

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

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. Zaks, Mr. Lankry,
Ms. Goralski, Mr. Halberstam

Absent: Mr. Naftali, Mr. Lieberman

Also present: Glenn Harrison, Attorney
Kathy Elliott, Engineer/Planner
Ed Mack, Zoning Officer
Jackie Wahler, Court Stenographer
Fran Siegel, Secretary

Salute to the flag.

Motion to approve minutes of June 2, 2008 – Mr. Gonzalez

Second – Mr. Lazzaro

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

Motion to approve minutes of June 16, 2008 – Mr. Zaks

Second – Mr. Gelley

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

Request from Robert Silverman, Attorney, re: **Appeal #3566**, New Image Properties,
requesting a 6 month extension to file the map.

Mr. Silverman – The engineer did not cooperate in furnishing the map so that they could
take it to the Planning Board in Toms River to get it approved and then record it. There
is a \$20,000 drainage easement that they want his client to pay. His client has asked the
County Planning Board that the payment of that charge be deferred until they develop the
lot. The request to defer is under review now. They need the extension because the
Planning Board will not be approving until September. The extension that was granted
by the Zoning Board expired June 4, 2008.

Motion to grant extension for 6 months – Mr. Zaks

Second – Mr. Gelley

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

nayes: Mr. Gonzalez, Mr. Lazzaro, Ms. Goralski, Mr. Halberstam

Extension denied.

Letter from John Doyle, attorney for **Appeal # 3676**, S & H Builders, requesting to carry
until the next meeting of July 28th.

Motion to approve – Mr. Gelley

Second – Ms. Goralski

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

Appeal # 3662A – Temple Beth Am Shalom – Block 1160.04 Lot 47, B-5/M-1 zone.
Preliminary and final site plan.

Secretary read reports.

From: Jim Priolo, Engineer/Planner, Second Review, June 17, 2008

1. The subject property is located on N.J.S.H. Route 70 with frontage on Paco
Way and is within the M-1 (Industrial) Zone. The site is mostly wooded
with an existing cemetery in the southeast portion of the lot. The applicant
proposes to construct a ±16,985 s.f. synagogue/house of worship

with access to Route 70 and Paco Way with associated parking and other site amenities as well as a cemetery expansion.

The applicant has since revised the plans to address the technical comments from our letter dated May 6, 2008.

2. The applicant previously received approval from the Zoning Board of Adjustment under Appeal No. 3662 (Adopted February 4, 2008) for special use (non-permitted use) for the proposed synagogue/house of worship. The applicant is back before the Board to seek Preliminary & Final Major Site Plan approval.
3. An access permit from the New Jersey Department of Transportation will be required for the driveway widening.
4. Ocean County Planning Board approval should be indicated on the plan.
5. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.

From: Ed Mack, Zoning Officer

Since this is strictly a site plan issue, I have no comments.

Sean Gertner, attorney for applicant. This application is for site plan. Use variance was approved for a 16,985 square foot temple and 700 square foot care takers facility.

Besrick Plummer, Hamilton, NJ, Engineer sworn. Access to the site will be provided by an entrance off Route 70 and Paco Way. Providing approximately 149 parking spaces including 5 handicap spaces. One sign will be on Route 70 and one on Paco Way. There is public water and sewer. They will provide a detention/infiltration basin. Providing shade trees along Route 70 and Paco Way. Additional shade trees will be provided in the parking lot. Dumpster area will be screen with evergreen trees. In the process of applying for an access permit. The caretakers facility will be 700 square feet modular unit approximately 35 x 20 feet with no basement.

Mr. Gertner - There are no current plans to expand the cemetery. There are approximately 400 members.

Mr. Lazzaro asked that the handicap parking be expanded.

Mr. Plummer – no problem – they could make it up to 10.

Open to Public.

A-1 rendering
A-2 rendering

David Drukaroff, 1433 Laurelwood Avenue, affirmed. In favor of application.

Closed to Public.

Motion to approve subject to caretakers residence will be a 700 square foot basement with no basement and there will be up to 10 handicap parking spaces - Mr. Lazzaro
Second – Mr. Lankry

Roll call vote: affirmative: Mr. Gellely, Mr. Gonzalez, Mr. Lazzaro, Mr. Zaks,
Mr. Lankry, Ms. Goralski, Mr. Halberstam

Appeal # 3665 – Omnipoint, New Hampshire Avenue, Block 1081.01 Lot 36, R-20 zone. Use/height variance to permit the construction of an unmanned wireless telephone facility on top of an existing water tank.

Warren Stilwell, represented applicant. – This application was heard and discussed on May 5, 2008. The Board asked for the ability to place this in the M-1 zone where it would be permitted. They did examine the M-1 zone

Saurab Sood, 4 Sylvan Way, Parsippany, NJ, Radio Frequency Engineer, sworn.

A-2 - Geographic underlay map with an overlay that shows existing and proposed coverage.

A-3 – same as A-2

A-4 - type of coverage achieved in the M-1 zone.

Mr. Sood – described A-2 & A-3. Building a site at the proposed location they will be able to fill in the gap from John Patricks Stadium. The nearest M-1 zone is at the corner of New Hampshire Avenue and Route 70. The site that they are proposing would not be needed any longer and they would have to move into more heavily residential areas. They would also not need the antennas at the John Patrick Stadium and would have to move north into more heavily residential areas.

Mr. Stilwell - They are in talks with the municipality now for a 140 foot monopole at the John Patrick Stadium. That site is a municipal site and they would not need a use variance. There are no conditions in municipal zones. The ordinance allows a 90 foot height in the M-1 zone. The water tank site is owned by the Lakewood Municipal Utility Authority which is a quasi governmental agency. He submitted a copy of the bid.

Mr. Sood – Trying to provide more of in building coverage around the water tank and along Route 70.

Mr. Zaks - Asking for a variance where it is not allowed however you could go to the M-1 zone and just ask for a height variance of 120 feet.

Mr. Sood – Placing the antennas in the M-1 zone would be redundant coverage to where they already have coverage. Propagated at 90 feet. This proposed location at the water tank and what they are currently proposing at the John Patrick Stadium will fill the gap in the coverage.

Mr. Zaks – The M-1 zone is a better alternative - Sufficient proof that a 140 foot tower is less desirable than having it in a residential area.

Mr. Sood - With the current design it will not work in the M-1 zone at 90 feet. Have not looked at it at 140 feet.

Timothy M. Kronk, Planner, sworn. Reviewed the application, engineering drawings, land use ordinance. Subject property located in the R-20/12 cluster residential zone. Owned by the Lakewood Township MUA. This is a quasi municipal installation. The existing water tank is 78 feet and the proposed is 92 feet. The Lakewood ordinance does encourage the use of existing structures if possible. A non permitted use on an existing structure would have less impact than a new structure in a location that is conditionally permitted. There is deficient service in the area. Reviewed Lakewood Ordinance, Wireless Telecommunications, Section 18-1012.

A-6 portion of the Lakewood Township zone map.

Mr. Kronk described A-6. The water tank is 2000 feet from the M-1 zone and outside of the search ring.

A-7 – aerial photo

Mr. Kronk described A-7.

A-8, A-9, A-10 & A-11 photo exhibits

Mr. Kronk described the photos – photos on the left are existing conditions and the photos on the right is computer simulation. The application is for 6 antennas on a triangular platform. The wooded nature of the lot also makes this site suitable. There is MUA consent for this installation. They meet the positive criteria for the grant of the D-1 & D-6 variances. There is no noise, glare, odor, vibration, or noxious characteristics. This is an unmanned facility. Compliant with all FCC & DEP standards for the emissions of radio energy.

Mr. Stilwell - This is a MUA site that was put out to bid by the MUA. Health issues do not exist for this Board.

Open to Public.

Frank Mara, 2308 Hunters Court, Toms River, sworn. Have 5 sons and have concerns. Objected to the antennas.

Dr. Joseph Gluck, 2304 Hunters Court, Toms River, sworn. Physician for 50 years. Toms River has the largest cancer cluster in New Jersey. Objected to the antennas.

Alyse Gorlick, 24 Isabella Drive, Lakewood, sworn. The water tower is approximately 100 feet from her house. Property values will plummet. Objected to the antennas.

Kirk Lopez, 26 Isabella Drive, Lakewood, sworn. Objected to the antennas.

Donna Butterworth, 12 Hanna Drive, Lakewood, sworn. Objected to the antennas.

Casandra Colgate, 29 Isabella Drive, Lakewood, sworn. Objected to the antennas.

Mark Gorlick, 24 Isabella Drive, Lakewood, sworn. Objected to the antennas.

Maria Schwartz, 22 Isabella Drive, Lakewood, sworn. Objected to the antennas.

Lori Venditto, 2301 Hunters Court, Toms River, sworn. Her children and her lifestyle will be effected. Objected to the antennas.

Edward Bankel, 15 Isabella Drive, Lakewood, sworn. Objected to the antennas.

Jill Maloney, 2309 Hunters Court, Toms River, sworn. Protecting residential people should come first. No pictures were taken from Hunters Court. It is not a heavily wooded area. Objected to the antennas.

Gena Rudd, Autumn Drive, Toms River, sworn. Asked the Board not to approve the antennas.

Dennis Rudd, 2310 Autumn Drive, Toms River, sworn. No problem with his cell phone. Objected to the antennas.

Mr. Stilwell - This site is particularly suited because there is an existing tall structure that works to fill in the gap of service. This site was put out for public bid. This applicant was the high bidder and has entered into a lease with the MUA.

Closed to Public.

Mr. Zaks – Not in favor of approving this application. The applicant has not proven that the M-1 zone is not a better alternative.

Motion to deny – Mr. Zaks

Second – Mr. Gelley

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

Application denied.

Mr. Stilwell is keeping all exhibits.

Recess.

Appeal # 3678 – 316 First Street, Block 89 Lot 3, R-OP zone. Mixed use variance to allow retail with office. Parking, front, rear, side and building coverage variances are requested.

Secretary read reports.

From: Jim Priolo, Engineer/Planner, May 6, 2008

1. The subject property is located on First Street between Clifton and Madison Avenues and is within the ROP (Residential Office Park) Zone. The existing site contains a 2-1/2-story multi-family dwelling and two accessory structures to be razed. The applicant proposes to construct a 28,750 s.f. 2-story building with retail space on the first floor and office space on the second floor.
2. In accordance with Section 903.I of the ordinance, although the office use is permitted in the ROP Zone, the mixed office and retail use is not permitted within the ROP Zone. Therefore a special reasons variance is required as follows:
 - a. **Requesting a use in a district restricted against such use.** In accordance with Section 903.I.1 of the Ordinance, the mixed office and retail use is not a permitted use in the ROP Zone.

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 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 (mixed office and retail)**. In order to achieve this, the applicant should explain why the mixed office and retail use is a better planning and zoning alternative than the traditional office use or other uses permitted in the zone.

3. In accordance with Section 903.I of the ordinance, bulk variances will be required as follows:

	<u>Required</u>	<u>Provided</u>
Minimum Front Yard Setback	25 ft.	20 ft.
Minimum Rear Yard Setback	15 ft.	5 ft.
Minimum Side Yard Setback (One)	12 feet	4 ft.
Minimum Side Yard Setback (Both)	25 feet	10 feet
Maximum Building Coverage	25%	76.7%

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 impacts which the proposed building will have on the surrounding properties.

4. In accordance with Section 807 B., a minimum of 120 off-street parking spaces are required for the proposed retail and office use, whereas none are provided. The applicant should discuss how the parking needs of prospective customers and employees will be addressed.
5. The applicant is proposing 77% building coverage. The applicant should discuss how compliance with stormwater management regulations will be met.
6. Available accessibility around the sides and rear of the building ranges from 4 feet to 6 feet. The applicant should discuss the functionality of this building as it relates to public access, trash collection, deliveries, etc.
7. Any use variance approval shall be subject to Preliminary and Final Major Site Plan approval.

From: Ed Mack, Zoning Officer

I think that to allow any new buildings to be constructed without parking would be a big mistake. To allow buildings to be constructed that provide no parking will only make it more difficult for the twp to solve the problem that already exists

Sal Alfieri represented applicant. This is a bifurcated application. This is a concept plan and only asking for a use variance for a mixed office and retail use.

Nicholas Graviano, planner, sworn.

A-1 is a parking study conducted for this application.

A-2 is a concept site plan.

A-3 is a color building rendering of the proposed project.

Mr. Graviano – presently contains a 9 unit apartment building that is deteriorating. Property is 125 feet x 150 feet. The proposal is for retail uses on the first floor and office use on the second floor. Described the uses in the area. This proposal meets the objectives of the Municipal Land Use Law. There is no substantial detriment to the public good or zone plan.

Mr. Zaks – voting on the mixed use of retail and office.

Mr. Mack – They are asking for 75% lot coverage with no parking.

Mr. Graviano – described parking lots and on street parking spaces in the area.

Mr. Lankry – would like to see a large driveway where the trucks and deliveries would be from the back and nothing would be loading or unloading from the street.

Kathy Elliott - The site could probably accommodate about 14 parking spaces.

Open to Public. Closed to Public.

Mr. Zaks – in favor of the application and fits in the neighborhood.

Motion to approve – Mr. Lazzaro

Second – Mr. Gelley

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

Abe Penzer, request to carry **Appeal # 3679 – SNT**,

Motion to carry – Mr. Zaks

Second – Mr. Gonzalez

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

No further notice.

Correspondence

Ed Mack – received a request from a builder to place a two family house back to back except for 14 feet. Front door will be in that 14 feet. It is an R-7.5 zone where a duplex is permitted. It is the configuration of the duplex that is the question.

Ms. Goralski – think that it will open a can of worms.

Mr. Halberstam – would prefer to see a front door so the entranceway to the rear apartment is not in an alleyway.

Mr. Mack – if they build this house as one big house it is permitted.

Mr. Zaks – would prefer to see this.

Mr. Mack – aesthetically is better.

Mr. Halberstam - The consensus of the board is that this type of construction of a duplex providing that the entrance is in the front would be okay.

Resolutions

Appeal # 3672 – County Apple, 614-622 East County Line Road, Block 171 Lots 3-6, R-7.5 zone. Resolution to approve a use variance for an office/retail building.

Motion to approve – Mr. Gelley

Second – Mr. Gonzalez

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

Appeal # 3667 – Abraham Grossman, Block 150.03 Lots 11 & 22, R-10 zone.

Resolution to approve a three lot subdivision, 2 lots at 7,500 square feet and one lot at 10,050 square feet.

Motion to approve – Mr. Gonzalez

Second – Mr. Gelley

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

Appeal # 3670 – Elliot Zaks, Spruce Street, Block 852 Lot 7, R-40 zone. Resolution to approve the construction of a single family house on an undersized lot.

Motion to approve –Mr. Gelley

Second – Ms. Goralski

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

Appeal # 3481A -Yehuda Dachs, West County Line Road, Block 2.05 Lots 6 & 18, R-12 zone. Resolution to approve use and site plan approval for a two-story office building.

Motion to approve –Mr. Zaks

Second – Mr. Gonzalez

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

Appeal # 3673 – PGD – Congregation Etz Hayim, Pine Street & Warren Avenue, Block 768 Lots 43.04, 43.05, 44, 45 & 83.01, R-10 zone. Resolution to approve the existing lots into 11 new lots (9 residential, 1 tot lot and 1 lot for a synagogue). Bulk variances approved.

Motion to approve – Mr. Lankry

Second – Mr. Zaks

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