



**APPEAL # 3638 – DIVERSIFIED CAPITAL**

1072 Madison Avenue, Block 64 Lot 6, ROP zone. Preliminary and final major site plan, one building containing 20 units.

Mr. Zaks stepped down.

Chairman announced that there were only 6 members and this application needs 5 affirmative votes.

Mr. Penzer agreed to proceed.

Secretary read reports.

From: Jim Priolo, Engineer/Planner - February 26, 2007

1. The subject property is located on Madison Avenue (Route 9) between Tenth and Eleventh Streets and is within the ROP (Residential Office Park) Zone. The site contains an existing 1-story building. The applicant is proposing to construct a 4-story multi-family structure containing twenty (20) dwelling units. All existing structures will be removed.
2. Although the multi-family use is permitted in this zone, the proposal does not meet the conditions of Subsection 902.H.4.b. (Multi-Family) of the Ordinance, and therefore a **Special Reasons Variance** will be required. A special reasons variance is required because the applicant is;
  - a. Deviating from a standard pertaining solely to a conditional use. In accordance with Subsection 902.H.4.b., variances are required as follows:

	<b>Required</b>	<b>Proposed</b>
Minimum Rear Setback	25 feet	23 feet
Maximum Building Coverage	40%	51.1%
  - b. Requesting an increase in maximum permitted density. The maximum permitted density is 15 units/acre, whereas the applicant is proposing a density of 23.3 units/acre.
3. 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. A deviation from a standard pertaining solely to a conditional use.
  - b. An increase in maximum permitted density.

Additionally, the applicant must demonstrate to the Board that the requested special reason variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and the zoning ordinance.

4. In accordance with R.S.I.S., a minimum of fifty (50) parking spaces are required for this development. The plan proposes forty (40) parking spaces, therefore a variance is required.

5. The following comments should be addressed with regards to the Site Plan:
  - a. The existing structures should only be shown on the existing conditions plan.
  - b. A note should be added to the plans indicating that all existing curb and sidewalk shall be replaced at the direction of the Township Engineer.
  - c. The applicant should discuss vehicular circulation within the site including turnarounds, trucks, deliveries, etc. The sizes and types of trucks accessing this site should be provided and turning movements should be verified, specifically garbage removal trucks.
  - d. The applicant should discuss if any site identification sign is proposed, and if so the size and location of the sign. Any proposed sign shall be in accordance with Section 812 of the Ordinance.
  - e. In accordance with Section 809, a gate should be provided in front of the trash enclosure. The detail indicates a gate, which should be shown on the plan. The size and location of the enclosure shall be determined by the Department of Public Works, if they should be in charge of collecting the trash.
  - f. The uses on adjacent Lots 1 and 2 should be shown.
  - g. It appears the only direct entrance and exit to the garage level is the driveway entrance. The applicant should discuss emergency access to the garage level.
  - h. The proposed block wall around the patio/plaza area should be shown on the plan. Also, an exit from the patio/plaza to the rear yard should be provided.
6. The following comments should be addressed with regards to the Grading, Drainage & Utility Plan and stormwater management:
  - a. The existing structures should not be shown on the proposed plans.
  - b. A FFE for the patio/plaza area should be provided.
  - c. The roof leaders should be connected directly into the drainage system.
  - d. A grading plan for the garage level should be provided. The entire level should slope towards the trench drain located at the entrance.
  - e. The handicap accessible entrance ramp to the building does not correspond with the architectural plans.
  - f. In accordance with Section 815.A., storm sewer requirements and standards for all development shall be those required by the New Jersey Residential Site Improvement Standards.
    - i. Although the applicant has reduced the post-development runoff for the 2, 10 and 100-year storm events to less than the pre-development runoff, it has not met the required reductions of 50%, 75% and 80%.
    - ii. Stormwater infiltration as required under N.J.A.C. Section 7:8-5.4 shall be addressed and calculations shall be provided. The applicant has not proposed any infiltration.
    - iii. The applicant should provide more information on the existing storm sewer system that the proposed system connects to.
7. The following comments should be addressed with regards to the Landscape Plan:
  - a. The existing structures should not be shown on the plans.
  - b. Low level plantings should be provided along the patio/plaza wall.
  - c. The applicant should discuss the feasibility of the proposed recreation area.
8. The following comments should be addressed with regards to the Construction Details:
  - a. A state curb and pavement detail should be provided for any possible curb and pavement work on Madison Avenue (Route 9).

9. The following comments should be addressed with regards to the architectural plans:
  - a. The applicant should discuss if a garage door will be proposed for the garage entrance.
10. Ocean County Planning Board approval should be indicated on the plan.
11. The applicant shall submit to, and appear before, all other Local, State and Federal agencies having jurisdiction over this project.
12. Prior to commencement of construction, the applicant shall post a performance guarantee and inspection fund in accordance with the provisions of the Township's Land Use Ordinance and the Municipal Land Use Law.

From: Ed Mack, Zoning Officer

Although a great effort has been made to provide parking, I feel any variance for parking places would be a mistake.

Abraham Penzer attorney for applicant.

James Monteforte, architect, sworn.  
Brian Flannery, engineer/planner, sworn.

Board accepted credentials

A-1 elevations  
A-2 rendering  
A-3 site plan  
A-4 aerial exhibit  
A-5

Mr. Flannery – application is for a 20 unit multi-family building. Similar in concept to the project south on Route 9. Upscale building. The building has frontage on Route 9 and on 11th Street. The general area is all multi family apartments. Reviewed Mr. Priolo's report. Not seeking height variance. Height allowed is 65 feet they are proposing 50 feet. This is a permitted use and they are asking for bulk variances. The building has open courtyard areas and balconies. The building is appropriate for the area. The building is close to the Yeshiva and close to shopping. This is smart growth. This meets a need and is consistent with the Master plan. 50 parking spaces are required and they are proposing 40. They can fit more parking and they will provide more if the board feels that it is a problem. They will meet with John Franklin from Public Works to work out a place for the dumpster. The pick-ups are done very early in the morning. Any signs will conform with the ordinance. The existing site is virtually all paved – the proposed building is 50% lot coverage which makes the situation better than before. Will satisfy all landscaping comments.

Ms. Elliott – not clear on meeting the requirements on post reduction run-off. Capacity of existing storm system should be verified.

Mr. Flannery agreed to verify system. The clearance is 8 foot 4 inches and should be adequate for a van.

The Board reviewed the architectural.

Mr. Monteforte - described the architecture. Could stack the cars for more parking and add some angled parking. This is a stacked townhome, one on top of the other. There are 3 separate buildings linked with covered walks. Described floor plan. The units have 4 or 5 bedrooms.

Ms. Elliott – they considered the building footprint which includes the parking area underground for lot coverage. A stand alone parking deck would still be considered lot coverage.

Mr. Monteforte – the deck is 4 feet above grade to the plaza.

Mr. Flannery – asking for the lot coverage variance. The actual building is only 33%. There is no adverse impact. The intent is to only have 40% building. The outdoor patio areas are considered lot coverage.

Mr. Halberstam - The outdoor patios enhance the project.

Mr. Monteforte – they will be condo's and have an association.

Ms. Goralski – like the look – there is a possibility of 80 children – there is 37 feet for them to play in and right next to the trash.

Mr. Monteforte – the trash can be enclosed.

Mr. Flannery – they will expand the play area by removing some of the plaza.

Ms. Goralski – this building is very large.

Mr. Monteforte – he could add another tot lot.

Mr. Lankry – where do guests park?

Mr. Flannery – on the street. They could add some visitor parking. On 11th street both sides have permissible parking.

Mr. Monteforte - Maybe they could extend the parking garage under the play area in the back.

Mr. Gonzalez – concerned about the upper townhouse and their garbage. They will not lug their garbage in the elevator.

Mr. Flannery asked to bifurcate the application.

Mr. Lankry – this is a nice project would like to see more play area and more parking.

Mr. Gelley - Nice project and come back with upgrades to the plan.

Mr. Naftali – okay to bifurcate

Ms. Goralski – do like the plan

Open to Public.

William Hovday, 30 Schoolhouse Lane, sworn – attractive building – there is a need for a storage area -

Closed to Public.

**Motion to approve density and the rest of the issues will be discussed at site plan –**

Mr. Naftali

Second – Mr. Lankry

**Roll call vote:** affirmative: Mr. Gelley, Mr. Gonzalez, Ms. Goralski. Naftali,  
Mr. Lankry, Mr. Halberstam

**MOTION TO ADJOURN** – Mr. Gelley

All in favor.

Meeting adjourned at 9:30 P.M.

Respectfully submitted,  
Fran Siegel, Secretary