

**ZONING BOARD OF ADJUSTMENT
MINUTES**

APRIL 12, 2010

Meeting was called to order at 7:20 P.M.

Meeting properly advertised according to the New Jersey State Sunshine Law.

Roll call: Attending: Mr. Gelley, Mr. Gonzalez, Mr. Lankry, Mr. Zaks, Ms. Goralski,
Mr. Halberstam

Absent: Mr. Mund

Arrived late: Mr. Naftali

Also present: Attorney – Russ Cherkos
Terry Vogt, Engineer/Planner
Jackie Wahler, Court Stenographer
Fran Siegel, Secretary

Salute to the flag.

Motion to accept minutes of the March 8, 2010 with a waiver to read – Mr. Zaks

Second – Mr. Lankry

Roll call vote: Mr. Lankry, Mr. Zaks, Mr. Halberstam

Appeal # 3733 – Ephraim Wiederman, 1446 Monmouth Avenue, Block 139 Lot 7,
R-10 zone. To construct an addition on an undersized lot that has frontage on 3 streets.

Secretary read reports.

From: Terry Vogt, Engineer/Planner – March 23, 2010

The existing lot is non-conforming in size, being 7,876 square feet in size, where 10,000 square feet is required. The existing dwelling is encroaching into all three front yard setbacks for Monmouth Avenue, Washington Place, and County Line Road East. The applicant required relief in the form of a front yard setback variance for a further encroachment into the property's Washington Place setback. A 15 foot front yard setback is proposed for the building addition, vs. the 30 foot requirement.

The Applicant has also requested a variance for lot coverage for 25.8% where 25 is required.

Abraham Penzer represented applicant. There is no place to acquire any more property. There is no way with frontage on 3 streets that they would not encroach in the setback. The basement will be used for their personal use.

Ms. Goralski asked why they do not add a second floor.

Mr. Penzer – the neighbors have a ranch and it would block their light.

Open to Public. Closed to Public.

Motion to approve as per plan – Mr. Zaks

Second – Mr. Gonzalez

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

Avraham Naftali arrived and they now have 7 members.

Appeal # 3723 – Eli Schwab, Joe Parker Road, Block 189.03 Lots 37, 38, 39, 40 & 172,
R-20 Zone. To construct 27 single family residences and one basin lot on undersized lots

at an average of 12,000 square feet whereas 20,000 square feet is required: Preliminary and final major subdivision and variance approvals are requested.

Secretary read reports.

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From: Terry Vogt, Engineer/Planner – March 18, 2010

The parcel is located in the R-20 Single-Family Residential Zone District. Single family detached dwellings are a permitted use in this zone. The applicant has requested a use variance due to exceeding the maximum residential density permitted in the zone. The proposed density for the 27 units on the 9.56 acre tract is 2.82 units per acre. The lot size requirements for the R-20 zoning currently allows for a density of 2.20 units per acre. It should be noted that although the current zoning is R-20 as reported, this property was examined and recommended for a higher density (R-12) single-family residential zoning as documented in the last *Re-examination report of the Master Plan and UDO* report, prepared by T&M Associates, and adopted by the Planning Board on March 13, 2007. The recommendation to rezone to R-12 has not been implemented by the governing body.

Abraham Penzer represented applicant.

A-1 agreement between applicant and adjoining landowner

A-2 aerial photograph of area

A-3 page 3 of the color rendering in package

A-4 application that conforms with the -12 zone

Brian Flannery, engineer, sworn.

Mr. Penzer – This property is unique – this is where the old Joe Parker Road was. The property is totally enclosed. If the master plan had been adopted the density would be much higher than what the applicant seeks. The R-12 would allow 34 units – the applicant seeks 27 units. They are not maximizing what the Master Plan would have allowed had it been adopted.

Board accepted Brian Flannery's credentials.

Mr. Penzer summated the agreement with Mrs. Tolliver at Block 189.03 Lot 171: applicant will install; a 6 foot beige vinyl board on board fence; 4 foot beige vinyl board on board along Ridge Avenue along lot 37.10, variable width landscape conservation easement. None of the driveways will be backing out onto Ridge Avenue. Agreement will be recorded in a deed and attached to the Resolution.

Mr. Flannery – This property is unique. Ridge Avenue is a heavily traveled road. By reducing some of the lots to 11,000 all the properties that fronted on Ridge Avenue will now be fronting on the cul-de-sac. 2.8 units per acre are requested and 2.6 is required. They are asking for bulk and density variances.

Mr. Flannery reviewed Board Engineer, Terry Vogt's report. These variances can be granted without any detriment to the zone plan. They have taken into account the impact on the neighbors. They are leaving about a 10 foot row of trees between the golf course and this development. They have not set aside 5% of this land for recreation. They will be making a payment in lieu of recreation. Each lot will be 12,000 square feet and this gives the children a yard to play in. They have provided a tot lot for the younger children. The pavement will be restored wherever necessary. They will not be proposing a Homeowners Association. There is one open space lot with a storm water management

facility in it. The one open space lot will be dedicated to the Township. If the Board wants they will provide a bicycle rack at the tot lot. They also propose one side parking. They are showing 4 parking spaces per unit. They are proposing a 2 car garage. If the purchaser does not want a garage there will be parking for 4 spaces in the driveway. RSIS requires 3 parking spaces. Ridge Avenue is a County road and they do need County approval. They will provide 8 designs to the Township Engineer. They are proposing unfinished basements. The units will all be less than 35 feet high. If purchaser does not want a garage then there will be 4 cars in the driveway. Will agree with any other recommendations.

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Abe Halberstam – this application is for single family homes. Asked for the road to be widened to 32 wide to the pavement.

Mr. Flannery agreed to 32 feet of pavement.

Mr. Vogt – there will be 9 feet from the pavement to the curb which does not hurt anything.

Mr. Halberstam – that would allow one more off street parking.

Mr. Flannery – the tot lot is small – it is ½% of the area. This is in addition to the payment in lieu of construction. Close to Ocean County Park. If the Board feels they could eliminate the tot lot. They do have average 12,000 square foot lots which allows room for play area. Their suggestion was that the Township will maintain the tot lot. They will build it, donate it and provide a payment in lieu of construction of it.

Mr. Halberstam asked that the tot lot be made bigger or not have it at all.

Mr. Flannery – they will take some of the corner lot and add it to the tot lot. They will meet with the Board Engineer.

Discussion followed about the playground being dedicated to the Township.

Mr. Cherkos – does not know how the Township feels about the dedication of the tot lot.

Mr. Vogt – the Township would have to accept the maintenance of the tot lot.

Mr. Flannery – they have not discussed this with the Township. Suggested that the tot lot is not required and they should remove it. The applicant does not want to form a Homeowners Association just to take care of the tot lot.

Mr. Penzer stated that he has done this before where the Township does take it over. It is not a big deal except for the insurance. They will increase the size of the playground 50% and will create a homeowners association to maintain that lot. They agreed to a condition of the approval that if the Township does not want to take it over they will.

Mr. Gonzalez – like the tot lot but would like to see a community center. The lot next to the tot lot would be the perfect lot.

Mr. Penzer – in this area there are 4 facilities that will be used and he has an application before the Planning Board. The school within 500 feet has a 6,000 square foot gym that would be available.

Mr. Flannery – they are proposing the tot lot be 50% bigger and also the equipment.

Mr. Lankry – how would the rest of the taxpayers feel about paying for this playground? You are volunteering a playground for the Township that the taxpayers are going to pay for.

Mr. Flannery – they will be changing the drainage after meeting with Mr. Vogt and Mr. Franklin. There is only one location where there will be an inlet in the backyard.

Mr. Vogt – anytime there is a storm water system that will be Township maintained they review it with John Franklin. This system can function as designed. They are comfortable with the proposed system.

Mr. Zaks asked for the applicant to put in an irrigation system.

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Mr. Penzer – they will agree to a lawn sprinkler system.

Open to Public. Closed to Public.

Motion by Mr. Zaks subject to the following conditions:

1. widening of the road to 32 feet
2. enlarge tot lot to a minimum of 50% larger than proposed.
3. grant lot coverage variance for the front lot adjacent to the tot lot or any other variance needed for lot 37.01
4. 6 foot fence around tot lot
5. bicycle rack
6. lawn sprinkler system to be installed
7. written confirmation that the Township is willing to maintain tot lot or a homeowners association will be created.
8. Agreement with neighbors A-1

Second – Mr. Gelley

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

Nayes: Mr. Lankry Mr. Lankry said that he liked the application but was not in favor of the playground being turned over to the Township.

abstained: Ms. Goralski

Recess.

Appeal # 3725 – Mordechai Zafrani – E. 5th Street, Block 240 Lots 5, 6 & 22, B-2 zone. Subdivision to allow 4 new lots with 4 townhouses.

Secretary read reports.

From: Terry Vogt, Engineer/Planner February 24, 2010

The applicant proposes a four-lot minor subdivision for townhouse dwellings on the south side of East Fifth Street's intersection with Ridge Avenue. The property is situated within a B-2 (Central Business) Zone. A use variance is requested due to an exceedance in unit density, as well as bulk variances for lot size and side yard setbacks.

The existing property has frontage on the south side of East Fifth Street immediately east of its intersection with Ridge Avenue. A vacant public lot is immediately to the west of the property, while residential lots lie to the southwest, south, and east. East Fifth Street has a

right-of-way width of forty-five feet (45'), while the other roads have fifty foot (50') right-of-way widths. The area is primarily residential use.

Miriam Weinstein, attorney for applicant. The applicant has revised their plans. The units will now be 24 feet wide with 8 ½ feet setback on each side. Many uses for this parcel that will be more intense and will not require a use variance. The property is a run down vacant parcel surrounded by dilapidated structures. This proposal will enhance the neighborhood.

Nicholas Graviano, sworn. The applicant is requesting a D-3 variance. This parcel is approximately 17,000 square feet and there is more than enough room to accommodate the proposal. The B-2 zone permits the most dense zoning. This will not cause a substantial detriment to the area. Applicant is providing 4 parking spaces per dwelling unit. The B-2 district permits multi-family dwellings. The Planning Board could approve 8 - 3,000 square foot condos. This use works well with other uses in the area.

Mr. Graviano reviewed Mr. Vogt's report. No buffering is needed in this circumstance.

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Mr. Graviano - The applicant is not providing basements at this time. Between each parking area there is 6 feet of space – applicant agreed to do street trees. There will be 4 off street parking spaces provided.

Mr. Zaks – 2 cars per family is probably adequate.

Ms. Weinstein - Applicant agreed to concrete driveways which are not black.

Open to Public.

Avraham Rozsansky, 113 Tudor Court, affirmed. Owner of lot 19. In favor of this project.

Closed to Public.

Ms. Goralski suggested using stamped asphalt in many colors and looks like pavers for the driveway.

Applicant agreed.

Mr. Gonzalez - Would like to see 3 townhouses that are wider. Would like to give the families more space.

Mr. Graviano – These townhouses are approximately 2,500 square feet.

Mr. Zaks - These homes are made for families just starting out. There is a need for this type of housing.

Ms. Weinstein – you need to have the smaller houses for the younger couples.

Mr. Lankry – agree with Mr. Zaks. This area need redevelopment desperately.

Mr. Halberstam – is the drainage system going to work?

Mr. Lines – the revised plans have a storm water recharge system in the front half of the house and the back half of the house and it does exceed what is required by ordinance. Trash enclosures are in the front of each unit. They agreed to white vinyl fencing. Each family will have their own recharge system.

Ms. Weinstein - There are no bedrooms proposed in the attic.

Motion to approve with sprinkler systems, stamped asphalt, shade tree between each driveway, white vinyl fencing for the trash enclosures – Mr. Zaks

Second – Mr. Lankry

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

Nays: Mr. Gonzalez,

Appeal # 3729 – Yisroel Tress, Melville Ave. Block 765.01 Lot 29, R-7.5 zone. Proposing to construct a duplex on the existing lot. The dwelling is to remain, and is to be expanded by an addition in order to create a duplex building. A use variance is required as duplexes in the R-7.5 zone require a minimum of 10,000 square feet whereas 9,405 square feet is provided.

Secretary read reports.

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From: Terry Vogt, Engineer/Planner February 23, 2010

The applicant proposes to build a duplex on the existing lot. The existing dwelling is to remain, and is to be expanded by an addition in order to create a duplex building. A use variance is required as duplexes in the R-7.5 zone require a minimum of 10,000 SF whereas 9,405 SF is provided.

The applicant is seeking a use variance. The applicant proposes to remove an existing deck and concrete walk from the east side of the existing dwelling and construct a 2-story addition containing five bedrooms.

The existing property has frontage on two (2) streets. Elm Street borders the site on the south side, and Melville Avenue borders the site on the west side, with residential dwellings to the east and north sides. There is existing curb and sidewalk along both the Elm Street and Melville Avenue frontages. Otherwise, the existing edge of pavements of the surrounding roads is very irregular. Elm Street and Melville Avenue both have a right-of-way width of fifty feet (50'), while the other roads have fifty foot (50') right-of-way widths. The area is primarily residential use.

Abe Penzer represented applicant. In the R-7.5 zone you need 10,000. The applicant only has 9,400. He wishes to convert to a duplex so that he can live in the new unit and someone else live in the rear unit.

Brian Flannery, sworn. The application is for a duplex. They will need a rear yard setback variance where there is already an existing at 13.6 feet. Described the neighboring lots. There will be a front on Melville Avenue and a front on Elm Street. Reviewed Mr. Vogt's report. There will no drainage, no parking problem, no aesthetic problems. The only entrance to the basement in the existing unit is through the house and the other unit will have a basement. It will be an unfinished basement. There is no 3rd floor proposed. There will be an unfinished attic. They are not asking for a zero lot line. They are asking for one lot with 2 units on it. One of these homes will be owner occupied and the other will be rented. This is strictly a two family house.

Mr. Cherkos – they could condo the units.

Mr. Penzer – four neighbors in the audience stood up in favor of this application.

Open to Public. Closed to Public.

Motion to approve a two family house on a single lot – Mr. Lankry

Second – Mr. Gelley

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

Appeal # 3671A – Route 88 Acquisitions – Route 88, Block 189 Lots 112,112, 113, 148 & 163 110, 111.01 & 111.02, R-20 zone. To construct 73 townhouses and community building – use variance approved for all lots except 163. Subdivision and site plan requested.

Secretary read reports.

From: Terry Vogt, Engineer/Planner – March 9, 2010

The parcel is located in the R-20 single family residential zone district. Townhouses are not a permitted use in this zone. The applicant previously obtained a use variance to construct townhouses and commercial space on this property. Amended approval is requested to include lots 148 and 163, and to exclude the commercial use in the previously granted Use variance.

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Abe Penzer represented applicant. This application was granted a use variance. The use variance was approved with a commercial component. They are eliminating the commercial use. Asking for additional lots to be added to the approved use for lots 148 and 163.

A-1 color version of site plan

A-2 aerial exhibit

A-3 & A-4 architectural rendering of proposed townhouses.

Mr. Flannery – Proposed is 73 units on 11.78 acres with 327 parking spaces. All that was approved was the use no number.

Mr. Penzer - the only changes are that they added two lots and removed the commercial area.

Mr. Flannery - the use is consistent with the area. Reviewed Mr. Vogt's report. Master Plan recommended that this property be zoned RM. Proposing 6.2 units per acre where 8 units per acre is permitted. They need a new use variance because they have added two more lots. Described the uses in the area. There will be a clubhouse. There is a tot lot associated with the clubhouse. They agree to provide additional trees suggested by Mr. Vogt. 100 foot setback from Route 88 is required providing 50 feet. Providing a berm with landscaping. Providing 4.4 parking spaces per unit. Agreed to make a 32 foot cartway. They have met with Public Works. Basements are proposed unfinished. There will be an irrigation system.

Mr. Penzer – will agree to meet all township codes for signage.

Mr. Flannery - The community center will also have a mikvah. There are 2 floors 3,160 each floor plus a basement. One floor is Ashkenazic and one floor for Sephardim.

Mr. Zaks – there are 146 families.

Mr. Penzer – this is probably one of the largest shuls around.

Mr. Halberstam – the main sanctuary is 41 x 41, it is too small.

Mr. Zaks – the main sanctuary should be 4, 000 – 4,500 square feet.

Mr. Penzer – there are 2 sanctuaries. We will agree to enlarge to 4,500 per floor.

Mr. Flannery – the tot lot is in the open space adjoining the community building. They just took 1,500 square feet from the tot lot. The units are 26 feet wide – the driveways are only 18 feet wide so there are grass strips in between. They will agree to provide extra trees and foundation plantings. They will do 32 feet of pavement.

Mr. Penzer – the tot lot is 8,000 square feet. There is an entrance to the park that can be utilized.

Mr. Halberstam – they cannot get to the park.

Mr. Flannery – they can provide access for the kids to play kickball but they cannot put any equipment there.

Mr. Penzer – there will be a Homeowners Association.

Mr. Zaks said that no parking spaces should be taken away from the clubhouse.

Mr. Flannery said they could get another 1,000 square feet added to the tot lot.

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Mr. Lankry – concerned about the density.

Mr. Flannery - applicant agreed to remove one unit from the building nearest the clubhouse.

Open to Public. Closed to Public.

Motion to approve with the following conditions: eliminate one unit by the clubhouse, Lot 8, 4,500 square foot clubhouse with a mikvah in the basement, greenery between driveways, stamped asphalt in the driveways, berms, 32 foot wide pavement - Mr. Zaks
Second – Mr. Gonzalez

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

Resolutions

Appeal # 3730 – Shlomo Ringel, 107 Highgrove Crescent, Block 223 Lot 97, R-10 zone. Resolution to approve construction of a single family dwelling on a corner lot. Relief for rear yard setbacks and for lot coverage approved.

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

Roll call vote: affirmative: Mr. Lankry, Mr. Naftali, Mr. Zaks, Mr. Halberstam

Motion to pay bills.

All in favor

Motion to adjourn.

All in favor.

Meeting adjourned at 11:30 P.M.

Respectfully submitted,

Fran Siegel, Secretary