

**LAKEWOOD ZONING BOARD OF ADJUSTMENT
MINUTES**

JANUARY 3, 2005

Meeting was called to order at 7:30 P.M.

Meeting properly advertised according to the Sunshine Law.

Salute to the flag.

Roll call attending: Ms. Deutsch, Mr. Gonzalez, Mr. Naftali, Mr. Zaks, Mr. Daniels,
Mr. LeCompte, Mr. Gelley, Mr. Halberstam, Mr. Sernotti

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

Chairman announced that Abe Halberstam, Sara Deutsch, Avraham Naftali and Vincent Daniels have been appointed for 2005 for full term.

Wayne LeCompte has moved to 1st alternate

Meir Gelley has been appointed 2nd alternate

Motion to re-appoint Mike Sernotti for Chair – Mrs. Deutsch

Second – Mr. Gonzalez

Roll call vote: Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali, Mr. Zaks, Mr. Daniels,
Mr. Gelley, Mr. LeCompte, Mr. Halberstam, Mr. Sernotti

Motion for Abe Halberstam for Vice Chair – Mr. Gonzalez

Second – Mr. Zaks

Roll call vote: Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali, Mr. Zaks, Mr. Daniels,
Mr. Gelley, Mr. LeCompte, Mr. Halberstam, Mr. Sernotti

Motion for Glenn Harrison for Board Attorney – Mr. Daniels

Second – Mrs. Deutsch

Roll call vote: Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali, Mr. Zaks, Mr. Daniels,
Mr. Gelley, Mr. LeCompte, Mr. Halberstam, Mr. Sernotti

Motion to nominate Birdsall Engineering for Engineer/Planner - Mrs. Deutsch

Second –Mr. Gonzalez

Roll call vote: Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali, Mr. Zaks, Mr. Daniels,
Mr. Gelley, Mr. LeCompte, Mr. Halberstam, Mr. Sernotti

Motion for Ed Mack for Zoning Officer – Mr. Daniels

Second – Mr. Halberstam

Roll call vote: Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali, Mr. Zaks, Mr. Daniels,
Mr. Gelley, Mr. LeCompte, Mr. Halberstam, Mr. Sernotti

Motion for Fran Siegel for Zoning Secretary – Mr. Halberstam

Second – Mr. Gonzalez

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

Motion for Steve McCrystal for Court Stenographer – Mr. Zaks

Second –Mrs. Deutsch

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

Mr. Harrison swore in Jim Priolo and Ed Mack

Motion to approve minutes of December 6, 2004 with a waiver to read – Mr. Halberstam

Second – Mr. Daniels

Roll call vote: affirmative: Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali, Mr. Zaks,
Mr. Daniels, Mr. Halberstam, Mr. Sernotti

Motion to approve calendar for the year 2005 – Mrs. Deutsch

Second – Mr. Gonzalez

Roll call vote: affirmative: Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali, Mr. Zaks,
Mr. Daniels, Mr. Halberstam, Mr. Sernotti

Appeal # 3521, Yisroel Rosenberg - Mr. Harrison spoke to Mr. Pfeffer and the application is incomplete. They will meet with Mr. Secare, the Township Attorney and Mr. Priolo.

Mr. Harrison – there should be new notice.

Motion to carry to the March 7th meeting – Mr. Zaks

Second – Mr. Daniels

Roll call vote: affirmative: Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali, Mr. Zaks,
Mr. Daniels, Mr. Halberstam, Mr. Sernotti

Mrs. Deutsch secluded herself from Appeal # 3501 and #3510

Appeal # 3501 – David Herzog, 193 East 4th Street, Block 241 Lot 9, R-7.5 and B-2 zone. To construct one single family residence in the R-7.5 zone and 3 townhomes in the B-2 zone.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

Second Review

1. The property in question is located on the corner of East Fifth Street, Negba Street and East Fourth Street and is partially within the R-7.5 (Single-Family Residential) Zone and the B-2 (Business) Zone. The applicant is proposing to conceptually subdivide existing Lot 9 into two (2) lots and to construct a total of four (4) residential units (1 unit – Lot 9.01, 3 units – Lot 9.02).
2. The applicant is proposing to construct one (1) single-family unit within the R-7.5 (Single-Family Residential) Zone and one (1) townhouse structure containing three (3) units within the B-2 (Business Zone). The portion within the B-2 Zone does not meet the conditional uses of Subsections 18-25.4 and therefore a **Special Reasons Variance** will be required. Special reasons variances will be required because the applicant is;
 - a. **Deviating from a standard pertaining solely to a conditional use within the B-2 Zone.**

- i. In accordance with Section 18-25.4., townhouse structures shall comply with the following requirements:

	Required (B-2)	Proposed Lot 9.02
Minimum Lot Area	22,500 s.f.	13,808 s.f.
Minimum Lot Width	150 ft.	98.1 ft.
Minimum Front Setback	25 feet	12 feet
Minimum Rear Yard Setback	20 feet	7 feet
Maximum Lot Coverage	30%	31.2%

- b. **Requesting an increase in permitted Floor Area Ratio (F.A.R.) within the B-2 Zone.** The maximum permitted F.A.R. is 0.80, whereas the applicant is proposing a F.A.R. of 0.85.

- 3. 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. Deviating from a standard pertaining solely to a conditional use within the B-2 Zone.
 - b. Requesting an increase in permitted Floor Area Ratio (F.A.R.) within the B-2 Zone.

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

- 4. East Fourth Street, East Fifth Street and Negba Street all have undersized right-of-ways. Road widening easements are proposed on the variance map and will be required during the site plan phase to accommodate road widening and sidewalks.
- 5. The applicant should provide testimony on the proposed use of the basement level. The drawings indicate a separate front outside entrance to the basement level of the townhouses and a separate entrance for the single-family house.
- 6. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade at the foundation is 30 inches. The single-family dwelling and townhouses indicate a difference of 48 inches.
- 7. The applicant should discuss how stormwater management will be addressed during the site plan review phase of this project.
- 8. The easternmost townhouse proposes a 12-foot setback to the front property line which is also the existing edge of pavement. The applicant is proposing a 10-foot road widening easement at this location. It is likely that the Board will request road widening along Negba Street. This will further reduce the front setback.
- 9. The applicant should address the Board regarding the visual impacts which the proposed structures will have on the adjacent properties.
- 10. The applicant is proposing to meet the parking requirements however vehicles will be stacked along East Fourth Street which may give the appearance of a parking lot. The Board should

consider the visual impacts of the parking configuration.

11. Approval of this application is subject to approval of a preliminary and final major site plan application.

From: Ed Mack, Zoning Officer

In regards to lot 9.01 I have no objection to the minor variance on what is a typical lot for this area. However, I still feel that allowing two units on 9.02 or simply subdividing this lot into two somewhat typical sized lots for the area would seem more realistic especially with the narrowness of Negba Street.

Charles A. Boyles, Flannery, Webb & Hansen, Engineer, sworn.

Mr. Boyles reviewed Mr. Priolo's report.

Mr. Boyles – on lot 9.01 they are seeking front yard setback. Lot 9.02 is in the B-2 zone which allows townhouses. Parking in front will comply with RSIS requirements. This is for use only; they will come back for a full site plan presentation on the proposed widening easement of 10 feet.

Jim Priolo – agreed with Mr. Mack's comment, concerned with 3 townhouses versus 2 if the road is widened.

Mr. Boyles – 10 units per acre are permitted in the B-2 zone and the proposed is 9 units per acre and 3 is appropriate.

Mr. Zaks - there are no townhouses in the area.

Mr. Halberstam – asked about the road widening easement. This area is becoming very dense. The house will be right on the sidewalk.

Mr. Boyles – they may not need the additional road widening.

Mr. Priolo – most likely they will need a road widening easement.

Mr. Harrison – use only, special reasons variance will have to come back for site plan.

Mr. Sernotti – the special reasons is that the house is too big for the lot.

David Herzog, 1466 Parkside Drive, affirmed. There is no traffic there.

Mr. Sernotti – there is quite a bit of traffic.

Mr. Zaks – there is a lot of traffic. Would like to see only 2 houses.

Mr. Harrison – they are deviating from the standard. If this plan is approved they can go with the 3 townhouses. Both lots 9.01 and 9.02 are included.

Open to Public. Closed to Public.

Motion to table to the March 7th meeting with re-notice and a waiver of time – Mr. Zaks

Second – Mr. Halberstam

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

Nayes: Mr. Sernotti

Appeal # 3510 – Sterling Developers, 999 Vermont Avenue, Block 1100 Lot 23, A-1 zone. Density variance to subdivide the existing property into 14 lots. Bulk variances requested.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located along Vermont Avenue and is within the A-1 (Agricultural) Zone. The Applicant has provided a variance map showing a future subdivision that would subdivide existing Lot 23 into fourteen (14) lots and construct fourteen (14) new single-family dwellings. The existing dwelling will be razed and the remaining area deforested. The Applicant is requesting use variance approval (for density) and dimensional relief for the proposed subdivision.
2. The subject property can yield 2 conforming lots (0.5 units/acre) based on A-1 Zone criteria. The Applicant is seeking approval for 14 buildable lots (2.8 units/acre) by requesting dimensional relief for lot area, lot width, front and side setbacks, lot coverage and building height. The requested lot areas range from a minimum size of 12,600 s.f. to a maximum size of 14,336 s.f. 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 an increase in the permitted density.

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 grant the special reasons variance, the following bulk variances for the dimensional relief will be a condition of this approval for the future subdivision as follows:

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	2 acres	12,500 s.f. (minimum)
Minimum Lot Width	200 ft.	90 ft. (minimum)
Minimum Front Yard Setback	50 ft.	30 ft. (Court A) 25 ft. (Vermont Ave.)
Minimum Side Yard Setback (One)	15 ft.	10 ft.
Minimum Side Yard Setback (Combined)	40 ft.	25 ft.
Maximum Lot Coverage	20%	25%
Maximum Building Height	30 ft.	35 ft.

The Applicant must demonstrate to the Board these requested bulk 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.

4. The Applicant should further investigate the configuration of Court A as it relates to the existing paper streets within surrounding area. Court "A" in a "T" intersection with Lambert Avenue may provide for better circulation with future development.
5. The zone table indicates a minimum 10-foot side setback and 25 foot combined setback, whereas the plan shows a 15-foot side setback with a minimum 30-foot combined setback. This discrepancy should be clarified.
6. The Applicant should discuss how stormwater management will be addressed during the subdivision phase of this project. It does not appear that any area has been reserved for stormwater management.
7. If the variances are granted, the Board should defer the approval of site layout and dwelling unit count to the subdivisions plan review phase of this application. Environmental constraints, buffers, traffic/circulation, drainage, and topography may alter or affect the usability of certain areas and the overall layout of the project.
8. The Applicant is proposing dwellings that are approximately 4,800 square feet in size. The Applicant should discuss how the purposes of the zone plan and master plan are enhanced by constructing oversized dwellings on undersized lots.
9. The required 50 foot front setback should be maintained along Vermont Avenue.
10. The Applicant should provide testimony on the proposed use of the basement level. The drawings indicate a separate outside entrance to the basement level.
11. Any approval should be subject to Preliminary and Final Major Subdivision approval.

From: Ed Mack, Zoning Officer

The current zoning calls for two acre lots and the applicant is seeking lots that are essentially a quarter acre. Rather than grant a variance for this kind of density the township committee should decide if it wants to rezone this area. I think that the number of variances requested as well as the degree of non-conformity with the ordinances make this application impractical in its concept.

Steven Pfeffer, attorney for applicant. His map shows this zone as R-20 and the Master Plan refers to it as an R-20 zone.

Mr. Mack – it has not been adopted yet and right now it is an A-1 zone.

Mr. Boyles – The size of the proposed lots are consistent with the R-12 zoning. They are asking for use only now and will come back for site plan. They will extend city sewer and water.

Mr. Priolo – the reviews have been done on the A-1 zone. Not prepared to respond to the application being compared to an R-20 zone.

Mr. Sernotti - the information we have is based on the A-1 zone.

Mr. Zaks – the ordinances have not been passed yet. We have reviewed the plans based on the A-1 zone.

Mr. Harrison – it has been advertised as an A-1 zone.

Mr. Boyles – seeking a use variance for 14 lots.

Mr. Priolo – there was an application between this one and the R-12 zone that got approval for an R-15 zone requirements.

Mr. Boyles – Lambert Street has been vacated.

Open to Public. Closed to Public.

Mr. Zaks – would prefer lots closer to 15,000 square feet.

Mr. Gonzalez – concerned about only means of egress in and out of the community. Would prefer lots 15,000 – 20,000 square feet.

Mr. Pfeffer – will come back with the lots more consistent with the R-15 zone.

Motion to deny – Mr. Gonzalez

Second – Mr. Daniels

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

Appeal # 3484 – Bnos Yisroel School for Girls, 200 Bruce Street, Block 250 Lots 10 & 11, B-4 zone. Use variance for car storage lot.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The property in question is located on Bruce Street, between South Park Avenue and Congress Street, and is within the B-4 (Wholesale Service) Zone. The applicant is proposing to use the existing lot as a car storage yard, with a capacity of 47 cars. In accordance with Section 18-14.3 of the Ordinance, car storage lots are not a permitted use in the B-4 Zone. Therefore, a use variance is required for the proposed car storage lot.

2. 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. In accordance with Section 18-8.3, a 15-foot vegetated buffer is required along the side and rear property lines. No buffers are proposed.

The applicant should discuss the proposed occupancy and hours of operation.

4. Stormwater management should be addressed.

5. It appears that there is no easy way to access the parking spaces to park or access a vehicle. The layout of the car storage area does not provide aisles between the cars for vehicular access and maneuvering. The applicant should discuss how a vehicle can be parked and removed utilizing the current layout.

From: Ed Mack, Zoning Officer

This is not a bad use for a commercial lot bordering a residential zone; however some buffering should be added to lower the impact on the residential area.

Mr. Pfeffer represented applicant.

Francis Foster, 44 Hazelwood Court, Toms River, applicant, sworn.

Mr. Foster – main site is across the street at 117B South Park Avenue, sells used cars. Been there since 1991. Need space for more cars. Mostly do wholesale. He only needs 6 across in 3 rows deep.

Mr. Sernotti – the application asked for 47 cars.

Mr. Boyles – the applicant is willing to buffer. There is currently fencing along the east property line. The B-4 zone allows new and used car lots as a permitted use. This lot is for storage of cars. There is no license to sell cars from this site. The amount of cars showing on the site plan is much more than the applicant needs. He needs no more than the 18 spaces, 6 across and 3 deep.

Mr. Priolo – was not aware that it was reduced to 18 parking spaces, but the plan in front of us cannot be approved with 47 parking spaces.

Mr. Harrison – asking for less but we do not know buffers, etc.

Mr. Sernotti – do not have a problem with 18 spaces but what about lights.

Mr. Harrison – can approve it subject to a new plan approved by Mr. Priolo.

Mr. Boyles – no lighting is proposed.

Open to Public. Closed to Public.

Motion to approve subject to Mr. Priolo reviewing new site plan with a maximum of 18 parking spaces –
Mr. Zaks

Second – Mrs. Deutsch

Roll call vote: affirmative: Mrs. Deutsch, Mr. Naftali, Mr. Zaks, Mr. Daniels,
Mr. Halberstam, Mr. Sernotti

Nayes: Mr. Gonzalez

Recess.

Appeal # 3535 – Aaron Bloch, 414 Monmouth Avenue, Block 128 Lot 6, RM zone. To construct a multi-family dwelling on a 7,500 square foot lot where 12,500 is required. Variances also requested for lot width, lot coverage and side yard setbacks.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located on Monmouth Avenue between Fourth and Fifth Streets, and is within the R-M (Multi-Family) Zone. The applicant proposes to demolish the existing dwellings and construct a new two family building with two units in the building.
2. Although the multi-family use is permitted in this zone, it does not meet the conditions of Subsections 18-12.4e and 18-10.2 and therefore a **Special Reasons Variance** will be required. A special reasons variance is required because the applicant is:
 - a. **Requesting an increase in permitted floor area ration (F.A.R.).** The applicant is requesting a F.A.R. of .80, whereas a maximum F.A.R. of .40 is permitted.
 - b. **Requesting a deviation pertaining solely to a conditional use.** In accordance with Subsection 18-10.2, multi-family structures exceeding 1,000 square feet shall be limited to two bedrooms (80% of total dwelling units shall be one bedroom, 20% of the total dwelling units shall be two bedroom). The applicant is proposing one 6-bedroom unit and one 7-bedroom unit.

Additionally, the applicant is requesting variances from the schedule of area requirements listed as conditional standards for multi-family dwellings as follows:

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	12,500 s.f.	7,500 s.f.
Minimum Lot Width	100 ft.	50 ft.
Maximum Lot Coverage	20%	40%
Side Yard Setback (One)	25 ft.	7.5 ft.
Side Yard Setback (Combined)	50 ft.	15 ft.
Minimum Off-Street Parking	6 spaces	4 spaces

3. 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. An increase in permitted F.A.R.
 - b. A deviation from a standard pertaining solely to a conditional use.

Additionally, the applicant must demonstrate to the Board 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.

4. Considering the amount of variances and the size of the structure, an upgraded front building facade should be proposed to enhance the building's appearance. Brick, stucco or another upgraded material should be proposed.
5. The following should be addressed with regards to the Layout Plan:

- a. The location of the stairs for the deck does not match the location on the architectural drawings. This discrepancy should be revised.
 - b. The proposed sidewalks at the driveway apron should propose handicap ramps.
 - c. The dimensions and square footage of the proposed easements should be provided on the plan.
6. The following items should be addressed with regards to the Grading & Drainage Plan and the Stormwater Management Report:
- a. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade at the foundation is 30 inches.
 - b. The 32 ft. length of 36" PADS used in the recharge calculations of the Stormwater Report is incorrect. The plans indicate a length of 38 ft.
 - c. The Stormwater Report should indicate that the post-development flow reductions have been met for the 2, 10 and 100 year storms.
 - d. Side yard drains should be added and connected to the proposed drainage system.
7. The following item should be addressed with regards to the Landscaping Plan:
- a. Additional landscaping should be provided along the front and sides of the dwelling.
8. The following item should be addressed with regards to the Construction Details:
- a. The dimensions on the detail for the recharge trench differ from that of the Stormwater Management Report. This discrepancy should be corrected.
9. The proposed units do not provide any storage area for such things as gardening/yard equipment, bicycles and children's outdoor toys. The applicant should discuss storage of these items.
10. Any approval should include a condition that all curb and sidewalk shall be replaced as directed by the Township Engineer.
11. Ocean County Planning Board approval should be indicated on the plan.
12. Approval by the Board should be subject to approvals from the Ocean County Soil Conservation District and any other local, State and Federal agencies having jurisdiction over this project.

From: Ed Mack, Zoning Officer

Since there are already two houses on this property the idea of replacing them with a two-family seems acceptable in its concept. I also feel that since both structures are in poor condition, especially the rear structure that it would be an improvement to replace these structures. However the lot coverage on the new structure is much higher than I think is acceptable and should be reduced.

Abe Penzer represented applicant.

A-1 color rendering of floor plan.

Mr. Penzer cited cases from MLUL 40:55D-2– the job of the zoning board is to determine if this application is an “inherently beneficial use”. They want to improve the quality of life for the applicant who has 9 children and has had two heart attacks and needs medical care around the clock. Mr. Penzer described the floor plan. He needs a bedroom for himself, a room for the aide with a mini kitchen; bedroom # 2 would be his wife’s bedroom, a therapy room. The kitchen and dining room has to be open. This scheme is the idea if inherently beneficial based on case law, giving quality of life. His brother in-law will live upstairs. The lot is deep and narrow. The biggest variance is lot coverage. Due to the needs of this individual this is the minimum that they can do. They will have a lift on the stairs.

Mr. Penzer addressed Mr. Priolo’s report. All items requested will be provided. There is not much room for landscaping. The basement will be left unfinished.

Mr. Mack – if there are bedrooms in the basement they would have to have an egress window.

Mr. Sernotti - there are 7 bedrooms for the upstairs unit which is the second floor and the attic and 5 bedrooms downstairs with the attendants room.

Mr. Priolo – the proposed elevation is about 36 inches to finished grade. There is only one set of stairs to the basement so the side door is not an issue.

Open to Public. Closed to Public.

There were many neighbors in the audience in support of the application.

Mrs. Deutsch – in support of this application

Mr. Gonzalez – the house is much larger than it should be for the area but because of the individual needs I will vote in favor of this application. The house fits the needs of the individual.

Motion to approve with landscaping in front – Mrs. Deutsch

Second – Mr. Zaks

Roll call vote: affirmative: Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali, Mr. Zaks,
Mr. Daniels, Mr. Halberstam, Mr. Sernotti

Appeal # 3538 - Greg Kukal, Laurel Avenue, Block 537 Lot 15, R-7.5 zone. To construct a one-story commercial building where it is not permitted.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located on the corner of Laurel Avenue and Congress Street and is within the R-7.5 (Single-Family Residential) Zone. The lot contains a parking lot and is otherwise vacant. The applicant is proposing to construct a 6,000 s.f. commercial office/warehouse building.

2. The proposed commercial office/warehouse building is a non-permitted use in the R-7.5 Zone. Therefore, in accordance with Section 18-12.3 of the ordinance, use variance approval 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. In accordance with Section 18-12.3b., bulk variances will be required for the following:

	<u>Required</u>	<u>Provided</u>
Minimum Front Yard Setback	25 ft.	20 ft. (Congress St.)
Maximum Lot Coverage	30%	40.2%

4. As a non-permitted use, the ordinance does not contain parking requirements for the commercial use in the R-7.5 Zone. The Board should consider applying the parking requirements of the other zones that do have criteria for this type of use. These zones require 1 space/200 s.f. for commercial uses and 1 space/employee for warehouse uses. This would typically calculate as follows:

$$6,000 \text{ s.f.} \times 1 \text{ space}/200 \text{ s.f.} = 30 \text{ spaces}$$

The applicant has provided 4 parking spaces with no designated handicap accessibility. Based on the applicant's testimony, the Board should determine if the limited available parking is sufficient for this use. The applicant should also be prepared to discuss how many employees will be required for the warehouse use of this building. The general notes indicate that a portion of the building will be utilized for sales which indicate the public will need access to this site.

5. In accordance with Section 18-6.7, parking is prohibited within any required front yard. The parking lot should be 25-feet from the front property line, whereas it is approximately 1-foot from the front line along Congress Street.
6. In accordance with Section 18-8.3, a 15-foot vegetated buffer is required along the side and rear property lines. An approximately 8-foot landscaping buffer has been provided along the rear property line and no buffer has been provided along the side property line. It should be noted that the applicant owns and operates adjacent Lot 5 as Greg-Cin Equipment retailer.
7. The following should be addressed with regards to the Site Plan:
 - a. It appears that no lawn area is proposed for the site. The area around the proposed building will have an impervious paved surface or a gravel surface. The Board should decide if the proposed use and development of the property is suitable for this area.
 - b. The applicant should discuss vehicular circulation within the site including turn-arounds, trucks, deliveries, trash removal, etc. There appears to be no trash enclo-

- sure on site.
- c. The applicant should provide information regarding any proposed site identification sign for this site to insure that no additional variances will be required.
 - d. The applicant should discuss the proposed office and sales use, occupancy and hours of operation. It is not clear on the amount of pedestrian and vehicular traffic that will be accessing this site.
 - e. The site plan appears to be lacking in pedestrian walkways, handicap accessibility, fire lanes, etc.
 - f. The applicant is proposing a 6' high chain link fence along Congress Street and Laurel Avenue, and an 8' high fence along the northern and eastern property lines. The applicant should indicate what type of 8' high fence will be used.
 - g. A sight triangle easement should be shown at the intersection.
 - h. A sidewalk easement should be proposed along Laurel Avenue.
8. The following should be addressed with regards to the Grading & Drainage Plan and Stormwater Management Report:
- a. Stormwater infiltration as required under N.J.A.C. Section 7:8-5.4 shall be addressed and calculations shall be provided. It appears that the applicant is not collecting, retaining or infiltrating any stormwater as required.
 - b. The roof drains for the building should be connected directly into a drainage system.
 - c. The existing drainage system should be inspected and cleaned if utilized as part of the site plan application. The applicant should verify that this existing system can handle the additional flow.
9. The following should be addressed with regards to the Landscaping, Lighting and Soil Erosion and Sediment Control Plan:
- a. It appears that the proposed landscaping will be located in the gravel area. No lawn area is proposed on the site.
 - b. The Board should determine if the buffer along the northern property line is of sufficient size.
10. Ocean County Planning Board approval should be indicated on the plan.

From: Ed Mack, Zoning Officer

The proposed building is located in an area that already has commercial structures nearby, one of which is now a school. The site would therefore be not as desirable for residential development. I think this could be an improvement over the vacant lot with unsightly outdoor storage but the applicant should be restricted from any outdoor storage because of the mixture of commercial and residential properties in this area.

Abe Penzer represented applicant.

Mr. Penzer – Mr. Kukal has been in this neighborhood for 31 years. He has two business, one is at his present location and one is for storage and warehousing. The impact will be minimal. There will never be more than 3 or 4 employees. Hours of operation will be 9-5. No customers will come to the site.

Chuck Boyles, Engineer.

Mr. Boyles – Rabbi Grossman asked that the building be moved further north to give more of a front setback on Laurel Avenue and will not impact the residential homes as much. Proposing some buffering along lot 16. They are trying to provide additional storage for his equipment. The property is nearly 15,000 square feet. They are showing a fenced in facility with gates.

Mr. Sernotti – would rather protect the neighbor on Lot 16.

Mr. Boyles – there is a parking area on Congress Street for 4 spaces. This business does not generate walk-in traffic. Gets orders over the phones or fax, loads up the vehicles and takes the vehicles and the equipment out to job sites. They have a buffer along the residential property. Would be willing to slide the building over. Asking for front yard setback along Congress Avenue.

Mr. Zaks questioned the need of such a big warehouse and could it be made smaller from 6,000 square feet to 4,450 to meet the lot coverage.

Greg Kukal, owner, sworn. Testified that they need that size building to store the parts.

Ray Kukal, owner, sworn. The parts are from 16 feet long. They have a 6,500 square foot building now.

Mr. Priolo – concerned about the appearance of the steel building, the circulation of the trucks, no green areas other than the buffer, no stormwater management.

Mr. Sernotti – flatbed truck will be delivering the racking.

Mr. Penzer –the applicant said that he couldn't make the building 4,400 square feet and that he would have to abandon the project.

Mr. Kukal – it would be a waste of money at 4,400 square feet. There are two corporations.

Mr. Sernotti – the 42% lot coverage is a problem. Would not be in favor of the application the way it stands now.

Open to Public.

Rabbi Pesach Grossman, affirmed. Has a school across the street and also a property on Laurel Avenue. Concerned about the school buses.

Closed to Public.

Ms. Deutsch – a steel structure belongs in an industrial park. This is too big for a residential zone.

Mr. Naftali – agreed. Too excessive for the area.

Mr. Kukal – They can't afford to go into the Industrial Park. They have plenty of parking spaces at the existing building.

Mr. Halberstam – can the building be made a little narrower?

Motion to table until March 7th meeting without further notice – Mr. Naftali

Second – Mr. Gonzalez

Roll call vote: affirmative: Ms. Deutsch, Mr. Gonzalez, Mr. Naftali, Mr. Zaks,
Mr. Daniels, Mr. Halberstam

Nayes: Mr. Sernotti

Chairman announced that **Appeal # 3508 – 283 Ridge Avenue**, will be carried to the February 7th meeting with a waiver of time and no further notice.

Motion to table – Mr. Halberstam

Second – Mr. Zaks

Roll call vote: affirmative: Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali, Mr. Zaks
Mr. Daniels, Mr. Halberstam, Mr. Sernotti

Chairman announced that **Appeal # 3528 – Mark Properties**, will be carried to the February 7th meeting with a waiver of time and no further notice.

Motion to table – Mr. Deutsch

Second – Mr. Halberstam

Roll call vote: affirmative: Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali, Mr. Zaks
Mr. Daniels, Mr. Halberstam, Mr. Sernotti

Resolutions

Appeal # 3514 – Israel Kaluszyner, Monmouth Avenue, Block 128 Lot 21, R-M zone.

Resolution to deny the construction of a two family dwelling on an undersized lot. Required 12,500 square feet – existing 5,000 square feet.

Motion to approve – Ms. Deutsch

Second – Mr. Gonzalez

Roll call vote: affirmative: Mrs. Deutsch, Mr. Gonzalez, Mr. Sernotti

Appeal # 3531 – Ocean Property Group, East 4th Street, Block 248 Lots 15, 17, 35, 36 & 37 B-2 zone. Resolution to approve a use variance to construct townhouses.

Motion to approve – Mr. Zaks

Second – Ms. Deutsch

Roll call vote: affirmative: Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali, Mr. Zaks,
Mr. Halberstam, Mr. Sernotti

Appeal # 3524 – Diversified Capital, Inc. 681 River Avenue, Block 782 Lots 1, 2 & 3, R-10 and HD-7 zone. Resolution to approve a use variance to construct a 2-story addition to the existing 2-story retail/office building in the R-10 zone.

Motion to approve – Mr. Gonzalez

Second – Mr. Deutsch

Roll call vote: affirmative: Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali, Mr. Daniels,
Mr. Halberstam, Mr. Sernotti

Motion to approve bills.

All in favor

Motion to adjourn.

All in favor

Meeting adjourned at 11:31 P.M.

Respectfully submitted,
Fran Siegel

