

**ZONING BOARD OF ADJUSTMENT  
MINUTES  
OCTOBER 16, 2006**

**Meeting was called to order at 7:15 P.M.**

**Meeting properly advertised according to the Sunshine Law.**

**Roll call:**

Attending: Mr. Gelley, Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. Halberstam, Mr. Sernotti

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

Arrived late: Mr. Gonzalez and Mr. Berrios

**Salute to the flag.**

**Motion to approve minutes of September 11, 2006** with a waiver to read – Mr. Naftali  
Second – Ms. Goralski

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

**Motion to approve minutes of September 18, 2006** with a waiver to read – Ms. Goralski.  
Second – Mr. Gelley

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

**Letter from Ray Shea, Appeal # 3622, Park Avenue Land Development**, request to carry  
because their planner was not available.

Motion to carry until December 4th – Mr. Halberstam  
Second – Ms. Goralski

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

No further notice and a waiver of time.

**Chairman announced that Appeal # 3618 and Appeal # 3619 will be moved to the November 6th meeting,** the applicant and the objectors were not available.

**Motion to carry Appeal #3618 to November 6th** – Ms. Goralski

Second – Mr. Gelley

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

**Motion to carry Appeal # 3619 to November 6th** – Ms. Goralski

Second – Mr. Naftali

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

No further notice and a waiver of time.

**APPEAL # 3604 – ARYEH WEINSTEIN**

730 River Avenue, Block 423 lot 13, HD-7 zone.

Use variance to construct a duplex and a minor subdivision into two lots.

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.)	25 ft.	25 ft.
	100 ft. (Rt. 9)	80 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.

Chairman - Application was heard last month and applicant was only going to be 80 feet from Route 9 instead of the 100 foot required and he was requested to contact the Township Committee. He was asked to get a ruling from the Township. There will be no more testimony heard only a vote will be taken.

Mr. Priolo – the position of the Township Committee meeting this was discussed and they want the 100 foot setback maintained.

Mr. Flannery – they would amend the application to adhere to the 100 foot and request a 20 foot setback from the internal road. There will be one family on the lower level and another family above it. There will be no subdivision. The house will be 30 x 50. The basement will be part of the lower unit. Will maintain the 10 foot setback on each side.

Mr. Priolo – does not have to see new plans.

Mr. Flannery – there will be a concrete patio. The architecture will be compatible to the neighboring complex.

Open to Public. Closed to Public.

**Motion to approve 30 x 50 duplex with 100 foot front setback from River Avenue & 20 foot front setback from Rena Lane, no subdivision of lot, no deck and goes to Mr. Priolo for final approval – Mr. Zaks**

Second – Mr. Gelley

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

Mr. Gonzalez arrived.

**APPEAL # 3561A- 319 SUNSET, LLC**

James Street, Block 345 Lot 9, M-1 zone.

Preliminary and final site plan to construct two buildings on site. Use variance was granted.

Secretary read reports.

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

1. The subject property is located along James Street and is within the M-1 (Industrial) Zone. The existing lot is vacant and wooded. The applicant proposes to construct a 38,000 s.f. 2-story building with retail on first floor and offices on second floor and a 15,200 s.f. 1-story retail building.

The applicant previously received approval from the Zoning Board of Adjustment under Appeal No. 3561 (Adopted August 1, 2005) for special use variance approval (non-permitted use). The applicant is back before the Board to seek Preliminary & Final Site Plan approval. It should be noted that the original application proposed one 71,950 s.f. 2-story building with office and retail space.

2. The following comments should be addressed with regards to the Architectural Plans:
  - a. Both buildings show optional side entries. The applicant should discuss if they are going to use this option.
  - b. The front (200') building also shows stairs leading to a basement level. The applicant should discuss the use of this basement level.
  - c. The rear (160') building is oriented so that the front/entry of the building faces the rear of the site. The applicant should discuss this layout.
  - d. The rear (160') building shows stairs and an elevator and indicates a basement and second level. The application indicates that this building will only be 1-story.
  - e. Elevations for the rear (160') building should be provided.
  - f. The dimensions and locations of the piers for the overhangs of both buildings should be shown on the site plan.
3. In accordance with Section 816F., all non-residential site plans shall submit plans to the Township Public Safety Office and the NJDOT to allow for the Title 39 Enforcement.

4. The following comments should be addressed with regards to the Site Plan:
  - a. The applicant's certification block should reference the Lakewood Township Zoning Board.
  - b. The applicant should discuss if any site identification sign is proposed, and if so the size and location of the sign. Any proposed sign shall be in accordance with Section 812 of the Ordinance.
  - c. In accordance with Section 809, a gate should be provided in front of the trash enclosure. The size and location of the enclosure shall be determined by the Department of Public Works.
  - d. A 5' right-of-way dedication or road widening easement will be required along James Street to match the adjacent 60' right-of-way width.
  - e. In accordance with Section 807C., driveways shall be a maximum width of 30 feet, the proposed driveway is 40 feet. A concrete island should be proposed in lieu of the painted island shown to separate the entrance and exit portions of the driveway.
  - f. The uses on adjacent Lots 10 and 11 should be shown.
  - g. 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 and entire site.
  - h. The applicant should discuss the types of retail uses and what type of trucks will be entering the site.
  - i. The loading areas should be labeled and the method of loading and unloading should be discussed.
  - j. Fire lane striping and signage should be provided in accordance with all applicable codes.
  - k. Sidewalk should be provided along James Street.
  - l. Decorative vinyl fencing should be used along the retaining wall as opposed to the chain link proposed.
  - m. The locations and dimensions of the piers for the building overhangs should be shown on the plan. It appears they will be close to the proposed parking. Concrete or steel bollards should be placed in front of the piers between the parking spaces.
  - n. All tree save areas should be shown on the plan.
  
5. The following comments should be addressed with regards to the Grading & Drainage Plan and stormwater management:
  - a. The F.F.E. for the rear building and the B.F.E. for both buildings, should be shown.
  - b. The 100-year water surface elevations for the basins should be shown.
  - c. No roof leader connection is shown for the front building.
  - d. The average permeability rate shown for SB-5 is 22 inches/hour and SB-6 is 15 inches/hour, therefore with a factor of safety of 2, the infiltration rate used in the recharge calculations should be an average of 11 inches/hour and 8 inches/hour respectively, whereas 16 inches/hour and 15 inches/hour are used.
  - e. Additional spot elevations should be shown at the handicap ramps.
  - f. Additional topographic and planimetric information is required downstream (west) of the emergency spillway for Basin C so that the downstream effects can be evaluated.
  - g. In accordance with Section 815A.8., basins shall be surrounded by a decorative safety fence with a minimum height of 3 feet. The fence type and material shall be approved by the Department of Public Works. No fencing is proposed.

- h. The cleanout proposed at the eastern end of the 174 l.f. of 36" pipe south of Basin A should be converted to a manhole. The applicant should consider placing an inlet in the northeast corner of the parking lot and moving the 174 l.f. of 36" pipe to connect from CB-6 to the suggested inlet.
  - i. An inlet should be provided along the eastern curblines of the driveway between CB-5 and CB-6.
  - j. Curb cuts or depressed curb should be constructed at the corners of the northern (front lot) islands to avoid puddling.
  - k. A detail of the proposed 36" RCP outfall pipe into Basin A should be provided. The applicant should discuss if a flared end section will be provided or if the pipe will daylight into the basin.
  - l. The cleanouts located at the end of the trench drain should be converted to A inlets. The 8" PVC pipe should be converted to 15" HDPE pipe.
  - m. Inlets should be placed in the rear parking lot to collect runoff. The roof leader from the rear building should be connected into an inlet as opposed to running directly into Basin 6.
6. The following comments should be addressed with regards to the Utility Plan:
- a. The utility plans show two additional trash enclosures on the plan that are not shown on the site plan. This discrepancy should be revised.
7. The following comments should be addressed with regards to the Landscape and Lighting Plan:
- a. Additional landscaping should be provided in the front of Basin A along James Street.
  - b. Landscaping should be provided along the front/entrances of the buildings.
  - c. A decorative retaining wall should be provided in Basin A.
8. The following comments should be addressed with regards to the Construction Details:
- a. In accordance with Section 809, a detail for the trash enclosure should be provided.
  - b. Details for the proposed retaining walls should be provided.
9. Ocean County Planning Board approval should be shown on the plans.
10. The applicant shall submit to, and appear before, all 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 have no objection to this application in terms of Zoning, I would however like to know the function of the basement.

Steven Pfeffer represented applicant.

Brian Flannery, sworn. Reviewed Mr. Priolo's report. The original plan showed one larger building. The site flows better with two smaller buildings. The site is designed with

sufficient room for trucks. The total square footage of the two buildings is less than the one approved. Lower level is stores and the upper floors are offices. The basement will be used for utility and storage use only and probably will only be a partial basement. They do not have any tenants lined up. Type of retail uses would be a food store, a pizza parlor and similar uses. They agreed to the basins being fenced. 240 parking spaces are proposed – 235 is required.

Mr. Sernotti was concerned about loading and unloading and the movement of the trucks.

Mr. Flannery will provide a truck circulation plan.

Mr. Gonzalez – would rather see the two buildings closer together and trucks only the rear of the buildings.

Mr. Flannery – in his opinion it does not make a better design.

Mr. Priolo – would be easier to put the buildings closer and put the parking in front but would have the alley look. Usually the parking is separated from loading. Could make the lost parking spaces up in the back. They are providing 240 parking spaces and 235 parking spaces is required.

Mr. Sernotti – Mr. Flannery and Mr. Priolo can work that out.

Mr. Flannery - Road is directly aligned with Sunset Road

Open to Public.

William Hovday, 30 Schoolhouse Lane, sworn. Did not hear the Engineers report. Has no idea how the planner and the engineer has looked at this. Wants the reports to be made available to the public.

Mr. Sernotti – will have the reports available to the public at the meeting.

Closed to Public.

Mr. Flannery - There will be additional berming and landscaping along the basin on James Street.

**Motion to approve with both engineers meeting and the basements will be for storage – Mr. Halberstam**

Second – Ms. Goralski

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

## **APPEAL # 3626 – BEST PRESSED CLEANERS**

2 Northcrest Place, Block 1.13 Lot 64, R-15 zone. Dry cleaning use.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – October 11, 2006

1. The subject property is located along Hillside Boulevard and is within the R-15 (Single-Family Residential) Zone and is part of an existing ±53,160 s.f. (4 building) shopping center. The applicant proposes to use a ±2,640 s.f. end retail unit for a dry cleaner business.

The approval for the proposed commercial center was granted via Resolution 2861A, Adopted June 4, 1998. At the time of the approval, the entire residential and retail/commercial development was located within the SPD (Special Planning District) which allowed the proposed retail/commercial use. The Township has since rezoned the area to the R-15 Zone.

2. A special reasons variance will be required as follows:
  - a. To permit a use in a district restricted against such use. In accordance with Section 902 D. of the Ordinance, the proposed dry cleaners/commercial use is not a permitted use within the R-15 Zone. The only permitted use in this Zone is single-family detached.

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 (dry cleaners/commercial). In order to achieve this, the applicant should explain why the dry cleaners use is a better planning and zoning alternative than the traditional permitted uses.

From: Ed Mack, Zoning Officer

In the past the type of chemicals used by this industry in their processing have made the use restrictive. As long as the Board is convinced that the new modern processing is safe I have no objections to this application.

Steven Pfeffer represented applicant. Applicant now is presently on Clifton Avenue and has been there for about 3 years.

Naftali Sokel, 65 Drake Road, affirmed. On Clifton Avenue they use a chemical called Perk. There is a new chemical that they will be using which is environmentally friendly. This is considered a non-hazardous material. They will be the end unit in one of the buildings.

Mr. Priolo – There are no site improvements.

Mr. Mack – concerned about odors.

A-1 brochure of the product.

Mr. Sokel – the product is odorless. There will be a steam generator to do the pressing. It will be vented through the roof into the atmosphere.

Mr. Mack – there are state standards that they will have to meet.

Mr. Sokel – there will be is a fire sprinkler system in the building.

Open to Public.

William Hovday asked about the chemicals.

Mr. Mack - It is a highly regulated and watched industry.

**Motion to approve – Mr. Zaks**

Second - Ms. Goralski

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

Recess.

**APPEAL # 3467A – FOREST GLEN**

Chestnut Street, Block 1159, Lots 19, 42-44 & 85 R-20 zone. Preliminary & Final Major Subdivision

Secretary read reports.

From: Jim Priolo, Engineer/Planner, Second Review, October 6, 2006

1. The subject property is located along Chestnut Street and is within the R-20 (Single-Family Residential) Zone. The existing site contains two single-family dwellings. The applicant is proposing a thirty (30)-lot subdivision with twenty-six (26) buildable lots. The existing dwellings will be removed.
2. The applicant previously received approval from the Zoning Board of Adjustment under Appeal No. 3467 (Adopted May 3, 2004) for special use variance approval (density) and dimensional relief (lot area, width) for the proposed subdivision. The applicant is back before the Board to seek Preliminary & Final Major Subdivision approval. The approval permitted the density and bulk variances but contained the following express conditions; the maximum number of buildable lots will be twenty-nine (29) with two (2) lots dedicated for playground/recreation use.

The applicant has altered the plan since the original use variance approval. The property is now being subdivided into thirty (30) lots, with twenty-six (26) buildable lots, one (1) lot used for stormwater management, two (2) environmentally constrained lots and one (1) lot for recreation.

The Resolution of Approval also approved the bulk variances associated with the subdivision. The approved minimum lot area was 12,000 s.f. and the approved maximum lot width was 90 ft. The applicant is now seeking a minimum lot width variance of 80 ft. for Lots 19.11, 19.13, 19.14, 19.17, 19.20, 19.22, 19.23, 19.25, 19.26 and 19.29.

The applicant has also revised the subdivision plans per our letter dated October 25, 2005 and issues discussed at the 11/7/05 Board meeting. At that meeting, the Board had several issues related to the design of this subdivision.

3. Proposed Lots 19.03, 19.05, 19.08, 19.19, 19.26, 19.27, 19.28, 19.29 and 19.30 are considered thru-lots (double frontage) and require a buffer. Therefore a variance is required.
4. The following comments should be addressed with regards to the Site Development Plan:
  - a. The spelling of Ashbourne/Ashbourne Road should be clarified and made consistent throughout the project.
  - b. The tot/recreation lot (19.20) should be labeled. The Board should determine if this playground is of appropriate size for this project.
  - c. An access easement from Ashbourne Road should be provided to Lot 19.12.
  - d. The useable areas of Lots 19.01, 19.03, 19.11, 19.13, 19.21 and 19.22 are less than 12,000 s.f.
  - e. As discussed at the November 2005 meeting, a 4'-6' high solid vinyl fence should be proposed along Chestnut Street on Lots 19.01, 19.27-19.30. Berming should also be provided.
  - f. Fencing should be provided around the tot/recreation lot (19.20).
5. The following comments should be addressed with regards to the Grading and Drainage Plan and stormwater management:
  - a. The 100-year water surface elevation should be shown on the plans for the stream.
  - b. The graphic scale provided on the Off-Road Profiles is incorrect. This should be revised.
  - c. A stormwater management maintenance plan should be provided. The applicant should discuss if there will be a Homeowners Association that will perform the required maintenance of the drainage system.
  - d. There appear to be some discrepancies between inverts and slopes for some of the pipe runs.
  - e. A box culvert should be proposed where Ashbourne Road crosses the stream to minimize the disturbance to the natural topography of the streambed.
  - f. In accordance with Section 815, a concrete fence is required around the stormwater basins and on the wall at the culvert crossing.
  - g. In accordance with Section 815B.4., a maintenance fee will be required for each stormwater basin. The total fee is \$39,000.00 (\$750/Lot x 26 Lots x 2 Basins).
  - h. The project should comply with all requirements of Section 815C.-E.
  - i. All drainage easements should be shown on the grading and drainage plan.

- j. Details of the walls should be provided. Structural calculations of the wall supporting the roadway should be provided and a safety railing along the sidewalk should be provided.
  - k. The applicant should discuss who will maintain the trenches located in the rear yards of Lots 19.13, 19.14, 19.17, 19.18 & 19.19. If the maintenance responsibility should fall on the Homeowners then a deed restriction should be established, stating the maintenance requirements and that the grading of the rear yards shall not be altered.
  - l. An additional inlet should be placed on Lot 19.25 along Trench 1.
  - m. The applicant is requesting a de minimus exception from the required stormwater quantity reductions of the 2, 10 & 100-year storm events for the uncollected runoff of Lots 19.27 – 19.30 above Chestnut Street. This request seems reasonable due to the location of the minimal amount of runoff in this area.
  - n. The grading at the end of Stamford Hill Road is rather steep and creates an unusable side yard area for Lot 19.19 and minimizes the useable space for the tot/recreation lot (19.20).
6. The following comments should be addressed with regards to the Construction Details:
- a. A stop bar detail should be provided.
  - b. The recharge trench details show two Trench 3 details, this should be revised.
7. The following comments should be addressed with regards to the Final Plat:
- a. The spelling of Ashbourne/Ashbourine Road should be clarified and made consistent throughout the project.
8. The following New Jersey Department of Environmental Protection (NJDEP), Land Use Regulation Permits are required:
- a. A Letter of Interpretation (LOI), along with the approval for the buffer averaging plan must be submitted for review.
  - b. A stream encroachment permit.
  - c. A CAFRA permit because the project is proposing more than twenty-four (24) buildable lots. If a CAFRA permit is not required, a letter stating this from the NJDEP should be provided.
9. Ocean County Planning Board approval must be indicated on the plan.
10. The applicant shall submit to, and appear before, other Local, State and Federal jurisdictional agencies for appropriate permits pertaining to this project, including but not limited to, the Lakewood Township Fire Safety Department and Traffic Safety Department.
- From: Ed Mack, Zoning Officer

By eliminating one of the lots on Chestnut Street and repositioning the houses, this project would look much more conforming with the hundred foot frontage. This would enhance the perception of the whole project. If the same were to be done with one lot on either side of Stamford Hill Road, the remaining lots would also be much more conforming with regard to frontage.

Abe Penzer represented applicant. Revised the plans to meet the concerns of the Board. They reduced amount of lots and provided 3 areas for recreation, two passive and one active.

Mr. Flannery – originally there were 29 lots they now have 26 lots plus one tot lot and a passive recreation area.

A-1 rendered version of site development plan.

Mr. Flannery - lot 19.20 will be the tot lot. Reviewed Mr. Priolo's report. There are four lots with less than 90 foot widths trying to get more buildable area into each of the lots. Because of the wetlands they do buffer averaging. Agreed to an easement for lot 19.12. Will provide the fencing that is requested. They have reduced 3 lots, the plan has a lot of open areas.

Mr. Zaks – we asked for 90 foot lots.

Mr. Flannery explained that on curves and cul-de-sacs the lot width is measured at the front setback.

Mr. Priolo – agreed with Mr. Flannery.

Mr. Zaks asked Mr. Priolo if he was satisfied the size of the tot lot and will it be sufficient?

Mr. Penzer – they comply with the ordinance.

Mr. Sernotti - The majority is passive recreation.

Mr. Priolo – The two big areas are really wetlands. The actual play area is about 50 x 50. In his opinion it is a little small. With retaining walls they could probably double the play area.

Mr. Flannery – agreed to put a retaining wall and level it to the maximum extent.

Mr. Gonzalez – concerned about all the traffic going on Chestnut Street.

Mr. Penzer – this property is unique because of the amount of wetlands.

Mr. Flannery suggested a future right-of way with gates. Gates, Powell & Fulton were vacated.

Mr. Naftali asked for a more centrally located tot lot or to shift the lot.  
Discussion followed

Open to Public.

Larry Simons, 7 Schoolhouse Court, affirmed. Neglected to pay attention that the land is being filled now. Is it going over the wetlands? Should be tabled until we know what the builder is doing.

Mr. Sernotti – Mr. Mack will verify that and enforce it.

William Hovday - The tot lot issue has not been resolved. Children should not be exposed to a steep unuseable side lot. It could be in a wetland area. There will be well over 100 children and these children need a place to play not on a hill.

Mr. Sernotti – it was decided that a wall would be put up and make it larger to almost 5,000 square feet.

Mr. Priolo - And it would be out of the buffer and wetlands area.

Marilee McGlynn, 784 Albert Avenue, sworn. Concerned because Lakewood is running out of woods and the lots should not be made any smaller than the ordinance allows.

Closed to Public.

Mr. Penzer summed up.

Mr. Flannery - would show a dotted line that shows a future right-of-way. The developer to the east would be responsible for the road.

Mr. Penzer - They could put a note on the plan when it gets filed.

Mr. Flannery – could put benches in the basin area on lot 19.25.

Mr. Flannery – agreed to eliminate one lot.

**Motion to approve subject to eliminating one lot on Chestnut Street, included 5,000 square play area, fence with easement to Gates Avenue and a berm along Chestnut Street – Mr. Zaks**

Second – Mr. Gelley

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

## **APPEAL # 3629 - FIFTH STREET ASSOCIATES**

5th Street, Block 117 Lots 9, 10, 11, 12 Interpretation of the zoning map.

Secretary read reports.

From: Jim Priolo, Engineer/Planner -October 13, 2006

Our office is in receipt of an application requesting an interpretation of the zoning map to determine if Block 117, Lots 9-12 are located within the R-M (Multi-Family Residential) Zone or B-2 (Central Business) Zone. We have reviewed the request along with the Lakewood Township Zoning Map, Tax Map Sheet 33 and have determined that the subject property is located within the R-M Zone. The Zoning Map clearly shows the division of the

R-M and B-2 Zones through the center of Fifth Street, therefore any lots on the north side of Fifth Street are within the R-M Zone and any lots on the south side of Fifth Street within the B-2 Zone.

From: Ed Mack, Zoning Officer

I think that this property is in the RM zone. Previous opinions by other officials, as well as prior actions by this Board have all referred to this property as being in the RM zone.

John Doyle represented applicant. Seeking a zoning map interpretation. The map is clear that it is in the B-2 zone. The Zoning Map is the map adopted by an ordinance that says where the zones are. The Boards job is to look at the map and to interpret.

The Board looked at the zoning map with a magnifying glass to try and determine the zone.

Mr. Harrison – would like time to review the case that Mr. Doyle is referring to and would like the opportunity to look into it further and would like to resolve it at the next meeting.

Mr. Priolo – there is an area of confusion, the zoning map is showing one thing and the working zoning maps in engineering are showing it in the RM zone.

Mr. Doyle - There is only one official zoning map.

Mr. Zaks – looks like it is a split lot and in both zones.

**Motion to table until November 6th and a waiver of time – Ms. Goralski**

Second – Mr. Halberstam

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

**Letter from Ray Shea, requesting a one year extension to file minor subdivision map for Appeal # 3579, Cedarbridge Development block 961 lot 1.01.**

**Motion to grant a one-year extension – Mr. Naftali**

Second – Mr. Gonzalez

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

## **RESOLUTIONS**

**APPEAL # 3547 – PINE PROJECTS** - Carey Street, Block 150.07 Lot 38, R-10 zone.

Resolution to deny the construction of a single family home on an undersized lot.

**Motion to approve – Mr. Gonzalez**

Second – Mr. Gelley

**Roll call vote:** affirmative: Mr. Gelley, Mr. Gonzalez, Ms. Goralski, Mr. Naftlai,  
Mr. Sernotti

**APPEAL # 3585 – BENJAMIN LAPIDES** – 911 Central Avenue, Block 12.04 Lot 83, R-12 zone. Resolution to approve the construction of a single family home on undersized lot.

**Motion to approve – Mr. Gelley**

Second – Mr. Halberstam

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

**APPEAL # 3616 – MICHELLE INZELBUCH**, 1414 14th Street, Block 24.01 Lot 33, R-12 zone.

Resolution to approve the construction of an addition encroaching in the front yard setback. Required 30 feet – approved 20-24 feet.

**Motion to approve – Mr. Naftali**

Second – Mr. Gonzalez

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

**Appeal # 3625 – Faraday Assoc**, 2 Augusta Blvd, Block 524 Lot 77.01, M-1 zone.

Resolution to approve a 9 hole expansion onto existing Eagle Ridge Golf Course.

**Motion to approve – Mr. Gelley**

Second – Ms. Goralski

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

**Appeal # 3620 – Joe Parker Associates**, Joe Parker Road, Block 189.04 Lot 188-192, R-20 zone. Resolution to deny a use variance to construct 62 townhouses.

**Motion to approve – Mr. Gonzalez**

Second – Mr. Sernotti

**Roll call vote:** affirmative: Mr. Gonzalez, Mr. Berrios, Mr. Sernotti

## **MOTION TO PAY BILLS.**

All in favor.

## **MOTION TO ADJOURN**

All in favor.

Meeting adjourn at 10:55 P.M.

Respectfully submitted,

Fran Siegel