



- a. **To permit a use in a district restricted against such use.** The proposed townhouse use is not a permitted use within the R-20/12 Zone. The only permitted residential use in this Zone is single-family detached.
- b. **To allow an increase in permitted maximum gross density.** The applicant is proposing 51 attached units in seven buildings and a density of 8.4 units/acre. Therefore, a density variance is required since this exceeds the permitted R-20/12 density. This proposed density does however match the density requirement for townhouses of 8 townhouses/acre as defined in Section 900 H. Therefore if the Board permits the townhouse use, the applicant is not theoretically asking for an increase in density for this townhouse development.

The applicant must provide testimony to the Board detailing the special reasons which would allow the Board to grant a variance to depart from the zoning regulations to permit a **use in a district restricted against such use (townhouse use)** with the associated density. In order to achieve this, the applicant should explain why the townhouse use is a better planning and zoning alternative than the traditional single-family residential concept.

3. The surrounding neighborhood along Locust Street, generally between Route 70, New Hampshire Avenue and the Toms River Border, is populated with higher density type development which makes this project particularly suitable for this area. Several of these developments contain densities of up to 16 units/acre. Considering the past existing development along Locust Street, this proposal fits in more with the surrounding area than a traditional single-family development.
4. In accordance with Section 803 E., a minimum 30 ft. buffer will be required during the site plan phase along the side and rear property lines. It appears the applicant has conceptually provided this buffer in the variance plan and the same should be carried over to any site plan application.
5. Traffic impact testimony should be presented at the Board meeting to insure that the proposed development does not result in a negative impact on adjacent roadways and intersections. The Board should note that the Township received grant money from the NJDOT to connect Vermont Avenue (North) to Route 70.
6. The required parking should be revised to reflect the correct requirement of 2.4/unit and 123 spaces. It also appears the variance map provides 131 spaces instead of 136. With the corrections, the applicant is still meeting the parking requirements.
7. Any approval should be subject to preliminary and final site plan and subdivision approval.

**From: Ed Mack, Zoning Officer**

Townhouses are not a permitted use. If the board approves the use, the density should be lowered to 48 units and the additional space should go toward more common or green area

Sal Alfieri, attorney for applicant.

Mr. Alfieri – only seeking use variance approval, if approved they will come back with a site plan.

Brian Flannery, engineer, sworn. The application is for a townhouse use only, located on Locust Street.

A-1 rendered version of variance map – conceptual layout

A-2 aerial exhibit of area.

Mr. Flannery described area and multi family projects in the area. Proposing townhouses with buffers which will be compatible with the area. Mr. Flannery reviewed Mr. Priolo's report. Looking for 51 units in 7 townhouse structures. They have provided buffers so the units will be self-contained. They will provide details at site plan. The R-20/12 cluster allows single family homes only. In order to provide the buffers that they need they have provided 8.4 units per acre. They meet the positive criteria and there is no detriment to the zone plan. The neighboring developments have up to 16 units per acre. They have retained a traffic engineer and will present a traffic report at site plan.

Jay Troutman, McDunnough & Rea, traffic engineers, sworn.

Board accepted his credentials.

Mr. Troutman conducted a field investigation and did traffic counts in the area. In reviewing the layout the development has been designed with Residential Site Improvement Standards. The access to the property has been designed properly. There is adequate parking on the site and adequate roadway capacity along Locust Street and the intersection of Locust and Vermont.

Mr. Flannery - We do need a density variance, they are putting more units on it than single family.

Mr. Halberstam – If we give them a use variance from single family to townhouses, they will bring in an application for site plan – if the amount of units work than it works.

Mr. Alfieri – the applicant agreed to not go more than 48 units.

Mr. Gonzalez – This property should be 12 single family homes. Not in favor of townhomes on this parcel.

Ms. Goralski asked the traffic engineer what time of day the study was done. She also asked about Locust & New Hampshire.

Mr. Troutman – counts were done on a weekday from 7-9 a.m. and 4-6 p.m. Locust & New Hampshire was not in this study. Did not do a study at Route 70 & Vermont.

Ms. Goralski - Would like to see a study on Locust and New Hampshire when you come back for site plan.

Open to Public.

Tracey Batiste, 180 Locust Street, sworn. Live on the adjacent lot. Would prefer to see 12 single family homes than 48 townhouses.

Closed to Public.

Mr. Zaks – there are multi family units in the area.

Mr. Flannery – the townhouses are about 1600 square feet with 3 bedrooms, no basement and no attic study. There will be 2 stories and would be like a starter home which are affordable.

**Motion to approve townhouses use with a maximum density of 48 units with the option to lower that number, no exterior entrance to basement, traffic study on the corner of Route 70 and Vermont Avenue – Mr. Zaks**

Second - Mr. Gelley

**Roll call vote:** affirmative: Mr. Zaks, Mr. Naftali, Mr. Gelley, Mr. Lazzaro,  
Mr. Halberstam

Nayes: Mr. Gonzalez, Ms. Goralski

**Motion approved.**

**MOTION TO ADJOURN.**

All in favor.

Meeting adjourned at 8:15 p.m.

Respectfully submitted,  
Fran Siegel  
Secretary