

APPEAL # 3661 – MTR VENTURES

350 Cedarbridge Avenue, Block 763 Lots 2 & 17,
R-7.5 zone. To construct a 10,000 square foot office building – Use Variance

Secretary read reports.

From: Jim Priolo – Engineer/Planner – Second review -January 28, 2008

1. The subject property is located on the Southwest corner of Melville and Cedar Bridge Avenues and is within the R-7.5 (Single-Family Residential) Zone. The site contains an existing 1-1/2-story dwelling, shed and concrete pads. The applicant is proposing to construct a 10,000 s.f. 2-story office building with associated parking facilities and site amenities. All existing structures will be removed.

2. A special reasons variance is required for this project because the applicant is:

a. **Requesting a use not permitted in this zone.** In accordance with Section 902 G. of the ordinance, office uses are not permitted in the R-7.5 Zone, and therefore a use variance is required for the proposed office building.

The applicant must demonstrate 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. The applicant should address the Board regarding the visual impacts the proposed office building will have on the surrounding residential 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 (office use)**. In order to achieve this, the applicant should explain why the office use is a better planning and zoning alternative than the traditional single-family residential use or other uses permitted in the zone.

3. Should the use variance be approved by the Board, the following bulk variances may be required in accordance with Section 902 G.4 of the Ordinance:

	Required R-7.5 Zone	Proposed
Front Yard Setback	25 ft.	16.06 ft. (Melville Avenue)

4. Additional variances will be required as follows:

a. In accordance with Section 803 E., a minimum 50-foot wide buffer is required along the south, east and west property lines, whereas only 15 ft. (south), 3 ft. (east) and 2 ft. (west) buffers have been provided.

5. In accordance with Section 816 F., all non-residential site plans shall submit plans to the Township Public Safety Office and the NJDOT to allow for the Title 39 Enforcement.

6. All Board approval blocks should reference the Lakewood Township Zoning Board.

7. The following comments should be addressed with regards to the Layout Plan:
 - a. The applicant should discuss vehicular circulation within the site including turnarounds, trucks, deliveries, etc. The sizes and types of trucks accessing this site should be provided and turning movements should be verified. A truck circulation plan should be provided for the entrance/exit, dumpster access and entire site.
 - b. A curbed landscape island should be installed in place of the first 2 parking stalls in the middle parking field. This may create a parking variance.
 - c. It appears the southern handicap parking space does not provide sufficient area for reversing movements.

8. The following comments should be addressed with regards to the Grading & Drainage Plan and stormwater management:
 - a. Proposed Inlet #7 should be shown as Proposed Inlet #9 on the profiles.
 - b. The stormwater maintenance plan should be filed with the Township as a condition of approval.

9. The following comments should be addressed with regards to the Lighting and Landscaping Plan:
 - a. Additional buffering should be addressed on the eastern side of the building. The existing dwelling is approximately 5 feet from the proposed parking lot.
 - b. The hours of operation of the lighting should be provided on the plan.
 - c. The proposed lighting appears to negatively impact adjacent Lot 12.

10. The following comments should be addressed with regards to the Architectural Plans:
 - a. The plans show an additional entrance on the southwest corner of the building, while no sidewalk access is provided on the site plan.
 - b. Side and rear elevations should be provided.

11. Ocean County Planning Board approval should be provided.

12. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.

13. Prior to commencement of construction, the applicant shall post a performance guarantee and inspection fund in accordance with the provisions of the Township's Land Use Ordinance and the Municipal Land Use Law.

From: Ed Mack, Zoning Officer

I think that the use of the setbacks for the R-7.5 zone make this a less than desirable application. If we are going to use the logic that Cedarbridge is a commercial area than we should use commercial criteria. I think that different design standards which allow for buffers and a reasonable distance from the roads especially should be employed. I think the exceptionally long list of comments by the Zoning Board Engineer is indicative of the degree of non-conformity involved in this application.

Abraham Penzer represented applicant.

Brian Flannery, sworn.

Mr. Flannery – Requesting to construct a 50 x 100 foot office building in the R-7.5 zone. Offices are not a permitted use. He described the area and the commercial properties in the area. Cedarbridge Avenue is a 4 lane major roadway. The least intrusive use would be this office building. Two duplexes, Houses of Worship and schools would be permitted uses.

Mr. Penzer – this property was approved for three single family homes but they were not able to sell because of the road.

Mr. Flannery – The office use is a transitional use. The most compatible use with residential is office. The impact of 3 single family homes could far exceed the impact of this office building. Two duplexes would be a permitted use also. He agreed to provide additional planting and provide buffer areas to the neighbors. Reviewed Mr. Priolo's report. They need one bulk variance for front yard setback along Melville Avenue, 25 feet is required and they are proposing 16 feet.

Mr. Chairman – the rest of the comments refer to Site Plan and would like to bifurcate the application.

Mr. Flannery – will bifurcate the applications and ask for use only. There are issues on the site plan.

Mr. Priolo - On site plan we can reduce size of building and discuss buffers, etc.

Mr. Mack – not objecting to the use, building is just too large for the lot.

Mr. Lankry – no problem with the use – the placement of the building is too deep into the residential – should be moved forward.

Mr. Gonzalez – this side of the street is strictly nice single family residential housing. Would not be in favor of building commercial on this side of the street. This will have an unreasonable adverse impact on the residential.

Mr. Flannery – The positive is that they are making good use of the property. The North side is already developed commercial. This is a 4 lane road and is not conducive to residential. Will provide additional buffer to the existing residence.

Ms. Goralski – a commercial property of this magnitude will not benefit the neighborhood. Would not be in favor of this.

Mr. Flannery testified that a school is permitted and would be more intense.

Mr. Penzer – this property was approved for 3 houses – could not sell – too close to Cedarbridge Avenue. Offered to buffer as much as possible.

Mr. Flannery – they will provide a sufficient buffer to the existing residence.

Ms. Goralski - This particular property is a corner lot and I think that there are too many residences and would not be in favor of a building of this size.

Open to Public.

Mr .Penzer – they did try – they got an approval from the Planning Board for 3 houses. It is dangerous for single family homes on Cedarbridge Avenue. I think that this use would be the least impact on the neighborhood.

Gwen Coefield, Melville Avenue, affirmed. Concerned about congestion. Cars coming out and they cannot even cross Cedarbridge Avenue. Building too large.

Mr. Halberstam – this application is strictly for an office building – not discussing size or the site.

Debra Souvenar, 115 Melville Avenue, affirmed/sworn. Objected to the building being put up.

Mr. Souvenar, 115 Melville Avenue, affirmed/sworn. There is a traffic problem. Objected to the building.

Emma Kearney, 112 Melville Avenue, affirmed. Traffic is terrible.

Reverend Milton, sworn. Opposed to the office building. The area is congested. This is not a good spot for it.

Alex Harstein, Ridge Avenue, affirmed. Realtor. Could not sell the 3 lots for residential. The residential did not work. This plan would be the least impact to the neighbors, traffic, etc.

Closed to Public.

Mr. Penzer – there is a traffic problem. An office building is adults and professionals will be using it. The nighttime the building will be empty. Putting houses on Cedarbridge is not safe for children.

Mr. Gonzalez – the people on Melville take care of their houses.

Mr. Naftali – we do care about the town – we are volunteers and are aware of the problems. Residential was not successful. Would approve the use not the size of the building and should be moved forward closer to the highway and buffers to the neighbors.

Mr. Lankry – Cedarbridge Avenue is a highway and the cars do go by 50-60 miles per hour. The building should be placed closer to Cedarbridge Avenue and the buffers should be proper to the residential.

Mr. Lazzaro – The building size should be reduced and the building should be moved closer to Cedarbridge Avenue.

Mr. Halberstam – tried residential and it did not work. Not voting on the size of the building only the use.

Motion to approve use only – Mr. Naftali

Second – Mr. Gelley

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

Mr. Mack asked the Board to take signage into consideration.

APPEAL # 3654 – 294 DEWEY LLC

294 Dewey Avenue, Block 247, Lots 20, 23 & 24, R-7.5 zone. Preliminary and final major subdivision and site plan approval to subdivide property for five duplexes.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – Second Review –February 1, 2008

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 five (5) lots (one undersized) 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.

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 dwelling on Lot 20.02.
 - b. **Requesting an increase in maximum permitted density.** The maximum permitted density in the R-7.5 Zone for two-family use is 8.7 units/acre, whereas 8.92 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:

	Provided	Required	Provided	Provided	Provided	Provided
		Lot 20.01	Lot 20.02	Lot 20.03	Lot 20.04	Lot 20.05
Min. Lot Area	10,000 s.f.	-	9,114.19 s.f.	-	-	-
Min. Rear Yard Setback	15 ft.	-	-	-	-	10.97 ft. (deck)
Max. Lot Coverage	30%	32.5%	33.5%	30.6%	32.6%	34.4%

It should be noted that the rear setback and lot coverage should account for the deck and side stoops.

4. The following comments should be addressed with regards to the architectural plans provided:

- a. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade at the foundation is 30 inches, the proposed dwellings provide a 54 inch grade difference.
- b. The architectural for Model B indicate a width of 63 feet whereas the plans indicate a width of 60 feet.
- c. The architectural for Model C indicate a width of 52 feet whereas the plans indicate a width of 56 feet.
- d. A separate outside entrance is provided to the basement levels of the dwellings, the applicant should discuss the intended use of the basement levels.

5. The proposed sanitary sewer expansion will require NJDEP Treatment Works Approval.

6. 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.
- 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.

7. Ocean County Planning Board approval must be provided.

8. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.

9. Prior to commencement of construction, the applicant shall post a performance guarantee and inspection fund in accordance with the provisions of the Township's Unified Development Ordinance and the Municipal Land Use Law.

10. Please see Attachment A for technical comments with regards to this application.

ATTACHMENT A

Technical Comments:

The following comments should be a condition of the approval, should the application be approved:

1. The following comments should be addressed with regards to the Layout & Dimensioning Plan:

- a. The applicant should discuss if any fence will be provided along the side and rear lot lines.
- b. Concrete driveway aprons should be proposed at the driveway entrances.
- c. Proposed curb should be shown along the Bruce Street frontage.
- d. A 5 ft. right-of-way dedication or road widening easement should be provided along Dewey Avenue and Pearl Street.
- e. A note should be added to the plans indicating that existing curb and sidewalk along the entire roadway frontage of the site shall be removed and replaced as directed by the Township Engineer.
- f. All drainage easements should be clearly shown, labeled and dimensioned.
- g. No improvements should be shown within drainage easements.
- h. Driveways should be dimensioned and labeled.
- i. Dimensions on the outbound and individual lots should be shown. The lots should be labeled.

2. 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 drainage system should be contained on-site within drainage easements dedicated to the Homeowner's Association.
- c. The rim elevation for MH-8 should be provided.
- d. There appear to be some discrepancies between the plan and profile (C.B.2 ~ M.H. 2A).
- e. Grades at the corners of the structure should be shown.
- f. Grades should be shown on adjacent Lot 32 as it appears a low point may be being created.
- g. Concrete aprons should be shown and curb and gutter grades should be shown along Dewey Avenue and Pearl Street.
- h. A note should be added that the existing drainage system along Pearl Street will be inspected and cleaned and repaired as deemed necessary by the Township Engineer.
- i. The driveway access plate is not an acceptable corrective measure for the existing inlet on Pearl Street.

3. 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.

4. 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. The sanitary sewer profile should show the existing water line within Bruce Street.
5. 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.
6. The following comments should be addressed with regards to the Final Plat and Map Filing Law:
 - a. The zoning schedule should be provided on the plat.
 - b. The date should be provided within the land surveyor certification block.
 - c. The proposed road widening easements should be shown on the plan.
 - d. The square footages of the drainage easements should be shown on the plan.
 - e. The map should be fully compliant with the Map Filing Law.
 - f. A signature and seal in the title block should be submitted.
 - g. A key map should be provided.

From: Ed Mack, Zoning Officer

I have no objection to this plan.

Miriam Weinstein represented applicant. Applicant seeking minimal variances.

Brian Flannery reviewed Mr. Priolo's report. One lot is under the required 10,000 square feet. Two family homes are permitted in the R-7.5 zone if you have 10,000 square feet. 4 buildings conform and the 5th lot does not conform. Maximum density permitted is 8.7 units per acre and 8.92 is proposed. The relief requested is de minimous. There is no negative adverse impacts. This whole area is redeveloping. There are townhouse projects in the area. This application will enhance the area.

Mr. Halberstam asked the board to note that the technical reports are separate.

Mr. Flannery – these units do have side entrances to the basement. The intended use of the basement is for the upstairs family. If the buildings could be lowered they would do so.

Mr. Halberstam – this application was redesigned for the 3rd time. Concerned about lot 20.5 with the deck only being 11.5 feet from the property line. Asked that the lot line be moved to allow for a decent setback on lot 20.5.

Mr. Flannery – could do that.

Ms. Weinstein – from a legal standpoint they have the catch all phrase, for any other variances.

Sharon asked for a definition of a duplex and a two-family.

Mr. Mack – the definitions are very poorly done.

Open to Public – Closed to Public.

Motion to approve 5 duplexes subject to the Chairman's suggestions, no kitchen facilities in the basement, Lot 20.01 will be a little under 10,000 square feet variance for lot area, Lot 20.02 will be approximately 9,000 and will need lot area variance, Lot 20.05 will be more than 10,000 square feet and will need rear setback variance – Mr. Gelley.

Second – Mr. Naftali

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

APPEAL # 3647 – SEYMOUR INVESTMENTS, LLC

Cross Street & River Avenue, Block 533 Lots 3 & 10, HD – 7 zone. Interpretation

Secretary read reports.

From: Jim Priolo, Engineer/Planner – May 9, 2007

1. The subject property is located along Cross Street between Damiano Way and River Avenue (Route 9). In accordance with Section 18-903 H. of the ordinance, townhouses are listed as a conditional use in the HD-7 Zone.

2. Within Section 18-1010 (Townhouses), there are certain conditions that need to be met in order to comply with the conditional use, specifically tract size, tract boundaries, density, tract width, tract depth and building coverage. Other requirements also include specific building setbacks and the homeowner's association documents.

The Ordinance does not specify a community center building associated with a townhouse development as a permitted use within the HD-7 Zone.

3. Should the applicant submit an application for a townhouse use with a community center in this zone, it's our opinion that they should appear before the Board of Adjustment.

From: Ed Mack, Zoning Officer

I have been working on the assumption that a clubhouse was a common element in this type of development. I should also inform the board that I have been asked by the Mayor to add this to the UDO.

Sal Alfiero represented applicant. Asking for an interpretation. In the HD 7 zone clubhouses are not specified as a permitted use in conjunction with the townhouses uses. They have an application pending before the Planning Board.

Mr. Flannery testified as a planner. Can the Planning Board approve a townhouse development with a clubhouse? They have been approving all the townhouse developments with a clubhouse. A clubhouse is a benefit to the community. The HD7 zone says that all uses permitted in the HD6 zone which allows clubs, lodges and association building, meeting rooms, halls and Houses of Worship.

Open to Public.

Joseph Esandrio, 214 Enclave Blvd, sworn. Member of the Board of Trustees in the Enclave and they support this project and in favor of the inclusion of the community center.

Closed to Public.

Motion to interpret that a community center is a permitted use and the HD7 allows the community center as a permitted use - Ms. Goralski

Second –Mr. Lazzaro

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

Recess.

APPEAL # 3645 - OCEAN MIRACLE, LLC

921 & 927 Ocean Avenue, Block 189 Lots 106 & 107, R-20 zone. 23 townhouses, use variance.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – September 4, 2007

1. The subject property is located on Ocean Avenue (Route 88) and is within the R-20 (Single-Family Residential) Zone. The applicant is proposing a conceptual subdivision for the purpose of creating a 2.9-acre lot to accommodate a townhouse development. The townhouse development will be comprised of six townhouse structures containing thirty-eight (38) dwelling units. The remainder of Lot 105 after the subdivision will contain an existing nursing home facility with an associated parking lot.

2. In accordance with Section 902 C. of the Ordinance, townhouses are not a permitted use in the R-20 Zone. Additionally, the proposed development would exceed the permitted density in this zone. Therefore, special reasons variances will be required as follows:

a. **To permit a use in a district restricted against such use.** The proposed townhouse use is not a permitted use within the R-20 Zone. The only permitted residential use in this Zone is single-family detached.

b. **To allow an increase in permitted maximum gross density.** The maximum gross density in the R-20 Zone based on single-family detached use and minimum lot area is approximately 2.2 units/acre. It appears the site can yield 6 conforming single-family lots. The applicant is proposing 38 attached units in six buildings and a density of 13.1 units/acre. Therefore, a density variance is required.

The applicant must provide testimony to the Board detailing the special reasons which would allow the Board to grant a variance to depart from the zoning regulations to permit a use in a district restricted against such use (townhouse use) and an increase in permitted

density. In order to achieve this, the applicant should explain why the townhouse use with the requested density is a better planning and zoning alternative than the traditional single-family residential concept.

3. If the special reasons variances are approved, the applicant will require variances from Subsection 900 H. (Townhouses). This section outlines the design criteria that are requirements for townhouse projects. The variance required from this Section is as follows:

	Required	Provided
Tract Boundary (from State Highway)	100 ft.	30 ft. (Route 88)
Tract Boundary (from property line)	20 ft.	13 ft. (proposed decks)

The zoning schedule should be revised to show setbacks measured to the decks. The applicant must demonstrate to the Board 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.

4. In accordance with Section 803 E., a minimum 30 ft. buffer is required adjacent to the existing single-family residential lots, whereas a 23 ft. buffer (13 ft. to decks) is provided.

5. In accordance with Section 808 A., a minimum of 5% ($\pm 6,320$ s.f.) of the land area should be dedicated to open space/recreation, whereas only 2.2% (2,750 s.f.) is proposed to open space/recreation in the form of a tot lot. The applicant is also proposing open space (6,205 s.f.) within the buffer area. This area should not be counted towards the open space requirement.

6. Due to the significant increase in density, a traffic analysis report should be prepared and traffic impact testimony should be presented to insure that the proposed development does not result in a negative impact on adjacent roadways and intersections. The Board should not act on this application until this testimony is presented.

7. The proposed stormwater management facilities and recreation areas are proposed within the 300 ft. NJDEP special water resource protection area for the designated Category One (C1) stream. No improvements should be proposed in this area.

8. Approval from the NJDOT will be required for the proposed access onto Ocean Avenue (Route 88) during any future site plan applications. It is anticipated that a larger highway dedication will be required to accommodate any future highway improvements. This may affect the density and other variance calculations.

9. A larger setback from Route 88 is recommended.

10. The plan indicates that a sanitary sewer pump station may be required for the proposed development. The applicant should be prepared to discuss this subject further.

11. Any approval should be subject to preliminary and final site plan and subdivision approval.

From: Ed Mack, Zoning Officer

I think that the amount of actual lot coverage, including the large parking area shows that this application is much too dense.

Samuel Brown, represented applicant. Use variance only – not requesting site plan now. This area has been reviewed by the Planning Board and was recommended for the Master Plan to be changed to an RM zone. These units are being designed as a smaller more affordable unit.

Mr. Priolo - The plan shows these as townhouses, should not be referring to an RM zone.

Brian Flannery – the plan lists the requirements for the townhouse use.

Mr. Harrison – voting for use of townhouses only.

Mr. Priolo - Use the criteria for the 18-900 H Townhouses.

Mr. Flannery – will come back for density and site plan, asking for the use only. Showed aerial of the site. This use is consistent with the Master Plan. Buffers because it does discuss a multi-family use and how many units will be discussed at site plan.

Mr. Priolo – they applied for a townhouse use which is different than multi-family. A townhouse is at least 3 units attached side by side only single family. A multi-family use can be a high rise units above and below. If they are asking for a multi-family use it is a different application.

Mr. Flannery – proposing exceeding the 8 units per acre. The units do look like townhouses.

Mr. Priolo – if you approve the multi-family use you would be approving something different than townhouses.

Mr. Harrison – they advertised for townhouses.

Mr. Flannery - The type of unit they would come back with would be a townhouse. We have the concept only. Only asking for a townhouse use.

Mr. Brown - The applicant will not come back with a multi-story project – asking for a townhouse type of project.

Open to Public. Closed to Public.

Motion to approve use variance for townhouses in the R-20 zone using the Section 18-900H townhouse criteria– Mr. Gonzalez

Second – Mr. Naftali

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

APPEAL # 3650 – TODD JERMAN

Block 528 Lot 3, Cross Street/Weber Avenue, A-1 zone.
Single family dwelling on an undersized lot.

Secretary read reports.

From Jim Priolo, Engineer/Planner – January 24, 2008 - Revised review

1. The subject property is located on the corner of Cross Street and Weber Avenue and is within the A-1 (Agricultural) Zone. The existing lot is vacant. The applicant proposes to construct a new 2-story single-family dwelling, well and septic field on the existing undersized lot.

It should be noted that the only revision to the plan is that the layout of the dwelling has been reversed. All setbacks remain the same. The applicant should provide revised architectural plans to match the layout shown on the variance plan.

In accordance with Section 902 A. of the Ordinance, bulk variances will be required for the construction of the proposed single-family addition as follows:

	Required	Proposed
Minimum Lot Area	2 ac.	0.23 ac.
Minimum Lot Width	200 ft.	100 ft.
Minimum Front Yard Setback (Cross St.)	50 ft.	41 ft.
Minimum Front Yard Setback (Weber Ave.)	50 ft.	36 ft.
Minimum Rear Yard Setback	20 ft.	11 ft. (deck)

It should be noted that the rear setback should be measured to the deck.

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.

3. The applicant should provide testimony on the proposed use of the basement level. A floor plan for the basement level should be provided.

4. Any approval should include a condition that curb and sidewalk shall be installed along the site's entire frontage along Cross Street. Curb should be set 20 feet from centerline.

5. It appears the applicant is proposing a septic field for the sanitary system and a well for the water supply. The applicant should consider connecting into an existing sewer main and water main, if one is present in Cross Street.

It should be noted that General Note #8 indicates that the water will be provided by a municipal water service, whereas the plans indicate constructing a well on the property.

6. Any approval should include a condition that the maximum elevation differences between finished floor and outside grade is 30 inches.

From Ed Mack, Zoning Officer

I have no objections to this application.

Richard Venino, Jr. represented applicant. This is an isolated vacant lot.

William Stevens, engineer, 700 Hooper Avenue, Toms River, sworn.

Board accepted credentials.

Mr. Stevens – property is 100 x 100 at the intersection of Cross Street and paper street, Weber Avenue and located in the A-1 zone. Property is 10,000 square feet where 2 acres are required. Seeking lot width variance and front setback variances. Applicant proposes to construct a 2 story dwelling with a basement, 4 bedrooms and 2 ½ baths. The house will be 1,980 square feet of living area. Septic and well will be provided. Reviewed Jims report. Basement is proposed and would be unfinished and would not be used for any type of living spaces. Seeking a waiver of curbs and sidewalks along Cross Street. There are no existing sewer or water mains located along Cross Street. Buy/sell letter was submitted. Owner of Lot 1 did reply saying that he would purchase the property for \$10,000 which is not a realistic number. The property has to be valued as if a variance were granted and the lot was buildable.

Mr. Chairman asked if there were any formal appraisals.
There were none.

Alan Krupnick, 1500 River Avenue, licensed real estate broker, affirmed.
Board accepted qualifications.

A-6 Display board showing pictures of 8 houses in the area.

Mr. Krupnick described A-6. The houses are a mix of one and two story homes. There are 8 properties that are improved ranging on lots from 1 acre to 2 acres. The size of the houses range from 1,700 square feet to over 2,400 square feet. The exception is the house to the rear of this property which is 6,490 square feet. The property is presently listed for \$159,000. The property is worth approximately \$125,000 - \$140,000 approved.

Mr. Chairman announced that Mr. Krupnick is not an appraiser and his testimony is to be taken at face value.

Mr. Venino - Have not received a realistic offer to purchase this property.

Open to public.

Chris Aurilia, 350 Cross Street, sworn. Opposed to the construction of the house on an undersized lot. Over the years he has tried to purchase lot 9 and lot 3. There is not 100 feet between the septic. When he takes the trees down and the house will be in his front yard. He is paying over \$13,000 a year in taxes, they are paying \$186.00 in taxes. The tax assessor has the value of the property at \$10,000 per year, that is why he made that offer

to purchase. The construction of this house would de-value his land.

Pauline Milanic, 329 Cross Street, sworn. Lives directly across the street from the site. It would be detrimental for everybody to approve this house. There have been numerous accidents on Cross Street. The school is next door. There are school buses.

Mr. Aurilia – his property is for sale, if they are interested in buying it.

Chairman asked applicant and Mr. Aurilia to get an appraisal.

Mr. Harrison - The appraiser will appraise the property buildable or non buildable.

Mr. Venino - Case law is that the value of the property is as if the approval had been granted.

Closed to Public.

Mr. Stevens – they are proposing to service this home with a septic and well and will get the approval of the Board of Health.

Mr. Venino and Mr. Aurilia agreed to obtain appraisals.

Mr. Harrison – the appraisals has to be presumed as if the lot is buildable.

Mr. Venino – applicant agrees to table time.

Motion to table until April 7th – Mr. Gelley

Second - Ms. Goralski

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

RESOLUTIONS

APPEAL # 3662 – TEMPLE BETH AM SHALOM,

Route 70, Block 1160.04 Lot 47, M-1 zone.

Resolution to approve a use variance to construct a 17,000 square foot House of Worship.

Motion to approve – Mr. Gelley

Second – Mr. Naftali

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

APPEAL # 3656 – AREVALO PROPERTIES

425 Clifton Avenue, Block 118 Lot 28, B-2 zone.

Resolution to approve an extension of existing apartments.

Motion to approve – Mr. Naftali

Second – Mr. Lazzaro

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

APPEAL #3659 – ZELDY OPPEN

Prospect Street, Block 442 Lot 8, R-20 zone. Resolution to approve
the construction of a single family house on an undersized lot.

Motion to approve – Mr. Lazzaro

Second – Mr. Naftali

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

APPEAL # 3132AAA – SYMCHA REALTY

292, 294, 296, 298 7th Street, Block 95 Lots 5.01, 5.02, 5.03, 5.04,
R-OP zone. Resolution to approve amended site plan.

Motion to approve –Mr. Gelley

Second – Mr. Naftali

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

MOTION TO PAY BILLS.

All in favor.

MOTION TO ADJOURN.

All in favor.

Meeting adjourned at 11:15 P.M.

Respectfully submitted,
Fran Siegel, Secretary