

**LAKWOOD ZONING BOARD OF ADJUSTMENT  
MINUTES  
JULY 28, 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. Lazzaro, Mr. Naftali, Mr. Zaks,  
Ms. Goralski, Mr. Halberstam

Absent: Mr. Gonzalez, Mr. Lankry, Mr. Lieberman

Also present: Michael Elward, Attorney  
Jim Priolo, Engineer/Planner  
Ed Mack, Zoning Officer  
Jackie Wahler, Court Stenographer  
Fran Siegel, Secretary

Salute to the flag.

Motion to approve minutes of July 7, 2008 with a waiver to read – Mr. Zaks

Second – Mr. Lazzaro

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

Request from Mr. Penzer to withdraw **Appeal # 3639 – Trachs, Inc.**, 3 & 5 Westwood Avenue, Block 235 Lots 18 & 19, R-7.5 Zone. use variance to construct a 3 unit townhouse building.

**Appeal # 3679 – SNT**, Block 248 Lots 20 & 21, 160 & 164 East 4<sup>th</sup> Street, Use variance, minor subdivision and site plan for 4 townhouses with basements.

Secretary read reports.

**From: Jim Priolo, Engineer/Planner – Second Review - July 22, 2008**

1. The subject property is located on East Fourth Street and is within the B-2 (Central Business) Zone. The existing site contains a 2-story one-family dwelling and a 2-story two-family dwelling. The applicant is proposing to construct a townhouse structure containing 4 units. The property will be subdivided into 4 individual lots.  
The same property appeared before the Board with a 6-lot subdivision consisting of a 5-unit townhouse and homeowner's association lot under Appeal No. 3622. The application never received an approval or a denial.

2. In accordance with Section 903 B.2. of the ordinance, a **Special Reasons Variance** will be required because the applicant is:

- a. **Deviating from a standard pertaining solely to a conditional use.** In accordance with Section 1010 A. of the ordinance, townhouses are permitted subject to the following conditions:

	<u>Required</u>	<u>Provided</u>
Minimum Tract Boundary (Setback)	20 ft.	10.4 ft. (east) 10.1 ft. (west)
Minimum Width	125 ft.	122.79 ft.

It appears that the lot coverage did not include the decks.

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. A deviation from a standard pertaining solely to a conditional use.

Additionally, the applicant must demonstrate to the Board that the requested special reasons 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. Should the Board approve the special reasons variance, variances will be required for the proposed townhouse project. In accordance with Section 1010 B. of the ordinance for townhouses on fee simple lots, variances are required as follows:

- a. Bulk variances:

	<u>Required</u>	<u>Provided Lot 20.01</u>	<u>Provided Lot 20.02</u>	<u>Provided Lot 20.03</u>	<u>Provided Lot 20.04</u>
Min. Side Setback	12 ft.	10.1 ft.	-	-	11 ft

- b. A structure shall not have more than two (2) connected townhouse units on one façade without providing a variation in setback of at least two feet (2’), whereas the proposed structures do not provide any variation in setback.

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

- a. The stairs for the rear decks do not match the site plan.
  - b. The elevation difference between finished floor and outside grade does not match the site plan.

5. The following comments should be addressed with regards to the Improvement Plan and stormwater management:

- a. A stipulation should be provided for in the homeowner’s deed that the maintenance of the stormwater management systems is the responsibility of the homeowner.
  - b. The existing AC unit for Lot 19 is located on the common property line of Lots 19 & 20.
  - c. East Fourth Street was recently paved with NJDOT Grant money and a five-year moratorium was issued for the road. The applicant should be required to perform full width pavement reconstruction required by the Township Engineer if construction commences within 5 years.
  - d. The single-family use will only require a total of 10 parking spaces, whereas 24 spaces are proposed. The applicant should discuss the need for such large driveways.

6. The following comments should be addressed with regards to the Subdivision Plan and Map Filing Law:

- a. A certification that design of the site improvements associated with this subdivision is in compliance with the New Jersey Residential Site Improvement Standards with de minimum exceptions listed should be submitted to the Board for their records.
  - b. The Board Secretary certification should provide a signature line for the Zoning Board Secretary.
  - c. A monument must be indicated at the intersection of the proposed lot line and the existing right-of-way line.

7. Ocean County Planning Board approval should be shown on the plans.

8. The applicant should apply to, and appear before, all other Local, State and Federal agencies having jurisdiction over this project.

9. 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.

**From: Ed Mack, Zoning Officer**

I think that the 26 foot wide units indicate that three units would be a better idea.

Abe Penzer represented applicant.

Brian Flannery, sworn. Asking for 4 townhouse units on a lot in excess of \_ acre. B-2 zone allows townhouses as a conditional use. Reviewed Mr. Priolo's report. Existing is a two-story one family house and an existing two-family house. B-2 zone allows multi family which would allow 11 units per acre. The surrounding area is more duplex and townhouses. Aesthetically it is an improvement to the area. There is no negative impact. Density and lot coverage are met. Proposing 4 single family townhouses.

Mr. Penzer – 10 parking spaces are required and 24 are provided. There is room in the back for play.

Mr. Flannery – proposed 4 single family townhouses.

Mr. Penzer - The two outer units are 25 feet wide and the two inner units are 26 feet wide because there are no windows.

Mr. Flannery – agree to the 30 inch standard windows for the basements.

Mr. Priolo – the tract boundary is supposed to be 20 feet. Short on each side about 10 feet.

Mr. Flannery - 3 variances – lot width 125 and they have 122 second is tract boundary and the side setback.

Mr. Penzer - Only need 10 spaces and they have 24. There is room in the back to use for play.

Mr. Priolo - The backyards are about 50 feet deep

Open to Public. Closed to Public.

Ms. Goralski - Do not see the need for such a large building on this lot.

Motion to approve subject to: 30 inch windows and to satisfy all of Mr. Priolo's comments – Mr. Lazzaro

Second – Mr. Naftali

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

Nays: Ms. Goralski

**Appeal # 3676 – S & H Builders, Ocean Avenue/Boulder Way, Block 548.01 Lots 85, 289 & 290, RM zone. Density variance.**

Elliot Zaks recused himself.

Mr. Lankry was seated.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – July 3, 2008

1. The subject property is located on Ocean Avenue (Route 88) just north of Dr. Szold Way and is within the R-M (Multi-Family Residential) Zone. The existing site contains two single-family dwellings and a shed. The Applicant proposes to subdivide the existing site into twenty-one (21) lots, twenty lots will be for townhouse units and one lot for the common/homeowner's association. The twenty units will be comprised of 4 buildings containing 5 units each. All existing structures will be removed.
2. Although the townhouse use is permitted in this zone, it does not meet the conditions of Section 900 H. and therefore a special reasons variance will be required as follows:

- a. **To allow an increase in permitted maximum gross density.** The maximum gross density in the R-M Zone for townhouses is 8 units/acre. The applicant is proposing 20 attached dwelling units in four buildings and a density of 13.8 units/acres. Therefore, a density variance is required.

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 **an increase in permitted maximum gross density**. In order to achieve this, the applicant should explain why the townhouse use with the requested density is a better planning and zoning alternative than the permitted density for townhouses.

3. If the special reasons variance is approved, the applicant will require bulk variances from Subsection 900 H. (Townhouses). This section outlines the design criteria that are requirements for townhouse projects. Those variances required from this section are as follows:

	<u>Required</u>	<u>Provided</u>
Minimum Tract Boundary (State Highway)	100 ft.	40.65 ft.
Minimum Distance Between Buildings	25 ft.	20 ft.
Front Yard Setback (from internal streets)	25 ft.	12.4 ft.
Minimum Side Yard Setback (End Units)	12 ft.	10 ft.

4. In accordance with Section 803 E., a minimum 30 ft. buffer is required along the eastern property line adjacent to the existing single-family dwelling on Lot 288, whereas approximately a 5-foot buffer is provided. The buffer may be reduced to 15 ft. in width if the applicant provides a thick landscaping screen.
5. The following comments should be addressed with regards to the Site Development Plan:
  - a. The applicant should provide a dedication along Boulder Way to provide at least a 40-foot right-of-way and road widening to provide a 30 foot paved roadway.
  - b. The applicant should discuss whom Lot 85.11 will be dedicated to. A Homeowner's Association should be created to maintain the open space.
  - c. Decorative fencing should be provided around the tract perimeter.
6. The following comments should be addressed with regards to the Grading and Drainage Plan and stormwater management:

- a. A stormwater management maintenance plan should be provided.
  - b. The recharge trenches will be located on Lots 85.01 – 85.10 and Lot 85.21. Easements for maintenance should be provided and dedicated to the Homeowner's Association.
7. The following comments should be addressed with regards to the Details:
- a. A detail for the roof leaders should be provided.
  - b. The trash dumpster detail should reflect the dimension provided on the site plan.
8. The following comments should be addressed with regards to the Final Plat and Map Filing Law:
- a. A copy of the Homeowners Association in accordance with Section 900 H.14. Agreement must be submitted to the Board Attorney for review and shall include the following:
    - i. 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.
9. Ocean County Planning Board approval must be indicated on the plan.
10. 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.

**From: Ed Mack, Zoning Officer**

I think that 14+ units per acre speaks for itself.

John Doyle represented applicant.

A-1 – aerial exhibit

A-2 – picture board

A-3 – schematic of this site

A-4 – schematic of this site in the context of its neighbors

Mr. Doyle – would like to emulate Lakeview Place

Brian Flannery, engineer/planner. A-1 was taken before the construction of Lakeview Place 1 & 2. The 3 surrounding developments are 13.9 units per acre, 15.7 units per acre and 15 units per acre. They are asking for 13.28 units per acre. This project will fit in. The zone also permits multi family. These units are 20 feet wide by 30 feet deep. The first floor will be 646 square feet and the second floor will be 726 square feet for a total of 1,372 square feet. . These homes will be 4 bedrooms, no study, no den and no playroom just a kitchen, living room and basement. These will be starter homes.

Mr. Halberstam – there will be no decks, there will be a few steps down to the patio.

Mr. Flannery agreed. You have to go through the kitchen to get to the basement.

Mr. Doyle – seeking preliminary and final subdivision. These will be individual units.

Mr. Flannery – providing a 40 foot front setback.

Mr. Priolo - This is a state highway and the 100 foot setback would be more applicable.

Mr. Doyle – There are no driveways coming off Route 88.

Mr. Flannery - Lakeview II setback from Route 88 is 41 feet. The roadway is 28 foot wide.

Mr. Priolo – the roadway is consistent with the other 2 roadways. This is similar to Lakewood I & II.

Mr. Flannery – will request that there be no parking on either side. 28 foot wide will be paved. There is a landscape plan and will add any additional landscaping that Mr. Priolo would request.

Mr. Priolo – it is a little sparse.

Open to Public.

Yosef Solkowitz, 90 Aspen Court, affirmed. Asked about the roadway and sidewalks.

Mr. Flannery – the entire property frontage will be 28 feet wide.

Joshua Shmuckler, 53 Aspen Court, affirmed. President of Lakeview Place Assoc. Reviewed the plan with applicant and it will fit in exactly with our development. In favor of this application.

Closed to Public.

Motion to approve with additional landscaping, no decks, road, no parking, no stopping, no standing - Mr. Lankry

Second – Mr. Gelley

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

Recess

**Appeal # 3677 – K-Land Corp.,** Route 70 & Vermont Avenue, Block 1077 Lot 21, B-5 zone. Use variance for gas station and 5,599 square foot Wawa food market.

Secretary read reports.

**From: Jim Priolo, Engineer/Planner – July 25, 2008**

1. The subject property is located at the northwestern corner of the intersection of NJSH Route 70 and Vermont Avenue and is within the B-5 (Highway Development) Zone. The existing site is 8.61 acres in size and is currently vacant. The applicant proposes to construct a 5,599 s.f. Wawa food market and a gas station, parking facilities and associated site improvements. These improvements make up Phase II of a two-phase project. The area included in Phase II is approximately 1.5 acres.

Phase I consists of the construction of a 53,320 s.f. furniture store. Phase I was approved by the Planning Board via Resolution #SP 1877 (Adopted February 19, 2008).

2. **A special reasons variance** will be required as follows:
  - a. **To permit a use in a district restricted against such use.** In accordance with Section 903 E. of the Ordinance, the proposed gas station use is not a permitted use within the B-5 Zone.

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 (gas station use)**. In order to achieve this, the applicant should explain why the gas station use is a better planning and zoning alternative than the permitted uses.

3. Variances will be required as follows:
  - a. In accordance with Section 812.A.10.b., only one type of sign permitted for each separate street frontage is allowed, whereas two signs are proposed for the Route 70 frontage. One previously approved (by the Planning Board) for Phase I and one proposed for Phase II.
4. The following comments should be addressed with regards to the Geometry Plan:
  - a. The painted islands in the front of the building should be curbed islands.
  - b. Curb should be provided along the entrance road in front of the gas pumps.
  - c. The 9.5 ft. lane in the rear of the building should have its purpose identified.
  - d. The Vermont Avenue future driveway location will need to be relocated due to the proposed improvements to Vermont Avenue jughandle by the Township.
  - e. It should be clarified if curb is proposed at the proposed connection to the future Vermont Avenue driveway.
  - f. The applicant should discuss the concrete slab design for the sidewalks and parking and why the traditional curb with elevated walks is not proposed.
  - g. It should be clarified if curb stops are proposed for the parking spaces located around the building.
5. The following comments should be addressed with regards to the Grading/Utility Plan and stormwater management:
  - a. Additional spot elevations should be provided in the gas pump area and the area of the handicap parking spaces.
  - b. The pipe and manhole information should be more legible.
  - c. The roof leader connection into the drainage system should be shown.
  - d. The post developed drainage area map does not indicate the same grading in the area of Basin 3.
  - e. The 100-year water surface elevation for the basins should be shown.
  - f. Profiles of the sanitary sewer line should be provided.
  - g. The driveway grading may need to be adjusted to accommodate the Vermont Avenue improvements.
6. The following comments should be addressed with regards to the Lighting Plan:
  - a. The hours of operation should be provided on the plan.
  - b. The applicant should discuss if the retail store will be open 24 hours a day.

7. The Township plans to extend Vermont Avenue from Chestnut Street to Route 70 and reconstruct the Vermont Avenue & Route 70 intersection. We recommend the Board make a condition of approval that the applicant contributes half of the cost of the intersection improvements, and half of the costs of the roadway improvements along the frontage of the property. The amount of contribution shall be determined by the Township Engineer and an agreement shall be executed prior to final acceptance of the plans and map signing.
8. All Board approval blocks should reference the Lakewood Township *Zoning* Board.
9. Ocean County Planning Board approval must be indicated on the plans.
10. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.

**From: Ed Mack, Zoning Officer**

I have no objections to this application.

Ray Shea represented applicant.

Mr. Chairman announced that there were 6 members present and they will need 5 affirmative votes. Mr. Lankry had to leave- he was not feeling well.

Mr. Shea agreed to proceed.

Mr. Shea – this is a planned commercial development. They went to the Planning Board for Phase I to approve a 55,000+ square foot furniture store. They have now come back for Phase II. They will tie into Vermont Avenue when that is developed.

Brian Flannery, Planner, sworn.  
Fred Cocco, Menlo Engineering, sworn.  
Carl Pehnke, CMX, traffic engineer, sworn.

Mr. Flannery reviewed Mr. Priolo's report – A gas station is not a permitted use in the B-5 zone. Shopping centers are a permitted use. There are other gas stations along Route 70.

A-1 aerial view of site.

Mr. Flannery – asking for bulk variances for the two signs.

Board accepted qualifications for Fred Cocco, Engineer from Menlo Engineering.

Mr. Cocco described site and the traffic flow. Reviewed Mr. Priolo's report. This is a WaWa convenience store. They have removed curbing around the building, there are bollards that go around the parking area. They have had issues with falling and tripping off the curb. They agreed to pay for the one-half the cost of the intersection improvements which is worked out by the applicant and the township engineer.

Mr. Priolo – the proposal is for a concrete slab around the entire building with no curbs. The bollards separate the walking area from the parking area. They have made an application to the Department of Transportation for access to Route 70. The opening is in accordance with DOT requirements.

Mr. Cocco - The project that the Town is proposing is to connect Vermont Avenue north to Chestnut Street and to modify the ramp and the signals. Their fare share would be the Vermont frontage and a pro-rata share of the rest of the improvements.



Mr. Priolo - The town received a state grant for that portion of Vermont Avenue. They are currently designing the roads and will then submit to DOT. This applicant will be contributing to a portion of Vermont Avenue improvements and the jug handle improvement.

Mr. Cocco – they will connect the driveway out to Vermont. Described the site and the movements on the site for vehicular loading and delivering to the furniture store and the gas station.

Mr. Priolo - The towns plan is to have that improvement done by next year.

Mr. Shea – this site works without any entrance on Vermont.

Mr. Pehnke, CMX, traffic engineer.  
Board accepted qualifications.

Mr. Pehnke – met with the Department of Transportation to discuss access and designed site to standards. This site can stand alone if the Vermont Avenue improvements do not proceed. The site is well designed for emergency vehicles.

Mr. Halberstam was concerned about the flow of traffic on the site.

Mr. Pehnke – from Route 70 the turn into the gas station is about 100 feet into the site. The throat is 30 feet wide. The curb line opening is in accordance with DOT requirements.

Mr. Zaks asked for more shielding of the drainage basins.

Mr. Pehnke – there are actually 3 basins. They are providing a landscaping screen. If needed they will add supplemental landscaping for the 3<sup>rd</sup> basin. There is open fencing with mesh.

Mr. Cocco - There will be 3 handicap spaces in the front of Wawa and 4 in front of the Ashley furniture. They will be providing the existing house a driveway to Colonial Drive.

Mr. Shea - Trash compaction is done inside the building.

Michael Redel, project manager for Wawa, sworn. Responsible for site layout. There have been accidents where cars jumped the curb and hit pedestrians. They can do different color bollards. The building is graded at the highest point for drainage away from the building.

Open to Public. Closed to Public.

Motion to approve subject to: no curbs with bollards, added vegetation around the rear of the site and different drainage basins and cost of construction of Vermont Avenue – Mr. Zaks

Second – Ms. Goralski

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

**Appeal # 3641 – Fairmont Investments**, Central Avenue, Block 11 Lots 116.01 & 118.01, R-15 zone. Minor subdivision of a site with a two-family dwelling to remain where a two-family dwelling is not permitted.

Secretary read reports.

**From: Jim Priolo, Engineer/Planner – July 9, 2008**

1. The subject property is located on New Central Avenue and is within the R-15 (Single-Family Residential) Zone. The property contains an existing two-family dwelling, pool and cabana and another single-family dwelling. The applicant proposes to subdivide the existing Lot into four (4) new Lots consisting of 16,811 s.f. (Lot 116.02), 26,363 s.f. (Lot 116.03), 15,014 s.f. (Lot 118.02) and 18, 011 s.f. (Lot 118.03). The pool, cabana and existing single-family dwelling will be removed, but the existing two-family dwelling will remain on Lot 116.02.
2. In accordance with Section 902 D., the proposed two-family dwelling on Lot 116.02 is not a permitted use and exceeds the permitted density in this zone. Therefore, special reasons variances will be required for the two-family structure as follows:
  - a. **To permit a use in a district restricted against such use.** In accordance with Section 902 D. of the Ordinance, the proposed two-family use is not a permitted use within the R-15 Zone. The only permitted residential use in this Zone is single-family detached.
  - b. **To allow an increase in permitted maximum gross density.** The maximum gross density in the R-15 Zone based on single-family detached use and minimum lot area is approximately 2.9 units/acres. Proposed Lot 116.02 can yield one conforming single-family lot. The applicant is requesting approval to maintain an existing two-family structure which doubles the density. Therefore, a density variance is required.

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 (two-family use)** and **an increase in permitted density**. In order to achieve this, the applicant should explain why the two-family use with the requested density is a better planning and zoning alternative than the traditional single-family residential concept.

3. The following comments should be addressed with regards to the architectural plans submitted:
  - a. The applicant should discuss the type of dwelling proposed for Lot 118.02.
  - b. The plans provided for Lot 118.03 show a discrepancy in the dwelling width dimensions (west side dimension should be 36 ft.).
  - c. The plans provided for Lot 118.03 include a deck off the rear of the house, whereas no deck is shown on the subdivision plan.
  - d. The plans provided for Lot 116.03 include a deck off the rear of the house, whereas no deck is shown on the subdivision plan.
  - e. The grading shown for Lot 116.03 for the side elevations does not match the site plan.
  - f. The grading shown for Lot 118.03 for the right side elevation does not match the site plan.
4. The following comments should be addressed with regards to the Site Grading and Drainage:
  - a. The finished floor elevations of the existing and proposed dwellings should be shown on the plan.

- b. The proposed recharge trench on Lot 118.03 indicates a top of trench elevation of 127, whereas the site grading indicates that portions of the trench location are at approximately elevation 126.5.
  - c. Calculations for the sizing of the trench and drywells should be provided.
  - d. Storage for the roof runoff on Lot 118.02 should be provided as the current topography will send runoff towards Lot 118.03.
  - e. The applicant may want to consider using retaining walls on Lots 116.03 and 118.03 to provide more useable yard areas.
5. The following comments should be addressed with regards to the final plat and Map Filing Law:
- a. All certifications should reference the Lakewood Township Zoning Board.
  - b. The new street certification should be removed as no new streets are proposed.
  - c. A Point of Beginning should be shown on the plan.
  - d. In accordance with the Map Filing Law, 46:23-9.11.j., a minimum of three (3) corners distributed around the tract shall indicate the coordinate values.
  - e. The dimensions and square footages of all the easements and dedications, (existing and proposed), should be indicated on the plan. Also, a right-of-way dedication should be shown for the proposed right-of-way width.
6. Descriptions of all proposed easements and dedications must be submitted to the Board Attorney for review and subsequent filing in the office of the Ocean County Clerk.
7. Any approval should include a condition that concrete curb and sidewalk along the roadway frontage should be removed and replaced as directed by the Township Engineer.
8. Ocean County Planning Board approval must be indicated on the plan.
9. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.

**From: Ed Mack, Zoning Officer**

I can find no reason to recommend this application.

Ray Shea represented applicant.

Ray Carpenter, Engineer, sworn.

A-1 – aerial photo

A-2 – subdivision plans

A-3 – approved subdivision of planning board lot 118.01

A-4 - original submission to the planning for lot 116.01 - withdrawn

A-5 - vicinity map showing surrounding structures.

Mr. Carpenter – 2 existing lots total acres 1.749 acres. Plan on subdividing 2 lots into 4 lots 2 of which will be conforming flag lots as per ordinance. The 2 family house on lot 116.01 will remain and single family house on lot 118.01 is to be removed. The new house on the back is on proposed lot 118.03 and is under construction now. Currently

have a subdivision on lot 118.01 with construction of two single family homes with the back one under construction. That lot is now part of this application. The house in the front is a proposed single family dwelling. They posted a bond to remove that house and replace it with a new single family dwelling.

Chaim Abadi, 217 10<sup>th</sup> Street, affirmed. There was an objector who was upset how far back the house was and so they stopped construction to try and move the house forward.

Mr. Zaks – asking for a subdivision on 116.01 to get two lots there and also asking to keep the existing two family house on 116.01.

Mr. Priolo - they are asking for 4 lots they are taking the flag piece from 118.01 and adding it to the new configuration for 116.01.

Mr. Abadi – They needed to move the lot lines in order to pacify Mr. Dickman and move the house forward.

Mr. Shea – because there is an existing two-family house on the lot it now belongs to the Zoning Board. Adding a portion of the two-story lot to the other lot. They would wind up with the exact same subdivision except that they would be moving the lot lines.

Mr. Zaks – We have the authority to re-subdivide the lots.

Mr. Shea – the net result will be that there will be 4 houses instead of 3 and 2 flag lots instead of 1. And an approval for an existing two-family house.

Mr. Priolo – there was no variance from the design standards for the flag lot. If the front house was not a two family this application would be at the Planning Board. Still concerned about the drainage. The original flag lot is still two lots.

Mr. Mack – we are re-subdividing

Brian Flannery, Planner, sworn. If they were not asking to maintain the existing two-family home they could go to the Planning Board for a conforming flag lot subdivision. Only here for the existing two-family home. 116.01 is now one lot – they are asking for two lots. They are entitled to 2 lots because they meet all the criteria.

Mr. Shea – the existing two-family home is legal non-conforming. Any land use pattern needs a variance for the subdivision.

Mr. Flannery – the front house is bonded and will be taken down. The two-family house will not be taken down. If there was intention to take the house down they would have gone to Planning Board.

Mr. Shea – each of these lots meets all the requirements of the zone.

Mr. Zaks – right now there is 3 lots and 4 families, if we approve this there will be 4 lots and 5 families.

Mr. Flannery – we are proposing 4 new lots. Each lot will be 16,811 square feet, 26,363 square feet, 15,014 square feet and 18,011 square feet all over the 15,000 square feet required in the R-15 zone.

Mr. Halberstam - They are asking to save the front two-family house. How are we going to treat the water problem on the site? How can we fix it?

Mr. Carpenter – all the roof drains will be designed to recharge into the ground there will be no run off from the roofs reaching any adjacent properties. Mr. Priolo and himself will design the roof drain off.

Mr. Priolo - Currently not satisfied with the design.

Mr. Carpenter – designed the site plan for the school next door. There is a retaining wall along the westerly border of the school.

Mr. Shea requested that they carry this application and their engineer will redesign the plan to make sure that it works.

Mr. Naftali - The issue right now is that our engineer does not agree with the plan.

Open to Public.

Abraham Dickman, 28 Irene Court, affirmed. His house is on lot 1.23. His house and the entire neighborhood was built on clay. They could not get more than a foot deep. There is a very big hill. Asked that the house remain in the envelope shown. This house is on a 35 foot hill and looks down on his house.

Closed to Public.

A-6 two lot subdivision

Mr. Shea – said that they will abandon the use of the two-family house.

Ms. Goralski – is this a legal two-family?

Mr. Abadi – this house was owned by Charles Pugliese and there was a variance for a two family house.

Mr. Halberstam – he will now be conforming for the flag lots.

Mr. Shea- if you reject the variance for the two-family you still have jurisdiction for the subdivision.

Mr. Zaks -The applicant is proposing now to abandon the two-family use and still asking for the subdivision.

Mr. Mack – his problem is not with the two-family it is maneuvering of the lot lines.

Mr. Shea – the applicant has the right to this approval.

Motion to approve subject to Mr. Priolo being satisfied with the drainage plan, if the two-family comes down it cannot be rebuilt, the footprint shown is to be exactly where it is, buffer in the rear of the house should be 20 foot tall trees – Mr. Naftali  
There was no second.

Motion to deny two family house – Ms. Goralski

Second – Mr. Gelley

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

Nayes: Mr. Naftali

Motion to deny subdivision – Mr. Zaks

Second – Ms. Goralski

Mr. Shea – this is a fully conforming subdivision.

Mr. Shea asked for a continuance to redraw the engineering information.

Mr. Elward – the board wants more information on the drainage and he can request the continuance.

Motion to carry until September 8<sup>th</sup> 2008 meeting with supplemental engineering plans addressing the drainage issue – Mr. Gelley

Second – Mr. Naftali

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

No further notice.

**Resolutions**

**Appeal # 3669 – Brick Armory**, Swarthmore Avenue, Block 1607 Lot 2, M-1 Zone. Firing Range/Retail Store, Resolution to determine that a firing range/retail store is a permitted use in the M-1 zone.

Motion to approve- Mr. Gelley

Second – Ms. Goralski

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

**Appeal # 3665 – Omnipoint**, New Hampshire Avenue, Block 1082.01 Lot 36, R-20 zone. Resolution to deny a use/height variance to permit the construction of an unmanned wireless telephone facility on top of an existing water tank.

Motion to approve – Ms. Goralski

Second – Mr. Gelley

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

**Appeal # 3662A – Temple Beth Am Shalom** – Block 1160.04 Lot 47, B-5, M-1 zone. Resolution to approve preliminary and final site plan for the construction of a synagogue.

Motion to approve – Mr. Lazzaro

Second – Mr. Gelley

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

**Appeal # 3678 – 316 First Street**, Block 89 Lot 3, R-OP zone. Resolution to approve a mixed use variance to allow retail with office.

Motion to approve – Mr. Gelley

Second – Mr. Zaks

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

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 11:20 P.M.

Respectfully submitted,

Fran Siegel  
Secretary