



2. A special reasons variance will be required as follows:
  - a. To permit a use in a district restricted against such use. In accordance with Section 902 E. of the Ordinance, the proposed medical garage use is not a permitted use within the R-12 Zone. The only permitted use in this Zone is single-family detached.

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 (emergency medical vehicle garage). In order to achieve this, the applicant should explain why the garage use is a better planning and zoning alternative than the traditional single-family residential concept.

3. In accordance with Section 902 E.4., bulk variances are required as follows:

|                            | Required    | Provided   |
|----------------------------|-------------|--|
| Minimum Lot Area           | 12,000 s.f. | 6,406 s.f.   |
| Minimum Lot Width          | 90 ft.      | 56 ft.   |
| Minimum Front Yard Setback | 30 ft.      | 4 ft. (Royal Ct.)<br>6.6 ft. (New Central Ave.)<br>22.9 ft. (Lakewood-<br>New Egypt Rd.) |

4. In accordance with Section 803 E., a minimum 50 ft. buffer is required along all three property lines, whereas no buffer is provided due to the lot size and configuration.
5. The following comments should be addressed with regards to the Site Plan:
  - a. Concrete driveway aprons should be proposed for both driveways.
  - b. The proposed sidewalk location conflicts with the existing utility pole and guy wire. This discrepancy should be revised.
  - c. The applicant should discuss if any type of site identification sign is proposed.
  - d. A note should be added to the plans that curb and sidewalk shall be removed and replaced or constructed as directed by the Township Engineer.
6. The following comments should be addressed with regards to the Grading, Drainage and Utility Plan and stormwater management:
  - a. The roof leaders should be connected into the existing stormwater collection system.
  - b. It appears ponding will occur in the existing/proposed low spots within the wooded area. The applicant may want to convert the existing storm manhole to an inlet.
  - c. A profile for the proposed sanitary sewer force main should be provided.
7. The following comments should be addressed with regards to the Landscape Plan:
  - a. The applicant should discuss lighting for the site as none is shown.
8. The following comments should be addressed with regards to the Construction Details:
  - a. A detail for the pavement/roadway restoration trenches should be provided.
  - b. A roof leader detail should be provided.
9. Ocean County Planning Board approval must be provided.

10. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.

**From: Ed Mack, Zoning Officer**

No objections to this application.

Steve Pfeffer, represented applicant.

Mordechai Senderovits, 1211 North Lake Drive, affirmed. Administrator for Hatzolah. Volunteer emergency medical services. The township donated the land providing they get the approval for the garage to house emergency vehicles. They now have two facilities in Lakewood, one on County Line Road and one on Monmouth Avenue. They respond to over 2,800 calls a year. They need coverage in the West Gate and surrounding areas. They have purchased another ambulance and park at the synagogue across the street from this property. There is a community need for this facility. Now the ambulance has to go to the other side of town to restock their equipment. It will have a similar look to the facility on Monmouth Avenue.

Mr. Gonzalez asked if other sites in the area have been researched.

Mr. Senderovits – This location is about a mile and a half from West Gate. Responders go to the area to pick up the ambulance. The members are volunteers and they live in the area and it is easier for them to pick-up the ambulance at this location.

Mr. Pfeffer – there is a deed restriction for Hatzolah purposes only.

Brian Flannery, engineer/planner, sworn. Reviewed Mr. Priolo's report. Proposing to build a 1,480 square foot facility for Hatzolah in the R-12 zone. This use does work well on the site. The application was submitted to Ocean County Planning Board. This is an inherently beneficial use. The lot is 6,400 square feet and there is no way to add to that. Lights will be standard lights and will not be directed and shielded from any residences.

Mr. Priolo – fine with the application.

Open to Public.  
Closed to Public.

Mr. Zaks – obviously a beneficial use to the township and the community.

Ms. Goralski – there is a need for this type of facility but would like the building scaled down.

Mr. Naftali – this is a central location for this type of use. The beneficial aspects override the negative aspects of it.

Mr. Gonzalez- concerned about the traffic coming around the curve.

Mr. Priolo – building comes up to site triangle but does not go into it.

Mr. Flannery – there will be no parking on that side of the building. There is adequate parking.

Ms. Goralski - The building is too large for the lot and will create a safety hazard on that corner.

Mr. Flannery – the site triangle has to be maintained. Trimming off a couple of feet will not make a difference.

Mr. Pfeffer - They need that size building to house two rigs and cannot reduce it.

Mr. Flannery –the front setback to Lakewood New Egypt road is 22.9 feet and New Central is 6.6 feet that is to the right-of-way.

Mr. Priolo - They are staying out of the site triangle. The building actually is about 70 feet from Lakewood new Egypt Road because of the right-of-way.

**Motion to approve use and site – Mr. Zaks**

Second – Mr. Lazzaro

**Roll call vote:** affirmative: Mr. Gelley Mr. Gonzalez, Mr. Lazzaro, Mr. Naftali, Mr. Zaks, Mr. Lankry, Ms. Goralski

**APPEAL # 3665 – OMNIPOINT**

Block 1082.01 Lot 36, New Hampshire Avenue. Use variance for a cell tower.

Secretary read reports.

**From: Jim Priolo, Engineer/Planner – March 11, 2008**

1. The subject property is located off of New Hampshire Avenue just north of the border with Dover Township and is within the R-20/R-12 (Single-Family Residential) Cluster Zone. The applicant is proposing to install six (6) new telecommunication panel antennas on top of the existing MUA water tank. Additional improvements include the construction of three (3) unmanned equipment cabinets on a concrete slab.
2. In accordance with Section 1012.D., wireless communication facilities on non-municipal property are **NOT** permitted in the R-20/R-12 Zone. Therefore, use variance and site plan approval is required for this non-conforming use.
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 use in a district restricted against such use.
4. In accordance with Section 1012.D.1.n., the maximum height of a tower for a single user is 90 feet, whereas 92 feet is proposed.

5. In accordance with Section 1012.D.2.a., all equipment storage buildings or cabinets shall comply with all applicable building codes.
6. In accordance with Section 1012.D.1.s., towers shall maintain a minimum radial separation distance of 1,500 feet from residential dwelling units or lands zoned for residential use, whereas the minimum distance provided is  $\pm 235$  feet.
7. The Schedule of Bulk Requirements should be revised to reflect the bulk requirements for the R-20 Zone, specifically the rear and side setbacks.
8. The following comments should be addressed with regards to the Site Plan:
  - a. The plan indicates that the proposed chain link fence and gates will be constructed by others. The applicant should discuss who the "others" are.
  - b. The applicant should propose chain link fence around the equipment cabinets and telephone cabinet since the site will be accessed by MUA employees as well as telecommunication employees.
  - c. The applicant should discuss if any lighting will be proposed at the site for access during the evening hours.
  - d. The lot and block in the title should be corrected to Block 1082.01 and Lot 36.
9. The applicant should present the findings of the report entitled, "Antenna Site FCC RF Compliance Assessment and Report, Omnipoint Communications, Site NJ-08-580A, New Hampshire Avenue, Lakewood, NJ", dated December 17, 2007, prepared by Pinnacle Telecom Group.
10. Approval by the Board should be subject to approvals from all other Local, State and Federal agencies having jurisdiction over this project.

**From: Ed Mack, Zoning Officer**

Attaching this unattractive structure to another unattractive structure makes more sense than making another area unattractive.

Warren Stilwell represented applicant. This type of facility is permitted on Municipal property. This property is not considered municipal. A use variance and height variance is required. They are not building a tower, they are placing antennas on the MUA water tower.

Daniel J. Collins, 14 Ridgedale Avenue, Cedar Knolls, NJ, sworn.  
Board accepted credentials.

Mr. Collins prepared report.

A-1 antenna site FCC assessment and compliance report.

Mr. Collins - They are more than 1,000 times below the FCC standards that determine the safe exposure.

Mr. Naftali asked for a more recent report.

Mr. Collins – FCC has not changed their standards or its position from this notice. There is no evidence that the weak radio frequency signals from bay stations have any effect on human health.

Mr. Naftali asked to see that report.

Saurab Soud, 4 Sylvan Way, Parsippany, NJ., sworn. Radio Frequency Engineer Board accepted credentials.

Mr. Soud – Omnipoint is licensed by the FCC to provide reliable coverage to their customers.

A-2 – radio frequency base plot

Mr. Soud - Described A-2, sites in Lakewood twp. Showed areas that have unreliable coverage.

There is a need for coverage at the proposed site to fill in the coverage gap. If approved they will be able to provide reliable coverage for the people traveling Route 70.

Ms. Goralski – this board recently granted a variance for antennas at 1400 Route 70 which is one and half miles away. There are so many Omnipoint antennas in a very small area.

Mr. Soud – at 1400 Route 70, it is a rooftop and 79 feet and would not be able to fill in their gap.

Mr. Gelley - Why not increase the height of the existing one?

Mr. Soud – even if they go higher they will still not be able to provide reliable two-way communication between the mobile and the antenna.

Ms. Goralski - Why can't we get maximum coverage from the existing antennas?

Mr. Soud - We cannot cover the gap without additional antennas. They need to build to provide reliable coverage to their customers.

Mr. Gelley - Can't they get something with less antennas and better frequency?

Mr. Soud - There are other factors taken into consideration – can only operate at a certain frequency.

Mr. Zaks - How far from this proposed site is there a permitted zone for antennas?

Timothy M. Kronk, Post Office Box 465 Mendham, NJ., sworn. Professional Planner Board accepted credentials.

Mr. Kronk – closest M-1 zone would be off New Hampshire Avenue and Route 70.

Mr. Soud – At the corner of New Hampshire Avenue & Route 70 they would not be able to fill in the gap for coverage even using directional antennas.

Mr. Zaks – do not see why we should approve a non-permitted use in this area.

Peter J. Tardy, Wall, NJ sworn. Professional Engineer  
Board accepted credentials.

Mr. Stilwell - MUA contacted them today and asked for some modifications to the plan.

A-3 enlarged area plan and elevation

Mr. Tardy described A-3 and the changes. MUA asked to provide a chain link fence that would separate the Omnipoint facility from the MUA facility. They will install 3 equipment cabinets. They will install 6 antennas on the top of the water tank at 92 feet. Once every 4-6 weeks a technician conducts maintenance at the site. No site lighting is proposed for this facility.

Recess

Mr. Stilwell asked for this application to be continued in order to provide the testimony to evaluate the industrial zone to the July 7th meeting. He agreed to grant any extension of time.

**Motion to continue to the July 7th meeting –Mr. Zaks**

Second – Mr. Gelley

**Roll call vote:** affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lazzaro, Mr. Naftali, Mr. Zaks,  
Mr. Lankry, Ms. Goralski

No further notice.

**APPEAL # 3671 – SOMERSET DEVELOPMENT**

Block 189 Lots 110, 111.01, 111.02, 112, 113, 114, R-20 zone.  
Ocean Avenue, use variance for 86 lots, 74 single family dwellings,  
3 commercial lots, 1 community center, 8 open space lots.

Ms. Goralski recused herself.

Secretary read reports.

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

1. The subject property is located on Ocean Avenue and is within the R-20 (Single-Family Residential) Zone. The applicant proposes to subdivide the existing lots into eighty-six (86) lots, which will consist of seventy-four (74) residential townhouse lots, one (1) community center lot, eight (8) open space/community/homeowners association lots and three (3) commercial lots.

2. In accordance with Section 902 C. of the Ordinance, townhouses and commercial buildings are not permitted uses in the R-20 Zone. Additionally, the proposed multi-family development exceeds the permitted density in this Zone. Therefore, **special reasons variances** will be required as follows:
  - a. **To permit uses in a district restricted against such use.** The proposed townhouse and commercial uses are not permitted uses within the R-20 Zone. The only permitted residential use in this Zone is single-family detached.
  - b. **To allow an increase in permitted maximum gross density.** The maximum gross density in the R-20 Zone based on single-family detached use and minimum lot area is approximately 2.2 units/acre. It appears the site can yield 24 conforming single-family lots. The applicant is proposing 74 units in multiple buildings and a density of 6.8 units/acre (without commercial lot areas). 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 **uses in a district restricted against such uses (townhouse and commercial use)** and **an increase in permitted density**. In order to achieve this, the applicant should explain why the townhouse use with the requested density and the commercial use is a better planning and zoning alternative than the traditional single-family residential concept.

3. In accordance with Section 803 E. the application will require a minimum 50-foot buffer to existing single-family development during the site plan phase.
4. The applicant should be prepared to discuss the type of commercial use that will be proposed on the site.
5. The Board should be aware that a use variance for a townhouse development use on adjacent Lots 105-107 was approved under Appeal No. 3645.
6. Due to the significant increase in density, a traffic analysis report should be prepared and traffic impact testimony should be presented to insure that the proposed development does not result in a negative impact on adjacent roadways and intersections. The Board should not act on this application until this testimony is presented.
7. Approval from the NJDOT will be required for the proposed access onto Ocean Avenue (Route 88) during any future site plan applications. It is anticipated that a larger highway dedication will be required to accommodate any future highway improvements. This may affect the density commercial lots and other variance calculations.
8. The applicant should show any potential environmental restrictions associated with this property. The back part of the property may be restricted by wetlands and buffers.
9. The applicant should be prepared to discuss how stormwater management will be addressed during the preliminary and final major subdivision phase of this project.



10. Any approval should be subject to preliminary and final site plan and subdivision approval.

**From: Ed Mack, Zoning Officer**

Although I am not opposed to the idea of cluster housing, this concept does not provide the amount of green area that is usually associated with that type of design.

Moshe Klein represented applicant. Asking for use and density variance. The plan proposed is a concept plan for 74 townhouses, 30,000 square feet of retail and office space. This plan is less intense than the land use designation of the Master Plan adopted in 2007.

Jeff Speck, Washington, DC, sworn. Certified Planner.  
Board accepted credentials.

Mr. Speck – this is a project that is characterized as neo-traditional development.

A-1 color rendering. Mr. Speck described A-1.

A-2 – tuck under row house

A-3 – rear patio row house

A-4 - front loaded single family house

A-5 elevations retail area

Mr. Speck described the 3 different house types and the elevation of the retail area.

Mr. Speck – parking always tucked in the back and hidden behind the building so that ample parking is provided for the commercial and guests but does not dominate the streetscape.

Michael Dipple, L2A Land Design, Englewood, NJ, sworn.  
Board accepted credentials

Mr. Dipple responded to # 8 & 9 of Mr. Priolo's report.

# 8 – there may be a category I buffer

# 9 - storm water management will be addressed at site plan.

Scott Kennel, Lakewood Road, Manasquan, traffic engineer, sworn. Board accepted credentials

Mr. Kennel – this development would generate less traffic than 100% townhomes because of the interaction of the various uses on site. It will be necessary to file an access application with the New Jersey Department of Transportation.

Nicholas Graviano, Howell, NJ, Planner, sworn.  
Board accepted credentials.

A-6 neighboring land use map and existing conditions

A-7 summary

Mr. Graviano – this site is approximately 11.13 acres. Ocean County Park is to the north and the west. On the southern side is developments of townhouses.

A-8 – Master Plan

Mr. Graviano – the Master plan recommends this area for residential multi-family. This is a mixed use community. The applicant is requesting a D-5 density variance. Over 2 acres of this site will be for parks and open space. The granting of the use variance and the density variance can be done without any detriment to the zoning plan.

Mr. Lankry – voting on use only.

Mr. Zaks – voting on townhouse use, retail and office.

Mr. Graviano – asking for commercial uses that are permitted in the B-1 zone.

Open to Public.

Gerri Ballwanz, Governors Road, sworn. Buffers are needed in this is a very high dense development. There is a C-1 category stream which will effect this development. There will also have to be CAFRA approval. The project is good but not in this area.

Closed to public.

Mr. Priolo – during site plan they will need to look at the improvements to Route 88. Site plan subject to any DEP permits.

Mr. Graviano – commercial building will be two stories. Houses in the neighborhood are deteriorating.

A-9 surrounding land uses in the area.

Mr. Zaks - Not voting on units just the concept of townhouses and office/retail.

**Motion to approve the use of townhouses, offices and retail permitted in the B-1 zone – Mr. Lazzaro**

Second – Mr. Gelley

**Roll call vote:** affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lazzaro, Mr. Naftali, Mr. Lankry, Mr. Zaks

**APPEAL # 3664 – SOMERSET DEVELOPMENT**

Block 208.01 Lots 10.01, 10.02, 11 & 72, R-12 zone.

East County Line Road & Somerset Avenue. Use variance for 24 single family homes on a 4.413 acre tract.

Secretary read reports.

**From: Jim Priolo, Engineer/Planner – March 3, 2008**

1. The subject property is located on the southeast corner of East County Line Road and Somerset Avenue and is within the R-12 (Single-Family Residential) Zone. The existing site contains three single-family dwellings and a garage. The Applicant has provided a variance map showing a future subdivision that would subdivide the existing property into twenty-four (24) lots and construct twenty-four (24) new single-family dwellings. The existing dwellings will be razed.

2. The Applicant is requesting use variance approval (for density) and dimensional relief for the proposed subdivision as follows:

- a. The subject property can yield 16 dwelling units (3.6 units/acre) based on R-12 Zone criteria. The Applicant is seeking approval for 24 buildable lots (5.4 units/acre) by requesting dimensional relief for lot area, lot width, front and side setbacks and building coverage. The requested lot areas range from a minimum size of 3,600 s.f. to a maximum size of 9,405.5 s.f.
- b. The following bulk variances for the dimensional relief will be a condition of this approval for the future subdivision as follows:

|                                      | Required    | Proposed          |
|--------------------------------------|-------------|-------------------|
| Minimum Lot Area                     | 12,000 s.f. | 3,600 s.f. (min.) |
| Minimum Lot Width                    | 90 ft.      | 36 ft. (min.)     |
| Minimum Front Yard Setback           | 30 ft.      | 10 ft.            |
| Minimum Side Yard Setback (One)      | 10 ft.      | 5 ft.             |
| Minimum Side Yard Setback (Combined) | 25 ft.      | 10 ft.            |
| Maximum Building Coverage            | 25%         | 43.33% (max.)     |

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 an increase in the permitted density and the noted bulk variances for dimensional relief.

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

3. The Applicant should indicate if the front of the dwelling units will face East County Line Road and Somerset Avenue.

4. The Applicant should discuss if basements will be proposed on the new dwellings.

5. The anticipated sight triangle at the East County Line Road intersection should be shown.

6. If the variances are granted, the Board should defer the approval of site layout to the subdivisions plan review phase of this application. Environmental constraints, buffers, traffic/circulation, drainage, and topography may alter or affect the usability of certain areas and the overall layout of the project.

7. The right-of-way width of East County Line Road should be indicated and the applicant should show the anticipated right-of-way dedication that will be required by the County during the subdivision phase. The required 30 foot front setback should be maintained along East County Line Road and Somerset Avenue.
8. Any approval should be subject to Preliminary and Final Major Subdivision approval.

**From: Ed Mack, Zoning Officer**

Allowing lots that are only 30% of the size of the required area for this zone would deviate too much from the accepted zone plan.

Moshe Klein represented applicant.

Mr. Priolo – would be approving a smaller lot area and would increase the density.

Mr. Klein – proposing 24 lots.

Jeff Speck described:

A-1 plan of development

A-2 front loaded house type which is free standing

A-3 rear loaded so it can sit on a narrower lot

Mr. Klein - Dwellings would be facing County Line Road & Somerset Avenue but access would be from the rear. There will be basements but they will limit the size of the windows, and there will be no exterior entrances.

Mr. Dipple – a lot of issues in Mr. Priolo's report will be addressed at site plan.

Mr. Priolo – there are site plan issues that may eliminate some of the dwelling units.

Mr. Graviano – site is 4.413 acres. Described area. Requesting a D-5 density variance for 24 dwellings. Which increases density. Most of the variances are for internal workings of the development – no setback variances are requested for the lots abutting the neighboring property owners. There is a need for this type of housing in this area. Small lot, single family, affordable lot is very limited in availability.

A-4 recommended rezoning map

A-5 pictures of Pine River Village

Mr. Graviano - this site is suited for the deviations. They will keep the standing row of evergreen trees along Somerset Avenue and replace any trees that do not survive.

Mr. Zaks – will the applicant agree to put the staircase in the middle of the house so that there is no access to the outside?

Mr. Graviano – not sure how the floor plans will lay but they will agree to place the staircase so that there is no outside access.

Norm Reynolds, 948 East County Line Road, current owner of property, sworn. His family has consistently owned the property for over 150 years. This plan will be residential and we support this application.

Raphael Zucker, 52 Cabinfield Circle, affirmed. The lots that are 4,800 square feet the house will be 3,100. The lots that have 3,600 square feet the homes will be 3,000 square feet.

Mr. Lankry – concerned about density and where the children will play - would like to see more space per house.

Mr. Zucker – This is a unique project for a unique site. These type of homes do work.

Open to Public

Joni Miller, 948 Somerset Avenue, affirmed. They had concerns, about traffic and density. The met with Mr. Zucker and he has come to an agreement with them. One of the conditions is that he will provide an additional entrance on County Line Road and subject to County approval. It will be in the deed that the purchaser of the home could not build an outside entrance to the basement. The trees along Somerset will be bonded and an arborist will be hired. Based on these conditions they are not in opposition to the variances that Somerset is requesting.

Jeffrey Schwartz, 949 County Line Road, affirmed. In favor of this application.

Jeffrey Fogle, 130 Colony Circle, affirmed – would like to have his own home and this will be affordable.

Gerri Ballwanz, Governors Road, sworn. Would not like to see access onto County Line Road except for an emergency. Are all existing homes going to be demolished?

Closed to Public.

Mr. Zucker – Showing an emergency exit but at the neighbors request they will put in a full access exit to County Line Road but they have to approval from the County. They will hire an arborist to protect the trees.

Mr. Gonzalez - too dense – not in favor of this application.

Mr. Naftali – too dense – 24 units is too much.

Mr. Gelley – concerned about children running around in the parking lot – too dense.

Mr. Lazzaro – this project should be denied.

Mr. Zucker asked to table the application to rework the plan.

**Motion to table with re-notice – Mr. Gelley**

**Second – Mr. Lazzaro**

**Roll call vote:** affirmative: Mr. Gelley, Mr. Lazzaro, Mr. Naftali, Mr. Zaks, Mr. Lankry,  
Naves: Mr. Gonzalez

Agreed to waive time.

**APPEAL # 3667 – ABRAHAM GROSSMAN**

**Motion to carry to June 2, 2008 – Mr. Naftali**

Second – Mr. Gelley

**Roll call vote:** affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lazzaro, Mr. Naftali, Mr. Zaks,  
Mr. Lankry, Ms. Goralski

No further notice and a waiver of time.

**RESOLUTIONS**

**APPEAL # 3650 – TODD JERMAN**

Block 528 Lot 3, Cross Street/Weber Avenue, A-1 zone. Resolution to approve a single family dwelling on an undersized lot.

**Motion to approve – Mr. Naftali**

Second – Mr. Gonzalez

**Roll call vote:** affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lazzaro, Mr. Naftali, Mr. Zaks  
Ms. Goralski

**MOTION TO PAY BILLS.**

All in favor.

**MOTION TO ADJOURN.**

All in favor.

Meeting adjourned at 11:40 P.M.

Respectfully submitted,  
Fran Siegel, Secretary