

**LAKWOOD ZONING BOARD OF ADJUSTMENT  
MINUTES  
MAY 7, 2007**

Meeting was called to order at 7:15 P.M.

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

**Roll call:** Attending: Mr. Gelley, Mr. Naftali, Mr. Zaks, Mr. Berrios  
Mr. Lankry, Ms. Goralski, Mr. Halberstam

Absent: Mr. Gonzalez

Also present: Glenn Harrison, Attorney  
Jim Priolo, Engineer/Planner  
Jackie Wahler, Court Stenographer  
Fran Siegel, Secretary

**Salute to the flag.**

**Motion to approve minutes of April 16, 2007 – Ms. Goralski**

Second – Mr. Gelley

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

**Motion to approve minutes of April 30, 2007 – Mr. Naftali**

Second – Mr. Lankry

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

Letter from Ray Shea, attorney for **APPEAL # 3643, SAM GLEN**, requesting to carry until June 4th.

Motion to table until the July 2nd meeting – Mr. Gelley

Second – Mr. Naftali

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

No further notice and a waiver of time.

**APPEAL # 3569A – JONATHON RUBIN & ASHER BRODT**

921 East County Line Road, Block 174.11 Lot 40.01, R-15 zone. Two story office building.  
Site Plan

Secretary read reports.

From: Jim Priolo, Engineer/Planner – May 4, 2007

1. The subject property is located along the north side of East County Line Road and is within the R-15 (Single-Family Residential) Zone. The site contains an existing 2-story single-family dwelling and a garage. The applicant proposes to construct a two-story (14,886 s.f.) office building and a parking lot. All existing structures will be removed.
2. The office building is a non-permitted use in the R-15 Zone. The applicant previously received approval from the Zoning Board of Adjustments under Appeal No. 3569 for use and bulk variances for the office building. The applicant is back before the Board to seek Preliminary and Final Site Plan approval.
3. Variances are required as follows:
  - a. In accordance with Section 803 E., a minimum 50-ft. buffer is required along side property lines, whereas only 10 and 15 ft. buffers are provided.
  - b. In accordance with Section 812 Q.10., the maximum permitted ground sign area in a residential zone is 4 s.f., whereas 80 s.f. is proposed.
4. The following comments should be addressed with regards to the Site Plan:
  - a. The existing utility pole on County Line Road should be shown on the plan. The Utility plan indicates that the pole will be relocated, while your response letter indicates that it will be removed. This discrepancy should be resolved. Approval from JCP&L will be required for either the removal or relocation of the utility pole.
5. The following comments should be addressed with regards to the Landscape and Lighting Plan:
  - a. The planting schedule and plan do not correspond. These discrepancies should be revised.
6. The following comments should be addressed with regards to the Details:
  - a. The two (2) onsite curb and pavement details have conflicting depths for the pavement base courses.
7. Ocean County Planning Board approval must be indicated on the plans.
8. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.

From: Ed Mack, Zoning Officer

I think that this site should be designed to allow parking in the rear and the building in the front. This would require a narrower building, but would improve the appearance of the site rather than feature a 300 foot parking lot that now dominates the front.

Sal Alfieri represented applicant. Previously granted use variance here now for site plan.

Robert Burdick, planner/engineer, Point Pleasant, sworn.

A-1 site plan

Mr. Burdick – located on the north side of County Line Road. Older single family homes to the east and the west of the property. In the R-15 zone. Proposing to construct a two-story 14,886 square foot office building. Parking will be in the front and conforms to the ordinance. The board previously approved an existing lot width variance. Two variances are requested for buffer and signs. Asking for variance for buffer where 50 foot is required to residential properties – proposing a 10 foot buffer on one side and a 15 foot buffer on the other. Will supply an 8 foot vinyl fence. The property is long and thin. Asking for a variance for an 8 x 10 sign. Site access is from one driveway on County

Line Road. Approval has been obtained from the County Planning Board.

Mr. Burdick reviewed Jim Priolo's report.

Mr. Priolo - The County decides if widening is required.

Mr. Burdick - County requires 10 feet off the property line with the driveway.

Mr. Halberstam – concerned about the garbage.

Mr. Burdick - Meets all the turning standards and the trucks can get in and out. Moving the building forward would be pushing the parking lot back toward the residential areas in the rear and would not be a good idea. They tried to soften the lot with extensive landscaping, There are tree islands. They will add additional landscaping.

Mr. Priolo – could eliminate 4 parking stalls, 2 on each side for more landscaping.

Mr. Halberstam - Feels that the garbage is too 200 feet and too far back.

Mr. Priolo – suggested moving them forward about 100 feet in the middle of the parking lot.

Mr. Burdick – cannot see a cleaning crew walking to the middle of the parking lot with garbage. The lighting will be controlled. There will be multiple tenants that is why they are asking for an 8 x 10 sign. There are berms designed in the front area – not in the site triangle. They will use a material that will complement the building for the handicap ramp.

Asher Brodt, 66 Whispering Pines, affirmed. 50% partner on the property. There were many issues with the neighbors and they met with them. One of them was privacy and garbage was a main issue. They wanted it as close to the building in front where it wouldn't be seen. The neighbors all agreed to this plan.

Open to Public.

William Hobday, 30 Schoolhouse Lane, sworn. This is a residential zone. The sign is huge.

Mr. Halberstam – this is for site plan only – the use variance was previously granted.

Mr. Burdick – applicant will have to widen County Line Road. If people are looking for the office building they need to see the sign.

Closed to Public.

Mr. Burdick - The County requires that they widen the road to at least 20 feet from centerline which provide for a lane and a shoulder. The sign will be internally luminated.

Applicant agreed to an 8 x 8 sign.

**Motion to approve subject to: eliminating 4 parking space, 2 on each side with a berm; handicap ramp to match the building; 8 x 8 sign – Mr. Zaks**

Second – Mr. Naftali.

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

Abraham Penzer represented applicant for **APPEAL # 3481A TRACHS, INC.** He asked to table so that they may redraw the plans. There are objectors and they are trying to work out their concerns. They will come back not only for use but also preliminary and final site plan.

Ron Gazioroski represented objectors.

Ann Garbey Weck, 11 Seminole Drive. Opposed to the application two years ago and they are still opposed.

**Motion to table – Mr. Gelley**

Second –Mr. Zaks

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

Will re-notice and a waiver of time.

Recess.

**APPEAL # 3639 – TRACHS, INC.**

3 & 5 Westwood Avenue, Block 235 Lots 18 & 19 R-7.5 zone. 3 unit townhouse in the R-7.5 zone.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – March 19, 2007

1. The subject property is located at the terminus of Westwood Avenue and is within the R-7.5 (Single-Family Residential) Zone. The property contains two existing 2.5-story dwellings. The applicant proposes to construct three townhouses within one building. All existing dwellings will be removed.

2. In accordance with Section 902 G. of the Ordinance, townhouses are not a permitted use in the R-7.5 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 townhouse use is not a permitted use within the R-7.5 Zone. The only permitted residential uses in this Zone are single-family detached and two-family/duplex housing.
  - b. To allow an increase in permitted maximum gross density. The maximum gross density in the R-7.5 Zone is approximately 6 units/acre for single-family use and 8 units/acre for two-family use. It appears the site can yield one conforming single-family lot or one conforming two-family lot. The applicant is proposing 3 attached units in one building and a density of 12 units/acre. Therefore, a density variance is required.

The applicant must provide testimony to the Board detailing the special reasons which would allow the Board to grant a variance to depart from the zoning regulations to permit a use in a district restricted against such use (townhouse use) and an increase in permitted density. In order to achieve this, the applicant should explain why the townhouse use with the requested density is a better planning and zoning alternative than the traditional single-family or two-family residential use.

3. If the special reasons variances are approved, the applicant will require variances from Subsection 900 H. (Townhouses). This section outlines the design criteria for townhouse projects. Those variances required from this section are as follows:

	Required	Provided
Minimum Tract Area	0.5 ac.	0.25 ac.
Minimum Tract Boundary (Side)	20 feet	5.6 feet
Minimum Tract Boundary (Rear)	20 feet	13 feet
Minimum Tract Width	125 feet	78.2 feet
Maximum Density	8 un/ac	12 un/ac

Setbacks should be measured to the rear deck and the building overhang.

The applicant must demonstrate to the Board that the requested 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.

4. A fifteen-foot (15') right-of-way dedication or easement along Westwood Avenue will be required during the site plan phase. This will impact the parking area.
5. There are no provisions for a turnaround in this development. The applicant should conceptually discuss vehicular circulation, turnaround provisions and garbage collection which will all need to be addressed during the site plan phase.
6. 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.
7. Approval of this application is subject to Preliminary and Final Major Site Plan approval.

From: Ed Mack, Zoning Officer

I think that this parcel is an example of why duplexes were allowed on lots this size in the R-7.5 zone. I can think of no advantage to allow more density on this very narrow street.

Mr. Penzer represented applicant. This area needs to be changed to make it better instead of an eyesore.

Brian Flannery, sworn.

A-1 Variance map

A-2 photos of existing dwellings

A-3 rendering of proposed townhouses

A-4 aerial photo

Mr. Flannery described the exhibits.

Mr. Flannery reviewed Jims report. Asking for use and density variances. Townhouses are not permitted in the R-7.5 zone. Duplexes are permitted on 10,000 square foot lots. Asking for 3 units instead of two. This will improve an existing bad situation. Requesting 12 units per acre. Westwood Avenue is really an alley. The houses on both sides are very close. They will be widening the paved area of Westwood Avenue which will provide for a turnaround maneuver. Providing 4 parking spaces for each unit and will be 100% better than what is there today.

Mr. Priolo - have to put in curbs and sidewalks. Westwood Avenue is a 20 foot right-of-way. They need to make sure that Westwood Avenue is accessible. No design plan is shown. It is difficult to determine the extent of improvement needed on Westwood Avenue. The property is 11,092 square feet, one duplex would be permitted. Without any variance the lot is suited for one-single family home or one duplex. If you are going to consider the increased density you should wait for the details of the road.

Mr. Flannery – they could build a duplex by just going for a permit – the applicant would like 3 units.

Mr. Zaks – this application would be an enhancement to what is existing.

Ms. Goralski – too dense for the property.

Mr. Lankry – too dense for this property.

Ms. Goralski – too dense for this property

Mr. Lankry – too dense

Mr. Flannery - The R-7.5 allows a duplex. These basements only have access internally.

Mr. Penzer - The area has a very high density. This would be a subdivision.

Mr. Zaks suggested 2 two-family houses, which would be 4 units.

Mr. Flannery – the actual road would be 27 feet. A side by side duplex with a full basement is permitted.

Mr. Halberstam – we have to vote on what is in front of us.

Open to Public.

William Hobday – townhouses are not permitted – 3 townhouses do not fit on this lot. The density is too high.

Mr. Flannery – will provide trash enclosure in front of each unit. They will provide details for storage.

Mr. Penzer – this area was changed to duplexes and townhouses. Most of the area is now townhouses. In order to redevelop this area there is a great cost and that is why they are asking for 3 units to help cover the cost.

Mr. Priolo – They could build one conforming duplex, they are allowed 30% lot coverage, the footprint would be the same for one duplex.

Mr. Zaks – would like to see one duplex with 4 units.

Mr. Mack – this is a very narrow, broken down street.

Mr. Naftali – the access from Westwood Avenue is not clear – have no problem with the density variance for 3 units.

Mr. Priolo – They have to propose something - would have to design Westwood Avenue. The road would have to work.

Mr. Naftali – could they table the application just to see how they would design Westwood Avenue? The footprint and the clean-up makes sense.

Mr. Priolo – they would have to agree to a preliminary site plan.

Mr. Naftali asked the applicant if he would table and come back with a preliminary site plan.

Mr. Penzer – asked if the matter could be tabled for 2 months.

Mr. Halberstam - The fact that we are tabling is not an automatic approval.

Mr. Penzer- am not changing the density.

**Motion to table to July 2nd – Mr. Gelley**

Second – Ms. Goralski

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

No further notice and a waiver of time.

## RESOLUTIONS

### **APPEAL # 3425AA – DAVID NAHUM**

604 James Street, Block 385 Lot 4, M-1 zone. Resolution to approve preliminary and final site plan.

#### **Motion to approve – Ms. Goralski**

Second – Mr. Zaks

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

### **APPEAL # 3636 – CELLCO PARTNERSHIP**

55 River Avenue, Block 88 Lot 11, B-4 zone. Resolution to approve addition of antennas

#### **Motion to approve – Mr. Zaks**

Second – Mr. Gelley

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

### **APPEAL # 3638 – DIVERSIFIED CAPITAL**

1072 Madison Avenue, Block 64 Lot 6, ROP zone. Resolution to approve use variance.

#### **Motion to approve – Mr. Naftali**

Second – Mr. Gelley

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

## **MOTION TO PAY BILLS.**

All in favor.

## **MOTION TO ADJOURN.**

All in favor.

Meeting adjourned at 9:45 P.M.

Respectfully submitted,

Fran Siegel, Secretary