

**LAKWOOD ZONING BOARD OF ADJUSTMENT  
MINUTES  
MAY 2, 2005**

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

Meeting properly advertised according to the Sunshine Law.

**ROLL CALL:**

Attending: Mr. Daniels, Mr. Naftali, Mr. Zaks, Mr. Gelley, Mr. Halberstam, Mr. Sernotti

Absent: Mr. Gonzalez, Mr. LeCompte

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

**SALUTE TO THE FLAG**

Motion to accept minutes of April 4, 2005 with a waiver to read – Mr. Daniels

Second – Mr. Halberstam

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

**APPEAL # 3366** – Whiting Pines, Vermont Avenue & Mermaid Ave, Block 1131 Lot 5  
Single family dwelling on semi-improved road.

Secretary read reports.

From: Jim Priolo, Engineer/Planner (revised)

1. The property in question is located along the unimproved streets of Vermont Avenue and Mermaid Avenue and is within the A-1 (Agricultural) Zone. This lot and the surrounding area are completely wooded. The applicant proposes to construct a single-family dwelling, which will require bulk variances. The existing lot does not conform to the current zoning requirements. In accordance with Section 18-11 of the ordinance, bulk variances will be required as follows:

	Required	Provided
Minimum Lot Area	2 ac.	0.39 ac. (16,870 s.f.)
Minimum Lot Width	200 feet	100 feet
Minimum Front Yard Setback	50 feet	35 feet (both)
Minimum Rear Yard Setback	20 feet	19 feet

The applicant must demonstrate to the Board that the requested relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

2. In accordance with Section 18-5 of the ordinance, every principal building shall be built upon a lot with frontage upon a public street. The applicant is proposing to improve Mermaid Avenue to Beekman Street. Beekman Street is part of the access to the Kettle Creek Recreation Complex which will be paved to Oak Street during 2005. The following should be addressed with regards to the roadway improvements:
  - a. Curb and sidewalk will be required along the entire frontage of the subject property.
  - b. Additional topographic information will be required along Mermaid Avenue and on the subject property. A grading plan should be required in addition to the road profile.
  - c. The water main extension should be shown on the plan.
  - d. The limits of clearing should be shown on the plan.
3. The subject property is within an area designated as the Kettle Creek Protection Area. The applicant should provide documentation regarding the Township's interest in this property.
4. The application is subject to the following outside agency approvals:
  - a. NJDEP Absence/Presence determination.
  - b. Ocean County Health Department (individual septic system).
  - c. Ocean County Soil Conservation District.
  - d. All other required outside agency approvals.
5. Prior to obtaining a building permit, the applicant shall post a performance guarantee and inspection fund in accordance with the provisions of the Township's Land Use Ordinance and Municipal Land Use Law.

From: Ed Mack, Zoning Officer

Since there has been a court decision and an agreement between the Board Engineer and the applicant's engineer, I see no reason for further comment.

Sal Alfieri represented applicant. In 2003 the board denied this application for access on an unimproved street. Judge Serpentelli said that the resolution did not provide sufficient detail to justify the denial and the applicant should present more testimony about the road and remanded it back to the board. They have now changed the access road and the only variances requested now is for undersized lot variances.

Many of the present members were not at the original meeting.

The agreement between the applicant's engineer and the Zoning Board Engineer was read into the record.

October 18, 2004

Re: Whiting Pines Realty Corp. v. Zoning Board of Adjustment of the Township of Lakewood

Docket No.: OC N -L-1719-03 PW

Dear Mr. Harrison:

As you may recall, on May 26, 2004, pursuant to an Order entered on February 23, 2004 by Judge Serpentelli, John F. Russo, Jr., Esq., and I attended a meeting at your office to

confer and determine whether any items could be stipulated to so as to avoid a full re-hearing before the Board in connection with the above captioned matter. Since our meeting, the engineers in this matter have reached a mutual agreement which we feel would allow for construction of the lot in question. Specifically, the engineers have mutually agreed to the construction of an alternate road access to the lot that appears to obviate the issue as to adequate emergency access to the lot as required by N.J.S.A. 40:55D-35. This alternate road access will be encompassed in a revised site plan that will be submitted to the Board shortly.

As John F. Russo, Jr., Esq. was the Zoning Board attorney at the time that the original hearings were held before the Board with regard to this matter, I will briefly outline for you the procedural history relative to our client's application. Within its application, our client sought a Bulk C variance with regard to its lot being undersized, and a planning variance with regard to the road leading to the lot. The Board denied the application, concluding in its June 2, 2003 Resolution that our client failed to meet its burden to satisfy the positive and negative criteria as required by the MLUL. Our client appealed the Board's decision to the Superior Court, and following submission of trial briefs from both parties, Judge Serpentelli determined that the Board's Resolution did not comply with the law because it failed to present specific reasons as to its conclusions. The Judge remanded the matter for a new hearing, but as I previously indicated, he ordered that we confer to attempt to stipulate to all facts not in dispute so as to avoid duplication of testimony in the re-hearing.

From my review of the transcripts in relation to the original hearings pertaining to our client's application, it appears clear that in its review of the application, the majority of the discussion between the Board involved the issue of adequate access to the subject lot, and not necessarily the undersized lot issue, Now that the access issue has been resolved, this remains a classic undersized lot case and it appears that based upon the previous testimony, the parties could therefore fairly stipulate to the following facts with regard to our client's request for a Bulk C variance:

1. The parties stipulate that the applicant has presented sufficient evidence that it has exhausted efforts to bring the subject property into compliance with the applicable zoning ordinance. Specifically, the applicant presented evidence that it has attempted to sell and/or purchase portions of property to/from the adjoining property owners, one of which was the Township. The parties further stipulate that the applicant presented evidence that the appraisal amount of the subject property was \$81,000.00, an amount equal to the fair market value of the subject property at the time of the offer. The parties further stipulate the applicant has presented sufficient evidence that all neighboring property owners refused to sell, with the exception of the Township, which expressed interest in purchasing the subject property; however, it later indicated it was no longer interested. Therefore, the applicant has presented sufficient evidence to satisfy the "positive criteria" as required by N,J,S.A. 40:55D-70(c); and

2. The parties stipulate that the applicant has successfully presented evidence as to the "negative criteria" under as required by N.J.S.A. 40:55D-70(c), and summarized in *Dallmeyer v. Lacey Twp, Bd. of Add*, 219 N.J. Super. 134 (Law Div. 1987); namely, that the requested variance could be granted by the Board without substantial detriment to public & substantial impairment to intent & purpose of zoning plan. Specifically, the parties

stipulate that 1) the applicant presented submitted detailed plans of the proposed dwelling establishing compliance with the building codes; 2) the applicant submitted sufficient evidence that attempts were made to demonstrate compliance with use, side yard and setback requirements and location of the proposed dwelling with other dwellings with similar frontages; and 3) the applicant submitted sufficient evidence that the proposed use does not violate traditional zoning purposes such as light, air and open space.

Kindly respond with your comments with regard to the above proposed stipulations. Lastly, please note that my applicant has also previously stipulated that it would install a fire hydrant at the K-turn located at the subject lot to further reduce any potential safety issues.

Brian Flannery, engineer, sworn.

A-3 copy of tax map

Mr. Flannery – The original application proposed a semi improved gravel roadway. Vermont Avenue will be paved to access to the property. Mermaid will be improved. Applicant agreed to install curbs and sidewalks along its entire frontage on Mermaid Avenue. They will now provide access on an improved street. Mr. Flannery reviewed Mr. Priolo's report. There are no wetlands on site but will get the approval from the DEP. Not proposing to improve Vermont Avenue. Mermaid Avenue will be paved 20 feet wide. Agreed to post a bond that if Vermont Avenue gets improved within 2 years they will be responsible to pave.

Open to Public. Closed to Public.

Mr. Zaks asked to center the house on the lot.

Motion to approve with the condition that the house will be moved to the 50 foot setback on Vermont Avenue, John Franklin approve the K-turn for the garbage trucks, - Mr. Zaks Second – Mr. Daniels

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

### **APPEAL # 3528 - Mark Properties**

Chairman announced that 6 members were available

Mr. Pfeffer - read review and would like to proceed as a one-family home. No variances required other than lot area.

Mr. Sernotti- you cannot change the application that was advertised.

Mr. Pfeffer argued that no sketch is required for an undersized lot.

Mr. Harrison – looking for a less intensive use. It is up to the Board to decide.

Chairman polled the board to see if the board wanted new plans or they want to hear the application.

Mr. Pfeffer – the footprint shown will not change. The only variance is lot area.

Mr. Lines – Mr. Priolo’s report will change. Concerned that there is a plan that says 2-family home on it and that should be changed to single family home.

Mr. Gelley – new plan

Mr. Zaks – okay with existing plan

Mr. Daniels – new plans

Mr. Naftali – new plans

Mr. Halberstam – okay with existing plan

Mr. Sernotti – new revised plans

Application was table until July 11th, and they have to renote.

Motion to table until July 11th with notice – Mr. Halberstam

Second – Mr. Daniels

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

**APPEAL # 3565** – Yisroel Kuperwasser, 1306 Central Avenue, Block 284.17 Lot 2.01, R-12 zone. New home on an undersized lot.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

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

	Required	Existing	Proposed
Minimum Lot Area	12,000 s.f.	10,500 s.f.	10,500 s.f.
Minimum Lot Frontage	90 ft.	70 ft.	70 ft.
Minimum Side Setback (Combined)	25 ft.	24.84 ft.	20 ft.
Maximum Lot Coverage	25%	16%	26.6%

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.

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

2. Any approval should include a condition that all curb and sidewalk shall be replaced as directed by the Township Engineer. A note should also be added to the plan.
3. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade is 30 inches.

From: Ed Mack, Zoning Officer

This house does not appear out of place with other houses in the area. I do think however that the applicant should make an effort to make the new structure more conforming to the sideline setbacks.

Yisroel Kuperwasser, affirmed

Naomi Kuperwasser, affirmed.

Mr. Kuperwasser – would like to demolish existing home and build a new single family home.

Mr. Sernotti – the side yard setback required is 25 feet combined. You are requesting a 20 foot combined side yard setback. Can we eliminate that setback?

Mr. Kuperwasser – the home is located on Central Avenue and he would have to move the house closer to Central Avenue and it is dangerous.

Mr. Sernotti – there is a 56 foot rear yard setback.

Mr. Kuperwasser showed the board an approved subdivision that granted a variance of 21 feet for the exiting house. The proposed house is 50 feet wide.

Mr. Lines – if 5 feet were taken off the side they could put it on the back. They would not have to go forward to Central Avenue.

Mr. Halberstam – the house could be 45 feet wide.

Open to Public. Closed to Public.

Mr. Penzer – seeking a variance for 5 feet side yard setback.

Motion to table until July 11th, with no further notice – Mr. Halberstam

Second – Mr. Zaks

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

**APPEAL # 3551** – Cong. Mayan Hatorah , Joe Parker Rd, Block 189.03 Lot 174, R-20 zone.  
To construct a Yeshiva, dormitory, faculty housing and gymnasium

Secretary read reports.

From: Jim Priolo, Engineer/Planner, Second Review

1. Subject property is located on Joe Parker Road and is within the R-20 (Single-Family Residential) Zone. The applicant is proposing a 2-story school (9,028 s.f.), a 2-story dormitory (7,952 s.f. with 21 rooms), a 1-story gymnasium (5,830 s.f.) and three 2-story faculty houses (2,080 s.f. each). The site will also contain a parking lot, stormwater basin and other associated improvements. The two existing single-family dwellings will be removed.

The applicant appeared before the Board early in March of this year and has since significantly modified the plans. The major changes include eliminating one dwelling unit, moving the dwelling units out of the front setback, reducing the lot coverage, and increasing the number of parking stalls.

2. In accordance with Section 18-12.3 of the ordinance, the proposed yeshiva, dormitory, faculty housing and gymnasium uses collectively are not permitted in the R-20 Zone. The proposed multiple uses are not permitted, therefore 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 18-12.1 of the ordinance, the following bulk variances are required as follows:

	Required (R-20)	Proposed
Front Yard Setback	30 ft.	24 ft. (canopy)
Maximum Lot Coverage	25%	25.2%

The applicant must demonstrate to the Board that the requested bulk variances can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and the zoning ordinance.

4. Our prior report asked that parking calculations be provided for all the uses on-site. We had determined that 31 parking spaces are required for this site. The applicant has increased the parking count to 30 spaces.

5. The applicant should submit an NJDEP Absence/Presence letter to insure that there are no environmental constraints on this property.

6. The following items should be addressed with respect to the Cover Sheet:
  - a. General Note #7 requests a design waiver to provide 9' x 18' parking spaces where 10' x 20' are required. The property in question is located within the CAFRA area, therefore parking stalls of 9' x 18' are permitted.
7. The following items should be addressed with respect to the Site Plan:
  - a. The applicant should discuss vehicular circulation within the site including turn arounds, trucks, deliveries, trash removal, etc. It appears that the parking lot will generally be full leaving very little space for turning around and truck circulation.
8. The following items should be addressed with respect to the Grading & Drainage Plan and stormwater management:
  - a. Additional topographic and planimetric information is required downstream (west) of the emergency spillway to insure there are no adverse offsite impacts.
9. Ocean County Planning Board approval should be indicated on the plan.
10. Approval by the Board should be subject to approvals from all other Local, State and Federal agencies having jurisdiction over this project.

From: Ed Mack, Zoning Officer

This project has been redesigned to be more conforming in regards to lot coverage and setbacks. I think that an attempt should be made to add more landscaping around the front parking area to soften the look of the asphalt parking area in the front as seen from Joe Parker Road.

Abe Penzer represented applicant. The board requested 31 parking spaces and they now have 30 parking spaces. The Board also requested the building be set back to conform. They have removed one of the buildings and moved it over so they do not need that variance anymore.

Graham Macfarlane, PDS, engineer. Applicant agreed to additional landscaping. The basin is about 4 feet deep and there will be a fence around it. There is open space in the middle area.

Mr. Penzer – they are trying to purchase an area on the backside of the firehouse.

Mr. Sernotti asked if they could have some extra parking on that property for the school.

Mr. Penzer agreed.

Open to Public. Closed to Public.

Motion to approve – Mr. Halberstam

Second – Mr. Daniels

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



Recess.

**APPEAL # 3573** –Shlomo Meyer requested to table until the June 6th meeting with no further Notice.

Motion to table – Mr. Zaks

Second – Mr. Daniels

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

Mr. Sernotti announced that it was 9:30 and will not start any applications that cannot be completed by 11:00 P.M.

**APPEAL # 3546** - Tamarind Developers, 440 & 448 Joe Parker Road, Block 189.03 Lots 184 & 186, R-20 zone. Use variance for duplexes.

Mr. Harrison reclused himself from this application and Mr. Bateman sat in.

Secretary read reports.

From: Jim Priolo, Engineer/Planner, Second Review

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) two-family (duplex) structures containing a total of twenty-six (26) dwelling units.
2. In accordance with Section 18-12.1 of the Ordinance, multi-family dwellings (duplexes) are not a permitted use in the R-20 Zone. Additionally, the proposed development exceeds the permitted density in this zone. Therefore, special reasons variances will be required as follows:
  - a. To permit a use in a district restricted against such use. The proposed multi-family use is not a permitted use within the R-20 Zone. The only permitted residential use in this Zone is single-family detached.
  - b. 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/acres. It appears the site can yield 8 conforming single-family lots. The applicant is proposing 26 units in thirteen (13) buildings and a density of 6.5 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.

3. The applicant should discuss how the development of this site complies with the goals and recommendations of the Township's master plan. These recommendations include 1) significant vegetative buffers between residential communities of differing densities, 2) providing adequate on-site parking and circulation for multi-family residential projects that conforms with RSIS, 3) providing sufficient open space and recreation areas, and 4) establish reasonable densities that do not compromise established neighborhoods or the quality of life for residents.

4. If the special reasons variances are approved, the Board should consider applying the requirements of Subsection 18-10.2 and Subsection 18-12.4e (Multi-Family Dwellings in R-M Zone) to this project. This section outlines the design criteria that are conditional requirements for multi-family projects. The variances that would be required from this section are as follows:

	Required R-M	Provided
Minimum Side Setback (One)	25 ft.	20 ft.
Maximum Lot Coverage	20%	21.3%
Maximum F.A.R.	0.40	0.53

5. The proposed units do not provide any storage areas for such things as gardening/yard equipment, bicycles, children's outdoor toys. The applicant should discuss storage.

6. The architectural show an exterior entrance to the basements at the rear of the units. Additionally, the finished floors appear to be 4 feet higher than outside grade, the maximum allowed difference is 2.5 feet. The applicant should discuss the intended uses of the basements.

7. In accordance with R.S.I.S., turnarounds (cul-de-sacs) are required at the end of each roadway. Additionally, the roadways should be a minimum of 30 feet wide. This may reduce the unit and parking stall count.

8. The typical setbacks around the property are 20 feet and 30 feet, which doesn't leave much room for buffering. The Board should determine if larger buffers will be required.

9. The applicant should discuss how stormwater management will be addressed during the site plan review phase of this project. The applicant will need to demonstrate compliance with N.J.A.C. 7:8, revised through February 2004, during the site plan phase.

10. The applicant should discuss the recreational opportunities on this project. The proposed tot lot size and location may need to be changed to accommodate a project of this size.

11. Sidewalks should be incorporated into the layout which may also reduce the unit and parking stall count.

12. 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 during the site plan phase of this project.

13. Approval of this application is subject to approval of a Preliminary and Final Major Site Plan application for this project.

From: Ed Mack, Zoning Officer

This project has been redesigned and is more conforming to the Ordinances than the old plan. I do feel however that reducing the number of units, increasing the parking at each unit, and eliminating the central parking area would make this project more suitable as a transition from the more dense apartments to the single family homes.

Abe Penzer represented applicant. Not seeking amount of units – seeking use variance only.

Chairman announced that there are only 6 members and 5 affirmative votes are needed.

Mr. Penzer – will proceed.

Mr. Penzer - Only variance being sought other than use is minimum front yard setback 30 feet and they are requested 25 feet. Not locked in to any amount of units. Golfview townhouses are on one side and Kara Homes, a senior community, is on the other side. Across the street there are single family homes.

A-1 traffic report

A-2 color rendering variance map dated 11/1/04

A-3 area exhibit dated 3/30/05

A-4 color rendering of duplex unit

A-5 aerial photo

Brian Flannery described area and reviewed Mr. Priolo's report. The application is for 13 two-family structures. The proposed development is between two non-conforming developments. They are bifurcating the application - asking for use only, they will come back for site plan. R-20 only allows for single family units. Required 2.2 units per acre where 6.5 units per acre are requested. These are upscale duplex type units. Lot coverage proposed is 21.3%. Traffic and drainage will be addressed at site plan. There is a townhouse development to the west and this property would not be compatible if it were single family homes. Placing duplexes next to the townhouses provides a good transition. On the easterly side of the property line there is a deed restricted buffer between the planned retirement community and the proposed site providing a nice transition. There is a wetland area to the southwest of the site that has a buffer associated with it. When they come back with site plan they will address that.

Michael Chasin, Marlboro, NJ, traffic engineer, sworn.

Board accepted credentials.

Mr. Chasin – looked at the traffic circulation within the site, the adjoining road layout and the nearby development. The posted speed limit between the curved roadway sections of Joe Parker Road is 35 MPH. He calculated the expected trips that would be generated

by either the 26 duplex units, as requested and by the 8 single family residences permitted by the zoning code. The greatest two-way peak hourly difference would be six vehicles. This small peak hourly difference would not have any impact on the traffic flow on Joe Parker. His conclusion was that the requested use variance can be granted with no adverse affects on traffic and safety.

Mr. Penzer – applicant advised him that Golfview is approximately 8 acres with 73 units with an approximate density of 9 units per acre.

Mr. Flannery – proposing 3 parking spaces per unit. Total of 78 parking spaces for the 26 units.

Mr. Mack suggested that there not be a central parking area. Each unit should contain its own parking area.

Mr. Flannery – the conservation is about 100 feet – there can be no development there.

Mr. Penzer – the issue is use variance – they will come back for site plan.

Mr. Daniels – would prefer that the tot lot was not on Joe Parker Road.

Open to Public.

Otto Beins, 517 Joe Parker Road, sworn. Was assured by the Township that the property would be single family homes. Joe Parker Road is heavily traveled and they speed down the road. Objected to the project.

Doug Estelle, 509 Joe Parker Road, sworn. Was also assured that this area would remain single family homes. Objected to density. Joe Parker Road is a shortcut from Howell to Bricktown – heavily traveled. Objected to project.

Teddy Lachman, 242 Joe Parker Road, affirmed. Against the project. It will create a city environment. Does not fit in with the nature of the area. Does not want the area to become urbanized. Speed limits are totally disregarded on Joe Parker Road. Two-family homes does not make sense. This is a township not a city.

Felix Delvalle, 301 Joe Parker Road, sworn. Live directly across the street. In support of the proposal.

Ari Goldner, 145 Adelaide Place, affirmed. Board member of Golfview Townhomes. This proposal would benefit the neighborhood.

Eli Schwab, 147 Liberty Drive, affirmed. Owner of 220 Joe Parker Road - in favor of proposal.

Closed to Public.

Mr. Penzer – almost every piece of property from this one until the firehouse will be developed. On this side of the street the R-20 zone does not exist. Does not need CAFRA unless there are 74 units. There is enough greenery and buffering that will satisfy the board. Most people are not aware of the crime that takes place at Golfview.

Mr. Sernotti – in support of the application – would like to see the parking lot moved or eliminated so that the neighbors do not have to look at it. The tot lot should also be bigger.

Mr. Halberstam – agreed with Mr. Sernotti. Suggested leaving the trees in front and make the project look more urban. Tot lot should be moved to the back.

Motion to approve use only – Mr. Halberstam

Second – Mr. Zaks

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

#### **APPEAL # 3552 – Zebra Holdings**

Mr. Penzer – Appeal # 3552 – Zebra Holdings requested a special meeting. Board tabled the application until the June 6th meeting and secretary would try to arrange a special meeting.

Motion to table Appeal # 3552 until June 6th – Mr. Naftali

Second – Mr. Halberstam

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

No further notice unless there is a special meeting.

Agreed to waive time.

#### **APPEAL # 3557 – Solomon Family**

Reuel Topas, attorney for Appeal # 3557 – Solomon Family requested to be on the special meeting. Board agreed.

Motion to table Appeal # 3537 until June 6th – Mr. Daniels

Second – Mr. Naftali

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

No further notice unless there is a special meeting.

Agreed to waive time.

**APPEAL # 3567 – Fifth & Park**

Mr. Penzer- Appeal # 3567 – Fifth & Park also requested to be on the special meeting. Board agreed.

Motion to table Appeal # 3567 until June 6th - Mr. Zaks

Second – Mr. Naftali

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

Agreed to waive time.

No further notice.

**APPEAL # 3568 – Israel Kaluszyner, 422 Monmouth Avenue, Block 128 Lot 21, RM zone. Construct 2 family dwelling on undersized lot.**

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located on the corner of Fifth Street and Monmouth Avenue and is within the R-M (Multi-Family Residential) Zone. The applicant proposes to demolish the existing single-family dwelling and construct a new, larger two-family dwelling.

The Board should be aware that under Appeal No. 3514, the applicant proposed the construction of a two-family dwelling on the subject property. The Board denied the application in December 2004. The two-family dwelling proposed under this application is slightly smaller than the one proposed under Appeal No. 3514.

2. Although multi-family dwellings are permitted in this zone, this application does not meet the conditions of Subsections 18-10.2 and 18-12.4e. (Area Requirements) and therefore a Special Reasons Variance will be required. A special reasons variance is required because the applicant is:

- a. Deviating from a standard pertaining solely to a conditional use. In accordance with Subsection 18-10.2, multi-family structures exceeding 1,000 square feet shall be limited to two bedrooms (80% of total dwelling units shall be one bedroom, 20% of the total dwelling units shall be two bedroom). The applicant is proposing one 2-bedroom unit and one 5-bedroom unit.

Additionally, the applicant is requesting variances from the Schedule of Area Requirements listed under Subsection 18-12.4e. as conditional standards for multi-family dwellings.

Variances are required as follows:

	Required	Provided
Minimum Lot Area	12,500 s.f.	4,939 s.f.
Minimum Lot Width	100 ft.	50 ft.
Minimum Front Setback	25 ft.	8 ft. (Fifth Ave.) 13.5 ft. (Monmouth Ave.)
Minimum Side Setback	25 ft.	12 ft. (Monmouth Ave.) 18.78 ft. (Fifth Ave.)
Maximum Lot Coverage	20%	35.7%

- b. Requesting an increase in permitted Floor Area Ratio (F.A.R.). The maximum permitted F.A.R. is 0.40, whereas the applicant is proposing a F.A.R. of 1.19.

- c. Requesting an increase in permitted density. The maximum permitted density is 18 units per acre, whereas the applicant is proposing a density of 18.2 units per acre. 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:
- i. A deviation from a standard pertaining solely to a conditional use.
  - ii. An increase in permitted F.A.R.
  - iii. An increase in permitted density.

The applicant must demonstrate to the Board that the requested special reason variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and the zoning ordinance. Additionally, the applicant should address the Board regarding the visual impacts the proposed dwelling will have on the surrounding properties.

3. The Board should determine if the ±5,880 s.f. dwelling structure is of appropriate size for this undersized lot of 4,939 s.f.
4. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade at the foundation is 30 inches.
5. The applicant should provide a grading plan to insure stormwater management is properly addressed.
6. Any approval should include a condition that all curb and sidewalk shall be replaced as directed by the Township Engineer. An apron should be proposed at each driveway location and a handicap ramp should be proposed at the corner.  
The Board should note that the edge of each driveway is on both side property lines. The driveway aprons may encroach across the frontage of the adjacent properties.
7. A note should be added stating that the existing fence will be removed.
8. The stone finish on the exposed foundation should extend along the right elevation (Fifth Street side) of the building.

From: Ed Mack, Zoning Officer

This house has been redesigned and is more conforming than the original plan. This property is an undersized lot situated on a corner and subject to two front yard setbacks. Any house built on this lot would probably need some kind of variance to make a practical design. I do feel however, that the deck could be eliminated and the house repositioned to make it more conforming.

Abe Penzer represented applicant. – The Board previously denied this application. Have redesigned the proposal.

Mr. Flannery – Previous application 34.5 x 54.7 now 34 x 49. Reviewed Mr. Priolo's report. This plan is more compatible to the surrounding neighborhood. Proposed 13.5 front setback from Monmouth Avenue to stairs. Lot coverage asking 29.8%.

Open to Public. Closed to Public.

Motion to approve with the condition that they will shift the house to have 10 feet on the 5th street side – Mr. Halberstam

Second – Mr. Zaks

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

## **RESOLUTIONS**

**APPEAL # 3538** – Greg Kukal, Laurel Avenue, Block 537 Lot 15, R-7.5 – Resolution to deny the construction of a one-story 5,460 square foot commercial in a residential zone.

Motion to approve – Mr. Halberstam

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Halberstam, Mr. Sernotti

**APPEAL # 3547** – Pine Projects, Carey St, Block 150.07 Lot 38, R-10 zone. Resolution to deny the construction of a single family dwelling on an undersized lot. Required 10,000 square feet – proposed 5,512

Motion to approve – Mr. Gelley

Second – Mr. Halberstam

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

**APPEAL # 3572** –Lakewood Blue Claws, 2 Stadium Way, Block 961 Lot 1, Resolution to approve a use variance for an outdoor market.

Motion to approve – Mr. Halberstam

Second – Mr. Daniels

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

## **MOTION TO PAY BILLS.**

All in favor

## **MOTION TO ADJOURN.**

All in favor.

Respectfully submitted,  
Fran Siegel, Zoning Secretary