

**LAKWOOD ZONING BOARD OF ADJUSTMENT
MINUTES
APRIL 7, 2008**

Meeting was called to order at 7:10 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, Ms. Goralski, Mr. Halberstam
 Absent: Mr. Lankry, Mr. Lieberman
 Also present: Glenn Harrison, Attorney
 Vincent Magnelli, Engineer/Planner
 Ed Mack, Zoning Officer
 Jackie Wahler, Court Stenographer
 Fran Siegel, Secretary

Salute to the flag.

Motion to approve minutes of March 3, 2008 – Mr. Gonzalez

Second – Ms. Goralski

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

Letter from Moshe Klein, attorney for Appeal # 3664, Somerset Development, there was a deficiency in the notice and would like to carry to the May 5th meeting.

Motion to carry – Mr. Zaks

Second – Mr. Lazzaro

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

Letter from Moshe Klein, attorney for Appeal #3671, Somerset Development, there was a deficiency in the notice and would like to carry to the May 5th meeting.

Motion to carry – Mr. Lazzaro

Second – Mr. Gelley

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

Richard Venino, Jr. represented applicant. This is a continuation from the February 4th meeting. They provided testimony regarding an undersized lot. The Board requested that they obtain an appraisal for the property and that they also obtain a letter from the Title Company.

A-7 letter from the Title Company, Real Estate Abstract.

A-8 – appraisal for \$ 125,000

Mr. Venino – they offered it to Mr. Aurilio for \$118,000 and he said that he had no interest in purchasing the property at that price.

Mr. Aurilio was not present.

Mr. Venino – Variances requested for lot area, lot width and front yard setback. There is a single driveway shown, will amend plans to show a k turn type of driveway.

William Stevens, 700 Hooper Avenue, Bricktown, NJ, engineer, sworn. – Deck shown on plans but will lower the deck to remove the rear yard setback variance. Septic system will fit on the property.

Open to Public. Closed to Public.

Motion to approve subject to k turn , Ocean County Board of Health, and lower the deck – Mr. Zaks

Second –Mr. Gelley

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

APPEAL # 3669 – BRICK ARMORY

Block 1607 Lot 2, M-1 Zone. Firing Range/Retail Store, Use Variance

Secretary read reports.

From: Jim Priolo, Engineer/Planner, March 18, 2008

1. The subject property is located on Swarthmore Avenue and is within the M-1 (Industrial) Zone. The existing lot contains an existing 37,500 s.f. building containing four (4) tenants (A.G.F., DaVinci Plastics, Exacto and Computer Recycling) and associated parking facilities and other site amenities. The Applicant proposes to renovate 14,400 s.f. of the computer recycling area and construct an indoor firing range. No renovations are proposed to the rest of the site.
2. The proposed firing range use is not permitted within the M-1 Zone; and therefore, in accordance with Section 18-903 M. of the Ordinance, use variance approval is required from the Board of Adjustment. 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 (firing range) 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. The applicant should discuss the hours of operation of the existing tenants as well as the proposed firing range.
4. The applicant should discuss the type of clients that will be using the firing range and whether it will be open to the public.
5. The applicant should provide testimony as to the safety hazards posed by having a firing range adjacent to existing warehouse/manufacturing uses and the measures they have taken to insure the adjacent tenant's and general public's safety and well-being are maintained.

From: Ed Mack, Zoning Officer
I have no objection to this use.

Abraham Penzer represented applicant. There are people in the audience from various people of law enforcement. There is a facility in Bricktown called Brick Armory and it is full. Their clientele is 80% law enforcement people, marines, secret service, FBI, etc. The other range is full as well. These people need a place where they can do their job. The other 20% is the outside public.

Ron Gazorowski, attorney, retained by William Sherman who is the proprietor of a gun range located in Lakewood, New Jersey. This is about a use that is not permitted. Proper notice has not been given. He did not give notice that a proposed retail use is not permitted. The principal use is the firing range, the retail use standing by itself is not a permitted use.

A-1 letter from Ed Mack, attached.

The Board members were given the letter for review.

Mr. Gazorowski argued that the retail use is only permitted as an accessory use.

Mr. Mack - They are warehousing firearms and related retail sales.

Mr. Magnelli – it is his opinion that retail sales alone is not a permitted use.

Mr. Penzer – recreational facilities are permitted.

Mack – warehousing of firearms is a permitted use.

Mr. Gazorowski –you could only have a retail store with those items that you manufacture.

Mr. Magnelli agreed.

Mr. Halberstam – we have to decide if we should hear this application or if the notice is incorrect.

Mr. Penzer – have been told that they take apart and put together guns which would make that manufacturing.

Mr. Halberstam advised Mr. Penzer that if the board moves forward than Mr. Gazorowski will appeal, or he could renote and come back.

Mr. Zaks – would like to hear the application now.

Mr. Penzer asked for a special meeting so that he could renote.

Mr. Gelley said he would like to hear the application now.

Mr. Gonzalez would like to hear the application now.

Mr. Naftali would like to hear the application now.

Mr. Lazzaro would like to hear it now.

Mr. Gazorowski requested that Mr. Lazzaro not hear this application as he once represented him on another case.

Motion to carry to special meeting on April 28th, 2008 with renote – Mr. Gelley

Second – Mr. Gonzalez

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

RESOLUTIONS

APPEAL # 3660 – OMNIPOINT

Woehr Avenue, Block 248.02 Lot 29, PH-1 zone. Resolution to approve the construction of a wireless communication facility on the roof of the Housing Authority. Use variance approved.

Motion to approve – Mr. Gonzalez

Second – Mr. Naftali

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

APPEAL # 3663 – MICHAEL LEBOVICS

120 Spruce St, Block 782.07 Lots 19 & 20, R-12 zone. Resolution to approve a use variance for the construction of a two-family dwelling.

Motion to approve – Mr. Zaks

Second – Mr. Naftali

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

APPEAL # 3666 - STANLEY RIEDER

424 Fourth Street, R-OP zone. Resolution to approve a density variance to construct a multi- family building.

Motion to approve – Mr. Gelley

Second – Mr. Lazzaro

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

MOTION TO PAY BILLS.

All in favor

MOTION TO ADJOURN.

All in favor.

Respectfully submitted,
Fran Siegel, Secretary