

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.

3. In accordance with Section 906 of the ordinance, the following variances are required for the school use:
 - a. A minimum 20 ft. landscaped buffer is required from the residential use, whereas no buffer is proposed.
 - b. Parking has not been addressed for the dormitory rooms. The architecturals indicate that 22 dorm rooms will be located within the school building. The applicant should discuss the parking calculations for each use on site to insure that parking requirements have been met. It appears a parking variance will be required during the site plan phase.
4. Should the Board approve the use variance, bulk variances will be required during the site plan phase as follows:

	Required R-OP	Provided
Front Yard Setback	25 ft.	24.4 ft. (Seventh Street)
Side Yard Setback	25 ft.	12 ft. (Residential)
Rear Yard Setback	25 ft.	15.2 ft. (Residential)
Maximum Lot Coverage	25%	32.1%

5. The applicant has eliminated the conceptual subdivision originally shown on the plan. References to the proposed lots should also be eliminated. The applicant should discuss the eventual ownership and maintenance of the property, as it will contain a school and 18 residential units.
6. The applicant should discuss how parking will be shared between the two uses.
7. The building dimensions on the architectural plans do not correspond to the building footprint dimensions on the site plan.
8. A fifteen-foot (15') road widening easement should be provided along Route 9.
9. The applicant should discuss how stormwater management will be addressed during the site plan phase of this project. The eventual maintenance of the system should be discussed.
10. Approval of this application is subject to Preliminary and Final Site Plan approval.

From: Ed Mack, Zoning Officer

I believe that the number of parking places needs to be increased since the residential nature of the school will increase the need for parking for visiting parents. I also feel the outside gym needs to be enclosed to be practical.

Charles Tivenan, Brick, NJ, represented applicant.

Brian Flannery, sworn.

A-1 rendering current site of Capitol Hotel
A-2 rendering of the proposed residential dwelling
A-5 mixed use plan

There was testimony from Detective Steve Wexler.

Mr. Flannery – proposing to demolish a portion of the existing site and to construct a total of 18 dwelling units. The pizza store and other uses in the front will be demolished.

Mr. Tivenan – Students will not be allowed the use of cars and so the parking on site will be acceptable.

Mr. Flannery reviewed Mr. Priolo's report. The R-OP zone permits schools and residential. The uses are permitted, asking for a multiple use. The school in itself is an inherently beneficial use. The negative impacts of the existing facility outweigh any impact after development. They are proposing a 6 foot vinyl fence around the site. This is for use only. They will come back for site plan. Parking will be addressed at site plan.

Mr. Flannery reviewed the variances requested.

Mr. Flannery – any approval will be subject to preliminary and final site plan approval. Frank Baer, traffic engineer, sworn. There will be 24 dorm rooms. No students will be permitted to have a vehicle or a license. They will be 14 to 17 years of age. There will be 2 handicapped dorm rooms on the first floor, 11 dorm rooms each on the second and third floors. The residential proposed is 18 multi-family units. 38 parking spaces would be required for the multi-family units. Downtown Lakewood is classified as an urban area. Parking complies with the RSIS and the municipal ordinances and is more than adequate.

Shlomo Meyer affirmed. The school is presently in operation but only 2 grades. The students will not be living in the multi-family unless their families are living there.

Mr. Priolo – There is no parking ordinance requirements for dormitories, 38 is required for the residential portion. A condition would be that the students will not be driving and if the conditions change they will come back to the Board.

Mr. Meyer – Their goal is 4 classes, 25 per class. Could be 2 or 3 students per dorm room.

Mr. Flannery – They will be fencing in the residential portion. The Lakewood ordinance does not make provisions for parking for parent visitations.

Mr. Zaks - The child will either walk to school or get bussed in.

Mr. Meyer – There is a proposed school drop off area. Maximum 65 students in 24 dorm rooms.

Mr. Tivenan - If the Township ordinance provided for more parking they would provide it.

Mr. Zaks – how large is the roof top gym?

Mr. Meyer – approximately 25 x 55. The roof top gym is in addition to what is available. There is a playground one block away.

Mr. Priolo – the roof top gym would be for basketball. They would have to go off site for other recreational uses.

Mr. Sernotti – this is quite an aggressive use for the site.

Mr. Zaks – 1,350 square foot playground is not enough for the amount of children in the units.

Mr. Flannery – here for use. The site plan will provide details.

Mr. Naftali – will these be rentals.

Mr. Meyer - There will be no separate block and lots – they may be condos, have not been decided yet.

Open to Public.

Ron Shimanowitz, attorney representing Mr. Ginsberg. They own 700 Clifton Avenue which is an 18 unit apartment complex. General objection is the over intense use of the property.

Mr. Flannery – The residential dwelling will be under 35 feet and the school height is approximately 35 feet. The entire site is approximately 52,500 square feet, 60% will be residential and 40% will be the school.

Mr. Shimanwitz – The density required is 15 units per acre. This is an over intensification of the property.

Open to Public.

William Hovday, 30 Schoolhouse Lane, sworn. Concerned about too much use on this site.

Gerri Ballwanz, Governors Road, sworn. Can 3 bedrooms fit into 1,000 square foot unit?

Closed to Public.

Mr. Priolo – A 1,000 square foot unit support 3 bedrooms.

Mr. Flannery - The majority of the parking is in the residential area.

Mr. Naftali – this is a very aggressive plan. Units have to come down and the parking needs to be increased. The use is a good idea. It is a big improvement to what is there now.

Mr. Halberstam – use okay – very aggressive plan.

Mr. Sernotti – This is inappropriate for the site.

Mr. Zaks – would not be in favor – over aggressive for this site.

Ms. Goralski – too aggressive for this site.

Motion to approve use only – Mr. Naftali

Second – Mr. Halberstam

Roll call vote: affirmative: Mr. Naftali, Mr. Lieberman, Mr. Halberstam
nays: Ms. Goralski, Mr. Zaks, Mr. Berrios, Mr. Sernotti

Motion denied.

RECESS

Chairman announced that we will not get passed Appeal #3585 would like to ask Somerset to carry.

Motion to carry Appeal # 3609 to July 24th – Mr. Zaks

Second – Mr. Naftali

Roll call vote: affirmative: Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. Lieberman,
Mr. Berrios, Mr. Halberstam, Mr. Sernotti

Applicant agreed to waive time.

No further notice.

Motion to carry Appeal # 3618 to July 24th – Ms. Goralski

Second – Mr. Halberstam

Roll call vote: affirmative: Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. Lieberman,
Mr. Berrios, Mr. Halberstam, Mr. Sernotti

Mark Williams for applicant, agreed to waive time.

No further notice.

Motion to carry Appeal # 3619 – Mr. Naftali

Second – Ms. Goralski

Roll call vote: affirmative: Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. Lieberman,
Mr. Berrios, Mr. Halberstam, Mr. Sernotti

Mark Williams for applicant, agreed to waive time.

No further notice.

Motion to carry Appeal # 3620 to July 24th – Ms. Goralski

Second – Mr. Naftali

Roll call vote: affirmative: Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. Lieberman,
Mr. Berrios, Mr. Halberstam, Mr. Sernotti

Mr. Penzer, for applicant, agreed to waive time.

No further notice.

Motion to carry Appeal # 3617 to July 24th – Mr. Halberstam

Second – Mr. Naftali

Roll call vote: affirmative: Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. Lieberman,
Mr. Berrios, Mr. Halberstam, Mr. Sernotti

Mr. Penzer, for applicant, Applicant agreed to waive time.

No further notice.

APPEAL # 3547 – PINE PROJECTS

Carey Street, Block 150.07 Lot 38, R-10 zone. To construct a single family home on an undersized lot.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – Second Review - June 26, 2006

1. The subject property is located on the corner of Carey Street and Squankum Road and is within the R-10 (Single-Family Residential) Zone. The applicant proposes to construct a new single-family dwelling on the vacant property. The applicant appeared before the Board on April 4, 2005 and was denied via Resolution (Appeal No. 3547, Adopted May 2, 2005). It has been remanded back to the Board by the Superior Court of New Jersey Ocean County Law Division on March 1, 2006.

2. The existing lot does not conform to the current zone requirements. In accordance with Section 902 F. of the Ordinance, bulk variances will be required for the construction of the proposed single-family dwelling as follows:

	Required	Provided
Minimum Lot Area	10,000 s.f.	5,512 s.f.
Minimum Lot Width	75 feet	73 feet
Minimum Front Setback	30 feet	6.1 feet (Carey St.) 12.5 feet (Squankum Rd.)

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.

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

3. The building size on the original application was 30' x 40'. The applicant has reduced the building size of the first floor to 27.5' x 40'. The second floor size is 31.5' x 40', which exceeds the original building size.
4. An 8.5-foot right-of-way dedication should be made along Squankum Road. This will further reduce the lot area and front yard setback for which the applicant is currently seeking variances.
5. The Owner as indicated in the general notes, is different from the Owner indicated in the Owner's Certification block. This discrepancy should be clarified.
6. Any approval should include a condition that all curb and sidewalk shall be replaced as directed by the Township Engineer. Additionally, sidewalk should be extended along Carey Street to the intersection and a handicap ramp should be constructed.

7. A sight triangle easement at the intersection of Carey Street and Squankum Road should be provided in accordance with the Residential Site Improvement Standards, N.J.A.C. 5:21-4.19(b)6. The easement should be calculated and shown to insure that there is not an encroachment of the proposed dwelling. No fences should be permitted in the easement.

From: Ed Mack, Zoning Officer

Although this is a very difficult lot to place a house on I feel that even a minor change in the dimensions of this structure would have a very positive affect on the setbacks.

Lanny Lombardi represented applicant. The issue was the size of the dwelling on the property. The plans show a dwelling that has been reduced in size.

Brian Flannery – The original dwelling was 30 feet x 40 feet. They have reduced the first floor to 27 feet x 40 feet, the second story will have overhangs. Reviewed Mr. Priolos report. No available land to acquire. They propose a front setback of 6.1 feet to Carey Street and 12.1 feet to Squankum Road. The proposed house will not create any aesthetic problems.

Mr. Harrison - There was a denial and a motion before Judge Serpentelli and he remanded it back to the board. He had to make a substantial change.

Mr. Flannery - They will finish the sidewalks on Carey Street & Squankum Road. Provided the site triangle easement and will dedicate a portion of that property to reduce the angle of the corner.

Mr. Halberstam asked that no trees be planted in that site triangle.

Mr. Flannery – they offered to eliminate the cantilever along the Squankum Road side. The house was 2,400 square feet and they reduced it to 2,360 square feet. It is substantial because the footprint of the building was changed.

Ms. Lombardi – the applicant is willing to reduce the size even more.

Mr. Sernotti – Does not think that this revision satisfies the requirement of substantial change.

Mr. Mack – the house should be angled to fit the triangular shape of the lot.

Ms. Lombardi requested to table the application to reconfigure the house.

Motion to table until September 11th – Mr. Naftali

Second – Mr. Halberstam

Roll call vote: affirmative: Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. Lieberman,
Mr. Berrios, Mr. Halberstam, Mr. Sernotti

Applicant agreed to waive time.

No further notice.

APPEAL # 3568A – ISRAEL KALUSZYNER

422 Monmouth Avenue, Block 128 Lot 21, RM Zone. Amended application to allow outside stairs to basement.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – June 28, 2006

- 1. The subject property is located on the corner of Fifth Avenue and Monmouth Avenue and is within the R-M (Multi-Family Residential) Zone. The site contains an existing two-family dwelling. The applicant proposes to construct an outside staircase for an entrance to the basement level.

The Board previously granted approval under Appeal No. 3568 (Adopted June 6, 2005), the applicant received approval to construct the existing two-family dwelling.

- 2. In accordance with Section 902 H., bulk variances are required for the outside stairs as follows:

	Required	Provided
Side Yard Setback (One)	7 ft.	5.6 ft.

From: Ed Mack, Zoning Officer

I feel that this application was given substantial relief and the applicant indicated at the December 6th hearing “there is no outside basement entrance, only through the apartments”.

Abraham Penzer represented applicant. Since that time the Unified Development Ordinance was changed Chapter 18 section 818A4 “steps that descend to a basement may project into any yard setback as long as it is no closer than 5 feet from the adjacent property line”. This application no longer encroaches or needs a variance.

Mr. Sernotti – the outside entrance is built but the steps to get there has not. There was a substantial variance for the house itself.

Mr. Penzer – not seeking a variance – the law has changed and they are entitled to the benefit of the law.

Mr. Priolo - This was approved as a use variance so any change they have to come back to the Zoning Board.

Israel Kaluszyner, 945 Park Avenue, affirmed. The opening was put in intentionally to be able to put the mechanics in the basement. The basement will be used for his family for recreation. There will not be a rental in the basement. It is very difficult to bring bikes in without an outside entrance. They have 7 children. Because the ordinance changed they are requested the stairs.

Open to Public. Closed to Public.

Mr. Lieberman – the fact that the law changed it should not be an issue.

Mr. Naftali – I agree. This does not effect anything and would be in favor of the application.

Mr. Kaluszyner – there will be no rental in this basement.

Motion to approve with the stipulation that the basement will not become a rental – Mr. Lieberman

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Naftali, Mr. Zaks, Mr. Lieberman,
Mr. Berrios, Mr. Halberstam, Mr. Sernotti
Nayes: Ms. Goralski

APPEAL # 3604 – ARYEH WEINSTEIN

730 River Avenue, Block 423 a lot 13, HD-7 zone. Use variance to construct a duplex and a minor subdivision into two lots.

Secretary read reports.

From: Jim Priolo, Third Review – July 5, 2006

- 1. The property in question is located on River Avenue (Route 9) with double frontage on Rena Lane and is within the HD-7 (Highway Development) Zone. The lot contains an existing dwelling and sheds. The applicant proposes to construct a 2-family structure on the lot and subdivide the lot to create two fee simple lots. The existing dwelling and sheds will be removed.
- 2. In accordance with Section 903 H.2. of the ordinance, a single-family attached use is not a permitted use within the HD-7 Zone, therefore a use 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. 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. Should the Board approve the use variance, the following bulk variances will be required for the proposed minor subdivision. In accordance with Section 903 H.2. of the ordinance, bulk variances for the proposed subdivision are required as follows:

	Required	Provided Lot 13.01	Provided Lot 13.02
Minimum Lot Frontage	150 ft.	35.055 ft.	35.055 ft.
Minimum Lot Area	43,560 s.f.	5,258 s.f.	5,258 s.f.
Minimum Front Setback	50 ft. (Rena Ln.)	25 ft.	25 ft.
	100 ft. (Rt. 9)	75 ft.	75 ft.
Minimum Side Yard Setback	30/60 ft.	0/6 ft.	0/6 ft.

It should be noted that the front and side setbacks should measured to the steps/stairs.

- 4. Any approval should include a condition that curb and sidewalk shall be required along Rena Lane and Route 9.
- 5. The applicant should provide testimony on the proposed use of the basement level. The drawings indicate a separate outside entrance to the basement level.
- 6. Ocean County Planning Board approval should be indicated on the plan.

7. The minor subdivision should include a 22' road widening easement to Lakewood Township along the Route 9 frontage.

From: Ed Mack, Zoning Officer

I cannot support any application that does not maintain the required setback to a state highway.

Brian Flannery – They were here previously and they now have revised plans. There will be a 70 foot setback from Route 9. There will be a conservation easement, and a buffer. No driveway on Route 9. Reviewed Mr. Priolo's report. They are proposing a subdivision line between the two units so that they are fee simple. They are requesting a use variance. The lot sizes are consistent with the adjacent lots in the development. Will move house up 10 feet so that there will be 80 feet to Route 9. Will provide a 22 foot road widening easement along Route 9.

Mr. Mack - The State has requested a 100 foot setback for the road widening of Route 9.

Mr. Flannery - They want 55 feet on each side. Have never seen the letters from the State. Would request to table to get clarification.

Motion to carry until September 11, 2006 – Mr. Zaks

Second – Mr. Lieberman

Roll call vote: affirmative: Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. Lieberman,
Mr. Berrios, Mr. Halberstam, Mr. Sernotti

No further notice. Applicant agreed to waive time.

APPEAL # 3585 – BENJAMIN LAPIDES

911 Central Avenue, Block 12.04 Lot 83, R-12 zone. New single family home on undersized lot.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – Second Review - March 31, 2006

1. The subject property is located on the corner of Valley Drive and Central Avenue and is within the R-12 (Single-Family Residential) Zone. The applicant proposes to demolish the existing single-family dwelling and construct a new, larger single-family dwelling.
2. The existing lot does not conform to the current zone requirements. 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 Lot Area	12,000 s.f.	7,582 s.f.	7,582 s.f.
Minimum Lot Width	90 ft.	70 ft.	70 ft.
Minimum Front Setback	30 ft.	21 ft.	20 ft.
Minimum Rear Setback	20 ft.	17.5 ft.	16 ft.
Minimum Side Setback	15 ft.	36 ft.	11.3 ft.
Maximum Lot Coverage	25%	12.7%	31%
Minimum Side Setback	15 ft.	36 ft.	11.3 ft.
Maximum Lot Coverage	25%	12.7%	31%

The lot coverage should include the deck.

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. Any approval should include a condition that the maximum elevation difference between outside grade and finished floor should be 30 inches.
4. Any approval should include a condition that curb and sidewalk shall be constructed along the entire roadway frontage.

From: Ed Mack, Zoning Officer

I do not see a huge difference in this new plan as compared with the old. Abraham Penzer represented applicant.

Mr. Penzer requested to carry until September

Motion to table until September 11, 2006 – Mr. Zaks

Second – Mr. Lieberman

Roll call vote: affirmative: Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. Lieberman, Mr. Berrios, Mr. Halberstam, Mr. Sernotti

Permission was granted by the Board to allow Mr. Flannery to testify from Las Vegas at the next meeting of September 11th for the application of Appeal # 3620, Joe Parker Road and Appeal # 3617, 294 Dewey Avenue. Any fees associated will be on the applicant.

RESOLUTIONS

APPEAL # 3587 - OMNIPOINT,

County Line Road, Block 2 Lot 5.01 OS zone. Resolution to deny the construction of a tower.

Motion to approve – Mr. Naftali

Second – Mr. Lieberman

Roll call vote: affirmative: Ms. Goralski, Mr. Naftali, Mr. Lieberman, Mr. Halberstam, Mr. Sernotti

Appeal # 3608 – Ben Rabinowitz,

952 A East County Line Road, Block 208.01 Lot 73, R-12 zone. Resolution to deny a use variance to construct 2 office buildings in the R-12 zone.

Motion to approve – Mr. Zaks

Second – Ms. Goralski

Roll call vote: affirmative: Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. Sernotti

Appeal # 3425A – David Nahum,

604 James Street, Block 385 Lot 4 – M-1 zone. Resolution to approve use variance.

Motion to approve – Mr. Zaks

Second - Mr. Naftali

Roll call vote: affirmative: Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. Lieberman, Mr. Sernotti

Appeal # 3615 – Charles Semah,

604 5th Street, Block 49 Lot 6, R-12 zone. Resolution to approve an addition on an undersized lot.

Motion to approve – Mr. Zaks

Second - Mr. Naftali

Roll call vote: affirmative: Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. Lieberman,
Mr. Sernotti

Appeal # 3613 – Martin Lewin,

430 3rd Street, Block 72 Lot 11, R-OP zone. Resolution to deny the subdivision of Lot 11 into 2 non-conforming lots.

Motion to approve – Ms. Goralski

Second – Mr. Naftali

Roll call vote: affirmative: Ms. Goralski, Mr. Naftali, Mr. Sernotti

Appeal # 3592 – AJ Skora,

Henry & Birch St, Block 417 Lot 16, R-10 zone. Resolution to approve the construction of a single family home

Motion to approve – Mr. Naftali

Second- Mr. Lieberman

Roll call vote: affirmative: Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. Lieberman,
Mr. Sernotti

Appeal # 3612 – Somerset Development,

New Hampshire Ave, Block 1248 Lot 1, R-20 zone. Resolution to approve use variance to construct single family homes and townhouses.

Motion to approve – Mr. Naftali

Second – Mr. Halberstam

Roll call vote: affirmative: Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. Halberstam,
Mr. Sernotti

Appeal # 3610 – Somerset Development,

Massachusetts Avenue, Block 524 Lot 73.01, R-12 zone. Resolution to approve use variance to construct 36 age restricted dwellings on site.

Motion to approve – Mr. Naftali

Second – Mr. Zaks

Roll call vote: affirmative: Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. Halberstam

Appeal # 3566, Israel Kay,

Block 533.01 Lot 2.02 – Resolution to approve an extension of time until June 12, 2007.

Motion to approve – Mr. Halberstam

Second – Mr. Naftali

Roll call vote: affirmative: Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. Halberstam,
Mr. Sernotti

MOTION TO APPROVE BILLS.

All in favor.

MOTION TO ADJOURN.

All in favor.

Meeting adjourned at 11:00 P.M

Respectfully submitted,
Fran Siegel, Secretary