

**LAKWOOD ZONING BOARD OF ADJUSTMENT
MINUTES
JULY 18, 2005**

Meeting was called to order at 7:35 P.M.

Meeting properly advertised according to the Sunshine Law.

Roll call: Attending: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley
Mr. Halberstam, Mr. Sernotti
Absent: Mr. LeCompte
Arrived late: Mr. Zaks
Also present: James Priolo, Engineer
Glenn Harrison, Attorney
Steve McCrystal, Court Stenographer
Fran Siegel, Secretary

Salute to the Flag.

Motion to approve minutes of June 6, 2005 with waiver to read – Mr. Daniels

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley, Mr. Sernotti

Motion to approve minutes of June 27, 2005 with waiver to read – Mr. Daniels

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Daniels, Mr. Naftali, Mr. Gelley, Mr. Halberstam, Mr. Sernotti

Appeal # 3573 – Shlomo Meyer, Hope Chapel Road, Block 7 Lot 11, R-15 zone. Single family home on undersized lot. Required 15,000 proposed 8,000.

Shlomo Meyer, 585 4th Street, affirmed.

Mr. Sernotti – it is his understanding that the applicant went to mediation and found out that there is an adjacent property owner that is interested in selling their property and are in the midst of trying to work something out.

Mr. Meyer – agreed to table until August 1st.

Motion to table until August 1 without further notice and a waiver of time – Mr. Naftali

Second – Mr. Gonzalez

Roll call vote: affirmative – Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley,
Mr. Halberstam, Mr. Sernotti

Appeal # 3528 – Mark Properties, 601 East 5th Street, Block 189.01 Lot 175, R-7.5 zone.
Use variance to construct a one-family dwelling on a 5,555 square foot lot.

Secretary read reports.

From: Jim Priolo, Engineer/Planner
Second Review

1. The subject property is located along East Fifth Street and is within the R-7.5 (Single-Family Residential) Zone. The applicant has revised the original application for a two-family dwelling and now proposes to construct a single-family dwelling.
2. The existing lot does not conform to the current zoning requirements. In accordance with Section 18-12.3 of the Ordinance, bulk variances are required as follows:

	Required	Proposed
Minimum Lot Area	7,500 s.f.	5,555 s.f.

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

3. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade is 30 inches. The applicant is proposing a difference of 72 inches.
4. Any approval should include a condition that concrete curb and sidewalk along the roadway frontage should be removed and replaced as directed by the Township Engineer.

From: Ed Mack, Zoning Officer
I have no objections to this application.

Ray Shea, attorney for applicant.

Brian Flannery, engineer sworn.

Mr. Shea – this is an isolated lot and it is impossible to acquire lands on either side. There is nothing available to buy or sell.

Mr. Flannery – This is a single family dwelling on a 5,555 square foot lot in the R-7.5 zone. There are existing single family dwellings on both sides and the Board of Education to the rear. They comply with all bulk requirements except for lot area. There is no way to increase the area.

Mr. Flannery reviewed Mr. Priolo's report. The house is in conformance with the surrounding area. They will agree to the 30 inches.

Open to Public. Closed to Public.

Motion to approve – Mr. Halberstam
Second – Mr. Naftali

Roll call vote: affirmative – Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley,
Mr. Halberstam, Mr. Sernotti

Appeal # 3565 – Yisroel Kuperwasser, 1306 Central Avenue, Block 284.17 Lot 2.01, R-12 zone. New home on an undersized lot.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – 2nd Review

1. The subject property is located on Central Avenue and is within the R-12 (Single-Family Residential) Zone. The existing lot contains a single-family dwelling. The applicant proposes to demolish the existing dwelling and construct a new, larger single-family dwelling. The existing lot does not conform to the current zoning requirements. In accordance with Section 18-12.2 of the ordinance, bulk variances will be required for the construction of the proposed dwelling as follows:

	Required	Existing	Proposed
Minimum Lot Area	12,000 s.f.	10,500 s.f.	10,500 s.f.
Minimum Lot Frontage	90 ft.	70 ft.	70 ft.
Maximum Lot Coverage	25%	16%	25.5%

The applicant must demonstrate to the Board that the requested variances can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and the zoning ordinance. The applicant should address the Board regarding the visual impacts which the new, larger structure will have on the surrounding properties.

2. Any approval should include a condition that all curb and sidewalk shall be replaced as directed by the Township Engineer. A note should also be added to the plan.
3. The list of property owners within 200 feet should be provided.
4. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade is 30 inches.

From: Ed Mack, Zoning Officer

Since the only variances requested are for pre existing conditions, I have no objection to this application.

Charles Kuperwasser, 1355 Fernwood Avenue, affirmed. Father of the applicant. Asked the board to reconsider the original proposal where they requested a combined 20 foot side setback. He testified that the combined 25 foot side yard setback was creating a hardship. His plans have been revised to be 45 feet wide and not 50 feet wide. The house is not what they want. He will not be able to put a garage and his Master bedroom will have to be in the middle of the upstairs. He needs the extra few feet to fulfill his dream house.

Open to Public. Closed to Public.

Mr. Sernotti – it would be out of place in this instance to grant a variance when we do not grant it in other cases.

Yisroel Kuperwasser, Forest Avenue, affirmed. He advertised for the setback on the original plan and he did not have to advertise again.

Discussion followed if the original advertising would cover the granting of the original plan with the side yard setback variance.

Mr. Kuperwasser - The original plan was 50 x 37 the plan now is 45 x 37. It was never turned down. There was no vote taken. They have letters from the neighbors – they do not object to it.

Motion to approve a lot coverage variance of 25.5% and an existing lot width variance and lot area – Mr. Gonzalez

Second – Mr. Halberstam

Roll call vote: affirmative – Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley, Mr. Halberstam, Mr. Sernotti

Appeal # 3563 – Aaron Ginsberg, 307 Pine Street, Block 774.04 Lot 13, R-10 zone. Major subdivision creating 6 non-conforming lots. Required 10,000 square foot lots – proposed 7,127 – 7,500. Bulk variances requested.

Secretary read reports.

From: James Priolo, Engineer/Planner

1. The property in question is located on the corner of Pine Street and Dr. Martin Luther King Drive and is within the R-10 (Single-Family Residential) Zone. The Applicant is proposing a subdivision that would divide existing Lot 13 into six (6) lots, each containing a new single-family dwelling. The existing dwelling would be razed. The Applicant is requesting use variance approval (for density) and dimensional relief (lot area, lot width, setbacks and lot coverage) for the proposed subdivision.
2. Based on the submitted plans, the subject property can yield 4 conforming lots based on R-10 Zone criteria. The Applicant is seeking approval for 6 buildable lots or a density of 6 units/acre by requesting dimensional relief for lot area, lot width, setbacks and lot coverage. The requested lot areas start at a minimum size of 7,127 s.f. and none exceed 7,500 s.f.

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 an increase in the permitted density.

The Applicant must demonstrate to the Board that the requested use variance can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and the zoning ordinance.

3. In addition to the special reasons variance, bulk variances in accordance with Section 18-12.2 will be required for the subdivision as follows:

	Required	Proposed (Minimum)
Minimum Lot Area	10,000 s.f.	7,127 s.f.
Minimum Lot Width	75 ft.	47 ft.
Minimum Front Setback	30 ft.	20 ft.
Minimum Rear Setback	20 ft.	11.86 ft.
Minimum Side Setback (One)	10 ft.	5 ft.
Minimum Side Setback (Combined)	25 ft.	16.85 ft.
Maximum Lot Coverage	25%	29.6%

The Applicant must demonstrate to the Board these requested bulk variances can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and the zoning ordinance.

4. The Applicant should conceptually show a 4 lot conforming subdivision on this property and explain why a 6 lot non-conforming subdivision is a better planning alternative to the guidelines established in the Township's Ordinance. Proposed Lot 13.02, for example, contains an oversized dwelling ($\pm 3,700$ s.f.) with no useable yard area, whereas a conforming subdivision would provide larger lots with useable yard areas.
5. The following comments should be addressed with regards to the Site Development Plan:
 - a. The dimensions of the driveways should be shown on the plans. Due to the site's location and the lack of available on street parking, garages should be considered.
 - b. The Applicant should provide testimony on the proposed use of the basement level. The drawings indicate a separate outside entrance to the basement level at the front of the dwellings.
 - c. The chain link fence on adjacent Lot 14.01 encroaches onto Lots 13.02 and 13.03. This encroachment should be eliminated.
 - d. The dwellings on proposed Lots 13.01 and 13.02 should be decreased in size.
 - e. New concrete curb and sidewalk should be proposed along the entire roadway frontage.
6. The following comments should be addressed with regards to the Grading and Drainage Plan and stormwater management:
 - a. The applicant should consider using inlets instead of manholes and adjust the grading to direct more stormwater into the system.
 - b. Additional drainage should be provided between Lots 13.01, 13.02 and 13.03.
 - c. As of September 8, 2004, the Natural Resources Conservation Service has updated the rainfall frequency data for New Jersey. The new 100-year rainfall amount for Ocean County is 9.2 inches. The calculations should be revised.
 - d. The Applicant is requesting a waiver for the 2-year post development storm not meeting the required reduction. The storm is reduced to 75% as opposed to the required 50% of the pre-developed runoff. This requirement should be complied with.
 - e. Only one-third of the sidewalls of the infiltration trench sidewalls may be used in the infiltration rate. The calculations should be revised as well as any subsequent calculations that will be affected.
 - f. The rate of infiltration used in the recharge calculations seems high. A factor of safety should be used in the calculations.
 - g. A Homeowners Association will need to be created for ownership and maintenance of the stormwater management system. The drainage easement should be dedicated to the Homeowners Association.
 - h. Additional information is required on the existing system in Dr. Martin Luther King Drive.
7. The following comments should be addressed with regards to the Utility Plan:
 - a. The water and sewer connections for Lot 13.01 do not connect into any existing utility lines within Pine Street. If existing utility lines exist within Pine Street, they should be shown on the plans.
 - b. Full width pavement restoration should be proposed along Dr. Martin Luther King Drive.
8. The following comments should be addressed with regards to the Landscape Plan:
 - a. The plans indicate a proposed street tree located in the driveway for Lot 13.01. This tree should be removed or relocated.

9. The following comments should be addressed with regards to the Final Plat:
 - a. A graphic scale should be provided on the plan.
 - b. The Board approval block should reference Lakewood Township Zoning Board.
 - c. A point of beginning should be provided.
 - d. The following certification blocks should be added to the plan:

The plan should indicate a Zoning Board Secretary certification stating that, "This plat must be filed in the office of the Clerk of Ocean County on or before _____, which date is ninety FIVE (95) days after the date upon which this plat was signed by the Brick Township Planning Board."

The plan should indicate a Municipal Engineer certification stating that, "I have carefully examined this map and to the best of my knowledge and belief find it conforms with the provisions of the "Map Filing Law" resolution of approval and the municipal ordinances and requirements applicable thereto."
10. Ocean County Planning Board approval should be shown on the plans.
11. The Applicant should submit to, and appear before, all other Local, State and Federal agencies having jurisdiction over this project.

From: Ed Mack, Zoning Officer

I think that the houses proposed on lots 13.01 and 13.02 are too large for these lots and that both of these houses could be easily redesigned to be much more conforming. I also think that by eliminating lot 13.06 and increasing 13.03, 13.04 and 13.05 these lots could be much more conforming in terms of side yard setbacks and lot coverage.

Ray Shea represented applicant. The new ordinance was adopted July 12th and Mr. Priolo's report is prior to the adoption of the new ordinance.

Brian Flannery, Engineer.

Mr. Flannery reviewed Mr. Priolo's report. – This property is in the R-10 zone. The new ordinance would allow a two-family home on a 12,000 square foot lot. This project would allow 3 two-family homes but would not be compatible with the neighborhood. Not increasing the density that would be permitted. The 6 single family homes would be more compatible with the area. This approval can be granted without any detriment to the zone plan or the ordinance. There is stormwater management on site. Bulk variances are requested for minimum lot area, lot width, front setback, rear setback on the corner lot, sideyard setbacks. Asking for zoning criteria to the R-7.5 zone. The basement will be for storage. There will be no use of the basement for any other purpose. Garages are not typical in this neighborhood. The encroachment will be eliminated.

Mr. Priolo – concerned about the 2 houses on the corner.

Mr. Shea – would agree to decrease the size of the houses on lot 13.01 and 13.02.

Mr. Shea proposed to make 13.01 and 13.02 into one lot with a duplex on it.

Mr. Flannery – it would be 4 singles and one duplex.

Mr. Gonzalez – a duplex plan is not in front of us.

Open to Public. Closed to Public.

Mr. Daniels – what size will the house be on the corner lot?

Mr. Flannery - Similar in size to the other houses – the driveway will come out on Martin Luther King.

Motion to approve 5 lots and comply with Mr. Priolo's review – Mr. Halberstam
Second – Mr. Gonzalez

Roll call vote: affirmative – Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley,
Mr. Halberstam, Mr. Sernotti

Appeal # 3561 - 319 Sunset, LLC, James Street, Block 345 Lot 9, M-1 zone. Use variance to construct a 2-story retail and office building in the M-1 zone.

Secretary read reports.

From: James Priolo, Engineer/Planner

1. The subject property is located on James Street and is within the M-1 (Industrial) Zone. The existing lot is vacant and wooded. The Applicant proposes to construct a 71,950 s.f. building with retail space on the first floor and office space on the second floor.
2. The proposed retail and office uses are not permitted within the M-1 Zone; and therefore, in accordance with Section 18-15 of the Ordinance, use variance approval is required from the Board of Adjustment. 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. The Applicant must demonstrate to the Board that the requested use variance can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and the zoning ordinance.
3. Variances will be required during the site plan phase of this project as follows:
 - a. In accordance with Section 18-6.7, no required parking facilities shall be permitted in any required front yard, whereas the proposed parking is 55 feet from the front property line. The parking should be removed from the 100-foot front setback area.
4. The Applicant should discuss vehicular circulation within the site including turnarounds, trucks, deliveries, trash removal, etc.
5. A right-of-way dedication will be required during the site plan phase.
6. The Applicant should discuss how stormwater management will be addressed during site plan view.
7. Any use variance approval shall be subject to Preliminary and Final Site Plan approval.

From: Ed Mack, Zoning Officer

This property is located between an office area and a lumber yard with related retail component. I think that this use could be appropriate if the amount of high intensity retail is limited since it is close to a large residential area.

Ray Shea represented applicant.

Brian Flannery, Engineer

Steven Praver, 28 Golf Oval, Springfield, NJ, Architect, affirmed.

Mr. Flannery – This is a request for a use variance for an office/retail building in the M-1 zone. Woodhaven Lumber is to the north and NJ American Water Company to the south. They are asking to bifurcate the application and ask for the use only. They will come back with detailed site plan. The retail part will be on the first floor and offices on the second floor.

Mr. Flannery described the permitted uses in the M-1 zone and that the proposed use of the property will provide a good use for the residential neighborhood across the street. The building will aesthetically look better than the industrial buildings. They will reduce the size of the building in order to conform with parking and will provide more trash enclosures when they come back for site plan. There is virtually no negative criteria. They have provided two entrances for circulation around the building. They will provide detailed information at the time of site plan. The M-1 zone requires a 100 foot setback which can be reduced to 50 feet by the Planning Board. They will comply with the 100 foot setback at site plan by reducing the size of the building. There are no tenants lined up yet. This will be a multi-tenant building.

Mr. Halberstam – this is a good idea to keep some traffic off Route 9.

Mr. Gonzalez – there is only one area for a dumpster.

Mr. Flannery – will provide more trash enclosures at site plan.
Open to Public. Closed to Public.

Motion to approve use only – Mr. Zaks

Second – Mr. Gelley

Roll call vote: affirmative – Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley,
Mr. Zaks, Mr. Halberstam, Mr. Sernotti

Recess.

Appeal # 3558 – Route 88 Properties, Dr. Szold Way, Block 548.02 Lots 79, 86 – 89, R-20 zone. Use variance for 24 multi family dwelling units and 3,600 square foot building.

Secretary read reports.

From: James Priolo, Engineer/Planner

1. The subject property is located on Queen Road, and is within the R-20 (Single-Family Residential) Zone. The multi-family portion of the site is currently vacant and the office portion of the site contains 1-1/2 story dwelling. The applicant proposes to construct four (4) multi-family structures containing a total of twenty-four (24) units and to demolish the existing dwelling and construct a 2-story 3,600 s.f. office building.

2. In accordance with Section 18-12.1 of the Ordinance, multi-family and office buildings are not a permitted use in the R-20 Zone. Additionally, the proposed multi-family development exceeds the permitted density in this Zone. Therefore, special reasons variances will be required as follows:
 - a. To permit a use in a district restricted against such use. The proposed multi-family and office uses are not permitted uses within the R-20 Zone. The only permitted residential use in this Zone is single-family detached and no office use is permitted.
 - b. To allow an increase in permitted maximum gross density. The maximum gross density in the R-20 Zone based on single-family detached use and minimum lot area is approximately 2.2 units/acres. It appears the site can yield 3 conforming single-family lots. The applicant is proposing 24 units in four (4) buildings and a density of 15.7 units/acres. Therefore, a density variance is required. The typical density in an R-M Zone is 18 units/acre which the applicant has attempted to comply with.

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 (multi-family and office use) and an increase in permitted density. In order to achieve this, the applicant should explain why the multi-family use with the requested density and the office use is a better planning and zoning alternative than the traditional single-family residential concept.

3. In accordance with Section 18-12.1 (Area Requirements for R-20 Zone), variances are required as follows:

	Required	Provided
Minimum Lot Area	20,000 s.f.	7,995 s.f. (office)
Minimum Lot Width	100 ft.	80 ft. (office)
Minimum Front Yard	30 ft.	25 ft. (multi-family)
Minimum Side Yard (One)	10 ft.	7 ft. (office)
Minimum Side Yard (Combined)	25 ft.	17 ft. (office)
Minimum Rear Yard	20 ft.	5 ft. (office)

4. The Board should consider applying typical parking requirements for the proposed office use. Typically, parking requirements for an office use are 1 space/200 s.f. or 1 space/300 s.f. of office area. The proposed office building is 3,600 s.f. and would require 12 spaces (at 1 space/300 s.f.). The applicant is proposing 8 spaces.
5. The following comments should be addressed with regards to the Site Development Plan:
 - a. The applicant should provide right-of-way dedications along the unnamed right-of-way to provide a 40 ft. right-of-way in the future. This would require 12 ft. dedications along Lots 78, 79, 80, 284, 285, 86 and 89. These proposed dedications should be shown on the plan.
 - b. The applicant should construct a roadway within the unnamed right-of-way. The pavement width from Route 88 to Aspen Road should be 20 feet and the pavement width from Aspen Road to the terminus should be 30 feet.
 - c. Concrete curb and sidewalk should be constructed in front of the site's frontages along the unnamed right-of-way.
 - d. The applicant should seek a name for the unnamed right-of-way from the Township.
 - e. Queen Road is shown as Dr. Szold Way on the plans, this discrepancy should be corrected.

- f. The amount of parking spaces indicated on the plan for the office use is incorrect, 9 spaces are indicated whereas only 8 spaces are shown. Also, 31 spaces are indicated along the north side of the residential development, whereas only 29 are shown. These discrepancies should be corrected.
 - g. The area in front of the trash enclosure for the residential units should be striped for no parking.
 - h. No trash enclosure is shown for the office building. The applicant should discuss the method of trash collection for this site.
6. The following comments should be addressed with regards to the Grading and Drainage Plan and stormwater management:
 - a. Pre and post development drainage area maps should be provided.
 - b. Roof leaders should be connected directly into the drainage system.
 - c. It should be noted that as of September 8, 2004, the Natural Resources Conservation Service has updated the rainfall frequency data for New Jersey. The new 100-year rainfall amount for Ocean County is 9.2 inches. Any subsequent calculations should be revised.
 - d. Only one-third of the sidewalls of the infiltration trench sidewalls may be used in the infiltration rate. The calculations should be revised as well as any subsequent calculations that will be affected.
 - e. A factor of safety should be applied to the infiltration rate.
 - f. The drainage inlet within the unnamed right-of-way should be placed on the curb return of Aspen Street. A cross drain should be proposed along the roadway to properly correct road runoff. The roadway cross section should propose a crown along the centerline.
 - g. Drainage inlets castings for Inlet Type 'B' shall be pattern number- No. 2618, 6" Type 'N' with "Drains to Waterway" imprinted on it.
7. The inverts of all existing sanitary sewer manholes on Queen Road should be provided.
8. The trash enclosure detail should be revised to include the following:
 - a. The placement of bollards or other structures shall be placed at the inside front corners.
 - b. The fence posts supporting the front gates shall be placed beyond the sidewalls of the enclosure to allow the gates to be opened and swing flush against the sides of that enclosure, protecting the gates and posts from damage caused by collection vehicles.
9. Ocean County Planning Board approval should be indicated on the plan.
10. Approval by the Board should be subject to approvals from all other Local, State and Federal agencies having jurisdiction over this project.

From: Ed Mack, Zoning Officer

Although the density of this project does not appear as high as some of the existing developments, I would still be in favor of some combined open space for recreational uses.

John Doyle represented applicant. This is the property adjacent to the 74 units that are under construction now that has an approval by this board.

Brian Flannery, Engineer

Mr. Flannery – The proposal is for 24 multi-family units and a community building not an office building as originally requested. The community building is for meeting purposes or a House of Worship for the residents. This proposal is consistent with the surrounding area.

Mr. Flannery reviewed Mr. Priolo's report. They provided 8 parking spaces for the clubhouse and 3 spaces per unit. As a community building they will use the community dumpster. Agreed with 5 a, b& c

Mr. Priolo was satisfied with the application and a traffic report was submitted.

Mr. Flannery - Architects plan shows buildings will be on slabs. They will be rentals as consistent with the adjacent property. The Community building will be 60 x 30 and not intended for functions. There is a play area between the units. 75 foot wide area. There will be sidewalks. They are in close proximity to Ocean County Park and Shenandoah Park is directly behind them. There is no entrance to the park from this project. Not sure if garbage is picked up by the Township or private.

Open to Public.

Mr. Yontef, manager of Shenandoah Village, sworn. Concerned about parking. Parking is limited on their property and could be a problem if there is overflow from their property. Concerned about the community room being used as a House of Worship and the overflow traffic it would create. People park on Friday afternoon and leave the cars there until Saturday night. Dr. Skold's Way is not a very wide street. Asked for the Belgium block to be continued up the street. Dr. Skolds Way is the only entrance into their property and the proposed property.

Mr. Flannery – There are 8 parking spaces at the community center. There are 70 parking spaces on the entire site. They agreed to match the curbing on their side.

Closed to Public.

Motion to approve – Mr. Halberstam

Second – Mr. Naftali

Roll call vote: affirmative – Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley,
Mr. Zaks, Mr. Halberstam, Mr. Sernotti

Appeal # 3489A – Ormont Development, 176, 184, 186 & 188 Ridge Avenue, Block 237 Lots 4, 5, 6 & 7, R-7.5 zone. 6 townhouses, subdivision and site plan.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located on Ridge Avenue between Ridge Fourth Street and Hackett Street and is within the R-7.5 (Single-Family Residential) Zone. The applicant is proposing a townhouse development consisting of six (6) attached single-family dwelling units.

2. The townhouse use is a non-permitted use in the R-7.5 Zone. The applicant previously received approval from the Zoning Board of Adjustment under Appeal No. 3489 for a special reasons variance for the townhouse use. The applicant is back before the Board to seek Preliminary & Final Major Site Plan and Preliminary & Final Major Subdivision approval. The unit count, building configuration, and bulk variances for the structure were not approved under the prior application.

3. In accordance with Section 18-25.4 (Design and Development Criteria for Townhouses), bulk variances are required as follows:

	Required	Proposed
Minimum Side Setback (Both)	30 ft.	29 ft.
Minimum Rear Setback	20 ft.	19 ft.
Maximum Lot Coverage	30%	32.8%

4. The following comments should be addressed with regards to the Site Development Plan:

- a. The Ridge Avenue right-of-way is undersized (33' wide) and therefore, an 8.5-foot road widening dedication or easement is recommended.
- b. It appears each dwelling contains an 18' x 36' driveway which can typically hold four (4) cars. The driveway dimensions should be shown from the road widening or dedication line. This may cause the building to be set back farther.
- c. The applicant should discuss how trash collection will be managed for the proposed units.
- d. The sidewalk dimensions should be shown. Sidewalks abutting curb should be six feet (6') wide.
- e. It should be noted that with the proposed subdivision, homeowners of the middle units will need to cross-neighboring properties to access their rear yards. Cross access easements and/or Homeowners Association documents should be submitted to the Board Attorney for review.

5. The following comments should be addressed with regards to the Grading & Drainage Plan and Stormwater Management Report:

- a. The plan proposes an underground recharge system in the rear yards. The applicant should discuss what happens to the system when it fails. Flooding in rear yards or on adjacent properties may occur.
- b. The location of the pipes for the recharge trench should be shown on the plan.
- c. A deed restriction should be placed on the side and rear yards, to restrict any future improvements that would interfere with the proposed drainage swales and the recharge basin.
- d. A Homeowners Association must be established for maintenance and ownership of the recharge basin.
- e. The stormwater report indicates that flow from the front of the buildings will be collected by an inlet that is part of an existing system on Ridge Avenue. The inlet in question and the existing drainage on Ridge Avenue should be shown on the plan and upgraded as required.

6. The following comments should be addressed with regards to the Landscaping Plan:

- a. Additional landscaping should be provided along the western portion of Lot 4.01.
- b. A minimum of six shrubs should be provided for each unit per ordinance.

7. The architectural drawings depict a front, exterior entrance to a basement level and also depict an attic level. The applicant should be prepared to discuss the intended uses of these levels. There are no floor plans for these levels.

8. The proposed units do not provide any storage areas for such things as gardening/yard equipment, bicycles, children’s outdoor toys and garbage and recycling receptacles. The applicant should discuss storage and garbage collection.
9. Any approval should include a condition that all curb shall be replaced and a full width milling and overlay be provided to the limits as directed by the Township Engineer. Eighteen (18) utility connections are required.

10. The following comments should be addressed with regards to the Preliminary & Final Major Subdivision portion of this application:

- a. In accordance with Section 18-12.3 bulk variances will be required for the proposed subdivision:

	Required	Provided Lot 4.01	Provided Lot 4.02	Provided Lot 4.03	Provided Lot 4.04	Provided Lot 4.05	Provided Lot 4.06
Min. Lot Area	7,500 s.f.	7,198 s.f.	3,909 s.f.	4,383 s.f.	4,801 s.f.	4,554 s.f.	7,289 s.f.
Min. Lot Width	50 ft.	-	26 ft.	26 ft.	26 ft.	26 ft.	41 ft.
Min. Side Setback (One)	7 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Min. Side Setback (Both)	15 ft.	14.7 ft.	0 ft.	0 ft.	0 ft.	0 ft.	-
Max. Lot Coverage	30%	-	45.1%	40.2%	36.7%	38.7%	-

- b. The following comments should be addressed with regards to the Final Plat and the Map Filing Law:

- i. The Certification for the Record Holder should indicate the printed name beneath the signature line.
- ii. The plan should indicate a Zoning Board Secretary certification stating that, “This plat must be filed in the office of the Clerk of Ocean County on or before _____, which date is ninety FIVE (95) days after the date upon which this plat was signed by the Lakewood Township zoning Board.”
- iii. The location of the proposed townhouse structure should be shown on the final plat.

11. Ocean County Planning Board approval should be indicated on the plans.

12. Approval by the Board should be subject to approvals from the Ocean County Soil Conservation District and any other Local, State and Federal agencies having jurisdiction over this project.

From: Ed Mack, Zoning Officer

Because of the irregular shape of the lot, this plan should be designed with at least one less unit which would make this project appear to be much less crowded and more conforming.

Abe Penzer represented applicant.

Mr. Penzer – there are now 7 legal families on the property. The use variance for townhouses were granted by this Board. They are reducing the density from 7 to 6.

Mr. Flannery – Asking for 6 townhouses on a 32,000 + square foot lot. Received a use variance and back for subdivision and site plan approval. The new ordinance allows a duplex on a 10,000 square foot lot so they could have 3 two-family homes on this lot. The units have been pushed back to 40 feet from Ridge Avenue to provide 4 parking spaces per unit and also provides green between the units.

Mr. Penzer – sent out 58 notices.

Mr. Flannery reviewed Mr. Priolo's report.

Mr. Flannery – there will be a Homeowner's Association. Provided underground storage. Setback further back than the adjoining development. Would propose a road widening easement. A trash enclosure will be provided in front of the units. Will provide the landscaping requested.

Mr. Priolo - Recommended that the structure be pushed back to accommodate the 8 foot road widening easement. Will create side yard setback variance.

Mr. Halberstam – are any other people creating that 8 foot road widening easement?

Mr. Priolo – yes.

Mr. Gonzalez asked for 5 townhouses. Would prefer to see a smaller project.

Mr. Penzer – these townhouses are 26 feet wide they could make them 25 feet wide.

Mr. Gonzalez – would prefer to make the units 27 feet and one less unit.

Mr. Sernotti – would also like to see 5 units.

Mr. Halberstam – concerned that they will come back with duplexes and would rather not see that.

Mr. Priolo – could not tell you if the duplexes would fit without a plan.

Mr. Halberstam – 6 is permitted so why not give it to them, maybe we could make them 25 feet wide.

Mr. Flannery – would not affect the parking.

Mr. Naftali – It makes sense to have 5 units. Maybe the duplexes would be good.

Mr. Priolo – you may not be able to get the 3 duplexes on this property.

Mr. Sernotti – the area is all townhouse units and that does fit better than a duplex.

Mr. Zaks – anything is an approval over what is there now.

Open to Public. Closed to Public.

Mr. Halberstam – how big are the townhouses in the area.

Mr. Flannery – typical is 26 feet sometimes you get them at 24 or 22.

Mr. Gonzalez – would like to see 5 units

Mr. Naftali – 5 units would be better.

Mr. Gelley – would much rather see 6 units than duplexes

Mr. Zaks – 5 is probably better than 6 but because they are improving the area would agree to 6.

Mr. Daniels – no doubt this would be an improvement to the area – does not think that duplexes would even fit best alternative would be 5 units.

Mr. Halberstam –does not want to take a chance in finding out that 3 duplexes fit.

Mr. Penzer – would agree to make 6 - 24 foot wide units.

Mr. Sernotti – does not agree with reducing the size of the units would like to see one less unit which will achieve the comments of Mr. Priolo. There are quite a few children and they need some place to go. The area is crowded.

Mr. Halberstam – how deep are these lots.

Mr. Flannery – about 60 feet.

Motion to approve 6 -24 foot wide units with Mr. Priolo’s recommendations – Mr. Halberstam
Second – Mr. Gelley

Roll call vote: affirmative – Mr. Naftali, Mr. Zaks, Mr. Gelley, Mr. Halberstam
Nays: Mr. Daniels, Mr. Gonzalez, Mr. Sernotti

Appeal # 3579 – Cedarbridge Development, New Hampshire Ave, Block 961 Lot 1.01, DA-1 zone. Minor subdivision.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located at the southwest side of the intersection of New Hampshire Avenue and Boulevard of the Americas and is within the DA-1 (Cedar Bridge Redevelopment Area) Zone. The existing lot is vacant. The application proposes to sub divide the lot into two new lots consisting of 25,500 s.f. (Lot 1.02) and 31,957 s.f. (Lot 1.03).
2. In accordance with Section 18-15D(e) of the ordinance, variances for the proposed subdivision are required as follows:

	Required	Existing Lot 1.01	Proposed Lot 1.02	Proposed Lot 1.03
Minimum Lot Area	3 acres	1.319 acres	0.585 acres	0.734 acres
Minimum Lot Width	50 ft.	300 ft.	150 ft.	150 ft.

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 subdivide an undersized lot into two smaller undersized lots.

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

3. Lakewood Township is the owner of the property. The consent of the Township should be verified prior to the Board acting on this application.
4. The applicant should be prepared to discuss the proposed development and anticipated uses of Lot 1.02 and Lot 1.03.
5. The Board Approval block should reference the Lakewood Township Zoning Board.
6. Ocean County Planning Board approval must be indicated on the plan.
7. The following comments should be addressed with regards to the Map Filing Law:
 - a. All certification blocks should reference the Lakewood Township Zoning Board.
 - b. A Point of Beginning should be provided.
 - c. A certified list of real property owners within 200 feet of the subject property should be provided on the plat.
 - d. A note must be added to the plan indicating that the lot, block, and street addresses have been assigned by the Lakewood Township Tax Assessor's office.
 - e. The Applicant's and Owner's notarized signature must appear on the plan.
 - f. The plan should indicate a Municipal Engineer certification stating that, "I have carefully examined this map and to the best of my knowledge and belief find it conforms with the provisions of the "Map Filing Law" resolution of approval and the municipal ordinances and requirements applicable thereto."
 - g. The plan should indicate a Zoning Board Secretary certification stating that, "This plat must be filed in the office of the Clerk of Ocean County on or before _____, which date is ONE-HUNDRED ninety (190) days after the OF APPROVAL BY the LAKEWOOD Township ZONING Board."
 - h. The plan should indicate a licensed surveyor certification stating that, "I hereby certify that to the best of my knowledge, information and belief that the land survey dated _____ has been made under my supervision and meets the minimum survey detail requirements promulgated by the State Board of Professional Engineers and Land Surveyors and that the outbound monuments as shown have been found or set."

From: Ed Mack, Zoning Officer
I have no objection to this application.

Ray Shea represented applicant. This is a two-lot subdivision and the land is owned by Lakewood Township. One lot will be retained by the MUA and the other lot the Cedarbridge Corporation.

Tom Sterns, licensed planner, sworn.

Board accepted credentials.

Mr. Stern reviewed Mr. Priolo's report. Seeking 2 variances, use variance and lot area and lot width. Provides a public benefit to the MUA which is an inherently beneficial use. Cedarbridge will provide an easement to the MUA for test wells that are on Pine Street. There are existing wells on the site. Proposing a pump station to support the 3 wells. There will be no negative effects on the adjacent properties. Site in the Lakewood Urban Enterprise zone.

Mr. Shea. – Lot 1.01 will disappear and be merged into a much larger lot.

Open to Public. Closed to Public

Motion to approve – Mr. Zaks

Second – Mr. Naftali

Roll call vote: affirmative – Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Zaks,
Mr. Gelley, Mr. Halberstam, Mr. Sernotti

Appeal # 3501 – David Herzog, 193 East 4th Street, Block 241 Lot 9 R-7.5 and B-2 zone.
To construct one single family home and three townhouses.

Secretary read reports.

From: James Priolo, Engineer/Planner – 3rd Review

1. The property in question is located on the corner of East Fifth Street, Negba Street and East Fourth Street and is partially within the R-7.5 (Single-Family Residential) Zone and the B-2 (Business) Zone. The applicant is proposing to conceptually subdivide existing Lot 9 into two (2) lots and to construct a total of four (4) residential units (1 unit – Lot 9.01, 3 units – Lot 9.02).
2. The applicant is proposing to construct one (1) single-family unit within the R-7.5 (Single-Family Residential) Zone and one (1) townhouse structure containing three (3) units within the B-2 (Business) Zone. The portion within the B-2 Zone does not meet the conditional uses of Subsections 18-25.4 and therefore a Special Reasons Variance will be required. Special reasons variances will be required because the applicant is;

- a. Deviating from a standard pertaining solely to a conditional use within the B-2 Zone.
 - i. In accordance with Section 18-25.4., townhouse structures shall comply with the following requirements:

	Required (B-2)	Proposed Lot 9.02
Minimum Lot Area	22,500 s.f.	13,808 s.f.
Minimum Lot Width	150 ft.	98.1 ft.
Minimum Front Setback	25 ft.	20 feet (Negba St.)
Minimum Rear Yard Setback	20 ft.	16.1 feet
Minimum Side Yard Setback	12 ft.	10 ft.
Maximum Lot Coverage	30%	32.8%

- b. Requesting an increase in permitted Floor Area Ratio (F.A.R.) within the B-2 Zone. The maximum permitted F.A.R. is 0.80, whereas the applicant is proposing a F.A.R. of 0.85.
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. Deviating from a standard pertaining solely to a conditional use within the B-2 Zone.
 - b. Requesting an increase in permitted Floor Area Ratio (F.A.R.) within the B-2 Zone. Additionally, the applicant must demonstrate to the Board that the requested 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 Section 18-12.3 of the Ordinance, bulk variances will be required for the construction of the proposed single-family dwelling in the R-7.5 Zone as follows:

	Required	Provided
Minimum Front Setback	25 feet	11 feet (Negba St.)
5. East Fourth Street, East Fifth Street and Negba Street all have undersized right-of-ways. Roadway dedications are required on all street frontages and will be required during the site plan phase to accommodate road widening and sidewalks.
6. The proposed lot area of new Lot 9.02 after roadway dedications will be approximately 11,910 s.f. The Board should determine if 3 units is too much for this undersized lot.
7. The applicant should provide testimony on the proposed use of the basement level. The drawings indicate a separate front outside entrance to the basement level of the town houses and a separate entrance for the single-family house.
8. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade at the foundation is 30 inches. The single-family dwelling indicates a difference of 48 inches and the townhouse structure indicates a difference of 36 inches.
9. The applicant should discuss how stormwater management will be addressed during the site plan review phase of this project.
10. The applicant should address the Board regarding the visual impacts which the proposed structures will have on the adjacent properties.
11. A seven foot (7') road dedication is shown along Negba Street to accommodate road widening. During the site plan phase, Negba Street will need to be widened approximately 4-5 feet depending on the submission of an accurate survey. A sidewalk easement may be required along all right-of-way to accommodate the sidewalk after the road is widened. The buildings and driveways on new Lot 9.02 may need to be shifted to the west to allow for the sidewalk construction.
12. Approval of this application is subject to approval of a preliminary and final major site plan application.

From: Ed Mack, Zoning Officer

I have no objection to the part of this plan in regards to lot 9.01. I do think that the proposed townhouses could be designed to a smaller width from the 33 feet that is proposed. This would help in regards to both the side setbacks and the percentage of lot coverage variances.

Ray Shea represented applicant.

Mr. Shea – this is split zoning. The single family home does not require any action and is a permitted use. Townhouses are permitted in the B-2 zone. The applicant is unable to acquire lands on the sides on either side.

Mr. Flannery – They could get the same number of units by drawing a different subdivision line. Asking for a variance to allow a single family unit on the northerly part in the R-7.5 and the larger portion of the property in the B-2 zone 3 townhouses.

Mr. Flannery reviewed Mr. Priolo's report. The decks and the steps should not be included in the lot coverage. Agree to comply with 30% lot coverage. Do not have 22,500 in the B-2 zone. Would be entitled to do two duplex units according to the new ordinance. New dwellings would be an enhancement in this neighborhood.

Mr. Flannery – agreed to reduce the width of the single family to comply more with the front yard setback. They have 11 feet after the dedication. The house would be 26 feet wide. The proposed town homes from the street are setback appropriately.

Mr. Naftali – a duplex would fit better.

Mr. Zaks – we should focus on what we have in front of us.

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Mr. Flannery offered 30 x 40 units instead of 33 x 40.

Mr. Priolo - The townhouse use is a conditional use. They meet the requirements for a conforming two-family dwelling.

Mr. Flannery - Not asking for unit count – Use only. Will come back for subdivision and site plan. Do not need to approve the single family at this time, the townhouse use only.

Mr. Sernotti – a townhouse is 3 units or more. So we would automatically be approving 3 units.

Mr. Shea - only looking for a deviation from a conditional use.

Motion to approve the use 3 units - Mr. Zaks

Second – Mr. Gelley

Roll call vote: Affirmative: Mr. Daniels, Mr. Zaks, Mr. Gelley, Mr. Halberstam
Nayes: Mr. Gonzalez, Mr. Naftali, Mr. Sernotti

Motion denied.

Resolutions

Appeal # 3546 - Tamarind Developers, 440 & 448 Joe Parker Road, Block 189.03 Lots 184 & 186, R-20 zone. Resolution to approve a use variance for duplexes.

Motion to approve – Mr. Zaks

Second – Mr. Naftali

Roll call vote: affirmative – Mr. Daniels, Mr. Naftali, Mr. Zaks, Mr. Gelley,
Mr. Halberstam, Mr. Sernotti

Appeal # 3552 - Zebra Holdings, 105 River Avenue, Block 758 Lot 1, R-7.5 & HD-6 zones.

Resolution to approve a use variance for the construction of a supermarket.

Motion to approve – Mr. Zaks

Second – Mr. Gonzalez

Roll call vote: affirmative – Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Zaks,
Mr. Halberstam, Mr. Sernotti

Appeal # 3567 -Fifth & Park Assoc., 5th St & Ridge 4th St, Block 240 Lots 8, 9 & 20, R-7.5
Resolution to approve Site Plan. One building containing 4 SF townhouses.

Motion to approve – Mr. Gonzalez

Second – Mr. Naftali

Roll call vote: affirmative – Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Zaks,
Mr. Gelley, Mr. Sernotti

Appeal #3538 - Greg Kukal – Laurel Avenue, Block 537 Lot 15, R-7.5 zone. Resolution to
approve a use variance to allow a 4,440 square foot office/warehouse building

Motion to approve – Mr. Daniels

Second – Mr. Zaks

Roll call vote: affirmative – Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Zaks,
Mr. Gelley, Mr. Sernotti

Appeal # 3571 -Shami Reinman, 59 Steven Lane, Block 3 Lot 4, R-12 zone. Resolution to
approve the construction of an addition on a single family home needing
front setback variance of 21 feet where 30 feet is required.

Motion to approve – Mr. Naftali

Second – Mr. Daniels

Roll call vote: affirmative – Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Zaks,
Mr. Gelley, Mr. Sernotti

Appeal # 3553 -Bluma Gross – Whitmore Street, Block 231 Lot 19, R-7.5 zone. Resolution
to approve a use variance to allow a 2 family dwelling.

Motion to approve – Mr. Zaks

Second – Mr. Naftali

Roll call vote: affirmative – Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Zaks,
Mr. Gelley, Mr. Sernotti

Appeal # 3569 -Jonathon Rubin, 921 East County Line Road, Block 174.11 Lot 40.01,
R-15 zone. Resolution to approve a use variance to construct an office
building in a residential zone.

Motion to approve – Mr. Naftali

Second – Mr. Daniels

Roll call vote: affirmative – Mr. Daniels, Mr. Naftali, Mr. Gelley, Mr. Halberstam,
Mr. Sernotti

Motion to pay bills.

All in favor.

Motion to adjourn

Meeting adjourned at 11:45 P.M.

Respectfully submitted,
Fran Siegel, Secretary