

**LAKWOOD ZONING BOARD OF ADJUSTMENT  
FEBRUARY 7, 2005  
MINUTES**

Meeting was called to order at 7:30 P.M.

Meeting properly advertised according to the Sunshine Law.

Salute to the flag.

Roll call attending: Mr. Daniels, Ms. Deutsch, Mr. Gonzalez, Mr. Naftali,  
Mr. LeCompte, Mr. Gelley, Mr. Halberstam,

Absent: Mr. Zaks, Mr. Sernotti

Also present: Kathy Elliott, Engineer  
Glenn Harrison, Attorney  
Steve McCrystal, Court Stenographer  
Fran Siegel, Secretary

Motion to accept minutes of January 3, 2005 with a waiver to read – Mrs. Deutsch  
Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Daniels, Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali,  
Mr. Le Compte, Mr. Gelley, Mr. Halberstam

Motion to accept annual report – Mrs. Deutsch  
Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Daniels, Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali,  
Mr. Le Compte, Mr. Gelley, Mr. Halberstam

Secretary read letter from Mr. Wouters requesting that **Appeal # 3548, Preferred Enterprises,**  
be carried until the March 7th meeting.

Motion to carry – Mr. Daniels

Second – Mrs. Deutsch

Roll call vote: affirmative: Mr. Daniels, Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali,  
Mr. Le Compte, Mr. Gelley, Mr. Halberstam

No further notice.

**Appeal # 3526 – Faraday Estates,** West Cross Street, Block 508 Lots 1, 2, 3, & 11, M-1  
zone. To obtain a use variance for the future subdivision to create 18  
residential lots.

Secretary read reports.

**From: Jim Priolo, Engineer/Planner**

Second Review

1. The property in question is located along West Cross Road, between Franklin Boulevard and Faraday Avenue, and is within the M-1 (Industrial) Zone. The applicant proposes to subdivide existing Lots 1, 2, 3 & 11 into nineteen (19) lots. Eighteen (18) lots will be single-family residential dwelling lots and one (1) lot will be proposed as open space. The two existing single-family dwellings will be razed.

- In accordance with Section 18-15 of the ordinance, the proposed single-family residential use is not a permitted use in the M-1 Zone. Therefore, a special reasons 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.

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.

- In addition to the special reasons variance, the applicant is seeking bulk variances for dimensional relief for a future subdivision as follows:

	<b><u>Required (M-1)</u></b>	<b><u>Proposed (Residential Use)</u></b>
Minimum Lot Area	3 acres	15,030 s.f./ 0.34 acres (min.)
Minimum Lot Width	300 ft.	90 ft. (min.)
Front Yard Setback	50 ft. (Township) 100 ft. (County)	30 ft.
Minimum Side Yard Setback (One)	30 ft.	10 ft.
Minimum Side Yard Setback (Combined)	70 ft.	25 ft.

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.

- Six (6) proposed lots (1.02, 1.03, 1.04, 1.05, 1.06 and 1.07) will be double frontage lots as a result of this application. A conservation easement should be considered along the Faraday Avenue and West Cross Street frontages.
- The applicant is requesting dimensional relief to create a residential subdivision that meets the R-12 (Single-Family Residential) Zoning requirements. The Board should note that this is a four (4) zone step down from the adjoining A-1 (Residential) Zone, which requires a minimum lot area of 2 acres.
- The applicant should discuss how stormwater management will be addressed during the subdivision phase of this project.
- The applicant should discuss if there are any environmental constraints on this property. An NJDEP Absence/Presence letter for any wetlands should be a condition of approval.
- Any approval should require that the 100-foot setback requirement on County roads be maintained.
- Any approval should be subject to Preliminary and Final Major Subdivision approval.

10. The applicant is proposing a  $\pm 5,750$  linear foot utility extension to serve the proposed subdivision. Any approval should be subject to approval from the proper authority.
11. It should be noted that the applicant has previously appeared before the Board for approval of a twenty-seven (27) lot subdivision on the same property under appeal No. 3441 and was denied.

**From: Ed Mack, Zoning Officer**

Although this plan has less density than before, these lots are still significantly smaller than the existing lots.

Abraham Penzer represented applicant.

Mark Steinberg represented objector Carol Murray.

A-1 area map

A-2 site plan

A-3 color photos – shows physical conditions of existing property

A-4 industrial uses existing in neighborhood

A-5 twenty-three photos depicting conditions of property

A-6 four elevations of Faraday

Mr. Halberstam asked if there was any correspondence from the mediation sessions.

Mr. Harrison – there was no correspondence from Mr. Bateman who was the mediator.

Mr. Penzer attended all mediation sessions.

Mr. Penzer – property in the M-1 zone and 123 acres. The applicant could build a 200,000 square feet building and have 500 employees. Would rather see residential homes than the permitted uses in the industrial zone. Through mediation the plans was revised to satisfy the existing neighbors. There is no traffic on Franklin Avenue. Re-designed the plans.

Charles A. Boyles, Engineer/Planner with Flannery, Webb & Hansen, sworn.

Mr. Boyles described the permitted uses in the M-1 zone and referred to A-4. Map was revised to reflect 18 residential lots. The intent was to make a buffer and open space as much as possible. Approximately 2 acres is open space.

Mrs. Deutsch – the plans show 11.5 acres.

Mr. Boyles – it is 11.5 acres. Licensed planner and have read the Master Plan of the Township of Lakewood. The granting of the bulk variances will not impair the zoning plan for this area. The best way to develop this property would be with residential.

Mr. Boyles reviewed Mr. Priolo's report. Applicant agreed to a conservation easement along the Faraday Avenue and West Cross Street frontages. Stormwater management will be a collection recharge system. A school is a permitted use in the M-1 zone and would have a greater impact in the area. The applicant is open to any suggestions that the board has for the open space

proposed.

Mr. Steinberg cross-examined Mr. Boyles.

Mr. Boyles – the open space will be deeded to the Township. Schools are permitted in residential zones.

Sam Nebenzahl, 22 Esti Circle, affirmed. In favor of project. Property adjoining this proposed development are the most effected. The property is now an eyesore and would love to get rid of it. Would not want a school there. The houses will not face Faraday Avenue.

Robert Cook, 45 Drake Road, sworn. Too dense – asked for 2 acre lots. Be consistent, keep the neighborhood the same. In favor of residential, but too many homes. Would rather have the commercial than the density.

Janet Scher, 1050 Cross Street, sworn. Too dense. This proposal is not consistent with the area. These lots should conform to the 2-acre zone.

Michel Eisenstadt, 24 Esti Circle, affirmed. In favor of this development. A commercial building would affect the traffic on Faraday Avenue and their quality of life. A residential neighborhood would be much better.

Arielle Schulman, 59 Drake Road, sworn. Want residential. The area is 2-acres and they should comply. Eighteen homes are too many. Office space would not affect their quality of life. This is a nice area because of the ruralness.

Pat Cook, 45 Drake Road, sworn. They chose to move into this area because of the 2-acre zoning. A residential home was just turned into a school.

Ari Marburger, 8 Esti Circle, affirmed. Concerned about the safety of the area. The site now is run down, junk cars and not safe. Urged the board to approve some sort of housing in this area.

Robert Bitterman, 14 Esti Circle, affirmed. Adjacent to this property. At night this site is not safe. Would like to see homes. Drake Road is very far away. Nobody that lives on Drake Road will ever see the people that live on Faraday Avenue. We are most concerned about the area. To build a factory or a school would not be something that we want.

Tony DiStefano, 72 White Road, sworn. Bought a home on 2 acres. This is not a hardship. Recommend that you approve 11 homes on the 5 acres.

Theresa Doyle, 625 James Street, sworn. Live across the street. Asked if more homes could be built on the now 2 acre lots.

Edward Kelly, 963 Bellevue Avenue, sworn. Live next to property. Concerned – had mediation with Mr. Bateman. They came up with 16 homes with buffers, etc. Went from 16 to now 18. Want houses there. There are 3 schools within a \_ mile of each other.

Morris Flancbaum, 899 Bellevue Avenue, affirmed. His backyard abuts the property. Built the road and it is a 2 acre neighborhood. A commercial property would ruin the property value and would be devastating. Went to the 3 meetings with the mediator. The general consensus was that they want residential. There were 40 people there. They were off by one house in agreeing. Concerned about the additional schools in the area. Asked for a deed restriction that no school be built there. The open space should also be deed restricted for parks

Y.... Birnhack, 18 Esti Circle, affirmed. Bought the house because they enjoy the open space. This property is an eyesore. All the neighbors want residential homes. Would also like to see less homes.

Roger Lebedz, 220 Newport Avenue, sworn. Live about a block away. The site has always been an eyesore. The amount is up to the board to decide but he would prefer to see housing.

Andrew Janiw, Colts Neck, planner for objector.

Board accepted credentials.

Mr. Penzer questioned Mr. Janiw and objected to him being an expert in Lakewood.

Mr. Sternberg offered Mr. Janiw is an expert for these purposes.

Mr. Halberstam advised the board members to take the testimony as face value.

Mr. Janiw - examined the site, driven the area.

Pictures shown of properties, aerial photos, zone lines.

Mr. Penzer objected to the aerial photos from 2002.

Mr. Halberstam stick to the current Master Plan and the photos. The Board wants to see something more up to date.

Mr. Sternberg – will submit the exhibit without the aerials.

Mr. Harrison – the board has the discretion to accept it or not accept it.

Mr. Janiw – map from Master Plan shown indicating that the property is in the Urban Enterprise Zone. There has to be a special purpose to grant a use variance. The burden of proof has not been met. Reviewed goals of the Master Plan. The applicant has not met the burden with respect to the negative impact of the Master Plan or the town's ordinance.

Mr. Penzer cross examined.

Closed to Public.

Mr. Penzer summed up. Named some of the objectors that were not on list. Should listen to the neighbors who are in the neighborhood. Every 5 years the Township is supposed to do a new

Master Plan. Many people have been before this board to ask for variances for the lot area for the A-1 zone. The A-1 zone is traditionally a holding pattern zone. There are over 30 schools in the Industrial Park. The townhouses on Route 9 are in the UEZ zone. He has shown the purpose of zoning and to listen to the people there.

Mr. Steinberg – he must obtain 5 affirmative votes. Mr. Penzer has not proved the negative criteria for this application. No testimony as to why it can be approved at one acre or two acres. Decision must be made on the facts. This is a 19 lot subdivision with no proof other than it will be better than what is there now. The application as presented should be denied.

Mrs. Deutsch asked exactly what was being voted on.

Mr. Harrison – voting on a special reasons variance with bulk variances. Voting on the plan as submitted, 19 lots and 18 homes.

Mr. Halberstam polled the board.

Mr. Daniels – the area is 2 acre lots – too dense for area. This development is too dense for the area. One of the few areas left in town with open spaces and this is too much crowding. Would not be in favor as is.

Mr. Naftali – residential is the best for the area, could cut off one or two houses.

Mrs. Deutsch – project too dense.

Mr. Gelley – in favor of application as is.

Mr. LeCompte – no objection. Would vote to approve.

Mr. Gonzalez – too dense.

Mr. Halberstam – the people in the area would not mind 16 homes – suggest bringing it down to 16 homes, loosening the density and not remove the trees from the front of the houses neither on Faraday Avenue or on Franklin Boulevard so the houses will be secluded behind the tree line to come to a compromise.

Motion to deny – Mr. Daniels

Second - Mr. Gonzales

Roll call vote: affirmative: Mr. Daniels, Mr. Gonzales,

Nayes: Mrs. Deutsch, Mr. Naftali, Mr. LeCompte, Mr. Gelley,  
Mr. Halberstam

Mr. Harrison – agreed to not deny the application now we need a new motion.

Mrs. Deutsch – wish it could come in looking different.

Motion to approve with 16 units, keep the buffers as strong as possible – Mr. Naftali

Mr. Harrison - cannot rework the plan.

Mr. Halberstam – the motion is to use the same plan, just remove 2 houses wherever he wants and make each lot bigger.

Kathy Elliott – the applicant has to come back with an application and a new plan.

Mr. Daniels - we have to vote on what is before us.

Mr. Steinberg – you cannot redo his site plan. He can come back with a new plan.

Mr. Halberstam – the motion to deny was overturned.

Mr. Steinberg - cannot redo the plan tonight.

Mr. Penzer suggested that no vote be taken and they will come back with 16 homes.

Motion to approve to remove 2 homes – Mrs. Deutsch

Mr. Harrison – Kathy Elliott needs to see the plan. All you can vote on is whether you approve 18 houses with 19 lots or not approve.

Mr. Halberstam - Can we approve the use without the number of lots? Can we bifurcate the application?

Mr. Steinberg – you have to vote on what is there.

Mr. Halberstam – I was directing the application to Mr. Harrison.

Mr. Harrison – vote on the application as in front of you. If it is turned down they still have the right to come back.

Mr. Halberstam – I agree.

Motion to approve - Mr. Naftali

Second - Mr. LeCompte

Roll call vote: affirmative: Mr. Naftali, Mr. LeCompte, Mr. Gelley, Mr. Halberstam,  
Mrs. Deutsch

Nays: Mr. Daniels, Mr. Gonzalez

Motion to table # **3493A Avinash Gupta** until March 7 – Mrs. Deutsch

Second – Mr. Naftali

Roll call affirmative: Mr. Daniels, Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali,  
Mr. LeCompte, Mr. Gelley, Mr. Halberstam

No further notice.

Motion to table #**3464 David Godin** until March 7 – Mrs. Deutsch

Second – Mr. Naftali

Roll call affirmative: Mr. Daniels, Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali,  
Mr. LeCompte, Mr. Gelley, Mr. Halberstam

No further notice.

Motion to carry **#3528 Mark Properties** until March 7 – Naftali

Second –Mrs. Deutsch

Roll call affirmative: Mr. Daniels, Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali,  
Mr. LeCompte, Mr. Gelley, Mr. Halberstam

No further notice.

Recess

**Appeal # 3508 – 283 Ridge Avenue, LLC, 283 Ridge Avenue, Block 235 Lot 16, R-7.5**  
zone. Use variance to construct townhomes.

Secretary read reports.

**From: Jim Priolo, Engineer/Planner**

1. The property in question is located on Ridge Avenue between Nowlan Place and Westwood Avenue and is within the R-7.5 (Single Family Residential) Zone. The applicant is proposing to demolish the existing dwelling and construct 2 two-family structures.
2. **Special Reasons Variances** will be required for this project because the applicant is;
  - a. **Proposing a use in a district restricted against such use.** In accordance with Section 18-12.3 of the Ordinance, multi-family dwellings are not a permitted use in the R-7.5 Zone. The applicant is proposing four (4) multi-family dwellings.
  - b. **Requesting an increase in the permitted density.** The maximum gross density in the R-7.5 Zone based on single-family detached use and minimum lot area is approximately 6 units/acres. It appears the site can yield 2 conforming single-family lots. The applicant is proposing two, two-family units and a density of 9.3 units/acres.

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.

Additionally, the applicant must demonstrate to the Board that the requested spe-



cial reasons variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

- Should the special reasons variances be granted, the applicant will require bulk variances during the site plan review phase of this project. The bulk requirements of Section 18-12.4e. (multi-family dwellings) should be applied to the site plan portion of this project. Variances will be required as follows:

	<b><u>Required</u></b>	<b><u>Proposed</u></b>
Maximum Lot Coverage	20%	36.2%
Side Yard Setback	25 ft.	6 ft.

- Should the special reasons variance be granted, the applicant will require bulk variances during the subdivision phase of this project. In accordance with Subsection 18-12.3, variances will be required for new Lots 16.01-16.04 as follows:

	<b><u>Required</u></b>	<b><u>Provided Lot 16.01</u></b>	<b><u>Provided Lot 16.02</u></b>	<b><u>Provided Lot 16.03</u></b>	<b><u>Provided Lot 16.04</u></b>
Minimum Lot Area	7,500 s.f.	5,175 s.f.	4,425 s.f.	4,425 s.f.	4,725 s.f.
Minimum Lot Width	50 feet	31.5 feet	29.5 feet	29.5 feet	39 feet
Minimum Side Setback	7/15 feet	0/6 feet	0/5 feet	0/5 feet	0/7 feet
Maximum Lot Coverage	30%	30.4%	35.6%	35.6%	33.3%

The zoning schedule should be revised accordingly.

- The architectural drawings depict a front, exterior entrance to a basement level. Additionally, the elevation difference between finished floor and outside grade is approximately six feet (6'). The applicant should be prepared to discuss the intended use of this level.
- The applicant should discuss any proposed storage areas for such things as gardening/yard equipment, bicycles, children's outdoor toys and garbage and recycling receptacles.
- The applicant should discuss how stormwater management will be addressed during the site plan review phase of this project.
- The Ridge Avenue right-of-way is undersized and there is no apparent space for on-street parking. An 8.5-foot road widening easement would be recommended on any future subdivision/site plan application.

The easement area should not be used as area for parking calculations. The applicant should discuss an alternative to meeting the parking requirement.

Approval of this application is subject to approval of Preliminary and Final Major Site Plan and Subdivision applications.

**From: Ed Mack, Zoning Officer**

Although there are townhouses in this area this project is much too dense. If three units were proposed instead of four it would be much more conforming in terms of lot coverage, side lines and frontage.

Abraham Penzer represented applicant.

Charles Boyles, Engineer

Mr. Boyles reviewed Mr. Priolo's reports.

A-1 Color rendering

Mr. Boyles – existing structure 6 family house and old. Proposing 4 dwelling units as townhouses, 2 duplex buildings fronting on Ridge Avenue. Bulk variances are needed. Proposed front yard setbacks of 36 feet along Ridge Avenue to provide for off-street parking. This is a reduction in the actual density that currently exists. There is 10 feet between the structures. There are 4 parking spaces per dwelling unit only 3 is required by RSIS.

Open to Public.

Walter Tumeniak, 118 Glen Avenue South, sworn. Own adjacent property. The applicant is seeking every variance imaginable, use variance, density, bulk, etc. Concerned about the side setback variance will be only 7 feet from his property line. Asked if they could move the house towards the rear so that it does not block his view.

Sam A. Christopher, Central Avenue, sworn. Will there be 4 or 3 parking spaces.

Mr. Boyles - providing 4 parking spaces. The setback of 7 feet does meet the requirements of the R-7.5 zone.

Mr. Christopher - how big is the lot and how big are the houses?

Mr. Boyles – Lot is 18,000 square feet. Each dwelling unit will be 24 x 64.

Mr. Christopher - how many people now in the 6 units?

Mr. Mack – about 9 bedrooms between the 6 units.

Closed to Public.

Mrs. Deutsch – there are now 9 bedrooms and proposing 20 bedrooms. This is a little too dense. Would be much more comfortable with 3 units. By reducing the units we will be creating a greater buffer for the neighbors.

Mr. Daniels – the side yard setback of 7 feet for the R-7.5 zone would not apply to this application.

Kathy Elliott – voting only for use of multi-family in the R-7.5 zone.

Motion to approve use only – Mr. Le Compte

Second – Mrs. Deutsch

Roll call affirmative: Mr. Daniels, Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali,  
Mr. LeCompte, Mr. Gelley, Mr. Halberstam

**Appeal # 3516 – Marcy Janora**, Oak Street, Block 1158 Lot 3, A-1 zone. Single family home on an undersized lot. Required – 2 acres – proposed 12,334 square

Secretary read reports.

**From: Jim Priolo, Engineer/Planner**

1. The subject property is located between Oak Street and Audubon Avenue (unimproved) and is within the A-1 (Agricultural) Zone. The applicant proposes to construct a single-family dwelling, which will require bulk variances. The existing lot does not conform to the current zoning requirements. In accordance with Section 18-11 of the ordinance, bulk variances will be required as follows:

	<b><u>Required</u></b>	<b><u>Provided</u></b>
Minimum Lot Area	2 ac.	0.28 ac.
Minimum Lot Width	200 ft.	80 ft.
Minimum Front Yard Setback (Audubon Avenue)	50 ft.	32 ft. (house) 20 ft. (deck)

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 purpose of the zone plan and zoning ordinance.

2. The applicant should address the Board regarding the visual impacts which the proposed dwelling will have on the surrounding properties.
3. In accordance with Section 18-5 of the ordinance, every principal building shall be built upon a lot with frontage upon a public street. The subject property has approximately 85 feet of semi-improved roadway frontage along Oak Street. However, this part of Oak Street will be improved as part of the construction of the private school located across the street from the subject property. The school is currently under construction.
4. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade at the foundation is 30 inches.
5. Any approval should be subject to approval from the Ocean County Health Department for the septic system.
6. Any approval should include a condition that curb and sidewalk shall be installed along the entire roadway frontage.

**From: Ed Mack, Zoning Officer**

No objection for the use of this undersized lot.

Ray Shea represented applicant. Adjacent property owner, NJ American Water Company had no interest in selling their lots. They could not agree on an offer to purchase their lot.

Open to Public. Closed to Public.

Motion to approve – Mrs. Deutsch

Second - Mr. Gonzalez

Roll call vote: affirmative: Mr. Daniels, Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali,  
Mr. Le Compte, Mr. Gelley, Mr. Halberstam

**Appeal # 3541 – Yomah, Inc.** 31 High Street, Block 782 Lot 19, R-7.5. Single family home on an undersized lot, required 7,500 – proposed 7,000.

Secretary read reports.

**From: Jim Priolo, Engineer/Planner**

1. The subject property is located on High Street and is within the R-10 (Single Family Residential) Zone. The Applicant proposes to demolish the existing dwelling and construct a new, larger single-family dwelling. The existing lot does not conform to the current zone requirements. In accordance with Section 18-12.2 of the Ordinance, bulk variances will be required for the construction of the proposed single-family dwelling as follows:

	<b>Required</b>	<b>Provided</b>
Minimum Lot Area	10,000 s.f.	7,000 s.f.
Minimum Lot Width	75 feet	50 feet
Minimum Side Setback (One)	10 feet	7.5 feet
Minimum Side Setback (Combined)	25 feet	15 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 the zoning ordinance.

The Applicant should address the Board regarding the visual impacts, which the new structure will have on the surrounding properties.

2. Adjacent Lot 20 is shown as vacant on the plan. The Applicant should discuss if any attempt has been made to purchase additional land from the adjacent property owner.
3. The Applicant should provide information regarding the proposed use of the basement level and the provision of a separate entrance.
4. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade at the foundation is 30 inches.
5. 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**

Since this application would replace a single family house with a new single family house I have no objection to it.

Abe Penzer represented applicant.

Mr. Penzer – There is no property available. There are homes on both sides.

Aaron Rottenberg, 207 Carey Street, affirmed. These are single family homes. The driveways are in front of the house.

Open to Public. Closed to Public.

Motion to approve with the reduction of the house to 33 feet – Mrs. Deutsch

Second – Mr. Naftali

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

nayes: Mr. LeCompte

**Appeal # 3542 – Aaron Rottenberg, 19 High Street, Block 782 Lot 16, R-7.5 zone.**

Single family home on an undersized lot, required 7,500 – proposed 7,000

Secretary read reports.

**From: Jim Priolo, Engineer/Planner**

1. The subject property is located on High Street and is within the R-10 (Single-Family Residential) Zone. The applicant proposes to demolish the existing dwelling and construct a new, larger single-family dwelling. The existing lot does not conform to the current zone requirements. In accordance with Section 18-12.2 of the Ordinance, bulk variances will be required for the construction of the proposed single-family dwelling as follows:

	<b><u>Required</u></b>	<b><u>Provided</u></b>
Minimum Lot Area	10,000 s.f.	7,000 s.f.
Minimum Lot Width	75 feet	50 feet
Minimum Side Setback (One)	10 feet	7.5 feet
Minimum Side Setback (Combined)	25 feet	15 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 the zoning ordinance.

The applicant should address the Board regarding the visual impacts which the new structure will have on the surrounding properties.

2. The applicant should provide information regarding the proposed use of the basement level and the provision of a separate entrance.

3. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade at the foundation is 30 inches.
4. 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**

This is another application involving replacing an older single family with a new single family so I have no objection.

Abe Penzer represented applicant.

Mr. Penzer – will be the same house as 31 High Street - agreed to the 33 foot width of the house.

Open to Public. Closed to Public.

Motion to approve reducing the width of the house to 33 feet – Mrs. Deutsch  
Second – Mr. Naftali

Roll call vote: affirmative: Mr. Daniels, Mrs. Deutsch, Mr. Gonzalez, Mr. Naftali,  
Mr. Le Compte, Mr. Gelley, Mr. Halberstam

Mrs. Deutsch had to leave.

**Appeal #3540 – Bnos Yisroel School for Girls, 115 9th Street, Block 133 Lot 9, RM zone.** Two family house on an undersized lot, variances required for side setbacks, lot coverage, frontage.

Secretary read reports.

**From: Jim Priolo, Engineer/Planner**

1. The subject property is located on Ninth Street and is within the R-M (Multi-Family Residential) Zone. The Applicant proposes to demolish the existing single-family dwelling and construct a new, larger two-family dwelling.
  
2. Although multi-family dwellings are permitted in this zone, this application does not meet the conditions of Subsections 18-10.2 and 18-12.4e. (Area Requirements) and therefore, a **Special Reasons Variance** will be required. A special reasons variance is required because the Applicant is:
  - a. **Deviating from a standard pertaining solely to a conditional use.** In accordance with Subsection 18-10.2, multi-family structures exceeding 1,000 square feet shall be limited to two bedrooms (80% of total dwelling units shall be one bedroom, 20% of the total dwelling units shall be two bedroom). The Applicant is proposing two 4 (four)-bedroom units.  
  
Additionally, the Applicant is requesting variances from the Schedule of Area Requirements listed under Subsection 18-12.4e. as conditional standards for multi-family dwellings. Variances are required as follows:

	<u>Required</u>	<u>Provided</u>
Minimum Lot Area	12,500 s.f.	12,000 s.f.
Minimum Lot Width	100 feet	80 feet
Minimum Side Setback	25 feet	12.1 feet
Maximum Lot Coverage	20%	25%

- b. **Requesting an increase in permitted Floor Area Ratio (F.A.R.).** The maximum permitted F.A.R. is 0.40, whereas the applicant is proposing a F.A.R. of 0.61.

It appears that the basement was not included in the calculation of F.A.R. The Schedule of Zone Requirements should be revised.

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:

- i. A deviation from a standard pertaining solely to a conditional use,
- ii. An increase in permitted F.A.R.

The Applicant must demonstrate to the Board that the requested special reason variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and the zoning ordinance. Additionally, the Applicant should address the Board regarding the visual impacts the proposed dwelling will have on the surrounding properties.

3. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade at the foundation is 30 inches.
4. Any approval should include a condition that curbs and sidewalks should be removed and replaced as directed by the Township Engineer.
5. In accordance with R.S.I.S., a minimum of 5 spaces (2.5/unit x 2 units) is required for this development. The plan proposes four (4) spaces. Therefore, a parking variance is required.
6. The Applicant should provide testimony on the proposed use of the basement level. The drawings indicate a separate outside entrance to the basement level.

**From: Ed Mack, Zoning Officer**

I see no advantage to replacing a single family house with a two-family. This is a relatively small lot and should remain a single family.

Ray Shea represented applicant.

Mr. Shea – Proposed is a two family unit in a multi-family zone - this is consistent with the zone.

Lawrence Shreiber, 922 East County Line Road, Architect, affirmed.

Shlomo Kanarek, 9th Street, affirmed. There are 4 parking spaces shown.

Mr. Halberstam – would like to see 5 maybe even 6.

Open to Public. Closed to Public.

Motion to approve with the 5th parking space – Mr. Gelley

Second – Mr. Daniels

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

## **Resolutions**

**Appeal # 3510 – Sterling Developers**, 999 Vermont Avenue, Block 1100 Lot 23, A-1 zone.

Resolution to deny density variance.

Motion to approve – Mr. Daniels

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Daniels, Mr. Gonzalez, Mr. Naftali, Mr. Le Compte,  
Mr. Halberstam

**Appeal # 3535 – Aaron Bloch**, 414 Monmouth Avenue, Block 128 Lot 6, RM zone. Resolution to construct a multi-family dwelling on a 7,500 square foot lot where 12,500 is required. Variances approved for lot width, lot coverage and sideyard setbacks.

Motion to approve – Mr. Gonzalez

Second – Mr. Daniels

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

**Appeal # 3484 – Bnos Yisroel School for Girls**, 200 Bruce Street, Block 250 Lots 10 & 11, B-4 zone. Resolution to approve use variance for car storage lot.

Motion to approve – Mr. Daniels

Second – Mr. Naftali

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

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 11:30 P.M.

Respectfully submitted,

Fran Siegel, Secretary









