

**LAKWOOD ZONING BOARD OF ADJUSTMENT  
MINUTES  
SEPTEMBER 12, 2005**

Meeting was called to order at 7:45 P.M.

Meeting properly advertised according to the Sunshine Law.

Roll call: Attending: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley  
Mr. LeCompte, Mr. Halberstam, Mr. Sernotti

Absent: Mr. Zaks

Also present: James Priolo, Engineer  
Glenn Harrison, Attorney  
Steve McCrystal, Court Stenographer  
Fran Siegel, Secretary

Salute to the Flag.

Motion to approve minutes of August 1, 2005 with waiver to read – Mr. Daniels  
Second – Mr. Naftali

**Roll call vote:** affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. LeCompte,  
Mr. Gelley, Mr. Halberstam, Mr. Sernotti

Correspondence from Flannery, Webb & Hansen reference Appeal # 3568, Israel Kaluszyner requesting an interpretation of the finished floor and outside grade. The resolution stated 30 “to grade. This is for a two-family home. A transcript of that portion of the meeting was read by Mr. Flannery and the board determined that it was agreed that 38” to grade was discussed and agreed to at the meeting.

Motion to amend resolution to allow 38” – Mr. LeCompte  
Second – Mr. Naftali

**Roll call vote:** affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. LeCompte,  
Mr. Gelley, Mr. Halberstam, Mr. Sernotti

Correspondence from Harvey York, Attorney for Faraday Assoc., Appeal # 3320, Eagle Ridge Golf Course requesting a one-year extension.

Motion to grant a one-year extension until September 12, 2006 – Mr. Halberstam  
Second – Mr. Gonzalez

**Roll call vote:** affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. LeCompte,  
Mr. Gelley, Mr. Halberstam, Mr. Sernotti

**Appeal # 3576** – Fruma Liebb – requested to carry because the notice was not correct. They will re-notice. Will waive time.

**Appeal # 3575** – Aryeh Weinstein, Caranetta Drive, Block 82 Lots 7 & 8, R-12 zone. Single family home on an undersized lot.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located on the corner of Caranetta Drive and Bradshaw Road and is within the R-12 (Single-Family Residential) Zone. The existing lot contains a single-family dwelling. The applicant proposes to demolish the existing dwelling and detached garage and construct a new, larger single-family dwelling.
2. The existing lot does not conform to the current zoning requirements. In accordance with Section 18-12.2 of the ordinance, bulk variances will be required for the construction of the proposed dwelling as follows:

	Required	Existing	Proposed
Minimum Lot Area	12,000 s.f.	7,901.9 s.f.	7,901.9 s.f.
Minimum Front Setback	30 ft.	10.6 ft. (Bradshaw)	15.18 ft. (Bradshaw) 22.56 ft. (Caranetta)
Minimum Rear Setback	20 ft.	18 ft.	N/A
Maximum Lot Coverage	25%	18.6%	26.4%

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 new, larger structure will have on the surrounding properties.

3. Any approval should include a condition that all curb and sidewalk shall be replaced as directed by the Township Engineer. A note should also be added to the plan.
4. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade is 30 inches. The applicant is proposing an elevation difference of 34 inches.
5. A sight triangle easement should be shown and dedicated to the Township. No fencing should be permitted within this easement.
6. The architectural show an exterior entrance to the basement on the Bradshaw Road side of the dwelling. The applicant should discuss the purpose of the exterior entrance and the anticipated use of the basement.

From: Ed Mack, Zoning Officer

This is a small irregular shaped corner lot which therefore has a small building envelope. I have no strong objections to this application because of the lot coverage, but wonder if repositioning this house would help with some of the setbacks.

Aryeh Weinstein, 120 Caranetta Drive, affirmed. Propose to build a single family home. This is a small corner lot. Conform to lot coverage. The existing house intrudes in the setbacks more than this does. These setbacks have the minimal intrusion. The garage in the rear will be demolished.

Mr. Sernotti suggested that the house be pivoted to increase the front yard setback on Caranetta.

Mr. Weinstein - now it is parallel to Caranetta. If it is pivoted the house will sit on an angle. Bradshaw is on an angle.

Mr. Sernotti – pivot the house north. There will be more front yard setback on Bradshaw and on Caranetta.

Mr. Priolo – correct.

Mr. Flannery - The rear yard will be smaller.

Mr. Weinstein – they will lose the deck. There will be 30 feet between the houses. Would prefer not to twist it.

Mr. Priolo – now it looks crooked on Bradshaw.

Mr. Flannery - The side yard setback will be decreased. Suggested that Mr. Priolo review the new plans.

Mr. Flannery reviewed Mr. Priolo's report. Agreed to the 30 inches.

Open to Public. Closed to Public.

Motion to approve with the condition to pivot the house to the right to accommodate the front yard setbacks on Bradshaw & Caranetta – Mr. Halberstam

Second – Mr. Daniels

**Roll call vote:** affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. LeCompte, Mr. Gelley, Mr. Halberstam, Mr. Sernotti

**Appeal # 3460** – 415 1st Street Realty –First Street, R-OP zone, Block 73 Lot 10 –  
To construct a four-unit multi-family structure.

Secretary read reports.

From Jim Priolo, Engineer/Planner Third Review

1. The property in question is located on First Street and is within the ROP (Residential Office Park) Zone. The applicant proposes to demolish the existing single-family dwelling and construct a new, four unit multi-family structure.
2. This application was previously heard by the Board during 2004 and was denied on

April 19, 2004 under Appeal No. 3460. It appears there was a court action and the application is now back before the Board for review. The Board should note that the prior zoning allowed a multi-family use in this zone, whereas the new zoning does not.

3. In accordance with Section 903 I.1. of the Ordinance, multi-family dwellings (duplexes) are not a permitted use in the ROP Zone. Additionally, the proposed development exceeds the permitted density in this zone. Therefore, special reasons variances will be required as follows:

- a. To permit a use in a district restricted against such use. The proposed multi-family use is not a permitted use within the ROP 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 ROP Zone based on single-family detached use and minimum lot area is approximately 4.4 units/acres. It appears the site can yield 1 conforming single-family lot. The applicant is proposing 4 units in one (1) building and a density of 8.3 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 a use in a district restricted against such use (multi-family use) and an increase in permitted density. In order to achieve this, the applicant should explain why the multi-family use with the requested density is a better planning and zoning alternative than the traditional single-family residential concept.

4. In addition to the special reasons variances that are required, bulk variances are required as follows:

	Required ROP	Provided
Minimum Lot Width	75 ft.	70 ft.
Minimum Side Setback (One)	12 ft.	10 ft.
Minimum Side Setback (Combined)	25 ft.	20 ft.

5. In accordance with R.S.I.S., a minimum of ten (10) parking spaces are required, whereas nine (9) off-street spaces have been provided.
6. In accordance with Section 803, a multi-family use adjacent to an area zoned for single-family residential shall provide a buffer of at least 30 feet. No buffer is proposed.
7. The applicant must demonstrate to the Board that the requested bulk 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 new structure will have on the surrounding properties.
8. The architectural indicate exterior side entrances for the basements. The applicant should discuss the anticipated use of the basement.
9. The applicant should discuss storage for such things as gardening/yard equipment, bicycles, children's outdoor toys and garbage collection and recycling receptacles.
10. There appears to be 60 inches (5 ft.) elevation difference between finished floor and outside grade. Any approval should include a condition that the maximum elevation difference is 30 inches (2.5 ft.).
11. In accordance with Section 815 of the Ordinance, the stormwater management system must be designed in accordance with the NJ Residential Site Improvement Standards. The applicant should revise the stormwater management report and design accordingly.
12. In accordance with Section 815B.2, a maintenance agreement is required for the stormwater management system.

13. Curb and sidewalk should be replaced along the entire frontage. Any approval should include a condition that all curb and sidewalk shall be replaced as directed by the Township Engineer.
14. Drainage inlets castings for Inlet Type 'B' shall be pattern number– No. 2618, 6" Type 'N' with "Drains to Waterway" imprinted on it. Each inlet shall also have a bicycle safe grate.

From: Ed Mack, Zoning Officer

Due to the negotiated settlement I have no further comment on this application.

Sal Alfieri, attorney for applicant. There was a settlement tentatively reached with applicant and Judge Serpentelli. Removed a bedroom from each unit on each floor. Also agreed to the 30 inches.

Mr. Harrison – They appealed our denial. It was pre tried.

Ray Carpenter, engineer, sworn. Describe the site and the area. The area is predominately multi-family. The basement will be used for storage. 100% of the sidewalks will be replaced.

Mr. Sernotti asked for floor plans.

Mr. Alfieri – The floor plans were redesigned.

The Board members did not have the new floor plans.

Motion to table until September 26th – no further notice – Mr. LeCompte

Second – Mr. Naftali

**Roll call vote:** affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. LeCompte,  
Mr. Gelley, Mr. Halberstam, Mr. Sernotti

**Appeal # 3583** – Saul Mizrachi was not in attendance. Ray Carpenter, Engineer was going to represent the applicant.

Motion to table until December 5th – no further notice – waiver of time – Mr. Naftali

Second – Mr. Halberstam

**Roll call vote:** affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley,  
Mr. Halberstam, Mr. Sernotti

**Appeal # 3566** – Israel Kay, 144 Cross Street, Block 533.01 Lot 2.02, R-20 zone.  
Minor conforming subdivision on a lot with a non-conforming use.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located along Cross Street and is within the R-20 (Single-Family Residential) Zone. The site contains an existing one-story single-family dwelling and three commercial buildings (±36,300 s.f.) in the rear. The applicant is proposing to subdivide the existing lot into two new conforming lots containing 205,586.95 s.f. (Lot 2.02) and 24,348.97 s.f. (Lot 2.03). New Lot 2.02 would contain the existing buildings and single-family dwelling. New Lot 2.03 would contain a new single-family dwelling.
2. In accordance with Section 18-12.1 of the ordinance, the commercial and residential uses combined on one site are not permitted in the R-20 Zone. Therefore, a use variance is required for the existing non-conforming use.

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.

3. The applicant should discuss the current use of the commercial buildings located on Lot 2.02.
4. Concrete curb and sidewalk should be proposed along the entire roadway frontage of Cross Street. Driveways and curb openings should be shown for the existing uses and these improvements should be proposed in accordance with current design standards.
5. A grading plan should be required for new Lot 2.03 to insure proper stormwater runoff. All runoff should be collected in a drainage system or directed towards the street.
6. The following comments should be addressed with regards to the Map Filing Law:
  - a. All certification blocks should reference the Lakewood Township Zoning Board.
  - b. A Point of Beginning should be provided.
  - c. A monument must be indicated at the intersection of the proposed lot line and the existing right-of-way line.
  - 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. A tie distance to the nearest intersecting public street should be indicated on the plans.
  - f. New Lot 2.02 should be labeled on the plan.
7. Ocean County Planning Board approval should be indicated on the plan.
8. The applicant should submit to, and appear before, all other Local, State and Federal agencies having jurisdiction over this project.

From: Ed Mack, Zoning Officer

I have no objections to this application.

Robert Silverman represented applicant.

Mr. Silverman – this property is in a residential zone. A variance was obtained to allow the commercial structures in the rear of the property. That portion with the existing house will remain. The other new lot will be a residence. They will comply with all Mr. Priolo's requirements. Can be granted without any detriment to the zone plan.

Open to Public. Closed to Public.

Motion to approve – Mr. Halberstam

Second – Mr. Gonzalez

**Roll call vote:** affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley, Mr. Halberstam, Mr. Sernotti

Chairman announced that there were only 6 members and it is a use variance needing 5 affirmative votes.

Mr. Doyle agreed to continue.

**Appeal # 3580** – Future's Trust Realty Assoc., Rt. 70 & Evergreen Blvd, Block 1085 Lots 1, 2, 3, 5 & 6, B-5A zone. Use variance for an office/retail building containing a Drive through restaurant on an undersized lot.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located on N.J.S.H. Route 70 between Evergreen Boulevard and Vermont Avenue and is within the B-5 (Highway Development) Zone. The existing site is vacant. The applicant proposes to construct a 2-story 17,900 s.f. building with a restaurant (with a drive-thru) and retail space on the first floor and office space on the second floor, as well as parking facilities and other site improvements.
2. In accordance with Section 18-14.5 of the ordinance, a special reasons variance will be required because the applicant is:
  - a. Proposing a non-permitted use (drive-thru restaurant) in a district restricted against such use.
  - b. Proposing a mixed use of retail, restaurant and office space within one site.

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.

The applicant must demonstrate to the Board that the requested use variance can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and the zoning ordinance.

3. The proposed structure is not in compliance with the bulk requirements for the zone. In accordance with Section 18-14.5 of the ordinance, bulk variances will be required during the site plan phase as follows:

	Required	Proposed
Minimum Lot Area	2 acres	1.83 acres
Minimum Front Setback	100 ft.	67 ft.

4. The plans indicate that a 30 ft. portion of Evergreen Boulevard and a 25 ft. portion of Farry Street have been vacated and the remainders of each will be vacated. Verification that this R.O.W. has been vacated and that the remainder will be vacated should be provided prior to any decision by the Board. There are vacant properties along these right-of-ways that may be impacted by the vacation.
5. The applicant should discuss vehicular circulation within the site including turn arounds, trucks, deliveries, trash removal, etc. No traffic study was submitted with the application.
6. The applicant should indicate the approximate amount of seats to be proposed in the restaurant and the parking calculations should be revised accordingly. Typically, one parking space is required for every 3 seats.
7. Any use variance approval shall be subject to Preliminary and Final Site Plan approval.

From: Ed Mack, Zoning Officer

This is a small irregularly sized lot on a major highway. My only comment would be to see if the building could be relocated to improve the front setback.

John Doyle represented applicant.

Mr. Doyle – this is an irregular shaped lot bounded on all four sides by streets.

Brian Flannery, engineer. Requesting a two-story building on 1.83 acres. The first floor will be retail and the restaurant. The second floor will be office space. On Route 70. Described area.

Mr. Doyle – asking for the use only - will come back for site plan.

Mr. Flannery – Proposing a restaurant that has a drive-thru and the ordinance is not clear if it is a permitted use. The use is a Dunkin Donuts. They will provide all information to Mr. Priolo at time of site plan. Will provide adequate parking -79 spaces required and 83 are provided. Lot coverage required is 30% and they are providing 12.4%.

The Board discussed the difference between a drive-in and drive-thru.

Ed Mack agreed that a drive-through is a permitted use and the applicant should go to Planning Board.

Mr. Halberstam suggested that the Township Committee amend the ordinance.

Mr. Gonzalez – there are no drive-ins anymore and thinks that the ordinance meant to say drive-thru.

Mr. Sernotti – since the application is here would not have a problem with the use.

The Board members agreed to hear the application.

Mr. Priolo – suggested that the front yard setback not be granted until site plan.

Mr. Flannery – will adjust dumpsters at site plan.

Mr. Doyle – asked if just the front yard setback can be approved so that they can proceed with the site plan because of the shape of the property and the highway.

Mr. Flannery – asked the Township to vacate Farry Street & Evergreen- The paper streets if developed would cause traffic problems. If they do not vacate the streets they would have to make the building smaller. Asked again for the front yard setback of 67 feet.

Open to Public. Closed to Public.

Motion to approve use only – Mr. Gonzalez

Second – Mr. Naftali

**Roll call vote:** affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley,  
Mr. Halberstam, Mr. Sernotti

## **RESOLUTIONS**

**Appeal # 3489A** – Ormont Development, 176, 184, 186 & 188 Ridge Avenue, Block 237 Lots 4, 5, 6 & 7. Resolution to approve 6 townhouses, subdivision and site plan.

Motion to approve – Mr. Halberstam

Second – Mr. Naftali

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

**Appeal # 3579** – Cedarbridge Development, New Hampshire Ave, Block 961 Lot 1.01, DA-1 zone. Resolution to approve a minor subdivision.

Motion to approve –Mr. Gonzalez

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley,  
Mr. Halberstam, Mr. Sernotti

**Appeal # 3501** – David Herzog, 193 East 4th Street, Block 241 Lot 9 R-7.5 and B-2 zone. Resolution to deny the construction of one single family home and three townhouses.

Motion to approve – Mr. Naftali

Second – Mr. Gonzalez

**Roll call vote:** affirmative: Mr. Gonzalez, Mr. Naftali, Mr. Sernotti

**Appeal # 3425** – David Nahum, 640 James St, Block 385 Lot 4. M-1 zone. Resolution to approve the construction of storage facilities, an existing owners residential home, cabinet shop, auto body shop.

Motion to approve – Mr. Halberstam

Second – Mr. Naftali

**Roll call vote:** affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley, Mr. Halberstam, Mr. Sernotti

**Appeal # 3557** – Linda Halpern, Harvard Street, Block 171 Lots, 11, 19, 20, 21 & 24, R-7.5 zone. Resolution to deny a use variance for the construction of townhouses.

Motion to approve – Mr. Gonzalez

Second – Mr. Daniels

**Roll call vote:** affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Sernotti

**Appeal # 3584** – Brian Flannery – Carasaljo Dr. Block 12.04 Lot 130, R-12 zone. Resolution to approve a single family dwelling – variance for front yard setback.

Motion to approve – Mr. Gonzalez

Second – Mr. Naftali

**Roll call vote:** affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley, Mr. Halberstam, Mr. Sernotti

**Appeal # 3582** – Bais Rifka Rachel – 1690 Oak Street, Block 1160.05 Lot 47, M-1 zone Resolution to approve the conversion of an office building to private school with assembly hall.

Motion to approve – Mr. Daniels

Second – Mr. Gonzalez

**Roll call vote:** affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley, Mr. Halberstam, Mr. Sernotti

**Appeal # 3574** – Isaac Bernstein, 104 Ivory Court, Block 25.05 Lot 46.08, R-12 zone. Resolution to approve a dual use of a single family and synagogue.

Motion to approve – Mr. Daniels

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Gelley, Mr. Halberstam, Mr. Sernotti

Motion to pay bills – Mr. Daniels

Second – Mr. Gonzalez

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 9:45 P.M

Respectfully submitted,

Fran Siegel