

- Letter from Robert B. Silverman, Esq. requesting a one-year extension to finalize the drawings and obtain outside agency approval for **APPEAL # 3566, ISRAEL KAY**, Block 533.01 Lot 2.02. There is a development that surrounds this parcel and they are in the process of relocating the curbs and electrical poles and that affects the plans on their subdivision. The only paper required is the septic and the filing of the map with the County Planning Board.

Israel Kay, owner was affirmed.

Motion to approve a one year extension – Mr. Gelley

Second – Mr. Naftali

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

Extension granted until June 4, 2008.

Chairman asked that the reports for Appeal # 3633 and #3646 be read.

APPEAL #3633 – SHVARZBLAT REAL ESTATE

Cedarbridge Avenue, Block 536 Lot 77, B-4 zone. Minor subdivision.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – March 20, 2007

1. The subject property is located along the northern side of Cedar Bridge Avenue and is within the B-4 (Wholesale Service) Zone. The application proposes to subdivide/realign the existing two lots into two new lots consisting of 14,925 s.f. (Lot 77.01) and 380,560 s.f. (Lot 79). A building exists and will remain on new Lot 77.01. The development under construction on Lot 79 was previously approved under Appeal No. 3465A. The development consists of multi-family residences, retail and office uses. New Lot 79 will consist of 380,560 s.f.
2. In accordance with Section 903.D. of the ordinance, variances for the proposed subdivision are required as follows:

	Required	Existing Lot 77	Proposed Lot 77.01	Existing Lot 79	Proposed Lot 79
Min. Lot Area	20,000 s.f.	44,014 s.f.	14,924 s.f.		
Front Yard Setback	25 ft.	1.4 ft.	1.4 ft.	-	-
Rear Yard Setback	30 ft.	131.5 ft.	6.2 ft (overhang)	-	-

It should be noted that the schedule should be revised per Section 903.D.3. 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.

3. The following comments should be addressed with regards to the subdivision map and the Map Filing Law:
 - a. A Point of Beginning should be provided.
 - b. The Certification for the Record Holder should indicate the printed name beneath the signature line.
 - c. A certified list of real property owners within 200 feet of the subject property should be provided on the plat.
 - d. The Board Approval block should provide a signature line for the Board Engineer.

From: Ed Mack, Zoning Officer

I have no zoning comments to this application, but will direct my comments to Appeal # 3646 the next step in this application.

APPEAL # 3646 – SHVARZBLAT REAL ESTATE HOLDING

Cedarbridge Avenue, Block 536 Lot 77.01, B-4 zone, The proposed project includes the reconstruction of the existing parking lot to eliminate the current driveway access onto Cedarbridge Avenue. A proposed access drive is located on the new driveway to the adjoining development. Applicant proposes to change the use from existing warehouse space to warehouse; retail space for a furniture showroom store. Applicant has a cross-access agreement with adjoining property to provide the required parking per Township standards.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – May 1, 2007

1. The subject property is located on Cedar Bridge Avenue and is within the B-4 (Wholesale Service) Zone. The proposed lot is approximately 0.34 acres in size and contains an existing 8,600 s.f. warehouse/retail building and parking lot. The applicant is seeking approval to remove the driveway entrance on Cedar Bridge Avenue and relocate it to the access drive for the adjacent development. This applicant has a minor subdivision application (Appeal No. 3633) pending for the subdivision/lot realignment of Lots 77 and 79, resulting in New Lot 77.01.
2. In accordance with Section 903 D. of the ordinance, the existing use is a permitted use within the B-4 Zone; however the proposed lot does not conform to the current zoning requirements. In accordance with Section 903 D.3. of the ordinance, bulk variances will be required as follows:

	Required	Provided
Minimum Lot Area	20,000 s.f.	14,925 s.f.
Minimum Front Yard Setback	25 ft.	1.4 ft.
Minimum Rear Yard Setback	30 ft.	6.2 ft.

The zoning schedule should be revised in accordance with Section 903 D.3. of the ordinance.

3. In accordance with Section 807 B., the required parking is as follows:

1 space/200 s.f. retail space = 2,580 s.f. =	13 spaces
1 space/1,000 s.f. warehouse area = 6,020 s.f. =	<u>6 spaces</u>
	19 spaces

- The applicant provides 8 spaces onsite and through a cross access easement with adjacent property, provides an additional 8 spaces dedicated for the sole use of the applicant. An additional 22 spaces to be shared are provided through the easement.
4. The following comments should be addressed with regards to the Site Layout Plan:
 - a. The northwestern most parking space does not provide enough area for reversing movements.
 - b. Building elevations should be provided for the western and southern sides of the building.
 - c. A detail of the proposed retaining wall area should be provided showing the curb, sidewalk and railing and associated grading.
 - d. Some or all areas of pavement in the parking area may need to be repaved due to the driveway relocation and curb installation. A note should be added to the plans indicating this.
 5. The following comments should be addressed with regards to the Landscaping and Lighting Plan:
 - a. It appears there is not sufficient lighting provided in the area of the handicap parking space. The applicant should discuss if a building mounted light is provided in this area.
 - b. Landscaping should be provided along the western side of the building.
 6. The following comments should be addressed with regards to the Construction Details:
 - a. A detail for the retaining wall should be provided.
 - b. A pavement detail should be provided for the parking area.
 7. The applicant should submit to, and appear before, all other Local, State and Federal agencies having jurisdiction over this project.
 8. Ocean County Planning Board approval should be indicated on the plan.
 9. Prior to commencement of construction, 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

I have no objection to the more retail intent of this property and I think that the traffic flow problem has greatly been improved. I would however, like to have the guarantee of the parking places explained and what legal mechanism will make this possible.

Chairman explained that # 3633 is a subdivision and # 3646 is the site plan. They will hear both applications at the same time but there will be 2 separate votes.

Board members agreed to here both applications at the same time.

John P. Doyle, attorney for applicant. These applications are joined because of the minor subdivision and the site plan. This application includes a shift of a property line.

Stuart Challoner, 215 Main Street, Toms River, NJ, sworn. Engineer for applicant.

A-1 rendered site plan

A-2 architectural rendering

Board accepted qualifications.

Mr. Challoner – this project is part of the Washington Square project. This application is to change a subdivision line of lot 77 to have a parcel that would be completely around the existing building. The building today is a furniture warehouse facility. The proposed application is for the subdivision and also to eliminate the existing access drive on Cedarbridge Avenue and have the access drive come into the Washington Square facility. The use will be changed from a warehouse to a furniture retail, warehouse and storage. There are no changes to the Washington Square facility. The changes are totally within lot 77.01. They propose to close off the present access driveway and provide a new access off the existing access to Washington Square. The applicant wants to reconstruct the interior of the building to provide a showroom for the sales of furniture and eliminate the need for large trucks inside the project. It will be a showroom instead of a distribution center.

Mr. Challoner reviewed Mr. Priolo's report.

Mr. Challoner - the variances requested are existing. The warehouse requires much more truck traffic. A showroom will allow people to come to the facility and the furniture will be stored at an off-site warehouse so there will not be large trucks in and out of the property. Proposed lot 77.01 is required to have 19 spaces and they have 8 spaces on site. An additional 8 spaces are on lot 79.01. They will also be sharing an additional 22 spaces. They have a cross access agreement. Ocean County approval has been submitted. The 2 paper streets were vacated and became part of lot 77 which is currently 44,000 square feet. Part of Lot 77 is going to lot 79. Their intent is to provide a fee simple lot around the proposed retail furniture store use.

Mr. Doyle - The guarantee is in the form of a covenant agreed to by the lot owner and they will be placed on the record that lot 77.01 will have the absolute right to the 8 spaces and the right to share in the additional 22 spaces. That is a recorded easement.

Chairman asked about trash enclosures.

Moses Schwartzblatt, 1501 North Lake Drive, affirmed. Not planning on having a dumpster. The garbage comes out of the truck after the deliveries. The cardboard gets recycled by the town. The garbage will be taken out at his new warehouse in Howell. The only garbage will be personal. This will be a furniture store – the furniture will be coming in into the showroom with his truck which is only 14 feet long. No tractor trailer will be coming into this parking lot anymore. Also received an easement for the entry.

Mr. Harrison – any approval will be contingent on his review and approval of the easement.

Open to Public. Closed to Public.

Mr. Schwartzblatt agreed to place a small dumpster on the property where they gave up the parking space.

Ms. Elliott had no objection to eliminate the parking spot for the dumpster.

Motion to approve #3633 for the subdivision - Mr. Lankry

Second – Mr. Gelley

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

Motion to approve #3646 for the site plan with the condition that the easement be recorded and Mr. Harrison get a copy of it, and that a dumpster be placed on the property – Mr. Gonzalez

Second – Mr. Naftali

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

APPEAL # 3644 – SOMERSET MAM

Cedarbridge Market, Block 761 Lots 1-3, B-3 zone.

To construct a 2-story building consisting of a bank, retail and office space.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – May 1, 2007

1. The subject property is located on the south side of Cedar Bridge Avenue, between Ashley and Arlington Avenues, and is within the B-3 (Highway Business) Zone. The existing site is undeveloped and entirely wooded. The applicant proposes to construct a 36,600 s.f. 2-story building containing bank and office/retail space on the first floor and office space on the second floor.
The applicant appeared before the Board under Appeal No. 3499A and was granted Preliminary & Final Site Plan approval for a combined office/retail and residential use on this property.
2. In accordance with Section 903.B of the ordinance, the proposed use is a permitted use in this zone, therefore a use variance is not required.
The project is being reviewed by the Zoning Board at the direction of the Zoning Officer. Although the use of the original site plan for this site has changed the general layout has remained the same, and therefore the Zoning Board is already familiar with the site and the previously approved site plan.
3. The applicant should provide testimony regarding the type of retail/office uses, hours of operation, frequency and type of deliveries and number of employees.
4. The zoning schedule should be revised as the maximum building height required is incorrect.
5. The following variances are required:
 - a. In accordance with Section 807 B., 137 parking spaces are required, whereas 112 spaces are proposed. Therefore, a variance is required. It should be noted that the parking calculations should be revised to reflect the correct requirements for the bank and office uses.
 - b. In accordance with Section 803 E., a minimum 50 ft. buffer is required along eastern and southern property lines, whereas no buffer is proposed.

6. The following comments should be addressed with regards to the Site Plan:
 - a. A stop sign should be provided at the drive-thru exit.
 - b. Stop bars should be provided at the Ashley Avenue and Arlington Avenue exits.
 - c. A north arrow should be provided.
 - d. A stop sign should be provided at the western end of the northern parking aisle to avoid conflicting movements with the Cedar Bridge Avenue entrance.
 - e. The applicant should realign the driveway on Ashley Avenue to intersect at a 90° angle. This would also create more parking along Ashley Avenue.
 - f. The Applicant should discuss vehicular circulation within the site including turnarounds, trucks, deliveries, trash removal, etc.
 - g. The location of the proposed site identification sign should be shown.
7. The following comments should be addressed with regards to the Grading & Utility Plan and stormwater management:
 - a. A north arrow should be provided.
 - b. The area used for the infiltration rates for the perforated pipe trenches does not correspond to the areas as calculated by the details. This discrepancy should be revised and any subsequent calculations should be revised.
 - c. Roof leaders should be connected directly into the drainage system.
 - d. Soil borings should be provided.
 - e. The report indicates that soil permeability tests were performed. Copies of the results should be provided.
 - f. There appear to be some discrepancies between the plan and profile. These should be revised.
8. The following comments should be addressed with regards to the Details:
 - a. A detail for the single 36" perforated pipe trench should be provided.
 - b. A detail for the triple 36" perforated pipe trench detail should be provided with specific dimensions.
 - c. A detail for the proposed wall should be provided.
9. The following comments should be addressed with regards to the architectural plans provided:
 - a. The plans indicate a bump out in the rear of the building for the elevator. This should be shown on the site plan as well.
 - b. The applicant should describe the facade material.
10. All parking lot lights should be contained within islands or behind the curb.
11. Ocean County Planning Board approval should be indicated on the plan.
12. 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 have no zoning objections to this less intensive use of this property

John Doyle represented applicant. This board previously approved a use variance for a 4-story building with residential and retail. It will now be a two-story building.

A-1 engineering plan

A-2 architectural rendering

Board reviewed the architectural

Mr. Challoner – this property is located in the B-3 zone. This application has retail and office space proposed. There will be office space on the second floor. They meet all the bulk requirements for setbacks. Reviewed Mr. Priolo's report. The building will now be 33,886 square feet. A use variance is not required but is at the Zoning Board because a use variance was previously granted. 137 parking required and 112 provided. The retail space has been reduced. The building will have two interior elevators. Complied with Mr. Priolo's suggestion to redesign the access onto Ashley Avenue making perpendicular parking they picked up two parking spaces. The previous application was retail and then 4 stories of residential above it. They did receive Ocean County Planning Board approval. Dumpster located at the end of the access aisle.

Ms. Elliott - This is a typical parking lot layout – do not see any problems.

Mr. Challoner - Will provide overlays for the boards engineer to review. The dumpster is 20 x 10. There will be a private carting service.

Moshe Schwartzblatt, 1501 North Lake Drive, affirmed. They have current signed leases for specialty stores, accessories, maternity, boutique. They do not expect a lot of garbage. Most of the deliveries will be by United Parcel. Each store is about 1,550 square feet.

Ms. Elliott - The buffer requirement is in effect because of the residential. There is a sufficient amount of screening.

Mr. Challoner described the landscaping.

Open to Public. Closed to Public.

Mr. Challoner – they basin should be dry after 24 to 48 hours. During a heavy storm period there could be 4 feet of water. Suggested a vinyl picket fence with chain link on the inside.

Motion to approve subject to a fence around the basin area – Mr. Lankry

Second – Mr. Gelley

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

RESOLUTIONS

APPEAL # 3569A – JONATHON RUBIN & ASHER BRODT

921 East County Line Road, Block 174.11 Lot 40.01, R-15 zone. Resolution to approve site plan for two story office building.

Motion to approve - Mr. Naftali

Second – Ms. Goralski

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 9:15 P.M.
Respectfully submitted,
Fran Siegel, Secretary