

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 dwellings on undersized lots) and to allow an increase in the maximum permitted density. In order to achieve this, the applicant should explain why the two-family use on undersized lots with the requested density is a better planning and zoning alternative than the two-family use on conforming lots.

3. In accordance with Section 902 G.4., bulk variances will be required for the proposed subdivision and two-family dwellings as follows:

	Required	Provided Lot 20.01	Provided Lot 20.02	Provided Lot 20.03	Provided Lot 20.04
Minimum Lot Area	10,000 s.f.	5,470 s.f.	5,309 s.f.	6,898 s.f.	5,000 s.f.
Minimum Lot Width	50 ft.	-	-	-	-
Minimum Front Setback	25 ft.	-	-	-	10 ft. (Bruce St.)
Minimum Rear Setback	5 ft.	5 ft.	5 ft.	9 ft.	14.7 ft.
Maximum Lot Coverage	30%	30.9%	31.9%	-	33.9%

	Required	Provided Lot 20.05	Provided Lot 20.06	Provided Lot 20.07	Provided Lot 20.08
Min. Lot Area	10,000 s.f.	5,000 s.f.	5,000 s.f.	4,818 s.f.	5,726 s.f.
Min. Lot Width	50 ft.	-	-	48.7 ft.	44 ft.
Min. Front Setback	25 ft.	-	-	-	-
Min. Rear Setback	15 ft.	7.7 ft.	7.7 ft.	7.8 ft.	7 ft.
Max. Lot Coverage	30%	33.9%	33.9%	35.2%	-

	Required	Provided Lot 20.09
Min. Lot Area	10,000 s.f.	5,969 s.f.
Min. Lot Width	50 ft.	47 ft.
Min. Front Setback	25 ft.	-
Min. Rear Setback	15 ft.	-
Max. Lot Coverage	30%	-

It should be noted that the rear setback and lot coverage should account for the deck and front stoop.

4. The following comments should be addressed with regards to the architectural plans provided:
 - a. The architectural plans provided include plans for a 26 ft. wide unit, whereas no 26 ft. wide unit is proposed.
 - b. Windows should be proposed for the basement apartments.
 - c. The building fronts should be enhanced with brick, stucco or some other architectural enhancement.

5. The following comments should be addressed with regards to the Site Plan:
 - a. The Dewey Avenue and Pearl Street right-of-ways are undersized. A 5-foot road widening easement would be recommended.
 - b. The applicant should discuss if any fence will be provided along the side and rear lot lines.
 - c. A note should be added to the plan stating that, "existing concrete curb and sidewalk shall be removed and replaced as directed by the Township Engineer".
 - d. A new handicap ramp should be proposed at the corner of Bruce Street and Dewey Avenue.
 - e. The plan proposes 5 parking spaces across the front of each building which may give the appearance of a parking lot.
6. The following comments should be addressed with regards to the Grading & Drainage Plan and stormwater management:
 - a. It appears as though a pipe run and manhole are missing in front of Lots 28.08 and 28.09.
 - b. It appears that the pipe diameters and lengths do not correspond with those used within the stormwater report.
 - c. In accordance with Section 815, storm sewer requirements and standards for all development shall be those required by the New Jersey Residential Site Improvement Standards. Therefore stormwater infiltration shall be addressed, it appears that the required reductions for the 2 and 10-year storm have not been met.
 - d. Roof leaders should be shown as connected directly into the storm drainage system.
 - e. The drainage system should be contained on-site within drainage easements (minimum 15 ft. width) dedicated to the Homeowner's Association.
 - f. The Township Department of Public Works requests that no private drainage system connect into existing Township drainage systems. The applicant should be prepared to contain all the stormwater runoff on site and must provide for emergency runoff.
 - g. The inlets and manholes should use consecutive numbers for the labels.
 - h. Inlet Cb-14 should be relocated to the north so that it is outside of the parking area.
7. The following comments should be addressed with regards to the Landscape Plan:
 - a. Additional landscaping should be provided along the perimeter of the site as well as the lot lines between the structures.
8. The following should be addressed with regards to the Utility Plan:
 - a. A pavement restoration detail should be provided that shows full width pavement restoration (curb to curb).
 - b. A profile of the sanitary sewer line within Dewey Avenue should be provided.
9. The applicant must submit a copy of the Homeowners Association agreement, which shall include the following:
 - a. It is suggested that the Homeowners Association include ownership and maintenance of the drainage easement and the drainage structures. A minimum 15' wide easement is preferred.
 - b. A copy of the proposed easement to be dedicated to the Homeowners Association for the maintenance of storm structures should be provided.
 - c. It should be noted that the responsibility of maintaining the stormwater system should be the Homeowners Association and not the Township of Lakewood.
 - d. A draft copy of the Homeowners Association documents should be submitted. Maintenance plan for the stormwater system should be included.

10. The following comments should be addressed with regards to the Final Plat:
 - a. The zoning schedule should be revised to account for the deck and steps for setbacks and lot coverage.
 - b. The following should be revised in accordance with the Map Filing Law:
 - i. A point of beginning should be provided.

From: Ed Mack, Zoning Officer

The idea of including duplexes in the new UDO was to allow for this kind of development but on much larger lots. I see no good reason to allow further density in this area of small lots. It appears that six duplexes could be built here which was the intention of the UDO.

Abe Penzer represented applicant.

Brian Flannery, sworn.

A-1 site plan

A-2 aerial exhibit

A-3 architectural rendering

A-4 photographs of the site

Mr. Flannery described the 4 exhibits including the housing in the area. The property is zoned R-7.5 which allows duplexes on 10,000 square foot lots. They have 49,190 square feet. They could go to the Planning Board with 4 duplexes and 1 detached single family with basements. The proposed plan is a better planning alternative. Single family homes in this area do not make sense. There is double frontage on Cottage Avenue and Dewey Avenue. This plan would benefit the neighborhood.

Mr. Flannery reviewed Mr. Priolo's report. Requesting 15.9 units per acre and can be granted without any detriment to the zone plan or master plan. This plan also provides a safer environment for the community. The density is a transition down from what is on both sides of them. The Peter Ward Apartment is 6 stories high. The John Curry Building is 6 stories high. Need lot area variances for all of the units. They agreed to put windows in the basements. He will meet with Mr. Priolo and Mr. Franklin to work out an acceptable drainage system.

Mr. Gonzalez – Like this layout but concerned with density, green space. Would like to see fewer units so that there is more space for the kids to play.

Mr. Flannery - Providing a housing opportunity for families.

Mr. Halberstam – he likes the plan. This is a two-family house on one lot and eliminating the apartment in the basement. There shouldn't be any fencing between the properties to allow for openness. Asked if the houses can be shifted to have more space between each house.

Mr. Priolo – there are draining easements running up and down on the sideyards. There may be 5 cars stacked in front of each unit. They need to contain their stormwater on site. They need to address the water quality.

Mr. Flannery – the underground pipes would contain the run-off. Will satisfy Mr. Priolo's concerns.

Mr. Mack – this is too dense.

Open to Public.

Norwood Johnson, 300 Dewey Avenue, Object to the density of the project.

Yitzchok Lomner 319 Dewey Avenue. In favor of application.

Mr. Flannery – this is uniquely shaped – front setbacks along Dewey and frontage on Bruce Street and Pearl Street.

Mr. Penzer - This is an undue hardship.

Mr. Flannery – they could put a 6 foot high, white vinyl fence along the property line and landscape. Applicant agreed to 28 foot wide units.

Motion to approve with no fences between the units only along the perimeter and a 28 foot wide house – Mr. Halberstam

Second – Mr. Gelley

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

Motion denied.

RECESS

APPEAL # 3619 – CHARLES PARNES, Forest Drive, Block 12.01 Lot 24, R-12 zone, Single family house on an undersized lot.

Mr. Sernotti stepped down.

Mr. Halberstam, Vice Chairman

Secretary read reports.

From: Jim Priolo, Engineer/Planner – Second Review - December 27, 2006

1. The subject property is located on Forest Drive and is within the R-12 (Single-Family Residential) Zone. The existing lot is vacant. The applicant proposes to construct a new 2-1/2-story single-family dwelling on the existing undersized lot.

2. In accordance with Section 902 E. of the Ordinance, bulk variances will be required for the construction of the proposed single-family dwelling as follows:

	Required	Proposed
Minimum Lot Area	12,000 s.f.	11,932 s.f.
Minimum Lot Width	90 ft.	50 ft.
Minimum Side Setback (Both)	25 ft.	22 ft.

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.

3. The applicant should provide testimony on the proposed use of the basement and attic levels. The drawings indicate a separate outside entrance to the basement level.
4. Any approval should include a condition that curb and sidewalk be required along the entire frontage.
5. It appears the applicant is proposing a sanitary sewer line extension. The applicant should provide a sewer extension plan.
- 6 Any approval should include a condition that the maximum elevation differences between finished floor and outside grade is 30 inches.
7. A grading and drainage plan should be submitted for review to address the ± 5 foot elevation difference on the property.

From: Ed Mack, Zoning Officer

This house has been redesigned to better fit this narrow lot. I do feel however, that lowering the roof height by dropping the roof pitch and eliminating the attic dormer as well as keeping the sill height as close to grade as is practical, the house would look less imposing on this lot.

Mark Williams, attorney for applicant. Mr. Parnes has transferred the property to Arboretum Properties LLC who is also Mr. Parnes. They will agree to Mr. Macks comments.

Brian Flannery reviewed Mr. Priolo's report. This is an existing vacant lot and applicant is proposing a single family two and a half story building. The lot is 11,931 square feet where 12,000 is required, lot width existing is 50 feet where 90 feet is required. There are lots on each side and the applicant was unable to obtain additional property. There is a two foot jut out to the kitchen. The majority of the house is 30 feet wide except for the 2 feet for the jut out. The house will fit into the area. The basement is intended for storage facilities and for the kids. Will connect to sanitary sewer. Agreed to 30 inches from finished floor to grade. Requested relief is minimal. There is a side entrance to the house that you can go either up or down.

A-1 aerial photo of property and surrounding area.

Aaron Schuster, 119 Gudz Road, affirmed. Licensed real estate sales associate.

Offered as an expert for purposes of residential real estate evaluations.

Board accepted qualifications as a realtor not as an appraiser.

Mr. Schuster testified that two separate lots are always going to be worth more than one lot. Two homes are always going to be worth more than one home. Lot 8 & Lot 24 are worth the same. New construction injects excitement into the neighborhood and helps to increase the value of existing homes. Two buildable lots are worth more than one lot.

Mr. Zaks – You do not have two buildable lots without getting a variance.

Mr. Williams – the law allows for the value of the lot if approved buildable.

A-2 - Letter dated March 20, 2007 addressed to Hilltop Property Partners addressed to Arboretum Partners LLC.

Mr. Williams – Hilltop Property Partners owns Lot 8 which is adjacent to lot 24. No purchase or sale was accomplished.

Mr. Harrison - This is just an informational letter and we don't know what the offer was or the counter offer.

Mr. Williams - The dollar amount of the offer is irrelevant. Both sides agreed that they would always be worth more as buildable lots.

A-3 - Reinhardt application of 1989 – minutes and resolution.

A-4 - WKD Realty application of 1990 – minutes and resolution

A-5 – group of deeds all to lot 24

A-6 – group of deeds to lot 8

Mr. Williams - adjoining undersized lots are owned by related entities does not effect a merger. Hilltop Partners has one member who is Aviva Parnes and Arboretum Properties have one member who is Charles Parnes and they are husband and wife. The Doctrine of res judicata does not apply - referring to the Reinhardt application in 1989, he asked for a variance to put a house on this lot and was denied. Mr. MacNamara owned both lots at one time – he sold one lot off and left a 50 foot wide lot remaining. It was denied because the board determined that he created his own hardship. Lot 8 & 24 was never in common ownership but lot 24 & 25 were.

Mr. Mack - If there is common ownership and there are two lots and one is undersized than they are merged.

Mr. Williams – The title search does not search land use history. Lot 24 & 8 did not show any grounds for merger. The self created hardship is one of the things that the board has to consider. Time has brought in other factors that obscure the self created hardship of January 1971. Lots 24 & 25 were independent tax lots through 4 conveyances. The applicant is an innocent purchaser.

Mr. Harrison – we are not going to make a decision tonight. We need to read the information that was provided.

Roberta Burz, attorney for objector. It is their position that the transfer of title is not a complete change of title – there are huge gaps. Referred to exhibits. If the application is the same it doesn't matter if 20 years have past the case cannot be heard again. The MacNamara's owned both lot 24 & 25 at one time. (referred to deed from 1969 – 1971)

O-1 chart that client prepared to help understand the common ownership of the 3 lots.

Ms. Burz –The hardship travels with the land. It doesn't matter who created the hardship.

Mr. Harrison – the board has to decide resjudicata.

Linda Kelley, 60 Forest Drive, sworn.

Mr. Halberstam suggested that a special meeting be held to continue this application.

Motion to carry until April 30, 2006 Special Meeting, with a waiver of time and no further notice – Mr. Zaks–

Second – Mr. Naftali

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

MOTION TO ADJOURN.

All in favor.

Meeting adjourned at 11:05 P.M.

Respectfully submitted,
Fran Siegel, Secretary