

**LAKWOOD ZONING BOARD OF ADJUSTMENT  
MINUTES  
JUNE 27, 2005  
SPECIAL MEETING**

Meeting was called to order at 7:35 P.M.

Meeting properly advertised according to the Sunshine Law.

Roll call: Attending: Mr. Daniels, Mr. Naftali, Mr. Zaks, Mr. Gelley  
Mr. LeCompte, Mr. Halberstam, Mr. Sernotti  
Absent: Mr. Gonzalez  
Also present: James Priolo, Engineer  
Glenn Harrison, Attorney  
Steve McCrystal, Court Stenographer  
Fran Siegel, Secretary

Salute to the Flag.

**Appeal # 3544** – Madison, LLC, 411 Madison Avenue, Block 93 Lot 18, R-OP zone.  
To obtain a use variance in order to construct one building 4 single family townhouses on site.

Secretary read reports.

From: James Priolo, Engineer/Planner - Revision #2

1. The subject property is located on Madison Avenue (State Highway No. 9) between Fourth and Fifth Streets, and is within the R-OP (Residential Office Professional) Zone. The applicant proposes to demolish the existing dwelling and construct a four-unit town house building.
2. Although the multi-family use is permitted in this zone, it does not meet the conditions of Subsection 18-25.4, therefore a Special Reasons Variance will be required. A special reasons variance is required because the applicant is:
  - a. Requesting an increase in the permitted maximum density. The maximum density permitted is 10 units/acre, whereas the applicant is proposing a density of 11.8 units/acre.
  - b. Requesting variances from the schedule of area requirements listed as conditional standards for townhouse dwellings. The variances required are as follows:

	Required Townhouse	Proposed
Minimum Lot Area	22,500 s.f.	15,000 s.f.
Minimum Lot Width	150 ft.	100 ft.
Maximum Lot Coverage	30%	31%
Minimum Front Yard Setback (State Route 9)	100 ft.	29 ft.
Side Yard Setback (One)	12 ft.	5 ft.
Maximum Height	2 1/2 stories	3 stories

The Schedule of Bulk Requirements should be revised to indicate the correct requirements. Also, the setback lines should be revised to reflect the corrected Schedule of Requirements.

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 an increase in permitted maximum density and a variation from the conditional standards for townhouse developments. In order to achieve this, the applicant should explain why the townhouse use with the requested density and conditional variances is a better planning and zoning alternative than the conforming uses in this zone. 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.
4. In accordance with Section 18-6.7, parking is prohibited within any front yard area. Therefore a variance is required.
5. The following items are of concern with the proposed development:
  - a. The parking lot provides limited means for a turn around. Additionally, guest parking should be addressed as there appears to be no available area in the vicinity for overflow parking.
  - b. The applicant should discuss truck and large vehicle circulation. It appears trucks will have to back out onto Route 9 to exit the site.
  - c. The limits of the parking lot are directly on the side property line and may encroach onto adjacent Lot 17. Typically, a buffer strip should be provided to adjacent properties.
  - d. The sidewalk adjacent to the parking lot should be six feet (6') wide.
  - e. There is very little pervious coverage left on this site. There appears to be no provisions for recreation or open space on this application.
  - f. The front yard setback variance to Route 9 should be eliminated. Route 9 may be upgraded in the future and therefore any variances for front yard setback would be a detriment.
6. The proposed units do not provide any storage area for such things as gardening/yard equipment, bicycles and children's outdoor toys. The applicant should discuss storage of these items.
7. The limits of the driveway opening along Route 9 extend across the side property line, adjacent to Lot 17.
8. The applicant should discuss how stormwater management will be addressed during the site plan phase of this project.
9. Any approval should be subject to preliminary and final site plan approval.

From: Ed Mack, Zoning Officer

Since this is in an area that is surrounded by commercial properties and fronts on a major highway, I think that this property is not well suited for a residential use. Considering the realistic setbacks from the highway that should be used I think that at least the number of units should be reduced.

Abraham Penzer represented applicant.

A-1 – six photographs of the 5 existing units.

A-2a – renderings of old plan of 5 units proposed.

A-2b - new rendering of 4 units now proposed.

A-3 – variance map – color rendering

A-4 – aerial photo of surrounding area.

Mr. Penzer – there is currently on site an existing building consisting of 5 units with 5 certificate of Occupancy's.

Brian Flannery, engineer, sworn.

Mr. Flannery – The subject site is on Madison Avenue between 4th and 5th Street. There is an existing multi family dwelling site. The lot is 100 x 150. Asking for just the townhouse use. There is a private driveway that enters the site from Route 9 and the existing parking is on dirt areas.

Mr. Flannery reviewed Mr. Priolo's report. They are asking for a use variance only. Townhouses are permitted but they don't meet the conditions. They do not meet the minimum lot area of 22,500 square feet. Also asking for a density variance where 10 per acre is required and 11.8 units per acre are proposed. Townhouses are permitted on larger lots.

Mr. Penzer – if the new ordinance is adopted they would be allowed 16 units per acre. The existing density is 14.5 units per acre.

Mr. Flannery – they will comply with lot coverage when they come back for site plan. Not asking for site plan approval. They cannot meet the 100 foot front setback requirement. None of the existing area complies with the 100 foot setback. Townhouses make sense for this lot. The lot is only 150 feet deep. Other variances requested is side yard setback where 12 feet is required they are proposing 5 feet. They will comply with the 2 1/2 stories. This project will be an improvement aesthetically to the neighborhood. They will provide a storm water management system which will be an improvement. Traffic will remain the same. Variance is needed for parking in the front setback. A garbage truck can enter and then make a K-turn to turn around and will be addressed at time of site plan. There are basements in the units which provide the storage needed. They will need a DOT permit.

Mr. Penzer – If the lot is only 150 foot deep they could not have a 100 foot setback. This is for use only – no dimensional variances are requested.

Open to Public.

Vincent LoBello, 4 Mulberry Lane, sworn. Objected to the application. Too many variances.

Closed to Public.

Mr. Penzer summed up. This particular property has existing 5 apartments. He is asking for 4 townhouses not 5.

Mr. Priolo – the setbacks are dictated by the lot not the way the building faces. There is no area on the site for the child to play. There is no subdivision. There will be an association. There is not a lot of room for any modifications.

Mr. Flannery – not seeking any dimensional variances, not asking for site plan approval. Asking for the townhouse use on an undersized lot. No unit count.

Mr. Sernotti – not in favor of this application.

Mr. Daniels – agree – there is no place for the children to play. Do not like the layout at all.

Mr. Naftali – this is an aggressive plan. The use is okay but there is no play area and the amount of units needs to be taken into account.

Motion to approve townhouse use only – no density – no setbacks - Mr. Naftali

Second- Mr. Gelley

Roll call vote: Affirmative: Mr. Naftali, Mr. LeCompte, Mr. Gelley

Nayes: Mr. Daniels, Mr. Zaks, Mr. Halberstam, Mr. Sernotti

Motion denied.

Recess.

**Sam Brown, re: Appeal # 3581** requested to carry this application to the August 1st meeting.

Motion to table – Mr. Halberstam

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Daniels, Mr. Naftali, Mr. LeCompte, Mr. Gelley,  
Mr. Halberstam, Mr. Sernotti

**Appeal # 3569** – Jonathon Rubin, 921 East County Line Road, Block 174.11 Lot 40.01, R-15 zone. Use variance to construct an office building in a residential zone.

Secretary read reports.

From: James Priolo, Engineer/Planner

1. The subject property is located along the north side of East County Line Road and is within the R-15 (Single-Family Residential) Zone. The Applicant proposes to clear the vacant wooded lot and construct a two-story (12,400 s.f.) office building and a parking lot.
2. The proposed commercial office building is a non-permitted use in the R-15 Zone. Therefore, use variance approval is required from the Board of Adjustment. 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.

3. In accordance with Section 18-12.1 of the ordinance, the following bulk variances are required as follows:

	Required (R-15)	Proposed
Minimum Lot Frontage	100 ft.	99.75 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.

4. As a non-permitted use, the ordinance does not contain parking requirements for the office use in the R-15 Zone. The Board should consider applying typical parking requirements for other zones such as the B3 - B5 Zones or the HD Zones.  
1 space/200 s.f. should be used as the parking requirement for this office use.  
This would calculate as follows:  
Professional/Business Office Bldg: 12,400 s.f. x 1 space/200 s.f. = 62 spaces  
The Applicant has provided 62 spaces and therefore has met this requirement.
5. The Applicant should discuss the proposed office use, occupancy and hours of operation. Architectural renderings and floor plans should be submitted for review.
6. The Applicant should discuss vehicular circulation within the site including turnarounds, trucks, deliveries, trash removal, etc. There appears to be no proposed trash enclosure or provisions for trash removal.
7. The subject property is surrounded by residential uses. The Applicant should provide testimony as to how the proposed use will not be a detriment to the surrounding residential neighborhood.
8. The Applicant should discuss how storm water management will be addressed during site plan.
9. Any use variance approval should be subject to Preliminary and Final Site Plan approval.

From: Ed Mack, Zoning Officer

Although I would have to agree that County Line Road is becoming less desirable as a residential area, I think that this design does not protect the existing residential properties. Since this is a very rectangular lot I think that the building should be more rectangular instead of square to increase the side setbacks more than the traditional distance for residential properties that are being used in this application.

Abraham Penzer, attorney for applicant.

Chairman announced that there were only 6 members present and 5 affirmative votes were needed.

Mr. Penzer agreed to continue.

Mr. Penzer – this is for use only – will come back for site plan. They agreed to meet with neighbors who were objecting to work out a site plan that would satisfy the neighbors.

Bob Burdick, Point Pleasant, sworn.

Mr. Burdick reviewed Mr. Priolo's report. Asking for a use variance to construct a professional office building. This property is 400 feet long and 99.75 feet wide. It is approximately 44,145 square feet. Property is not conducive for a single family home. Businesses now exist within this zone and near this site. Lot width required is 100 feet and they have 99.75. Project will provide an aesthetic improvement over the existing condition. They will provide a 6-foot fence plus white pine in the northwest corner. General hours of operation would be 8:00 am to 5 pm. They are asking to bifurcate the application and vote on the use of an office building in a residential zone only. They will come back for site plan.

P. G. Waxman, 58 Roselle Court, affirmed.

Board accepted credentials of Mr. Waxman as an expert in real estate.

Mr. Waxman – There are residences and a shopping center in the area and a single family residential house does not suit this property. It is well suited for a commercial use. It will enhance the values of the residential properties in the surrounding area.

Mr. Priolo – no comments.

Mr. Burdick – there is a 6 foot stockade fence proposed at the end of the property. They anticipate professional offices maybe a medical office.

Open to Public. Closed to Public.

Mr. Halberstam – the layout just does not work.

Motion to approve – Mr. LeCompte

Second – Mr. Halberstam

Roll call vote: affirmative: Mr. Daniels, Mr. Naftali, Mr. LeCompte, Mr. Gelley,  
Mr. Halberstam, Mr. Sernotti

Motion to adjourn.

All in favor.

Meeting adjourned at 9:45 p.m.

Respectfully submitted,  
Fran Siegel, Secretary