

Request from Roberta Burz, attorney for objector to carry Appeal # 3619, Charles Parnes.

Chairman offered Mr. Parnes to go on the special meeting of March 26th.

Applicant agreed to pay his share for the special meeting.

Motion to carry until the special meeting of March 26th - Mr. Zaks

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gelley, Mr. Gonzalez, Ms. Goralski, Mr. Zaks,
Mr. Berrios, Mr. Lankry, Mr. Sernotti

Will re-notice and agreed to waive time.

APPEAL # 3634 – AARON PECKER

730 Ridge Avenue, Block 189 Lot 19, R-12 zone. Use variance to construct a two-family home.

Secretary read reports.

From: Jim Priolo, Engineer/Planner - January 8, 2007

1. The subject property is located on Ridge Avenue and is within the R-12 (Single-Family Residential) Zone. The property contains an existing 2-story two-family dwelling. The applicant is requesting a use variance for an existing non-conforming use.

The applicant is not proposing any new construction to the existing dwelling. It is before the Board due to a violation received from the Lakewood Township Inspection Department in June 2006.

2. Special Reasons Variances are required because the applicant is:
 - a. **To permit a use in a district restricted against such use.** In accordance with Section 902 E. of the Ordinance, the proposed two-family use is not a permitted use within the R-12 Zone.

The only permitted residential use in this Zone is single-family detached.

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 (two-family use)**. In order to achieve this, the applicant should explain why the two-family use is a better planning and zoning alternative than the traditional single-family residential concept.

3. The applicant describes the two-family structure as a duplex, with one apartment on the first floor (1,154 s.f.) and one apartment on the second floor (612 s.f.). Each unit has two bedrooms. Any approval should include a condition that a minimum of four (4) off-street parking spaces are required.
4. It appears a portion of the driveway is located on adjacent Lot 17, which is owned by Ocean County Parks System. The applicant should discuss if it has an existing easement or agreement with Ocean County for the driveway access.

From: Ed Mack, Zoning Officer

This property is much larger than a typical lot in this zone. I can find no record of when this house was first used as a two-family. The owner should be aware that if the board allows this variance it will still be subject to all of the state laws for fire separation egress, and an architect's evaluation of the structure.

Steven Pfeffer represented applicant.

Mr. Pfeffer – The tax records indicate a two-family. They received a summons and they removed the tenants.

Ray Carpenter, 2517 Route 35, Manasquan, NJ, sworn. Property located on Ridge Avenue on the bend. Property bordered by two sides of Ocean County Park. The lot is 32,000 square feet and is in the R-12 zone. The house is centered on the lot. There is no impact to the neighbors or the aesthetics of the neighborhood. There is ample space for more parking. They will abandon the existing driveway.

Ed Mack – There was a summons written that brought it to our attention. There are no Certificates of Occupancies. Applicant bought the house because he was told that it was a two-family. There are a large amount of two-family homes. The house is 40-50 years old. The house itself is not in bad shape and it is a big lot. There is a CO for the house and is very old.

Mr. Carpenter – the adjacent lot has 2 residences on one lot. They will comply with the RSIS requirement for parking for a two-family home. Parking is not an issue.

Open to Public.

Shlomo Kanarek, affirmed. In favor of this application.

Mr. Zaks - In favor of the application. The house predates the whole CO situation.

Mr. Ed - It will take some fire separation systems – the house lends itself to doing it fairly easily.

Motion to approve – Mr. Zaks

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Gelley, Mr. Gonzalez, Ms. Goralski, Mr. Naftali,
Mr. Zaks, Mr. Berrios,
Nayes: Mr. Sernotti

APPEAL #2861A – DANIEL ROTTENBERG

Forest Haven, Central Avenue, Block 11.13 Lots 62 & 63, R-15 zone.
Amended Site Plan

Secretary read reports.

From: Jim Priolo, Engineer/Planner – Second Review - February 9, 2007

1. The subject property is 6.47 acres in size and is located on the northerly side of Whitesville Lakewood – New Egypt Road at the Township border with Jackson Township. The property is within the R-15/SPD (Single-Family Residential/Special Planning District) Zones. The existing site contains single-family homes, townhouses, two-family townhouses, senior condominiums, multiplex residential suites, duplexes, patio homes and commercial uses. The use variance for this combined residential and commercial was granted under Appeal No. 2861 in 1996.

Under Appeal #2861A, the applicant received Amended Preliminary Major Subdivision and Site Plan Approval for the inclusion of Lot 86, Block 11.05.

Under this application, the applicant is seeking Amended Site Plan approval to construct three (3) parking garage buildings containing a total of 63 parking spaces that will be located behind the multi-family units on North Crest Place. This location is along the Lakewood-Jackson municipal boundary line. The future Jackson Township high school is located on adjacent Lot 16.

2. The original approval required a 50 ft. buffer easement around the entire perimeter of the site. The proposed garages would encroach 31 ft. into the buffer. The applicant should address the impacts of the encroachment into this buffer.
3. The following comments should be addressed with regards to the Grading Plan:
 - a. The applicant should discuss how stormwater runoff from the proposed garages will be managed. A stormwater management plan should be submitted with the grading plan. Roof drains should be connected directly into the existing drainage system.
 - b. Spot elevations should be provided at the driveway apron to ensure that the runoff drains properly. The existing curb should be shown as to be removed.
 - c. Drainage improvements should be proposed along the rear of the garage as it appears ponding will occur on the adjacent Jackson high school property.
4. A detail sheet should be provided and include details for a reinforced concrete driveway apron, roof leaders and connections into drainage system.
5. Approval by the Board should be subject to amended 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

No zoning objections to this application.

Abraham Penzer represented applicant.

Mr. Penzer – Actual applicant is South Gate LLC. There is no separation between South Gate and the Jackson Board of Ed. The purpose of the garage is to create a wall to separate them and Jackson Township. There are no trees.

William Stevens, 700 Hooper Avenue, Toms River, NJ, sworn.

Board accepted qualifications.

Mr. Stevens - seeking approval to build accessory structures. The garages are adjacent to the multi family units. Property located adjacent to the Jackson Township line and abut the existing Jackson Township High School. Asking for 3 individual garage units. Not proposing any new residential dwellings. This will be a one-story garage unit that will be used by the existing tenants of the fee simple and rental units. They will cut the corner of one of the garages. Zoning Board retains jurisdiction and that is why they are here.

Reviewed Mr. Priolo's report.

Mr. Stevens – The original project was going to be a senior residential subdivision and they would provide 100 feet of green spaces between the two properties. Since then the Jackson Township Board of Education came in and cleared the entire property right up to the Lakewood Township border. The buffer that was proposed never had any restrictions on it. The garages will screen the two uses. There will be no impact on the buffer. Roof drains will be connected into the existing drainage system. Existing curb will be removed and a driveway apron will be constructed.

A-1 architecturals

Mr. Sernotti - What is the proposal for the balance of the property as far as buffer?

Mr. Penzer – this area is the closest to the fields and this is the biggest problem with the heaviest interaction. The rest will be fence. They need something more solid than a fence. There are kids walking along the playing fields.

Mr. Stevens - The property for the Jackson Township was obtained through condemnation. There are a lot of renters in this portion of West Gate so the garages will have function besides being a buffer. The garages will be one a story unit - 14 feet high in the front 27 feet to the peak. The idea is that they would be a car garage they will be 10 x 24. They are not taking away any parking with the garages. They will be rental units for tenants in the development itself. There is a demand and a need for this type of use.

Mr. Penzer – Jackson refused any fence over 8 feet.

Mr. Sernotti suggested a 15 foot fence along the 50 foot buffer line.

Mr. Penzer – Jackson can appeal a variance.

Adam Steumer, Attorney for the Jackson Board of Ed. The cost of the fence was split. Have no objection to the garages. A small piece of the garage encroached on a portion of their easement and the fixed it.

Mr. Stevens – there are 63 garages. There is adequate parking. The garage proposal is a good solution for this phase of the development.

Mr. Gonzalez - Would the Jackson Board object to the fence.

Mr. Steumer - He has no objection to a 12 foot fence but would have to be approved by the Jackson Board of Ed.

Mr. Zaks - If approved cannot be used as any commercial use, no car repair, etc.

Mr. Penzer - It has been very long and frustrating process. He asked for a 15 – 20 foot fence - after many hours of negotiation they would only approve an 8 foot fence.

Mr. Stevens - In this particular section of West Gate there is an Association.

Open to Public. Closed to Public.

Mr .Zaks - Suggested planting 20 foot trees in the 50 foot buffer. The garage is a good thing for this type of community but they are blocking parking spaces if they are not going to be rented.

Mr. Stevens - They have 64 multi-family rental units in this phase of the development. They could lose the 30 stalls and could still comply with the requirements.

Mr. Priolo – without a full site plan he could not do the analysis.

Motion to approve subject to a clear parking count by Mr. Priolo and Mr. Stevens meeting, trees to be planted, keeping to the architectural that was shown – Mr. Zaks
Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Naftali, Mr. Zaks,
Mr. Berrios, Mr. Sernotti
Nayes: Ms. Goralski

RECESS.

APPEAL #3642 – NJ AMERICAN WATER

Block 174.01 Lot 13.66 R-15 zone. Upgrade of existing sanitary sewer pump station and construction of 14 x 16 building to house emergency generator and electrical equipment.

Secretary read reports.

From: Jim Priolo, Engineer/Planner - February 28, 2007

1. The subject property is located on Arosa Hill in the Brookhill Development and is within the R-15 (Single-Family Residential) Zone.

The site contains an existing sanitary sewer pump station. The applicant proposes to convert the existing wet well into a grinder chamber, install a new wet well and valve vault and construct a 14' x 16' building to house the emergency generator and electrical equipment. All improvements except for the building are below grade.

2. In accordance with Section 18-902 D. of the Ordinance, bulk variances are required as follows:

	Required	Proposed
Minimum Front Setback	30 ft.	6 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. The following should be addressed with regards to the site plan:
- The location of the building doors should be shown on the plan.
 - The area and dimensions of the requested easements should be shown and submitted for review.
 - The height of the stockade fence should be provided. The proposed fence type should be indicated.
 - Landscaping should be provided along the eastern and southern sides of the building.
 - A note should be included on the plan stating that all curb, sidewalk and driveway aprons shall be repaired and/or replaced at the direction of the Township Engineer.
4. The following should be addressed with regards to the building elevations provided:
- The applicant has provided two different building types and their corresponding elevations. The applicant should discuss which building will be built.
 - The two different buildings show the entrance doors on opposite sides. The entrance side should be consistent and on the western side of the building.
5. The following construction details should be provided:
- Stockade fence detail.
 - Bituminous driveway detail.
 - Concrete sidewalk, curb and driveway apron details.
6. The applicant should provide approval from the NJDEP as the proposed improvements appeal to the existing buffer line.
7. Prior to commencement of construction, the applicant shall post a performance guarantee and inspection fund in accordance with the provisions of the Township's Land Use Ordinance and the Municipal Land Use Law.

From: Ed Mack, Zoning Officer

No zoning objections to this application.

William Hogan attorney for applicant.

Mr. Hogan – There is no provision in the Township ordinance that allows utility infrastructure in the municipality – this is an expansion of a pre-existing non-conforming use. Asking for bulk variance of front setback of 6 feet and site plan approval. Provided photograph of a similar type building.

Edward DiMond, 4A Eaves Drive, Margate, NJ, sworn. Professional Engineer.
Board accepted qualifications.

Mr. DiMond – The purpose of the pumping station is to take the collective wastewater and pump it out through a forced main. This needs to remain operational during the upgrade. This was originally built to service a much smaller part of the development. Propose to do go towards the east and build a new wet well. There is no emergency generator. They would like to construct an emergency generator on site. They are currently in an easement which is 30 feet x 50 feet. There are wetlands in the rear. They would have to go back to the DEP and get a waiver. They need to place the building 8 feet back from the sidewalk or 6 feet back from the property line. The front setback is dictated by the wetlands. They cannot build a building on top of water lines. They will be constructing a brick building with a single roof with a double door. They agreed to add landscaping. To obtain a wetlands permit it could take 6 months and they could deny it.

Reviewed Mr. Priolo's report.

Mr. DiMond – They will stay outside the wetland buffer so they do not have to go back to the DEP. They will provide a 6 foot high board on board fence for security, which will be located behind the building.

Jim Schaller, 213 Carriage Lane, Delray, NJ, sworn. Project Manager of New Jersey American Water.

Board accepted qualifications.

Mr. Schaller – This pumping station was part of the original subdivision approval. The sewer station gained 22% of more flow and capacity than estimated. A 3,000 forced main has been constructed which will give them the capacity to handle the current and future flow. Will take this existing station an upgrade it. Grinder will be inside the building so that there will be noise. After 911 they have been required to have security fencing so that no one could tamper with the water supply. With the wetlands you can be tied up for months – this project is needed now – cannot be put off. There will evergreen planting in the 6 foot wide bed.

Open to Public.

Alexander Voorhand, 41 Arosa Hill, affirmed. Concerned about the view – house will lose value – now there is a bad smell – could the fence be vinyl to match the neighborhood. His house is setback 30 feet and this building is only setback 6 feet. It will be taking his view away from the windows. Who will be taking care of the landscaping.

Simon Kaufman, 37 Arosa Hill, affirmed. Do not oppose the improvement of the pump station. Asked about only 6 feet from the curb all other dwellings are 30 feet back. Will disturb view of his children to the bus stop. Asked that they go to the DEP to see if the building can be moved back.

Jim Schaller - This station is designed to accept the flows in the community. The smells of sewer is an indication that this is undersized. It is totally overloaded. With a bigger station and bigger pumps there wouldn't be smells and the situation would improve. They could move it back a couple of feet.

Mr. Zaks – suggested that they should go to the DEP to ask for a waiver to move the building back.

Mr. Schaller – that could take a year and they don't have to grant the waiver - this is a critical project.

Mr. DiMond – the building is 9 feet in high with an a-frame roof which brings it up to about 12 feet. They could move the building back 2 feet and go to the wetlands line.

Mr. Priolo – could the building be made smaller?

Mr. DiMond - They need the room for the electrical cabinets and the hydrolic units.

Mr. Schaller - The building needs to have room for the maintenance crew to be able to work on.

Mr. Sernotti asked if there was a way that they could work with Mr. Priolo to try and get more of a setback, maybe making the building smaller or the height.

Mr. Priolo – they are proposing the ideal situation – maybe they could modify the building.
Mr. Schaller - Turning the building - there are underground pipes and electrical lines.

Applicant agreed to work with Mr. Priolo.

Motion to approve with landscaping, vinyl fence, subject to working with the engineer for a 10 foot setback – Ms. Goralski

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Gelley, Mr. Gonzalez, Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. Berrios, Mr. Sernotti

RESOLUTIONS

APPEAL # 3635 – JERSEY CENTRAL POWER & LIGHT

Vermont Avenue, Block 1078 Lot 2, B-5 zone. Resolution to approve a new electrical substation.

Motion to approve – Mr. Gonzalez

Second – Mr. Gelley

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

APPEAL # 3630 - FLAM & BLOCH

East Harvard Street, Block 225 Lots 1, 3, 4, 5 & 6, Block 228 Lots 141, 142, 151, 181 & 183, R10 zone. Resolution to approve a use variance to allow age restricted dwellings in the R-10 zone.

Motion to approve – Mr. Naftali

Second – Ms. Goralski

Roll call vote: affirmative: Mr. Gelley, Ms. Goralski, Mr. Naftali, Mr. Lankry, Mr. Sernotti

APPEAL # 3570A – SOMERSET DEVELOPMENT

436 & 444 Cross Street, Block 524, 7, 8.01, 8.02, 10-17, 129-131, R-40, M-1 zone. Resolution to approve site plan

Motion to approve – Mr. Goralski

Second – Mr. Gelley

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

MOTION TO PAY BILLS.

All in favor

MOTION TO ADJOURN.

All in favor.

Meeting adjourned at 10:30 P. M.

Respectfully submitted,

Fran Siegel, Secretary