

**LAKWOOD ZONING BOARD OF ADJUSTMENT
MINUTES
DECEMBER 12, 2005 • 7:30 PM**

Meeting was called to order at 7:45 P.M.
Meeting properly advertised according to the Sunshine Law.

ROLL CALL:

Attending: Mr. Gelley, Mr. Gonzalez, Ms. Goralski, Mr. Naftali, Mr. Zaks,
Mr. Lieberman, Mr. Halberstam, Mr. Sernotti

Absent: Mr. LeCompte,

Glenn Harrison, Attorney
Jim Priolo, Engineer/Planner
Steve McCrystal, Court Stenographer
Fran Siegel, Secretary

SALUTE TO THE FLAG:

Appeal # 3471A – Somerset, 245 Chestnut Street, Block 1051 Lots 45 & 46, preliminary and final major subdivision

Ms. Goralski sat out on this application.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is located on Chestnut Street between Manor Drive, Vermont Avenue (gravel) and Mercer Avenue (unimproved) and is within the A-1 (Agricultural) Zone. The applicant is proposing to subdivide existing Lots 45 & 46 into thirty-eight (38) single-family lots and one (1) open space lot. The existing improvements will be demolished.
2. The applicant previously received approval from the Zoning Board of Adjustment under Appeal No. 3471 for special use (density) and bulk variances for the proposed subdivision. The applicant is back before the Board to seek Preliminary & Final Major Subdivision approval. The site layout and lot areas have changed since the original approval.
3. The following comments should be addressed with regards to the Site Development Plan:
 - a. The square footage of the tree preservation area, drainage easements and shade tree and utility easements should be shown on the plan.
 - b. Any existing trees to be saved should be shown (on all plans).
 - c. The pavement width on Vermont Avenue should be shown to be 40 feet wide. The curb should be set 20 feet from centerline.
 - d. Radii should be shown at all curb returns.
 - e. Double width driveways should be provided for the dwellings along Vermont Avenue.

4. The following comments should be addressed with regards to the Grading and Drainage Plan and stormwater management:
 - a. The pavement width of Vermont Avenue should be shown as 40 feet wide. The curb drainage and grading should be revised accordingly.
 - b. The grading plan indicates differences in elevation ranging from 3 ft. to 4 ft. between finished floor and outside grade for the proposed dwellings. The maximum allowable difference is 2.5 ft. The architectural drawings indicate differences of 2 ft. to 2.5 ft.
 - c. There appear to be some discrepancies between the plan view and profiles for the stormwater system.
 - d. 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.
 - e. Certain pipe lengths and types for the trench volume calculations do not correspond to the plan.
 - f. Stormwater infiltration as required under N.J.A.C. Section 7:8-5.4 shall be addressed and calculations shall be provided. It appears the required reductions have not been met for the 10 and 100-year storm events.
 - g. Roof leaders should be connected directly into the storm drainage system.
 - h. The drainage at the Vermont Avenue/Chestnut Street intersection should be revised to propose a cross-drain along Vermont Avenue.
 - i. Handicap ramps should be shown at all intersections.
 - j. All inlets along Vermont Avenue should be Type "B" inlets with curb on each side.
 - k. All drainage easements should be labeled.
 - l. Road elevations should be shown on Chestnut Street.
 - m. There appears to be conflicts between the drainage system and sanitary sewer system.
 - n. Cross drains should be properly spaced and aligned on Vermont Avenue.
 - o. The dual, triple, and quad drainage systems on the plans should be shown to dimension. The inlets should be detailed and sized and properly dimensioned on the plans and detail sheets.
 - p. The drainage easements are undersized due to the extensive piping design. Larger drainage easements are required.
 - q. The underground drainage system is significant in size with very large chambers in rear yards. This system will require extensive maintenance. The applicant should discuss the maintenance of this system and should discuss the feasibility of proposing a stormwater management detention pond.
 - r. The applicant should coordinate with the Township on the overall development of Vermont Avenue. The Township will be constructing Vermont Avenue to the north which may require an alteration in this drainage design.
5. The following should be addressed with regards to the Utility Plan:
 - a. Sanitary manholes should be set at the center of all intersecting streets along Vermont Avenue. Pipe stubs should extend beyond the limits of the pavement.
 - b. Water main stubs with valves should extend to all intersecting streets along Vermont Avenue.

6. The following should be addressed with regards to the Landscape and Lighting Plan:
 - a. All existing trees should be shown. Trees to be saved should be labeled.
 - b. Shade trees should be added to lots that contain no trees.
 - c. The lots (and dwellings) along Chestnut Street should be reviewed to show the 50-foot setback.
7. The storm drainage should be shown on the road profiles for Road A, Chestnut Avenue and Mercer Avenue.
8. The applicant should provide testimony on the proposed use of the basement level, no basement floor plans have been provided.
9. 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.
10. The deed restrictions for the lots/houses should include a condition that the grading of the yards not be altered in order to keep the drainage system properly working.
11. The Certification for the Record Holder should indicate the printed name beneath the signature line, along with a Certification for the Applicant.
12. 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 plan should indicate a Zoning Board Secretary certification stating that, "This plat must be filed in the office of the Clerk of Ocean County on or before _____, which date is ninety FIVE (95) days after the date upon which this plat was signed by the Lakewood Township zoning Board."
 - c. The plan should indicate a Municipal Engineer certification stating that, "I have carefully examined this map and to the best of my knowledge and belief find it conforms with the provisions of the "Map Filing Law" resolution of approval and the municipal ordinances and requirements applicable thereto."
 - d. The plan should indicate a Board Approval block.
13. Ocean County Planning Board approval must be indicated on the plan.
14. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.

From: Ed Mack, Zoning Officer

This application appears to address all of the concerns that the board raised at the first hearing.

Kenneth Pape, Attorney for applicant. They were approved to use the cluster provisions of the R-15 zone with a maximum of 38 building lots. They were asked to increase the green areas, buffers and tree preservations. Received approvals from the Ocean County Planning Board, Soils conservation, and received a Letter of Interpretation from the Department of Environmental Protection. .

Brian Flannery, sworn. Property located in the northwest corner of Chestnut & Vermont Avenue. Changes made were extension of internal roadway initially it was shown as a cul-de-sac. The roadway aligns with subdivision across the street. There will be approximately 2 acres of trees that will be preserved. Provided landscaping along Chestnut Street to buffer the homes.

Mr. Pape – all of the lots in this development are larger than the neighboring developments.

Mr. Flannery – All of the lots are 12,750 and above. Reviewed Mr. Priolo's report. Property has water table issues. The basements could be too close to the water table and he will review each lot with Mr. Priolo. Some lots may have to be more than 30 inches from finished floor to outside grade. Will provide drainage easements. Detention ponds are a maintenance issue. Proposing a homeowners association and they will be responsible for the maintenance of the detention ponds. Developer will not finish the basement and plans do not show outside entrances to the basements.

Mr. Priolo – Requested a 40 foot wide road because the town has plans to pave the road. The Township has a state grant to pave the road. He will agree to a 30 foot wide road for now.

Mr. Priolo – Some of the lots will have a water table problem - go with the 30 inches for now. Agreed to view each lot with Brian Flannery to determine outside grade.

Mr. Flannery – this project is proposed drainage on the easterly side of the roadway. – there will only be 5 to 12 inch difference in height. It will not be noticeable.

Mr. Gonzalez- his basement has 2 sub pumps. Concerned. Suggested no basements – they should be built on slabs. If the basements get flooded they are useless.

Mr. Pape – the collection system is designed to be located above the water table. Taking steps to make sure that they are not in the water table.

Mr. Zaks asked for additional planting on the westerly side of the property.

Open to Public.

Bernard Hillebrand, 1159 Manor Drive, sworn. Live on the end of Manor Drive. They have water problems now. The neighborhood has septic. This will definitely raise the water level. Thirty-eight more houses will create more traffic. They are taking away the trees that are now sucking up the water.

Closed to Public.

Mr. Flannery – this development will be public sewer and water.

Mr. Zaks suggested a 4 foot fence around the 3 houses on Chestnut Street.

Raphael Zucker, affirmed. –Think it would look nicer if the 3 houses faced Chestnut Street. The driveways and the road access will be from the new street or Vermont Avenue. Will comply with all the setbacks.

Mr. Sernotti – would agree that the houses should face Chestnut Street.

Motion to approve with tree buffering on the west side of the project, parking on one side only on road "A" – Mr. Zaks

Second – Mr. Naftali

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

RECESS

Appeal # 3499A – Somerset Mam, Cedarbridge Street, Block 761 Lots 1-3 Site Plan

Secretary read reports.

From Jim Priolo, Engineer/Planner – Second Review

1. The subject property is located on the south side of Cedar Bridge Avenue, between Ashley and Arlington Avenues, and is within the B-3 (Highway Business) Zone. The existing site is undeveloped and entirely wooded. The applicant proposes to construct a building containing retail/office space on the first floor and garden apartments on the three upper floors.
2. The residential and mixed commercial/residential use is a non-permitted use in the B-3 Zone. The applicant previously received approval from the Zoning Board of Adjustment under Appeal No. 3499 (Adopted October 18, 2004) for special use and bulk variances for the proposed commercial/residential development. The applicant is back before the Board to seek Preliminary & Final Site Plan approval. The approval permitted the proposed use, but did not specify a unit count.
3. The following comments should be addressed with regards to the Site Plan:
 - a. The main entrances for the retail use are along Cedar Bridge Avenue. The applicant should consider relocating the handicap accessible spaces closer to these uses.
 - b. The applicant should discuss/clarify if the proposed trash enclosure is for the retail/commercial or residential use or shared. The applicant should discuss how trash collection will be addressed for the residential use.
 - c. The location of the site identification sign, if any, should be shown on the plans.
 - d. The applicant should discuss if residential parking will be separated from the commercial parking.
 - e. All drive aisles and sidewalks should be dimensioned.
 - f. Sight triangle easements should be shown at all street corners.
 - g. The applicant should address truck circulation throughout the site for the residential uses.
4. The following comments should be addressed with regards to the Grading & Utility Plan and stormwater management:
 - a. The data and elevations provided in the report don't correspond with the data provided on the plan. These disparities should be corrected.
 - b. It is unclear what Section 1 of the proposed conditions refers to.
 - c. Curb and pavement grades should be provided for the new curb along Center Street. Drainage should be added if required.

- d. Ownership and maintenance of the stormwater system should be addressed.
 - e. Profiles should be updated to include the addition of Inlet #8A.
5. The following comments should be addressed with regards to the Lighting & Landscaping Plan:
 - a. There is a discrepancy between the plan and planting schedule.
6. Ocean County Planning Board approval must be indicated on the plan.
7. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.
8. 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

This application appears to address all of the concerns that the board raised at the first hearing.

John P. Doyle, represented applicant. They are here now for site plan approval.

- A-1 Site Plan
- A-2 Architectural rendering
- A-3 floor plan

Stuart Challoner, sworn. They received an approval for a mixed use development. There is 13,380 square feet on the first floor. There are 36 apartment units, second through 4th floor. The retail use is on the first floor. Provided are two separate trash enclosure, one for the commercial (private pick-up) and the Township is responsible for the residential. The parking will be used throughout the residential use and the commercial use.

Ralph Zucker, 52 Cabinfield Circle, affirmed.

Mr. Challoner – There will be two separate fenced in enclosures. There is one space per 200 square feet of office. Required is 121 spaces and they are providing 139.

Mr. Priolo – they should designate one spot per unit - 36 parking spaces for the residents in the back. The required is 54 spots for residential.

Mr. Doyle agreed to designate 36 spaces for residential.

Mr. Challoner – will provide handicap spaces on both sides of the building. Four in the back and 4 in the front, 2 on each end. Cedarbridge will be an entrance only.

Mr. Doyle – trucks will only be coming in from Cedarbridge Avenue and exit from Ashley or Arlington Avenue.

Mr. Challoner – suggested trucks exit only to Ashley Avenue. Not providing loading zones in the front. There is a loading zone behind the building.

Mr. Halberstam would like to see the trash enclosures in a more centralized location.

Mr. Challoner – will try to relocate it.

Open to Public. Closed to Public.

Mr. Challoner – there will be 4 handicap spaces in the back and 2 in the front – one on each end.

Motion to approve handicap parking and trash enclosures, trucks, etc. – Mr. Halberstam

Second – Mr. Zaks

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

Appeal # 3458A – Lakeview Place, Ocean Avenue, Block 548 Lot 80, RM zone.
Preliminary and final major subdivision

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The subject property is 6.34 acres in size and is located along Ocean Avenue (New Jersey State Highway Route 88) between Victor at Lakewood and the Oak Manor developments and is within the R-20 (Single-Family Residential) Zone. The Applicant proposes to subdivide the proposed multi-family units into 75 individual lots (74-residential lots, 1-Homeowners Assoc. lot).

On November 3, 2003, the Applicant received use variance approval for the Proposed multi-family units which are not a permitted use in the R-20 Zone. The Applicant then returned before the Board to seek preliminary and final site plan approval for the multi-family development. Approval was granted via Appeal No. 3458A, adopted June 7, 2004. The Applicant has now returned before the Board for Preliminary & Final Major Subdivision approval. The site design has remained the same as the approved Site Plan

2. This report is being offered with respect to the final subdivision only.
3. The Applicant must submit a copy of the Homeowners Association agreement, which shall include the following:
 - a. A stipulation that the maintenance of the parking areas shall be the responsibility of the Homeowners Association.
 - b. An easement dedicated to the Homeowners Association for the maintenance of the berms should be provided for areas of the berms that are located on the individual homeowners lots.
 - c. A 20 ft. wide drainage easement dedicated to the Homeowners Association should be provided for any drainage structures that are located on the individual homeowners lots.

- d. A 20 ft. wide sanitary sewer easement dedicated to the Lakewood Township Municipal Utilities Authority should be provided for the sanitary structures located within the Homeowners Association lot (Lot 80.75).
 - e. A 20 ft. wide waterline easement dedicated to the Lakewood Township Municipal Utilities Authority should be provided for the waterline located within the Homeowners Association lot (Lot 80.75).
 - f. A copy of the proposed blanket easement to be dedicated to the respective utility companies for the installation and maintenance of electric, phone, CATV and any other necessary utilities not covered under an individual easement should be provided.
4. The final plats should be amended to include the following:
- a. All easements should indicate the dimensions, area and to whom they are dedicated. Descriptions of all easements should be provided for review prior to filing in the Office of the Ocean County Clerk.
 - b. The reference meridian use to establish the bearings on the map should be referenced.
 - c. Adjoining property owners should be listed on the plan.
 - d. The error of closure of the tract boundary should be provided.
 - e. The plan should indicate a Zoning Board secretary certification stating that, "I CERTIFY THAT THE LAKEWOOD TOWNSHIP ZONING BOARD HAS APPROVED THIS MAP FOR FILING IN THE COUNTY CLERK'S OFFICE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE MAP FILING LAW. THIS CERTIFICATION SHALL EXPIRE UNLESS THIS MAP IS FILED ON OR BEFORE THE FOLLOWING DATE _____, WHICH IS NINETY-FIVE DAYS AFTER THE DATE UPON WHICH THIS PLAT WAS SIGNED."
 - f. The 12 ft. wide right-of-way dedication along the eastern site boundary should be indicated on the final plat for the entire length of the frontage.
 - g. All Municipal Clerk certifications should reference the Lakewood Township Zoning Board.
5. Ocean County Planning Board approval must be indicated on the plan.
6. 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

This application appears to address all of the concerns that the board raised at the first hearing.

John Doyle, attorney for applicant. The Board approved a use variance and site plan. They are not changing anything seeking to create individual lot lines.

Brian Flannery, Engineer for applicant. The market is not there for renters. The residents will own the unit instead of renting. The one minor change was that they are now asking for basements. The basements will be for storage only. The front 26 units are on slabs. The rest will be 20 inches from finished floor to grade. There will be no outside entrance to the basement. There will be no decks and no changes to the structures. These units are 20 feet wide and 30 feet deep. With rentals there is not as much need for storage.

Mr. Doyle – The unit will continue to be a three bedroom unit and will not change.

Mr. Sernotti – have no problem with the fee simple but do have a problem with the basement.

Mr. Flannery – the basement height will be 8 feet.

Shlomo Kanarek , 137 East 8th Street, affirmed. They attempted to build this as rentals. As a rental most renters do not care if there is a basement or not. Owners need a place to put their stuff. There is no way there would be a tenant – they have to go through the kitchen to get to the basement. The whole apartment is 1200 square feet. There is no market for rentals.

Mr. Lieberman – the board is concerned about people living there which would affect the parking.

Rabbi Kanarek – there is no entrance to the basement other than through the living room.

Mr. Zaks – it really is imperative to have a basement for a play area and storage. This is a small unit.

Mr. Gelley – to buy into a unit without a basement – the unit may not sell.

Rabbi Kanarek – the outside is not changing at all.

Open to Public. Closed to Public.

Mr. Doyle - The existing 26 will remain without basements.

Motion to approve subject to 1) 20 inches to grade, 2) no exterior entrances, 3) fee simple units, 4) entrance to basement inside unit - Mr. Zaks

Second – Mr. Gonzalez

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

Appeal # 3593 – Cong. Sons of Israel, 4th Street & Monmouth Ave, Block 127 Lot 4, B-2 zone. Preliminary and Final major subdivision and site plan approval.

Secretary read reports.

From: Jim Priolo, Engineer/Planner

1. The property in question is located on the corner of Fourth Street and Monmouth Avenue and is within the B-2 (Central Business) Zone. The existing site contains

a 2-story masonry building. The applicant is proposing to subdivide the existing lots into seven (7) individual lots (6-residential lots, 1-Homeowners Assoc. lot). The residential lots will contain two 3-unit townhouse structures.

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:

	Required	Provided
Minimum Tract Boundary (Setback)	20 ft.	3.5 ft. (Monmouth Ave.) 10 ft. (4th St.) 12 ft. (rear yard)
Minimum Tract Width	125 ft.	100 ft.
Maximum Building Coverage	35%	35.2%

The zoning table should be revised accordingly.

3. 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.

4. Should the Board approve the special reasons variance, the following bulk variances will be required for the proposed subdivision. In accordance with Section 1010 B.1. of the ordinance, bulk variances for the proposed subdivision are required as follows:

	Req.	Provided Lot 4.01	Provided Lot 4.02	Provided Lot 4.03	Provided Lot 4.04	Provided Lot 4.05	Provided Lot 4.06
Min. Front Setback	25 ft.	3.5 ft. (Mon. Ave.) 10 ft. (4th St.)	5 ft.	3.5 ft.	-	-	10 ft.
Min. Rear Setback	20 ft.	11.5 ft.	13.5 ft.	11.5 ft.	11.5 ft.	13.5 ft.	11.5 ft.
Min. Side Setback	12 ft.	-	-	4 ft.	4 ft.	-	-

The rear setback should be measured to the rear deck and the side setback should be measured to the individual lot line.

5. The following variances will be required:

a. In accordance with Section 807 A. and the Residential Site Improvement Standards, 16 spaces are required for the proposed townhouse use, where as 14 spaces are provided. A variance will be required for this proposed non-conformity.

b. In accordance with Section 818 A.5., states that all other steps, excluding the landing or the stoop, may project into any front or rear yard setback, whereas the front landing is projecting into the front yard setback for Lot 4.02 (1 ft. from Monmouth Avenue R.O.W.).

- c. In accordance with Section 803 E.2., a minimum 15' wide buffer with dense plantings is required along the parking area adjacent to the existing public library located on adjacent Lot 1.
6. The following comments should be addressed with regards to the Site Development Plan:
 - a. All easements should be shown and should include the dimensions, areas and to whom they are dedicated.
 - b. The applicant should address turnaround movements at the end of the parking lot. The parking lot has been designed with minimum dimensions.
 - c. Existing improvements on the adjacent lots should be shown. A sight triangle should be shown at the driveway to insure there are no improvements obstructing views.
 - d. Fencing or other means of buffering should be provided around the site.
 - e. Trash collection should be addressed as no trash enclosure is proposed.
 - f. The applicant should address open space and recreational opportunities.
 - g. All curb and sidewalk should be removed and replaced along Fourth Street and Monmouth Avenue.
7. The following comments should be addressed with regards to the Grading and Drainage Plan and stormwater management:
 - a. 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.
 - b. The triple pipes and oversized structures should be properly dimensioned and shown on the plan.
 - c. A 20 ft. wide utility easement dedicated to New Jersey American Water should be provided for any sanitary sewer and water structures located within the Homeowners Association lot.
 - d. A 20 ft. wide drainage easement dedicated to the Homeowners Association should be provided for any drainage structure located on the individual Homeowners lots.
8. The following comments should be addressed with regards to the Landscape and Lighting Plan:
 - a. Additional lighting should be provided along the sidewalk on Lots 4.03 and 4.04.
 - b. Additional landscaping should be provided along the parking lot along Fourth Street.
9. The architectural plans indicate a separate outside entrance to the basement level of the dwellings, the applicant should be prepared to discuss the intended use of this level.
10. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade at the foundation is 30 inches, whereas the proposed difference is 36 inches.
11. Any approval should include a condition that all curb and sidewalk shall be replaced as directed by the Township Engineer.
12. Any approval should include a condition that a Homeowners Association in accordance with Section 1010B.9 of the ordinance be established. The applicant shall submit a copy of the Homeowners Association Agreement to the Board Attorney for review.

13. The following comments should be addressed with regards to the Final Plat and Map Filing Law:
 - a. The shading of the Homeowners Associate lot area appears incorrect on the plat.
 - b. All certifications should reference the Lakewood Township Zoning Board.

From: Ed Mack, Zoning Officer

I think these units are too big for this corner lot especially in view of the setbacks from Fourth Street and Monmouth Avenue.

Abraham Penzer represented applicant. Applicant is building a new chapel next to the cemetery. In order to have money to continue the construction they need to sell this property. A townhouse development across the street for 11 townhouses was approved by the Planning Board with a zero lot line. They preferred to have the parking in the rear so cars do not back out onto 4th Street. They designed this lot the same.

Mr. Flannery – Proposing 6 townhouses – not exceeding density – deviating from standards for conditional use. This is the downtown area. Reviewed Mr. Priolo's report.

A-1 site plan for stores and depicts townhouses

A-2 site plan

Mr. Flannery – the positive criteria outweighs the negative.

Mr. Priolo – comfortable with the parking.

Mr. Flannery – they have provided site triangles according to RSIS. The units are 26 x 42. They are not large units. They have 14 parking spaces where 16 is required.

Chaim Abadi, affirmed. The Homeowners Association is for the parking lot. The only ones using the backyard are the owners themselves. There us about 15 feet of yard.

Mr. Sernotti – There is too much for this property.

Mr. Penzer – an office building which is permitted has no parking requirements. There is no requirement for a playground.

Mr. Priolo – a patio would give you more area to play than a deck.

Mr. Gonzalez – would prefer that these units face 4th Street and there be a play area.

Open to Public. Closed to Public.

Mr. Penzer – they need the money to pay for the Chapel. They cannot afford to lose a unit.

Mr. Zaks suggested that they come back with a different plan.

Motion to table until February 6, 2006, no further notice and a waiver of time –

Mr. Naftali

Second – Mr. Halberstam

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

RESOLUTIONS

Appeal # 3591 – Feige Brecher, 33 Martin Street, Block 25.04 Lot 44, R-12 zone.
Resolution to approve an addition – variance for lot coverage approved.

Motion to approve - Mr. Gonzalez

Second – Mr. Halberstam

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

MOTION TO ADJOURN.

All in favor.

Meeting adjourned at 11:45 P.M.

Respectfully submitted,
Fran Siegel, Secretary