

**ZONING BOARD OF ADJUSTMENT  
MINUTES  
MONDAY, APRIL 4, 2005 • 7:30 PM**

Meeting was called to order at 7:30 P.M.

Meeting properly advertised according to the Sunshine Law.

Salute to the flag.

Roll call:

Attending: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. LeCompte, Mr. Gelley,  
Mr. Halberstam, Mr. Sernotti

Absent: Mr. Zaks

Also present: Jim Priolo, Engineer  
Glenn Harrison, Attorney  
Steve McCrystal, Court Stenographer  
Fran Siegel, Secretary

Motion to accept minutes of March 7, 2005 with a waiver to read – Mr. Daniels  
Second – Mr. Naftali

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

Letter from Mr. Penzer, re: Appeal #3544, Madison LLC, requesting to table.

Mr. Penzer agreed to waive time.

Motion to table until June 6th – Mr. Naftali

Second - Mr. Halberstam

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

No further notice.

**Appeal # 3538** -Greg Kukal, Laurel Avenue, Block 537 Lot 15, R-7.5 zone. To construct a  
one-story commercial building where it is not permitted.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – Second Review

1. The subject property is located on the corner of Laurel Avenue and Congress Street and is within the R-7.5 (Single-Family Residential) Zone. The lot contains a parking lot and is otherwise vacant. The applicant is proposing to construct a 5,460 s.f. commercial office/warehouse building with parking facilities and other site improvements.

The applicant previously appeared before the Board seeking approval for a 6,000 s.f. building. The Board felt the building was oversized for the lot and the applicant decided to revise the plan to propose a smaller building.

2. The proposed commercial office/warehouse building is a non-permitted use in the R-7.5 Zone. Therefore, in accordance with Section 18-12.3 of the ordinance, use variance approval 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.

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 18-12.3b., bulk variances will be required for the following:

	Required	Provided
Maximum Lot Coverage	30%	36.6%

4. As a non-permitted use, the ordinance does not contain parking requirements for the commercial use in the R-7.5 Zone. The Board should consider applying the parking requirements of the other zones that do have criteria for this type of use. These zones require 1 space/200 s.f. for commercial uses and 1space/employee for warehouse uses. This would typically calculate as follows:

$$5,460 \text{ s.f.} \times 1 \text{ space}/200 \text{ s.f.} = 28 \text{ spaces}$$

The applicant has provided 6 parking spaces with no designated handicap accessibility. Based on the applicant's testimony, the Board should determine if the limited available parking is sufficient for this use. The applicant should also be prepared to discuss how many employees will be required for the warehouse use of this building. The general notes indicate that a portion of the building will be utilized for sales which indicate the public will need access to this site.

5. In accordance with Section 18-6.7, parking is prohibited within any required front yard. The parking lot should be 25-feet from the front property line, whereas it is approximately 1-foot from the front line along Congress Street.
6. In accordance with Section 18-8.3, a 15-foot vegetated buffer is required along the side and rear property lines. An approximately 8-foot landscaping buffer has been provided along the rear property line and no buffer has been provided along the side property line. It should be noted that the applicant owns and operates adjacent Lot 5 as Greg-Cin Equipment retailer.
7. The following should be addressed with regards to the Site Plan:
  - a. It appears that no lawn area is proposed for the site. The area around the proposed building will have an impervious paved surface or a gravel surface. The Board should decide if the proposed use and development of the property is suitable for this area.
  - b. The applicant should discuss vehicular circulation within the site including turnarounds, trucks, deliveries, trash removal, etc. There appears to be no trash enclosure on site.

- c. The applicant should provide information regarding any proposed site identification sign for this site to insure that no additional variances will be required.
  - d. The applicant should discuss the proposed office and sales use, occupancy and hours of operation. It is not clear on the amount of pedestrian and vehicular traffic that will be accessing this site.
  - e. The site plan appears to be lacking in pedestrian walkways, handicap accessibility, fire lanes, etc.
  - f. The applicant is proposing a 6' high chain link fence along Congress Street and Laurel Street, and an 8' high fence along the northern and eastern property lines. The applicant should indicate what type of 8' high fence will be used.
  - g. A sight triangle easement should be shown at the intersection.
  - h. A sidewalk easement should be proposed along Laurel Avenue.
8. The following should be addressed with regards to the Grading & Drainage Plan and Stormwater Management Report:
- a. Stormwater infiltration as required under N.J.A.C. Section 7:8-5.4 shall be addressed and calculations shall be provided. It appears that the applicant is not collecting, retaining or infiltrating any stormwater as required.
  - b. The roof drains for the building should be connected directly into a drainage system.
  - c. The existing drainage system should be inspected and cleaned if utilized as part of the site plan application. The applicant should verify that this existing system can handle the additional flow.
9. The following should be addressed with regards to the Landscaping, Lighting and Soil Erosion and Sediment Control Plan:
- a. It appears that the proposed landscaping will be located in the gravel area. No lawn area is proposed on the site.
  - b. The Board should determine if the buffer along the northern property line is of sufficient size.
10. Ocean County Planning Board approval should be indicated on the plan.

From: Ed Mack, Zoning Officer

This is an area of mixed residential and commercial uses and the idea of a low traffic commercial building seems appropriate. Care should be taken to protect the existing residential properties and no outside storage should be permitted.

Abraham Penzer represented applicant.

Mr. Penzer – board requested a smaller building and the front setback variance was eliminated.

Brian Flannery, engineer sworn. Previously lot coverage was 40.2% it was reduced to 36.6%. Reviewed Mr. Priolo's report.

Mr. Flannery – This property has been owned by the applicant for sometime and he plans on using it in conjunction with the building on the adjoining lot. Proposing a 5,640 square foot building, their original plan was for a 6,000 square feet building. Described the neighborhood. This lot is currently a parking lot. There are 6 parking spaces provided in the front yard which will be a gravel area. The facility will be in most cases a storage facility. Mainly bringing material in, storing in the building and bringing it out the same way it came in. Would not request a sign that would need a variance. The sales are done on the phone - there is no retail. Proposing a chain link fence. Would put roof leaders into a recharge system. Landscaping is proposed and will agree to more if the board wants.

Mr. Penzer – they tried every which way to scale it down.

Mr. Flannery - The apron on Congress Street is strictly for the parking spaces. Truck traffic unloading and loading would occur on Laurel Avenue.

Mr. Priolo – the parking is sufficient for the three employees. Asked that fire lanes be designated. There should be a walkway from the parking spaces to the door.

Mr. Flannery - They will provide a dumpster in the northeasterly corner.

Gregory Kukal, 1188 Manor Drive, sworn. The two doors that will be used on the Laurel Avenue side is for Greg-sin equipment and the other is for fork truck parts. He owns one big truck and does his own deliveries. The biggest truck is a 26 foot bed.

Mr. Flannery - Would propose to have the leaders go into a recharge system and will supply calculations.

Open to Public.

Miriam Rose, 182 Downing Street, affirmed. Objected to building in a residential neighborhood. Owns property 261 Laurel Avenue and has a problem with the trucks.

Closed to Public.

Mr. Sernotti – talked about lot coverage and the board asked for 30% and a building of 4,200 square feet.

Mr. Kukal - Operating hours are 9 – 5. Three people in the office including himself. Not much truck traffic. One truckload every three months. Not open to the public.

Mr. Gonzalez – concerned about the 8 foot fence next to the residential dwelling. The building will be a steel building and would prefer a more aesthetic looking fence.

Mr. Flannery - Applicant would agree to put slats into the chain link fence. Would be willing to do it on the two sides that are not on the street. The chain link fence will be in the site triangle.

Mr. Priolo – asked for a site triangle easement to show on the plans and would prefer that no fence be in that site triangle.

Mr. Flannery - The vehicles will move inside the property.

Motion to approve provided that the fence be slatted – Mr. Gonzalez

Second – Mr. Daniels

Roll call vote:Affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. LeCompte

Nayes: Mr. Gelley, Mr. Halberstam, Mr. Sernotti

Motion denied.

**Appeal # 3545** – Sean Kohn, 500 Shafto Avenue, Block 148 Lot 2 R-10 zone. Multi-family home in the R-10 zone.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located along Shafto Avenue and is within the R-10 (Single-Family Residential) Zone. The applicant proposes to subdivide existing Lot 2 (0.54 acres) into three (3) undersized lots and construct three (3) two-family dwellings. The first unit will be comprised of the first floor and basement level of the dwelling, whereas the second unit will be comprised of the second floor and attic.
2. Special reasons variances are required for this project because the applicant is:
  - a. Requesting a use not permitted in this zone. In accordance with Section 18-12.2 of the ordinance, multi-family dwellings are not permitted in the R-10 Zone, and therefore a use variance is required.
  - b. Requesting an increase in permitted density. The maximum gross density in the R-10 Zone based on single-family detached use and minimum lot area is approximately 4 units/acres. It appears the site can yield 2 conforming single-family lots. The applicant is proposing 3 two-family dwellings and a density of 11 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 (multi-family 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 is a better planning and zoning alternative than the traditional single-family residential concept.

Additionally, 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. The Board should be aware that in June 1998, under Appeal No. 3038, the Board approved a minor subdivision application to subdivide Lot 2 into two (2) lots that met the minimum lot area requirement. However, the minor subdivision was never executed.

4. In accordance with Section 18-12.2 (R-10 Residential Zone) of the ordinance, bulk variances are required for the subdivision portion of this application as follows:

	Required	Proposed Lot 2.02	Proposed Lot 2.03	Proposed Lot 2.04
Minimum Lot Area	10,000 s.f.	7,848.8 s.f.	7,848.8 s.f.	7,848.8 s.f.
Minimum Lot Width	75 feet	48.3 feet	48.3 feet	48.3 feet
Minimum Side Yard Setback (One)	10 feet	8.33 feet	8.33 feet	8.33 feet
Min. Side Yard Setback (Combined)	25 feet	18.33 feet	18.33 feet	18.33 feet

The applicant must demonstrate to the Board that the requested bulk 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.

5. Should the proposed duplex be permitted in the R-10 Zone, it will be evaluated under R-M Zone standards, and the Applicant will have to seek variances for the following deviations from the R-M Zone requirements:

	Required	Proposed Lot 2.02	Proposed Lot 2.03	Proposed Lot 2.04
Minimum Lot Area	12,500 s.f.	7,848.8 s.f.	7,848.8 s.f.	7,848.8 s.f.
Minimum Lot Width	100 feet	48.3 feet	48.3 feet	48.3 feet
Minimum Side Yard Setback (One)	25 feet	8.33 feet	8.33 feet	8.33 feet
Min. Side Yard Setback (Combined)	50 feet	18.33 feet	18.33 feet	18.33 feet
Maximum Coverage	20%	29.9%	29.9%	29.9%

6. The lot number shown as Lot 2, Block 143, located to the north of the subject property on the corner of County Line Road and Shafto Road, is incorrect. The correct lot number should be Lot 3.01.
7. The following items should be addressed with regards to Lot Layout Plan (Sheet 3 of 7):
- The proposed lot coverage in the zoning schedule should be revised to include the areas of the covered porch and deck, approximately 29.9% total.
  - The depth of the proposed driveways should be dimensioned to the right-of-way line.
  - The proposed subdivision lines should be provided on all site plan sheets and reference should be made to Preliminary Major Subdivision.
  - The proposed parking spaces require the residents to double park (or stack). The applicant should consider redesigning the plans to alleviate the double parking issue. This project will result in significant reverse movements in the area of a busy intersection.

Additionally, the existing topographic conditions of Shafto Avenue up to County Line Road should be shown and the right-of-way line on the southeast corner of Shafto and County Line should be accurately shown. The future improvements of County Line Road should also be indicated on the plan.

- e. The Applicant should modify the plans to verify the actual location of the existing Fourteenth Street cul-de-sac and should detail the existing and proposed easements.
8. The following items should be addressed with regards to the Grading & Drainage Plan (Sheet 4 of 7) and stormwater management:
- a. It appears that the applicant is proposing a 20' wide utility easement on adjacent Lot 3.01 to the north for the installation of sanitary sewer and water service. The applicant does not own Lot 3.01. However, Lot 3.01 is currently vacant. The applicant should provide testimony regarding any attempt to purchase Lot 3.01 to:
    - i. Obtain additional property to provide for conforming lot sizes; and
    - ii. Create the utility easement for the proposed sanitary sewer and water service.
  - b. 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.
  - c. The pre and post development runoffs should be provided to insure compliance with stormwater infiltration as required under N.J.A.C. Section 7:8-5.4.
  - d. Soil borings should be provided to verify the existing soil conditions and Seasonal High Water Table (S.H.W.T.). The basement floor elevations should be set 2-feet above the S.H.W.T.
  - e. The length of pipe used in the calculations is incorrect, this should be corrected along with any subsequent calculations.
  - f. The invert elevations for the outlet devices are incorrect in the report, they should be revised.
  - g. The proposed 36-inch drainage pipe along the northern side property line should be relocated. It is currently proposed within an 8-foot wide area and underneath handicap ramps and access walks.
  - h. Proposed curb grades should be provided along Shafto Avenue. Additionally, a pavement transition is required along the northern terminus of the curbs.
    - i. The limits of pavement restoration should be shown on the Fourteenth Street cul-de-sac. Restoration should extend from the centerline to the edge of curb.
  - j. A note should be added to the plan indicating that the drainage system is to be owned and maintained by the Homeowners Association.
  - k. High points should be set in the side yards between the units.
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 following items should be addressed with regards to the Construction Details (Sheet 7 of 7):
- a. The perforated pipe trench detail should be revised to provide a minimum 48" wide stone trench for the proposed 36" perforated pipe. A minimum of 6" of stone should be provided around the proposed pipe. It should be indicated that the stone trench should be lined with filter fabric.

11. The following items should be addressed with regards to the Major Subdivision sheet:
  - a. The signature block for the secretary should reference the Lakewood Zoning Board.
  - b. There appears to be a discrepancy in the applicant's address on the site plan, the major subdivision sheet and the application. This discrepancy should be corrected.
  - c. The proposed building setback lines and dimensions should be shown. The required setback lines are currently provided on the plan.
  - d. The block limit line between Blocks 143 and 148 should be labeled.
  - e. The lot number for adjacent Lot 2, Block 143 should be revised to Lot 3.01.
  - f. The bearings, distances, areas and dedication information should be provided for all proposed easements.
  - g. The date of the survey should be added to the Survey Date & Certification by Surveyor block.
  - h. It appears that the block number referenced in the Certification and Signature of Owners block is incorrect. The correct block number is Block 148.
  - i. The Map Filing Certification by Board Secretary Block is incorrect. The certification block for a major subdivision plat should be provided as follows:

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."
  - j. The map should reference "Final Major Subdivision".
  - k. The point-of-beginning (P.O.B.) should be provided.
  - l. The entire street names should be provided on the Area Map.
  - m. T.B.R. should be spelled out on the plans. The applicant will be required to post a performance bond for the demolition of the existing structures.
12. Ocean County Planning Board approval should be indicated on the site plan and sub division plan.
13. 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

Since there are no other Multi-family units in this area, I see no reason to encourage this type of density in an area of detached single family homes. I think a minor subdivision into two relatively conforming lots would be a better use of this property.

Abraham Penzer represented applicant.

Mr. Penzer – This is an R-10 zone and they are asking for 3-2 family homes. The little girl was injured in 2002. She has been institutionalized and needs 24 hours a day care. From the neck down she is a vegetable. From the neck up she is a totally happy child. She wants to go home. They will not let her go home unless there are trained homecare givers. There are three families in Lakewood that are willing to take care of her. The mother of the child was brain injured and cannot take care. The amount of money being spent is bottomless. The neighbors met with Michael Bateman, the mediator, and have worked out an agreement.

Mr. Penzer cited law that would allow this application to be considered inherently beneficial.

A letter from Mia W. Aubrey, Pediatric Social Worker at Voorhees Pediatric Facility was read. The Board was advised since the writer cannot be cross-examined they should take the letter for its weight not its credibility.

Mr. Penzer – If the board finds that this is an inherently beneficial use

Mr. Priolo – They revised the plan reduces the size of the easement on lot 3.01 and they will get the owners permission.

Mr. Flannery – previously a 20 foot wide easement was shown on lot 3.01 now proposing a 10 foot wide easement on 3.01 and the other 10 feet would be on lot 2.01. Reviewed Mr. Priolo's report. Requesting a use variance for multi-family use. Need a density variance for 11 units per acre where 4 are required. A child will be benefiting from this application. There will be basement dwellings to provide the income for the care of the child. This will promote the health and welfare of the child. Each lot will be 7,800 square feet where 10,000 is required for the zone. Parking will be provided.

Jim Priolo – each lot proposes a driveway that has 6 parking spaces – two sets of 3 cars will be backing out. Concerned about the cars backing out so close to the intersection of County Line Road

Mr. Flannery – they have 18 parking spaces.

Glenn Harrison read letter from Mr. Bateman, mediator for the Township.

A-1 rendering

Baruch Framovitz, 2 Louisberg Square, affirmed. Architect for applicant. The height of the units will be 35 feet high.

Eric Halpert, 168 Tudor Court, affirmed. Father of the child. The first home is for the caregiver, where Chana would live. The basement is for the married sister of the caregiver. The second house is for the sister of the caregiver when she outgrows the basement apartment. The third house would be available for them to move in the future.

Mr. Sernotti – the 3 bedroom portions of the houses will be rentals in the future.

Mr. Halpert – the plan is to build them at the same time. They chose to take her home and provide her with the quality of life that she is entitled to. It is costly to care for her and the apartments will offset some of the costs. Insurance does not cover everything. They have to provide for a live-in. This is a long term project.

Mr. Sernotti read Mr. Batemen's letter and the six conditions that were agreed with by the neighbors and the applicant.

Mr. Framovitz – described the floor plans. The accessible model will comply with all ADA requirements – elevator provided – large humidifier to circulate air for the ventilator.

Mr. Halpert – The amount of care and money involved is astronomical. The alternative to home care would be to condemn her to live in an institution. She will be going to a regular school.

Open to Public.

There were many people in the audience in favor of the application. Applause.

Closed to Public.

Mr. Sernotti – If there were only two homes it would eliminate most of the variances other than use – a little excessive with the third home. Because of the circumstances the use should be permitted.

Recess.

Mr. Halpert – agreed to two 2-family homes but it will not really meet the needs of his daughter and the quality of life she needs.

Mr. Sernotti polled the board.

Mr. LeCompte – three homes would be beneficial to offset the costs and would be in favor.

Mr. Gelley – would vote for the three.

Mr. Gonzalez – would go with two 2-family larger structures

Mr. Daniels – would be in favor of two 2-family

Mr. Naftali - two 2-family units make more sense in this area

Mr. Halberstam – suggested two 2-family now and the 3rd on slab only for Halpert.

Mr. Penzer suggested that the board be polled for Mr. Halberstams suggestion.

Mr. LeCompte – yes

Mr. Gelley – yes

Mr. Gonzalez – no

Mr. Daniels – no

Mr. Naftali – yes

Mr. Sernotti – no

Mr. Halberstam - yes

Mr. Priolo – we need to see a revised plan.

Mr. Mack – could approve plans subject to the boards approval.

Mr. Penzer requested that Appeal # 3546 – Tamarind Developers be tabled until the May 2nd meeting

Motion to table – Mr. Naftali

Second – Mr. Halberstam

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

Applicant agreed to waive time. No further notice.

Mr. Flannery – as long as one house is built without any variances they can start construction.

Mr. Priolo – agreed

Mr. Mack – agreed

Motion to approve use variance for two 2-family houses only built to conform with all six items in Mr. Batemen’s letter – 8’ fence back and side setbacks to conform – Mr. Halberstam

Second – Mr. Daniels

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

Providing revised plans were submitted 10 days prior they would be on May 2nd.

**Appeal # 3547** – Pine Projects, Carey Street, Block 150.07 Lot 38, R-10 zone. To construct a single family dwelling on an undersized lot. Required 10,000 square feet – proposed 5,512

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located on the corner of Carey Street and Squankum Road and is within the R-10 (Single-Family Residential) Zone. The applicant proposes to construct a new single-family dwelling on the vacant property.
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	Provided
Minimum Lot Area	10,000 s.f.	5,512 s.f.
Minimum Lot Width	75 feet	73 feet
Minimum Front Setback	30 feet	10 feet (Both Roads)

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.

The applicant should address the Board regarding the visual impacts which the new structure will have on the surrounding properties.

3. An 8.5-foot right-of-way dedication should be made along Squankum Road. This will further reduce the lot area and front yard setback for which the applicant is currently seeking variances.
4. The Owner as indicated in the general notes, is different from the Owner indicated in the Owner's Certification block. This discrepancy should be clarified.
5. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade at the foundation is 30 inches.
6. Any approval should include a condition that all curb and sidewalk shall be replaced as directed by the Township Engineer. Additionally, sidewalk should be extended along Carey Street to the intersection and a handicap ramp should be constructed.
7. A sight triangle easement at the intersection of Carey Street and Squankum Road should be provided in accordance with the Residential Site Improvement Standards, N.J.A.C. 5:21-4.19(b)6. The easement should be calculated and shown to insure that there is not an encroachment of the proposed dwelling.

From: Ed Mack, Zoning Officer

This lot is an irregularly shaped undersized lot that does not lend itself well to traditional setbacks or building location. I do feel that this proposed site plan is as logical as possible.

Mr. Penzer represented applicant.

Mr. Flannery – this is an existing non-conforming isolated lot. Proposing a single-family dwelling. The size of the house is consistent with all other houses in the area. Parking for 3 vehicles are proposed. This is a fence in vacant lot. Reviewed Mr. Priolo's report. Lot coverage conforms. The home will be close to the road. This is a unique shape property. By not granting these variances the property would become unusable. Proposing a road widening easement.

Mr. Priolo asked for a smaller house so that it would be further back from Squankum Road.

Mr. Flannery – a 2,400 square foot house is consistent with the houses in the neighborhood. They would agree to a smaller house to increase the proposed 10 foot front yard setback variance requested.

Mr. Sernotti – the front of the house does not seem to face the road.

Mr. Flannery – any way they put it would be skewed – the frontage would be towards Carey so the driveway would face Carey. Anything would encroach on the front yard setbacks.

Mr. Gonzalez- traffic on Squankum Road is horrendous. Concerned with the front-yard setback request.

Open to Public.

Sara Friedland, 28 Carey Street, affirmed. Objected. Concerned where the deck will be. Carey Street is a very busy block. It is a very hard turn onto Squankum. Vision will be blocked. The applicant knew that the lot was small when he purchased it. The Township should buy the lot and fix the road.

Mordechai Rosenberg, 23 Carey Street, affirmed. Objected. Heavy traffic area, many accidents on that corner. Visibility is minimal. It would be life threatening to allow a house on that lot.

Dovid Pollack, 52 Carey Street, affirmed. Objected. The Township should buy the land and correct that corner.

Nathan Berliner, 48 12th Street, affirmed. Objected. In crossing Squankum Road an adult has to cross his children because it is a very dangerous corner.

Yoel Gewirtzman, 64-12th Street, affirmed. Objected. No visibility. The Board must take into consideration the safety of the children in this area.

Closed to Public.

Mr. Penzer – you cannot take this lot into inutility. Traffic has nothing to do with zoning.

Mr. Flannery – Will provide the site triangle easement. There is no deck

Motion to deny – Mr. Gelley

Second – Mr. Gonzalez

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

**Appeal # 3572** - Lakewood BlueClaws, 2 Stadium Way, Block 961 Lot 1, Use variance for a flea market.

From: Jim Priolo, Engineer/Planner

1. The property in question is located on Cedar Bridge Avenue at the Lakewood BlueClaws stadium and is within the A-1 (Agricultural) Zone. The applicant is proposing to use a designated area of the parking lot for a flea market (Garden State Park Market). The flea market use is not permitted within the A-1 Zone. Therefore, a use variance will be required for the proposed flea market.
2. 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.

3. The flea market will be made up of 6-foot folding tables for each vendor. The tables will be located in the area designated market area on the sketch provided. The market will take place on Fridays and Sundays from April 1, 2005 to December 23, 2005.
4. The applicant should more clearly illustrate the market area on the sketch and discuss how the market area will be separated from the parking area.
5. The applicant should specify the hours of operation on Fridays and Sundays for the market.
6. The applicant should indicate the average number of vendors, and provide parking calculations to insure adequate parking is available.
7. The applicant should indicate if there will be any new/additional signage on the site for the market.
8. The applicant should discuss the method of trash collection.

From: Ed Mack, Zoning Officer

I have no objection to the proposed use.

John Doyle, represented applicant. The stadium is only open for 70 games. The parking lot can hold 2,700 cars, stadium for 7,000 people and up to 13,000. The stadium should not just sit there and lie fallow. In the past they have had automobile shows, heritage festivals and flea market. The Township Committee has approved this use in the past but the Board of Adjustment needs to grant a use variance. They are proposing outdoor retailing Sundays and Fridays 8 a.m. – 2 p.m. later this month and mid-December. There will be between 120- 150 vendors. Minimum use compared to what is usually there.

Geoff Brown, General Manager, sworn. The vendor area is adequately blocked by islands. There are 4 separate parking areas. One for vendors and 3 will be used for parking cars. The trash will be much less than a BlueClaws game. There will be in-house security from the BlueClaws staff and additional security from the Flea Market. They have a trash compactor on site.

Open to Public. Closed to Public.

Motion to approve an outdoor market – Mr. Halberstam

Second - Mr. Naftali

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

Letter was read from Elaine McCrystal, Ironwood Development, Appeal # 2408A, Block 1082 Lots 3 & 13 asking for a two-year extension due to litigation on the property.

Motion to approval a two-year extension until April 5, 2007 – Mr. Halberstam  
Second – Mr. Naftali

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

## Resolutions

**Appeal # 3554** – Moshe Frankel, 1494 Tanglewood Lane, Block 25.06 Lot 13, R-12 zone.  
Resolution to approve a single family home on an undersized lot.

Motion to approve – Mr. Gonzalez

Second – Mr. Daniels

Roll call vote: Affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali,

**Appeal # 3549** – Masoras Avos, 23 Congress Street, Block 536 Lot 10-18, Resolution to  
approve the construction of an addition to school building.

Motion to approve – Mr. Daniels

Second – Mr. Naftali

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

**Appeal # 3548** – Preferred Enterprises, Rutgers Blvd & Swarthmore Avenue, Block 1609  
Lot 28.03, M-1 zone. Resolution to approve a use variance to allow a parking facility.

Motion to approve – Mr. Daniels

Second – Mr. Gonzalez

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

**Appeal # 3493A** – Avinash Gupta, 15 Spruce Street, Block 778.06 Lots 27, 52, 53 & 78,  
R-10 and HD-6 zones. Resolution to approve a Site Plan

Motion to approve – Mr. Naftali

Second – Mr. Daniels

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

**Appeal #3464** – David Godin, 423 15th Street, Block 58 Lot 5, R-12 zone. Resolution to approve a single family home on an undersized lot. Required 12,000 – existing 10,175.

Motion to approve – Mr. Daniels

Second – Mr. Gonzalez

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

**Appeal #3555** – Jacob Knobel, 1411 14th Street, Block 25 Lot 5, R-12 zone. Resolution to approve a single family home on an undersized lot.

Motion to approve – Mr. Daniels

Second – Mr. Naftali

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

**Appeal # 3529** - Congregation Zichron Yoel, 1014 Lawrence Avenue, Block 169 Lots 2 & 3, B-4 zone. Resolution to approve the construction of an addition for a synagogue and multiple use of the structure as a residence and synagogue.

Motion to approve – Mr. Naftali

Second – Mr. Daniels

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

**Motion to pay bills** – Mr. Halberstam

All in favor.

**Motion to adjourn** – Mr. Gonzalez

All in favor

Meeting adjourned at 11:45 P.M.

Respectfully submitted,

Fran Siegel, Secretary