



**Roll call vote:** affirmative: Mr. Gelley, Mr. Gonzalez, Ms. Goralski, Mr. Naftali,  
Mr. Zaks, Mr. Lieberman, Mr. Halberstam, Mr. Sernotti

Letter from Mr. Charles Tivanan, attorney representing Congregation Bais Yisroel (Shlomo Meyer), Appeal # 3605, requesting an adjournment.

**Motion to carry Appeal # 3605** to the June 5th meeting – Mr. Naftali

Second – Mr. Zaks

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

No further notice

Zoning Board Attorney, Mr. Harrison had a conflict with the following application and Scott Keneally, attorney sat in.

**APPEAL # 3546A TAMARIND DEVELOPERS**, Joe Parker Road, Block 189.03 Lots 184 & 186, R-20 zone. Site plan

Secretary read reports.

From: James Priolo, Engineer/Planner - March 30, 2006

1. The subject property is located on Joe Parker Road, and is within the R-20 (Single-Family Residential) Zone. The site currently contains two single-family dwellings. The applicant proposes to demolish the existing dwellings and construct thirteen (13) multi-family structures each containing 2 units for a total of twenty-six (26) dwelling units. The applicant is also proposing to subdivide the lot into twenty-seven (27) lots, 26 for residential use and 1 for a common lot.
2. The multi-family use is a non-permitted use in the R-20 Zone. The applicant previously received approval from the Zoning Board of Adjustment under Appeal No. 3546 (Adopted June 6, 2005) for the use and a front yard bulk variance. The applicant is back before the Board to seek Preliminary & Final Major Subdivision and Site Plan approval. The approval permitted the proposed use and a 25-foot front setback from internal streets. No density was approved and all density considerations are part of this application.
3. A special reasons variance is required as follows:
  - a. 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/acre. The site yields 8 lots. The applicant is proposing 26 units in thirteen (13) buildings and a density of 6.5 units/acre. 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 an increase in permitted density.

4. Variances for the proposed multi-family development are required as follows:
  - a. In accordance with Section 803 E.2., a 30 ft. buffer should be provided along the side property lines, whereas no buffers are proposed.
  - b. In accordance with Section 808A.1, not less than five percent (5%) of land area of every residential subdivision or site plan consisting of twenty-five (25) or more units shall be preserved as common open space or shall be dedicated to active recreational or community facilities. The applicant should discuss how they are complying with this section of the ordinance.

Additionally, in accordance with Section 808C. and D., payment in lieu of construction is encouraged for projects consisting of less than 30 units. The ordinance requires a contribution of \$500.00 per dwelling for a total project contribution of \$13,000.00.

- c. In accordance with Section 809, a recycling and trash receptacle should be provided for this site.
5. In accordance with Section 902 C, bulk variances will be required for the subdivision portion of this application as follows:

	Required	Provided
Minimum Lot Area	20,000 s.f.	3,420 s.f.
Minimum Lot Width	100 ft.	36 ft.
Front Yard Setback	30 ft.	19 ft.
Side Yard Setback (One)	10 ft.	0 ft.
Side Yard Setback (Combined)	25 ft.	10 ft.
Maximum Lot Coverage	25%	43%

6. The following comments should be addressed with regards to the architectural plans:
  - a. 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.
  - b. The architectural drawings depict a rear, exterior entrance to a basement level. The applicant should be prepared to discuss the intended use of this level.
  - c. The Board should review the elevation difference between finished floor and outside grade at the foundation. The plans indicate a 5 to 6 foot difference typically.
7. The following comments should be addressed with regards to the Site Development Plan:
  - a. In accordance with R.S.I.S., the proposed roadways are classified as special purpose streets (multi-family access cul-de-sacs) and require turnaround at each street end. Cul-de-sacs should be proposed at each street end.
  - b. “Multi-Family Access Cul-De-Sacs” must meet the design criteria of residential access street types, therefore, a minimum roadway width of 28 feet is required which includes a 21 foot traveled way and a 7 foot parking lane. Parking would be prohibited on one side of the street.
  - c. The applicant should discuss what provisions are being made for guest parking.
  - d. The dimensions on the typical road cross-sections and the plan do not coincide. This discrepancy should be corrected.

- e. Driveway separation should be provided between adjoining properties.
  - f. The applicant should discuss the proposed recreation facilities that will be provided on site, if any are to be provided.
  - g. New curb and sidewalk should be proposed along the entire frontage of Joe Parker Road.
8. The following comments should be addressed with regards to the Grading & Drainage Plan and stormwater management:
- a. The inlets located within the street should be Type 'B' inlets. 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. Additional inlets should be provided (in place of manholes) along proposed Road 'A'.
9. The following comments should be addressed with regards to the Landscape and Lighting Plan:
- a. The applicant may want to consider installing a more residential style lighting fixture.
  - b. Berming should be proposed within the landscape area along Joe Parker Road.

Additionally, a landscape easement to be owned and maintained by the Homeowners Association should be proposed.

10. A stop bar detail should be added to the detail sheets.
11. The applicant should discuss if there are any environmental constraints on this property. A New Jersey Department of Environmental Protection (NJDEP) absence/presence determination will be required for this project. The applicant should also verify whether they are impacted by the new stormwater control ordinance and C-1 stream designation.
12. The applicant must submit a copy of the Homeowners Association and easement documents, which shall include the following:
- a. The deed restrictions for the lots should include a condition that the grading of the yards not be altered in order to keep the drainage system properly working.
  - b. A stipulation should be added that the Township of Lakewood will not be responsible for maintaining the storm sewer system, private roadways and other utilities. All maintenance and ownership responsibilities should be addressed.
  - c. Open space areas should be within construction easements.
13. The following comments should be addressed with regards to the Final Plat and Map Filing Law:
- a. The following Municipal Clerk's certifications should be added to the plat:  
"I HEREBY CERTIFY THAT THE STREETS, ROADS, LANES, OR ALLEYS AS INDICATED ON THIS MAP HAVE BEEN APPROVED BY THE TOWNSHIP OF LAKEWOOD. THIS APPROVAL DOES NOT CONSTITUTE AN ACCEPTANCE OF THE TOWNSHIP OF LAKEWOOD TO MAINTAIN OR EXERCISE JURISDICTION OF SUCH STREETS."
  - b. The applicant's notarized signature must appear on the plan. Additionally, all corporate owners or partnerships representing more than 10% shall be listed on the plat.

14. Ocean County Planning Board approval must be indicated on the plan.
15. The applicant shall submit to, and appear before, other Local, State and Federal jurisdictional agencies for appropriate permits pertaining to this project, including but not limited to, the Lakewood Township Fire Safety Department and Traffic Safety Department.

From: Ed Mack, Zoning Officer

The degree of non-conformity with the zone clearly indicates that there are too many units included in this site plan.

Abraham Penzer, attorney for applicant.

Brian Flannery, engineer for applicant was sworn in.

A-1 rendered version of site development plan

A-2 aerial view of site

A-3 rendering showing surrounding developments

Mr. Penzer argued that it is his opinion that the use was granted and they have to follow the bulk requirements for multi-family use. They used the bulk requirement for the multi-family zone. It is his opinion that a density variance is not required.

Mr. Keneally – the prior resolution granted a use variance not density.

Mr. Penzer – they asked for 26 units – The Board did not grant density. Not tied into amount of units.

Mr. Flannery – there was 13 units and there still is 13 units.

Mr. Penzer argued that it would only be 4 affirmative votes.

Mr. Keneally said that it would be 5 affirmative votes.

Mr. Priolo agreed with Mr. Keneally.

Mr. Flannery reviewed Mr. Priolo's report.

Mr. Flannery – This application is for 13 duplex dwelling for a total of 26 residential dwelling units. The density is 6.5 per acre. To the south is Kara Homes, a senior development. They are proposing 2 access aisles for parking. The property is located on Joe Parker Road. It is not impacting any local streets. To the north is Golfview with a density of 10 units per acre. The Board wanted a 50 foot buffer along Joe Parker Road which they provided and the board requested that they move the tot lot from the front of the development, which they did. The board can grant the variance without any detriment to the zone plan. The treed area between the subject property and Kara Homes is a deed restricted buffer already.

Mr. Penzer – applicant agreed to contribute \$500 per dwelling for a total of \$13,000.

Mr. Flannery – Trash & recycling would be in the rear of the unit and storage would be in the basement. They have provided 3 parking spaces per unit. They could have more parking by putting angle parking by the tot lot.

Mr. Priolo – there should be a small buffer strip between developments of 15 feet and a fence would be appropriate.

Mr. Flannery – applicant agreed to a row of plants and a fence. There is no drainage basin, there are underground pipes. The tot lot is approximately 100 x 50 or 5,000 square feet. Passive recreation is approximately 23,000 square feet.

Mr. Sernotti – we approved two units on one lot not each unit on its own lot.

Mr. Penzer – the UDO was not in effect when they got this approval.

Mr. Flannery - They clearly intended to have fee simple lots.

Mr. Halberstam – looking at R-20 variance or Multi-family variance?

Mr. Keneally – The resolution clearly grants them a use variance to permit multi-family housing in an R-10 zone. The 26 units was not established.

Mr. Penzer – this approval is grandfathered under the old approval of multi family for single lots attached buildings.

Mr. Flannery - The minimum lot size is 3,420 and the maximum lot size is 9,000 square feet. The average would be 4,000 – 5,000 square feet per lot. Will add a hammerhead turn-around to each of the courts.

Alexander Hartstein, affirmed. The bus stops on Joe Parker Road in front of Golfview.

Mr. Flannery – will provide a pad in the rear of the house for the garbage cans and will provide a sidewalk to the back also. There is groundwater at 6 feet deep. The applicant will waterproof the basements.

Mr. Zaks – the width of the road should be 28 feet and no parking on either side.

Mr. Flannery – the homeowners association would contract for garbage and they get reimbursed a portion by the Township

Mr. Gonzalez – concerned about safety – fire truck cannot back up the road.

Frank Baer, WFB Engineering, traffic engineer, sworn.

Board accepted qualifications.

Mr. Baer – served for a number of years with a fire company. They fire trucks do back up. Referred to traffic report A-4 dated March 3, 2006. The project proposed will have no negative impact on the existing traffic.

Mr. Flannery - there will be 3 parking spaces per unit.

## **RECESS.**

Mr. Flannery – Will provide a cul-de-sac at the end of road A and a hammerhead at Road B. Road B is about 300 feet long – Road A is 260 feet to the intersection plus 120 feet to Joe Parker Road.

Open to Public.

Noreen Gill, 192 Coventry Drive, sworn. Kara Homes and Golfview do not have basements. There is a water problem. They should not be allowed to have basements. They will have water problems. The water table is too high. The density is too high. Totally against this project.

Gerri Ballwanz, Governors Road, sworn. There should be a buffer around the property including Kara Homes – that is a senior citizen project. Because of the high water table basements should not be allowed.

Closed to Public.

Mr. Penzer summarized.

Mr. Priolo – the way they are dealing with the drainage problem is that they are raising the elevations. Based on accurate soil borings the basements will be dry.

Mr. Gonzalez suggested eliminating two units.

Mr. Flannery – they can provide emergency access out with a breakaway chain. They can have pavers and landscaping.

Motion to approve subject to: 28 foot wide road, Cul de sac at Road A, Road B access fence around tot lot, 15 foot buffer from Golfview with fence, parking on one side of road B and Road A, engineering – Mr. Zaks

Second – Mr. Naftali

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

## **MOTION TO HEAR APPEAL # 3612 SOMERSET ON MAY 1ST – Mr. Halberstam**

Second – Mr. Gonzalez

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

No further notice and a waiver of time

**MOTION TO HAVE A SPECIAL MEETING ON JUNE 12 FOR APPEAL # 3609** – Mr. Zaks  
Second – Ms. Goralski

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

No further notice and a waiver of time.

**MOTION TO HAVE A SPECIAL MEETING ON JUNE 12 FOR APPEAL # 3610** – Mr. Naftali  
Second – Mr. Halberstam

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

**APPEAL # 3593 – CONG. SONS OF ISRAEL**, 4th Street & Monmouth Ave, Block 127 Lot 4,  
B-2 zone. Preliminary and Final major subdivision and site plan approval.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – Revised Review – 2/21/06

1. The property in question is located on the corner of Fourth Street and Monmouth Avenue and is within the B-2 (Central Business) Zone. The existing site contains a 2-story masonry building. The applicant is proposing to subdivide the existing lots into seven (7) individual lots (6-residential lots, 1-Homeowners Assoc. lot). The residential lots will contain two 3-unit townhouse structures.

The applicant appeared before the Board in December 2005 and has revised the plans to address several of the Boards comments and concerns.

2. In accordance with Section 903 B.2. of the ordinance, a Special Reasons Variance will be required because the applicant is:
  - a. Deviating from a standard pertaining solely to a conditional use. In accordance with Section 1010 A. of the ordinance, townhouses are permitted subject to the following conditions:

	Required	Provided
Minimum Tract Boundary (Setback)	20 ft.	3.5 ft. (Monmouth Ave.) 3.5 ft. (4th St.) 11.5 ft. (rear yard)
Minimum Tract Width	125 ft.	100 ft.
Maximum Building Coverage	35%	35.2%

The zoning table should be revised accordingly.

3. The applicant must provide testimony to the Board detailing the special reasons which would allow the Board to grant a variance to depart from the zoning regulations to permit:
  - a. A deviation from a standard pertaining solely to a conditional use.



Additionally, the applicant must demonstrate to the Board that the requested special reasons 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. Should the Board approve the special reasons variance, the following bulk variances will be required for the proposed subdivision. In accordance with Section 1010 B.1. of the ordinance, bulk variances for the proposed subdivision are required as follows:

	Req.	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. Front Setback	25 ft.	3.5 ft.	1 ft.	3.5 ft.	3.5 (Mon. Ave.) 17 ft. (4th St.)	1 ft.	3.5 ft.
Min. Rear Setback	20 ft.	6.5 ft.	7.5 ft.	6.5 ft.	6.5 ft.	7.5 ft.	6.5 ft.
Min. Side Setback	12 ft.	0 ft.	-	2 ft.	-	-	1 ft.

The rear setback should be measured to the rear deck.

5. The following variances will be required:
- In accordance with Section 807 A. and the Residential Site Improvement Standards, 16 spaces are required for the proposed townhouse use, whereas 14 spaces are provided. A variance will be required for this proposed non-conformity.
  - In accordance with Section 818 A.5., states that all other steps, excluding the landing or the stoop, may project into any front or rear yard setback, whereas the front landing is projecting into the front yard setback for Lot 4.02 (1 ft. from Fourth Street R.O.W.) and Lot 4.05 (1 ft. from Monmouth Avenue R.O.W.).
  - In accordance with Section 803 E.2., a minimum 15' wide buffer with dense plantings is required along the parking area adjacent to the existing public library located on adjacent Lot 1, whereas no buffer is provided.
6. The following comments should be addressed with regards to the Site Development Plan:
- All easements should be shown and should include the dimensions, areas and to whom they are dedicated.
  - The applicant should address turnaround movements at the end of the parking lot. The parking lot has been designed with minimum dimensions.
  - Existing improvements on the adjacent lots should be shown. A sight triangle should be shown at the driveway to insure there are no improvements obstructing views.
  - The applicant should address open space and recreational opportunities.
7. The following comments should be addressed with regards to the Grading and Drainage Plan and stormwater management:
- The triple pipes and oversized structures should be properly dimensioned and shown on the plan.
  - The lengths of pipe used in the stormwater report should match those shown on the plan.

- c. The proposed 15-inch drainage pipe adjacent to Lot 4.06 appears to be located within 2 feet of the building foundation. A detail of the pipe and building foundation should be provided to insure no adverse effects will result on the proposed building.
8. The architectural plans indicate a separate outside entrance to the basement level of the dwellings, the applicant should be prepared to discuss the intended use of this level.
9. Any approval should include a condition that a Homeowners Association in accordance with Section 1010B.9 of the ordinance be established. The applicant shall submit a copy of the Homeowners Association Agreement to the Board Attorney for review.

From: Ed Mack, Zoning Officer

I still believe that there are too many units for this property.

Mr. Lieberman reclused himself and left the dais.

Abe Penzer represented applicant. This property was originally used as chapel – they built a new chapel. They need 6 units in order to pay for the chapel.

A-1 rendered version of variance map

A-2 aerial map

A-3 original application site plan

Brian Flannery reviewed Mr. Priolo's report.

Mr. Flannery – 3 units have frontage on Monmouth Avenue and the other 3 units will face 4th street. There will be a homeowners association for the parking area and the tot lot. They agreed to dress up the side on Monmouth Avenue to the satisfaction of the engineer. The tot lot is 25 x 80, 2,000 square feet.

Mr. Sernotti - too much on this property – 5 units would be more appropriate – would open more area - tot lot is too small.

Mr. Penzer - The location is downtown and near shopping.

Mr. Sernotti – financial gain cannot be considered.

Mr. Penzer - It is an economic hardship – the money is being used for the chapel. The difference in the one unit is a substantial amount of money.

Mr. Flannery - Requesting 12 units per acre and across the street they were granted 10 units per acre. Agreed to make the units 25 feet wide.

Mr. Penzer - 6 homes are just too dense for this piece of property.

Rabbi Shmuel Tendler, affirmed. The only chapel in Lakewood – there is no other place to take care of their rituals. They were forced to build a new one – they need the money to pay for it. Five townhouses will not cut it – and the new chapel cost is astronomical.

Mr. Flannery – asked for legal basements in 5 units.

Mr. Zaks – good idea.

Mr. Penzer suggested 5 units with an additional two bedrooms in the attic so they can get more money for the unit.

Mr. Zaks - If they take out one unit they will be at the same 10 units per acre as the one across the street.

Mr. Sernotti – opposed to the negotiations. The application is for 6 units, if it is changed they have to come back anyway.

Open to Public. Closed to Public.

Mr. Harrison – the Engineer need to see new plans.

Mr. Penzer - By removing a unit you are just leaving a blank space.

Mr. Zaks – would like to see more parking.

Mr. Priolo – this is redesigning the parking lot.

Mr. Mack – All 5 units should face across 4th Street. Should be redesigned.

Motion to table until May 1 – Mr. Zaks

Second – Mr. Gelley

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

No further notice and a waiver of time.

**CORRESPONDENCE - APPEAL # 3376A** –First Street & Forest Avenue, Block 73 Lot 8 -  
Request from Brian Flannery for a one-year extension to file map. They have encountered asbestos materials and need the extension for removal and disposal.

Motion to grant extension until 4/29/07 – Mr. Zaks

Second – Mr. Gelley

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

## RESOLUTIONS

**APPEAL # 3589 – STEP ON ME CARPET**, Route 9, Block 415 Lot 14, HD-6 zone.  
Resolution to deny a use variance for a retail use.

Motion to approve – Mr. Gonzalez

Second – Ms. Goralski

**Roll call vote:** affirmative: Mr. Gonzalez, Ms. Goralski, Mr. Sernotti

**APPEAL # 3586 – SHLOMO MEYER**, 423 6th Street, Block 68 Lot 13, R-OP zone.  
Resolution to approve the renovation of an existing structure and to construct a 2 1/2 story addition to create a 2,341 square foot single family structure.

Motion to approve – Mr. Gonzalez

Second – Mr. Naftali

**Roll call vote:** affirmative: Mr. Gonzalez, Ms. Goralski, Mr. Naftlai, Mr. Zaks,  
Mr. Halberstam, Mr. Sernotti

**APPEAL # 3578 – DAVID HERZOG**, Oak Street, Block 782.01 Lot 11. HD-7 zone.  
Resolution to deny a use variance to construct 10 two-family homes.

Motion to approve – Mr. Gonzalez

Second – Mr. Naftali

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

**APPEAL #3602 – SHLOMO KANAREK**, 115 – 9th Street, Block 133 Lot 9, RM zone.  
Resolution to deny the subdivision of a duplex.

Motion to approve – Ms. Goralski

Second – Mr. Naftali

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

**APPEAL # 3606 – GEORGE FISHER**, Cushman Street, Block 430 Lot 56.02, HD-7.  
Resolution to approve a use variance to allow a single family dwelling in the HD-7 zone.

Motion to approve – Mr. Naftali

Second – Mr. Gonzalez

**Roll call vote:** affirmative: Mr. Gonzalez, Ms. Goralski, Mr. Naftali, Mr. Zaks,  
Mr. Lieberman, 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