

**ZONING BOARD OF ADJUSTMENT
MINUTES**

MAY 3, 2010

Meeting was called to order at 7:10 P.M.

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

Roll call: Attending: Mr. Gelley, Mr. Gonzalez, Mr. Lankry, Mr. Naftali, Mr. Zaks,
Mr. Mund, Mr. Halberstam

Absent: Ms. Goralski

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

Salute to the flag.

Motion to accept minutes of the April 12, 2010 with a waiver to read – Mr. Gonzalez
Second – Mr. Gelley

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

Appeal #3734 - Rochel Shapiro, 116 Hudson Street, Block 138.01 Lot 6, R-10 zone.
Addition for single family home variance for lot coverage requested.

Secretary read reports.

From: Terry Vogt, Engineer/Planner – March 30, 2010

The applicant proposes an addition to an existing one-story dwelling on the southern side of Hudson Street, within 60 feet of the intersecting right of way of Washington Place. The addition will be constructed to the rear of the existing dwelling, and will result in removal of an existing porch and at least part of an on-site concrete walkway. An existing shed located in the southwest corner of the site will be removed.

Both roads are improved. The surrounding area is predominantly residential.

Binyomin Shapiro, affirmed. This is a small house and they would like to put in on an addition. He need first floor bedroom space for his father in-law who is in a wheelchair. The basement will be used for a playroom for their own use.

Mr. Vogt – slight increase in lot coverage.

Mr. Halberstam – the ramp is the slight increase in the lot coverage.

Open to Public. Closed to Public.

Motion to approve per the plan and include the opportunity to finish the basement –
Mr. Zaks

Second – Mr. Mund

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

Appeal # 3731 - Metro PCS, 55 River Avenue, Block 88, Lot 11, B-4 zone. Applicant proposes to collocate 3 panel antennas at a centerline height of 90 feet on an existing nonconforming 160 foot guyed tower located atop a commercial JCP & L building and to place radio and battery cabinets on the rooftop.

Secretary read reports.

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From: Terry Vogt, Engineer/Planner – April 12, 2010

The surrounding area is primarily commercial. The parcel is located in the B-4 Wholesale Service Zone District where Wireless Telecommunications Towers are not a permitted use. The collocation of the proposed antennas on the existing tower is an intensification of the previously-granted use variance.

Michael Beck attorney for applicant. Asking for preliminary and final site plan along with use variance approval to put 3 additional panel antennas on the existing tower. Metro PCS is a competitor to other wireless carriers and they provide cellular services to the citizens of Lakewood.

Abe Collins, sworn.
Board accepted credentials

A-1 antenna site FCC report

Mr. Collins – prepared report under his direction. They have determined that the maximum calculating value of the RF is less than the required FCC regulations. There are no health, safety or welfare concerns from this application.

Herdik Gandhi, radio frequency designer.
Board accepted qualifications.

A-2 coverage from neighboring Metro PCS sites.
A-3 overlay proposed coverage.

Mr. Ghandi prepared and described A-2 which is a base map of Metro PCS cell sites. This site covers about a mile and quarter radius. There was a rooftop on Woehr Street that they looked into but would be too much of the same coverage. The proposed site would propose more coverage because of the proposed height. Checked the water tank on 6th Street & Forest Avenue and Metro PCS may be back for approvals. Metro PCS needs this site to provide coverage. Metro PCS is licensed by the FCC. Will not interfere with other carries, FCC mandates that there is no interference

Ron Igneri – Innovative Engineering, Engineer/Planner
Board accepted qualifications.

A-4 site plan, drawing Z-1
A-5 site plan, drawing Z-2

Mr. Igneri – fronts on Route 9, Hurley Avenue and Clifton Avenue, JCP & L building
On rooftop is a 3 foot lattice tower. Used by wireless carriers. Would like to add 3 antennas below the others and add some equipment on the rooftop. Mr. Igneri reviewed Terry Vogt's report. Sprint is on the bottom, then AT&T, Verizon Wireless and now Metro PCS at the northern most part of the building. The building is approximately 15 feet high. The tower is 145 feet. Antennas are approximately 4 feet high less than a foot

wide and 6 inches deep. There are 2 radio equipment cabinets. The site is visited by a technician every 4 weeks. There are existing roof drains.

The Board members asked if the antennas were higher would that eliminate the need for other antennas in Lakewood.

Mr. Ghandi – This tower is not structurally capable of more than 3 antennas and won't eliminate the need for the water tower tank on Forest Avenue & 4th Street.

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Mr. Halberstam – this particular site is particularly suited for antennas. Would like to avoid other antennas in residential neighborhoods.

Mr. Zaks – if they put up a new pole and added 6 antennas would that eliminate other antennas in Lakewood.

Mr. Beck – if the Landlord agreed and they could physically reconstruct this entire tower in order to put Metro PCS higher would that eliminate other proposed antennas in Lakewood?

Mr. Ghandi – it would not eliminate the need for other sites.

Mr. Vogt – this particular antenna is mounted on the roof – the roof is the foundation.

Mr. Ghandi - The structure is maxed out.

Mr. Halberstam – if the Board grants this variance will you meet with our engineer to make sure that our engineer is satisfied with all items?

Mr. Beck – yes.

A-6 photos of additional antennas.

Mr. Igneri – described photos – From a Planning perspective this site fills gap in coverage, existing wireless site, particularly suited for this site.

Open to Public. Closed to Public.

Mr. Naftali – still not convinced that this site has been maximized to reduce the amount of future antennas.

Mr. Beck - The greater height is not available at this site. If the antennas were set at 135 foot level would that eliminate the need for additional antennas at the water tank?

Mr. Ghandi – no.

Motion to approve use variance with the condition that the structure is structurally sound – Mr. Gonzalez

Second –Mr. Mund

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

nays: Mr. Naftali

Appeal # 3728 - Chaim Dovid Stern, Seventh Street & New York Avenue, Block 223 Lot 1, R-10 zone. Applicant proposes zero lot line subdivision of existing lot for a proposed duplex.

Secretary read report.

From: Terry Vogt, Engineer/Planner – March 29, 2010

The ordinance calls for duplexes in the R-10 zone to be constructed on lots of 12,000 square feet minimum, where the existing lot is 11,330.71 square feet. The applicant requires a D variance. The ordinance calls for duplexes in the R-10 zone to have a 30 foot setback, where 25 feet is provided for both proposed Lots. The rear yard setback requirement for duplexes in the R-10 zone is 20 feet, where the proposed dwellings (including 8-foot wide rear decks) are listed as having a setback of 7.53 feet

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Abraham Penzer represented applicant.

A-1 – area map

Mr. Penzer - almost none of the maps meet the requirements of the zone, because of this the Master Plan is rezoning to the R-7.5. The applicant lives on the subject property. They are not looking to sell to a developer.

Mr. Flannery the application is for one duplex, two units. This area was proposed to be R-7.5 in the Master Plan. The area is more consistent with the R-7.5 zone. This area is being redeveloped. Reviewed Mr. Vogt's report. The deck does protrude in the rear yard setback of 20 feet and will require a variance. The impact on the area would be positive. The applicant is not intending to finish the basements. New fences will be put up.

The members of the Board were reviewing A-1 on the dais.

Mr. Flannery –described the area and the duplexes approved in the area.

Mr. Flannery - The units that were built in the area are consistent with the R-7.5 zone. On the north side of 7th Street, the majority is duplexes or townhouses.

Glenn Lines described A-1.

Open to Public.

Jorge Esmart, 410 E. 7th Street, sworn. His property is Lot 3. Have no problem with one house being built. Should only be one house. His house is close to the property line. His property will be lower than the new construction and he will be overshadowed. He has septic and his soil is spongy. Asked about the location of the a/c units. The property is very close to his. There are no duplexes on New York Avenue. The duplexes are on Ridge Avenue.

Closed to Public.

Mr. Flannery – agreed that a/c units will be on the sides of the units and they would be screened. No water will go onto his property. There are 8 parking spaces being provided.

Mr. Penzer – will work with Mr. Esmart as much as they can. The applicant has two tiny bedrooms and 3 children. He needs this plan and is the best under the circumstances.

Mr. Flannery – the applicant will not finish off the basement at this time, in the future they might finish the basement. Along the lot line of lot 3 they would construct a 6 foot white vinyl fence.

Mr. Halberstam – the house is a little too big for the size of the lot.

Mr. Vogt –they way it is currently graded there should not be a drainage problem.

Mr. Flannery suggested that the house be moved forward to allow for a 20 foot rear yard setback.

Mr. Gonzalez suggested a bigger single family home with a basement apartment facing E. 7th Street.

Mr. Penzer – the duplex fits into the neighborhood – a basement apartment will not give them enough money to build. It can only work if there is a duplex so they can sell one off.

Mr. Flannery – they did look at facing the duplex on E. 7th but then it would be a 10 foot side yard setback to lot 3.

Mr. Gonzalez said that it would be 20 feet not 10.

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Mr. Penzer waived his right and the application was again opened to the public.

Open to Public.

Mr. Esmart – will not object and he agreed that they will move the house 5 foot forward so that there will be a 20 foot rear setback, a/c units on side.

Closed to Public.

Motion to approve with front yard setback 20 feet off New York Avenue, rear 20 feet, deck under 3 feet, 6 foot white vinyl fence, a/c units on sides with trees blocking, drainage resubmitted to Board Engineer - Mr. Zaks

Second – Mr. Gelley

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

Resolutions.

Appeal # 3665, Omnipoint Communications, Block 1082.01 Lot 36, R-20/12 zone. Resolution memorializing the approval of an application for site plan approval with use variance. Approval granted by Court Order.

Motion to approve – Mr. Zaks

Second - Mr. Gonzalez

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

Appeal # 3723 – Eli Schwab, Joe Parker Road, Block 189.03 Lots 37, 38, 39, 40 & 172, R-20 Zone. Resolution to approve the construction of 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 approved.

Motion to approve – Mr. Zaks

Second – Mr. Gonzalez

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

Mr. Halberstam

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

Motion to approve – Mr. Zaks

Second – Mr. Gelley

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

Appeal # 3729 – Yisroel Tress, Melville Ave. Block 765.01 Lot 29, R-7.5 zone.

Resolution to approve an addition to an existing dwelling in order to create a duplex building. A use variance was approved to allow a duplex in the R-7.5 zone whereas 9,405 square feet is provided.

Motion to approve - Mr. Zaks

Second – Mr. Gelley

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

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Appeal # 3671A – Route 88 Acquisitions – Route 88, Block 189 Lots 112, 112, 113, 148 & 163 110, 111.01 & 111.02, R-20 zone. Resolution to approve the construction of 72 townhouses and community building – use variance approved. Subdivision and site plan approved.

Motion to approve - Mr. Zaks

Second – Mr. Gonzalez

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

Appeal # 3733 – Ephraim Wiederman, 1446 Monmouth Avenue, Block 139 Lot 7, R-10 zone. Resolution to approve the construction of an addition on an undersized lot that has frontage on 3 streets. Variances for front yard setback and lot coverage approved.

Motion to approve – Mr. Gonzalez

Second – Mr. Naftali

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

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 10:40 P.M.

Respectfully submitted,

Fran Siegel, Secretary