

**LAKWOOD ZONING BOARD OF ADJUSTMENT
MINUTES
AUGUST 1, 2005 • 7:30 PM**

Meeting was called to order at 7:45 P.M.

Meeting properly advertised according to the Sunshine Law.

Roll call: Attending: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley
Mr. LeCompte, Mr. Halberstam, Mr. Sernotti
Absent: 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 July 18, 2005 with waiver to read – Mr. Naftali
Second – Mr. Halberstam

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

Appeal # 3573 – Shlomo Meyer

Mr. Harrison – this is a carry-over from the previous meeting where we requested appraisals.

Vincent Polisano, Maria Polisano's brother – contacted some realtors to see what the property is worth.

Mr. Harrison – we need appraisals. We will be putting this off one more hearing to obtain an appraisal. Must be a licensed appraiser. Appraisal letter has to be in the Fran's office in 3 weeks from today.

Mr. Sernotti – the next meeting is September 12,

Mr. Meyer advised the board that he would not be available on September 12th. The Board agreed to hold until September 26th.

There will be no further notice and applicant agreed to waive any time.

Mr. Harrison – the appraisals have to be in Fran's office by August 29th.

Motion to table until September 26 – Mr. Naftali
Second – Mr. Gonzalez

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

Appeal # 3425 – David Nahum, 640 James St, Block 385 Lot 4. M-1 zone. To construct storage facilities, a caretakers apartment, an office to an existing site in the M-1 zone on 2.72 acres where 3 acres are required which contains a body shop, cabinet shop and residence of owner. Amended site plan and variances are requested.

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 lot contains a single story residential dwelling (1,440 s.f.) and a one-story masonry building (6,255 s.f.) used as an auto body shop. The Applicant proposes to maintain the residential dwelling and auto body shop and construct 3 one-story masonry buildings (16,563 s.f. total) to be used as warehouses for contractors.

2. The residential and auto body shop uses are not permitted in the M-1 Zone. In accordance with Section 18-15 of the ordinance, a mixed-use variance approval is required from the Board of Adjustment for the existing residential and auto body shop uses and the proposed warehouse use on one lot.

The Applicant must provide testimony to the Board detailing the special reasons, which would allow the Board to grant a mixed-use variance to depart from the zoning regulations to permit uses in a district restricted against such uses.

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. As part of this application, it appears that the Applicant is requesting a vacation of the unimproved, 50' right-of-way of Wakefield Avenue and wants to assume ownership of half the right-of-way. Approval by the Township is required for the vacation and any site plan approval should be conditioned upon approval of the street vacation.

4. Should the Board grant the use variance, the following bulk variances are being requested as follows:

	Required	Existing	Proposed
Minimum Lot Area	3 acres	2.35 acres	2.65 acres
Minimum Lot Width	300 ft.	194.37 ft.	219.37 ft.
Front Yard Setback	100 ft.	35.37 ft. (dwelling)	35.37 ft. (dwelling) 60 ft. (warehouse)

The Applicant must demonstrate to the Board that the 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.

5. In accordance with Section 18-15.6, Off-Street Parking Requirements, 60 spaces are required for the warehouse/auto shop use, whereas only 57 are provided. An additional 3 spaces are required for the residential use, whereas no parking is provided. Therefore a parking variance will be required.

Planning Comments:

6. The Applicant shall clarify the proposed use for the existing 1-story masonry building. Should the existing auto body shop use remain, unless it is exclusively used for the maintenance of vehicles used in connection with the operation of the principal use per Code Section 18-15.2f, a "Use" or "D" Variance will be required, as auto body shops are not a permitted use within the M-1 Zone.

7. The Applicant shall clarify the proposed use for the existing one-story dwelling. Should the existing residential use remain, unless it is exclusively for the occupancy of guards, watchmen or other plant or factory personnel that must be in residence on the premises for the maintenance and protection or administration of the principal use per Code Section 18-15.2b, a "Use" or "D" Variance will be required, as residential uses are not permitted within the M-1 Zone.

8. According to the requirements of the Americans with Disabilities Act, at least one (1) of the three (3) proposed accessible parking spaces must be marked with a sign reading "van accessible".

9. The Applicant shall provide testimony regarding the proposed hours of operation, the type of material and equipment to be stored in the warehouses and the number of employees operating and managing the warehouses.

10. The Applicant shall provide testimony regarding the proposed hours of operation and the number of employees at the auto body shop.

11. The Applicant shall demonstrate how the auto body shop and warehouse uses will satisfy the requirements of Section 18-15.4. At a minimum, any permitted industrial use shall "dispose of its liquid wastes and effluents into an approved existing sewage treatment plant in accordance with that plant's regulations or shall treat its own liquid wastes and effluents in a treatment plant or process which is in compliance with the State Statutes and with the requirements of the State Department of Health".

Engineering Comments:

12. The following comments should be addressed with regards to the site plan:

- a. The concrete area in front of the existing masonry building should be shown as to be removed.
- b. The Applicant should discuss vehicular circulation within the site including turn arounds, trucks, deliveries, trash removal, etc. It appears that the parking lot, if full, will leave very little space for turning around and truck circulation.
- c. The Schedule of Bulk Requirements should reflect the proposed bulk measurements for all proposed and existing structures, indicating that the Wakefield Avenue right-of-way has not yet been vacated.
- d. Concrete curbs and sidewalks should be proposed along the entire frontage of James Street.

13. The following comments should be addressed with regards to the Grading, Drainage and Utility Plan and stormwater management:

- a. It appears that the proposed bottom of wall elevation in the southernmost corner of the retaining wall is lower than the proposed grate elevation of CB-10. The proposed grading should be revised to provide positive drainage towards the inlet.
- b. 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.
- c. It appears that the pipe run from CB-8 to CB-19 should indicate a dual 36" Perf. H.D.P.E.
- d. The pipe length used in the recharge calculations for the 24" recharge trench is incorrect. Any subsequent calculations should be revised.
- 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. Although a septic field is proposed, the architectural drawings do not indicate any plumbing, floor drains or restroom facilities. No sewer laterals are depicted on the plans. The Applicant should provide testimony regarding the need for the septic system. It is likely that the floors of the warehouses will have floor drains to allow for periodic washing and to collect spills. Any chemical materials shall not be discharged into the septic system.

14. The following comments should be addressed with regards to the Landscape & Lighting Plan:

- a. Landscaping should be provided around the trash enclosure.
- b. Additional landscaping should be provided along the western property line.

15. The following comments should be addressed with regards to the Construction Details:

- a. The detail for the double 36" recharge trench is labeled for a double 24" recharge trench. This discrepancy should be revised.
- b. A detail for the proposed retaining wall should be provided.
- c. Drainage inlets castings for Inlet Type 'B' shall be pattern number- No. 2618, 6" Type 'N' with "Drains to Waterway" imprinted on it. Each inlet shall also have a bicycle safe grate.
- d. A detail of a van accessible parking stall and signage shall be provided.

16. Ocean County approval shall be indicated on the plans.

From: Ed Mack, Zoning Officer

I have no objections to the expanded commercial use, but the residential use of this property, no matter how minor should be eliminated.

Robert Silverman, attorney for applicant.

Brian Flannery, engineer/planner.

Mr. Flannery – application is for the addition of contractor warehouse buildings. The existing site contains a residential dwelling, cabinet shop, auto body shop. A contractor warehouse building is a permitted use in the M-1 zone. Seeking a mixed use variance for the existing residence, auto body shop, cabinet shop and the proposed contractor warehouse buildings. Residential uses are not permitted in the M-1 zone. The use fits in well. To the east is the American Hotel building and to the west there is a single family residence. Part of the application is for the vacation of Wakefield Street. They are requesting the vacation of the street to the Township Committee. With the vacation they will have 2.65 acres where 2.35 is existing. The approval can be based on the approval of the vacation of the street. There is a couple of parking spaces in front of every unit with a driveway and overhead doors to the unit. The parking that is provided is adequate for the proposed use. The existing auto body building and the cabinet shop will remain. The existing one story dwelling is for the applicant and his family and will remain. Hours of operation is about 6:30 a.m. and 5:30 p.m. There will be restroom facilities in each unit and any sanitary waste will go to the septic system.

Mr. Priolo – if the applicant does not get the vacation of Wakefield Avenue they will have to come back to the Board.

Mr. Flannery – not proposing tractor trailer traffic. The size of the buildings are small. The units are 6,000 square feet which would be a little over 1,000 square feet per unit.

Open to Public. Closed to Public.

Mr. Silverman – will continue as an owner occupied residence.

Motion to approve with the condition that Wakefield Avenue being vacated and the turn-around and the existing dwelling must be owner occupied – Mr. Halberstam
Second – Mr. Daniels

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

Appeal # 3582 – Bais Rifka Rachel – 1690 Oak Street, Block 1160.05 Lot 47, M-1 zone –
Office building to private school with assembly hall.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located on the corner of Oak Street and Paco Way and is within the M-1 (Industrial) Zone and the AHZ (Airport Hazard) Zone. The site contains an existing office building. The applicant proposes to convert the 41,650 s.f. building into a school with an assembly hall that seats 714 people. Improvements to the entranceway will also be made which include a new hall entrance, handicap ramp, stairs, an entrance canopy and planting beds. This will result in minor modifications to the parking lot.

2. In accordance with Section 903 K. of the ordinance, the Air Safety and Hazardous Zoning Act of 1983 governs in the AHZ Zone. The Act specifically prohibits schools and states that prohibited uses may be permitted only by written approval of the Commissioner of the New Jersey Department of Transportation (NJDOT).
3. The educational use is permitted in the M-1 Zone, but is not permitted within the AHZ Zone. Therefore, a use variance will be required for the proposed non-conforming use.
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.
4. The applicant should provide specifics on the anticipated use including hours of operation, occupancy, busing, etc.
5. Any use variance approval should be subject to the review and approval of a minor site plan. The site plan should address site concerns as follows:
 - a. Traffic and Circulation
 - i. Driveway widths/site access
 - ii. Striping and signage in accordance with the Bureau of Fire Safety
 - iii. Parking stall dimensions/aisle widths
 - iv. Stop bars and other miscellaneous items
 - b. Grading & Drainage
 - i. Existing and proposed grading/handicap ramp details
 - ii. Finished floor elevation and building corner elevations
 - iii. Pavement and curb limits/condition
 - iv. Existing and proposed drainage
 - c. Lighting and Landscaping
 - d. Trash Collection

From: Ed Mack, Zoning Officer

Although I have no objection to this application in concept I would like to be assured that a school will be allowed to be built in this Zone.

Steven Pfeffer represented applicant – This property is situated in 2 zones the M-1 industrial and the AHZ, Airport Hazard zone. There are no bulk variances requested. They exceed every bulk requirement. The building exists. They will be appearing before the DOT to seek a variance from them. The school is a permitted use in the M-1 zone but not in the Airport Hazard Zone.

Rabbi Shlomo Kanarek, 137 East 8th Street, affirmed. The present building is vacant. They are proposing 400 parking spaces where about 200 is required. They need to provide school space for the children. They are trying to get part of this building available for September to get the girls into classrooms. There is a playground on the side and will be fenced in. The rest of the building will serve as an assembly room for the entire community. This will be a beautiful project. The tail end of the property is in the AHZ. Will repave and reline the parking lot.

Mr. Pfeffer – this is an inherently beneficial use.

Mr. Priolo – concerned about the driveways are wide enough, the proper striping, signage in the parking lot, lighting, the trash enclosures, etc.

Rabbi Kanarek – will be happy to submit that. Have over 1,000 children in his schools and they need an assembly hall. They now have their school productions at Lakewood High School.

Mr. Priolo – the school itself is in the Airport Hazard Zone. It would have to be a condition of the approval.

Rabbi Kanarek – there is a fenced in play area.

Lawrence Shreiber, 922 E. Kennedy Blvd., architect, affirmed. The play area is about 7,000 square feet in one area and there is an additional grass area 10,000.

Rabbi Kanarek - the drop off will be from Oak Street in front of the school. They could move the drop off to the back. The proposed trash is outside the fence.

Mr. Daniels - When in full operation how many children will there be?

Rabbi Kanarek – maximum 180 children.

Mr. Sernotti - the revised minor site plan will go directly to Mr. Priolo.

Open to Public. Closed to Public.

Motion to approve with the revised minor site plan going directly to Jim Priolo and the busses going on the property to drop the kids off and the DOT approval – Mr. Halberstam Second – Mr. Gonzalez

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

Sam Brown, Attorney for applicant requested to withdraw Appeal # 3581 – Samuel Brown, discussed with several neighbors who were not happy with the use and they will submit a conforming application to the Planning Board.

Recess.

Appeal # 3562 – Erwin Deutsch, Cottage Place, Block 247 Lot 28.02. R-7.5 zone. To construct a duplex needing use variance, 40% lot coverage where 30% is required.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located along Cottage Place and is within the R-7.5 (Single-Family Residential) Zone. The applicant proposes to construct a two-story duplex structure. The property is currently vacant.

2. In accordance with Section 902 G.1. of the Ordinance, the minimum lot area requirement for a duplex use in the R-7.5 Zone is 10,000 s.f. The applicant is proposing a duplex use on a 8,628.5 s.f. lot. Therefore, a use variance will be required.

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. In accordance with Section 902 G.4. of the Ordinance, bulk variances are required as follows:

	Required R-7.5	Proposed Lot 28.02
Front Yard Setback	25 ft.	21 ft.
Rear Yard Setback	15 ft.	7 ft.
Maximum Lot Coverage	30%	33.9%

4. Sheet 2 of the site plan shows a subdivision line bisecting the property. If the applicant wants to subdivide the property, a minor subdivision application will need to be submitted to the Board. A subdivision would change the housing type to “single-family attached” which will change the variance requirements.

5. The following comments should be addressed with regards to the Layout Plan:

- a. Handicap ramps should be constructed along the sidewalk at the driveway aprons and the construction details should be modified.
- b. The chain link fence shown along the front of the property should be shown to be removed.
- c. The front access stairs to the basement should be shown. Sidewalks to these stairs should also be shown.
- d. The correct side yard setbacks should be shown on the plan.
- e. The sidewalks servicing the structures should be realigned.
- f. The southernmost driveway should be reduced in length to provide space between the vehicles and the stairs.

6. The following comments should be addressed with regards to the Grading & Drainage Plan and stormwater management:

- a. The length of pipe used in the drainage calculations is incorrect.
- b. The invert elevations indicated in the detail do not correspond with the inverts on the plan.
- c. The rainfall amount of 7.5 inches used for the 100-year storm event has been updated as of September 2004; the revised amount is 9.2 inches. The calculations should be revised per the update.
- d. Soil borings should be provided.
- e. A Homeowners Association will be required for responsibility and maintenance of the stormwater system.
- f. The grading should be revised to ensure that stormwater from the site is collected in the front drainage inlets.
- g. An additional sanitary lateral should be shown.

7. The following comments should be addressed with regards to the Construction Details:

- a. Drainage inlets castings for Inlet Type 'B' shall be pattern number– No. 2618, 6" Type 'N' with "Drains to Waterway" imprinted on it. Each inlet shall also have a bicycle safe grate.
- b. A stormwater management maintenance plan in accordance with N.J.A.C. 7:8-5.8 must be provided.

8. The following comments should be addressed with regards to the architectural drawings submitted:

- a. The proposed multi-family dwelling does not provide any storage area 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.
- 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. Also, the applicant should discuss the intended use of the attic level.
- c. The maximum elevation difference between finished floor and outside grade is 30 inches. The applicant is proposing a difference of 36 inches.

9. The applicant is seeking relief for undersized lot area and setbacks for a duplex structure. The applicant should discuss recreational opportunities as there does not appear to be any substantial yard area for children to play in.

10. Full width pavement restoration should be required after all utility connections are made.

From: Ed Mack, Zoning Officer

This is not a bad design for this wide but narrow lot, however if the houses were slightly smaller and separated the side setbacks and lot coverage variances could be eliminated. Would also like to have a dimension from the rear deck to the property line.

Abe Penzer represented applicant. The number of the lot in question is 28.01 not 28.02. The entire family is multi-family housing.

A-1 tax map superimposed with the zoning

Ray Carpenter, engineer, sworn. Subject property is on Cottage Place north of the intersection of Woehr Place. The houses on the western side of Cottage Place are all multi-family. On the eastern side they are all single family on small lots. This property is approximately 68 feet deep on one side and 81 feet deep on the southerly side. Duplexes are permitted on a 10,000 square foot lot. This lot is 8,628 square feet.

Mr. Carpenter reviewed Mr. Priolo's report.

Mr. Carpenter – This property will not be subdivided. This will be one single lot with a duplex on it. This property is unique because of the depth. The design is not obtrusive. This lot is wide but not deep.

Mr. Sernotti – this is too much for this piece of property. There should be more yard and less house.

Mr. Gonzalez – concur

Mr. Mack – this house is much too large for this site.

Mr. Daniels – agree – two units with 5 bedrooms in each one is just too much for this lot – there is no place to play.

Mr. Penzer requested to table the application until he speaks to the applicant.

Motion to table until November 7th with renote – Mr. Daniels

Second – Mr. Naftali

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

Appeal # 3557 – Linda Halpern, Harvard Street, Block 171 Lots, 11, 19, 20, 21 & 24, R-7.5 zone. Use variance for townhouses.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located on Harvard Street and is within the R-7.5 (Single-Family Residential) Zone. The existing site contains 3 single-family dwellings on 3 individual lots. The applicant is proposing to consolidate the lots and remove the existing dwellings and construct two townhouse structures containing 11 units.

2. Special Reasons Variances are required because the applicant is:
 - a. Requesting approval of a non-permitted use. In accordance with Section 18-12.3 of the Ordinance, townhouses are not a permitted use in the R-7.5 Zone. Therefore, a use variance is required for the townhouse use.
 - b. Requesting an increase in the permitted maximum density. The maximum gross density in the R-7.5 Zone based on single-family detached use and minimum lot area is approximately 6 units/acres. It appears the site can yield less than 6 conforming single-family lots. The applicant is proposing 11 attached units in two buildings and a density of 9.8 units/acres. Therefore, a density variance is required.

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

3. In accordance with Subsection 18-25.4 (Design and Development Criteria for Townhouses), the applicant is requesting variances from the design criteria listed as conditional requirements for townhouse projects. Those variances are as follows:

	Required	Provided
Minimum Side Setback (One)	12 feet	10 feet
Minimum Side Setback (Both)	30 feet	21 feet
Maximum Lot Coverage	30 %	33.5 %
Maximum Building Height	35 ft. or 2 1/2 stories	3 stories

4. In accordance with Section 18-6.7, no parking is permitted within the front yard area. Parking is proposed within the front yard and therefore a variance is required.
5. A five-foot (5') right-of-way dedication along Harvard Street will be required during the site plan phase. This will impact the parking and the front yard setback.
6. The architectural drawings depict a front, exterior entrance to a basement level. The applicant should be prepared to discuss the intended use of this level.
7. There are no provisions for a turnaround in this development. The applicant should discuss vehicular circulation, turnaround provisions and garbage collection.
8. The applicant should discuss the recreation needs of the development. There appears to be no provisions for recreation.
9. 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.
10. The applicant should discuss how stormwater management will be addressed during the site plan review phase of this project.

11. Approval of this application is subject to Preliminary and Final Major Site Plan approval.

From: Ed Mack, Zoning Officer

This is an area of many small lots and is already fairly dense. I therefore see no advantage to increasing the density of this neighborhood to this extent.

Abraham Penzer represented applicant.

Brian Flannery, engineer/planner

Mr. Flannery – asking for use only – townhouses are not permitted in the R-7.5 zone. The property is just under 50,000 square feet. They would be permitted 5 duplex units on 5 10,000 square foot lots – will come back for site plan. The townhouses are a better planning alternative to duplexes.

Mr. Flannery reviewed Mr. Priolo's report.

Mr. Flannery – will comply with the height requirements. There is a need for housing. Duplex units permit a density of 8.7 dwelling units per acre. They are proposing 9.8 dwelling units per acre. They are providing off-street parking and useable yard areas. Surrounded on all sides by multi-family and business uses. This would be an enhancement to the area. Proposing dumpster that would provide for trash collection. Asking for use only, will come back with site plan and show all details. Storage area will be in basement. There will be an underground storage system.

Mr. Priolo – many of the items would be addressed at the time of site plan. Would not expect the board to approve a unit count.

Mr. Sernotti – this proposal does not fit in this area – do not like the idea of townhouses in this area.

Mr. Flannery - The new zoning wraps the R-7.5 zone on the east and the west. It would allow townhouse and multi-family. Trying to provide the housing that is needed. This property has no environmental limitations. Not asking for unit count – not asking for density. Asking for townhouses instead of duplexes.

Mr. Sernotti – not quite sure the five duplexes would fit.

Mr. Priolo – agree.

Mr. Halberstam – what is the advantage of duplex over townhouse besides more green and land space?

Mr. Flannery – some applications would not layout well for townhouses. Duplexes you would get space in between each. This piece of property lays out well for townhouses.

Mr. Halberstam – if he can put in duplexes he does not see a difference.

Mr. Gonzalez – not in favor of this use in this community. Apple Street and Harvard Street are still smaller single family homes.

Mr. Daniels – the town needs housing but not this in this area. This will affect the people that are living there.

Mr. Halberstam – if they can put in 8 units we can always argue with them at site plan. Let's see if we can make it work.

Open to Public.

Diane Hillary, 104 Apple Street, sworn. She owns two lots that back up to this development. This is just too many units. Her garage is only two feet from the property line and their plan shows it much further away. There is also a tree on the property line and she wants to make sure that they are responsible. Also wants the highest fence that can be put up. One of these units has their deck 12 feet from her property line. There is no play area for children.

Elsworth Moore, Jr., 606 County Line Road, sworn. Why would you allow a development to be put into the R-7.5 zone – if there are basements there will be 22 units not 11.

Mr. Sernotti – the applicant is coming in with single family townhouses.

Mr. Flannery – asking for single family townhouses. There are 32 parking spaces for the 11 units. When they come back for site plan they will show the recreation area for children.

Mr. Moore – had pictures showing a fencing company operating there.

Isaac Krausz, 118 Apple Street, affirmed. This is not the best neighborhood, it is run down. Better class neighbors would be better for the block.

James Mull, 610 East County Line Road, sworn. Against putting townhouses here. Spoke about the traffic on County Line Road.

Mr. Bosch, 123 Central Avenue, Affirmed. The neighborhood is bordering on a slum. There is beer cans and garbage all over the place.

Closed to Public.

Mr. Penzer – traffic is not an issue for the Zoning Board. The applicant is proposing townhouses not duplexes. The applicant should not be penalized because of the new ordinance.

Mr. Sernotti – in his opinion townhouses do not belong in this area. All the board members do drive past these sites.

Mr. Gonzalez – have pictures of this area and he did not see beer bottles like the applicant has described. The application is for townhouses and that is all that he is seeing.

Mr. Halberstam – still confused with duplexes and townhouses – use variance for townhouses – not asking for numbers.

Mr. Gelley – right now duplexes are permissible – there is no difference between duplexes and townhouses.

Motion to approve use only – Mr. Halberstam

Second – Mr. Gelley

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

Motion denied.

Appeal # 3574 – Isaac Bernstein, 104 Ivory Court, Block 25.05 Lot 46.08, R-12 zone. Dual use single family and synagogue.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The single-family dwelling is located on Ivory Court and is within the R-12 (Single-Family Residential) Zone. The applicant proposes to use the basement of the single-family dwelling as a synagogue, which will create a multiple use structure on this property. A use variance will be required for the two principal uses on the same property.

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 multiple use condition in a district restricted against multiple uses.

The applicant must demonstrate to the Board that the requested 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.

2. The existing lot does not conform to the current zoning requirements. In 1998, the applicant received approval from the Board for bulk variances to construct an addition to the existing single-family dwelling. The variances required are as follows:

	Required (Residential)	Required (Religious)	Provided
Minimum Lot Area	12,000 s.f.	15,000 s.f.	12,000 s.f.
Minimum Rear Setback	20 feet	20 feet	15 feet (ramp)
Maximum Lot Coverage	25%	25%	32%

3. The applicant should address the Board regarding the impacts which the new use and additional parking will have on the surrounding properties.

4. Variances related to parking are as follows:
 - a. The single-family dwelling has one driveway that contains six (6) parking spaces. In accordance with the R.S.I.S., three (3) parking spaces are required for the residential use of the dwelling. In accordance with Section 18-23 of the ordinance, six (6) parking spaces are required for the synagogue. A total of nine (9) parking stalls are required, whereas six (6) are proposed.
 - b. In accordance with Sections 18-23.a2 and 3 and 18-6.7 of the ordinance, parking is not permitted in any front yard area or within 10 feet of any side property line, whereas the existing parking is located 16.5 feet from the right-of-way and 2.5 feet from the side lot line.
5. The applicant should provide a landscaping buffer and fence to adjoining Lot 46.07.
6. A note should be added that curb and sidewalk should be replaced as directed by the Township Engineer.

From: Ed Mack, Zoning Officer

I have no objections to this application.

Abe Penzer represented applicant. Seeking a dual use variance. This is two-story residence with a basement. Applicant would like to use the basement as a synagogue. Two uses on the same lot is prohibited and therefore a use variance is necessary. A House of Worship is an inherently beneficial use. Need 5.5 parking spaces and they are proposing 3. This will be predominately used for Shabbos.

Ray Carpenter, engineer reviewed Mr. Priolo's report.

Mr. Carpenter – This sanctuary is about 500 square feet. The issues in the review letter can be revised to accommodate Mr. Priolo's requests. They will provide an access ramp to rear of the building.

Mr. Gonzalez asked about the driveway.

Open to Public.

There were about 10 people in the audience in favor of the application.

Bob Soden, 1474 14th Street, affirmed. Concerned about fire safety. Did not see two fire exits. Suggested that the code be changed to allow the synagogues in the basements.

Mr. Penzer – under the new ordinance they are legal and they could go to Planning Board. They are compatible uses.

Mr. Carpenter – there are two exterior doors shown on the architectural plan.

Mark Engel, 59 Chicanos Drive, affirmed. The future proposed buyers were in favor of the synagogue.

Closed to Public.

Motion to approve- Mr. LeCompte
Second – Mr. Gonzalez

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

Appeal # 3584 – Brian Flannery – Carasaljo Drive, Block 12.04 Lot 130, R-12 zone. Single family dwelling – variance for front yard setback.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located on the south side of Carasaljo Drive and is within the R-12 (Single-Family Residential) Zone. The existing lot is vacant. The applicant proposes to construct a single-family dwelling.

2. In accordance with Section 18-12.2 of the ordinance, bulk variances will be required for the construction of the proposed single-family dwelling as follows:

	Required	Proposed
Minimum Front Setback	30 ft.	20 ft.

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 curb and sidewalk shall be installed as directed by the Township Engineer. A note should also be added to the plan.

4. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade is 30 inches. The applicant is proposing an elevation difference of 34 inches.

5. A copy of the New Jersey Department of Environmental Protection (NJDEP) Letter of Interpretation, along with the approval for the buffer averaging plan must be submitted for review. Any approval should be conditioned upon the applicant receiving NJDEP approval.

From: Ed Mack, Zoning Officer

I have no objection to this application.

Mr. Flannery – This is for a single family home on a 28,000 square foot lot. There is a stream at the rear of the property. Proposing a buffer averaging plan to have a useable rear yard for the kids to play. Only variance asking for is a 23 foot front yard setback where 30 feet is required. Will put a row of evergreens for the adjacent neighbor, Mark Sininsky. Agreed to the 30 inches to grade. If he moves the house 7 feet back he will lose the 7 feet in the backyard for a play area. Agree to get wetlands determination letter from the Department of Environmental Protection.

Open to Public. Closed to Public.

Motion to approve – Mr. Daniels

Second – Mr. Gonzalez

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

Appeal # 3585 – Benjamin Lapidés – 911 Central Avenue, Block 12.04 Lot 83, R-12 zone. New single family one on undersized lot.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

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

	Required	Existing	Proposed
Minimum Lot Area	12,000 s.f.	7,582 s.f.	7,582 s.f.
Minimum Lot Width	90 feet	70 feet	70 feet
Minimum Front Setback	30 ft.	21 ft.	18 ft.
Minimum Rear Setback	20 ft.	17.5 ft.	5 ft.
Maximum Lot Coverage	25%	12.7%	33.9%
3. The applicant must demonstrate to the Board that the 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 address the Board regarding the visual impacts which the new structure will have on the surrounding properties. The proposed dwelling is approximately 3,700 s.f. in size.
5. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade at foundation is 30 inches, the applicant is proposing a difference of 44 inches.

6. Any approval should include a condition that curb and sidewalk shall be constructed as directed by the Township Engineer.

From: Ed Mack, Zoning Officer

With the number of variances requested this house is too big for this lot.

Abraham Penzer represented applicant. Received a phone call from the neighbors that they were upset with this application. They thought that the house was going to face Central Avenue. They were shown the plan and were happy with the plan and would be in support of the application.

Mr. Flannery - single family dwelling on an undersized lot in the R-12 zone. There are houses on each side and there is no additional land available. This is a corner lot and they are seeking variances. The benefits outweigh the detriments. Will agree to 30 inches. Site distance is more than adequate.

Mr. Sernotti – concerned about the amount of variances. There is too much lot coverage and setback variances.

Open to Public.

Gary Stiegler, 24 Monterey Circle, sworn. Pastor of Emanuel Lutheran Church. Central Avenue will be widened and there will be sidewalks from Route 9 to Gudz Road. Spoke to the County Engineers at length. There is a nursery school at the Church which has 175 students and there is traffic from the Church property. This property is two block from the church. That is a very busy intersection. Need to be careful what we approve on Central Avenue. Central Avenue will become the bi-pass for Lakewood. Concerned for pedestrians. Asked the Board to vote against this application.

Closed to Public.

Mr. Flannery – they could move the deck to the side – move the front back one foot – they could push the garage back

Mr. Sernotti - This is a 3,700 square foot house replacing a house that is approximately 1,200 square feet. With all these proposed changes should this come back to the board.

Mr. Priolo – yes.

Motion to table until September 12, 2005, waiver of time and no renote – Mr. Gelley
Second – Mr. Halberstam

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

Resolutions

- Appeal # 3537** - Solomon Family, Lieberman Hotel, Block 66 Lots 5 & 11, R-OP zone.
Resolution to deny the construction of townhouses consisting of 3.5 stories and other variances.
Motion to approve – Mr. Daniels
Second – Mr. Naftali
Roll call vote: affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. LeCompte, Mr. Gelley, Mr. Sernotti
- Appeal # 3544** – Madison, LLC, 411 Madison Avenue, Block 93 Lot 18, R-OP zone.
Resolution to deny a use variance in order to construct one building 4 single family townhouses
Motion to approve – Mr. Daniels
Second – Mr. Halberstam
Roll call vote: affirmative: Mr. Daniels, Mr. Halberstam, Mr. Sernotti
- Appeal # 3528** – Mark Properties, 601 East 5th Street, Block 189.01 Lot 175, R-7.5
Resolution to approve a single family dwelling on a 5,555 square foot lot.
Motion to approve – Mr. Daniels
Second – Mr. Gonzalez
Roll call vote: affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley, Mr. Halberstam, Mr. Sernotti
- Appeal # 3565** – Yisroel Kuperwasser, 1306 Central Ave, Block 284.17 Lot 2.01, R-12 zone.
Resolution to approve the construction of a single family home on an under sized lot.
Motion to approve – Mr. Naftali
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. Resolution to approve a use variance to construct a 2-story retail and office building in the M-1 zone.
Motion to approve – Mr. Gonzalez
Second – Mr. Naftali
Roll call vote: affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. LeCompte, Mr. Halberstam, Mr. Sernotti

Appeal # 3563 – Aaron Ginsberg, 307 Pine Street, Block 774.04 Lot 13, R-10 zone.
Resolution to approve a major subdivision creating 5 non-conforming lots.
Motion to approve – Mr. Naftali
Second – Mr. Halberstam
Roll call vote: affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley,
Mr. Halberstam, Mr. Sernotti

Motion to pay bills.
All in favor.

Motion to adjourn.
All in favor.

Meeting adjourned at 11:20 P.M.

Respectfully submitted,
Fran Siegel, Secretary