

**ZONING BOARD OF ADJUSTMENT
MINUTES**

SEPTEMBER 8, 2008

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. Gonzalez, Mr. Lazzaro, Mr. Zaks, Mr. Lankry,
Ms. Goralski, Mr. Halberstam

Arrived Late: Mr. Naftali

Absent: Mr. Lieberman

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

Salute to the flag.

Motion to approve minutes of July 28, 2008 with a waiver to read – Mr. Zaks

Second – Mr. Gelley

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

Letter from Adam Pfeffer, Esq. requesting that **Appeal # 3680**, Ian Goldman, be carried to the next available meeting.

Motion to carry to October 6, 2008 – Mr. Gelley

Second – Mr. Lazzaro

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

No further notice.

Letter from Simon Kettner, requesting that **Appeal # 3683**, Allen Ben-Dayan, be carried to the next available meeting.

Motion to carry to October 6, 2008 – Mr. Zaks

Second – Mr. Gonzalez

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

No further notice.

Appeal # 3641 – Fairmont Investments, Central Avenue, Block 11 Lots 116.01 & 118.01, R-15 zone. Minor subdivision of a site with a two-family dwelling to remain where a two-family dwelling is not permitted.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – September 3, 2008

1. The subject property is located on New Central Avenue and is within the R-15 (Single-Family Residential) Zone. The property contains an existing two-family dwelling, pool and cabana and another single-family dwelling. The applicant proposes to subdivide the existing Lot into four (4) new Lots consisting of 16,811 s.f. (Lot 116.02), 26,363 s.f. (Lot 116.03), 15,014 s.f. (Lot 118.02) and 18, 011 s.f. (Lot 118.03).
2. The applicant was seeking a use variance approval for the two-family/density use along with minor subdivision approval. During the Board's meeting on 7/28/08, the use variance approval was denied. The applicant has agreed to abandon the two-family use and has since revised the plans to address the grading and drainage concerns the Board had in association with the minor subdivision.

The applicant should indicate the abandonment of the two-family use on the plans.
3. The plan should include a revision block with a current latest revised date.
4. The following comments should be addressed with regards to the Site Grading and Drainage:
 - a. The finished floor elevations of the existing dwelling should be shown on the plan. A note should be added that the two-family dwelling will be

- b. The proposed recharge trench on Lot 118.03 indicates a bottom of trench elevation of 125, whereas it should indicate an elevation of 123.
 - c. Dimensions drywells should be provided.
5. The following comments should be addressed with regards to the Map Filing Law:
 - a. All certifications should reference the Lakewood Township Zoning Board.
 - b. The new street certification should be removed as no new streets are proposed.
 - c. A Point of Beginning should be shown on the plan.
 - d. In accordance with the Map Filing Law, 46:23-9.11.j., a minimum of three (3) corners distributed around the tract shall indicate the coordinate values.
 - e. The dimensions and square footages of all the easements and dedications (existing and proposed), should be indicated on the plan. Also, a right-of-way dedication should be shown for the proposed right-of-way width.
6. Descriptions of all proposed easements and dedications must be submitted to the Board Attorney for review and subsequent filing in the office of the Ocean County Clerk.
7. Ocean County Planning Board approval must be indicated on the plan.
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

No comments.

Ray Shea, represented applicant. Two family use has been withdrawn. All proposed lots will be single family homes.

Ray Carpenter, engineer, Manasquan, NJ, sworn. At the last meeting there were two major concerns, a landscaping buffer between lot 116.03 and the rear lots and drainage on lot 118.02 and lot 118.03. They moved the house forward on lot 116.03, and the last rear 100 feet will remain in its present condition, treed. There will be a recharge system on lot 118.02 and lot 118.03 will have a trench system. There will be no run off on this site.

Mr. Halberstam – The recharge system will pick-up all that water? Central Avenue is a big problem with water.

Mr. Carpenter – County approval is required. The sidewalk will be 6-7 inches higher above the gutter of New Central Avenue. They will eventually put a drainage system along New Central Avenue.

Mr. Priolo – No road water will enter the site. The two back lots will have retaining walls that will catch any water. Recharges pipes and swales will be in the backyards. There is a drainage system in the backyard. No new water will be entering the site. They will do a soil boring for the construction. All drainage issues can be bonded.

Mr. Mack – the zoning issues were solved - the issues now are only engineering.

Mr. Priolo - The side of the school has 6 – 8 foot Norway Spruces. They are putting in about 84 white pines and 84 Norway spruces just on lot 116.03.

Mr. Halberstam – there is an 8 foot drop in the driveway.

Mr. Priolo – they are steep driveways.

Open to Public

Abraham Dickman, 28 Irene Court, affirmed. Asked that the location of the house remains in the footprint shown.

Mr. Shea – there will be 128 trees to protect Mr. Dickmans property.

Mr. Carpenter - 70 feet of existing trees will remain

Closed to Public.

Mr. Carpenter – Lot 116.01 will be converted to a single family house. Lot 118.01 will be demolished and replaced with a single family home. Existing house has a footprint of 75 x 50.

Ms. Goralski – the plans show 8 bedroom houses.

Mr. Shea – all proposed lots will have single family homes. Lot 118.01 will be removed and replaced with a single family home. This will be a conforming four lot subdivision.

Motion to approve subdivision of 4 single family lots subject to 1) lot 116.03 to keep existing trees, 2) house to remain as shown on plan, 3) add line of trees in the easterly side of lot 116.03, 4) new lot 118.03 provide line of trees on the westerly side with 6-8 foot trees, 5) 116.02 change two family to single family, 6) Lot 118.02 remove existing house rebuild a new house, 7) bonding on all drainage – Mr. Zaks.

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gonzalez, Mr. Lazzaro, Mr. Zaks, Mr. Lankry, Mr. Halberstam,
Nayes: Mr. Gelley, Ms. Goralski

Appeal # 3569AA – SK & B Realty, Block 174.11 Lot 40.01, 921 East County Line Road.
Amended preliminary final site plan. Preliminary and final major site plan and subdivision.

Secretary read reports.

From: Jim Priolo, Engineer/Planner - July 22, 2008

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 (10,527 s.f.) office building and a parking lot. All existing structures will be removed.
2. The applicant previously received approval from the Zoning Board of Adjustments under Appeal No. 3569A for preliminary and final site plan for the office building. The applicant is back before the Board to seek Amended Preliminary and Final Site Plan approval for a revised building size and layout.
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 10.02 (east) and 10 ft. (west) buffers are provided. *A variance was previously granted for 10 ft. and 15 ft. buffers under Appeal No. 3569A.*
 - b. In accordance with Section 812 Q.10., the maximum permitted ground sign area in a residential zone is 4 s.f., whereas 64 s.f. is proposed. *A variance was previously granted for a sign area of 80 s.f. under Appeal No. 3569, applicant agreed to provide an 8' x 8' sign..*
4. The following comments should be addressed with regards to the architectural plans:
 - a. The applicant should discuss the use of the basement level of the office building.

5. The following comments should be addressed with regards to the Geometric Plan:
 - a. The building dimensions should be shown on the plan.
6. The following comments should be addressed with regards to the Improvement Plan and stormwater management:
 - a. Elevations should be provided at all four building corners.
 - b. The percent voids used in the storage calculations should be 40%.
 - c. The dimensions of the pipes used in the storage calculations do not correspond with the dimensions of the pipes on the plan.
7. The following comments should be addressed with regards to the Landscaping Plan/Tree Protection Plan and Lighting Plan:
 - a. Additional landscaping should be provided on the west side of the trash enclosure.
 - b. The lighting details should indicate house side shields.
8. Ocean County Planning Board approval must be indicated on the plans.
9. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.

From: Ed Mack, Zoning Officer

Other than wishing the building met the front setback I have no objections to this site plan.

Michael J. Gross, attorney representing applicant. This application is for an amended site plan approval. This board granted a use variance for an office building. They are now proposing the first floor for medical use. A dentist and West Park Pediatrics will be occupying the first floor, second floor will be offices.

Charles Surmonte, 1500 Allaire Avenue, Ocean Township, sworn.
Board accepted qualifications.

A-1 aerial view

Mr. Surmonte described the site. The property is approximately 100 feet in width and 400 feet in depth. Existing building on site has been demolished.

A-2 three dimensional rendering of architectural elevation

Mr. Surmonte – first floor is 5,500 square feet and second floor is about 5000 square feet. Use of basement will be restricted to utilities and storage. Along the driveway side they are proposing a 10 foot wide buffer. Asking for a 64 square foot sign. Property is flat – proposing underground recharge system. Proposing an 8 foot high white vinyl fence along both side yards and along the rear yard. They will be widening County Line Road along their frontage. Will comply with all Mr. Priolo's comments.

Mr. Lazzaro asked for more handicap parking spaces.

Mr. Gross - they can add two parking spaces but may need a variance

A-3 basement plan

Mr. Gross – Basement will be used for storage and mechanicals. There is an internal stairway leading to the basement. Variance for a sign was granted for 64 square feet.

Mr. Priolo - The plan detail shows 11 feet.

Mr. Mack – that is double that we allow.

Mr. Surmonte – they need the sign because there will be multiple tenants. They will reduce the height to 9 feet and make the sign 10 x 8. They will move sign out of the site triangle. Will move sign 10 – 15 feet to the east.

Open to Public. Closed to Public.

Motion to approve subject to moving the sign, including 2 more handicap spaces and variance for 51 parking spaces – Ms. Goralski

Second – Mr. Lazzaro

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

Appeal # 3681 – Alter Rubin, Block 247 Lots 12-16, 310-330 Dewey Avenue, Use Variance, Preliminary and Final Site Plan, Townhouses.

Secretary read reports.

Mr. Zaks at this time stepped down from the dais.

Mr. Lankry sat in.

From: Jim Priolo, Engineer/Planner - July 23, 2008

1. The subject property is located on Dewey Avenue and is within the R-7.5 (Single-Family Residential) Zone. The property contains five existing dwellings. The applicant proposes to construct sixteen (16) townhouses within three buildings and a proposed parking area and other site improvements. 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 eight conforming single-family lots or six conforming two-family lots. The applicant is proposing 16 attached units in three buildings and a density of 11 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:

	<u>Required</u>	<u>Provided</u>
Minimum Tract Boundary	20 feet	20 feet (building) 10 feet (deck)
Façade Setback	2 feet every 2 units	None provided

Setbacks should be measured to the rear deck.

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. In accordance with Section 803 E., a minimum 30 ft. wide buffer is required along the side and rear property lines, whereas no buffers are provided.
5. A five-foot (5') right-of-way dedication or roadway easement along Dewey Avenue will be required.
6. The following comments should be addressed with regards to the architectural plans provided:
 - a. The maximum difference in elevation between finished floor and outside grade is 30 inches, whereas 48 inches is proposed.
 - b. A separate outside entrance is provided to the basement level at the front of the structure. The applicant should be prepared to discuss the intended use of the basement level.
 - c. The applicant should discuss the method of trash collection, no storage for trash receptacles is provided.
7. The following comments should be addressed with regards to the Layout Plan:
 - a. If one-way circulation is proposed, then angle parking should be proposed. The extra aisle width can be added to the stall or left on the aisle. The circulation pattern should be revised as well.
 - b. A concrete driveway apron should be indicated at the entrance and exit driveways.
 - c. A stop bar and stop sign should be indicated at the driveway exit.
 - d. A note should be added to the plans that the curb and sidewalk shall be replaced as directed by the Township Engineer.
 - e. The applicant should discuss the size of the recreation area and the type of equipment that will be provided in the tot lot.
 - f. A uniform 6'-8' high decorative vinyl fence should be proposed along the side and rear property lines.
 - g. The building footprints shown on the plan do not match the architectural plans provided.
 - h. The trash enclosures should be labeled. The method of collection should be discussed as it appears a dump truck will not be able to access the trash enclosure.

8. The following comments should be addressed with regards to the Grading & Drainage Plan and stormwater management:
 - a. The double 'E' Inlet #1 located in the southwest corner of the site only provides 1 ft. of cover over the top of pipe, while the detail indicates 2 ft. of cover is necessary.
 - b. Pre- and post-development drainage area maps should be provided.
 - c. Soil borings should be provided as well as their locations on the plans.
 - d. Soil permeability tests should be provided.
 - e. The Seasonal High Water Table should be provided.
9. The following comments should be addressed with regards to the Lighting & Landscape Plan:
 - a. Lighting within the middle parking field should be placed in an island.
 - b. The typical building landscaping detail does not account for the rear decks.
 - c. A landscaping buffer should be provided along the side and rear property lines.
10. The following comments should be addressed with regards to the Construction Details:
 - a. A Type 'B' Inlet detail with a Type "N" Eco curb piece should be provided.
 - b. A stop bar and stop sign detail should be provided.
11. A copy of the Homeowner's Association in accordance with Section 900 H.14. Agreement must be submitted to the Board Attorney for review and shall include the following:
 - a. A blanket easement should be created and dedicated to the respective utility companies for the installation and maintenance of sanitary, electric, phone, CATV and any other necessary utilities.
 - b. It should be noted that the responsibility of maintaining the stormwater system should be the responsibility of the Homeowner's Association and not the Township of Lakewood.
12. All Board approval blocks should reference the Lakewood Township Zoning Board.
13. Ocean County Planning Board approval must be provided.
14. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.
15. 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 the Municipal Land Use Law.

From: Ed Mack, Zoning Officer

I think that the disregard for the density of this project especially considering it is not a permitted use speaks for itself.

Board accepted credentials for Ray Carpenter, engineer/planner.

A-1 zoning map showing zones in the surrounding area
A-2 shows multi-family units in the area
A-3 architectural rendering
A-4 layout sheet

Mr. Carpenter described A-1. Subject property is surrounded by B-2, RM and PH zones. All are multi-family zones. Described sites and density. Seeking 11 units per acre which is lower than all the surrounding multi-family units. This would fall into the category of transitional zoning. A lot of the houses on Dewey Avenue do not have driveways. There are parking issues on Dewey Avenue. All parking is on the proposed site. Reviewed Mr. Priolo's report.

Mr. Penzer – Mr. Franklin reviewed the plan and told them where he wants the garbage.

Mr. Carpenter – Mr. Franklin indicated that he would prefer a dumpster. The dumpster is on rollers and it can be rolled out to the street. There is a proposed tot lot and will provide Mr. Priolo with a detailed list of equipment for the site.

Mr. Halberstam asked to remove the decks and add steps down to a patio.

Mr. Penzer agreed to remove the decks. We will do whatever plantings Mr. Priolo requests.

Mr. Priolo – The drainage system wraps around the backs of the building. There is a 24 inch pipe wrapped in stone.

Mr. Carpenter –will take the piping and put it into the parking lot that will open up the area for landscaping.

Mr. Priolo – they will need some drainage in the back.

Mr. Penzer – will put up an 8 foot fence and bushes in front of the fence. Will satisfy engineer in reference to drainage.

Open to Public.

Martha Johnson, 300 Dewey Avenue, sworn. There is one duplex on Dewey Avenue and the rest are single family being rented to multiple families. Asked about the school buses.

Norman Johnson, 300 Dewey Avenue, sworn. Object to entire project - too much density – no good – does not belong there.

Mark Russell, 319 Dewey Avenue, sworn. Object to proposal. Area should stay single family. Traffic now is bad and this will just add to it.

Leonard Thomas, 321 Cottage Place, sworn. His property backs up the entire project. The majority of the properties have been poorly maintained. These houses are rented with multiple people. In favor of application.

Gerri Ballwanz, 208 Governors Road, sworn. The basements can be converted to apartments. Too dense. Fourth Street is a very narrow road.

Closed to Public.

Mr. Gonzalez – do not like this application.

Ms. Goralski – too dense – too small play area.

Mr. Penzer – the property is zoned R-7.5 which would allow 6 duplexes.

Mr. Carpenter - The street is 25 foot wide curb to curb which allows two-way traffic.

Mr. Gonzalez – does not approve of this project

Ms. Goralski – agrees – a lot of children – play area too small – would prefer duplexes.

Mr. Naftali – the area needs to be developed – this is too dense. Suggested that the application be bifurcated.

Mr. Halberstam – agreed that the application be bifurcated. Project is too dense.

Mr. Lankry – project is too dense

Applicant agreed to bifurcate the application.

Motion to bifurcate application – Mr. Gelley

Second – Mr. Naftali

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

Nayes: Mr. Gonzalez, Ms. Goralski

Mr. Naftali - The applicant should come back with a better setup.

Motion to approve townhouse use only – Mr. Naftali

Second – Mr. Gelley

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

Mr. Halberstam

Nayes: Mr. Gonzalez

Recess.

Appeal # 3682, Robert & Erwin Deutsch, Block 247 Lots 28.01 & 28.02, Cottage Place. Use variance, duplex on an undersized lot.

Secretary read reports.

From: Jim Priolo, Engineer/Planner - July 25, 2008

1. The subject property is located on the east side of Cottage Place and is within the R-7.5 (Single-Family Residential) Zone. The existing site is vacant. The applicant proposes to construct one two-family/duplex unit on each lot totaling four dwelling units.
The applicant received approval from the Board under Appeal No. 3562 in January 2006 for a duplex use on Lot 28.02. The applicant is back before the Board for Use Variance and Site Plan approval to expand the originally approved duplex use on Lot 28.02 to include a duplex use on Lot 28.01.
2. Special reasons variances are required for this project because the applicant is:
 - a. **To permit a use in a district restricted against such use.** In accordance with Section 902 G. of the Ordinance, the proposed two-family use is not a permitted use on lots less than 10,000 s.f. within the R-7.5 Zone, and therefore a use variance is required for the proposed two-family/duplex dwellings on Lots 28.01 and 28.02.
 - b. **Requesting an increase in maximum permitted density.** The maximum permitted density in the R-7.5 Zone for two-family use is 8.7 units/acre, whereas 10.25 units/acre are proposed.

The applicant must demonstrate that the requested special reasons 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 the proposed dwellings will have on the surrounding properties.

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 (two-family/duplex dwellings on undersized lots) and to allow an increase in the maximum permitted density**. In order to achieve this, the applicant should explain why the two-family/duplex use on undersized lots with the requested density is a better planning and zoning alternative than the two-family use on conforming lots.

3. In accordance with Section 902 G.4., bulk variances will be required for the proposed subdivision and two-family dwellings as follows:

	<u>Required</u>	<u>Provided Lot 28.01</u>	<u>Provided Lot 28.02</u>
Min. Lot Area	10,000 s.f.	8,628.5 s.f.	8,628.8 s.f.
Min. Rear Yard Setback	15 ft.	7 ft. (deck)	7 ft. (deck)
Max. Lot Coverage	30%	33.7%	33.7%

It should be noted that the rear setback and lot coverage should account for the deck.

4. The following comments should be addressed with regards to the architectural plans provided:
- a. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade at the foundation is 30 inches, the proposed dwellings provide a 36 inch grade difference.
 - b. A separate outside entrance is provided to the basement levels of the dwellings, the applicant should discuss the intended use of the basement levels.
5. The following comments should be addressed with regards to the Layout Plan:
- a. The dimension for the depressed curb for the southern driveway on Lot 28.01 is incorrect.
 - b. The stairs to the basement level should be shown on the plan.
 - c. The applicant should discuss where the garbage and recycling receptacles will be stored.
 - d. A note should be added that the curb and sidewalk shall be replaced as directed by the Township Engineer.
6. The following comments should be addressed with regards to the Grading & Drainage Plan:
- a. The applicant should consider relocating the A inlet to a location outside of the driveway apron.
 - b. The seasonal high water table (SHWT) should be shown on the plans.
 - c. The plan should indicate which basins will have traps.
 - d. The northern portion of the 24" recharge trench should indicate the correct length of 116 linear feet.
 - e. Pre- and post-development drainage area maps should be provided.

- f. The maintenance plans reference a Homeowners Association. The applicant should clarify if an Association will be proposed. If no Association is proposed, the stormwater maintenance shall be the responsibility of the Homeowner and not the Township of Lakewood.
- g. An overflow should be provided for the drainage system.
7. The following comments should be addressed with regards to the Landscape Plan:
 - a. Additional landscaping should be provided along the rear property lines of both lots.
 - b. It appears landscaping is shown in the location of the stairs to the basement level.
 - c. The landscaping located along the southern lot line of Lot 28.01 may interfere with the recharge trench and should be removed or relocated.
8. The following comments should be addressed with regards to the Construction Details:
 - a. A detail for a Type A Inlet should be provided.
 - b. A detail for the 15" and 24" recharge trenches should be provided.
 - c. A full detail for the yard drain should be provided.
9. If a Homeowners Association is proposed the applicant must submit a copy of the Homeowners Association agreement, which shall include the following:
 - a. It is suggested that the Homeowners Association include ownership and maintenance of the drainage structures.
 - b. It should be noted that the responsibility of maintaining the stormwater system should be the Homeowners Association and not the Township of Lakewood.
 - c. A draft copy of the Homeowners Association documents should be submitted. Maintenance plan for the stormwater system should be included.
10. Ocean County Planning Board approval must be provided.
11. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.
12. Prior to commencement of construction, the applicant shall post a performance guarantee and inspection fund in accordance with the provisions of the Township's Unified Development Ordinance and the Municipal Land Use Law.

From: Ed Mack, Zoning Officer

I do not have an objection to the idea of the duplexes, but I think that it should not exceed the lot coverage.

Abraham Penzer represented applicant. Previous approval was for a duplex unit on 28.02. Ray Carpenter – Wanted a duplex on 28.01 and asked to modify site plan on 28.02. The only change is the configuration of the parking lot. The parking lot on 28.02 was one contiguous parking lot for a total of 6 spaces across the units. They preferred to have 3 parking spaces for each individual unit. That is the only change to 28.02. They are asking for a variance for the duplex.

Mr. Penzer - Lot 28.02 is owned by Erwin Deutsch and 28.01 is owned by Robert Deutsch. They are brothers and these duplexes are for their children.

Mr. Carpenter – They subdivided the lot and each brother got one lot. The lots were subdivided by the Planning Board in 2003

A-1 layout sheet
A-2 copy of zoning map with zones delineated

Mr. Carpenter described A-1 & A-2.
Reviewed Mr. Priolo's report.

Mr. Carpenter – there is very dense across the street and to the south. The duplex that was already approved on 28.02 should be duplicated on 28.01. They agreed that the foundation would be 30 inches above grade. They will relocate the landscaping. Minimum lot area is 10,000 and proposed is 8,062.

Mr. Halberstam - This is basically a mirror of the approved application.

Open to Public.

Leonard Thomas, 321 Cottage Place, sworn. Asked the Township to make Cottage Place a one-way road or prohibit parking on the street. Concerned about the children on the block. People race that road. Need to slow down the traffic. Make sure that there is enough parking in their driveways.

Mr. Halberstam – there will be 3 parking spaces for each unit.

Gerri Ballwanz, Governors Road, sworn. Will there be 4 families or 8? The basement should be only a play area.

Closed to Public.

Ms. Goralski asked about the unfinished attic.

Mr. Carpenter – it is his understanding that the attic is strictly for storage.

Mr. Mack - If the attic area is 1/3 or less the size of the second floor it is not considered a third floor.

Mr. Penzer, there will be 2 families in each duplex.

Motion to approve for a total of 4 families, 2 families per duplex, no inhabitable basements and no inhabitable attic space, no on street parking – Ms. Goralski

Second – Mr. Gelley

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

Appeal # 3661A – MTR Ventures, 350 Cedarbridge Avenue, Block 763 Lots 2 & 17, R-7.5 zone. Site plan.

Secretary read reports.

From: Jim Priolo, Engineer/Planner - April 30, 2008

1. The subject property is located on the Southwest corner of Melville and Cedar Bridge Avenues and is within the R-7.5 (Single-Family Residential) Zone. The site contains an existing 1-1/2-story dwelling, shed and concrete pads. The applicant is proposing to construct an 8,080 s.f. 2-story office building (with basement) with associated parking facilities and site amenities. All existing structures will be removed.
2. The applicant received approval for the use variance (office use) only by Resolution of Approval (Appeal No. 3661, Adopted March 3, 2008). The

applicant previously submitted a site plan application with the use variance application however that application was bifurcated due to concerns raised by the Board during the use variance testimony.

3. A variance will be required as follows:
 - a. In accordance with Section 803 E., a minimum 50-foot wide buffer is required along the south, east and west property lines, whereas no buffers have been provided.
4. In accordance with Section 816 F., all non-residential site plans shall submit plans to the Township Public Safety Office and the NJDOT to allow for the Title 39 Enforcement.
5. All Board approval blocks should reference the Lakewood Township *Zoning* Board.
6. The following comments should be addressed with regards to the Layout Plan:
 - a. The applicant should discuss vehicular circulation within the site including turnarounds, trucks, deliveries, etc. The sizes and types of trucks accessing this site should be provided and turning movements should be verified. A truck circulation plan should be provided for the entrance/exit, dumpster access and entire site.
 - b. The dimensions and locations of the piers for the overhangs of the building should be shown on the site plan.
 - c. The location of the doors for the building should be shown on the plan. In addition, sidewalk should be provided on the south side of the building to provide access to the side entrance.
 - d. The square footages of all the easements should be shown on the plan.
 - e. Solid vinyl fence should be proposed along the south property line in place of the existing chain link fence.
7. The following comments should be addressed with regards to the Grading & Drainage Plan and stormwater management:
 - a. A revised stormwater management report, including pre and post development drainage area maps should be provided to reflect the changes to the drainage system.
 - b. The stormwater maintenance plan should be filed with the Township as a condition of approval.
8. The following comments should be addressed with regards to the Lighting and Landscaping Plan:
 - a. Additional buffering should be addressed on the eastern side of the building. The existing dwelling is approximately 12 feet from the proposed building.
 - b. The hours of operation of the lighting should be provided on the plan.
 - c. Additional landscaping should be provided at the northwestern corner of the site. Landscaping should be low-lying species as to not interfere with the sight triangle.
9. Ocean County Planning Board approval should be provided.

10. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.
11. 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 the Municipal Land Use Law.

From: Ed Mack, Zoning Officer

I think that plantings along Melville should be increased or a fence added to soften the commercial look of this parking lot from the existing residences.

Mr. Penzer – they reduced the size of the building 8,080 square feet.

Brian Flannery, sworn. Reviewed Mr. Priolo's report. They turned the building so that the parking lot is now along Melville Avenue. They need a design waiver for the buffer, 50 feet is required where it joins the residential and they have 10 feet to lot 12 and 50 feet to lot 16. They agreed to additional landscaping and fencing. Deliveries will be in the parking lot. The entrance on Melville Avenue is positioned in the middle of the lot. They agreed to a 6 foot vinyl fence all around the building except on Cedarbridge Avenue it would be 4 feet.

Open to Public. Closed to Public

Mr. Mack asked about the signs.

Mr. Penzer - The sign will comply with the ordinance requirements. Sign will be on the building. There will be no signs on Melville Avenue.

Motion to approve – Mr. Zaks

Second – Mr. Gelley

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

Motion to carry **Appeal # 3686** until the October 6th meeting – Ms. Goralski

Second – Mr. Lazzaro

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

Appeal # 3675A – Real Acquisition, Block 1081 Lots 12 & 13, R-20 zone, Locust Street,
Site Plan

Secretary read reports.

From: Jim Priolo, Engineer/Planner - July 28, 2008

1. The subject property is located on Locust Street and is within the R-20/12 (Single-Family Cluster Residential) Zone. The existing site is 6.1 acres in size and is vacant. The applicant is proposing a townhouse development that will be comprised of seven townhouse structures containing forty-eight (48) dwelling units, along with a clubhouse and recreation area.
2. The applicant previously received use variance approval from the Zoning Board of Adjustment under Appeal No. 3675 for the proposed townhouse use. The applicant is back before the Board to seek Preliminary & Final Major Site and Subdivision approval.

The specific conditions of the use variance approval were as follows:

- a. There shall be a maximum density of forty-eight units, which they have complied with.

- b. Townhouses shall be constructed with no exterior entrances to the basement, which they have complied with.
 - c. Applicant's traffic engineer shall conduct a traffic study at the intersection of Route 70 and Vermont Avenue in time for the site plan hearing, which they have complied with.
3. The following variances are required:
- a. In accordance with Section 803 E., a minimum 30 ft. buffer will be required along the side and rear property lines. A portion of the eastern side property line proposes less than a 30-foot buffer.
 - b. In accordance with Section 900 H.6., bulk variances for the dimensional relief associated with the subdivision are required:

	<u>Required</u>	<u>Provided</u>
Minimum Side Yard Setback	12 ft.	0 ft.
Minimum Rear Yard Setback	20 ft.	8 ft. (deck)
4. The following comments should be addressed with regards to the Site Development Plan:
- a. Parking calculations should be provided to insure all parking requirements have been met.
 - b. The sidewalk should be extended from Lot 12.26 to the clubhouse.
 - c. The easements should indicate to whom they are dedicated to.
 - d. The sight triangle easement at the driveway should be shown.
 - e. The proposed play area should be shown on the plan.
5. The following comments should be addressed with regards to the Grading & Drainage Plan and stormwater management:
- a. A decorative fence or berming should be provided along the rear yards of Lots 12.02 - 12.09.
 - b. The recharge trench east of the clubhouse doesn't connect into the drainage system.
 - c. The finished floor elevations should be shown for all the structures as opposed to the basement floor elevations.
 - d. The actual number of pipes for the recharge trenches should be shown on the plans as opposed to the single pipe shown.
 - e. A fence should be provided along the perimeter of the infiltration basin.
 - f. Roof leaders should be connected into the drainage system.
 - g. It appears some of the inverts do not correspond with the pipe length and slope.
 - h. Drainage easements dedicated to the Homeowners Associates will be required where the drainage structures are located on individual homeowners lots.
 - i. The 100-year water surface elevation of the infiltration basin should be shown on the plan.
 - j. The infiltration basin does not provide an emergency overflow.
 - k. The storage calculations for Recharge Trench 1 indicate values for a single pipe design, whereas the plans indicate a dual pipe design.

6. The following comments should be addressed with regards to the Utility Plan:
 - a. Easements for the sanitary sewer line should be provided.
7. The following comments should be addressed with regards to the Landscape & Lighting Plan:
 - a. There are some discrepancies between the planting schedule and plan.
8. The following comments should be addressed with regards to the Road Profiles:
 - a. It appears a concrete encasement will be required at the storm sewer crossing of MHS-3 to MHS-4.
9. The following comments should be addressed with regards to the Final Plat and Map Filing Law:
 - a. The Certification for the Record Holder should indicate the printed name beneath the signature line.
 - b. The plan should indicate a Zoning Board Secretary certification stating that, "THIS PLAT MUST BE FILED IN THE OFFICE OF THE CLERK OF OCEAN COUNTY ON OR BEFORE _____, WHICH DATE IS NINETY FIVE (95) DAYS AFTER THE DATE UPON WHICH THIS PLAT WAS SIGNED BY THE LAKEWOOD TOWNSHIP ZONING BOARD."
 - c. The areas to be included/dedicated to the Homeowner's Association should be shaded.
10. Descriptions of all proposed easements must be submitted to the Board Attorney for review and subsequent filing in the office of the Ocean County Clerk.
11. Any approval should include a condition that a Homeowners Association in accordance with Section 900 H.14 of the ordinance be established for the maintenance of the drainage systems and recreation area. The applicant shall submit a copy of the Homeowners Association Agreement to the Board Attorney for review.
12. Ocean County Planning Board approval must be provided.
13. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.
14. 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 the Municipal Land Use Law.

From: Ed Mack, Zoning Officer

I still think that this project is too dense especially considering that townhouses are not a permitted use.

Sal Alfieri, attorney for applicant.

Brian Flannery, engineer/planner, reviewed Mr. Priolo's report. This site is 6.1 acres with 48 townhouses proposed. The use variance was granted. They complied with all the conditions of the use variance which were maximum density of 48 units, townhouses with no exterior entrances and a submission of a traffic study. These are 4 bedroom units which require 2.5 parking spaces each, they have proposed 129 parking spaces. There is a clubhouse and a

recreation lot. The tot lot will be in the recreation area. There will be garbage enclosures in front of each unit.

Open to Public.

Dr. Elliott Lynn, 15 Salvatore Drive, sworn. Objected to this proposal. There are 17 luxury single family homes. There are no townhomes. Concerned about drainage problems in his backyard. Our homes are appraised at \$800,000. Townhomes do not fit into this luxury community.

Laura Hegedus, 13 Salvatore Drive, sworn. This is the only multi family zone surrounded by luxury single family homes. To put 48 townhomes into this luxury home area is an intrusion on their privacy and their property values will plummet. Questions the ethics if this can be approved in the neighborhood. No buffers will help the intrusion.

Yolena Kovalkova, 21 Salvatore Drive, sworn. Paid extra to have privacy in their backyard. They have spent \$100,000 in their backyard to put in a pool and they will have no privacy. Asked for trees to keep their privacy.

Mr. Halberstam – this is for site only – the use was approved.

Closed to Public.

Mr. Flannery – there is a 30 foot perimeter buffer. They have provided a drainage system. They would also be agreeable to a fence.

Mr. Alfieri - Applicant agreed to plant according to the engineer and the neighbors for complete screening. They will not cause any drainage problem on the adjacent properties.

Mr. Harrison – we are locked in to the 48 units but not the site plan.

Mr. Naftali - The best solution then is to maximize the buffer.

Mr. Flannery – they are willing to landscape to make the 30 feet the best possible buffer and also provide an 8 foot vinyl fence.

Mr. Gonzalez asked if they would remove some of the houses.

Mr. Halberstam suggested that the fence should be inside along the property line from the 30 feet to 50 feet line and then thicken up the landscaping.

Motion to approve subject to providing dense buffer and work out a plan with the engineer and the neighbors, installing a fence - Mr. Zaks

Second – Mr. Gelley

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

Nayes: Mr. Gonzalez, Mr. Lazzaro, Ms. Goralski

Resolutions

Appeal # 3679 – SNT, Block 248 Lots 20 & 21, 160 & 164 East 4th Street, Resolution to approve a use variance, minor subdivision and site plan for 4 townhouses with basements.

Motion to approve – Mr. Zaks

Second – Mr. Naftali

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

Appeal # 3676 – S & H Builders, Ocean Avenue/Boulder Way, Block 548.01 Lots 85, 289 & 290, RM zone. Resolution to approve density variance.

Motion to approve – Mr. Naftali

Second – Mr. Gelley

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

Appeal # 3677 – K-Land Corp., Route 70 & Vermont Avenue, Block 1077 Lot 21, B-5 zone. Resolution to approve use variance for gas station and 5,599 square foot Wawa food market.

Motion to approve – Mr. Lazzaro

Second – Ms. Goralski

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

Motion to pay bills

All in favor.

Motion to adjourn

All in favor.

Meeting adjourned at 11:50 P.M.

Respectfully submitted,

Fran Siegel, Secretary