

**ZONING BOARD OF ADJUSTMENT
MINUTES**

MARCH 21, 2011

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

Roll call: Attending: Mr. Gelley, Mr. Lankry, Mr. Mund, Mr. Naftali, Mr. Zaks,
Mr. Ribiat, Mr. Gonzalez, Mr. Halberstam

Absent: Mr. Schwartz

Also present: Attorney – Russ Cherkos
Terry Vogt, Engineer/Planner
Jackie Wahler, Court Stenographer
Fran Siegel, Secretary

Salute to flag.

Motion to approve minutes of February 14, 2011 with a waiver to read – Mr. Naftali
Second – Mr. Lankry

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

Appeal # 3761- Nissen Steger, New York Avenue, Block 223 Lots 1.01, 1.02 & 2
Secretary – at the February 14th meeting the Chairman asked that they come back with
the final site showing 4 parking spaces and elevations for the house.

Abraham Penzer, attorney for applicant. The Board asked to see how it would lay out.

Mr. Zaks – subdividing existing lot and adding on 10 feet in the back to make this a
single family lot. Duplex on original lot.

Mr. Halberstam - Taking 10 feet off the other property and adding to the back of this
property to give it more depth. Creating lot 1.01 smaller than the original approval that
was granted.

Chairman announced that there were only 5 members voting.

Mr. Penzer – this is a use variance and they do need 5 affirmative votes. They agreed to
proceed.

Brian Flannery, sworn. The duplex under construction was approved for an
approximately 11,000 square foot lot. This application for a minor subdivision is to take
the unusable piece off the one lot and add it to the existing isolated lot. The square
footage of the isolated lot will be 4,875 square feet. This lot meets the setbacks of the
R-7.5. There are 4 parking spaces shown. It will be partial brick or stone siding on the
front elevation and the remainder will be vinyl siding. Also will be upgraded window
treatments.

Mr. Penzer - They will commit to 1/3 of the front facade will be brick.

Open to Public. Closed to Public.

Motion to approve – Mr. Lankry

Second – Mr. Gelley

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

Appeal # 3710A – Ford Land Equities, Lanes Mill Road, Block 189.04 Lots 68, 197 &

201, OT Zone. Use variance for multi-family 8 units approved
1/27/09. Preliminary and final major subdivision, bulk variances.

Revised plans were given to the board by the Secretary.

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Secretary read reports.

From: Terry Vogt, Engineer/Planner – March 21, 2011

The parcel is located in the OT Office Transitional Zone. Duplexes are not a permitted use in this zone. The applicant received Use Variance approval to construct a mixed use townhome and retail/office development at the July 6, 2009 Zoning Board meeting, as stipulated per Zoning Board resolution # 3710, adopted July 27, 2009. Said approval included properties on both sides of Lanes Mill Road. The applicant is seeking subdivision approval for the south side of the road at this time. The change from a townhouse to a duplex development will require the previously granted use variance to be re-affirmed.

Sam Brown, represented applicant. The previously scheduled meeting had been postponed and the plan was revised to consider the neighbors concerns. They have now lessened the density of the plan to 12 duplexes, a total of 24 units rather than the 28 townhomes previously proposed.

Secretary – the plan was revised.

Further comments from Terry Vogt were read.

The applicant is requesting Preliminary and Final Major Subdivision and Major Site Plan approval to construct twelve zero lot line duplexes on the listed property resulting in twenty-four separate units, which will then be subdivided into twenty-five separate lots.

The subdivision will provide each half duplex with its own lot and one common lot containing common space and drainage facilities. Each duplex is depicted on the architectural plans with five bedrooms and an inhabitable basement.

Mr. Brown – this was re-noticed and they did request a new use variance.

Mr. Halberstam asked Mr. Vogt if this plan is better or worse.

Mr. Vogt – there are 4 less units, the road design has slightly changed, there was a change in the storm water management system. This is less impervious coverage.

Mr. Halberstam asked the applicant to go over with the neighbors the new revised plans and we will continue after.

Mr. Brown – they did receive the notice in the 10 days.

Secretary said that the plans were delivered 10 days prior to the meeting but she was on vacation and nobody knew the plans were there. The public did not see the revised plans.

Mr. Zaks suggested that they take the time now to review the plans.

Mr. Brown agreed.

**Appeal # 3755 – MTR Ventures, Lois Lane & Dr. Martin Luther King Drive Block 768
Lots 16 & 18.13, RM and R-7.5 zone. Use variance to construct 6
townhouses.**

Secretary read reports.

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From: Terry Vogt, Engineer/Planner – November 11, 2010

The applicant requests a use variance and other relief necessary for construction of a 6-unit townhouse development within the RM and R-7.5 zones. Townhouses are not a

permitted use in the R-7.5 zone. Townhouses are a permitted use in the RM zone. The project as depicted on the plans was designed in accordance with the bulk requirements stipulated in Section 18-900H.

The applicant proposes to combine two existing lots that fall within separate zoning districts into a single tract and then subdivide the tract into 8 proposed lots, encompassing 6 townhouse units, a common parking area, and a common tot lot area. Existing lot 16 falls within the R-7.5 zone and existing lot 18.13 falls within the RM zone.

Abraham Penzer, on behalf of the applicant.

Brian Flannery, engineer/planner, sworn.

Mr. Flannery – the application is for 2 adjacent lots that they are proposing to construct townhouses. This is a use variance application because townhouses are not permitted in the R-7.5 zone, they are permitted in the RM zone. On the R-7.5 side they are proposing one townhouses and a piece of another and the tot lot.

Mr. Halberstam - We have to decide if this townhouses project works and if this fits.

Mr. Flannery – asking for use and density. The ordinance allow 8 units per acre and they are asking for 9.9 units per acre. The density in the area will fit. Described the area. All of vehicular access come from Martin Luther King. There is a parking area in front of the units with parking spaces and overflow parking. Sheet 3 of the plan shows the delineation for the parking.

Mr. Zaks - Suggesting that it will be going across the sidewalk to the parking?

Mr. Flannery – yes.

The Board was concerned about the parking and backing out.

Mr. Flannery – on an overall tract basis the lot coverage is 32%, if they took out the lot lines for the fee simple lots.

Mr. Zaks – The neighborhood is all single families and some duplexes – there are no townhouses.

Mr. Halberstam – As of right he can put in 4 townhouses in the RM portion.

Mr. Zaks – townhouses do not fit into the neighborhood.

Mr. Flannery – they need bulk variances, a use variance and a density variance.

Mr. Zaks – he should turn the townhouses facing Martin Luther King Drive.

Mr. Gelley – concerned about 9 parking spots – if somebody is walking down the street – it is like walking through a parking lot – think that it is dangerous.

Mr. Zaks asked about Lot 16 in the back.

Mr. Flannery – that lot is landlocked – they would have to cross the neighbors property to enter the lot.

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Mr. Vogt – lot 16.01 does not have frontage on the cul-de-sac.

There were questions by the Board if the property was a self-created hardship.

Mr. Flannery – would like to carry this application and come back.

Mr. Zaks – he would like to see the houses facing on Martin Luther King.

Motion to carry until the April 4th meeting for the application to be revised with a waiver of time – Mr. Munk

Second – Mr. Gelley

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

Appeal #3710A – Ford Land Equities, continued

Mr. Lankry had to leave the meeting. Mr. Ribiat was seated.

Mr. Brown – change from the last meeting – last meeting was 28 townhomes and this revised plan has 12 duplexes or 24 homes. There are wetlands on the property. They created more open space. This is an improved site.

Mr. Brown said that the neighbors reviewed the revised plans during the break.

Mr. Flannery, engineer/planner sworn. The 2007 Master plan recommendations have been implemented by the governing body. In 2009 they showed a mixed use development and this board approved the application. They spoke with the County and consulted with the traffic engineer. Mixing commercial and residential had an impact on the traffic so they decided to limit the impact by reducing it to just townhouses. They then revised the plans to 12 duplexes. This also allowed them to handle stormwater management on site. There was also a letter from the Brick MUA suggesting changes and that was also addressed. There is no detriment to the public good. The Master Plan recommended this to be a B-1 zone. The bulk variances requested are a result of the fee simple lots. This is a unique piece of property. The traffic will be on a County Road which will need their approval. These are fee simple lots and this is a less intense development.

A-1 Site Development Plan dated 10/04/10, illustrating the proposed townhouse development, prepared by FWH Associates

A-2 Side Development Plan dated 10/04/10 and revised 3/10/11, illustrating proposed duplex development, prepared by FWH Associates

A-3 Architectural Perspective Rendering of the proposed Townhouses, prepared by BF Design Associates, Inc

A-4 Variance Map dated 6/1/09, illustrating proposed mixed development with townhouses and a commercial building, prepared by FWH Associates

Mr. Brown - Under the B-1 zone this would allow the mixed use development. This is a simpler plan with 12 duplexes.

Mr. Flannery – at this time the northerly side has more environmental impacts and they are not at the point to come to the board with a plan.

Mr. Brown – the north side was the commercial aspect.

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Mr. Flannery reviewed Terry Vogt's report – They will comply with the tree ordinance. They have provided a recreation area. They sent the revised plans to the Brick MUA. No portion of this lot is in Brick Township. The actual road is 32 feet. The overall lot coverage on the site is 17.6%. The maximum lot is at 35.7%. If the Board requires they will agree to put in a 12 foot wide emergency access to Lanes Mill Road. They are providing housing opportunities.

Recess.

Mr. Vogt – would recommend a reaffirmation of the use relative to the duplexes. Applicant agreed with all technical issues. There are now 4 less units. The revised plans make this application less intense.

Mr. Halberstam – so this is less intense, nicer and better.

Scott Kennell, McDunnough and Rea Associates, Traffic Engineer – there will be 15% less traffic than the previous plan. This revised plan has been laid out to be compatible with the County plans. The driveway is located approximately 600 feet west of 549 so that site access can operate in a safe and efficient manner.

Mr. Gelley asked how many parking spots in front of each house?

Mr. Flannery – there is a total of 4 parking spaces per unit but they are not all in front of each house. Some of the units do not have room for 4 so they added off street parking to compensate for that on both sides of the internal road. There are 96 total parking spaces. The tot lot is in the area close to the road and the remainder of open space is passive recreation. They will amend their application to include an emergency access which will be subject to County approval. School buses will not come into the cul-de-sac.

Open to Public.

Noreen Gill, 192 Coventry Drive, sworn. Asked how many bedrooms there are, is Mr. Brown is a managing member of this LLC and who are the principals of Ford Land Equities?

Ann Richardson, 1870 Lanes Mill Road, sworn. Asked the board to rescind the approval. This is an environmentally sensitive area. Showed pictures where the road

floods, etc. There are streams on the property. The proposed lots have a high water table, the ones that they want to build on. Wildlife is very prominent in this area. Is the basin retention or detention? This proposal will severely affect this area. The traffic on Lanes Mill Road is at its peak.

Dawn White, 1874 Lanes Mill Road, sworn. This project does not fit the characteristics of the neighborhood. Their homes are setback back approximately 80 feet. They all have well water – how will this effect them.

Floyd Albertson, 1803 Lanes Mill Road, sworn. Concerned about the drainage system in the freshwater streams. Will there be separate electrical services for the basement? Concerned about basement apartments and added traffic. Was told that this is a Coastal evacuation route.

Marty Dwulet, 777 Joe Parker Road, sworn. There are no multi-family housing in the area. There is wetlands and is an odd shape and multi-family housing does not belong. Object to this proposal.

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Nechama Morgan, 1546 Laguna Lane, affirmed. This is not the same approval that was given in 2009. There was 20,000 square feet of retail, office together with the townhouse use. The townhouses were tucked behind a beautiful designed commercial building. The Board was looking at it as a combined use site plan. What is proposed now is just a bunch of backs of townhouse very close to the street. This is a very busy road – there is no buffer. Please consider requesting some sort of buffer from the main road. Would like to know the size of the tot lot.

Gerri Ballwanz, Governors Road, sworn. The plans were supposed to be available 10 days prior to the meeting and they were not. Question the legality of this meeting. Single family homes would be consistent with the neighborhood. Asked for denial of any use variance. Questioned the requirements in the B-1 zone.

Shmuel Rabinowitz, South Lake Drive, affirmed. The most important thing would be the traffic. The applicant has the right to do what the board approved originally and this is less dense.

Julie Mercer, 1876 Lanes Mill Road, sworn. Would like to request the least dense of the use of this property. Her back yard always floods. Everybody in the neighborhood floods. They cannot have a basement. They have a crawl space. There are too many variances requested – maybe they should move all the houses back from the highway. Not one neighbor is in favor of this application.

Richard Dwulet, 1886 Lanes Mill Road, sworn. This proposal could be for 100 cars on 3 acres of wetlands. This area has been flooded for the last 60+ years.

Closed to Public.

Mr. Brown – the previous application that was granted was for commercial, offices, and townhouses. All the concerns were taken into consideration and removed by this less dense project.

Mr. Flannery – They will plant and vegetate the property line. They have done borings on the site and they know where the groundwater is. The basements will be 4 or 5 feet out of the ground. The stormwater management plan as designed does reduce the peak runoffs for all of the storm events. There will be an improvement and they agree to satisfy the engineer. Mr. Kennell did indicate that they have traffic counts for Lakewood trip generations, that takes into account that a large percentage of basements get improved.

Mr. Zaks suggested that they build a berm and install a fence on top and trees on both sides.

Mr. Flannery agreed. It will be up to Public Works about maintaining the road and the basin. The cul-de-sac has a 40 foot radius.

Mr. Zaks asked for a wider curb on the south side of the property or a shoulder for the bus stop for the safety of the children.

Mr. Brown – they will agree to request it from the County.

Mr. Flannery – the berm will be in the backyard.

Mr. Zaks suggested a patio instead of a deck.

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Motion to approve subject to a berm on Route 526 including trees and a fence on top of the berm, trees on 549, an emergency exit including a 12 foot wide gravel, request from County for an area for the buses to pull in, irrigation system for each house, Mr. Vogts report, enhanced architectural, - Mr. Zaks

Second – Mr. Naftali

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

Nayes: Mr. Gonzalez

Motion to carry **Appeal # 3768, Prospect 1500** to the April 4th agenda – Mr. Gonzalez

Second – Mr. Mund

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

Motion to carry **Appeal # 3769, Chagai Matzliach**, to the April 4th agenda - Mr. Zaks

Second – Mr. Gonzalez

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

Motion to carry **Appeal # 3759 – S & H Blds** to the April 4th agenda – Mr. Mund

Second – Mr. Naftali

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

Resolutions

Appeal # 3725, Mordechai Zafrani, resolution to amend the condition of approval for stamped asphalt driveways to concrete driveways.

Motion to approve – Mr. Gelley

Second – Mr. Naftali

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

Appeal # 3765 – Avraham Rozsansky, 431 Ridge Avenue, Block 223 Lot 82, R-10 zone. Resolution to approve a single family home on an undersized, irregularly shaped lot.

Motion to approve – Mr. Zaks

Second – Mr. Naftali

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

Appeal # 3175A – Bais Medrash of Central Park, Shonny Court, Block 11 Lot 1.36, Resolution to approve site plan to construct a synagogue.

Motion to approve – Mr. Gelley

Second – Mr. Zaks

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

Appeal # 3766 – Olskool Partners, Pinehurst & Bradhurst Ave, Block 1032 Lot 3, B-3 & R-12 Zones. Resolution to approve the construction of two duplexes.

Motion to approve – Mr. Zaks

Second – Mr. Gelley

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

Appeal # 3763 – Fairmont Investments, 1965-1967 New Central Ave, Block 11 Lot 121.01, R-15 zone. Resolution to approve duplex with zero lot lines.

Motion to approve – Mr. Gelley

Second – Mr. Naftali

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

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Appeal # 3767 – Lakewood Investment, LLC, Cedarbridge Ave, Block 762 Lot 9, R-7.5 zone. Resolution to approve the construction of a duplex on a 9,835 square foot lot where 10,000 is required. Use variance and a zero lot line subdivision approved.

Motion to approve – Mr. Gelley

Second – Mr. Zaks

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

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 11:22 P.M.

Respectfully submitted,

Fran Siegel, Secretary

Zoning Board of Adjustment