

**LAKWOOD ZONING BOARD OF ADJUSTMENT
MINUTES
SEPTEMBER 11, 2006**

Meeting was called to order at 7:05 P.M.

Meeting properly advertised according to the Sunshine Law.

ROLL CALL: ATTENDING: Mr. Gelley, Mr. Gonzalez, Ms. Goralski, Mr. Naftali, Mr. Zaks,
Mr. Berrios, Mr. Halberstam, Mr. Sernotti

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

Moment of silence in memory of September 11th.

SALUTE TO THE FLAG

MOTION TO APPROVE MINUTES OF JULY 24, 2006 with a waiver to read – Mr. Naftali
Second – Mr. Berrios

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

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, September 1, 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	10 feet (Carey St.) 15 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 then reduced the building size of the first floor to 27.5' x 40', but the second floor size was 31.5' x 40', which exceeded the original building size. The applicant has since revised the building footprint and reduced the size, and it now has a first floor area of 1,090 s.f. and a second floor area of 1,155 s.f.
4. An 8.5-foot road widening easement should be dedicated along Squankum Road. This will further reduce the lot area and front yard setback for which the applicant is currently seeking variances.
5. Sidewalk should be extended along Carey Street to the intersection and a handicap ramp should be constructed.
6. 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

I think this a better plan for this irregular lot. I would like a further explanation for the attic area and would like to know if the basement will remain unfinished.

Sal Alfieri represented applicant. This application was denied. It is an isolated, undersized lot. Here on a remand order of an appeal before Judge Serpentelli. Most of the variances being sought are because of the irregular shape of the lot.

A-1 colored rendering of variance map.

Brian Flannery reviewed Mr. Priolo's report. Existing lot area is 5,512 where 10,000 is required and lot width is 73 feet where 75 feet is required. Front setback 30 feet is required – provide 10 feet on Carey Street and 15 feet on Squankum Road. There is no land to be purchased on any of the three sides. Original plan had a rectangular architectural plan – the board suggested that we change the elevation with offsets corresponding with the angle along Squankum Road. If approved they will dedicate a piece at the intersection of Squankum Road. This house is slightly smaller than the houses in the area. Agree to comment in the engineer's report as far as aesthetics. They have designed a unit particularly suited to the lot.

Mr. Flannery – First application, the house was 30 feet x 40 feet or 1,200 square feet, the second floor was cantilevered. There is an unfinished basement and a guest room above the second floor. They agreed to sidewalks along Carey Street.

Mr. Zaks – this is a real hardship because of the irregular shaped lot.

Mr. Alfieri – was contract purchaser – during the application process they became the owners.

Simcha Shain, 100 Gudz Road, affirmed. Member of Pine Projects - they now own the property over 2 years.

Mr. Alfieri – this is an irregular shaped lot and there is a hardship. The hardship is on the property not on the owner. Judge Serpentelli signed a remand order.

Mr. Harrison – he sent it back here for the applicant to change his plan. The question before the board is if the change is substantial enough.

Open to Public.

William Hovday, 30 Schoolhouse Lane. Sworn. Should make the footprint smaller.

JoAnne LaRocca, 22 Brian Street, sworn. Asked about the front property line.

Avraham Edelman, 345 Squankum Road, affirmed. There are 30-50 buses on the street 2 times a day. The buses are going over the curb.

Mordechai Rosenberg, 23 Carey Street, affirmed. This is a very dangerous corner. There is a synagogue and a grocery store across the street. There are tons of kids. This has to be taken into consideration. The house should be a lot smaller.

Closed to Public.

Mr. Priolo – donating the tip of the property will not eliminate the buses going over the curb.

Mr. Flannery - If they comply with the setbacks it will leave a 20 x 20 triangle. There are townhouses all over this area.

Mr. Zaks – in favor of the application – this is a real hardship.

Mr. Sernotti - The house is too large for the property – not in favor of the application. The house has not been downsized enough.

Mr. Flannery – the basement will be unfinished with no plumbing. Steps are shown inside the house and it will be 30 inches from finished floor to outside grade. Attic will be a guest room.

Mr. Alfieri - the exterior entrance to the basement could be removed as a condition of the approval.

Mr. Gelley – the house is too large.

Mr. Naftali – there is a market for smaller houses.

Motion to approve – Mr. Halberstam

Second – Mr. Zaks

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

Motion denied.

Mr. Harrison – received information earlier today and did not review – asked that **Appeal # 3618 and Appeal # 3619 be carried until October 16, 2006.**

MOTION TO TABLE APPEAL # 3618, Tuxedo Properties – Ms. Goralski

Second - Mr. Zaks

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

Waiver of time and no further notice.

MOTION TO TABLE APPEAL # 3619 – Mr. Zaks

Second – Mr. Halberstam

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

Waiver of time and no further notice.

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, Engineer/Planner – Fourth Review – September 1, 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.

The applicant has since revised the plans per the Board's requests at the hearing held on July 24, 2006. The front setback along River Avenue (Route 9) has been increased to 80 feet.

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.) 100 ft. (Rt. 9)	25 ft. 80 ft.	25 ft. 80 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 be 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 24' road widening easement to Lakewood Township along the Route 9 frontage. A 24' desirable typical section is shown, but no easement is provided.

From: Ed Mack, Zoning Officer

I will continue to honor the request from the governing body to insist that the 100 foot right-of-way from the highway be maintained.

Brian Flannery – This application is for a duplex building. Submitted with a subdivision line and have changed their application to a duplex on one lot. There has been some confusion about maintaining the 100 foot setback. This house will look exactly like the adjacent properties.

Aaron Weinstein, 120 Caranetta Drive, affirmed.

Mr. Flannery – front setback on Rena Drive is 25 feet and 80 feet on Route 9. They will provide landscaping in the 50 foot buffer.

Mr. Halberstam recommended a fence be constructed at the 24 foot line.

Mr. Flannery agreed. This is called a side by side duplex owned by one person.

Mr. Sernotti – is there plumbing in the basement?

Mr. Flannery – the plans do not show plumbing.

Mr. Weinstein – do not intend to finish the basement into an apartment – there will be no kitchen.

Mr. Mack – could see a _ bath in the basement. Still asking for the 100 foot setback – doing what the Township Committee has asked him to do.

Mr. Flannery – the hardship is that it is a 150 foot lot and the ordinance says that you have to give away 100 feet.

Open to Public.

Bill Hovday, sworn – Township is adamant about the 100 foot setback.

JoAnne LaRocca, 22 Brian Street, sworn. Just say no.

Closed to Public.

Mr. Flannery - The 80 foot buffer that they are proposing is a nice buffer from Route 9.

Mr. Sernotti - We have gotten correspondence from the County and the Township Committee with regard to the 100 foot setback.

Mr. Priolo - There was a letter a while ago asking that the township hold all the setback requirements along Route 9.

Mr. Sernotti - The existing setback is 70 feet and they will be increasing it to 80 feet.

Mr. Mack - The states biggest argument is that the Boards are complicating the issue.

Chairman asked applicant to table until October 16 and ask the Township Committee plans on doing anything different with the 10 foot setback.

Applicant agreed.

Mr. Chairman - no more testimony will be heard, only a vote will be taken based on the information received from the Township Committee.

Motion to table until October 16th – Mr. Zaks

Second – Mr. Halberstam.

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

No further notice and a waiver of time.

RECESS.

Mr. Abadi requested to carry Appeal # 3624, Fairmont Investment to the November 6th meeting

Motion to table -Ms. Goralski

Second – Mr. Zaks

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

No further notice and a waiver of time.

Mr. Penzer requested to carry Appeal # 3617, 294 Dewey to revise the plans.

Motion to carry – Mr. Gonzalez

Second – Mr. Naftali

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

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 – Third Review – August 28, 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 18-902 E., 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.	21 ft. (Central Ave.) 21.5 ft. (Valley Drive)
Minimum Rear Setback	20 ft.	17.5 ft.	16 ft.
Maximum Lot Coverage	25%	12.7%	29.3% (including 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

This is an improved plan but it is still a large house for this lot.

Abe Penzer represented applicant. They have revised the plans.

Mr. Flannery - R-12 zone – asking for a single family home. There is an existing home on each side. Reviewed Mr. Priolo's report. They agree to new curb and sidewalk. garage.

Mr. Zaks asked that both fronts of the house look the same with upgraded siding or stucco.

Mr. Flannery – applicant agreed to upgrade siding.

Open to Public.

JoAnne La Rocca, 22 Brian Street, sworn. The house is too large and not in accord with a 7,500 square foot property.

Closed to Public.

Mr. Flannery - The first floor is 1,740 square feet and the second floor is 1,718 square feet.

Motion to approve subject to the applicant using the same materials on the two fronts – Mr. Zaks

Second – Mr. Naftali

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

APPEAL # 3616 – MICHELLE INZELBUCH,

1414 14th Street, Block 24.01 Lot 33, R-12 zone.

To construct an addition encroaching in the front yard setback. Required 30 feet – proposed 20-24 feet.

Secretary read reports.

From: James Priolo, Engineer Planner – Revised Review – June 23, 2006

1. The subject property is located on the corner of Fourteenth Street and Chicanos Drive and is within the R-12 (Single-Family Residential) Zone. The applicant proposes to construct an addition to the existing mother-daughter dwelling.
2. The existing lot does not conform to the current zoning requirements. In accordance with Section 18-902 E. of the Ordinance, bulk variances are required as follows:

	Required	Existing	Proposed
Minimum Front Setback	30 ft.	32.1 ft. (14th St.)	22.8 ft. (14th St.)
Rear Yard Setback (Accessory)	10 ft.	1 ft.	1 ft.

The variance for the rear yard setback was previously granted under Appeal No. 3405, Adopted April 7, 2003.

3. In accordance with the R.S.I.S., three (3) off-street parking spaces are required for this mother-daughter use. It appears there are only two (2) spaces. A variance will be required for this existing and proposed non-conformity.
4. The applicant must demonstrate to the Board that the requested variances can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and the zoning ordinance.
5. Any approval should include a condition that concrete curb and sidewalk along the roadway frontage should be removed and replaced as directed by the Township Engineer.

From: Ed Mack, Zoning Officer

I have no objections to this application.

Michelle Inzelbuch, affirmed. Would like to aesthetically improve the front of the house. There was a bearing wall that could not be knocked down. They need to bump the house out a few feet to make the rooms useable and also bump out their dining room.

Mr. Priolo – the Board could ask for another parking space.

Mr. Inzelbuch – this is a mother-daughter and her grandmother is now 87 years old and does not drive anymore. Another parking space would take away a good portion of the existing landscaping. On Chicanos Drive there is parking on the street.

Open to Public. Closed to Public.

Mr. Priolo – the addition will not block any view.

Motion to approve – Mr. Naftali

Second – Mr. Zaks

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

APPEAL # 3625 – FARADAY ASSOC,

2 Augusta Blvd, Block 524 Lot 77.01, M-1 zone.

9 hole expansion onto existing Eagle Ridge Golf Course. Site Plan

Secretary read reports.

From: Jim Priolo, Engineer/Planner - July 14, 2006

1. The subject property is located on the corner of Cross Street and Faraday Avenue and is within the M-1 (Industrial) Zone and R-40 (Residential) Zone. The applicant proposes to expand the existing eighteen (18) hole Eagle Ridge Golf Course by constructing an additional nine (9) holes on property within both Lakewood and Jackson Townships. A portion of the proposed expansion will be located over the former Cross Street Landfill, which is situated to the southwest of the existing golf course. The existing golf course and the proposed area of expansion are located in the M-1 (Industrial) Zone.
It should be noted that the applicant received use variance approval from the Board under Appeal No. 3320 for the proposed golf course expansion.
2. In accordance with Section 18-1003 L., no portion of any golf tee, fairway or green shall be located closer than 50 ft. to any tract boundary or right-of-way, whereas portions of the proposed expansion are located 30 ft. from the New Jersey Southern Railroad right-of-way.
3. In accordance with Section 18-1003 G., the applicant shall include a project specific Turf Management Plan, an Integrated Pest Management Plan and a Golf Course Operation Manual. No plan/manual has been submitted.
4. The following comments should be addressed with regards to the Grading & Utility Plan and stormwater management:
 - a. It should be noted that the 100-year storm rainfall amount has been updated to 9.2 inches. The report should be revised.
 - b. There appear to be some discrepancies between the plan and profile.
5. There appear to be some discrepancies between the planting schedule and plan.
6. Ocean County Planning Board approval must be indicated on the plan.

7. The applicant is required to submit to, and appear before, all other Local, State and Federal agencies having jurisdiction over this project, including, but not limited to, Jackson Township, Ocean County Planning Board, NJDEP (CAFRA, Wetlands, etc.) and Ocean County Soil Conservation District.

From: Ed Mack, Zoning Officer

Since these are all site plan issues, nothing involving zoning, I have no comment.

Anthony M. Pagano, represented applicant.

Mike Jacobus, engineer, sworn. This is an expansion of the existing Eagle Ridge Golf Course. The 9 hole expansion is located in Jackson and Lakewood Township. They have received permit from CAFRA, landfill disruption permit from the DEP, and have Jackson approval. There are no structures proposed on the new 9 holes. They agree and will comply with comments from engineer.

Open to Public.

Bill Hovday, 30 Schoolhouse Road, sworn. This is a magnificent builder, they beauty the area and the current golf course if remarkable.

Motion to approve – Mr. Gonzalez

Second – Mr. Gelley

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

CORRESPONDENCE

Secretary read a letter from Ed Mack re: living space.

Mr. Mack – should not encourage a full bathroom in the basement because it leads to sleeping quarters which are not permitted without egress windows. The issue was that the basement was going to be strictly used for storage and they now have asked for a bathroom in the basement. There are several thousand illegal basement apartments in this town.

Mr. Zaks – then they should be required to finish the basement according to code with egress windows, etc.

Mr. Mack – it should be established that it is going to be living space. Then they should all be two family houses with the proper parking spaces, etc.

Mr. Sernotti - The purpose of the letter is to make us aware of what the zoning office faces each day.

Secretary read a letter from Brian Flannery re: Appeal # 3584, requesting an increase in the size of the approved single family dwelling.

Mr. Flannery – the approval is for a 34 x 50 dwelling, he sold the property and the new owner will be adding a garage to the plan and a little deeper. The new dwelling will be 65 x 49. The board agreed to allow a larger dwelling on site. Not asking for any new variances.

Motion to approve – Mr. Halberstam

Second - Mr. Zaks

Roll call: affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Naftali, Mr. Zaks, Mr. Berrios, Mr. Halberstam, Mr. Sernotti

RESOLUTIONS

Appeal # 3609 – Somerset Development,

Pine Street & Vine Avenue, Blocks 778.02 Lot 21, Block 779 Lots 1 & 2, Block 780 Lot 1, Block 781 Lot 1, A-1 & R-12 zones,

Resolution to approve a use variance to allow 14 2 family homes.

Motion to approve – Mr. Zaks

Second – Mr. Naftali

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

MOTION TO PAY BILLS

All in favor.

MOTION TO ADJOURN

All in favor.

Meeting adjourned at 11:10 P.M.