

**Denotes an Existing Non-Conforming Condition** 





CERTIFIED TO:

TOPOGRAPHIC SURVEY OF 399 NORTH BOULEVARD BOROUGH OF LAKE COMO MONMOUTH COUNTY, NEW JERSEY PREPARED FOR JOSEPH C. STUTO

REVISED: AUGUST 22, 2023 : LOT 1 AREA JUNE 16, 2023 SCALE: 1"=20" JOB 33140 FB213-114

DOMINICK J. VENDITTO, III

NJ LIC. PROFESSIONAL LAND SURVEYOR #30093 626 FERNWOOD TERNACE, LINDEN, NJ 07036 908-310-3968 FAX 908-925-8829

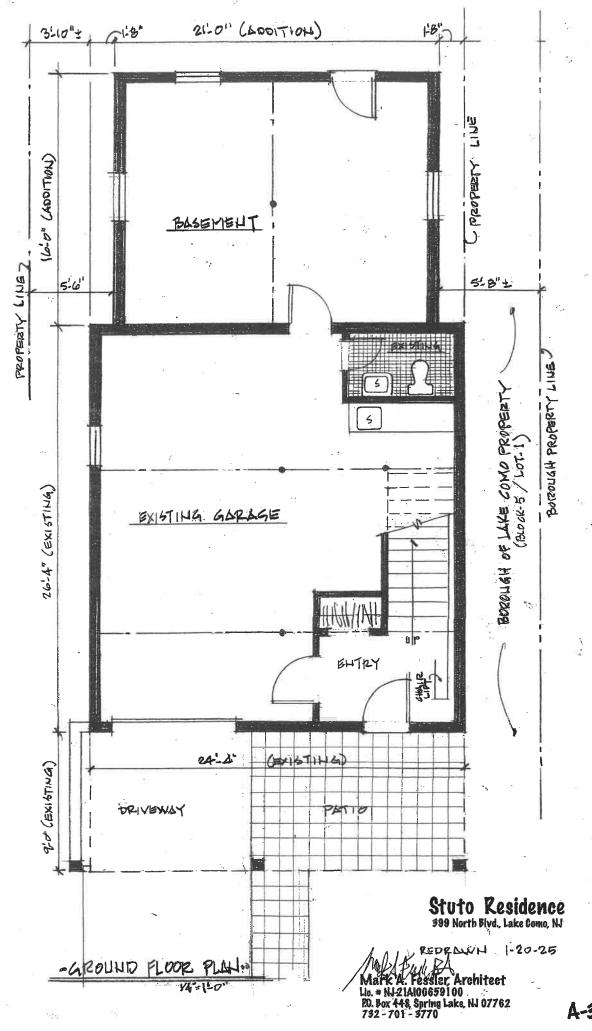
√ LOT.....20 **BLOCK.....18** 

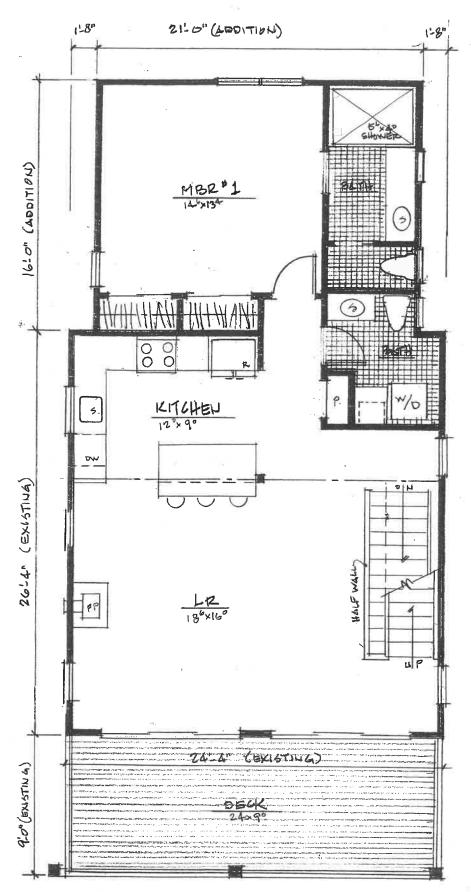
1-20-2025

REVISED 10-14-24 \$1-4-25 Stuto Residence

399 North Blvd., Lake Como, NJ

Mark A. Fessler, Architect Lie. = NJ-21A100659100 20. Box 448, Spring Lake, NJ 07762 732 - 701 - 3770





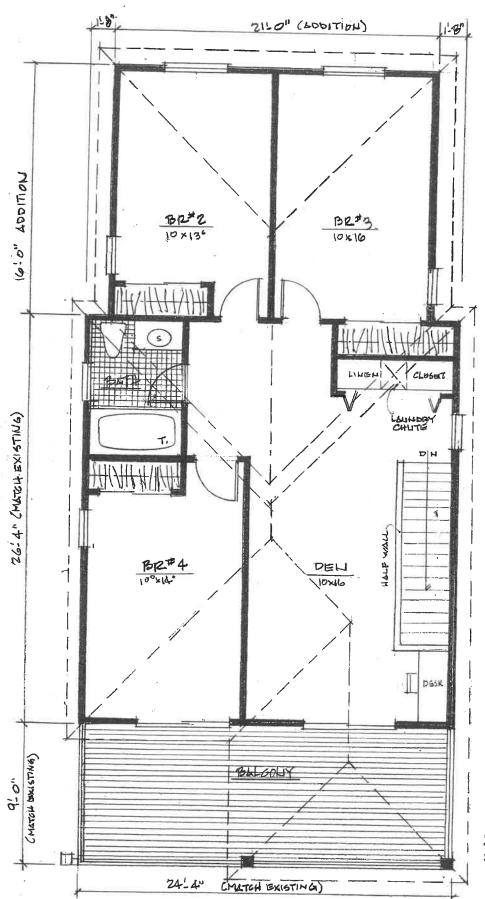
Stuto Residence 399 North Blvd., Lake Como, NJ

50 MAIN FLOOR PLANOO

REPRAYN 1-20-25

Mark A. Fessler Architect

Mark A. Fessler Architect Lio. # NJ-214160659100 PO. Box 448. Spring Lake, NJ 07762 732 - 701 - 3770



Stuto Residence 399 North Blvd., Lake Como, NJ

REDRAWH 1-20-25

OUTPPER FLOOR PLAN OF

Mark A. Fessler, Architect Lio. # NJ-21A100859190 RO. Box 448 Spring Lake, NJ 07762 732 - 701 - 3770

A-5

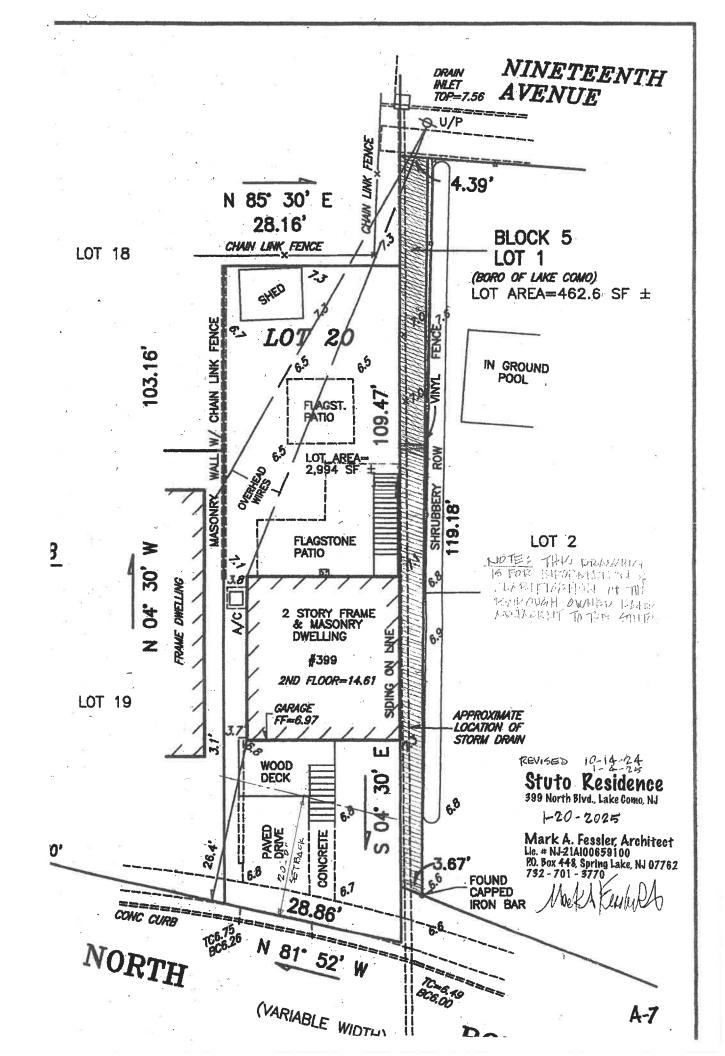


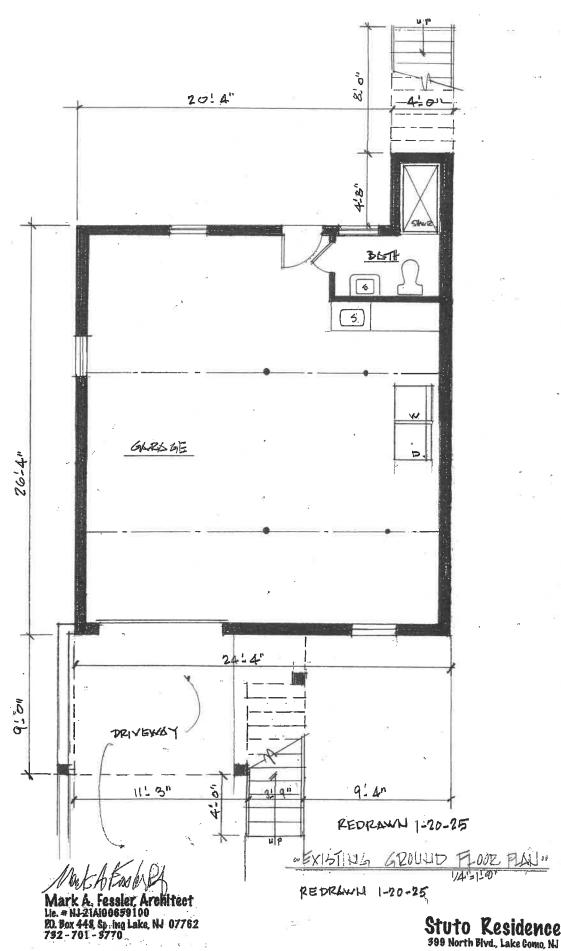
OFRONT ELEVATION OF

REDPAWN 1-20-25

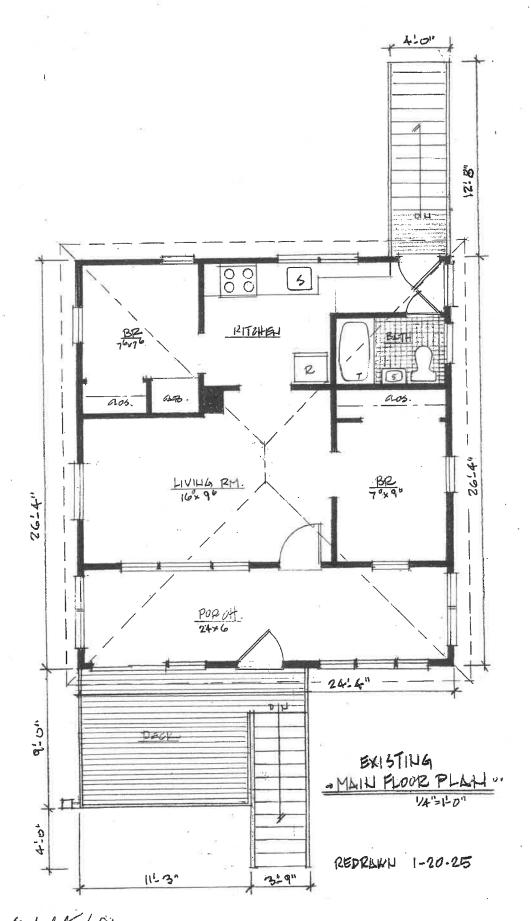
Stuto Residence 399 North Blvd., Lake Como, NJ

Mark A. Fessier Architect Lic. # NJ-21A100859100 PD. Box 448 Sp. ing Lake, NJ 07762





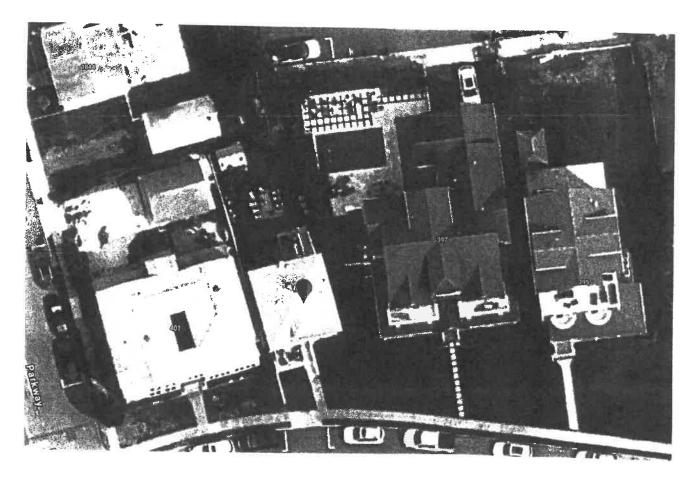
Stuto Residence 399 North Blvd., Lake Gomo, NJ



Mark A. Fessier Architect Lie. = NJ 21A100659100 RO. Box 448 Sp. ing Lake, NJ 07762 732-701-3770

Stuto Residence 399 North Blvd, Lake Como, NJ





Mark A. Fessler, Architect Lic. \* NJ-21A100659100 RO. Box 448, Sp. ing Lake, NJ 07762 792-701-9770

Stuto Residence 399 North Blvd., Lake Como, NJ \-20-2025