

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**NOVEMBER 16, 2009**

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. Naftali, Mr. Zaks,  
Ms. Goralski, Mr. Halberstam

Arrived late: Mr. Lankry

Also present: Attorney – Russ Cherkos

John Ernst, Engineer/Planner

Jackie Wahler, Court Stenographer

Fran Siegel, Secretary

Salute to the flag.

Motion to approve minutes of November 16, 2009 with a waiver to read – Mr. Naftali  
Second – Mr. Gonzalez

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

Discussion on **Appeal # 3481A**

Mr. Halberstam – we approved a new building, use variance with a site plan and the resolution does not give the approval for a site plan. This came up during resolution compliance.

Mr. Zaks - The minutes was clear that site plan approval was given.

Mr. Cherkos - Needs another sentence saying that preliminary and final site plan was approved.

Motion to have Mr. Cherkos amend resolution to approve site plan approval – Mr. Zaks  
Second – Mr. Naftali

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

**Appeal # 3720 – Yehoshua Schwab**, 113 Carasaljo Drive, Block 12 Lot 231, R-12 zone.  
Single family home – requesting lot area, lot width variances existing and side yard setbacks.

Secretary read reports.

**From: John Ernst, Engineer/Planner - October 7, 2009**

1. The property is located on the north side of Carasaljo Drive, 250 ft. east of Shady Lane Drive. It lies within the R-12 (Single-Family Residential) Zone and comprises an area of 10,000 s.f. The lot is cleared and wooded and is occupied by a one-story residential dwelling with an attached rear yard deck, an above ground swimming pool with an attached platform, two sheds which encroach onto adjacent Lot 232 to the east of the property and a paved driveway from Carasaljo Drive. Sanitary sewer and potable water services are provided by existing facilities within Carasaljo Drive.
2. The applicant proposes to remove all improvements which have been constructed on the lot and construct a new 2½-story dwelling, a new paved driveway from Carasaljo Drive with off-street parking for four vehicles, curbing/sidewalk along Carasaljo Drive and dry-wells for roof runoff. The proposed dwelling will have 10 bedrooms, a

basement with an exterior entrance door and an attic. Potable water and sanitary sewer services will be connected into the existing systems within Carasaljo Drive.

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3. The following Variances are required for this application:
  - a. A Variance to Construct a Residential Dwelling on an Existing Non-Conforming Lot: The lot is non-conforming for the following reasons –
    - 1) Lot Area – A lot area of 10,000 s.f. exists; whereas 12,000 s.f. is required.
    - 2) Lot Width – A lot width of 50.00 ft. exists; whereas 90.00 ft. is required.
  - b. A Variance for Side Yard Setback: The proposed dwelling will have side yard setbacks of 7.5 ft. along adjacent Lots 232 and 238; whereas setbacks of 10 ft. are required.
  - c. A Variance for Combined Side Yard Setback: The proposed dwelling will have a combined side yard setback of 15 ft.; whereas a combined side yard setback of 25 ft. is required.
4. The applicant should provide testimony to the Board on the following issues:
  - a. Does the applicant own nearby or adjacent land that if consolidated with this lot would provide lot width and/or additional lot area to make this a conforming lot?
  - b. Has an attempt been made to purchase property from or sell the property to adjacent landowners to make this lot conform with the Ordinance? **The applicant should support this issue with written documentation.**
  - c. Testimony should be given in support of the required Variances.
5. Since the proposed dwelling will have 10 bedrooms the applicant should provide a total of six off-street parking spaces. (The RSIS requires three off-street parking spaces when there is five bedrooms). The Variance Plan should be revised accordingly in both the Parking Schedule and the Plan view.

I would reserve the right to present additional comments pending the testimony of the applicant before the Board.

Yehoshua Schwab, affirmed

Brian Flannery, sworn.

Mr. Schwab – there is one small house and asking for a variance for a 35 foot wide house where only a 25 foot wide house would be permitted.

A-1 offer to adjacent homeowner

A-2 offer to adjacent homeowner

A-3 updated property owners list

Mr. Flannery – This is an isolated lot. A 35 foot wide house is more consistent with the area. Variance requested for side yard setback and combined side yard setback. There are many other houses on 50 foot wide lots. Reviewed Mr. Ernsts report. This is smart growth planning. The plan shows that the attic can have 4 potential bedrooms. The applicant will not be building them. They are proposing 4 parking spaces for the 6 bedrooms. Going from a bungalow to a house that more conforms to the neighborhood.

Mr. Lazzaro asked why there are two side entrances to the basement.

Mr. Flannery – applicant agreed to eliminate one entrance.

Ms. Goralski – this house is too big for the lot.

Mr. Zaks – would agree to a 30 foot side house.

Open to Public.

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Solomon Gincel, 144 Carasaljo Drive, affirmed. Have no objection to a home being built on the property. Object to the side setbacks proposed.

Closed to Public.

Mr. Zaks – would agree to a 30 foot wide house and maybe setting the house back further.

Mr. Flannery – four parking spaces will comply with RSIS if there are only 6 bedrooms. They would eliminate the stairs going up to the attic. The house is now proposed at a setback of 40 feet, setting it back further would be an imposition on the neighbors.

Motion to approve subject to no bedrooms in attic, 4 parking spaces, 10 foot side setback on each side, 30 foot wide house - Mr. Zaks

Second – Mr. Gelley

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

Nays: Mr. Gonzalez, Ms. Goralski

**Appeal # 3722** – Chaim Schreiber, County Line Road East & Cabinfield Circle. Block 208 Lots 8 & 197, R-12 zone. Realignment of property line and duplex proposed on existing 2 family lot – use variance. Recreational amenities proposed on lot 197.01

Secretary read reports.

**From: John Ernst, Engineer/Planner - November 10, 2009**

In review of the application we offer the following comments:

1. The property is located 153 ft. west of Somerset Avenue and has frontage along East County Line Road (Co. Rt. #526) and Cabinfield Road. It lies within the R-12 (Single-Family Residential) Zone and comprises an area of 0.98 acres. Existing Lot 8 fronts along East County Line Road and is occupied by a 1½-story residential dwelling, a 1-story residential dwelling, a garage and a paved driveway from East County Line Road. Existing Lot 197 fronts along Cabinfield Circle and is occupied by a 2-story residential dwelling, a shed and a paved driveway from Cabinfield Circle. Surrounding land Uses (within 200 ft. of the property) are residential with the exception of a school/synagogue to the southwest of the property.
2. The applicant proposes a Minor Subdivision to consolidate the two existing lots and re-subdivide the tract into two new lots in the following manner:

- Proposed Lot 197.01 – The lot will contain the existing 2-story dwelling (and shed) that fronts along Cabinfield Circle. The lot will have an insufficient “lot width”.
  - Proposed Lot 8.01 – All existing improvements that are on existing Lot 8 are to be demolished and a new 3-story residential duplex building constructed. Each duplex unit will have five bedrooms, a third floor loft with a bathroom, a basement with an exterior entrance and raised rearyard decks. Also proposed is the construction of curbing along County Line Road, a curbed/paved off-street parking area for 8 vehicles and underground stormwater recharge piping. The lot will have an insufficient “lot width”.
3. The following Variances are required for this application:
- a. A Use Variance for the Proposed Residential Duplex Building on Proposed Lot 8.01: Multi-family Use is not permitted in the R-12 Zone.

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- b. Lot Width Variances for the Proposed Lots (Lots 8.01 and 197.01): Both lots will have lot widths of 80.5 ft. $\pm$  (scaled along required setback lines); whereas lot widths of 90 ft. are required. The Board should be aware that the insufficient lot widths existed prior to this subdivision.
4. For proposed Lot 8.01 (duplex dwelling lot) the applicant has requested a Waiver from providing a 30 ft. wide buffer (Section 18-803.E) along adjacent Lots 7, 9 and 197.01 which are residentially occupied. In support of the Waiver request the applicant should provide testimony to the Board on the types of existing dwellings (single or multi-family) that are on the adjacent lots. To prevent headlight glare onto adjacent lots at a minimum we would suggest that along the proposed parking space area (from the first parking spaces to the proposed building line) that the applicant provide either fencing (a 6 ft. privacy fence) or a row of evergreen trees (single row of Arborvitae 6 to 8 ft. high at 6 ft. centers). If this is to be required by the Board, a note pertaining to same should be placed on the Subdivision Plan to be filed.
5. The applicant should provide testimony to the Board on the following issues:
- a. The applicant should demonstrate to the Board that the Use Variance can be granted without substantial detriment to the public good and that the intent and purpose of the Lakewood Township Land Use Ordinance and Master Plan will not be substantially impaired.
  - b. The applicant should discuss any special reasons supporting the granting of the Use Variance, addressing both the positive and negative criteria for the Variance.
  - c. The applicant should address the Board on if the basement areas will have bedrooms. If so, additional parking spaces should be provided. The proposed building could be moved to the rear of the lot to provide for more parking.
  - d. How will water/sewer facilities be provided to the proposed duplex building?
  - e. What is the purpose of the proposed 10 ft. wide Sanitary Sewer Easement that runs along the east side of proposed Lot 8.01?
  - f. Will the applicant provide shade trees along County Line Road and/or Cabinfield Circle? If so, Shade Tree Easements should be shown on the Subdivision Plan to be filed. Also, the applicant should address the Board on the species of trees to be planted.
  - g. Will sidewalk be constructed along County Line Road? The plan view on Sheet 4 of 4 does not show sidewalk construction however there is a detail (“concrete

driveway apron/sidewalk detail”) that does. If applicable, the plan view should be revised to show the sidewalk construction.

- h. Where will the screened trash and recycling containers as well as the HVAC equipment be located for the duplex building?
6. In conformance with the Map Filing Law and prior to Map signing either the existing buildings on existing Lot 8 should be removed or a bond for the removal of same should be posted with the Township.
7. As per Section 18-805B of the Ordinance the proposed lot numbers should be assigned/approved by the Township’s Tax Assessor. If previously approved please submit to this office a copy of the Tax Assessor’s approval letter.
8. The Subdivision Plan (Sheet 3 of 4) should be revised as follows:
  - a. The Title Block should be revised to delete the words “Site Plan”.
  - b. The Sheet Number should be removed within the Title Block.
  - c. The Key Map should indicate by note the location of the project. Also a North Arrow should be shown on the Key Map.
  - d. The certification for the approval of the streets is not applicable to this application and should be removed.

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- e. As per the Map Filing Law all outbound corners of the tract must be monumented prior to map signing. Outbound corners cannot be bonded.
- f. The “proposed 10 ft. wide Sanitary Sewer Easement” note should indicate who is to benefit from the easement.
- g. A Drawing Legend should be provided. The Legend should indicate the different monumentations that are shown on the plan.
- h. The Zoning Schedule should be revised to provide separate columns for both proposed lots. In addition, the proposed lot widths shown in the Schedule are wrong. By definition “lot width” is measured along the allowable frontyard setback line.
- i. General Note No. 5 should indicate the absence or presence of wetlands or wetlands buffers. If wetlands or wetlands buffers are present on this property they must be shown on the plan. Providing a statement that no attempt has been made to locate wetlands or wetlands buffers is not acceptable.
- j. All existing structures that are on this property must be shown on the plan. The structures must be dimensioned to the nearest property line. Also, if the structure is to be removed it should be so noted.
- k. In review of Sheet 4 of 4 the proposed “yard drain recharge inlets” are not acceptable. They should be replaced with a recharge system for the rear and sideyard areas with possible roof drain connections and a limited area from within proposed Lot 197.01. The system should be designed for the 25-year storm event. An easement for said system should be shown on the Map to be filed. The easement note should indicate who is to benefit from the easement.
- l. All restrictions that are placed on the lots should be noted on the plan. The restrictions would be that the roof downspouts for the duplex building be connected to a dry-well system and any other restrictions that are determined by the Board.

Upon the Board's approval of this application and the receipt of revised plans (if applicable) this office will perform a Technical Engineering Checklist Review of the items to be constructed. The Checklist Review will be sent to the applicant's Engineer with copies to the Board.

9. The following outside agency approvals are required:
  - a. Ocean County Planning Board.
  - b. Ocean County Soil Erosion and Sediment Control (if area of disturbance on proposed Lot 8.01 is greater than 5,000 s.f.).
  - c. The applicant remains responsible to obtain all other Local, State and Federal approvals and permits that may pertain to this project.

I would reserve the right to present additional comments pending the testimony of the applicant before the Board.

Chaim David Schreiber, affirmed. He lives on Lot 197 on Cabinfield Circle. They purchased the lot behind them to allow them to put in a swimming pool and a basketball court. Existing on the lot now is Currently there are two existing homes on the property. The two homes are pretty run down. They would like to knock them down. Existing now is two homes, two septic fields, two addresses and their has always been two families living there. What is there now is two homes, not in great shape.

Walter Hopkins, WJH Engineering, Jackson, NJ., sworn.  
Board accepted credentials.

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Mr. Hopkins – Proposing to reconfigure and redevelop the lot. Just shifting the lot line. Proposing two conforming lots with the exception of existing lot width. Proposing 8 parking spaces. They are proposing to hook up to city sewer and water which is an improvement to the area. Proposing dry wells to help any additional run-off. Reviewed Mr. Ernsts report.

Nicholas Graviano, Planner, sworn. Applicant is proposing 8 off street parking spaces which will provide safer egress and ingress off East County Line Road. The site presently contains two legally existing deteriorating dwellings. The use variance and lot line adjustment would provide the applicant on lot 197 to provide the recreational needs that they desire. This variance can be granted without detriment to the zone plan.

Mr. Shreiber – he would have been allowed to do two additions to the existing structures.

Mr. Zaks – the issue is not the subdivision but the duplex which is not permitted in the R-12 zone.

Mr. Halberstam - He now has existing 4 bedrooms and is proposing 10 bedrooms plus bedrooms in a basement apartment.

Mr. Zaks – he could legally build a single family home with a basement apartment which would be the same as he has now.

Mr. Schreiber – there is currently a tenant in the front building and he does not have a tenant now in the other.

Mr. Halberstam - The application is for a use variance for a duplex where it is not permitted.

Open to Public.

Anne Richardson, 1870 Lanes Mill Road, sworn. There is a proposal to widen County Line Road asked that they allow for that. Asked about the difference in a single family house and a two family house. Sounds odd that a single family house could have 10 bedrooms.

Closed to Public.

Mr. Gelley – could see a one family house with a basement apartment.

Ms. Goralski – cannot see a duplex in a R-12 zone.

Mr. Gonzalez – have a problem with a duplex in that area – it does not fit.

Mr. Hopkins – would be subject to the County’s approval. Think that there has already been a taken of the property.

Mr. Ernst - they would have to go to the County Planning Board. The building should be set back far enough.

Mr. Shreiber - They will shift everything back to whatever is necessary. Agreed to sidewalks and pushing the house back another 5 feet.

Mr. Halberstam asked if they wanted to bifurcate this application for the subdivision and then the use variance.

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Mr. Garaviano - Applicant asked to carry the application to the next meeting of December 7<sup>th</sup> to try and address some of the boards concerns.

Motion to carry to the December 7<sup>th</sup> meeting – Mr. Gelley

Second – Mr. Lazzaro

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

No further notice.

Mr. Cherkos - If there are substantial changes than there has to be re-notice.

Resolutions

**Appeal # 3653A – 910 East County Line Road, Block 208 Lots 2.01 & 2.02. Amended site and elevation plan.**

Motion to approve – Mr. Gonzalez

Second – Mr. Gelley

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

**Appeal # 3713 – Mark Friedman**, 11<sup>th</sup> Street, Block 112 Lot 8, R-10 zone. Resolution to deny subdivision of one lot into 2 lots, one for a single family and one for a duplex.

Motion to approve – Mr. Gelley

Second – Mr. Lazzaro

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

**Appeal # 3714, Yehoshua Schwab**, Williams & Henry Street, Block 419 Lots 1 & 2, R-12/R-10 zone. Resolution to approve subdivision.

Motion to approve – Mr. Gelley

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gelley, Mr. Gonzalez, 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 9:30 P.M.

Respectfully submitted,

Fran Siegel, Secretary