

**LAKEWOOD ZONING BOARD OF ADJUSTMENT
MINUTES
DECEMBER 3, 2007**

Meeting was called to order at 7:00 P.M.

Meeting properly advertised according to the New Jersey State Sunshine Law.

ROLL CALL:

| | |
|---------------|--|
| Attending: | Mr. Gelley, Mr. Lazzaro, Mr. Naftali, Mr. Zaks, Mr. Lieberman, Ms. Goralski, Mr. Halberstam |
| Absent: | Mr. Lankry |
| Arrived late: | Mr. Gonzalez |
| Also present: | Glenn Harrison, Attorney Jim Priolo, Engineer/Planner Ed Mack, Zoning Officer Jackie Wahler, Court Stenographer Fran Siegel, Secretary |

SALUTE TO THE FLAG

MOTION to approve minutes of November 5, 2007 with a waiver to read – Ms. Goralski

Second – Mr. Naftali

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

LETTER from attorney Richard Venino requesting to carry Appeal # 3650, Todd Jerman to February 4, 2008.

Motion to carry until February 4, 2008 – Mr. Lazzaro

Second – Mr. Gelley

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

No further notice.

• APPEAL # 3630A- HARVARD COMMUNITY

East Harvard Street, Block 208 & Block 225, various lots R-10 zone. Density variance in order to construct age restricted attached dwellings.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – Review # 2 November 29, 2007

1. The subject property is approximately 2.34 acres in size and is located on East End Avenue, East Harvard Street and East End Street and is within the R-10 & R-12 (Single-Family Residential) Zones. The proposed site is comprised of several properties split by Township right-of-way and contains approximately five existing dwellings. The applicant is proposing an age restricted development consisting of 32 multi-family residential units within five (5) buildings and associated parking facilities. All existing structures will be removed. The applicant is also proposing a minor subdivision on Block 208, Lots 141, 142, 181 and 151 for the purpose of providing additional parking.

It should be noted that only Lot 151, Block 208 is located within the R-12 Zone.

The applicant has revised the plans per the Board's comments at the meeting of November 5, 2007. The two elements that were revised were the unit count and the addition of parks/recreation areas.

2. The applicant previously received approval from the Zoning Board of Adjustment under Appeal No. 3630 for special use (non-permitted use) for the proposed age-restricted development. The applicant is back before the Board to seek Preliminary & Final Major Site Plan and Minor Subdivision approval.

It should be noted that the original use variance approval did not include an approval for density.

The specific conditions of the use variance approval were as follows:

- a. Dwellings will be marketed to the general public as a fifty-five and over age-restricted adult community.
 - b. Applicant must return to the Board for site plan approval.
Applicant must provide a community center within one of the buildings.
3. Special reasons variances are required for this project because the applicant is: Requesting an increase in the maximum permitted density. Based on the requirements for age-restricted developments, the maximum permitted density is 10 units/acre, whereas 15.5 units/acre is proposed, and therefore a density variance is required. The applicant must demonstrate 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. The applicant should address the Board regarding the visual impacts the proposed dwellings will have on the surrounding properties.

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 allow an increase in the maximum permitted density. In order to achieve this, the applicant should explain why exceeding the maximum density is a better planning and zoning alternative than matching the required density for this type of development.

4. The following bulk variances are required in accordance with the age-restricted section of the ordinance (18-1011 Age-Restricted Multi-Family Housing) and/or the R-10 Zone requirements:

| | Required Age Restricted Communities | Proposed New Lots 1.01 & 1.02 |
|---------------------------------|--|--|
| Minimum Tract Area | 15 acres | 2.06 acres |
| Maximum Density | 10 units/acre | 15.5 units/acre |
| Min. Perimeter Building Setback | 100 ft. | 7.0 ft. |
| Min. Parking Setback Area | 35 ft. | 3 ft. |
| Minimum Lot Depth | 500 ft. | 50 ft. |
| Minimum Lot Width | 500 ft. | 73.08 ft. |
| Minimum Lot Frontage | 500 ft. | 281 ft. (East End Ave.) |
| Max. Building Coverage | 25% | 36.8% |
| Max. Impervious Coverage | 30% | 63.4% |

It should be noted that the lot coverage should include the decks. Also, the dedication to Ocean County on Lot 1, Block 225 should be factored into the lot coverages.

The lot area listed for Lot 1.02 is incorrect on the plan.

5. In accordance with Section 803 E., a minimum 30-foot wide buffer is required along the side and rear property lines of new Lot 1.01 and new Lot 1.02.
6. Since the last public hearing, the applicant has submitted a partial revised site plan and landscaping plan (Sheets 3 & 9) to address unit count and the addition of parks/open space that were of concern. The applicant will be required to submit a complete set of revised plans to address subsequent changes to the site including grading and drainage.
7. The following comments should be addressed with regards to the Site Plan:
- A 5 ft. right-of-way dedication or easement should be provided along each side of East Harvard Street. The right-of-way is currently undersized at 40 feet wide.
 - The pavement widths on East Harvard Street and East End Street are only proposed to be 25-26 feet in width which does not allow for on street parking. The Board should consider requiring a wider pavement width of 36 feet to allow for on street parking on both sides of East End Street and East Harvard Street.
 - 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.
 - The trash enclosure should be located on a 6" reinforced concrete pad and be enclosed by a stockade or similar type of fence.
 - The dumpster location on the northern side of the site should be relocated as it interferes with parking in its current location.
 - A stop bar and stop sign should be provided at the intersection of East End Avenue and East Harvard Street.
 - A 6 ft. decorative vinyl fence should be provided along the proposed lot line of Block 208, Lot 15.01 and the common lot line of Block 225, Lot 2.

- h. Handicap ramps should be provided at the handicap spaces. Additional elevations should be provided to ensure compliance with ADA standards.
 - i. A right turn only sign should be provided at the exit of the side parking lot.
 - j. The square footage of the right-of-way dedication on County Line Road should be shown on the plans.
 - k. Concrete driveway aprons with depressed curb should be proposed at the entrances on East End Avenue.
 - l. Handicap ramps should be provided at all street/driveway intersections and along East Harvard Street.
 - m. A full width pavement reconstruction and/or overlay should be proposed along East End Avenue in the area of the sewer main installation, and along East End Street and East Harvard Street.
 - n. East End Street should be labeled along with its right-of-way width on the plan.
 - o. The County Line Road East widening should be shown to match the curb alignment on adjacent Lot 2.
 - p. Sight triangle easements should be shown on all street corners. Easements for the various utility companies should be shown on the plans. The park amenities (benches/walks) should be shown on the plan.
8. The following comments should be addressed with regards to the Grading and Drainage Plan and stormwater management:
- a. The header pipes for the two infiltration trenches should be labeled.
 - b. The soil boring locations with labels should be shown on the plan.
 - c. Pre- and post-development drainage area maps should be provided.
 - d. The system of pipes for the infiltration basins should be shown on the plan.
 - e. Water quality must be addressed prior to subsurface infiltration.
 - f. Soil Log SP-12 indicates that a septic field is present on the site, but no system is shown on the plans. This discrepancy should be clarified.
 - g. All labeling for the drainage system should be shown on the plan.
 - h. Maintenance of the stormwater management system should be the responsibility of the Homeowner's Association.
9. The following comments should be addressed with regards to the Utility Plan and profiles:
- a. The water and sewer line crossings should be shown on the drainage profiles and the drainage crossings should be shown on the sewer and water profiles to ensure no conflicts are present.
 - b. The sanitary manhole MHS-1A should be shown on the plan. It appears to have been cutoff.
 - c. Sanitary sewer and water utility easements are required.
10. The following comments should be addressed with regards to the Landscape and Lighting Plan:
- a. Additional landscaping should be provided along the southern side of the parking lot on the residential side.
 - b. Landscaping should be provided along three sides of both trash enclosures.
 - c. Landscaping should be provided along the border of Block 225, Lot 1.
 - d. The landscaping proposed in the building courtyards (as shown on the architectural plans) should be shown on the plan.

- e. There are some discrepancies between the plan and planting schedule. This should be revised.
11. The following comments should be addressed with regards to the Construction Details:
 - a. A stop bar detail should be provided.
 - b. A concrete driveway apron detail should be provided.
 - c. A trash enclosure detail in accordance with Section 809 should be provided.
 - d. A detail for the keystone block retaining wall should be provided.
 - e. A concrete curb and pavement detail should be provided.
 12. The following comments should be addressed with regards to the Minor Subdivision plan and map filing law:
 - a. A point of beginning should be provided.
 - b. A note must be added to the plan indicating that the lot, block, and street addresses have been assigned by the Lakewood Township Tax Assessor's office.
 - c. Sight triangle easements should be shown on all street corners.
 - d. All easements and/or right-of-way dedications should be shown on the plan.
 13. Ocean County Planning Board approval must be provided.
 14. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.
 15. 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

The less crowded look of this plan with the additional green space makes this a much improved plan.

Abraham Penzer represented applicant.

A-6 – new rendering - changes to previous plan - given to all members

Mr. Penzer – two key issues were unit count and recreation areas.

Brian Flannery, sworn. At the last meeting the board had asked for more green area. In order to accomplish that they eliminated one building (2 units), 4 parking spaces were eliminated, they shortened the size of the clubhouse building and shifted some of the buildings around to be further setback from the street and provided more green area. Provided a 30 foot park area on the west side of building 3 and a 20 foot park area on the east side of building 4. They still exceed the required parking requirements. They dropped 2 units and 4 parking spaces. They provided landscape islands in the parking lot. Limited to 55 and older. Reviewed Mr. Priolo's reports. They are looking for 13.7 units per acre and the required is 10 units per acre. Will meet all the requirements of Mr. Priolo's reports. Increased the open areas by 5%. This is an inherently beneficial use.

Mr. Halberstam – this plan is far better than the last time. There is a lot more green. Suggested removing two more parking spaces since they have 9 extra for more of a buffer to the adjacent property.

Mr. Penzer – they don't need the extra parking spaces. They have a lot more parking than they need.

Mr. Naftali – would not like to take any more parking away other than the 2 spots. There will be visitors that need the spaces.

Mr .Halberstam – would like to see as much green as possible.

Mr. Flannery testified that the plan shows 3 handicapped parking spaces but they could provide more if needed. They could have 6 handicapped spaces.

Ms. Goralski - East Harvard Street is a one-way and only 25 feet wide? Would like parking on one-side only.

Mr. Zaks – how do we keep this a 55 and older community.

Mr. Penzer – it will be deed restricted.

Open to Public.

Nathan Lowinger, 947 Park Terrace, affirmed. Concerned about the back parking lot becoming a free for all. How can it be restricted from becoming a public parking lot?

Closed to Public.

Mr. Penzer – they will put up a sign for residents only and will give the police the power to ticket.

Mr. Lieberman made a Motion to approve subject to:

- 1. Mr. Priolo's report**
- 2. drainage issues to be signed off by Mr. Priolo**
- 3. additional handicapped spaces**
- 4. residents only parking lot**
- 5. additional parking spaces**
- 6. one side parking only on East Harvard Street**
- 7. improved to meet current safety standards**
- 8. 55 & older deed restricted**
- 9. placement of dumpster to be approved by John Franklin**

Second – Mr. Gelley

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

• **APPEAL # 3654 – 294 DEWEY AVENUE**

Block 247, Lots 20, 23 & 24, R-7.5 zone. To construct 8 two family buildings on lots less than 10,000 square feet.

Mr. Zaks had a conflict and stepped down

Secretary read reports.

From: Jim Priolo, Engineer/Planner – July 23, 2007

1. The subject property has frontage on Pearl Street, Bruce Street and Dewey Avenue and is within the R-7.5 (Single-Family Residential) Zone. The site contains two existing dwellings, which are to be removed. The applicant proposes to subdivide the existing lots into eight (8) undersized lots and construct a two-family dwelling on each lot.

It should be noted that the applicant previously appeared before the Board under Appeal No. 3617 for a nine (9) lot two-family subdivision on this property and was denied.

2. Special reasons variances are required for this project because the applicant is:
 - a. **To permit a use in a district restricted against such use.** In accordance with Section 902 G. of the Ordinance, the proposed two-family use is not a permitted use on lots less than 10,000 s.f. within the R-7.5 Zone, and therefore a use variance is required for the proposed two-family dwellings.
 - b. **Requesting an increase in maximum permitted density.** The maximum permitted density in the R-7.5 Zone for single-family use is 5.8 units/acre and for two-family use is 8.7 units/acre, whereas 14.2 units/acre are proposed.

The applicant must demonstrate that the requested special reasons 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 the proposed dwellings will have on the surrounding properties.

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 (two-family dwellings on undersized lots) and to allow an increase in the maximum permitted density. In order to achieve this, the applicant should explain why the two-family use on undersized lots with the requested density is a better planning and zoning alternative than the two-family use on conforming lots.

3. In accordance with Section 902 G.4., bulk variances will be required for the proposed subdivision and two-family dwellings as follows:

| | Required | Provided Lot 20.01 | Provided Lot 20.02 | Provided Lot 20.03 | Provided Lot 20.04 |
|-----------------------|-----------------|-------------------------------|-------------------------------|-------------------------------|---|
| Minimum Lot Area | 10,000 s.f. | 5,700 s.f. | 5,400 s.f. | 6,538 s.f. | 6,000 s.f. |
| Minimum Lot Width | 50 ft. | - | - | - | - |
| Minimum Front Setback | 25 ft. | - | - | - | 22 ft. (Bruce St.) 20 ft. (Dewey Ave.) |
| Minimum Rear Setback | 15 ft. | 5.5 ft. | 5.5 ft. | 10 ft. | 14.7 ft. |
| Maximum Lot Coverage | 30% | - | 31.3% | - | - |

| | Required | Provided Lot 20.05 | Provided Lots 20.06 | Provided Lot 20.07 | Provided Lot 20.08 |
|--------------------|-----------------|-------------------------------|--------------------------------|-------------------------------|-------------------------------|
| Min. Lot Area | 10,000 s.f. | 5,800 s.f. | 5,800 s.f. | 6,534 s.f. | 7,417 s.f. |
| Min. Lot Width | 50 ft. | - | - | 49 ft. | - |
| Min. Front Setback | 25 ft. | - | - | - | - |
| Min. Rear Setback | 15 ft. | 7.7 ft. | 7.7 ft. | 8.5 ft. | - |
| Max. Lot Coverage | 30% | - | - | - | - |

It should be noted that the rear setback and lot coverage should account for the deck and front stoop. Also, the minimum lot area should be revised to reflect the minimum required for two-family use.

4. The following comments should be addressed with regards to the architectural plans provided:
 - a. The windows for the basement units should be shown on the elevations.
 - b. The building fronts should be enhanced with brick, stucco or some other architectural enhancement.

5. The following comments should be addressed with regards to the Site Development Plan:
 - a. The applicant should discuss if any fence will be provided along the side and rear lot lines.
 - b. The plan proposes 5 parking spaces across the front of each building which may give the appearance of a parking lot.
 - c. The square footage and to whom the easements are dedicated to should be shown on the plan.
 - d. Concrete driveway aprons should be proposed at the driveway entrances.

6. The following comments should be addressed with regards to the Grading & Drainage Plan and stormwater management:
 - a. Water quality controls must be addressed prior to subsurface infiltration.
 - b. The stormwater report doesn't mention the proposed trench drain in front of Lots 20.07 and 20.08.
 - c. In accordance with Section 815, storm sewer requirements and standards for all development shall be those required by the New Jersey Residential Site Improvement Standards. Therefore stormwater infiltration shall be addressed, it appears that the required reductions for the 2 and 10-year storm have not been met.

- d. The drainage system should be contained on-site within drainage easements (minimum 15 ft. width) dedicated to the Homeowner's Association.
7. The following comments should be addressed with regards to the Landscape Plan:
 - a. Additional landscaping should be provided along the perimeter of the site as well as the lot lines between the structures.
 8. The following should be addressed with regards to the Utility Plan and Road Profiles:
 - a. A pavement restoration detail should be provided that shows full width pavement restoration (curb to curb).
 - b. A profile of the sanitary sewer line within Bruce Street and Dewey Avenue should be provided.
 - c. The sanitary sewer profile should show the existing water line within Dewey Avenue.
 - d. The proposed sanitary sewer expansion will require NJDEP Treatment Works Approval.
 9. The following comments should be addressed with regards to the Construction Details:
 - a. A reinforced concrete driveway apron detail should be provided.
 - b. A detail for the proposed trench drain should be provided.
 10. The applicant must submit a copy of the Homeowners Association agreement, which shall include the following:
 - a. It is suggested that the Homeowners Association include ownership and maintenance of the drainage easement and the drainage structures. A minimum 15' wide easement is preferred.
 - b. A copy of the proposed easement to be dedicated to the Homeowners Association for the maintenance of storm structures should be provided.
 - c. It should be noted that the responsibility of maintaining the stormwater system should be the Homeowners Association and not the Township of Lakewood.
 - d. A draft copy of the Homeowners Association documents should be submitted. Maintenance plan for the stormwater system should be included.
 11. The following comments should be addressed with regards to the Final Plat and Map Filing Law:
 - a. The zoning schedule should be revised to account for the deck and steps for setbacks and lot coverage. It should also reflect the required lot area for two-family use in the R-7.5 Zone. The parking calculations need to be revised also.
 - b. The proposed road widening easements should be shown on the plan.
 - c. The proposed drainage easements (if required) should be shown on the plan.
 - d. A Point of Beginning should be provided.

From: Ed Mack, Zoning Officer

The idea of including duplexes in the new UDO was to allow for this kind of development but on much larger lots. I see no good reason to allow further density in this area of small lots.

Abe Penzer represented applicant. Referred to transcript from the last zoning board meeting that this application was heard.

The members did not have a copy of the transcript.

Mr. Penzer referred to the transcript and read from it.

Mr. Penzer – permitted would be 4 duplex units and one single family. The property is unique because of double frontage. Directly west of the property is a 2.11 acre site of 64 apartment units known as the Peter Ward Apartment. The density there is 30.3 dwelling units per acre. The Congress Apartments are 104 units on 5.24 acres with a density of 19.2 units per acre. The John Curry apartments has 160 units on 1.79 acres with a density of 80 units per acre.

A-1 site plan

A-2 aerial exhibit

A-3 sketch of permitted use

Mr. Penzer – without any variances they could have 8 duplex units with one single family with basements. All duplex units are considered to be 2 units. They are now asking for less units. The Master Plan talks about a transitional area.

Mr. Flannery – they could have 4 -10,000 square foot lots and one single family lot with basements – this would be 18 and they are now asking for 16 units. This is a better zoning alternative.

Mr. Penzer - They came to the zoning board because they felt it would look better that a two family is the better alternative.

Ms. Goralski – none of us have a copy of the transcript.

Mr. Penzer – they removed one unit and tried to make it as green as possible.

Mr. Flannery - This is a unique shaped piece of property. There is frontage on Bruce Street, Dewey Avenue and Pearl Street. The density exceeds the density permitted in this zone. They are proposing 8 buildings or 16 units with legal basement units. The basement is the legal unit and above is a two floor unit.

Mr. Penzer – this is a good transitional zone.

Mr. Mack agreed.

Mr. Priolo – the width of the homes would be 28 feet wide.

Mr. Flannery – the last application the homes were 30 feet. The new units will be 28 feet wide. They also deleted a unit to provide more green space.

Mr. Flannery reviewed Mr. Priolo's report.

Mr. Flannery – The use is allowed if they have 10,000 square feet, they need a bulk variance and a density variance. Density allowed is 8.7 units per acre and they are asking for 14.2 units per acre which makes a very good transition. The area is in need of redevelopment. The bulk variances are mainly for lot area of 5,400 to 7,400 square feet. They will take care of the drainage. Providing housing opportunities.

Mr. Flannery – The hardship is the unique shape of the property. Also the 3 frontages.

Mr. Mack – the ordinance requires 10,000 square feet for a duplex. It is a transition area.

Mr. Harrison – this is a use variance.

Mr. Penzer offered to come back with the revised floor plans.

Recess.

Open to Public.

David Flam, 33 North Pearl Street, affirmed. In favor of the application. A family with children cannot live in this area now and this would benefit the neighborhood.

Jack Schmidt, 135 E. 4th Street, affirmed. This is a run down area and in favor of the proposed application.

Closed to Public.

Mr. Mack – there is a discrepancy between the definition of a multi-family and duplex.

Mr. Priolo – there is no difference between the standards in this case.

Mr. Halberstam asked the secretary to write a letter to the Township Community asking them to clarify the ordinance between multi-family and duplex.

Mr. Halberstam asked that there be no fences if this is approved.

Mr. Gonzalez – too dense – we should follow the guidelines of the UDO.

Mr. Naftali – like the idea – have an issue with the size of the lots for 2 family homes.

Ms. Goralski – not happy with the project – too dense.

Mr. Penzer – applicant offered to drop the basements and remove the decks.

Mr. Priolo – cannot consider single family without seeing what the variances are.

Mr. Harrison – the applicant can withdraw or come back or go for a motion.

Mr. Penzer asked to carry and redraw the plan.

Motion to table until February 4th – Mr. Lieberman

Second – Mr. Lazzaro

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

Nayes: Ms. Goralski

No further notice and a waiver of time.

- **OCEAN MIRACLE, APPEAL # 3645** requested to table since they didn't think they would get heard.

Motion to carry until February 4, 2008 – Mr. Gelley

Second – Ms. Goralski

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

No further notice and a waiver of time.

- **APPEAL # 3649 – STANLEY RIEDER**

424 4th Street, Block 71 Lot 3, R-OP zone. Density variance for 8 multi-family units.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – July 3, 2007

1. The subject property is located on Fourth Street between Madison Avenue and Forest Avenue and is within the R-OP (Residential Office Park) Zone. The site contains an existing 2-story building. The applicant is proposing to construct a 2-story multi-family structure containing eight (8) dwelling units (4-basement and 4 two-story units). All existing structures will be removed.
2. Although the multi-family use is permitted in this zone, the proposal does not meet the conditions of Subsection 902.H.4.b. (Multi-Family) of the Ordinance, and therefore a **Special Reasons Variance** will be required. A special reasons variance is required because the applicant is;
 - a. Deviating from a standard pertaining solely to a conditional use. In accordance with Subsection 902.H.4.b., variances are required as follows:

| | Required | Proposed |
|---------------------------------|-----------------|---|
| Minimum Side Setback (one) | 25 feet | 6 feet |
| Minimum Side Setback (combined) | 50 feet | 12 feet |
| Maximum Building Coverage | 40% | 40.2% (w/decks) 43.1% (w/decks & stairs) |
 - b. Requesting an increase in maximum permitted density. The maximum permitted density is 15 units/acres, whereas the applicant is proposing a density of 23.5 units/acres.

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. A deviation from a standard pertaining solely to a conditional use.
- b. An increase in maximum permitted density.

Additionally, the applicant must demonstrate to the Board that the requested special reason variances 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. The applicant should discuss how the parking needs will be met for this application. It appears the entire front yard is proposed as pavement with double stacking to meet the 20-stall requirement.
4. The applicant should discuss how the recreation needs of the 8-family development will be met.
5. The applicant should discuss how stormwater management will be addressed during the site plan phase of this project. The application proposes impervious coverage of 75%.
6. Any approval should be subject to preliminary and final site plan approval.

From: Ed Mack, Zoning Officer

I think that the degree of nonconformity in the units per acre and side setbacks show that this project does not fit this property.

A-1 rendered version variance map

A-2 architectural rendering of the building

A-3 aerial photograph

Mr. Flannery – property is in the R-OP zones which allows multi-family. Requesting density variance for 23.5 units per acre where 15 are permitted. Asking for 8 units or 4 townhouses with basements. Asking for density will come back for site plan. Reviewed Mr. Priolo's report. Requesting increase in maximum density. Will request bulk variances at site plan approval. Will provide housing opportunities and adequate parking. This is consistent with the surrounding area. They will upgrade the parking, aesthetics, upgrade the drainage. There is no negative impact.

Mr. Halberstam- asking for use variance for density.

Mr. Flannery testified that 15 units per acre are permitted or 5 townhouses and they are asking for 8. Existing now are 12 units.

Mr. Gelley – the square footage of the 8 units is much larger than the 12.

Mr. Zaks – 5 units are permitted and they are asking for 8 units. Would not vote for 8 units.

Mr. Penzer – the neighbors do not object to this application.

Mr. Halberstam - Concerned about the side setback.

Mr. Flannery - There is existing 12 units and the parking is out on the street.

Mr. Penzer – they are now providing enough parking for the 8 units which is better for the neighborhood.

Open to Public. Closed to Public.

Mr. Zaks -Concerned about locking in to a number of units.

Motion to deny – Ms. Goralski

Second – Mr. Gonzalez

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

RECESS.

Mr. Penzer requested that **APPEAL # 3652, MTR VENTURES**, be carried since the maps they need were not there. Engineer, Ray Carpenter, did not show up.

Neil Price, 27 Spruce Street, sworn. Objected to the application being carried. Asked why the variance itself can be discussed.

Mr. Priolo – the application is for site and use.

Mr. Zaks – carry to last on the agenda.

Motion to carry Appeal # 3652 to be carried to February 4, 2008 – Mr. Lazzaro

Second – Mr. Zaks

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

Nayes: Ms. Goralski

No further notice and a waiver of time.

RESOLUTIONS

• **APPEAL # 3653 - 910 EAST COUNTY LINE**

910 East County Line Road, Block 208 Lots 2.01 & 2.02, R-12 zone. Resolution to approve use variance for a 2 story office building and site plan.

Motion to approve – Mr. Zaks

Second – Mr. Naftali

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

• **APPEAL # 3524A – BIG SHOP**

32 Spruce Street, Block 782 Lots 1-3, HD-7 zone. Resolution to approve the construction of a 21,493 square foot 3 story office building and retail building. Use variance and site plan approved

Motion to approve – Mr. Zaks

Second – Mr. Naftali

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

MOTION TO PAY BILLS.

All in favor

MOTION TO ADJOURN.

All in favor

Meeting adjourned at 10:40 P.M.

Respectfully submitted,
Fran Siegel, Secretary