

**ZONING BOARD OF ADJUSTMENT
2009
MINUTES**

MARCH 16,

Meeting was called to order at 7:15 P.M.

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

Roll call: Attending: Mr. Gelley, Mr. Gonzalez, Mr. Lazzaro, Mr. Naftali,
Mr. Zaks, Mr. Lieberman, Mr. Halberstam

Absent: Ms. Goralski

Arrived late: Mr. Lankry

Also present: Russ Cherkos, Attorney

John Ernst, Engineer/Planner

Jackie Wahler, Court Stenographer

Fran Siegel, Secretary

Salute to the flag.

Motion to accept minutes of February 2nd with a waiver to read – Mr. Gelley

Second – Mr. Gonzalez

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

Appeal # 3692 – 105 Carasaljo, LLC, 105 Carasaljo Drive, Block 12 Lot 217, R-12 zone.

To construct a single family house on an undersized lot. Bulk variances requested for lot area, lot width, side setbacks.

Secretary read reports.

From: Jim Priolo, Engineer/Planner - December 22, 2008

1. The subject property is located on Carasaljo Drive and is within the R-12 (Single-Family Residential) Zone. The existing site contains the building foundation. The applicant proposes to construct a two-story single-family dwelling using the existing foundation.

2. In accordance with Section 902.E of the Ordinance, bulk variances will be required for the construction of the proposed two-story addition as follows:

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	12,000 s.f.	10,000 s.f.
Minimum Lot Width	90 ft.	50 ft.
Minimum Side Yard (One)	10 ft.	3.25 ft. (stairs) 7.5 ft.
Minimum Side Yard (Combined)	25 ft.	11.75 ft. (stairs) 15 ft.

The applicant must demonstrate to the Board that the requested variances can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and the zoning ordinance.

The applicant should address the Board regarding the visual impact that the dwelling will have on the surrounding properties.

3. The architectural plans indicate an outside stairway entrance on the left side of the house.

This feature should be shown on the variance and grading plans as it will increase the requested variances.

4. The location of the rear deck on the architectural plans differs from what is shown on the variance and grading plans.

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Sal Alfieri, attorney for applicant. Application to build a single family home on an undersized lot.

Buy/sell letters were given to Mr. Cherkos, Board attorney for review.

Brian Flannery, engineer/planner, sworn.

Board accepted qualifications.

Mr. Flannery – application for a 10,000 square foot lot. This is a classic isolated lot where no additional property is available. Reviewed Mr. Priolo's report. Variances requested for lot area, lot width and side yard setback. The building will be 35 feet. There are stairs in the side yard setback which is allowed by ordinance. There are 5 lots in the area that are similar to this lot. A 25 foot wide house would not keep with the area. They are asking for less than a 2 foot side setback for the stairs. The rear deck will show on the plans.

Mr. Halberstam - there is a foundation already in before any approvals?

Mr. Flannery – does not relate to the merits of this application. The prior house was 5.9 feet from the setback and they are asking for 7.5 feet. The house before was a smaller house that was typical of this area that gets redeveloped with larger houses. The existing house was 30 by 27 feet.

Mr. Zaks – was there a permit for the foundation?

Chaim Abadi, 217 10th Street, affirmed. Mailed the buy sell letters. Sent out 4, one was refused.

Mr. Cherkos read the buy/sell letters.

A-1 letters and receipts.

Mr. Abadi – did not hear from any of the adjacent property. Spoke to a Mr. Nicholas Nikoteria, he was interested in selling his property for \$417,000, but was not interested in selling a portion of it. He applied to the Zoning Office for a building permit and Eddie Mack did sign off on it so he went ahead with the foundation.

Mr. Zaks – the current foundation is what Mr. Mack signed off on?

Mr. Abadi – yes.

Mr. Lankry – if we deny this application would you have to dig up the foundation?

Mr. Alfieri - Probably would file an action against the town.

Ms. Siegel said that Mr. Mack did sign the permit.

Mr. Abadi – as of now there is no side stairs and no opening to the basement. There is a side door going into the first floor.

Mr. Ernst – the steps going into the first floor is 3.2 feet from the property line.

Open to Public.

Mr. Penzer – represent Rabbi Perlow, adjoining land owner. He is in complete support of this application.

Leroy Cooper, sworn. formerly 94 Carasaljo Drive. Across the street from this proposed project. The previous house burned to the ground. The previous dwelling was 586 square

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feet. He put a foundation in prior to going for a variance. The foundation was built at his own risk.

Mr. Halberstam – his concern is that the applicant is here asking for a variance to building on an undersized lot.

Solomon Fred Gincel, 144 Carasaljo Drive, affirmed. There is not enough side setback. You can build a 25 foot wide house, with no variances. The other houses in the neighborhoods are not on top of each other.

Closed to Public.

Mr. Alfieri – the property is serviced by sewer. Buy/sell letters have been submitted. This house is consistent with the newer houses in the area.

Mr. Cherkos – has the building permit signed off by Mr. Mack and the description of work is new construction, new house. There is also a set of construction plans. There are other documents in the file.

B-2 Building permit signed off by Mr. Mack.

Mr. Zaks – the Township issued the permit. Think that the issues are the side steps. No problem approving the application but would want the side stairway removed. It is typical that a footing and foundation is always issued “at your own risk”

Motion to approve subject to the stairway be removed from the side - Mr. Lazzaro

Second – Mr. Zaks

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

**Appeal # 3681A – Alter Rubin, 310-324 Dewey Avenue, Block 247 Lots 12-16, R-7.5
zone. Site Plan.**

Secretary read reports

From: Jim Priolo, Engineer/Planner – Third Review

1. The subject property is located on Dewey Avenue and is within the R-7.5 (Single-Family Residential) Zone. The property contains five existing dwellings. The applicant proposes to construct fifteen (15) townhouses within three buildings and a proposed parking area and other site improvements. All existing dwellings will be removed. The

applicant reduced the number of dwellings by one from the original use variance approval.

2. The applicant received approval for the use variance (townhouse use) only by Resolution of Approval (Appeal No. 3681, Adopted October 6, 2008). The applicant previously submitted a site plan application with the use variance application however that application was bifurcated due to concerns raised by the Board during the use variance testimony.

3. A dwelling unit count was not approved as part of the use variance approval. The Board deferred this to the site plan phase due to concerns with density. The townhouse section of the Ordinance permits eight (8) townhouses or sixteen (16) dwelling units per acre. The applicant is proposing 10.3 townhouses per acre and 20.6 dwelling units per acre. The Board will need to determine if the density is appropriate for this property.

4. The applicant will require variances from Subsection 900 H. (Townhouses). This section outlines the design criteria for townhouse projects. Those variances required from this section are as follows:

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	<u>Required</u>	<u>Provided</u>
Minimum Minimum Tract Boundary	20 feet	12 feet (building) 10 feet (deck)
Facade S Façade Setback	2 feet every 2 units	None provided

Setbacks should be measured to the rear 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.

5. In accordance with Section 803 E., a minimum 30 ft. wide buffer is required along the side and rear property lines, whereas no buffers are provided.

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

a. A separate outside entrance is provided to the basement level at the front of the structure. The applicant should be prepared to discuss the intended use of the basement level.

b. The plans indicate an attic level with walk up access. The applicant should be prepared to discuss the intended use of the attic level.

c. The applicant previously agreed to provide rear patios as opposed to the rear decks as shown.

d. The title block on the architectural plans should be revised to indicate the correct block number.

7. The following comments should be addressed with regards to the Layout Plan:

- a. The method of trash collection should be discussed as it appears a dump truck will not be able to access the trash enclosure.
8. The following comments should be addressed with regards to the Grading & Drainage Plan and stormwater management:
 - a. The stormwater management report should be revised to reflect the revised drainage design.
9. A copy of the Homeowner's Association in accordance with Section 900 H.14. Agreement must be submitted to the Board Attorney for review and shall include the following:
 - a. A blanket easement should be created and dedicated to the respective utility companies for the installation and maintenance of sanitary, electric, phone, CATV and any other necessary utilities.
 - b. It should be noted that the responsibility of maintaining the stormwater system should be the responsibility of the Homeowner's Association and not the Township of Lakewood.
10. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.
11. 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.

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Abe Penzer represented applicant.

Ray Carpenter, sworn. Here for preliminary and final site plan. Reviewed Mr. Priolo's report from January, 2009. Received a use variance for townhouses. Proposing 15 townhouses in the R-7.5 zone. Proposing 10.3 townhouses per acre or 20.6 dwelling units per acre.

Mr. Penzer – these basements will be for storage only.

Mr. Zaks disqualified himself from this application.

Secretary read letter from Shade tree commission requesting the change of some of the trees proposed.

Applicant agreed.

Mr. Carpenter showed the Board an aerial view of the site. The left portion of the site is heavily bordered with trees and they will not be removed. Proposing an 8 foot fence around the entire site. The basement will be used for storage. The attic walk-up is an open area, no plumbing, no closets. All the buildings now have at-grade patios, no decks.

A-1 letter from John Franklin

Mr. Carpenter - the 2 dumpsters are located to the right of one driveway and to the left of the other driveway. Storm water management report has been revised.

Mr. Penzer - They will put an easement on the map for any kind of utilities, and will have a homeowners association to maintain the storm water.

A-2 elevation

Mr. Halberstam – in between each house is set back 4 feet so therefore it is not a zero lot line.

Mr. Ernst – concerned about the location of the dumpsters.

Mr. Penzer – this is the location that Mr. Franklin wanted.

Mr. Carpenter – there will be some sort of enclosure (gate system) for the dumpsters. There will be garbage cans for the recycling.

Mr. Penzer – will satisfy the board engineer.

Mr. Gonzalez - this project is still very dense.

Mr. Penzer – will put in a fence and landscaping.

Mr. Carpenter – the tot lot is about 40 x 60.

Mr. Naftali – concerned with the density – would like more green area.

Mr. Carpenter – all the units in the back are 29 feet.

Mr. Penzer – agreed to make the units 27½ feet wide. There is a second playground also. Will put in standard equipment.

Open to Public.

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Gerri Ballwanz, Governors Road, sworn. The townhouse ordinance allows 8 units per acre and proposed is 12 units per acre. This is too dense for the area.

Leonard Thomas, 321 Cottage Place, affirmed. Asked for the 8 foot fence. Does not want the garbage in the back of their property. Maybe this will encourage the area for families. Nobody wants to invest in single family homes in this area. In favor of this application. This will be good for the neighborhood.

Closed to Public.

Motion to approve subject to 27 ½ foot townhouses just on the back row, a larger playground with equipment approved by Mr. Ernst, garbage being enclosed - Mr. Gelly Second – Mr. Lazzaro

Roll call vote:affirmative: Mr. Gelly, Mr. Lazzaro, Mr. Naftali, Mr. Lankry, Mr. Lieberman

Nayes: Mr. Gonzalez, Mr. Halberstam

Recess.

Appeal # 3693 – Mark Properties, Vermont Avenue, Block 1116 Lot 1, R-40 zone.

Single family house on an undersized lot.

Secretary read reports.

From: Jim Priolo, Birdsall Engineering, January 12, 2009

1. The subject property is located on Vermont Avenue between Union Avenue and Berkeley Avenue (both unimproved right-of-ways) and is within the R-40 (Single-Family Residential) Zone. The existing site is vacant. The applicant proposes to construct a two-story single-family dwelling with frontage along Vermont Avenue and a well and septic system.

2. In accordance with Section 902.B of the Ordinance, bulk variances will be required for the construction of the proposed two-story addition as follows:

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	40,000 s.f.	19,860 s.f.
Minimum Front Setback	50 ft.	30.3 ft. (Vermont)
Minimum Rear Yard	30 ft.	18 ft. (deck)

The rear yard setback should reflect the rear 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 useable lot area (minus the wetlands buffer) should be shown on the plan.
- 4. The proposed rear deck should be shown on the variance map.
- 5. The Applicant should construct sidewalk along the property frontage of Vermont Avenue as required by the Township Engineer.
- 6. Any approval should be subject to approval from the Ocean County Health Department for the well and septic system.

John Doyle represented applicant.

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A-1 – letters to adjacent homeowners.

Brian Flannery, sworn, professional engineer/planner.
Board accepted qualifications.

Mr. Flannery – application for a single family lot on a 19,860 square foot lot in the R-40 one. It is an isolated lot. Applicant made an effort to purchase adjacent lots. Reviewed Mr.

Priolo’s review letter. The front of the house will be toward Vermont Avenue, which is a paved road. No way to increase the size of the lot. The deck will be less than 3 feet above grade so that it will not be a structure.

Open to Public.

Gerri Ballwanz, Governors Road, sworn. Concerned about Kettle Creek. Not good planning for this area. There could be threatened species there.
Closed to Public.

Mr. Cherkos - Classic undersized lot. Surrounded on 3 sides by streets.

Mr. Flannery - An LOI was granted for the Wetland area.

Motion to approve with a sidewalk per township requirements – Mr. Zaks

Second – Mr. Gelley

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

Appeal # 3696 – Abbi Hirsch, Spruce Street, Block 849 Lot 13, R-40 zone. Single family home on an undersized lot. Required 40,000 square feet provided 30,722.

Secretary read reports.

From: John Ernst, Engineer/Planner - February 27, 2009 Revised Review

I have reviewed the submitted information **deem this application complete** and offer the following comments for your consideration:

1. The property is located on the east corner of Spruce Street and Caryl Avenue. It lies within the R-40/20 Cluster Zone and comprises an area of 30,722 s.f. The property is an existing non-conforming lot (insufficient lot area and lot width) and is wooded and vacant from improvements. Spruce Street is an improved roadway while Caryl Avenue is an unimproved roadway.
2. The applicant proposes to construct a residential dwelling on the lot. An access driveway is proposed from Spruce Street.
3. The applicant has requested a Front Yard Setback Variance for the proposed dwelling. A setback of 25 ft. is proposed from Caryl Avenue; whereas 50 ft. is required. As previously mentioned Caryl Avenue is an unimproved roadway.
4. The Board should be aware that the applicant's lot is an existing undersized lot and requires variances for the following:
 - a. Insufficient Lot Area – A lot area of 30,722 s.f. exists; whereas 40,000 s.f. is required.
 - b. Insufficient Lot Width – A lot width (as measured along Spruce Street) of 100.5 ft.+ exists; whereas 150 ft. is required.
5. The applicant should provide testimony to the Board on the following issues:
 - a. Does the applicant own nearby or adjacent land that if consolidated with this lot would provide lot width and/or additional lot area to make this a conforming lot?

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- b. Has an attempt been made to purchase property from or sell the property to adjacent landowners to make this lot conform with the Ordinance?
The applicant should support this issue with written documentation.
- c. How high will the new dwelling be?
- d. Will the dwelling have a basement?
- e. How will potable water and sanitary sewer services be provided?

- f. What is the extent of proposed woods clearing?
- 6. The Board should determine if any improvements should be constructed within Spruce Street (curbing/sidewalk) and Caryl Avenue (paving/curbing/sidewalk).
- 7. Roof runoff from the proposed dwelling should be directed into drywells.
- 8. The Zoning Schedule shown on the applicant's Plot Plan should be revised as follows:
 - a. The required rear yard setback should be 30 ft.
 - b. The permitted maximum building coverage should be 20%.

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

Abbi Hirsch, affirmed.

Glenn Lines, professional engineer and planner.

Board accepted credentials.

Mr. Lines – application is to construct a home on an undersized lot on Spruce Street which is undersized. Variances requested for lot area, lot width and front setback variance from paper street. Reviewed Mr. Ernst's report. There are 16 lots on Spruce Street and only 3 conform to area and 7 have lesser lot area than the proposed lot. Most of the lots on Spruce Street are about 30,000 square feet. One of the adjacent property owners, the Township, they are on for discussion at the next Township Committee meeting to see if they will sell.

A-1 – adjacent property owner's letters.

Mr. Lines – they will need a septic system. The house will front Spruce Street.

Open to Public.

Gerri Ballwanz, sworn. –web site does not show this property. Would be in favor of this application.

Closed to Public.

Motion to approve with a sidewalk and proof that the Township is not willing to sell the property – Mr. Lankry

Second – Mr. Gelley

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

Appeal # 3700 - Tovia Halpern, Buttell Avenue & Williams Street, Block 420.01 Lots 1.01, 21 & 22, R-10/R-12 zones. Subdivision into 3 lots, one single family, one duplex and requesting use variance for a duplex in the portion of the R-12 zone.

Secretary read reports.

From: John Ernst, Engineer/Planner - February 18, 2009

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- 1. The property is located on the southeast corner of Williams Street and Buttell Avenue. The property (consisting of Tax Lots 1.01, 21 and 22) is split zoned

between the R-10 and R-12 Residential Zones and comprises a total area of 36,856.4 s.f. (0.85 acres). Lots 21 and 22 are cleared of woods and occupied by a single-family dwelling (with an attached deck with a ramp), a detached wood patio, a shed and a driveway from Williams Street. Lot 1.01 is wooded and vacant from improvements. The applicant's plan indicates there is public water and sanitary sewer mains within Buttell Avenue and it is unclear if public water/sewer facilities exist within Williams Street. Also, concrete curbing (no sidewalks) exist along both Williams Street and Buttell Avenue and the plan does not address the type of surfacing within both streets.

The site appears to be in Flood Zone "X" (unshaded) which is an area determined to be outside the 0.2% annual chance flood plain. In accordance with the Soil Survey of Ocean County the site appears to be situated on Downer Series Soils, which are well drained soils with the seasonal high water table expected to be greater than 6 ft. from the surface of the ground. There does not appear to be mapped freshwater wetlands on the site.

2. The applicant proposes to demolish all existing structures within the tract, construct concrete sidewalk along Williams Street and Buttell Avenue and re-subdivide the lots for the construction of residential dwellings in the following manner:
 - a. Proposed Lot 21.01 – This lot will have frontage along Williams Street and Buttell Avenue and lies entirely within the R-12 Residential Zone. A two-story single-family residential dwelling (with an attached deck) is to be constructed on the lot which will have a conforming area of 12,828.62 s.f. Single-family residential dwellings are permitted within the R-12 Zone. **A front yard setback Variance for the proposed dwelling along Williams Street has been requested by the applicant.**
 - b. Proposed Lot 22.01 – This lot will front along Buttell Avenue and is split zoned between the R-10 (43%) and R-12 (57%) Residential Zones. A two-story duplex (multi-family) residential building (with two attached rear yard decks) are to be constructed on the lot which will have a conforming area of 12,000.71 s.f. Two-family/duplex housing is permitted within the R-10 Zone but not within the R-12 Zone. **The applicant has requested a Use Variance for this construction.**
 - c. Proposed Lot 22.02 – This lot will front along Buttell Avenue and lies entirely within the R-10 Residential Zone. At this time no construction is proposed on the lot which will have a conforming area of 12,000.71 s.f. However, the application form indicates a residential duplex building is proposed in the future.

No additional lots are proposed. The applicant proposes to reconfigure the lot lines to create conforming lot areas.

3. The applicant has requested the following Variances:
 - a. A Use Variance for proposed Lot 22.01 which lies within the R-10 and R-12 Residential Zones – The applicant proposes the construction of a residential two-family/duplex building which is not a permitted Use within the R-12 Zone.
 - b. A Front Yard Setback Variance for the dwelling to be constructed on proposed Lot 21.01 – A front yard setback of 18.99 ft. is proposed from Williams Street; whereas a setback of 30 ft. is required.
4. The applicant should address the Board on the following issues:

- a. The applicant should demonstrate to the Board that the Use Variance on proposed Lot 22.01 can be granted without substantial detriment to the public good and that the intent and purpose of the Lakewood Township Land Use Ordinance and Master Plan will not be substantially impaired.
 - b. The applicant should discuss any special reasons supporting the granting of the Use Variance on proposed Lot 22.01.
 - c. Why is the applicant creating his own Variance hardship (front yard setback Variance) on proposed Lot 21.01?
 - d. What are adjacent and nearby property Uses? Once this issue is addressed the Board should determine if buffering should be provided within the residential lots.
 - e. Will the proposed buildings have basements?
5. The Board should discuss if buffering should be provided within proposed Lot 22.01 adjacent to proposed Lot 21.01. The proposed non-conforming multi-family Use within the R-12 portion of Lot 22.01 intensifies the permitted residential Use within the R-12 Zone. Section 18-803E.2.b of the Ordinance requires a 30 ft. wide buffer between multi-family and single-family land Uses.
6. The following plan revisions are required:
- a. Potable water and sanitary sewer laterals should be shown for proposed Lot 22.01.
 - b. Roof runoff from each of the proposed buildings should be directed into dry wells. The dry wells should be designed for the 25 year storm event.
 - c. A note should be provided within the General Notes (as a deed restriction) that upon the development of proposed Lot 22.02 a dry well for roof runoff will be constructed.
 - d. Monuments should be set at all outbound corners of the tract. The monuments should be set prior to map signing and should be shown on the plan as “monument set”.
 - e. The names of the lot owners shown within the certifications do not agree with the names shown within General Note #4. The plan should be revised accordingly.
 - f. The plan should indicate the removal of existing curbing and the construction of depressed curbing at the proposed driveways and handicap ramp locations. In addition, the plan should indicate the removal of depressed curbing and the construction of full face curbing at the location of the apron removal along Williams Street.
 - g. The type of existing road surfacing within Williams Street and Buttell Avenue should be noted on the plan.
 - h. A detail for the replacement of roadway material along the new curbing should be provided.
 - i. The width of the proposed sidewalk as well as the distance from the curb line to same should be noted within the “Typical Concrete Sidewalk Detail” that is shown on the plan.
 - j. The existing water/sewer mains within Williams Street should be shown on the plan. Manholes and water valve boxes are shown but not the mains.
 - k. In conformance with Section 18-803D of the Ordinance shade trees and a Shade Tree Easement should be provided along Williams Street and

Buttell Avenue. The applicant should address the Board on the species of trees to be planted.

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Normally proposed improvements are not shown on Minor Subdivision Plats that are filed within the County. Improvements to be constructed (such as the applicant's) are normally shown on a plan (or plans) entitled "Map to Accompany Minor Subdivision" with the actual subdivision information being shown on a separate plan (plan to be filed) showing existing/proposed lot lines, zoning information and Variances if applicable. However, this office has no objection to the applicant's plan once revised per the Board's approval.

7. Architectural Floor Plans and elevations of the proposed buildings should be submitted prior to the Board's meeting.
8. The Township's Tax Assessor will assign/approve the proposed lot numbers.
9. A Bond will be required for the existing building demolition, the proposed sidewalk/curbing improvements and the shade tree plantings.
10. Ocean County Planning Board approval should be obtained.

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

Abraham Penzer, attorney, represented applicant.

Brian Flannery, engineer/planner sworn.

Mr. Flannery – this is a 3 lot subdivision, 2 of the lots are proposed for duplex dwellings and the corner lot will be a single family dwelling. The middle lot is a split zone between the R-10 and R-12 zones. The Master Plan that was adopted in 2007 and this area was indicated to rezone this strip to R10 zone. There are no enabling ordinances to match the Master Plan.

Mr. Cherkos – we do not have to determine the zone or where the zone line is.

Mr. Flannery – the corner house is in the R-12 zone and they are asking for a front yard setback variance on Williams Street. Reviewed Mr. Ernst's report. There are no detriments to the zone plan. It fits in well with the neighborhood. The garage is within the front yard setback of Williams Street. They are asking for an 18 foot front setback where 30 is required.

Open to Public.

There were members in the audience in favor of the application.

Leonard Horowitz, 29 Williams Street, affirmed. Asked about lighting. In favor of this application.

Closed to Public.

Mr. Penzer – would like to ask for a 6 foot variance along Williams Street.

Motion to approve use variance to allow a duplex on lot 22.01 and a front yard setback variance of 18.99 feet from Williams Street for lot 21.01, off white 6 foot vinyl fence along Williams Street not coming forward of the house, low profile lighting, house will front on Buttell Avenue, 3 lot subdivision – Mr. Zaks

Second – Mr. Gonzalez

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

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Mr. Chairman announced that there was not enough time to hear **Appeal # 3697 - Pine Street Developers** will have to be carried to the next meeting.

Mr. Penzer said that his applicant would like to carry until the May 4th meeting.

Motion to carry until May 4th with renote – Mr. Lazzaro

Second – Mr. Gelley

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

Mr. Penzer - They will waive any time limitations and will re-notice.

Resolutions

Appeal # 3563 -Aron Ginsberg – Resolution to amend resolution to permit the buildings to be constructed with the minimum elevation difference between finished floor and outside grade not in excess of sixty (60) inches.

Motion to approve – Mr. Gonzalez

Second – Mr. Naftali

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

Appeal # 3694 – Forest Glen 2, Chestnut Street, Block 1159 Lots 19, 42-4, 85, R-20 zone. Resolution to approve use variance for townhouses.

Motion to approve – Mr. Naftali

Second – Mr. Gelley

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

Appeal #3546AA –Paradise Realty Group, Joe Parker Road, Block 189.03 Lot 184.28, R-20 zone. Resolution to approve use variance to construct a community building and approve amended site plan.

Motion to approve and amend the resolution to include a Mikvah – Mr. Gelley

Second – Mr. Naftali

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

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 11:05 P.M.

Respectfully submitted,

Fran Siegel, Secretary