

**LAKWOOD ZONING BOARD OF ADJUSTMENT
MINUTES
NOVEMBER 7, 2005 • 7:300 PM**

Meeting was called to order at 7:45 P.M.
Meeting properly advertised according to the Sunshine Law.

ROLL CALL:

Attending: Mr. Gonzalez, Mr. Zaks, Mr. Gelley, Mr. LeCompte,
Mr. Halberstam, Mr. Sernotti
Absent: Mr. Naftali
Arrived late: Mr. Daniels
Also present: James Priolo, Engineer/Planner
Glenn Harrison, Attorney
Steve McCrystal, Court Stenographer
Fran Siegel, Secretary

SALUTE TO THE FLAG:

Request from Ralph Zucker, Somerset Development to carry Appeal # 3570 Cross Street to the December 5th meeting. They are meeting with objectors.

Motion to carry until January with renofice and a waiver of time – Mr. LeCompte
Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gonzalez, Mr. Zaks, Mr. Gelley, Mr. LeCompte,
Mr. Halberstam, Mr. Sernotti

APPLICATIONS:

Appeal # 3471A Somerset, Chestnut Street, was improperly noticed and will be carried until the December 5th meeting with notice and a waiver of time.

Motion to carry until December 5th – Mr. Halberstam
Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gonzalez, Mr. Zaks, Mr. LeCompte, Mr. Gelley
Mr. Halberstam, Mr. Sernotti

Motion to approve minutes of September 26, 2005 with waiver to read – Mr. Gonzalez
Second – Mr. LeCompte

Roll call vote: affirmative: Mr. Gonzalez, Mr. LeCompte, Mr. Gelley, Mr. Halberstam,
Mr. Sernotti

Appeal # 3467A – Forest Glen, Chestnut Street, Block 1159, Lots 19, 42-44 & 85
Preliminary & Final Major Subdivision

From: Jim Priolo, Engineer/Planner

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-seven (27) 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-seven (27) buildable lots, one (1) lot used for stormwater management and two (2) environmentally constrained lots. It appears no playground has been proposed.

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 75 ft. for Lots 19.25 - 19.29 and Lot 19.19.

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 area of the lots not including the wetlands buffer reduction and addition areas should be shown on the plan.
 - b. The proposed right-of-way width for the beginning portion of Ashbourne Road should be shown.
 - c. The Resolution of Approval requires a recreation/playground area for the site. No such area has been proposed, the applicant should discuss available locations for a recreation/playground area.
 - d. The applicant should provide the usable areas of Lots 19.01, 19.03, 19.11, 19.13, 19.20, 19.21 and 19.25.
 - e. The useable lot area for each lot should be listed on the final plat.
 - f. All easements should be labeled and dimensioned.
 - g. The ultimate owner of Lots 19.02, 19.12 and 19.24 should be noted. If the Township is to own Lot 19.12, an access easement should be provided from Ashbourne Road.
 - h. The centerline offsets of the intersection of Ashbourne Road and the drive way opposite Chestnut Street should be shown on the plan.
 - i. The stream shown should be labeled as Kettle Creek.

5. The following comments should be addressed with regards to the Grading and drainage Plan and stormwater management:
 - a. Top and bottom of wall elevation should be provided for the retaining walls.
 - b. The 100-year water surface elevation should be shown on the plans for the basins and stream.
 - c. The lot numbers shown should match the lot numbers on the site development plan.
 - d. The rainfall amount of 7.5 inches used for the 100-year storm event has been updated as of September 2004; the revised amount is 9.2 inches. The calculations should be revised per the update.
 - e. Ashbourne Road is spelled incorrectly on the plan.
 - f. A stormwater management maintenance plan should be provided. The applicant should discuss if there will be a Homeowner's Association that will perform the required maintenance on the basins.
 - g. There appear to be some discrepancies between inverts and slopes for some of the pipe runs.
 - h. A box culvert should be proposed where Ashbourne Road crosses the stream to minimize the disturbance to the natural topography of the streambed.
 - i. In accordance with Section 815, a concrete fence is required around the stormwater basins and on the wall at the culvert crossing.
 - j. In accordance with Section 815B.4., a maintenance fee will be required for each stormwater basin. The total fee is \$40,500.00 (\$750/Lot x 27 Lots x 2 Basins).
 - k. The project should comply with all requirements of Section 815C.-E.
6. The following comment should be addressed with regards to the Utility and Signage Plan:
 - a. A stop bar should be provided at the intersection of Chestnut Street and Ashbourne Road.
7. The following comments should be addressed with regards to the Construction Details:
 - a. The Type 'N' Eco-Curb piece should be used on all Type 'B' inlets as opposed to the Type 'J' Eco-Curb piece.
 - b. A stop bar detail should be provided.
8. The following comments should be addressed with regards to the Final Plat:
 - a. All certification blocks should reference the Lakewood Township Zoning Board.
 - 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 future ownership of Lots 19.02, 19.12 and 19.24 should be shown.
9. The following New Jersey Department of Environmental Protection, 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.

10. Ocean County Planning Board approval must be indicated on the plan.
11. 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

I have no objections to this application.

Abe Penzer, Attorney for applicant. The Board previously approved in May, 2004, a 31 lot subdivision. Now seeking to reduce that to 27 houses and 2 detention basin lots. In making the detention basins they had to reduce the amount of lots. They now need a lot width variance of 75 feet and not 90 feet that is required.

Charles A. Boyles, Engineer, sworn.

A-1 – color rendering

Mr. Boyles – Mr. Boyles reviewed Mr. Priolo's report. Subject property is approximately 15 acres. There will be an entrance off Chestnut Street. There will be two cul-de-sacs. Property is bisected by a wetlands corridor. There is an additional wetlands area on the eastern portion of the property. The subdivision was approved with the use variance granted previously. There is some minor configurations of some lots. In order to comply with Township & RSIS standards regarding storm water management they had to design with two basins. Omitted two lots to comply with the approval. Two of the lots do not comply with the lot width, variances are requested for lots 25 - 29 and lot 19.19. Lot width variance is diminimous. They comply fully with the other requirements. Three lots are dedicated to the township. This is only 27 homes and would not be necessary to provide a playground area. A site of this size does not need a Homeowners Association. They will install a fence around the detention basin. They do have the LOI and in the process of showing the averaging buffering plan to the state and will get copies to Mr. Priolo's office. CAFRA permit would not be required.

Mr. Sernotti - Will supply a playground area because the new ordinance says 25 homes? These lots were reduced from the R-20 to R-12 because of the wetlands.

Mr. Halberstam – there should be a playground

Mr. Penzer – will agree to a playground.

Mr. Priolo recommended that there be a landscape/buffer easement from Chestnut Street.

Mr. Sernotti – Lots 19.01 19.03 19.21 looks like the wetlands buffer goes through the lots.

Mr. Boyles - Will be seeking a lot buffer reduction from the DEP.

Mr. Zaks recommended a solid white fence along Chestnut Street.

Mr. Priolo – Lot 19.01 only has about 10,500 square foot useable area and lot 19.03 has only about 9,800 square feet useable area. They do have the lot area of 12,000. Lot 19.13 is the worst one at about 8,600 square feet of useable area.

Mr. Sernotti – 12,000 square feet should be useable.

Mr. Halberstam – Asked about protection from these wet spots.

Mr. Boyles – could fence them in.

Mr. Penzer suggested a berm along Chestnut Street and then a fence. There will be landscape, berm and then fence.

Mr. Priolo - Lot 19.01 the lot is right on the setback line. Also asked for the 100 year flood elevation be shown on the plans.

Mr. Sernotti - not comfortable with this site plan – suggested that it be revised.

Mr. Penzer requested to continue until the December 5th meeting and they will submit revised plan

Motion to carry without notice and a waiver of time until the December 5th meeting –
Mr. Zaks

Second – Mr. Halberstam

Roll call vote: affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Zaks, Mr. Gelley, Mr. LeCompte,
Mr. Halberstam, Mr. Sernotti

Appeal # 3589 – Step on me Carpet, Route 9, Block 415 Lot 14, HD-6 zone. Use variance for retail use.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located on the west side of Route 9 (a.k.a. River Avenue), 100 feet north of the James Street intersection and is within the HD-6 (Highway Development) Zone. The existing site is vacant. The applicant proposes to construct a one-story 4,609 s.f. retail/warehouse building with parking facilities, and other site improvements.
2. Special Reasons Variances are required for this project as follows:
 - a. Requesting a use not permitted in this Zone. Code Section 903G., sets forth the permitted uses in the HD-6 Zone. The HD-6 Zone does not identify retail and warehouse facilities as permitted uses and 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 from the Zoning Regulations to permit a use in a District restricted against such use. In order to achieve this, the applicant should explain why the retail/warehouse use is a better planning and zoning alternative than the permitted uses in the Zones.

Additionally, 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 purpose of the zone plan and the zoning ordinance.

3. Variances are required as follows:
 - a. In accordance with Sections 903G. and 803E. of the ordinance, bulk variances will be required for the construction of the supermarket as follows:

	Required	Provided
Minimum Front Yard Setback	150 ft. (Route 9)	57.56 ft. (Route 9)
Minimum Improvement Setback	100 ft. (Route 9)	2.5 ft. (Route 9)

- b. In accordance with Section 807, 33 parking spaces are required for the proposed use, whereas 10 spaces are provided.
A detailed breakdown of the area of retail and warehouse space should be provided.
 - c. In accordance with Section 803E., a minimum 50 ft. buffer shall be provided along rear/western property line which borders the R-10 Zone, whereas an ± 8 ft. buffer is provided.

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 zoning ordinance.

4. The applicant should provide verification whether a right-of-way dedication will be required by the NJDOT.
5. The Township has established specific setback requirements along Route 9 to provide a larger separation between the highway and any proposed improvements. Among the reasons was to allow for the hopeful future expansion of Route 9. The State and County have asked the Township to enforce these setback requirements, as it will aid them in any future plans for Route 9.
Therefore, the Board should strongly consider the setback requirements along Route 9.
6. The following comments should be addressed with regards to the Site Plan:
 - a. The applicant should discuss if any proposed site identification signs are proposed.
 - b. The plans do not show a trash enclosure. The method of trash collection should be shown.
 - c. The stop bar shown on the plans should be shortened.
 - d. 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.
 - e. The three (3) parallel parking spaces along the frontage of the site are discouraged.

7. The following comments should be addressed with regards to the Grading, Drainage & Utility Plan and Stormwater Management:
 - a. The water line crosses over the underground recharge system. The water line should be shown on the profile to ensure that there are no conflicts.
8. The following comments should be addressed with regards to the Landscape and Lighting Plan:
 - a. Additional landscaping should be provided along the northern border and the parking area that fronts along Route 9.
 - b. Additional lighting should be provided within the parking area.
9. All signature blocks should reference the Lakewood Township Zoning Board.
10. A NJDOT Access Permit will be required for the driveway. A copy of the permit should be submitted for review.
11. Ocean County Planning Board approval should be shown on the plans.
12. The applicant should apply to, and appear before, all other Local, State and Federal agencies having jurisdiction over this project.

From: Ed Mack, Zoning Officer

I think that the obvious deficiencies in the front and rear setbacks as well as the lack of parking make this an impractical plan.

Abe Penzer represented applicant. This store is not high maintenance – it is a carpet business. There are maybe 2 or 3 customers at a time. This type of use is a minimum impact.

Ray Carpenter, Engineer, sworn – described area and adjacent properties. Single family homes not permitted in this zone. This lot would be unbuildable because it could not meet all of the requirements for the zone. The lot is 16,000 square feet. Any conforming use could not meet the bulk requirements. This is a low intensity retail use. They propose a loading zone along the northerly property. They met with the adjacent neighbors and they will have landscaping, a double row of Norway Spruce and a board and board fence.

Reviewed Mr. Priolo's report. Provided 10 parking spaces where 33 is required. The trash will be near the loading zone. Mr. Carpenter testified that you can get a single axle trailer truck can get through the site. Large deliveries will only be on Fridays when the store is not open. The state is looking for 55 feet from the center line of Route 9. There is 57 feet to the structure.

Mr. Priolo – could build a smaller building.

Mr. Penzer – they need the room for storage.

Mr. Mack suggested warehousing someplace else.

Mr. Zaks - This is the lowest grade of retail but the issue is that the building is too big.

Sarah Stavsky, 220 Central Avenue, affirmed. Applicant. Willing to not have the warehouse which will eliminate the trucks and push the building back a little. Make the building 41 x 99 and remove the loading dock. They do not have a lot of customers at a time.

They could probably put 10 parking spaces in the front of the building and 7 more in the DOT right of way area.

Mr. Priolo - Still need to address some loading. Need a revised site plan.

Open to Public.

Robert Gray, attorney for Family Planning, adjacent property owner. Concerned about buffering and their privacy.

Mr. Penzer – will agree to a fence and asked to meet prior to the revised site plan.

Mr. Gray – will make arrangements to meet.

Closed to Public.

Motion to carry until December 5th, no further notice and a waiver of time – Mr. Zaks
Second – Mr. Halberstam

Roll call vote: affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Zaks, Mr. LeCompte,
Mr. Gelley, Mr. Halberstam, Mr. Sernotti

Recess.

Ray Shea, attorney for Appeal # 3578 David Herzog and Appeal # 3577 Sterling Developers requested that both applications be carried.

Motion to carry #3578 David Herzog to January 9th, 2006 – Mr. Zaks
Second - Mr. Gelley

Roll call vote: affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Zaks, Mr. LeCompte,
Mr. Gelley, Mr. Halberstam, Mr. Sernotti

Motion to carry #3577 Sterling Developers, to January 9, 2006 – Mr. Zaks
Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Zaks, Mr. LeCompte,
Mr. Gelley, Mr. Halberstam, Mr. Sernotti

No further notice and a waiver of time.

Appeal # 3591 – Feige Brecher, 33 Martin Street, Block 25.04 Lot 44, R-12 zone.
To construct an addition – variance requested for lot coverage.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located on Martin Drive and is within the R-12 (Single-Family Residential) Zone. The existing lot contains a 2-story single-family dwelling. The applicant proposes to construct a 2-story addition to the rear of the existing dwelling.
2. In accordance with Section 902.E. of the ordinance, bulk variances will be required for the construction of the proposed addition as follows:

	Required	Existing	Proposed
Maximum Lot Coverage	25%	23.9%	27.4%

The schedule of bulk requirements should indicate the correct information for the lot coverage.

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.

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

3. The existing deck is shown to be removed. The applicant should discuss if a new deck will be proposed on the rear of the house.
4. Any approval should include a condition that all curb and sidewalk shall be replaced as directed by the Township Engineer. A note should also be added to the plan.
5. The architectural plans provided show an outside entrance to the basement level. The applicant should discuss the intended use of this level.

From: Ed Mack, Zoning Officer

I have no objection to this application.

Ray Shea represented applicant.

Mr. Shea – they are adding a two-story addition, 450 square feet each floor. They meet all dimensional requirements except for lot coverage.

Mr. Carpenter reviewed Mr. Priolo's report – The lot coverage required is 25% and they are proposing 27.4%. This is an R-12 zone. Right now there is no entrance to the basement and they are asking for an entrance also to the basement.

Open to Public. Closed to Public.

Motion to approve – Mr. Zaks

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Zaks, Mr. LeCompte, Mr. Gelley, Mr. Halberstam, Mr. Sernotti

RESOLUTIONS:

Appeal # 3573 – Shlomo Meyer, Hope Chapel Road, Block 7 Lot 11, R-15 zone.
Resolution to approve the construction of a single family home on undersized lot.

Motion to approve with amendments – Mr. Zaks

Second – Mr. Halberstam

Roll call vote: affirmative: Mr. Daniels, Mr. Zaks, Mr. LeCompte, Mr. Halberstam,
Mr. Sernotti

Appeal # 3507A – Isadore Fisher, 351 Ridge Avenue, Block 224 Lot 11, R-10 zone,
Resolution to approve the construction of a duplex in the R-10 zone.

Motion to approve – Mr. Halberstam

Second – Mr. Daniels

Roll call vote: affirmative: Mr. Daniels, Mr. Zaks, Mr. LeCompte,
Mr. Halberstam, Mr. Sernotti

Appeal # 3558 – Route 88 Properties, Dr. Szold Way, Block 548.02 Lots 79, 86-89,
R-20 zone. Resolution to approve a use variance for 24 multi family dwelling units
and 3,600 square foot community center.

Motion to approve – Mr. Zaks

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Zaks, Mr. Gelley,
Mr. Halberstam, Mr. Sernotti

Appeal # 3575 – Aryeh Weinstein, Caranetta Drive, Block 82 Lots 7 & 8, R-12 zone.
Resolution to approve a single family home on an undersized lot.

Motion to approve – Mr. Gonzalez

Second – Mr. Halberstam

Roll call vote: affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Gelley, Mr. LeCompte,
Mr. Halberstam, Mr. Sernotti

Appeal # 3566 – Israel Kay, 144 Cross Street, Block 533.01 Lot 2.02, R-20 zone.
Resolution to approve a minor conforming subdivision on lot with a non-conforming use.

Motion to approve – Mr. Gonzalez

Second – Mr. Daniels

Roll call vote: affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Gelley,
Mr. Halberstam, Mr. Sernotti

Appeal # 3580 – Future’s Trust Realty Assoc., Route 70 & Evergreen Blvd, Block 1085
Lots 1, 2, 23, 5 & 6, B-5A zone. Resolution to approve a use variance for an
office/retail building containing a drive through restaurant on an undersized lot.

Motion to approve – Mr. Daniels

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Gelley,
Mr. Halberstam, Mr. Sernotti

Appeal # 3568 – Israel Kaluszyner, Monmouth Avenue – resolution to amend previous
resolution to change maximum elevation from 30” to 38”.

Motion to approve – Mr. Daniels

Second – Mr. Halberstam

Roll call vote: affirmative: Mr. Daniels, Mr. Zaks, Mr. Gelley, Mr. Halberstam,
Mr. Sernotti

Appeal # 3460 – 415 1st Street Realty –First Street, R-OP zone, Block 73 Lot 10 –
Resolution to approve the construction of a four-unit multi-family structure.

Motion to approve – Mr. Daniels

Second – Mr. Zaks

Roll call vote: affirmative: Mr. Daniels, Mr. Zaks, Mr. LeCompte, Mr. Halberstam,
Mr. Sernotti

Appeal # 3552 – Zebra Holdings – River Avenue, Block 758 Lot 1, B-3 & R-7.5 zones –
Resolution to approve site plan for a supermarket with retail stores.

Motion to approve – Mr. Daniels

Second – Mr. Zaks

Roll call vote: affirmative: Mr. Daniels, Mr. Zaks, Mr. LeCompte, Mr. Halberstam

MOTION TO APPROVE BILLS – Mr. Gonzalez

All in favor.

MOTION TO ADJOURN – Mr. Daniels

All in favor.

Meeting adjourned at 10:15 P.M.

Respectfully submitted,

Fran Siegel, Secretary
Zoning Board of Adjustment