

**LAKWOOD ZONING BOARD OF ADJUSTMENT
MINUTES
SEPTEMBER 26, 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. Naftali, Mr. Zaks, Mr. LeCompte,
Mr. Halberstam, Mr. Sernotti

Absent: Mr. Gelley, Mr. Gonzalez

Also present: Glenn Lines, Engineer
John Jackson, Attorney
Steve McCrystal, Court Stenographer
Fran Siegel, Secretary

Salute to the Flag.

Motion to approve minutes of September 12, 2005 with waiver to read – Mr. Naftali
Second – Mr. Daniels

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

Chairman announced that Appeal # 3587 – Omnipoint Communication – will not be heard since
the zone has changed and they will have to renote.

Appeal # 3573 – Shlomo Meyer, Hope Chapel Road, Block 7 Lot 11, R-15 zone. Single
family home on an undersized lot. Required 15,000 proposed 8,000.

Mr. Chairman – this application was before the board a few months ago to build a single
family home on an 8,000 square foot lot. The adjacent neighbor offered to sell him his
4,000 square foot lot which would make this lot more conforming to the 15,000 square
feet required.

Mr. Jackson - Here to determine the fair market value.

Shlomo Meyer, Private Way, affirmed.
Vincent Poliseno, sworn.
Maria Poliseno, sworn.

Mr. Poliseno testified that he has no interest in purchasing the adjacent lot.

Board agreed that fair market value is \$35,000.

Mr. Sernotti – Mr. Meyer gets a bigger piece of property and the neighbors are happier. The Board would like to see Mr. Meyer have a 12,000 square foot lot because there were objectors and this would satisfy them.

Mr. Naftali questioned the comparison properties on the appraisals.

Mr. Polisenio said that he had an offer from the owner of the adjacent property on the other side for \$38,000 but there were conditions with it.

Exhibit 1 – Appraisal from Shlomo Meyer for \$30,000.

Exhibit 2 – Appraisal from Vincent Polisenio for \$40,000.

Mr. Halberstam suggested \$35,000.

Mr. Polisenio – offered to sell for \$38,000.

Mr. Meyer – this is the 4th time that he is before the board. First time was mediation. Second time Mr. Polisenio offered to sell the property. Third time was that they did not have appraisals. He has done everything the board has asked for.

Mr. Sernotti – there were objectors on the 8,000 square feet so we asked him to go to mediation. The Board is looking to make the property a little more conforming. We cannot deny this application at 8,000 square feet because he is landlocked.

Mr. Jackson – the Board can determine that \$35,000 is fair market value.

Ms. Polisenio - \$35,000 is not reasonable, \$38,000 is reasonable.

Mr. Sernotti – the applicant has gone above and beyond to be a good neighbor.

Mr. Meyer – there are no conditions other than clear title and no environmental issues.

Mr. Jackson - 60 days from date of resolution which will be November 7th. The seller has to sell and the buyer has to buy.

Open to Public.

Dennis Straughn, 392 Hope Chapel Road, sworn. A 12,000 square foot lot would be much more sufficient and would be more appealing to all the neighbors.

Closed to Public.

Motion to approve on setting the value on \$35,000 as an appropriate fair market value –

Mr. Zaks

Second – Mr. Naftali

Roll call vote: affirmative Mr. Daniels, Mr. Naftali, Mr. Zaks, Mr. LeCompte,
Mr. Halberstam, Mr. Sernotti

Motion to approve closing to be 60 days after date of resolution, if Mr. Poliseno decides not to sell the property, applicant has the approval on an 8,000 square foot lot, two conditions on the sale, clear title and a passing Phase 1 environmental study at the buyers expense – Mr. Halberstam

Second – Mr. Zaks

Roll call vote: affirmative: Mr. Daniels, Mr. Naftali, Mr. Zaks, Mr. LeCompte, Mr. Halberstam, Mr. Sernotti

Mr. Meyer cannot back out. If Mr. Poliseno backs out than Mr. Meyer has an approval on a 8,000 square foot lot.

Mr. Meyer asked that any correspondence be done in writing.

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

Salvatore Alfieri represented applicant. Presented testimony last meeting. The applicant agreed to install sidewalk and curb and would keep the elevation to 30 inches. Proposed revisions to the plan were as a result of negotiations before Judge Serpentelli as part of the settlement of the pending appeal. At the last meeting the Board did not have the most recent architectural plan that was a result of the settlement. Changes the number of bedrooms from 14 to 10 – 1 bedroom per unit. First floor units had 3 bedrooms to 2 bedrooms, one bedroom changed to dinette. Second floor originally had 2 bedrooms converted to 1 bedroom. The plans show a closet which will be removed. 3rd floor has not changed.

Chairman reminded applicant that this is a use variance and there were only 6 members in attendance.

Mr. Alfieri - Zoning has changed and Mr. Priolo's letter is based on current zoning. The case was remanded before the new zoning ordinances were adopted.

Mr. Halberstam – why is there a side entrance and a rear entrance?

Lawrence Krasne, affirmed. Owner of property. The board requested that entrance. The side entrance only goes to the 1st floor apartment.

Ray Carpenter, engineer, sworn. Entrance to basement was moved from the side to the rear to eliminate the side setback encroachment.

Mr. Carpenter reviewed Mr. Priolo's report. There will be new sidewalks and curbs. Providing 9 parking spaces where 10 is required. There is adequate parking on the street to accommodate an additional car.

Mr. Sernotti – there is never a parking spot on First Street. Asked for 10 parking spots on the site.

Mr. Alfieri – will work with engineer to comply with 10 parking spaces. The closets will be removed in the rooms that were converted from bedrooms.

Open to Public.

Ludmilla Duh, 418 First Street, sworn. Owns and lives on 1st Street. Objected to this proposal. This is not an appropriate place for Multi-family. Neighborhood is too crowded. This project does not belong.

O-1 through O-13 pictures of the area.

Mr. Carpenter – there is a small trash enclosure in front of the building. Garbage pick-up will be city.

Mr. Alfieri – The R-OP zone no longer allows multi-family.

Mr. Zaks – in favor of the concept but not comfortable with the parking.

Mr. Naftali – multi-family fits well but this is too dense – do not see major changes – units too large.

Mr. Lines – density is 16.6 units per acre.

Mr. Sernotti – if the judge ruled that the changes were substantial we need to move forward with the approval. The area is setup with townhouse units. They did comply with some of the changes that we requested.

Motion to approve with 10 parking spaces, 30” to grade, garbage enclosure, closets to be removed, and use variance for the 4 units – Mr. Zaks

Second –Mr. Halberstam

No way to the basement from the side only from the back.

Roll call vote: affirmative: Mr. Daniels, Mr. Naftali, Mr. Zaks, Mr. LeCompte,
Mr. Halberstam, Mr. Sernotti

RECESS

Appeal # 3586 – Shlomo Meyer, 423 6th Street, Block 68 Lot 13, R-OP zone. To renovate the existing structure and to construct a 2 1/2 story addition to create a 2,341 square foot 2 family structure.

Secretary read reports.

From: Jim Priolo, Engineer/Planner –Second Review

1. The subject property is located on Sixth Street and is within the ROP (Residential Office Park) Zone. The applicant proposes a major renovation to the existing single-family structure that will convert the structure to a two-family dwelling.

2. In accordance with Section 903.I., two-family dwellings are not a permitted use in the ROP Zone. Additionally, the proposed dwelling 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 two-family use is not a permitted use within the ROP Zone. The only permitted residential use 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. The lot is undersized and cannot yield one conforming single-family lot. The applicant is proposing 2 units in one (1) building and a density of 11.7 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 (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. In addition to the special reasons variances that are required, bulk variances are required as follows:

	Required	Existing (Single-Family)	Proposed (Two-Family)
Minimum Lot Area	10,000 s.f.	7,500 s.f.	7,500 s.f.
Minimum Lot Width	75 feet	50 feet	50 feet
Minimum Side Setback (One)	12 feet	0 feet	0 feet
Minimum Side Setback (Combined)	25 feet	6.5 feet	6.5 feet
Minimum Rear Setback	15 feet	0.9 feet	0.9 feet
Minimum Side Setback (Accessory)	7 feet	1.8 feet	1.8 feet
Maximum Building Coverage	25%	18.6%	29.9%

The Schedule of Bulk Requirements should be revised per Section 902.I.2., of the Ordinance. The rear yard setback requirement listed is incorrect.

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 addition will have on the surrounding properties.

4. The structure has the appearance of a 3 family dwelling. Each floor contains a kitchen, bathrooms, bedrooms and other all purpose rooms. The applicant should discuss how this is not a 3 family dwelling.
5. Variances related to parking are required as follows:
 - a. In accordance with R.S.I.S., a minimum of nine (9) parking spaces are required, whereas four (4) off-street spaces have been provided.

6. An existing driveway straddles the side property line which appears to be a shared driveway with adjacent Lot 12. The applicant should discuss if there is an existing access easement over this driveway. Any approval should address this condition.
7. The proposed driveway and parking layout should be redesigned.
8. The architectural drawings show a walkout basement at the rear side of the building which requires an approximately 9 or 10 foot grade difference in the rear yard. A grading and drainage plan is required to show if this house design is feasible. Grading will be difficult considering the limited building setbacks.
9. Any approval should include a condition that all curb and sidewalk shall be replaced as directed by the Township Engineer.

From: Ed Mack, Zoning Officer

I think that the existing structure is poorly placed on the lot. The house itself is in such poor condition that the idea of adding to this structure would be poor planning. I feel that a new structure better situated on this lot would be a better plan than expanding this structure to this extent.

Shlomo Meyer, affirmed. Withdrawing request for use variance. Proposing an addition to an existing undersized single family dwelling. They are gutting the whole thing. The elevations are the same. The only change is the floor plans.

Mr. Lines - The floor plan was just received which shows a one-family house. The old architectural plan was for the original two-family house.

Mr. Sernotti – would like Mr. Priolo to look at the new information which may make his report to change.

Mr. Meyer - The only thing that he hasn't seen was the inside plan.

The Board asked for new plans to be reviewed by Mr. Priolo.

Motion to table until December 5, no further notice – Mr. Zaks

Second - Mr. Halberstam

Roll call vote: affirmative: Mr. Daniels, Mr. Naftali, Mr. Zaks, Mr. LeCompte,
Mr. Halberstam, Mr. Sernotti

Applicant agreed to waive time.

Appeal # 3589 – Mr. Penzer requested that Appeal # 3589 – Step on me Carpet, Route 9, Block 415 Lot 14, HD-6 zone be carried to the November 7th meeting.

Motion to table – no further notice with a waiver of time – Mr. Zaks

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Daniels, Mr. Naftali, Mr. Zaks, Mr. LeCompte,
Mr. Halberstam, Mr. Sernotti

Appeal # 3507A – Isadore Fisher, 351 Ridge Avenue, Block 244 Lot 11, R-10 zone, Construct a duplex in the R-10 zone.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located on the corner of Ridge Avenue and New York Avenue and is within the R-10 (Single-Family Residential) Zone. The applicant proposes to subdivide existing Lot 11 into three (3) undersized lots and construct two single-family attached structures on new Lots 11.02 and 11.03. The existing single-family dwelling is to remain on new Lot 11.01.
2. The applicant previously received approval from the Zoning Board of Adjustment under Appeal No. 3507 (Adopted December 6, 2004) for special use variances for the proposed townhouse development. The applicant is back before the Board to seek Preliminary & Final Major Subdivision approval. The original application indicated a 4 lot subdivision with a 3 unit townhouse on 3 lots. The Board approved the use subject to the reduction of one townhouse unit and the construction of a “duplex” type structure.
3. In accordance with the new ordinance, the subdivision portion of this application now qualifies as a minor subdivision. The plans should be revised accordingly.
4. In accordance with Section 902 F. of the ordinance, bulk variances will be required for the single-family attached structure and existing single-family dwellings as follows:

	Required	Provided Lot 11.01	Provided Lot 11.02	Provided Lot 11.03
Minimum Lot Area (Single Family)	10,000 s.f.	7,500 s.f.*	6,750 s.f.	6,750 s.f.
Minimum Lot Width	75 feet	60 feet*	45 ft.	45 ft.
Minimum Front Setback	30 feet	7.9 feet*	-	-
Minimum Side Setback (One)	10 ft.	-	0 ft.	0 ft.
Minimum Side Setback (Combined)	25 ft.	-	12 ft.	12 ft.

* Variances approved under Appeal No. 3507.

* The minimum lot width approved for Lot 11.01 was 50 ft. The revisions show a new lot width of 60 ft.

5. The following comments should be addressed with regards to the architectural plans:
 - a. The proposed units do not provide any storage areas for such things as gar dening/yard equipment, bicycles, children’s outdoor toys and garbage and recycling receptacles. The applicant should discuss storage and garbage collection.
 - b. The architectural drawings depict a side, exterior entrance to a basement level. The applicant should be prepared to discuss the intended use of this level.
 - c. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade at the foundation is 30 inches. The plans indicate a six-foot (6’) difference.

6. The following comments should be addressed with regards to the Site Development Plan:
 - a. The Ridge Avenue right-of-way is undersized, according to the Township tax maps the existing R.O.W. is 41.5 ft. A 4.25-foot road widening easement should be provided. Additionally, a 3.5-foot road widening easement should be provided along New York Avenue.
 - b. The proposed drainage easement indicates an area of 4,500 s.f. on the plans, the actual area is 4,600 s.f.
 - c. The plans indicate an existing fence along Ridge Avenue and New York Avenue, the height and size of the fence should be provided to insure no additional variances will be required.
7. The following comments should be addressed with regards to the Grading, Utility & Profile Plan and stormwater management:
 - a. Any existing drainage along Ridge Avenue should be shown. The proposed drainage system will overflow onto Ridge Avenue if it were to fail.
 - b. The proposed slopes listed on the driveways appear to be incorrect and should be checked and revised.
 - c. 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.
8. The following comments should be addressed with regards to the Landscape Plan:
 - a. Additional landscaping should be provided along the lot line between the attached single-family dwelling and existing single-family dwelling.
9. The following comments should be addressed with regards to the Final Plat:
 - a. All certification blocks should reference the Lakewood Township Zoning Board.
 - b. The schedule of requirements should be revised to reflect the new ordinance and setbacks for the single-family attached use.
 - c. A note must be added to the plan indicating that the lot, block, and street addresses have been assigned by the Lakewood Township Tax Assessor's office.
 - d. The Board Secretary certification block for a minor subdivision should be provided, due to the applications new classification as a minor subdivision.
10. Any approval should include a condition that all curb and sidewalk shall be replaced as directed by the Township Engineer.
11. The applicant should receive verification from the Township Engineer that fees for off-tract improvements are not required in accordance with Article V (Off-Tract Improvements) of the ordinance.
12. Any approval is subject to all other approval from Local, State and Federal agencies having jurisdiction over this project.

From: Ed Mack, Zoning Officer

I have no objections to this plan.

Abe Penzer represented applicant. The Board asked for the reduction of one unit.

Brian Flannery, engineer sworn.

Mr. Flannery reviewed Mr. Priolo's report. This application was a bifurcated application.

They came before the board with 3 townhouses and a single family. The board said it was too dense and approved it with the reduction of one of the units. Asking for now is a subdivision of the one lot to create 3 lots. One would hold the existing single family home. They would be fee simple lots. Originally the existing single family was on a 50 foot wide lot, they have made that lot wider. The basement will be used for storage. Trash cans will be stored in the rear of the units. There will be 3 parking spaces for each unit. The fence will be conforming. The new ordinance allows duplexes in this zone. The planning board denied a subdivision for 3 single family homes.

Open to Public. Closed to Public.

Motion to approve and the 30 inches will be up to the township engineer based on the groundwater – Mr. Halberstam

Second – Mr. Le Compte

Roll call vote: affirmative: Mr. Daniels, Mr. Naftali, Mr. Zaks, Mr. LeCompte, Mr. Halberstam, Mr. Sernotti

**Appeal # 3552 – Zebra Holdings – River Avenue, Block 758 Lot 1, B-3 & R-7.5 zones
Site Plan**

Secretary read reports.

From: Jim Priolo, Engineer/Planner – Second Review

1. The property is located on the east side of Route 9 (a.k.a. River Avenue) and is within the R-7.5 (Single-Family Residential) Zone and the HD-6 (Highway Development) Zone. The existing site contains a one-story restaurant that will be removed. The applicant proposes to construct a 63,907 s.f. supermarket/retail building with a mezzanine level. The lower level appears to contain 7 or 8 rental units.
2. The commercial use is a non-permitted use in the R-7.5 Zone. The applicant previously received approval from the Zoning Board of Adjustment under Appeal No. 3552 (Adopted June 27, 2005) for a special use variance for the proposed commercial use. The applicant is back before the Board to seek Preliminary & Final Major Site Plan approval. The approval permitted the proposed use, but did not specify setbacks, parking, building size/location, traffic issues, stormwater management, landscaping and lighting.
3. Variances are required as follows:
 - a. In accordance with Sections 903 G. of the ordinance, bulk variances will be required for the construction of the supermarket as follows:

	Required HD-6 Zone	Provided
Minimum Front Yard Setback	150 ft. (Route 9)	29 ft. (Route 9)
Minimum Improvement Setback	100 ft. (Route 9)	0 ft. (Route 9)

The schedule of requirements provided for the HD-6 Zone are incorrect and should be revised.

- b. In accordance with Section 803 E., the required buffer to the residential zone is 50 ft., whereas no vegetated buffer is proposed. The distance between the parking lot and the adjacent residential use is 18 ft.
- c. In accordance with Section 807, 208 parking spaces are required for the proposed supermarket/office/storage use, whereas 136 spaces are provided. 31 of the proposed parking spaces are within the proposed road widening easement. When the NJDOT improves Route 9, these spaces will be eliminated. This will reduce the proposed parking count to 105 spaces.
- d. In accordance with Section 812 of the ordinance, the maximum sign area permitted is 35 s.f., whereas the applicant is proposing 80 s.f. and the maximum height permitted is 6 feet, whereas the applicant is proposing 18 feet.

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 zoning ordinance.

4. The revised plans indicate a 30 ft. road widening easement along Route 9 dedicated to Lakewood Township. The current right-of-way width is 66 ft. In accordance with a 6/21/05 memo from Glenn Lines, Township Engineer, the NJDOT will require a 110 ft. wide right-of-way in the near future. The easement should be dedicated to the NJDOT.
5. A few years ago, the Township revised the setback requirements along Route 9 to provide a larger separation between the highway and the proposed improvements. Among the reasons was to allow for the hopeful future expansion of Route 9. The State and County have asked the Township to enforce these setback requirements, as it will aid them in any future plans for Route 9.
Therefore the Board should enforce the setback requirements along Route 9.
6. The following comments should be addressed with regards to the Site Plan:
 - a. The sidewalk around the building should be a minimum six feet (6') wide.
 - b. The applicant should provide a truck circulation plan that shows truck routes and a trucks ability to travel through the site.
 - c. Sight angles and distances should be shown at the northwestern most corner of the building to insure that there is not a blind spot for cars exiting the lower parking area.
 - d. The 11-stall parking field between Route 9 and the building should be eliminated, as it appears to create conflicts with the main driveways.
 - e. The architectural show the upper level and mezzanine level to contain the supermarket portion of the building with the only access on the upper or southern side of the building. The supermarket floor area is approximately 35,000 s.f. which requires 129 parking spaces. The upper portion of the site at the supermarket entrance contains 81 parking spaces which is significantly less than what is required. If the NJDOT widens Route 9, the upper portion will contain 50 parking spaces. The applicant should provide testimony as to how the upper parking can support the supermarket use.
 - f. The applicant should provide the anticipated use of the rear unit on the lower/basement level. There appears to be a machine room and equipment room which indicates a possible manufacturing use. The rear access door of this unit should be addressed on the site plan and grading plan. It appears inaccessible to the parking lot.

- g. The applicant should discuss the purpose of the two garage doors on the lower portion of the project.
 - h. A sign is indicated at the sidewalk of the southwest corner of the building. The type of signage should be indicated, as it appears this sign may not belong there.
7. The following comments should be addressed with regards to the Grading & Drainage Plan and Stormwater Management:
- a. Stormwater management should comply with the new Stormwater Regulations and the Residential Site Improvement Standards. As such, the applicant must demonstrate compliance with N.J.A.C. 7:8, revised through February 2004, specifically:
 - i. Stormwater infiltration as required under N.J.A.C. Section 7:8-5.4 shall be addressed and calculations shall be provided.
 - ii. A stormwater management maintenance plan in accordance with N.J.A.C. Section 7:8-5.8 must be provided.
 - b. Drainage inlet castings for Inlet Type 'B' shall be pattern number– No. 2618, 6” with bicycle grates.
 - c. Stormwater management is required on the lower portion of the project. The site abuts a sensitive wetlands and waterway corridor.
8. The following items should be addressed with respect to the Traffic Impact Report and general traffic issues accessing the site:
- a. The traffic report was based on a building 57,400 s.f. in size. The proposed building is 63,907 s.f. in size and therefore the traffic study should be revised accordingly.
 - b. The development as proposed requires an access permit from the NJDOT and based on the size of the development, the application will likely qualify as a Major with Planning Application. This access permit classification (the highest order under NJDOT requirements) will increase the focus the NJDOT places on evaluating impacts to off-site intersections on Route 9. The applicant may be required to evaluate additional intersections on Route 9 to assess the impact of the development.
 - c. The traffic report states that the Route 9/John Street intersection, in its current unsignalized configuration, operates at or over capacity during peak hours without any new development traffic, and implies that the anticipated additional site traffic cannot be accommodated without making improvements to the intersection. The report indicates that construction of a signal at Route 9 and John Street results in good Levels of Service under build conditions, and recommends conducting a signal warrant after completion of the development. The applicant should indicate to the Board who will be responsible for conducting the signal warrant and pursuing Authorization to Design a signal.
 - d. The report indicates that the applicant would contribute fair share contributions towards the construction of a signal to mitigate the impacts of the development. The applicant should quantify the fair share associated with this development. If the intersection cannot adequately function without the signal, the applicant should indicate his disposition with respect to incorporating the signalization improvements into the project.

- e. The on-site parking provided is significantly deficient from the ordinance requirements. The 136 spaces provided represents a 35% deficiency in the parking requirements (72 space deficiency). The traffic report does not provide any information to substantiate this deficit. The applicant should demonstrate to the Board the adequacy of the parking supply under its proposal.
 - f. The access road connecting the northern and southern portions of the parking fields is proposed at a 6% grade with no transitional grades between the parking fields and access road. The applicant should provide a profile of the access road and demonstrate compliance with appropriate geometric design standards/industry practices. The applicant should also address that the interaction of the parking stalls in the vicinity of this steep access road does not compromise safety.
9. The following comment should be addressed with regards to the Landscape and Lighting Plan:
- a. Additional landscaping should be provided at the northern end of the site.
10. The following comment should be addressed with regards to the Construction Details:
- a. A detail for the trench drain should be provided.
11. A copy of the New Jersey Department of Environmental Protection (NJDEP) Letter of Interpretation for the wetlands, must be submitted for review.
12. Copies of all other NJDEP permits should be submitted for review including CAFRA, wetlands, and any other permits required by the State.
13. A copy of the NJDOT permit should be submitted for review.
14. Ocean County Planning Board approval should be shown on the plans.
15. The applicant should apply to, and appear before, all other Local, State and Federal agencies having jurisdiction over this project.

From: Ed Mack, Zoning Officer

I think that until the problems with the front setbacks from the highway are solved it will be hard to move this project forward.

Abraham Penzer represented applicant. The building is setback at 59 feet. They will have 136 parking spaces.

A-1 letter from T & M Assoc

A-2 memo from Glen Lines

A-3 T & M from Max Peters

Bill Stevens, planner, sworn. The proposed ROW for the DOT is 55 feet from the center line to the proposed front property line. Use variance approved. Asking for site approval for a supermarket. Reviewed Mr. Priolo's report. Applicant proposes to construct a supermarket and mixed retail building. Access will be off John Street and off Route 9. Upper level off John Street and lower level off Route 9. There are two levels. Applicant will be leasing 40 parking spaces across the street at Lombardi's property. Minimum front yard setback is 150 feet in the HD-6 zone. Property boundary line borders the railroad tracks.

Mr. Lines – setbacks are not measured from the center of the road.

Mr. Stevens – Entire site is currently paved and applicant not extending any paved area. The DEP would prefer that there would not be a storm water infiltration system on site. A CAFRA permit will not be required for this site. There is 10 feet between the curb line and the ROW of Route 9. They have applied but have not received the LOI yet – DEP will allow them to rebuild within the existing limits. They have applied for a DOT permit and have received Ocean County Planning Board approval. Existing Petersons was located 14 feet to the Right-of-Way. The new building will be located 59 feet from the ROW. Sign area permitted is 39 square feet. Requesting variance for the sign. The lower level will be miscellaneous retail.

Zeev Rothschild, 615 Forest Avenue, affirmed. Entered into negotiations with Mr. Lombard, closing at the end of October. Buying the building with other partners. One of the first things they will do is change the use from a car dealership to a retail area. Most of the cars there now have nothing to do with the dealership and are just being stored there. There will be ample parking for them. There are a lot of constraints on this property. They had to dodge around wetlands and other issues. They cannot change the grade. They are bound by the existing grade. Only allowed to make a right turn into from Route 9. The parking is essentially on the top level. Moved the property as far back and as far north as they can. They leased 40 parking spaces for 30 years. They are on the east side of the property. The tents 16,000 and the existing 9 trailers on Route 88 is about 20,000 square feet. The proposed building is approximately 63,000 square feet. Shop Rite is 68,000 square feet. They need the room to service the community.

Mr. Sernotti – this building can be shrunk down. The retail stores proposed can be located on Route 88. Trying to give the people back what they lost in the fire. We should make it as easy as possible for the dualization of Route 9.

Mr. Penzer - He has done a tremendous job cleaning up the environment.

Mr. Lines – we need to keep back to the setbacks that the Township Committee adopted. The little houses are slowly disappearing. From the center line to the building you have to be 183 feet.

Mr. Rothschild - The property is only 150 feet deep.

Mr. Lines – Required 150 foot front setback and they have 37 feet. They could widen Route 9 and then the parking spaces would have to be eliminated. The site will be impacted by losing the parking spaces and the building will be 37 feet from the highway.

Mr. Rothschild - The property is 387 feet wide on Route 9.

Mr. Zaks - Most of the buildings are nowhere near the 150 foot setback. The issue is parking.

Mr. Lines - Concerned about the parking. If the spaces are eliminated the people will be parking at the bottom of the hill and is a dangerous situation.

Mr. Rothschild - People cannot bring their carts down the hill.

Mr. Halberstam suggested a step down.

Mr. Sernotti – like the application but we have an opportunity to fix it.

Mr. Zaks asked about elevators.

Mr. Rothschild – it does not work. It's good to bring down storage.

A-4 3d model

Mr. Penzer - The applicant has tried as best as he can.

Mr. Halberstam – is there any way we can get a couple more feet.

Mr. Rothschild - Shrunk the building as much as possible.

Open to Public. Closed to Public.

Mr. Stevens - the hill from one level to the other is a 5% slope.

Mr. Halberstam – can that be raised a little? What about the ice and snow?

Mr. Stevens- it is not a hazardous slope.

Mr. Lines – concerned about anybody going down a slope with a full shopping cart.

Mr. LeCompte – no comments

Mr. Zaks – there have been 3 applications on this site that have been turned down - in favor of application - would approve

Mr. Daniels – slope is a dangerous situation – in favor of application.

Mr. Naftali – in favor of application – not in favor of ramp.

Mr. Halberstam – in favor of application - wants slope to have speed bumps and the ramp to have steps.

Mr. Sernotti – in favor of this use - troubled by setback.

Motion to approve subject to complying with Mr. Priolo's report – Mr. Zaks

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Daniels, Mr. Naftali, Mr. Zaks, Mr. LeCompte,
Mr. Halberstam

Nayes: Mr. Sernotti

Motion approved.

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 11:45 P.M.

Respectfully submitted,

Fran Siegel, Secretary