

The specific conditions of the use variance approval were as follows:

- a. The permitted use of the subject property as an office building shall continue only for as long as is made available for the shared use existent upon the contiguous property, Block 24.04, Lot 10.
 - b. No signage shall be erected on the front of the property on Hope Chapel Road indicating a commercial use of the property.
 - c. The applicant will install a nine-foot (9') fence six feet (6') from the side property line and will provide a landscape buffer along the rear of the property line.
3. The following items should be corrected on the plan:
- a. The accessory side yard setbacks should be shown on the zoning schedule.
4. The following items should be addressed with regards to the Layout and Dimensioning Plan:
- a. Concrete curb and sidewalk should be proposed along the entire frontage and across the frontage of the adjacent synagogue property (Lot 10). Curb returns with appropriate radius should be installed at the synagogue entrance and a concrete apron should be installed on adjacent Lot 17.
 - b. A sidewalk connection should be proposed from the new parking lot to the synagogue sidewalk.
 - c. The southernmost (stacked) parking stall should be removed. Also, it appears there will be conflicting movements for vehicles in southeastern parking area.
 - d. The proposed 9-foot vinyl fence proposed along the side property line should be continued to the rear property line. Also, a 4-foot high vinyl fence should be continued to the front property line.
5. The following comments should be addressed with regards to the Grading, Soil Erosion, and Sediment Control Plan, Notes and Details and Stormwater Management:
- a. The stormwater management report should be sealed.
 - b. The inverts of the Stormtech chambers should be shown on the plan.
 - c. It appears the surface area used to calculate the infiltration rate for the roof recharge system is incorrect. New calculations are required.
 - d. The storage areas provided in the calculations do not correspond with the storage area depicted on the plans. New calculations are required.
 - e. Additional curb grades should be provided.
 - f. The stormwater report does not take into account that the proposed permeable pavers will have a lower runoff coefficient.
 - g. Elevations along the side property line and on the adjacent driveway (Lot 17) are required to insure that the grade works between properties.
 - h. The finished floor of the existing building appears lower than the proposed adjacent sidewalk and parking lot. This discrepancy must be corrected.
 - i. The maintenance plan provided only addresses the permeable paver system. A maintenance plan for the Stormtech (roof) recharge system should be provided.
 - j. A note should be provided indicating that the parking lot will be constructed of permeable pavers.
 - k. Overland flow relief or a positive outflow should be provided in the event of a stormwater management system failure.
 - l. Water quality controls must be addressed prior to subsurface infiltration.

6. The following comments should be addressed with regards to the Lighting Plan:
 - a. A detail for the building mounted light should be provided.
7. No architectural elevations were submitted. The applicant should discuss any building improvements.
8. The following comments should be addressed with regards to the Construction Details:
 - a. The Hope Chapel Road curb replacement detail should show dimensions for the curb.
 - b. A stop bar detail should be provided.
 - c. A detail for the permeable pavers (including gravel base course) should be provided.
 - d. A detail for the roof leaders should be provided.
9. Ocean County Planning Board approval must be indicated on the plan.
10. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.
11. 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 have no zoning comments on this application.

Samuel Brown, attorney for applicant.

Mr. Brown - Site plan following use that was already approved by this Board. Site plan for an office in an existing building and a parking lot which will serve for the parking for the office and the adjacent synagogue.

Elizabeth Waterbury, 17 Monmouth Street, Red Bank, New Jersey, engineer for applicant, sworn. Described site plan (A-1). Reviewed Mr. Priolo's report. They will be using permeable pavers for a nice appearance to the property. They will add on to the plan any items requested. Will comply with all suggestions by Mr. Priolo. A-2 lighting plan – all lights will be downward direction box lights. No lights along the property line to lot 17. Applicant agreed to replace the existing fence along the east-west property line to a 6 foot vinyl.

Applicant agreed to maintain a buffer between the adjacent neighbor.

Mr. Lazzaro – there will be sufficient parking and handicap parking.

Open to Public.

Margaret Chase Miller, 515 Hope Chapel Road, adjacent property. Asked about landscaping and time frame. When will they be starting construction? Concerned about landscaping.

Mr. Brown – will start construction as soon as possible - applicant will put some vegetation on her side of the 9 foot fence.

Mr. Priolo will review landscaping plan.

Mr. Halberstam suggested that the fence be installed first before the construction.

Closed to public.

Motion to approve subject to all comments, landscaping plan being approved by Mr. Priolo and the rear fence changed to a 6 foot vinyl fence– Mr. Zaks

Second – Mr. Gelley

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

APPEAL # 3643 – SAM GLEN, INC. 1621 Clifton Avenue, Block 106 Lot 4 R-10 zone. Use variance for an auto parts store.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – March 19, 2007

1. The subject property is located on the Southeast corner of Clifton Avenue and County Line Road East and is within the R-10 (Single-Family Residential) Zone. The site contains an existing 1-story dwelling. The applicant is proposing to construct a 5,420 s.f. 2-story auto parts store with associated parking facilities and site amenities. All existing structures will be removed.
2. A special reasons variance is required for this project because the applicant is:
 - a. **Requesting a use not permitted in this zone.** In accordance with Section 902 F. of the ordinance, auto parts stores are not permitted in the R-10 Zone, and therefore a use variance is required for the proposed auto parts store.

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 (auto parts store use)**. In order to achieve this, the applicant should explain why the auto parts store use is a better planning and zoning alternative than the traditional single-family residential use or other uses permitted in the zone.

3. Should the use variance be approved by the Board, the following bulk variances may be required in accordance with Section 902 F.4 of the Ordinance:

	Required R-10 Zone	Proposed
Front Yard Setback	30 ft.	13.5 ft. (County Line Road) 10 ft. (Clifton Avenue)
Rear Yard Setback	20 ft.	5 ft.

4. Additional variances will be required as follows:

- a. In accordance with Section 803 E., a minimum 50-foot wide buffer is required along the south and east property lines. No buffer is provided.
- b. In accordance with Section 807 B., a minimum 17 parking spaces are required for this site, whereas 16 are provided.

5. The applicant should discuss vehicular circulation within the site including turnarounds, trucks, deliveries, etc. It appears that vehicle movements will be difficult and the proposed 16 spaces may not be achievable during the site plan phase. The sizes and types of trucks accessing this site should be provided and turning movements should be verified.

6. The rear and sides of the building are very close to and will be facing Clifton Avenue and County Line Road East. The applicant should discuss the aesthetic appearance at this highly visible intersection.

7. Trash collection and disposal and outside mechanicals should be discussed as it appears that these items may be within the front yards of Clifton Avenue and County Line Road East.

8. The applicant should discuss the impact of no buffer to the adjacent residential uses.

9. The applicant should discuss if the building is within the sight triangle or future sight triangle of the intersection.

10. Any use variance approval shall be subject to Preliminary and Final Major Site Plan approval.

From: Ed Mack, Zoning Officer

I do agree that this lot is less desirable as a residential property than it once was. However, if we are going to look at it as a commercial property we should apply the standards for commercial property. Using the setback for the B-3 zone that it borders as close as possible would make this a better plan.

Steven Pfeffer, attorney for applicant.

Pat McElduff, 629 Broadway, Long Branch, NJ sworn. Wholesale auto parts business, now located on Shafto and Squankum Road since 1986. 70% of business is to local business. Basically sell parts that makes the car go, no floor mats, etc. Chose this location because it is close to their existing location.

Brian Flannery, sworn – engineer for applicant. This is a R-10 zone. Here for use only will come back for site. Property located at the intersection of County Line Road and Clifton Avenue.

A-1 rendering of the map

A-2 aerial photo of uses in area.

Mr. Flannery described area. County Line Road was a residential roadway but things have been added to accommodate business uses. This is a heavily used east west roadway. The area is changing in character. This is a signalized intersection. Reviewed Mr. Priolo's report. County Line Road is a major arterial collector.

Mr. Mack – the setbacks are designed for residential use – should apply commercial standards.

Mr. Zaks – why is this a better alternative than a residential?

Mr. Flannery – a residential use would be impacted by the traffic. They would need relief from some of the B-3 requirements. They would meet with Mr. Mack and Mr. Priolo to make it work. The use makes sense. They will adjust the building to make it fit and will not adversely impact the neighbors.

Mr. Halberstam - Agree if this was on the other side of County Line Road. Would prefer a doctors office, etc.

Mr. Flannery – a small doctors office has people coming in and out all day long. This is less activity. As residential this is a difficult use because of the roadway.

Mr. Lieberman – think that it is only a matter of time until County Line Road becomes commercial. In favor of the use.

Howard Butensky, 99 Sun Valley Road, Toms River, sworn. The property was owned by his late mother in-law and father in-law since the 1950's. His mother in-law just passed on last December. The house should not be used for residential. The noise is constant.

Open to Public.

Chaim Roth, 1611 Clifton Avenue, affirmed. Objected. All commercial is on the northern side of County Line Road from Brick Township to Jackson Township. This property is facing Clifton Avenue. This will impact the neighborhood. This is a dangerous intersection. This will have an adversary effect on the character of the neighborhood. Property values will plummet.

Avi Bookman, 225 14th Street, affirmed. Objected. There is no real reason for them to move. This lot is not appropriate.

Yitzchok Kupetz, 1619 Clifton Avenue, affirmed. Objected. Live next door. Property will go down in value. Dangerous intersection.

Aaron Tikotzky, 1601 Clifton Avenue, affirmed. Objected. Living here for about 13 years. This is a nice residential neighborhood and it should remain that way. The children ride their bikes around the block and they will not be able to do that.

Yitzchok Epstein, owner of 1601 Clifton Avenue, affirmed. Objected. Resident of Lakewood for 43 years.

Baruch Levin, 310 7th Street, affirmed. Objected.

Chaim Oestreicher, 217 14th Street, affirmed. Objected. The Board should take into consideration the concerns of the neighbors.

Closed to Public.

Mr. Zaks – opposed to this application – objectors clearly describe a residential neighborhood.

Mr. Naftali – opposed to this application – the public also spoke out against this application.

Mr. Lieberman – hearing the objectors speak he has changed his position and is against this application.

Mr. Lazzaro – opposed to changing an old established neighborhood for the sake of changing the use to commercial when there are other appropriate sites.

Mr. Gelley - Opposition overwhelming.

Ms. Goralski - Does not fit in this neighborhood.

Mr. Gonzalez – opposed to this application.

Mr. Halberstam – agreed with board members.

Motion to deny – Mr. Gelley

Second – Mr. Lazzaro

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

RECESS.

- **Abraham Penzer requested that Appeal # 3652 – MTR Ventures,**
Spruce Street be tabled until the next meeting October 15th with no further notice and a waiver of time.

Motion to table until October 15th – Mr. Naftali

Second – Mr. Gonzalez

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

- **Abraham Penzer requested that Appeal #3654 – 294 Dewey Avenue,**
be tabled until the next meeting of October 15th with no further notice and a waiver of time.

Motion to table until October 15th – Mr. Zaks

Second – Mr. Gelley

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

APPEAL # 3653 - 910 EAST COUNTY LINE. 910 East County Line Rd, Block 208 Lots 2.01 & 2.02, R-12 zone. Use variance for 2 story office building.

Secretary read reports

From: Jim Priolo, Engineer/Planner – Revised review – July 23, 2007

1. The subject property is located along East County Line Road and is within the R-12 (Single-Family Residential) Zone. The existing site contains a 1-story dwelling and two sheds. The applicant proposes to construct a 9,900 s.f. 2-story office building. All existing structures will be removed.
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 902 E. of the Ordinance, the proposed office use is not a permitted use within the R-12 Zone. The only permitted use in this Zone is single-family detached.

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 (office use). In order to achieve this, the applicant should explain why the office use is a better planning and zoning alternative than the traditional single-family residential concept.

3. Bulk variance will be required in accordance with Section 902 E.4. as follows:

	Required	Provided
Minimum Side Yard Setback (Access.)	10 ft.	2 ft. (trash)

4. Additional variances will be required as follows:
 - a. In accordance with Section 807 B., a minimum of 33 off-street parking spaces are required for this site, whereas 32 spaces are provided.

- b. In accordance with Section 803 E., a minimum 50 ft. wide buffer is required along the side and rear property lines, whereas no buffers are proposed.
5. The following comments should be addressed with regards to the Site Plan:
 - a. The location of the proposed ground sign should be shown.
 - b. The applicant may want to consider converting the rear parking lot to either all 90° parking or 60° angled parking.
 - c. The striped parking areas should be curbed islands.
 - d. Striping in accordance with applicable fire codes should be provided.
 - e. The entrance and exit doors should be shown at the same locations as shown on the architectural plans. Sidewalks should be aligned accordingly.
 - f. Handicap parking signs should be provided for the handicap parking spaces. The handicap spaces should be located closest to the building entrance.
 - g. A 6 ft. vinyl fence should be provided along the side and rear property lines.
 - h. A concrete driveway apron should be proposed at the entrance.
 - i. A stop bar and stop sign should be provided at the driveway exit.
 - j. The tree clearing limit should be shown on the plan.
 - k. Concrete bollards should be shown around the light pole foundation in the rear parking lot.
 - l. The applicant should discuss vehicular circulation within the site including turnarounds, trucks, deliveries, trash removal, etc.
 - m. The existing right-of-way of East County Line Road is 54.75 feet. The applicant should confirm that the County does not want any additional dedications or easements along this section of County Line Road.
 - n. Concrete curb and sidewalk should be proposed along the entire frontage of East County Line Road.
6. The following comments should be addressed with regards to the Grading and Utilities Plan and stormwater management:
 - a. Berming should be provided in between the parking area and road.
 - b. The applicant may want to consider regrading the parking areas to locate the inlets along the curb line.
 - c. Some of the invert elevations do not correspond with the pipe lengths and slopes.
 - d. Invert and rim elevations should be provided for the Bay Saver unit.
 - e. Location of soil borings should be shown on the plan.
 - f. Soil logs and permeability test information should be provided.
 - g. It appears Inlet 5 collects both roof runoff and a portion of lawn runoff. Inlet 5 connects directly into the infiltration basin without addressing water quality. Only roof runoff can enter the basin without addressing water quality.
 - h. The detail provided for the infiltration basin is incorrect.
 - i. Additional details and documentation for the Bay Saver unit should be provided.
 - j. The flow lengths used to calculate the pre-development time of concentration do not match the lengths shown on the pre-development drainage area map.
7. The following comments should be addressed with regards to the Landscape Plan:
 - a. Additional landscaping should be provided along the eastern property line.
 - b. Landscaping should be provided in the proposed striped areas of the rear parking

- lot, as well as around the trash enclosure.
- c. There appear to be some discrepancies between the planting schedule and plan.
8. The following comments should be addressed with regards to the Lighting Plan:
 - a. The proposed lights should be shielded from the adjacent residential properties.
 9. The following comments should be addressed with regards to the Construction Details:
 - a. A roof drain detail should be provided.
 - b. A ground sign detail (if applicable) should be provided.
 - c. A county curb and pavement detail should be provided.
 - d. An onsite curb and pavement detail should be provided.
 10. Ocean County Planning Board approval must be indicated on the plans.
 11. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.

From: Ed Mack, Zoning Officer

It is obvious that this is an area in transition as the commercial influence of County Line Road evolves. I don't think however that enough is being done to protect the existing residences.

Abe Penzer, attorney for applicant.

Brian Flannery, Engineer, sworn.

Steven Atkins, engineer, sworn.
Board accepted qualifications.

Brian Leff, landscape architect.

Board accepted qualifications.

A-1 Site plan
A-2 elevations
A-3 aerial exhibit
A-4 letter from Tifereth Yeshiya

Mr. Penzer read A-4 into the record. Letter from Rabbi of the congregation in support of this application.

Mr. Harrison - The letter is here and the person cannot be cross-examined. For whatever it is worth.

Mr. Flannery – requesting use variance and preliminary and final site plan approval. This property is in the R-12 zone. Would like a 9,900 square foot 2 story office building. Property on the south side of County Line Road. The synagogue is directly west of the

property. The office use makes sense for this site. Two large residential houses would be a more intense use. The lights will not go onto any neighboring property. There is a 10 foot buffer from the property line to the adjacent townhouse and a 15 foot easement which means that the building will be 25 feet from the townhouse. Reviewed Mr. Priolo's report.

Mr. Penzer – the sign will be whatever is permitted.

Mr. Flannery – will meet with Mr. Priolo to work out the configuration of the parking area.

Mr. Halberstam asked about the alleyway.

Mr. Flannery – it is approximately 5 feet wide. There is a 15 foot wide easement, 5 feet alleyway and 10 foot buffer.

Mr. Halberstam - The building is staying 60 feet wide

Mr. Flannery – the ordinance allows an 8 foot fence.

Mr. Halberstam – there is an alleyway going into Cabinfield Circle.

Mr. Harrison – The Planning Board approved the subdivision - the question is do the conditions of the Planning Board still apply to a new application?

Mr. Penzer – will do the research.

Mr. Priolo suggested fence and a row of trees.

Mr. Penzer agreed to put landscaping on both sides of the fence along the alleyway.

Mr. Halberstam where approximately is the house situated on the east side of the property?

Mr. Flannery – the engineer that did the plan is that their personnel were not allowed access on the site. The rear house is about 20 feet from the property line.

Mr. Halberstam – it would have to be a condition of approval.

Open to Public.

Shoshana Bergmann, 34 Cabinfield Circle, affirmed. Objected. Rear property owner. Do not want the building. There is no need for it. The alleyway is used to go to synagogue in the morning and in the evening. How could two houses create more traffic than an office building. There are a lot of children walking around there and this will create a danger. She is entitled to a 50 foot buffer and there is no buffer at all proposed. The parking lot will be right up against her bedroom window. The shul would be very happy to have this because they have a hall and they can use the parking lot.

Shaya Friedman, 32 Cabinfield, affirmed. Objected. His father in-law owns the property and he is speaking for himself. They say that there is a need for office space. There are many new office buildings and they are all half empty. This property goes 300 feet into the residential neighborhood. The pathway going to County Line Road there are kids going across the street to the shopping center and to the shul. They will now have to be aware of cars also coming out of the office parking lot. The parking lot will be overflowing with cars until 11 or 12 o'clock at night.

Avram Bergman, 34 Cabinfield, affirmed. Live on the rear neighboring property. Opposed to the construction of an office building. Chose that lot because of the privacy. This lot got an approval from Planning Board to subdivide this lot into two lots for the construction of two-single family homes. They were required to leave a 50 foot buffer. There are over 300 children in this neighborhood. They have a problem with the kids from the high school throwing things over the fence.

Moshe Smith, 28 Cabinfield Circle, affirmed. Concerned about the safety issue. Crossing County Line is dangerous enough without adding an office building with more traffic.

Mr. Penzer - they could have a school with about 300 children on this site which is a permitted use. Can solve some of the problems that were addressed. They will gate the driveway at 8:00 p.m. and lock it. They could remove the parking in the rear to give them 12 more feet for a buffer and they will landscape the 12 feet. A school would be worse - this is a less intensive use. Will try and save some trees.

Mr. Halberstam - maybe we should bifurcate this application.

Mr. Penzer agreed to bifurcate.

Mr. Halberstam polled the board.

Mr. Naftali - instead of bifurcating would rather table and let the neighbors speak with the applicant. The office is not a bad idea but there is strong opposition from the neighbors. Have no problem with the office if the neighbors do not oppose. This application does not need to be bifurcated. If he had to vote tonight the opposition is very strong.

Mr. Halberstam - recommend bifurcating the application.

Mr. Zaks - use variance in a residential neighborhood. There is clearly opposition from the neighbors. Suggest that they all get together.

Mr. Naftali - agree. Tabling is an opportunity for both sides to get together to come up with a solution.

Mr. Gonzalez - not in favor of bifurcating - not in favor of the application at this time.

Mr. Lieberman - should be tabled.

Mr. Lazzaro - should be tabled - there is a need to talk further between the parties to resolve some of the issues.

Mr. Gelley – agreed to table. Applicant has not shown enough proof why there is a need to rezone this piece of property.

Ms. Goralski – in favor of tabling – do not like the plan. There was not enough evidence shown to change this area to commercial.

Mr. Halberstam – would like not to table to see if there is any need to go any further.

Mr. Penzer asked to table until November 5th meeting

Closed to Public.

Motion to table until November 5th, no further notice and a waiver of time – Mr. Zaks

Second – Mr. Naftali

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

• **Appeal # 3649 – Stanley Rieder will not be heard tonight.**

Motion to table until October 15 with a waiver of time – Mr. Gelley

Second – Mr. Gonzalez

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

RESOLUTIONS

APPEAL # 3619 – CHARLES PARNES,

Forest Drive, Block 12.01 Lot 24, R-12 Zone – Resolution to deny the construction of a single family home on an undersized lot.

Motion to approve – Mr. Zaks

Second – Mr. Gonzalez

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

APPEAL # 3651 – YITZCHOK LEVINE,

103 Arbutus, Block 22 Lot 5, R-12 zone. Resolution to approve an addition to single family home, front setback variance granted.

Motion to approve: Mr. Zaks

Second: Mr. Gelley

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

THE BOARD WENT INTO CLOSED SESSION.

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