

**LAKWOOD ZONING BOARD OF ADJUSTMENT  
MINUTES - SPECIAL MEETING  
SEPTEMBER 18, 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. Sernotti  
Absent: Mr. Halberstam

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

**SALUTE**

**APPEAL # 3620 – JOE PARKER ASSOCIATES,**  
Joe Parker Road, Block 189.04 Lot 188-192, R-20 zone.  
Use variance to construct 62 townhouses.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – 2nd Review September 1, 2006

1. The subject property is located on the east side of Joe Parker Road, and is within the R-20 (Single-Family Residential) Zone. The existing site contains five single-family dwellings and one pool on five separate lots. The applicant proposes to construct eight townhouse structures containing sixty-two (62) dwelling units and one (1) unit for a community center. The existing dwellings and pool will be removed.
2. In accordance with Section 902 C. of the Ordinance, townhouses are not a permitted use in the R-20 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-20 Zone. The only permitted residential use in this Zone is single-family detached.
  - b. To allow an increase in permitted maximum gross density. The maximum gross density in the R-20 Zone based on single-family detached use and minimum lot area is approximately 2.2 units/acres. It appears the site can yield 10 conforming single-family lots. The applicant is proposing 62 attached dwelling units in eight buildings and a density of 13.27 units/acres. 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 residential concept.

3. If the special reasons variances are approved, the applicant will require variances from Subsection 900 H. (Townhouses). This section outlines the design criteria that are requirements for townhouse projects. Those variances required from this section are as follows:

	Required	Provided
Tract Boundary (from R.O.W.)	25 feet	18 feet (Parking)
Tract Boundary (from property line)	20 feet	15 feet
Maximum Units per Building	8 units	9 units

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. buffer is required adjacent to the existing single-family residential lots, whereas a 15 ft. buffer is provided.
5. Due to the extensive amount of development constructed and proposed along Joe Parker Road, a traffic impact analysis should be provided to assess the impact of this high-density development on the subject roadway and nearby intersections.
6. The applicant is proposing an open space area of 23,352 s.f. on which a  $\pm 4,900$  s.f. tot lot and a  $\pm 1,200$  s.f. 2-story community building will be located. The applicant should discuss the type of playground equipment and the proposed amenities of the community building during the site plan phase.
7. The minimum tract boundary of 25 feet from right-of-way should be maintained along Joe Parker Road.
8. The driveway for the approved development across the street should be shown. These driveways should be aligned during the site plan phase.
9. The proposed units do not provide any storage area for such things as gardening/yard equipment, bicycles and children's outdoor toys. The applicant should discuss storage of these items.
10. The applicant should discuss how stormwater management will be addressed during the site plan phase of this project.
11. Any approval should be subject to preliminary and final site plan and subdivision approval.

From: Ed Mack, Zoning Officer

I think that if the units fronting on Joe Parker Road were eliminated and the remaining units were kept back from the road, it would help this area maintain a little of its rural look as this area is developed.

Abe Penzer represented applicant.

Mr. Penzer – the application originally represented has been changed. The amount of units were reduced. There is now a community building. Open space was increased from 13,367 feet to 23,352, dumpsters moved, parking rearranged. Townhouse buildings pushed back to allow 18 feet and not 10 feet along Joe Parker Road. They agreed to berm that area. Changes were made talking to neighbors and the professional staff. The applicant proposes to do affordable housing units at \$269,000 and less. There is a tremendous need for affordable housing and they meet the criteria for affordable housing.

Brian Flannery, sworn. The application is for use and density variances. The property is 4.67 acres in the R-20 zone.

A-1 variance map

A-2 prior variance map

A-3 artist rendering of units

A-4 aerial view of uses in the area.

A-5 (14) pictures from Golfview

A-6 – plan of Tamarind developers across the street

Mr. Flannery – showing 62 townhouse units – smaller than the typical townhouse. Described the area. This is a housing type that is needed and this use will fit in well. The application has been scaled back and they increased the buffer along Joe Parker Road. They will come back for site plan. They are providing approximately 10% of open space.

Mr. Penzer read 40:55D-2. It is their position that they are providing affordable housing and it is an inherently beneficial use.

Mr. Flannery – granting the use variance would not cause any detriment to the area. The benefits outweigh the detriment. The area has a variety of development types that would be compatible with what is proposed.

Mr. Penzer – not here for density tonight only use.

Mr. Flannery – the property across the street has 5 bedrooms and 4,000 square foot units, about 6 units per acre. This proposal is smaller in nature, and more consistent with multi-family at 13 units per acre.

Mr. Penzer - The affordable housing ordinance provides for 18 units per acre. They only have 13 units per acre. There are no outside entrances to the basements. Well below the price of the standard market value house.

Mr. Sernotti - The houses will be affordable but not affordable housing. Not under the guidelines of COAH.

Open to Public.

William Hovday, 30 Schoolhouse Lane, sworn. There is nothing in the area as dense as this project. It is not really affordable housing, priced to the const of the construction.

Raymond Forse, 1508 Long Beach Avenue, sworn. Joe Parker Road is a highly used thoroughfare and 62 units would have a detrimental impact on the community. There is a blatant disregard for the ordinance. This is for financial gain only.

JoAnne LaRocca, 22 Brian Street, sworn. This proposal is an abomination. The area on the east side of Joe Parker Road are all individual homes.

Pat Forse, 1508 Long Beach Avenue, sworn. There is an error on the map – it shows two buildings on her property, she only has one building. There are too many exceptions to the rules. They are asking for 12 variances. Traffic is horrendous, the road needs to be regarded.

David Shapiro, 419 Cedarbridge Avenue, affirmed. This house would be affordable to us. In favor of this application.

Marianne Hansen, 54 Brian Street, sworn. The town has changed and not for the better. The traffic will be a nightmare. There will be a lot of children and school busses.

Mr. Penzer summed up. The neighborhood has changed. This is affordable housing at \$269,000. Golfview is a high density. They are aware that they have to take care of storm management. This is a CAFRA zone.

Mr. Gonzalez – not in favor of this application.

Mr. Naftali – there are no houses at that prices and it is needed - in favor of the use.

Mr. Zaks – In favor of the use just feel that it is too dense.

Mr. Gelley – the area is fine with the use

Mr. Berrios - Should remain a single family residential zone.

Ms. Goralski – agree with the use but extremely too dense for the area.

Mr. Sernotti – that side of the street is residential – this development on that property does not belong. Not in favor of this application

Motion to approve with no unit count, no density count, sale of no more than \$269,000 –  
Mr. Zaks  
Second – Mr. Gelley

**ROLL CALL VOTE:** Affirmative: Mr. Gelley, Ms. Goralski, Mr. Naftali, Mr. Zaks  
Nayes: Mr. Gonzalez, Mr. Berrios, Mr. Sernotti

Application denied.

## **RESOLUTIONS**

### **Appeal # 3591 – Amended resolution, Feige Brecher,**

Block 25.04 Lot 44, 33 Martin Street.

Resolution to approve the construction of a two-story addition for the existing dwelling approving a lot coverage variance of 28.52% where 25% is required.

Motion to approve – Mr. Zaks

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gelley, Mr. Gonzales, Mr. Zaks, Mr. Sernotti

### **Appeal # 3593 – Amended resolution, Congregation Sons of Israel,**

Block 127 Lot 4, Fourth Street & Monmouth Avenue.

Resolution to construct townhouses and subdivide lot 4 into 5 residential lots and one Homeowner's Association lot.

Motion to approve – Mr. Naftali

Second – Mr. Gonzalez

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

## **MOTION TO ADJOURN.**

All in favor.

Respectfully submitted,  
Fran Siegel, Secretary