

**LAKWOOD ZONING BOARD OF ADJUSTMENT  
MINUTES  
JUNE 6, 2005**

Meeting was called to order at 7:35 P.M.

Meeting properly advertised according to the Sunshine Law.

Roll call: Attending: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Zaks, Mr. Gelley

Mr. LeCompte, Mr. Sernotti

Absent: Mr. Halberstam

Also present:

James Priolo, Engineer

Glenn Harrison, Attorney

Steve McCrystal, Court Stenographer

Fran Siegel, Secretary

Salute to the Flag.

Motion to approve minutes of May 2, 2005 with waiver to read – Mr. Daniels

Second – Mr. Gonzalez

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

Motion to approve minutes of May 16, 2005 with waiver to read – Mr. Naftali

Second – Mr. Daniels

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

Letter from Robert Silverman, Esq. re Appeal #3425 requesting to table until the August meeting and agree to waive any time.

Motion – Mr. Zaks

Second - Mr. Gonzalez

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

No further notice.

**Appeal # 3567** – Fifth & Park Assoc., 5th St & Ridge 4th St, Block 240 Lots 8, 9 & 20,  
R-7.5 One building containing 4 SF townhouses

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located on the corner of East Fifth Street and Ridge Fourth Street and is within the R-7.5 (Single-Family Residential) Zone. The site currently contains a residential dwelling and a commercial use. The applicant proposes to subdivide the existing lot into 5 lots (4 building lots, 1 common area lot) and construct a 4-unit town house building. The existing structures will be demolished.
2. The townhouse use is a non-permitted use in the R-7.5 Zone. The applicant previously received approval from the Zoning Board of Adjustment under Appeal No. 3498 for special use and bulk variances for the proposed townhouse development. The applicant is back before the Board to seek Preliminary & Final Major Subdivision and Site Plan approval. The approval permitted the proposed use, but did not specify a unit count.
3. Variances for the proposed townhouse development are required as follows:
  - a. In accordance with Section 18.25.4q., a structure shall not have more than two connected townhouse units on one façade without providing a variation in setback of at least two feet. No setback is provided.
  - b. In accordance with Section 18-14.9A(3), parking spaces shall be at least 10' x 20' in size, whereas 9' x 18' spaces are proposed.
4. The following comments should be addressed with regards to the Site Plan:
  - a. Both existing right-of-ways are undersized. The applicant should provide a 3.57-foot road widening easement along East Fifth Street and a 10-foot road widening easement along Ridge Fourth Street. This may impact the parking areas.
  - b. A better layout may consider two units facing East Fifth Street with respective driveways. One unit may be more feasible to front on Ridge Fourth Street with a respective driveway. This would leave more room in the rear for open space and/or the tot lot.
  - c. Handicap accessible parking spaces, striping and signage should be shown on the plans.
  - d. The Board Approval block should reference the plan as a Site Plan.
  - e. The parking requirements should be revised to reflect 3 spaces required per 5-bedroom dwelling. Eleven (11) parking spaces are required for this project.
  - f. New concrete curb and sidewalk should be proposed along the entire frontage.
5. The following comments should be addressed with regards to the Grading & Drainage Plan and stormwater management:
  - a. Roof leaders should be connected directly into the drainage system.
  - b. Only one-third of the sidewalls of the infiltration trench sidewalls may be used in the infiltration rate calculations. The calculations should be revised as well as any subsequent calculations that will be affected.
  - c. Invert elevations for the proposed recharge trench should be shown.
  - d. It appears the soil borings and permeability data provided in the stormwater report references a different project. The correct information should be provided.
  - e. A note should be added to the site plan and subdivision plans that the Homeowners Association shall own and maintain the drainage system.

6. The following comments should be addressed with regards to the Landscape & Lighting Plan:
  - a. Additional landscaping should be provided along the common lot line with Lot 21.
  - b. A specific of the tot lot should be shown. Layout, manufacturers model numbers and details should be added to the plan.
7. There appear to be discrepancies on the Utility Plan and Profiles. These discrepancies should be revised.
8. The following comments should be addressed with regards to the Construction Details:
  - a. A handicap ramp detail should be provided.
  - b. Drainage inlets castings for Inlet Type 'B' shall be pattern number– No. 2618, 6" Type 'N' with "Drains to Waterway" imprinted on it. Each inlet shall also have a bicycle safe grate.
9. 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.
10. The architectural show exterior entrances to the basements at the front and rear of the units. Additionally, the finished floors appear to be 3-4 feet higher than outside grade. The applicant should discuss the intended uses of the basements.
11. The following comments should be addressed with regards to the Major Subdivision portion of this project including the Final Plat and Map Filing Law:
  - a. Should the Board approve the major subdivision portion of this project the following bulk variances will be required:

	Required	Provided	Provided
		Lot 8.01	Lots 8.02–8.05
Minimum Lot Area	43,560 s.f.	12,680 s.f.	1,456 s.f.
Minimum Lot Width	150 ft.	107.5 ft.	26 ft.
Minimum Lot Depth	200 ft.	127 ft.	56 ft.
Minimum Front Setback	25 ft. -	1 ft.	
Minimum Side Setback (One)	12 ft. -	0 ft.	
Minimum Side Setback (Combined)	30 ft. -	0 ft.	
Minimum Rear Setback	20 ft. -	1 ft.	
Maximum Lot Coverage	30%	0%	88%

It should be noted that the schedule of bulk requirements should include Lots 8.01 – 8.05.

- b. The Board Secretary certification should reference the Lakewood Township Zoning Board.
  - c. The ownership and maintenance of proposed Lot 8.01 (Common Area) should be discussed and notes should be added to the plan.
12. Ocean County Planning Board approval should be indicated on the plans.
13. The applicant is required to submit to, and appear before, all other Local, State and Federal agencies having jurisdiction over this project.

From: Ed Mack, Zoning Officer

This is an area containing other very similar structures. This project has adequate parking and a small recreation area. I do feel however, that all of these should include more green areas and less density on these older narrow streets.

Abe Penzer represented applicant. Board granted a use variance.

Brian Flannery, Engineer was sworn in.

Mr. Flannery reviewed Jim Priolo's report. Use variance and bulk variances were granted. This proposal would be an improvement to the neighborhood. The parking stalls will be 9 x 18. They will be providing 17 parking spaces for the 4 townhouse units and only 11 is required. The house has to be higher because of the water table. Applicant agreed to handicap parking spaces and agreed to a Homeowners Association. Received use variance for townhouses.

Mr. Priolo – okay with 9 x 18 parking spaces. There is not a lot of open spaces, suggested an alternate layout of only 3 units. The basement is the only area for storage. No problem with the house being higher because there is a high water table.

Open to Public.

Jack Schmidt, 135 East 4th Street, affirmed. President of Parkview Homes North and they are in favor of the proposal. He has improved the neighborhood.

Gershon Strasser, 127 East 4th Street, affirmed. Acting Vice-President of Parkview Homes North association and they are in favor of the application and they look forward to any improvements to the neighborhood.

Closed to Public.

Mr. Gonzalez questioned the setbacks and suggested 3 buildings instead of 4.

Mr. Priolo – they are creating lots for each unit and that is what is creating the setbacks. If you took away the subdivision they would comply with the setbacks. The setback line is through the building.

Motion to approve – Mr. Zaks

Second – Mr. Naftali

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

**Appeal # 3538** – Greg Kukal – Laurel Avenue, Block 537 Lot 15, R-7.5 zone. Use variance to allow a 4,440 square foot office/warehouse building in a zone where it is not permitted.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – Third Review

1. The subject property is located on the corner of Laurel Avenue and Congress Street and is within the R-7.5 (Single-Family Residential) Zone. The lot contains a parking lot and is otherwise vacant. The applicant is proposing to construct a one-story, 4,440 s.f.

commercial office/warehouse building with parking facilities and other site improvements. The applicant appeared before the Board on two prior occasions. The first was to seek approval for a 6,000 s.f. building and the second was to seek approval for a 5,460 s.f. building. The Board denied both prior requests. The applicant is coming in for reconsideration and has resubmitted the application with revisions to the building size and site layout.

2. The proposed commercial office/warehouse building is a non-permitted use in the R-7.5 Zone. Therefore, in accordance with Section 18-12.3 of the ordinance, 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. As a non-permitted use, the ordinance does not contain parking requirements for the commercial use in the R-7.5 Zone. The Board should consider applying the parking requirements of the other zones that do have criteria for this type of use. These zones require 1 space/200 s.f. for commercial uses and 1 space/employee for warehouse uses. This would typically calculate as follows:  
$$4,440 \text{ s.f.} \times 1 \text{ space}/200 \text{ s.f.} = 23 \text{ spaces}$$
The applicant has provided 6 parking spaces. Based on the applicant's testimony, the Board should determine if the limited available parking is sufficient for this use. The applicant should also be prepared to discuss how many employees will be required for the warehouse use of this building. The general notes indicate that a portion of the building will be utilized for sales which indicate the public will need access to this site.
4. In accordance with Section 18-6.7, parking is prohibited within any required front yard. The parking lot should be 25-feet from the front property line, whereas it is approximately 2.5-feet from the front line along Congress Street.
5. In accordance with Section 18-7.9, no fence shall exceed 6 feet in height along the side and rear yards and no fence shall exceed 4 feet in height along the front property line, whereas a 6 foot fence is proposed along the front property and an 8 foot fence is proposed along the side and rear property lines. A variance will be required for this proposed non-conformity.
6. In accordance with Section 18-8.3, a 15-foot vegetated buffer is required along the side and rear property lines. An approximately 8-foot landscaping buffer has been provided along the rear property line and no buffer has been provided along the side property line. It should be noted that the applicant owns and operates adjacent Lot 5 as Greg-Cin Equipment retailer.
7. The following should be addressed with regards to the Site Plan:
  - a. It appears that no lawn area is proposed for the site. The area around the proposed building will have an impervious paved surface or a gravel surface. The Board should decide if the proposed use and development of the property is suitable for this area.
  - b. The applicant should discuss vehicular circulation within the site including turn arounds, trucks, deliveries, etc.
  - c. The applicant should provide information regarding any proposed site identification sign for this site to insure that no additional variances will be required.

- d. The applicant should discuss the proposed office and sales use, occupancy and hours of operation. The amount of pedestrian and vehicular traffic that will be accessing this site is not clear.
  - e. The applicant is proposing a 6' high chain link fence along Congress Street and Laurel Street, and an 8' high fence along the northern and eastern property lines. The applicant should indicate what type of 8' high fence will be used.
  - f. A detail of the trash enclosure must be provided.
8. The following should be addressed with regards to the Grading & Drainage Plan and stormwater management:
- a. Stormwater infiltration as required under N.J.A.C. Section 7:8-5.4 shall be addressed and calculations shall be provided. The calculations for the 2 and 10-year storm should be provided.
  - b. A detail for the 24" H.D.P.E. recharge trench should be provided.
  - c. The existing drainage system should be inspected and cleaned if utilized as part of the site plan application. The applicant should verify that this existing system can handle the additional flow.
9. The following should be addressed with regards to the Landscaping, Lighting and Soil Erosion and Sediment Control Plan:
- a. It appears that the proposed landscaping will be located in the gravel area. No lawn area is proposed on the site.
  - b. The Board should determine if the buffer along the northern property line is of sufficient size.
10. Ocean County Planning Board approval should be indicated on the plan.

From: Ed Mack, Zoning Officer

This site plan has been redesigned and is now in compliance and will need only a use variance. As to the use, I think that this low traffic commercial use would be best for this lot that is bordered by several different uses and is less well suited for a residence.

Abe Penzer represented applicant. There is no outside sales. This is a minimal use. They have been at an adjacent site for approximately 20 years. This is for a reconsideration.

Brian Flannery, previously they were asking for lot coverage of 40% they have adjusted the building so the lot coverage is now 28.9%. Moved the building back to comply with setbacks. The building now is 74 x 60 or 4,440 square feet. The use is not permitted. There is commercial use to the east a school to the west and Lake Shenendoah Park to the south. The lot is a vacant now. Proposing limited use facility.

Reviewed Mr. Priolo's report.

Mr. Flannery – They had proposed 4 parking spaces they now have 6. The parking is in the front yard on Congress Street. There will be an 8 foot fence on the internal property lines and a 6 foot fence chain link fence variance is requested for the balance of the property for security purposes. Provided a row of evergreens between this property and the adjoining property. The parking will be on the west side of the building and the driveway is on the east side of the building. They will have a wall mounted sign. It is a wholesale business. They will provide trash enclosures.

Mr. Priolo – A variance will be needed for front yard parking. Site is 85% – 90% impervious.

Mr. Flannery – Agree to add more trees. Applicant also agreed to put slats in the chain link fence.

Open to Public. Closed to Public.

Mr. Sernotti – in favor of this new application.

Motion to approve with the condition that applicant comply with the revisions to the stormwater management system, trees along Congress Street, slats in chain link fence – Mr. Gonzalez

Second – Mr. Zaks

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

**Appeal # 3537** - Solomon Family, Lieberman Hotel, Block 66 Lots 5 & 11, R-OP zone. To construct townhouses consisting of 3.5 stories and other variances.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located along the west side of Madison Avenue (Route 9) and is within the H-1 (Hotel) Zone. The applicant proposes to demolish the existing 3-story structure known as the Hotel Lieberman and construct a new 2-\_-story townhouse structure, with parking underneath. There will be a total of 5 dwelling units each containing a minimum of 5 bedrooms. The only access to the site is off of Route 9.
2. The proposed use is not in compliance with Subsection 18-25.4 and therefore Special Reasons Variances will be required. Special reasons variances will be required because the applicant is:

a. Deviating from a standard pertaining solely to a conditional use within the H-1 Zone.

i. In accordance with Section 18-25.4, townhouse structures shall comply with the following requirements:

	Required	H-1 Townhouses Provided
Minimum Lot Area	22,500 s.f.	10,010 s.f.
Minimum Lot Width	150 ft.	50 ft.
Minimum Front Yard Setback (Rt. 9)	100 ft.	25 ft.
Minimum Side Setback (One)	12 ft.	5 ft.
Minimum Side Setback (Combined)	30 ft.	17 ft.
Minimum Rear Yard Setback	20 ft.	15 ft.
Maximum Percent Lot Coverage	30%	51.7%
Maximum Building Height	2 1/2 stories	3 1/2 stories (w/garage/storage level)
Minimum Buffer	20 ft.	0 ft.

- b. Requesting an increase in permitted density. The maximum permitted density is 10 units/acre, whereas the applicant is proposing a density of 21.8 units/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:

- a. Deviating from a standard pertaining solely to a conditional use within the H-1 Zone.

- b. Requesting an increase in permitted density.

Additionally, 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 purpose of the zone plan and the zoning ordinance.

#### Planning Comments:

3. The following comments should be addressed with regards to consistency with the Township Ordinance and Master Plan:
  - a. Goals and Objectives have been identified to guide future growth, development and redevelopment and create a vision for the Township of Lakewood. The following Goals and Objectives have been identified as being impacted by the proposed project:
    - i. Encourage new development consistent with the scale of established land uses while preserving the character and developed nature of existing neighborhoods and proximate land uses.
    - ii. Encourage attractive facades and require landscaping plans in accordance with ordinance requirements.

Testimony should be solicited from the Applicant as to how the proposed project will affect the goals and objectives established within the Master Plan.

- b. The plan provided shows a four-foot useable rear yard area.

#### Engineering Comments:

4. The following comments should be addressed with regards to the Improvement Plan:
  - a. The driveway for the proposed development encroaches by eight feet (8') onto the adjoining property (Lot 6.01) to the south. There appears to be a 5-foot access easement in this area which is insufficient to accommodate the proposed drive way. This situation raises the following concerns:
    - The applicant should discuss this driveway encroachment into the adjacent property.
    - Lot 6.01 becomes a subject of this site plan. As a result, it should be included in the application and title blocks. Additionally, the owner's notarized signature must appear on the plan.
    - The certified list of property owners should be revised to include a 200-foot offset from this parcel boundary. Additionally, these property owners should be notified via certified mail for any and all public hearings with respect to this application.
  - b. New sidewalk and curb should be proposed along the entire roadway frontage. The concrete driveway apron should match the width of the site driveway.



- c. The architecturals show rear doors to each unit with foundation plantings along the building. The plans do not reflect the doors or plantings and there is only a 5-foot setback to the property line. A landing pad will be required at each building exit.
  - d. The applicant has met the parking requirement of 3 spaces/unit however there are no provisions for handicap parking or guest parking.
  - e. The applicant should discuss trash collection and vehicular (including truck) circulation within the site. There appears to be no provisions for a turnaround.
  - f. The driveway aisle is 18-feet wide which is less than the typical two-way driveway of 25-feet. The applicant should verify that vehicles backing out of the parking stalls will not have difficulty in the areas where townhouse structures exist on adjacent Lots 6.06 and 6.07 to the south. These structures are approximately 2-feet behind the proposed driveway curb.
5. The following comments should be addressed with regards to the Grading and Drainage Plan and Stormwater Management:
- a. Additional topographic information (existing and proposed) is required around the site to insure the proposed development drains properly. The finished floor elevations appear low in relation to the drainage system. A method of draining the garage floor should be established.
  - b. Top of curb elevations should be provided.
  - c. A factor of safety should be used for the permeability rate of 25 inches per hour used in the recharge calculations.
  - d. Pre and Post Development drainage area maps should be provided.
  - e. The applicant should detail how the roof drainage system will tie into the site drainage system.
  - f. The Homeowners Association will be required to maintain the drainage system and a note stating the same should be put on the plans.
  - g. The applicant is proposing a small groundwater recharge system and a bubbler inlet on Madison Avenue. An emergency outfall connection should be provided. The applicant should discuss the feasibility of tying into the existing stormwater collection system located to the north at the corner of Madison Avenue and Ninth Street.
  - h. It should be noted that as of September 8, 2004, the Natural Resources Conservation Service has updated the rainfall frequency data for New Jersey. The new 100-year rainfall amount for Ocean County is 9.2 inches. Any subsequent calculations should be changed.
6. The applicant should discuss the recreational needs of the development. There appears to be no areas designated for recreation and there appears to be no open space available for recreation.
7. Additional landscaping should be proposed within the front yard area.
8. Details of the wall mounted lights should be provided.
9. The Schedule of Requirements listed on Sheet 1 of 5 in the site plan package lists the bulk requirements for the H-1 Zoning District. However, the Lakewood Zoning Ordinance provides a schedule of requirements for all townhouse developments in Code Section 18-25.4. Therefore, as the proposed project involves the construction of a townhouse development, the Zoning Schedule on Sheet 1 of 5 should be revised.
10. A separate survey map must be submitted for review.
11. Any approval should be conditioned upon approval from the NJDOT and any other Local, State or Federal agencies having jurisdiction over this project.

12. Ocean County Planning Board approval should be indicated on the plan.

From: Ed Mack, Zoning Officer

This is a very narrow property on a major highway. This amount of lot coverage on this site along with the amount of pavement that will be necessary to access the garages makes this project much too dense to be practical.

Reuel Topas, represented applicant. This is a very narrow property and is an eyesore. The proposed application will reduce the intensity. There are currently 32 rooms. This application was originally before the Planning Board and they kicked it to Zoning Board because of the 3.5 stories.

Charles Surmount, 1500 Allaire Avenue, Ocean Township, Engineer for applicant, sworn.

Board accepted credentials.

Mr. Surmount reviewed Mr. Priolo's report. Existing driveway abuts the adjoining building. There is an easement to utilize a portion of that property. The proposed driveway is 20 feet. There will be 22 feet between the garage doors and the adjacent building. There is now an existing easement.

A-1 sheet 3

Mr. Topas – there is an 8 foot encroachment on the neighborhood property with a 5 foot easement

Mr. Surmount – they will obtain an additional 3 feet easement. If they do not obtain that easement they will recess the garage doors 3 feet. Will replace existing curb and sidewalk. Trash collection will be curbside pick-up. No trucks can enter the property.

Mr. Priolo -Concerned, a typical driveway is at least 24 feet for two-way traffic. They have to make a 90 degree turn into their stalls under the building. They have to back out and could possible hit the building.

Mr. Surmount - Garbage will be stored in the garage units. No trash enclosure proposed.

Mr. Sernotti – concerned about garbage pick-up on Route 9.

Mr. Surmount – they will provide a board on board fence and could supply a 10 x 40 tot lot. A Homeowners Association will be formed to maintain the drainage system. They can provide additional landscaping in the front yard. Will seek Department of Transportation approval and Ocean County Planning Board.

Brian Flannery reviewed planning comments – 5 townhouses dwelling units. Existing structure to be demolished. The townhouses will be more aesthetically pleasing than the existing structure. Their lot is sandwiched between two townhouse developments. This area is predominately multi-family. Reviewed setback variances requested. Lot

coverage requested is 51.7% where 30% is required. This lot coverage is less than what is existing. There are no basements planned for these units.

Mr. Sernotti- concerned that they do not have the easement yet.

Mr. Priolo - the entire plan will have to be redesigned. There is no turn-around.

Mr. Flannery – they could provide a turn-around, a k-turn in the front of the building. The parking spaces are 9 feet wide.

Jacob Solomon, 600 14th street, owner, applicant, affirmed.

Mr. Surmount – existing building is 39 feet wide and the lot is 50 feet wide. The proposed building is only 35 feet wide.

Open to Public.

Yehuda Plym, 409 8th Street, affirmed. Had meeting with applicant and they agreed

- 1, Do not want envelope any bigger,
1. 6 foot fence will be constructed around all perimeter
2. 3. no gates to other properties
3. Will not disturb their playground.
4. No porches will face the 8th Street condos
5. There will be frosted windows facing the 8th street condos.

Concerned about cars backing into his house. They are looking forward to some development but do have concerns. We were not aware of the 3 feet until this evening.

Abraham Krawiec, 405 8th Street, affirmed. Okay with development but do have concerns. We is the heavy machinery going to go? It is not safe with the children playing in their playground and cars backing up? Do not understand the 3 feet.

Tzvi Rotberg, 665 5th Street, affirmed. The only way out of the site is by backing up. There are about 100 kids that walk there and it is not safe. Also there should be no left turn onto Route 9.

Mr. Topaz – applicant will agree to “No Left Turn”. Applicant agreed to all comments made by Mr. Plym. There are 15 parking stalls.

Mr. Sernotti – There is not enough room for cars coming in and somebody going out. There will be about 25 children and there is no play for them to play. No reason for rear entrances. This is way out of the reach to be possible.

Mr. Gonzalez – Way too dense, nothing feasible. Concerned about parking, traffic, where the kids will play.

Mr. Surmount – there will be a playground about 15 x 35 in the rear of the property.

Mr. Sernotti – not enough room to play.

Mr. Naftali – the garbage issue also has to be resolved.

Motion to deny – Mr. Gonzalez

Mr. Topaz asked the board to bifurcate the application.

Mr. Sernotti – there are too many concerns with this application.

Mr. Harrison – the motion has to be completed.

Second – Mr. LeCompte

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

Recess.

**Appeal # 3573** – Shlomo Meyer, Hope Chapel Road, Block 7 Lot 11, R-15 zone. Single family home on undersized lot. Required 15,000 proposed 8,000.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located on Hope Chapel Road and is within the R-15 (Single Family Residential) Zone. The applicant proposes to construct a single-family dwelling. The existing lot does not conform to the current zoning requirements. In accordance with Section 18-12.1 of the ordinance, bulk variances will be required as follows:

	Required	Provided
Minimum Lot Area	15,000 s.f.	8,000 s.f.
Minimum Lot Width	100 ft.	80 ft.

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.
3. The applicant should address the Board regarding the visual impacts which the new structure will have on the surrounding properties.
4. The applicant should discuss if any decks will be proposed, to insure no additional variances are required.
5. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade is 30 inches.
6. Any approval should include a condition that curb and sidewalk shall be constructed along the entire frontage.

From: Ed Mack, Zoning Officer

Since the only variances requested involve a pre-existing condition, I have no objection to this project.

Shlomo Meyer, 585 – 4th Street, affirmed. Would like to construct a single family home. No variances are needed other than the existing condition of an undersized lot. They did notice the adjoining neighbors for a request to purchase their property.

Open to Public.

Noshi Zelikovitz, 16 Garfield Street, affirmed. Should maintain the suburban area – vehemently oppose this project. The property was purchased 6 months ago. Lakewood is plagued by quality of life problems.

Dennis Straugn, 392 Hope Chapel Road, sworn. He wanted to submit a petition from all the neighbors.

Mr. Harrison – we cannot accept the petition but we can accept them for what they are worth and Mr. Straugn can speak for himself.

Mr. Straugn – another house on another undersized lot is not what the neighborhood wants. How can they put a septic system and a circular driveway on such a small piece of property? Hope Chapel Road has so much traffic now.

David Kessner, 30 Garfield Street, affirmed. Agreed with other objectors. Concerned about the septic system.

Moshe Hirsch, 290 Miller Road, affirmed. Object to the construction of this house. If there is a hardship he shouldn't have bought the property.

Carol Murray, 51 Drake Road, sworn. Concerned with quality of life issues. There is no hardship. Please deny.

Closed to Public.

Mr. Priolo – there are no setback variances requested.

Mr. Sernotti - The hardship is that the applicant has an undersized lot where he is surrounded and cannot expand the piece of property. By the law we cannot deny the application because he has the right to build on it.

Mr. Sernotti suggested that they go to mediation with Mike Bateman, who is the mediator for the township, to try and resolve some of the concerns of the neighbors.

Mr. Priolo – the foot print of the house is 55 x 32, 1,750 square feet each floor.

Mr. Meyer – they are under the required lot coverage.

Applicant agreed.

Motion to table pending mediation – Mr. Zaks

Second – Mr. Gonzalez

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

**Appeal # 3571** – Shami Reinman, 59 Steven Lane, Block 24.03 Lot 20 R-12 zone. To construct a single family home needing front setback variance of 21 feet where 30 feet is required.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The property in question is located on the corner of Steven Lane and Chicanos Drive and is within the R-12 (Single-Family Residential) Zone. The applicant proposes to construct an addition to the existing single-family dwelling.
2. In accordance with Section 18-12.2 of the ordinance, bulk variances will be required for the construction of the proposed single-family dwelling as follows:

	Required	Existing	Proposed
Minimum Front Yard Setback	30 ft.	30 ft.	21 ft.

3. 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. The applicant should address the Board regarding the visual impacts which the new addition will have on the surrounding properties.
5. Any approval should include a condition that curb and sidewalk shall be removed and replaced as directed by the Township Engineer.

From: Ed Mack, Zoning Officer

Because of the diagonal placement of the original house an type of addition would be difficult. This addition has been designed to minimize the impact and does not encroach toward a neighbor's property.

Jacob Reinman, 59 Steven Lane, affirmed. Would like to extend the house. The house is a bi-level. The family has grown and they do not have adequate dining room area.

Open to Public. Closed to Public.

Motion to approve – Mr. Daniels

Second - Mr. Zaks

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

**Appeal # 3553 – Bluma Gross – Whitmore Street, Block 231 Lot 19, R-7.5 zone. Minor subdivision with a 2 family dwelling.**

Secretary read reports.

From: James Priolo, Engineer/Planner

1. The property in question is located on Whitmore Street and is within the R-7.5 (Single-Family Residential) Zone. The applicant proposes to subdivide existing Lot 19 into two non-conforming lots. Each lot will be 5,864 s.f. in size and an attached two-family structure will straddle the common side lot line. The proposed subdivision will have frontage on an improved dead end street.
2. Single-family attached dwellings are not a permitted use in the R-7.5 Zone, and therefore a use variance will be 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 (single-family attached).
3. In accordance with Sections 18-12.3 of the Ordinance, variances for the proposed subdivision are requested as follows:

	Required	Proposed Lot 19.01	Proposed Lot 19.02
Minimum Lot Area	7,500 s.f.	5,864 s.f.	5,864 s.f.
Minimum Lot Width	50 feet	39 feet	44 feet
Minimum Side Setback (One)	7 feet	0 feet	0 feet
Minimum Side Setback (Combined)	15 feet	N/A	14.5 feet

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 zoning ordinance.

4. The existing Lot 19 is 11,728 s.f. in size. The minimum lot size required in this zone is 7,500 s.f. for single-family use. The applicant should discuss how the purposes of the zone plan and zoning ordinance will be advanced by taking an existing conforming lot and creating two (2) non-conforming lots.
5. The proposed grading for the site directs runoff onto adjacent Lots 28, 43.01, and 43.02. The applicant should consider additional stormwater management methods (i.e. storm drains, drywells).
6. The applicant should address the Board regarding the visual impacts which the new structure will have on the surrounding properties.
7. The proposed units do not provide any storage area 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.
8. The applicant should propose full-width roadway improvements to Whitmore Street along the entire frontage of new Lot 19.02. Concrete curb and sidewalk shall be constructed along the entire frontage.
9. The architectural show exterior basement entrances at the rear of the buildings. The applicant should discuss the intended use of the basements. Additionally, the maximum elevation difference between finished floor and outside grade should be 30 inches.

10. Ocean County Planning Board approval should be indicated on the plan.
11. The following comments should be addressed with regards to the Final Plat and Map Filing Law:
  - a. The building setbacks should be shown for each proposed lot.
  - b. The block number should be shown on the plan.
  - c. A certification that the new Lot Numbers have been assigned by a Municipal Authority should be provided.

From: Ed Mack, Zoning Officer

I can see no reason to subdivide a relatively small lot into two nonconforming lots or to allow two family houses to be constructed on such a small piece of property.

Abraham Penzer represented applicant.

Brian Flannery, engineer for applicant.

A-1 rendered version of variance map.

Mr. Flannery – This is a dead end street. There are small houses in the area. Asking for two lots with 5800 square feet each where 7,500 square feet is required.

Mr. Flannery reviewed Mr. Priolo's report. Use variance is needed because attached units are not permitted in this zone. Each of the units in the rear will have a play area. Lot coverage allowed is 30%. There are no variances requested other than use. Applicant is proposing basements and there will be rear entrances to the basement.

Mr. Penzer – sent out 45 notices. This is a very dense area. The property is unique.

Mr. Priolo – You could put a much larger single family house on the lot. Would like to see a grading plan and the curbs and sidewalks.

Mr. Mack – creating two smaller lots and more density.

Mr. Flannery – The lot is 11,728 square feet -30% would be 3518 which is allowable. The building that is shown is 2,205 square feet which is 22% on each lot. One single family home is not appropriate for the area. This is two single family units attached.

Mr. Gonzalez – why can't you put one two-family unit on the lot without the subdivision.

Mr. Flannery – so that there can be two owners. They would defer not to have the subdivision.

Mr. Sernotti – agreed that there should be one two-family home with no subdivision.

Open to Public. Closed to Public.

Motion to approve a use variance for one duplex home with no subdivision of the lot – Mr. Zaks  
Second – Mr. Naftali

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



## Resolutions

**Appeal # 3366** – Whiting Pines, Vermont Avenue & Mermaid Ave, Block 1131 Lot 5  
Resolution to approve a single family dwelling on a semi-improved road.

Motion to approve – Mr. Naftali

Second – Mr. Zaks

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

**Appeal # 3551** – Cong. Mayan Hatorah , Joe Parker Road, Block 189.03 Lot 174, R-20 zone.  
Resolution to approve the construction of a Yeshiva, dormitory, faculty housing and gymnasium

Motion to approve – Mr. Naftali

Second – Mr. Zaks

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

**Appeal # 3568** – Israel Kaluszyner, 422 Monmouth Avenue, Block 128 Lot 21, RM zone.  
Resolution to approve the construction of a 2 family dwelling on undersized lot.

Motion to approve – Mr. Zaks

Second – Mr. Naftali

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

**Appeal # 3545** - Sean Kohn – 500 Shafto Avenue, Block 148 Lot 2, R-10 zone. Resolution to approve two 2-family homes.

Motion to approve – Mr. Gonzalez

Second – Mr. Daniels

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

Motion to approve bills – Mr. Gonzalez  
All in favor.

Motion to adjourn – Mr. Daniels  
All in favor.

Meeting adjourned at 11:30 P.M.

Respectfully submitted,  
Fran Siegel, Secretary