

**ZONING BOARD OF ADJUSTMENT
MINUTES**

JUNE 1, 2009

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. Lankry, Mr. Halberstam

Absent: Mr. Zaks, Mr. Lieberman

Arrived late: Ms. Goralski

Also present: Attorney – Russ Cherkos, Christopher Koutsouris
John Ernst, Engineer/Planner
Jackie Wahler, Court Stenographer
Fran Siegel, Secretary

Salute to the flag.

Motion to approve minutes of May 4, 2009 with a waiver to read – Mr. Naftali

Second – Mr. Lazzaro

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

RESOLUTIONS

Appeal # 3699 – MetroPCS – 800 Massachusetts Avenue, RM zone, Block 453 Lot 1.

Resolution to approve the location of 6 antennas at centerline height of 205 feet on existing tower.

Motion to approve – Mr. Naftali

Second – Mr. Gelley

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

Appeal # 3705 – Ahron & Yafa Walkin, Clearstream Road, Block 2 Lot 134, R-40 zone.

Resolution to deny to amend condition of resolution to allow a 50 foot front setback where 100 feet was required

Motion to approve – Mr. Lazzaro

Second – Mr. Gelley

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

Appeal # 3697 – Pine Street Development, 225-233 Pine Street, Block 774.01 Lots 7, 8, 9, & 10 R-7.5 and R-10 zone. Resolution to approve subdivision for single family homes.

Motion to approve – Mr. Naftali

Second – Mr. Gelley

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

Appeal # 3704 – 323-325 Realty, LLC, Ridge 4th Street, Block 237 Lots 1, 2.01, 2.92, 3, 26 & 27, R-7.5 zone. Resolution to approve subdivision for four duplex lots.

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 # 3698 – Robert Kirschner, Block 1243 Lot 8, R-20 zone. Resolution to approve a use variance for an office and an apartment.

Motion to approve – Ms. Goralski

Second – Mr. Naftali

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

Appeal # 3706 – Lydig Land, LLC. 11th Street & Monmouth Avenue, Block 134 Lot 2, R-7.5 zone. Corner lot requiring front and rear yard setbacks.

Secretary read report.

From: John Ernst, Engineer/Planner - May 12, 2009

1. The property is located on the southwest corner of Eleventh Street and Monmouth Avenue. It lies within the R-7.5 (Single-Family Residential) Zone and comprises an area of 7,500 s.f. The lot is vacant from improvements

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2. The applicant proposes to construct a two-story residential dwelling (with a basement) on the lot which will face Eleventh Street. An attached first floor rear yard deck and three off-street parking spaces are proposed. Potable water and sanitary sewer services will be connected to existing systems within either Eleventh Street or Monmouth Avenue.
3. The applicant has requested the following Variances:
 - a. A Front Yard Setback Variance to the Proposed Dwelling – A front yard setback of 14.0 ft. is proposed from Eleventh Street; whereas 25 ft. is required.
 - b. A Rear Yard Setback Variance to the Proposed Dwelling – The applicant has identified a rear setback of 7 ft. for the dwelling whereas 15 ft. is required. It should be noted the deck extends one (1) foot closer to the rear lot line thus creating a rear setback of 6 ft. not 7 ft. whereas 15 ft. is required.
4. In regards to the requested Rear Yard Setback Variance the Board should be aware of the following:
 - a. There is a residential dwelling on adjacent Lot 3 that is 2 1/2 ft. (scaled) from the common property line.
 - b. The Variance Plan shows the steps for the rear yard deck will be constructed in a westerly direction and 6 ft. from the common property line to adjacent Lot 3 while the Architecturals show the steps will be constructed in a southerly direction and 3 ½ ft. from the common property line to adjacent Lot 3. Although by Ordinance definition of “building area” and “building line” steps are permitted to extend within yard areas the applicant should address the Board on where the steps will be built.
5. The applicant should provide testimony to the Board on the following issues:
 - a. Testimony should be given in support of the requested Variances.
 - b. What are the prevailing front yard setbacks along Eleventh Street in the vicinity of the applicant’s lot?
6. The applicant should address the Board if any portion of the attic area and/or basement will have bedrooms. If so, additional off-street parking spaces should be provided.
7. Dry wells for dwelling roof run-off should be provided. The dry wells should be designed for the 10-year storm event.
8. Either the Variance Plan or the Architecturals should be revised to show the correct location of the deck steps.
9. The Variance Plan should be revised to provide dimensions around the paved off-street parking area. A minimum of 18 ft. from the right-of-way line of Eleventh Street should be provided.

Sal Alfieri represented applicant. This is for a single family home to be constructed on a corner, vacant, isolated lot. There are variances requested because of the narrowness of the lot.

Nicholas Graviano, planner, sworn.
Board accepted qualifications.

Mr. Graviano – The parcel is 50 x 150 in the R-7.5 zone. Requesting a 14 foot front yard setback on 11th Street. A rear yard setback of 7 feet is requested where 15 feet is required. To comply with the setback ordinance the dwelling would be 18 feet wide. The other corner lots in the vicinity all have front yard setback variances. The deck will comply with the zoning ordinance.

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Mr. Gelley asked for architectural drawings. Difficult to make a decision without seeing exactly what they are doing.

No one on the Board had architecturals.

Mr. Gonzalez – wants to see what type of structure will be constructed. Would like to review the architecturals.

The Board was concerned that they did not study the architecturals.

Mr. Graviano reviewed Mr. Ernsts report. – applicant agreed to relocate steps and provide them in the easterly direction

Mr. Alfieri – there are steps going up to the attic.

Mr. Graviano - The current parking can be expanded.

Aoplicant agreed to provide architecturals to the Board members.

Motion to carry until July 6th with no further notice – Mr. Gonzalez

Second – Mr. Lazzaro

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

Applicant agreed to a waiver of time.

Appeal # 3707, Sydney Welz, Park Place & Harvard Street, Block 171 Lo13, R-7.5 zone. Corner lot requiring front and rear yard setback variances

Secretary read reports.

From: John Ernst, Engineer/Planner - May 11, 2009

1. The property is located on the northeast corner of Park Place and Harvard Street. It lies within the R-7.5 (Residential) Zone and comprises an area of 8,117.8 s.f. The lot is vacant from improvements.
2. The applicant proposes to construct a two-story residential dwelling on the lot which will face Harvard Street. Also proposed is a 4 ft. wide concrete sidewalk with shade tree plantings (within a 6 ft. wide shade tree and utility easement) along Park Place and Harvard Street and four off-street parking places. Potable water and sanitary sewer services will be connected into the existing systems within Harvard Street.
3. The applicant has requested the following Variances:
 - a. Front Yard Setback Variance to the Proposed Dwelling - A front yard setback 12.61 ft. is proposed from Harvard Street; whereas 25 ft. is required.
 - b. Rear Yard Setback Variance to the Proposed Dwelling – A rear yard setback of 7 ft. is proposed from adjacent Lot 14; whereas 15 ft. is required.

4. The Board should be aware that this property has an existing non-conforming lot width as measured along Park Place. A lot width of 49.58 ft. exists; whereas 50 ft. is required.
5. There is a note on the applicant's plan stating the Board is to decide the species of trees that are to be planted along Harvard Street and Park Place. The applicant should address the Board on if there are any other trees along these streets and what their species are so that the Board can make a decision.

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6. The applicant's plan indicates the proposed sidewalk will be built approximately 1 ft. from the curb lines along Harvard Street and Park Place. The driveway apron/sidewalk detail should be revised to provide a single slope from the depressed curb to the proposed back of sidewalk so that vehicles will not bottom out while entering/exiting the proposed driveway.
7. The driveway/sidewalk detail should be revised to provide welded wire meshing in the sidewalk where the driveway apron is to be constructed.
8. Dry wells for dwelling roof run-off should be provided. The dry wells should be designed for the 10-year storm event. Also, General Note #11 should be revised accordingly.
9. The applicant should address the Board on if the proposed dwelling will have a basement.
10. The Zoning Schedule should be revised as follows:
 - a. The "provided side yard" should be 42.58 ft.
 - b. The "provided rear yard" should be 7.00 ft.

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

Miriam Weinstein represented applicant.

Mr. Halberstam – do not have architecturals.

Mr. Gonzalez – have a difficult time without architecturals.

Mr. Ernst – did not receive architecturals either.

Motion to carry until July 6th meeting – Ms. Goralski

Second – Mr. Gelley

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

Agreed to a waiver of time.

Appeal # 3702 – Metro PCS – 220 4th Street, Block 246 Lot 1, PH-1 zone. 6 antennas on rooftop.

Secretary read reports.

From: John Ernst, Engineer/Planner - May 13, 2009

1. The property is located on the southerly side of East Fourth Street, between Dewey and Sampson Avenues and is the site of the John J. Curry Apartments. The property is located within the PH-1 (Public Housing) Zone and comprises an area of 1.9 acres. Existing improvements on the site include a six-story apartment building,

a maintenance garage, paved driveways from East Fourth Street and Dewey Avenue, paved parking areas and lawn areas.

2. The applicant proposes to construct a wireless communications facility on the site in the following manner:
 - a. Eight panel type antennas are proposed to be mounted on the roof of the apartment building. The antennas will be divided into four groups of two as follows:

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- 1) Two antennas flush mounted on the side of the stair penthouse on the north side of the building. The antennas will face towards the corner of East Fourth Street and Dewey Avenue.
 - 2) Two antennas flush mounted on the side of the stair penthouse on the south side of the building. The antennas will face towards Sampson Avenue and be visible from East Fourth Street.
 - 3) Two antennas flush mounted on the westerly side of the elevator penthouse. The antennas will face towards developed lots that are within the R-7.5 Zone.
 - 4) Two antennas flush mounted on the easterly side of the elevator penthouse. The antennas will face towards East Fourth Street.
 - b. A 209 s.f. 3 ft. high steel equipment platform is to be mounted on the roof of the apartment building. The platform will be located on the northern building wing and will have four equipment cabinets that are 6½ ft. in height. The top of the cabinets will be 9½ ft. above the existing roof. Also, the platform will be surrounded by a 3½ ft. high handrail onto which an 8½ ft. high light pole is to be attached. The top of the light pole will be 11'-6" above the roof. In addition, two GPS antennas are to be mounted to the platform.
 - c. Cable trays from the platform to the antennas will be routed across the roof.
3. A Use Variance is required for this application as wireless telecommunications facilities are not permitted within the PH-1 Zone.
 4. The applicant has requested the following Variances:
 - a. A Variance to permit the construction of the steel equipment platform which will have an area of 209 s.f.; whereas equipment structures are permitted to have a maximum area of 200 s.f. (Section 18-1012.D2a1).
 - b. A Variance to permit the construction of the 209 s.f. equipment structure on the roof of the apartment building which is 60'-11" high; whereas equipment structures which have an area greater than 200 s.f. are to be located on the ground (Section 18-1012.D2a1).
 5. The applicant should provide testimony to the Board on the following issues:
 - a. The applicant should demonstrate to the Board that the Use Variance 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, addressing both the positive and negative criteria for the Variance.
 - c. The application form indicates there are six proposed antennas while the plans indicate there are eight proposed antennas. The applicant should address the Board on how many antennas are proposed.
 - d. Testimony should be given on what the surrounding land Uses are.
 - e. When and how long will the 500W floodlight to be used? Will there be any other lighting proposed?

6. The drawings should be revised as follows:
 - a. The "signature block" on Sheet #T-1 should be revised to indicate the Zoning Board of Adjustment.
 - b. The plans should be signed and sealed by a N.J. Licensed P.E. Also, provide a signature line that identifies the name and license number of the signee.
7. The Board should be aware that although the plans and application form indicate there is a maximum building height requirement we find no reference in the Ordinance to this within the PH-1 Zoning regulations.

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8. Since this application has received Ocean County Planning Board final approval the plans should be stamped by the County.
9. The applicant remains responsible to obtain all other Local, State and Federal approvals and permits that may pertain to this project.

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

Michael Beck appeared on behalf of the applicant.

Mr. Beck – seeking preliminary and final site plan approval along with a use variance to construct a wireless communications facility by locating 8 panel antennas in 4 sectors on the rooftop. Presently at this site there are no other wireless telecommunication facilities. This building is owned by the Housing Authority of Lakewood.

Dan Collins, engineer, sworn.

Board accepted Mr. Collins as an expert in health and safety admissions. qualifications.

A-1 2009 FCC Compliance Report written by Mr. Collins

Mr. Collins - using the maximum capacity and maximum power the worst case radio frequency exposure level would be 1.4% for this site which is 65 times below the Federal standard. No concerns for the safety and welfare of the citizens of Lakewood.

Daniel Penesso, 130 Clinton Road, Fairfield, NJ. sworn.

Board accepted Mr. Penesso as an expert in radio frequency engineering.

A-2 base map

A-3 overlay

Mr. Penesso –described the base map and the gaps and reliable service in the surrounding areas. The sites are not all built out yet, they are building out their network. The height proposed is the minimal height required to provide the overlap coverage. The centerline of the antennas are at 67 feet and will be flush mounted onto the existing building. There is existing antennas at a building 2 blocks away has T-Mobile on it but the structure is smaller. This is a much nicer design.

Lou Moglino, 670 North Beer Street, Holmdel, NJ. Sworn.

Board accepted Mr. Moglino as an expert.

Mr. Moglino – this is a 6 story Housing Authority site. The elevator penthouse sticks up taller than the building. There will be 8 panel antennas mounted on the perimeter of the building. There will also be a 10 x 20 steel platform for the equipment cabinets. There is one lighting fixture affixed to the steel platform for the technician to repair or service

the cabinets. The site is visited once every 4 – 6 weeks. There is no generator at this site.

William F. Masters, Jr. sworn.

Board accepted qualifications as an professional planner.

A-4 photo board consisting of 8 photos.

Mr. Masters – 6 story multi family structure in the PH -1 zone. Described A-4. Antennas are not a permitted use in the PH-1 zone. This site is particularly suited as it meets their coverage objective, situated on an existing tall structure and provides revenue for a non-profit municipal authority.

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Mr. Halberstam – the antennas will be painted to match the façade of the building? Who will maintain them?

Mr. Beck - the antennas will be maintained and be painted when needed. That is part of technicians job.

Mr. Lazzaro asked about the lighting and will it interfere with neighbors.

Mr. Masters – the lights are focused down. There is 2 single light bulbs with a turn on/off switch and it also has a 4 hour timer.

Mr. Penesso – licensed carriers are done by a bid process. Each carrier can only bid on what is available. Proposing 7 sites with Lakewood township and proposing sites in neighboring townships.

Open to Public.

Gerri Ballwanz, Governors Road, sworn. Are there any customers in Lakewood yet?

Mr. Penesso – as of now there is no service and no customers in Ocean County, they are building up their network.

Closed to Public.

Motion to approve with the condition that the antennas are painted to match the building and for the technician to check for maintenance of the antennas – Mr. Gelley

Second – Ms. Goralski

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

Nayes: Mr. Gonzalez, Mr. Naftali

Motion to pay bills.

All in favor

Motion to adjourn

All in favor.

Respectfully submitted,

Fran Siegel