

**LAKWOOD ZONING BOARD OF ADJUSTMENT
MINUTES
JUNE 12, 2006 - SPECIAL MEETING**

Meeting was called to order at 7:35 P.M.
Meeting properly advertised according to the Sunshine Law.

ROLL CALL:

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

Absent: Mr. Gelley, Mr. Berrios, Mr. Lieberman,

Also present: Glenn Harrison, Attorney
Jim Priolo, Engineer/Planner
Jackie Wahler, Court Stenographer
Fran Siegel, Secretary

SALUTE TO THE FLAG.

Chairman announced that there were 6 board members present.

Ray Shea, attorney for applicant agreed to proceed.

APPEAL # 3612 – SOMERSET DEVELOPMENT, New Hampshire Ave, Block 1248 Lot 1,
R-20 zone. Density and use variance to construct single family homes and townhouses.

Secretary read reports.

From: James Priolo, Engineer/Planner - March 8, 2006

1. The subject property is located on New Hampshire Avenue, and is within the R-20 (Single-Family Residential) Zone. The existing site contains a single-family dwelling. The Applicant has provided a variance map showing a future subdivision that would subdivide existing Lot 1 into fifty-one (51) lots and construct twenty-six (26) new townhouse dwellings (within 7 buildings) and twenty-four (24) single-family dwellings and one (1) lot for open space. The existing structures will be razed. The Applicant is requesting special reasons variances (for density and townhouse use) and bulk variances for dimensional relief (lot area, lot width) of the future subdivision.
2. Special reasons variances will be required as follows:
 - a. To permit a use in a district restricted against such use. In accordance with Section 902 C. of the Ordinance, the proposed townhouse use is not a permitted use 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/acres. The applicant is proposing 50 dwellings and a density of 5.1 units/acres. Therefore, a density variance is required. The applicant must provide testimony to the Board detailing the special reasons which would allow the Board to grant a variance to depart from the zoning regulations to permit a use in a district restricted against such use (townhouse use) and an increase in permitted density. In order to achieve this, the applicant should explain why the townhouse use and undersized single-family lots with the requested density is a better planning and zoning alternative than the traditional single-family residential concept.
3. Should the Board grant the special reasons variance, the following bulk variances for the dimensional relief will be a condition of this approval for the future subdivision as follows:

	Required	Provided Townhouse	Provided Single-Family
Minimum Lot Area	20,000 s.f.	3,325 s.f. (min.)	7,500 s.f. (min.)
Minimum Lot Width	100 ft.	35 ft. (min.)	53 ft. (min.)
Minimum Front Setback	30 ft.	5 ft.	15 ft.
Minimum Rear Setback	20 ft.	18 ft.	15 ft.
Minimum Side Setback (One)	10 ft.	0 ft.	-
Minimum Side Setback (Comb.)	25 ft.	0 ft.	-
Maximum Lot Coverage	25%	61.9%	38.7%

The Applicant must demonstrate to the Board these 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.

4. The following variances will be required during the subdivision phase of this project:
- In accordance with Section 805 F., proposed thru lots shall provide a buffer along the secondary frontage. As a result of this subdivision, Lots 1.03, 1.04, 1.06, 1.07, 1.10, 1.13, 1.14, 1.16, and 1.17 will be thru lots. No buffer is proposed.
 - In accordance with Section 803 E., a minimum 30 ft. buffer is required along perimeter of the site, whereas no buffer is proposed.
5. The Applicant should discuss vehicular circulation within the site including turnarounds, trucks, deliveries, etc. The sizes and types of trucks accessing this site should be provided and turning movements should be verified.
6. The Applicant should be prepared to discuss the effect the greater density residential development will have on the traffic patterns in the surrounding area (Route 70).
7. The Applicant should discuss how stormwater management will be addressed during the subdivision phase of this project. It does not appear that any area has been reserved for stormwater management.
8. A right-of-way dedication will be required along New Hampshire Avenue during the subdivision phase. This dedication should be conceptually shown under this application and all area requirements and density should be adjusted accordingly.
9. Any approval should be subject to Preliminary and Final Major Subdivision approval.

From: Ed Mack, Zoning Officer

The very long and narrow dimensions of this property make designing a plan more difficult. The use of both single family and attached houses is a good idea, but this project is too dense.

Ray Shea, attorney, represented applicant.

Mr. Shea – they met with the Board of Trustees of Leisure Village with their attorney Sean Gertner who represents the Board.

Mr. Gertner, attorney for Leisure Village Association. – They met with Somerset Development to discuss this proposed development. The development abuts about 300 feet of this proposal. There was an agreement made with the Developer and they have no objections with the project with the following conditions:

1. there will be a 120 foot buffer with a permanent deed restriction
2. fencing 6-8 feet in height along the length of the entire buffer
3. lighting effect will be diminimus
4. as much natural vegetation and landscape will be maintained
5. garages cannot be converted to living space.
6. there will be no use of basements as habitable space.

Mr. Gertner – was authorized by the Board of Trustees and the Association of Leisure Village. They have 2,433 homes and 3,500 residents.

Mr. Shea – the developer agreed to all conditions.

Brian Flannery, engineer, sworn.

Mr. Shea – use variance only to allow townhouses in a single family zone. Will come back for site plan and major subdivision.

Mr. Flannery – There will be 26 townhouses and 23 single family dwellings. Asking for dimensional relief on bulk variances.

A-1 original site plan prior to meeting with Leisure Village

A-2 revised proposal

A-3 aerial view of existing conditions

A-4 Four panels of elevations and streetscapes

Mr. Flannery – This is an R-20 zone and they are asking for mixed use of townhouses and single family. The density proposed is 5 dwelling per acre R-20 allows 2.2 units per acre. Reviewed Mr. Priolo's report. The property to the North was approved for 144 senior citizen units. There will be an underground recharge system.

Nick Graviano, Planner, sworn. He described the area referring to A-2. This plan is aesthetically pleasing and attractive to the site and area. There is a vegetative 125 foot

buffer to the Leisure Village property. Project adequately buffered on all three sides. Garages are accessed off alleys. There is a _ acre recreational area. There is 37,500 square feet of open space provided for this development. This project does meet the special reasons and does create no substantial detriment to the public.

Mr. Graviano showed a video of the proposed development.

Marian Cusato, designer based in New York. They tried to build to create a community in this type of development. This type of development is creating a future. They are creating the buildings to create outside rooms. There is private space. They are adding more units to the acre but those units help create the experience. This is an asset to the community and to the people living there. Each building works together so they need to be close to create urbanism. Each part of the project has its own identity.

Mr. Graviano – Leisure Village is 5.3 units per acre, New Hampshire Gardens is 16 + per acre, Andrews Corner is 16.3 units per acre. They went from 50 residential lots to 49 lots after the meeting. There will be a 125 foot deep buffer. The distance between the single family detached housing would be approximately 25 feet.

Ralph Zucker described on A-2 where the 6-8 foot fence will be.

Mr. Graviano - It will be a “u” shape fence with a gate to access it. There would be similar density if this was a R-7.5 zone. No common building is proposed. There will be sidewalks along New Hampshire Avenue.

Mr. Sernotti asked about a common building and would prefer one be constructed.

Mr. Zucker – They assured the residents of Leisure Village that there will not be any clubhouse proposed. They would do it if the board required it. They agreed to show the plans for site plan to the residents of Leisure Village before coming back to the board.

Open to Public.

Alice Kelsey, 295B Malvern Court, Original Leisure Village, affirmed. Concerned about traffic congestion and accidents on the corner of New Hampshire and Route 70.

Fred Mason – 211 A Huntington Drive, Original Leisure Village, sworn. Objected to this project. This is a high density project.

Bill Hobday, 30 Schoolhouse Lane, sworn. Too many hi-density developments in this area. The location is wrong for this project.

Morton Gudel, 71 C Dorchester Drive, Original Leisure Village, sworn. The design is good – should be downsized. A conservation easement would be a better idea than a buffer zone.

Fred Schlueck, 223D Buckingham Drive, Original Leisure Village, sworn. Asked about how much tax revenue would be assessed. The buffer should be 125 feet. Applicant agreed to pay for an engineering consultant to make sure that all the drainage will flow towards New Hampshire Avenue.

Noreen Gill, 192 Coventry Drive, sworn. The townhouses do not have basements. Too high density, wrong area, out of place, too much, too close, four bedroom, too many. Dangerous road.

Closed to Public.

Recess.

Scott Kennel, McDunnough and Ray Associates, traffic expert.
Board accepted credentials.

Mr. Kennel - December 19, 2005 at 6:30 – 9:30 a.m., 3:30 – 6:30 P.M. there were approximately 2000 cars during peak hours. There is an increase in traffic that would access to New Hampshire Avenue. They will prohibit left turns into the site and out of the site. Subject to Ocean County approvals.

Nick Graviano – The Master Plan recognizes that there will be an area of change. There will be conservation easement that will be permanently restricted and intended to remain wooded space. The width of the alley in the back is 18 feet. Proposal will be 37,500 square feet of conservation easement, _ acre park/recreation area.

Mr. Zaks – would suggest a clubhouse and moving the site back of New Hampshire Avenue. Like the concept and would be in favor of proposal.

Mr. Halberstam – like this plan - should be a community center.

Mr. Gonzalez – have a problem with density.

Mr. Naftali – like the application and have no problem with the use.

Mr. Sernotti – in favor of application.

Motion to approve mixture of townhouses and single family use only – Mr. Halberstam
Second – Mr. Naftali

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

Mr. Shea asked that # 3 of Mr. Priolo's report be included in the resolution.

APPEAL # 3610 – SOMERSET DEVELOPMENT, Massachusetts Avenue, Block 524 Lot 73.01, R-12 zone. Density and bulk variance approvals to construct 36 age restricted dwellings on site.

Secretary read reports.

From: James Priolo, Engineer/Planner - March 8, 2006

1. The subject property is approximately 6.25 acres in size and is located along the corner of Massachusetts Avenue and Chestnut Street and is within the R-40 (Single-Family Residential) Zone. The existing site contains a dwelling and pool. The applicant is proposing an adult community development consisting of 36 single-family residential units within eight (8) buildings. All existing structures will be removed.
2. In accordance with Section 902 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 1001 Adult Communities, the project does not meet the conditional requirements as follows:

	Required Adult Communities	Proposed
Minimum Tract Area	100 acres	6.25 acres
Maximum Density	4.5 units/acre	5.7 units/acre
Recreation Building	540 s.f.	None
Swimming Pool	2,800 s.f.	None
Parking for Recreation Building	11 spaces	None
Minimum Boundary Setback	75 ft.	50 ft.
Min. Setback (Internal Road)	20 ft.	7 ft.
Min. Distance Bldgs. (90°)	28 ft.	27 ft.
Min. Distance Bldgs. (End/End)	14 ft.	7 ft.

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 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 required setbacks for the adult community within the R-40 Zone should be provided on the schedule.
4. There are no recreational buildings or uses proposed in this development. The applicant should discuss how the recreational needs of this development will be met.
5. The applicant should discuss the feasibility of providing an additional access to the development along Chestnut Avenue and allowing two-way traffic within the site.
6. The applicant should discuss vehicular circulation within the site including turnarounds, trucks, deliveries, etc. The sizes and types of trucks accessing this site should be provided and turning movements should be verified.
7. The applicant should discuss how stormwater management will be addressed during the site plan phase of this project.

8. Any use variance approval shall be subject to Preliminary and Final Major Site Plan approval.

From: Ed Mack, Zoning Officer

This area is already developed with this type of use, but I think this plan should be redesigned to include the usual amenities associated with age restricted houses.

Ray Shea, represented applicant. Variance granted for single family homes, non age restricted, court overturned. The use for an active adult community is permitted but they don't meet the conditions.

Mr. Sernotti – the application that the board originally approved was far less dense than this one.

Mr. Shea – this application is for 36 age restricted versus 12 single family approved.

Mr. Flannery – 6.25 acres, proposing 5.7 units per acre. Reviewed Mr. Priolos report. Surrounded on three sides by the Fairways community.

Mr. Graviano – Fairways is the age restricted community abutted the site – they met with the association. They changed the plan with the consideration of the Fairways. Chestnut Street will remain unimproved and wooded. They also met with residents of the Enclave. There is no age-restricted townhouse project today. This proposal fulfills that demand.

A-1 colored site plan
A-2 architectural
A-3 multi-panel exhibit

Marian Cusata described A-2.

Shirley George, 64 Foxwood Road, President of Fairways Homeowners Association. Had a series of meetings with Somerset and they have met all their concerns and have been addressed and they are in favor of the project. They appealed the original application because they were very large home and they were concerned about the drainage and the polluted water coming into their catch basin. The height of the current homes planned are below the tree line. Fairways has about 2,000 residents.

Mr. Sernotti asked about amenities.

Mr. Graviano – This project will stand alone. It is not part of the Fairways development.

There will be landscaped areas for people to congregate. They can designate one of the townhouse units for a clubhouse. These are two bedroom units with a study.

Mr. Zucker, applicant, agreed to reserve 2 units facing the square to be utilized as a recreational amenity for the community.

Ralph Zucker, affirmed. There was no intent to imply that this was part of the Fairways development.

Open to Public.

Gene Ferretti, 92 Foxwood Road, Fairways, sworn. Asked about the size of the buffers, will the townhouses have basements. Does not like the fronts on these.

Bill Hobday, 55 Schoolhouse Lane, sworn. Adult housing needs to have a clubhouse, a swimming pool. Traffic is backed up. Problem with flooding.

Dan Bogush, 82 Enclave Blvd. sworn. Resident of the Enclave community. Concerned that the project would have a negative impact on their community. Was told that this was the best proposal for all concerned. They also had a meeting with Mr. Graviano and made some agreements.

Mr. Bogush read the agreement.

1. Homes will be marketed to the general public as a 55+ age restricted adult community.
2. This will not be low cost housing. The homes will be marketed in a range comparable to current Enclave home prices.
3. The architecture and landscaping of the site will be an asset to the Massachusetts Avenue corridor.
4. Somerset will fully engage the Fairways/Enclave communities with the site plan development.
5. Somerset will provide additional plantings in the existing Enclave landscaped buffer for the 10 homes directly across from the Massachusetts site.

Ralph Zucker – agreed with the stipulations made by Mr. Bogush.

Larry Simons, 7 Schoolhouse Court, Fairways, concerned about traffic.

Lucille Waszak, 16 Castle Court, Fairways, sworn. Objected to the original application. This application is better. Asked about the vacation of Chestnut Street.

Gerri Ballwanz, Governors Road, affirmed. The ordinance allows for 4.5 units per acre and this project is 6 units per acre. There is supposed to be 50% open space.

Mr. Graviano – Somerset Development & Fairways would like to see Chestnut Street unimproved. The proposed development does not require access from Chestnut Street. They would like to request that Chestnut Street be vacated, half to the existing Fairways buffer and the other half as part of the Somerset buffer. The Township has not been approached yet. A 540 square foot clubhouse building would be required – by dedicating one of the units are over 1,000 square feet which would meet that requirement.

Mr. Priolo – to conform with the density there would be 28 units.

Mr. Graviano – the buffer abutting Chestnut Street is 60 feet. If there was a vacation there would be another 60 feet. On the west side of the project there is approximately 62 feet but will be densely landscaped. The County will be taking 9 feet in the front. They will heavily landscape that area.

Mr. Priolo – they will not allow any negative or adverse impacts on the stormwater management. One of the requirements for an adult community is a swimming pool – they need a variance from that requirement.

Mr. Sernotti – not in favor of this application. The 13 single family homes was less dense. The amenities go with the senior citizen living.

Mr. Zaks – in favor of this application. The neighbors are in favor of the application.

Mr. Halberstam – This is a small quiet project. In favor of the application.

Mr. Naftali – fits into the neighborhood – would be in favor.

Motion to approve use with taking the two units in the middle for a clubhouse – Mr. Zaks
Second – Mr. Naftali

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

MOTION TO CARRY APPEAL # 3609 UNTIL JULY 10 – Mr. Zaks

Second – Ms. Goralski

Roll call vote:	affirmative:	Mr. Gonzalez, Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. Halberstam, Mr. Sernotti
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Chairman announced that Appeal # 3609 will be carried to July 10 with no further notice and a waiver of time.

LETTER FROM JAMES KUHN REFERENCE APPEAL # 3566, ISRAEL KAY requesting a one-year extension to file the map.

Motion to grant extension until June 12, 2007 – Mr. Halberstam

Second – Mr. Naftali

Roll call vote:	affirmative:	Mr. Gonzalez, Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. Halberstam, Mr. Sernotti
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MOTION TO ADJOURN

All in favor

Meeting adjourned at 12:15 P.M.

Respectfully submitted,
Fran Siegel