

**ZONING BOARD OF ADJUSTMENT  
JULY 6, 2009  
MINUTES**

Meeting was called to order at 7:15 P.M.

Meeting properly advertised according to the New Jersey State Sunshine Law.

Roll call: Attending: Mr. Gelley, Mr. Lazzaro, Mr. Naftali, Mr. Zaks,  
Mr. Lankry, Ms. Goralski, Mr. Halberstam

Absent: Mr. Gonzalez, Mr. Lieberman

Also present: Attorney – Christopher Koutsouris  
John Ernst, Engineer/Planner  
Jackie Wahler, Court Stenographer  
Fran Siegel, Secretary

Salute to the flag.

Motion to approve minutes of June 1, 2009 with a waiver to read – Ms. Goralski  
Second – Mr. Naftali

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

Mr. Halberstam

**Appeal # 3707 – Sydney Welz**, Park Place & Harvard Street, Block 171 Lot 13,  
R-7.5 zone. Corner lot requiring front and rear yard setback variances.

Secretary read reports.

**From: John Ernst, Engineer/Planner – Revised June 23, 2009**

1. The property is located on the northeast corner of Park Place and Harvard Street. It lies within the R-7.5 (Residential) Zone and comprises an area of 8,117.8 s.f. The lot is vacant from improvements.

2. The applicant proposes to construct a two-story residential dwelling on the lot which will face Harvard Street. The dwelling will have a finished basement with apartment and finished attic loft.

3. The applicant proposes to construct a 4 ft. wide concrete sidewalk with shade tree plantings (within a 6 ft. wide shade tree and utility easement) along Park Place and Harvard Street and four off-street parking spaces.

4. The applicant has requested the following Variances:

a. A Front Yard Setback Variance to the Proposed Dwelling - A front yard setback 12.61 ft. is proposed from Harvard Street; whereas 25 ft. is required.

b. A Rear Yard Setback Variance to the Proposed Dwelling – A rear yard setback of 7 ft. is proposed from adjacent Lot 14; whereas 15 ft. is required.

5. The Board should be aware that this property has an existing non-conforming lot width as measured along Park Place. A lot width of 49.58 ft. exists; whereas 50 ft. is required.

6. The applicant The Board should be aware that this property has an existing non-conforming should address the Board on the proposed uses of the basement and attic.

7. Based on the number of bedrooms within the dwelling/apartment and according to R.S.I.S. a minimum of at least 5 off-street parking spaces are required. The applicant should address the adequacy of parking with the Board

8. There is a note on the applicant's plan stating the Board is to decide the species of trees that are to be planted along Harvard Street and Park Place. The applicant should identify if there are any other shade trees along these streets and their species, so the Board can recommend the trees to be planted.

9. The detail for the dry wells should be revised to show the stone as provided in the dry well calculations.

I would reserve the right to present additional comments pending the testimony of the applicant before the board.

**ZONING BOARD OF ADJUSTMENT  
JULY 6, 2009  
MINUTES  
PAGE 2.**

Miriam Weinstein represented applicant. This is an existing vacant, non-conforming lot. This is a corner lot with two front yard setbacks.

Walter Hopkin, engineer, sworn.

Board accepted credentials.

Mr. Hopkin - Variances requested for existing lot width. They have 49.58 feet where 50 is required. The adjacent neighbors have been contacted and there is no adjacent property available. Proposing to front the home on Harvard Street. Described the other lots in the neighborhood. Granting these variances will not alter the character of the neighborhood. The house is just under 1,800 square foot footprint.

Ms. Weinstein – there is a prospective buyer for this property that would like to have the house 4 feet wider towards the proposed parking area.

Mr. Hopkin - It would reduce the rear yard setback from 35.3 feet to 31 feet and would increase the lot coverage from 22.2 percent to 23.6 percent, well below the allowable in the zone. That would not involve any further variances. The house would be 72 feet wide.

Sidney Welz, affirmed. The house is presently 68 feet wide.

Mr. Hopkin – there is room in the parking lot to expand it 4 feet. The deck would remain the same size.

Mr. Ernst – widening the house by 4 feet would be an acceptable change.

Ms. Weinstein – the 4 foot change will only enlarge the existing rooms - they will not be adding any more rooms. There is on street parking.

Mr. Hopkin reviewed Mr. Ernst's report.

Mr. Halberstam - This is an undersized lot which basically fits into the zone except that it is a corner lot and would be in favor of this application.

Open to Public. Closed to Public.

Motion to approve including the 4 feet expansion, 2 feet on each side, and leave the parking at 4 spaces - Mr. Zaks

Second – Mr. Lankry

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

Ms. Goralski, Mr. Halberstam

**Appeal # 3706 – Lydig Land, LLC**, 11<sup>th</sup> Street & Monmouth Avenue, Block 234 Lot 2, R-7.5 zone. Corner lot requiring front and rear yard setbacks.

Secretary read reports.

**From: John Ernst, Engineer/Planner - May 12, 2009**

The property is located on the southwest corner of Eleventh Street and Monmouth Avenue. It lies within the R-7.5 (Single-Family Residential) Zone and comprises an area of 7,500 s.f. The lot is vacant from improvements. The applicant proposes to construct a two-story residential dwelling (with a basement) on the lot which will face Eleventh Street. An attached first floor rear yard deck and three off-street parking spaces are proposed. Potable water and sanitary sewer services will be connected to existing systems within either Eleventh Street or Monmouth Avenue.

The applicant has requested the following Variances:

**ZONING BOARD OF ADJUSTMENT  
JULY 6, 2009  
MINUTES  
PAGE 3.**

A Front Yard Setback Variance to the Proposed Dwelling – A front yard setback of 14.0 ft. is proposed from Eleventh Street; whereas 25 ft. is required.

A Rear Yard Setback Variance to the Proposed Dwelling – The applicant has identified a rear setback of 7 ft. for the dwelling whereas 15 ft. is required. It should be noted the deck extends one

(1) foot closer to the rear lot line thus creating a rear setback of 6 ft. not 7 ft. whereas 15 ft. is required.

In regards to the requested Rear Yard Setback Variance the Board should be aware of the following:

There is a residential dwelling on adjacent Lot 3 that is 2 1/2 ft. (scaled) from the common property line.

The Variance Plan shows the steps for the rear yard deck will be constructed in a westerly direction and 6 ft. from the common property line to adjacent Lot 3 while the Architecturals show the steps will be constructed in a southerly direction and 3 ½ ft. from the common property line to adjacent Lot 3. Although by Ordinance definition of “building area” and “building line” steps are permitted to extend within yard areas the applicant should address the Board on where the steps will be built.

The applicant should provide testimony to the Board on the following issues: Testimony should be given in support of the requested Variances.

What are the prevailing front yard setbacks along Eleventh Street in the vicinity of the applicant’s lot?

The applicant should address the Board if any portion of the attic area and/or basement will have bedrooms. If so, additional off-street parking spaces should be provided.

Dry wells for dwelling roof run-off should be provided. The dry wells should be designed for the 10-year storm event. Either the Variance Plan or the Architecturals should be revised to show the correct location of the deck steps.

The Variance Plan should be revised to provide dimensions around the paved off-street parking area. A minimum of 18 ft. from the right-of-way line of Eleventh Street should be provided.

Sal Alfieri represented applicant. They were here last month but was not heard because they did not have architectural.

A-1 existing conditions in the area.

Nicholas Graviano, engineer reviewed A-1. This house is 29 feet wide. This is a corner lot. A conforming house on this lot would only be 18 feet wide.

Mr. Alfieri – the steps going off the deck have been relocated to the east. Revised plans will be submitted. Also agreed to #7, #8 & #9 from Mr. Ernsts report.

Mr. Halberstam - Would like to see the side of Monmouth Avenue the steps removed so it looks like a front.

Mr. Alfieri – they have 3 spaces proposed.

Mr. Graviano - There is plenty of street parking in this area.

Open to Public. Closed to Public.

**ZONING BOARD OF ADJUSTMENT  
JULY 6, 2009  
MINUTES  
PAGE 4.**

Mr. Zaks – would like to add parking. Would like them to widen the driveway on the 11<sup>th</sup> Street side for at least one more parking space. Would also like them to get rid of the entranceway on Monmouth Avenue for the basement.

Mr. Alfieri - The attic will be used for 2 bedrooms and a bathroom.

Mr. Alfieri – the applicant agreed to add on one more parking space.

Motion to approve subject to the applicant removing the entrance on Monmouth Avenue, Monmouth Avenue side look more aesthetically pleasing and adding one more parking space – Mr. Zaks

Second – Mr. Lazzaro

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

Ms. Goralski, Mr. Halberstam

**Appeal # 3708 – Isadore Fisher**, New York & Ridge Avenue, Block 224 Lots 11.01, 11.02

& 11.03 – To subdivide the existing 2 undersized for a duplex on each lot.

Secretary read reports.

**From: John Ernst, engineer/planner - May 20, 2009**

The Board should be aware that this property was the subject of a previous subdivision application before the Lakewood Zoning Board of Adjustment under Appeal No. 3507A. The application was approved November 7, 2005, and the map was filed with Ocean County on January 29, 2007. The original project consisted of a three-lot subdivision for two new single-family dwellings with the existing structure to remain. The project was designed with a drainage system (easement provided) that encompassed a portion of the property. Although the map was filed, the houses nor drainage system were constructed. The applicant is now pursuing an alternate proposal for development and is also requesting a vacation of the drainage easement created by the filing of the map.

1. The property is located on the north corner of New York and Ridge Avenues. It lies within the R-10 (Residential) Zone and comprises an area of 22,500 s.f. The property is occupied by a two-story residential dwelling, a shed, and a horseshoe shaped driveway from New York Avenue. The lots are also encumbered by a 20 ft. Wide Drainage Easement, a Variable Width Shade Tree and Utility Easement along New York and Ridge Avenues, a 5 ft. Wide Road Widening Easement along New York Avenue, a 3½ ft. Wide Road Widening Easement along Ridge Avenue and a 30 ft. Sight Triangle Easement at the corner of New York and Ridge Avenues. Potable water and sanitary sewer services are provided by existing systems within either New York or Ridge Avenues.

2. The applicant proposes to consolidate the three existing lots and re-subdivide the property into two lots for the purpose of constructing (2) two-family/duplex residential dwellings that will have basements. Also proposed is the following:

a. The removal of the existing dwelling and shed.

b. The vacation of the existing 20 ft. Wide Drainage Easement that was previously mentioned.

c. The dedication to the Township of Lakewood of a 4 ft. Wide Shade Tree and Utility Easement along New York Avenue. The proposed easement dedication will create a continuous 6 ft. wide easement that presently exists as a variable width easement along New York Avenue.

3. The following Variances are required for this application:

a. Use Variances for Proposed Lots 11.04 and 11.05 – Both proposed lots have areas of 11,250 s.f.; whereas duplex housing lots are permitted on lots having a minimum area of 12,000 s.f.

b. Front Yard Setback Variance for Proposed Lot 11.04 – A front yard setback of 15 ft. is proposed from New York Avenue; whereas a setback of 30 ft. is required.

c. Side Yard Setback Variance for Proposed Lot 11.04 – A side yard setback of 8 ft. is proposed along proposed Lot 11.05; whereas a setback of 10 ft. is required.

#### **ZONING BOARD OF ADJUSTMENT**

**JULY 6, 2009**

**MINUTES**

**PAGE 5.**

d. Side Yard Setback Variance for Proposed Lot 11.05 – A side yard setback of 9 ft. is proposed along proposed Lot 11.04; whereas a setback of 10 ft. is required.

e. Combined Side Yard Setback Variance for Proposed Lot 11.05 – A combined side yard setback of 19 ft. is proposed; whereas a combined setback of 25 ft. is required.

4. The applicant should address the Board on the following:

a. The applicant should demonstrate to the Board that the Use Variances can be granted without substantial detriment to the public good and that the intent and purpose of the Lakewood Township Land Use Ordinance and Master Plan will not be substantially impaired.

- b. The applicant should discuss any reasons supporting the granting of the Use Variances, addressing both the positive and negative criteria for the Variance.
  - c. Testimony should be given in support of the required Bulk Variances.
  - d. In consideration of the Front Yard Setback Variance for proposed Lot 11.04. What are the prevailing front yard setbacks along New York Avenue in the vicinity of proposed Lot 11.04?
  - e. What was the purpose of the Drainage Easement that was proposed under Appeal No. 3507A? How was the development proposed under the previous application different in that drainage issues previously considered would not be a concern under this application?
  - f. The applicant should address the Board on existing adjacent land Uses for the purpose of providing buffers (Section 18-803E.2.b) and/or screening.
  - g. Will the applicant provide shade trees along New York and Ridge Avenues (Section 18-803D)?
5. The vacation of the Drainage Easement must be approved by the Township Committee.
6. The plan entitled "Variance Exhibit" shows that each duplex unit will be provided with 4 parking spaces in the front yard areas along Ridge Avenue. We would suggest to the Board that either fencing (a 6 ft. privacy fence) or a row of evergreen trees (single row of Arborvitae 6 to 8 ft. high at 6 ft. centers) be provided between the parking spaces on proposed Lot 11.05 and adjacent Lot 12.05 (if residentially developed). If this is to be required by the Board, a note pertaining to same should be placed on the Subdivision Plan to be filed.
7. In conformance with the Map Filing Law the following should be provided:
- a. Prior to map signing either the existing shed should be removed or a bond for the removal of same should be posted with the Township.
  - b. Monuments should be set at the 4 outbound corners of the tract. The monuments should be shown on the plan and noted as "monument set".
  - c. A minimum of 3 outbound corners of the tract should be coordinated.
8. The applicant has provided architectural Plans that indicate 3 floors and a basement for each duplex unit.
9. The Subdivision Plan should be revised as follows:
- a. A note should be provided which states that upon the development of each duplex building dry-wells for roof runoff (designed for the 25-year storm event) will be constructed.
  - b. The Zoning Schedule should be revised to indicate a Front Yard Setback Variance is required for proposed Lot 11.04.
  - c. The proposed subdivision line should be labeled.
  - d. Potable water and sanitary sewer laterals should be shown to both duplex buildings.
  - e. The existing water/sewer mains within New York and Ridge Avenues should be shown on the plan.
  - f. The Ordinance number that vacates the drainage easement should be noted on the plan.
  - g. The Use Variances for proposed Lots 11.04 and 11.05 should be noted on the plan.
10. The following outside agency approvals are required:
- a. Ocean County Planning Board.

**MINUTES**  
**PAGE 6.**

b. The applicant remains responsible to obtain all other Local, State and Federal approvals and permits that may pertain to this project.

Brian Flannery, engineer. The prior application was for a 3 lot subdivision where they received approval for a duplex with fee simple lot lines and would retain the existing home. This application is for 2 duplex lots.

Mr. Halberstam – this was approved for 2 single family on Ridge Avenue and left the old house at the corner. Now throwing down the old house and putting up 2 duplexes.

Mr. Flannery – the approval was for 3 fee simple lots.

Mr. Zaks – now asking for 4 units.

Mr. Flannery reviewed Mr. Ernsts report. There are multi family townhouses in the area. Drywells are provided for each of the lots. This is an R-10 zone, 11,250 square foot lots where 12,000 is required for a duplex. Side yard setback variances are requested. There is no negative impact. They will provide shade trees consistent with the ordinance. Shown 4 parking spaces for each of the duplex units or 8 on each lot.

Mr. Halberstam – on New York Avenue there is an 15 foot setback – what if they widen that street?

Mr. Ernst – setbacks are measured from the property line.

Mr. Flannery – if they widen New York Avenue it will be a 10 foot setback.

Mr. Halberstam – have a problem with the setbacks.

Mr. Zaks - If somebody decides to finish the basements there could be 8 families in this small lot.

Mr. Flannery – The ordinance allows duplexes on 12,000 square foot lots and they have 11,250.

Mr. Halberstam – this neighborhood is very dense and New York Avenue is a narrow street.

Mr. Flannery - The Master Plan recommends that this area should be a R-7.5 zone. The applicant would be willing to pay his fair share if the road was widened. They are proposing unfinished basements. There are outside entrances to the basement.

Open to Public. Closed to Public.

Motion to deny – to much for the area and doesn't fit -Ms. Goralski  
Second – uncomfortable with the driveway and the narrow road of New York Avenue - Mr. Gelley

Mr. Flannery – they can reduce the width of the units and provide additional setback along New York Avenue.

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

Mr. Halberstam  
Nayes: Mr. Naftali

Appeal denied.

**Appeal # 3709 – JLSG, LLC**, 115 Leonard Street, Block 227 Lot 8, R-10 zone.  
To construct a single family home on an undersized lot.

**Secretary read reports.**

**ZONING BOARD OF ADJUSTMENT  
JULY 6, 2009  
MINUTES  
PAGE 7.**

**From: John Ernst, Engineer/Planner -June 15, 2009**

The application is for Bulk Variances to construct a residential dwelling on an existing non-conforming lot. I have reviewed the submitted information and offer the following comments:

1. The property is located on the north side of Leonard Street, 250 ft. west of East End Avenue. It lies within the R-10 (Single Family Residential) Zone and comprises an area 7,425 s.f. The lot is occupied by a two-story residential dwelling with an attached concrete porch and a dirt driveway from Leonard Street. Sanitary sewer and potable water services are provided by existing facilities within Leonard Street.

2. The applicant proposes to remove the existing dwelling and driveway and construct a new two-story dwelling with an attached rear yard deck and a new paved driveway from Leonard Street with off-street parking for two vehicles. The proposed dwelling will have six bedrooms, a basement with an exterior entrance door and an attic. Potable water and sanitary sewer services will be connected into the existing systems within Leonard Street

3. The following Variances are required for this application

a. A Variance to Construct a Residential Dwelling on an Existing Non-Conforming Lot:

The lot is non-conforming for the following reasons –

1. Lot Area – A lot area of 7,425 s.f. exists; whereas 10,000 s.f. is required.

2. Lot Width – A lot width of 49.50 ft. exists; whereas 75 ft. is required

b. A Variance for Side Yard Setback: The proposed dwelling will have a side yard setback of

7 ft. along adjacent Lot 9; whereas a setback of 10 ft. is required.

c. A Variance for Combined Side Yard Setback: The proposed dwelling will have a

combined side yard setback of 14.5 ft.; whereas a combined side yard setback of 25 ft. is required.

d. A Variance for Lot Coverage: A lot coverage of 26.2% is proposed; whereas a lot coverage of 25% is permitted.

4. The applicant should provide testimony to the Board on the following issues:

a. Does the applicant own nearby or adjacent land that if consolidated with this lot would provide lot width and/or additional lot area to make this a conforming lot?



b. Has an attempt been made to purchase property from or sell the property to adjacent landowners to make this lot conform with the Ordinance? **The applicant should support this issue with written documentation.**

c. Testimony should be given in support of the required Variances.

d. The applicant should address the Board as to the proposed Uses within the attic and basement

5. Since the applicant proposes two off-street parking spaces and the dwelling will have six bedrooms we would suggest that the dwelling be moved towards the back of the lot so that two additional off-street parking spaces can be provided. (The RSIS requires three off-street parking spaces when there is five bedrooms).

6. Dry wells for dwelling roof run-off should be provided. The dry wells should be designed for the 10-year storm event.

7. Concrete sidewalk (6" thick with reinforcing) should be provided along the proposed driveway apron on Leonard Street. The sidewalk should be aligned with the existing sidewalk along adjacent Lot 7. In addition, details for the construction of concrete sidewalk, apron and depressed curbing (with pavement repair) should be submitted.

John Doyle represented applicant – this is an undersized lot 50 x 150. Seek to replace a home that was built in 1910 and 1000 square foot.

A-1 buy sell letters

**ZONING BOARD OF ADJUSTMENT  
JULY 6, 2009  
MINUTES  
PAGE 8.**

Mr. Doyle – no indication of interest was given.

Brian Flannery, sworn.

A-1 mounting of tax map

Mr. Flannery – described A-1 and the surrounding area. This lot is in the R-10 zone. Reviewed Mr. Ernsts report. The house is consistent with the houses in the area. This redevelopment would be consistent with what the Master Plan recommends. This house is about 5 feet out of the ground because of the shallow water table in the area. Will provide 4 parking spaces.

Mr. Doyle - The house to the left is 1400 square feet and was built in 1920 and does not represent what is being built in the area now.

Open to Public. Closed to Public.

Motion to approve with 4 parking spaces – Mr. Zaks

Second – Ms. Goralski

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

Ms. Goralski, Mr. Halberstam

Recess.

**Appeal # 3710 -Sam Brown** – Lanes Mill Road, Block 187.15 Lots 16 & 104, Block 189.04 Lots 68, 197 & 201, OT Zone. To construct commercial and multi-family units in the OT zone

Secretary read reports.

**From: John Ernst, Planner/Engineer - June 24, 2009, June 29, 2009**

This application is for Use Variance proposals on two separate properties that are located along opposite sides of Lanes Mill Road. One property comprises Lots 16 and 104, Block 187.15 and the other property comprises Lots 68, 197 and 201, Block 189.04. Since the proposals are independent from each other this review addresses each proposal separately.

In review of the applicant's proposals we offer the following comments:

**REVIEW OF USE VARIANCE ON LOTS 16 AND 104, BLOCK 187.15**

1. The property is located on the north side of Lanes Mill Road, approximately 360 ft. east of Alamitos Drive. It lies within the OT (Office Transitional Use) Zone and the R-15 (Single Family Residential) Zone and comprises an area of 2.3 acres. The property is partially cleared of trees and is occupied by a single family residential dwelling. The rear portion of the property is encumbered by a freshwater wetlands area that is associated with the North Branch of the Metedeconk River that is to the east of the site. The Metedeconk River is classified as C-1 Waters by the N.J.D.E.P. It appears that the C-1 Waters 300 ft. buffer encroaches into the property and is outside the area of proposed development. Surrounding land Uses within 200 ft. of the property are vacant/wooded with a single family residential dwelling being on the opposite side of Lanes Mill Road.

2. The applicant proposes to develop the property for residential Use by constructing a two-story building containing four attached single-family townhouse units. In addition, a parking area is proposed for 17 off-street parking spaces. In review of the Township's Zoning Map and the submitted plan (a sketch based on Tax Map data and not a Survey of the property) it appears that there will be no improvements constructed within the R-15 Zone which is located in the back of the property. In review of the Architectural Plans for the proposed building the townhouse units will have basements with no exterior entrances. However, the parking schedule shown on the plan indicates the townhouse units will have livable basements. The applicant should clarify how the basements will be utilized.

3. The applicant has requested a Use Variance to construct 4 attached single-family residential townhouse units on the property which is not a permitted Use within the OT Zone. The applicant should be aware that since the submitted plan is based on Tax Map data (and not a

**ZONING BOARD OF ADJUSTMENT  
JULY 6, 2009  
MINUTES  
PAGE 9.**

certified Survey of the property) and the Zone line has not been shown that during Site Plan application (when the location of the Zone line is accurately shown on a plan based on Survey data), if any improvements are to be constructed within the R-15 Zone the applicant will be required to return to the Board for further Use Variance approval.

4. The applicant should provide testimony to the Board on the following issues:

a. The applicant should demonstrate to the Board that the Use Variance can be granted without substantial detriment to the public good and that the intent and purpose of the Lakewood Township Land Use Ordinance and Master Plan will not be substantially impaired.

b. The applicant should discuss any special reasons supporting the granting of the Use Variance, addressing both the positive and negative criteria for the Variance.

c.If the townhouse units will have livable basements is there compliance with the RSIS in regards to the number of required off-street parking spaces? The plan indicates 17 proposed off-street parking spaces.

d.How will water/sewer facilities be provided?

e.Will there be site lighting/landscaping improvements?

f.Will there be a site identification sign?

g.Will stormwater control facilities be provided? If so, where on the site? Do the proposed locations of the building/parking areas consider the locations of stormwater control facilities in regards to grading purposes?

h.Will each townhouse unit be provided with a refuse/recycling area? Will the area be screened from view?

i.When constructed will the proposed building meet the conditions of Section 18-900.H.10 of the Ordinance? In review of the submitted Architectural Plans there is non-conformance.

j.Will a Homeowner's Association be established for ownership and maintenance responsibilities of stormwater control facilities and open space areas or will these areas be dedicated to the Township?

k.Will buffering be provided in conformance with Section 18-803.E.b of the Ordinance? The adjacent property to the west and along Lanes Mill Road is zoned R-15.

5.Since this property is located along Lanes Mill Road ( a County Road) we recommend that prior to the submittal of a Site Plan application to the Board that the applicant meet with the County to determine if there will be any conditions requiring roadway widening, driveway locations, etc.

6.The parking notes on the plan should be revised to be specific to the site proposal.

**REVIEW OF USE VARIANCES ON LOTS 68, 197 AND 201, BLOCK  
189.04**

1.The property is located on the south side of Lanes Mill Road, approximately 360 ft. east of Alamitos Drive. It lies within the OT (Office Transitional Use) Zone and comprises an area of 4.08 acres. The property is partially cleared of trees and is occupied by a single family residential dwelling. The rear portion of the property is encumbered by an isolated freshwater wetlands area that is associated with the North Branch of the Metedeconk River that is to the east of the site. The Metedeconk River is classified as C-1 Waters by the NJDEP. In review of the NJDEP i-Map the C-1 Waters 300 ft. Buffer does not encroach into the property. Surrounding land Uses within 200 ft. of the property are vacant/wooded with single family residential dwellings being north, east and south of the site and an Ocean County drainage facility being adjacent on the east.

2.The applicant proposes to develop the property for a combined Use of residential/retail/office in the following manner:

a.A two-story retail/office building is proposed. The first floor will have an area of 10,007 s.f. and be occupied by retail sales space. The second floor will have an area of 10,700 s.f. and be occupied by office space.

**ZONING BOARD OF ADJUSTMENT  
JULY 6, 2009  
MINUTES  
PAGE 10.**

b.Three two-story buildings containing eighteen (18) attached two-family townhouse units are proposed. Two buildings will contain five two-family townhouse units and one building will contain eight two-family townhouse units.

A total of 36 residential units are proposed. The parking schedule shown on the plan indicates the townhouse units will have livable basements.

c. Parking areas for 172 off-street parking spaces are proposed.

3. The applicant has requested a Use Variance to construct the three two-story attached two-family townhouse buildings and the retail sales space within the proposed two-story retail/office building which are not permitted Uses within the OT Zone. The proposed office space is a permitted Use within the Zone.

4. The applicant should provide testimony to the Board on the following issues:

a. The applicant should demonstrate to the Board that the Use Variances can be granted without substantial detriment to the public good and that the intent and purpose of the Lakewood Township Land Use Ordinance and Master Plan will not be substantially impaired.

b. The applicant should discuss any special reasons supporting the granting of the Use Variances, addressing both the positive and negative criteria for the Variances.

c. Since the townhouse units will have livable basements, compliance with the RSIS regarding the number of required off-street parking spaces should be provided. The plan indicates 172 proposed off-street parking spaces. If the commercial building will have retail/professional office Use the required number of spaces is 86

leaving 86 spaces for residential purposes. If the commercial building will have retail/medical office Use the required number of spaces is 121 leaving 51 spaces for residential purposes.

d. How will water/sewer facilities be provided?

e. Will there be site lighting/landscaping improvements?

f. Will there be a site identification sign?

g. Will stormwater control facilities be provided? If so, where on the site? Do the proposed locations of the building/parking areas consider the locations of stormwater control facilities in regards to grading purposes?

h. Will each two-family townhouse unit be provided with a refuse/recycling area? Will the area be screened from view?

i. Will the retail/office building be provided with a refuse/recycling area?

j. When constructed will the proposed two-family townhouse buildings meet the conditions of Section 18-900.H.10 of the Ordinance? This is in regards to providing a 2 ft. variation in setback for more than 2 connected townhouse units.

k. Will a Homeowner's Association be established for ownership and maintenance responsibilities of stormwater control facilities and open space areas or will these areas be dedicated to the Township?

l. Will buffering be provided in conformance with Section 18-803.E.b of the Ordinance? The adjacent properties to the south and west are zoned R-20.

m. How will the applicant comply with Section 18-808 of the Ordinance? This pertains to dedicating a minimum of 5% of the land area as common open space or active/passive recreation. If not provided, will the applicant make a contribution in conformance with Section 18-808D of the Ordinance?

5. Since this property is located along Lanes Mill Road (a County Road) we recommend that prior to the submittal of a Site Plan application to the Board that the applicant meet with the County to determine if there will be any conditions requiring roadway widening, driveway locations, etc.

I reserve the right to present additional comments pending the applicant's testimony before the Board.

**ZONING BOARD OF ADJUSTMENT  
JULY 6, 2009  
MINUTES  
PAGE 11.**

Sam Brown, attorney/applicant. Application for a mixed use. The area is the border between Lakewood & Bricktown. The total area of this property is about 6- 6 ½ acres. This is for a use variance only – they will come back for site plan. Asking for some of the uses in the B-1 zone.

Brian Flannery – application for both sides of the road in the OT zone. Asking for, in addition to the office and professional uses allowed in the OT zone, asking for retail and service activities. Also asking for townhouses/multi-family. This is on a County roadway. This is consistent with the Municipal Land Use Law and the Master Plan.

Mr. Brown – the impact on the surrounding area is de minimous.

Mr. Flannery – asking for retail, service uses and residential uses. The OT zone permits professional offices. The townhouses and the retail activities are not permitted in this zone. The Planning Board adopted this area as a B-1 zone but the Township has not adopted it.

A-3 architectural rendering  
A-4 architectural rendering of residential unit.

Open to Public.

Floyd Collins Albertson – 1803 Lanes Mills Road, sworn. Last house before Brick Township. There is a traffic issue. The Metedeconk River could be affected. They only have city water – there is no other utilities.

Vicky Feit, 1797 Lanes Mills Road, sworn. Concerned about the traffic. Concerned about flooding, her basement is flooded.

Joshua Rothenberg, 78 Clearstream Road, affirmed. In favor of this proposal.

Sam Rabinowitz, 800 South Lake Drive, affirmed. In favor of this proposal.

Joseph Shlomowitz, 1565 Alamos Drive, affirmed. It would be very helpful to the neighborhood to have a commercial/residential development.

Dotty Albertson, 1803 Lanes Mill Road, sworn. Traffic is an issue. There have been many accidents at the light. Accidents on that road is constant. When it rains the river rises and it overflows and swamping out their properties. Concerned about the water. Do not have objections to the business or the residential. You have to consider the traffic. Think about the impact.

Closed to Public.

Mr. Halberstam - By the applicant putting in the shopping center it will help the traffic going into Lakewood.

Mr. Flannery – use only – the issues are site plan. They will address all these issues at site plan, traffic and environmental. There will also be dialogue with the neighbors. They have to satisfy the County.

Mr. Ernst - The County will be reviewing their plan. They will need a traffic study and environmental permitting.

Mr. Flannery - There will definitely be public sewer and water.

Motion to approve retail, office and townhouse use – Mr. Lazzaro

Second – Mr. Gelley

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

Ms. Goralski, Mr. Halberstam

Recess.

**ZONING BOARD OF ADJUSTMENT  
JULY 6, 2009  
MINUTES  
PAGE 12.**

**Appeal #3694A - Forest Glen** – Block 1159 Lots 19, 42-44, 85, R-20 zone. To construct 68

townhouses in 12 buildings. Use Variance previously granted.

Major

subdivision and site plan.

Secretary read reports.

**From: John Ernst, Engineer/Planner – June 24, 2009**

1.The property is located along the north side of Chestnut Street, approximately 1,400 ft. west of New Hampshire Avenue. It lies within the R-20 (Single-Family Residential) Zone and comprises an area of 15.77 acres. The front portion of the property along Chestnut Street (approximately 2.8 acres) has been cleared of woods and is occupied by a residential dwelling, a dwelling in disrepair, a garage, an above ground swimming pool and two sheds. The rear portion of the property (approximately 13 acres) is heavily wooded and is traversed by Kettle Creek with associated wetlands areas. Also there is a separate isolated wetlands area towards Salem Street to the north. In addition, there are existing sanitary sewer and potable water mains within Chestnut Street.

2.The applicant was previously before the Board and was granted a Use Variance for the construction of an undetermined number of townhouse units on the subject property. The Use Variance approval was granted by Resolution #3694.

3.The applicant is now before the Board seeking Preliminary/Final Major Subdivision and Site Plan approval for the construction of 68 townhouse units and a community center building. The proposed construction will occur in the following manner:

a.Thirteen separate buildings are to contain the 68 townhouse units. Three buildings will contain four units, five buildings will contain five units, four buildings will contain six units and one building will contain seven units. The proposed density is 4.31 townhouse units per acre. In review of the architectural plans each building will be two stories in height, have a raised rear yard deck and have an exterior entrance to a basement.

b.Each townhouse unit will be on a “fee simple” lot.

c.A 2,500 s.f. community center building with an adjacent 1,920 s.f. “tot lot” is proposed. A second 1,600 s.f. “tot lot” is proposed near the entrance to the site.

d.Ingress/egress to the development is proposed by a boulevard type roadway from Chestnut Street which is a County Road. The interior 50 ft. right-of-ways

will provide for 30 ft. wide paved roads and sidewalks on both sides of the streets. Residential parking is primarily provided off-street on individual lot driveways.

e. Underground stormwater collection systems and three stormwater infiltration basins are proposed. The applicant is proposing that the Township will own and maintain the stormwater system whereby the applicant make a contribution in accordance with Section 18-815.B.4 of the Ordinance.

f. Street trees, street lights and landscaped areas are proposed.

g. NJDEP wetlands buffering is proposed along Kettle Creek. The buffer areas will be supplemented with “reduction” and “addition” areas to be approved by the NJDEP. Also, Kettle Creek will be crossed by a proposed roadway.

h. Potable water and sanitary sewer mains are proposed to be extended from existing facilities within Chestnut Street.

i. All existing improvements on the site will be removed.

j. Approximately 9.6 acres of woods clearing is proposed.

k. Two “open space” areas are proposed. One area (containing 4.5 acres) contains Kettle Creek (with contiguous wetlands areas), the proposed community building (with adjacent “tot lot”), a second “tot lot” near the site’s entrance, and three stormwater infiltration basins. The second area (containing 3.3 acres) is an isolated wetlands area north of the area of proposed development and towards Salem Street. A Homeowners Association is to be established for ownership and maintenance of the “open space” areas.

l. 15 ft. wide landscape buffer easements are proposed along portions of the west and east boundaries of the site adjacent to the proposed buildings. The easements are to be dedicated to a Homeowner’s Association.

## **ZONING BOARD OF ADJUSTMENT**

**JULY 6, 2009**

**MINUTES**

**PAGE 13.**

4. The following Variances are required:

a. Side Yard Setback Variances for End Units – Side yard setbacks of 5 ft. (scaled) on Lots 19.08, 19.11, 19.12, 19.39, 19.56, 19.67, 19.68, 19.71 and 6.5 ft. (scaled) on Lot 19.41 are proposed; whereas 12 ft. is required (Section 18-900.H6.b).

b. A Variance for Having More Than Two Connecting Townhouse Units on One Façade Without a 2 Ft. Break – All proposed townhouse units will have the same rear wall façade in all proposed thirteen buildings; whereas a 2 ft. variation in the façade setback is required for more than two connecting townhouse units (Section 18-900.H10). The Board should be aware that the rear walls of ten townhouse units will face towards Chestnut Street and the rear walls of thirty-nine townhouse units will be directly viewed from adjacent properties with the remaining nineteen units being indirectly viewed from adjacent properties.

c. A Variance for Not Providing a Useable Rear Yard Depth of 20 ft. – Twenty-eight townhouse units (Lots 19.12 thru 19.39) along the tract’s easterly boundary line will have a useable rear yard depth of 15 ft. (measured from building line to the proposed 15 ft. wide buffer line); whereas a useable rear yard depth of 20 ft. is required (Section 18-900.H12).

5. The applicant has requested a Waiver from submitting an Environmental Impact Statement as required by Section 18-820 of the Ordinance. Testimony should be provided to substantiate this request.

6. The applicant has requested a Waiver from submitting a Tree Protection Management Plan as required by Section 18-803.H.3 of the Ordinance. Testimony should be provided to substantiate this request. If the Waiver is granted, the Board should determine if a contribution should be provided in conformance with Section 18-803.H.6b.

7.The applicant requires a Waiver from providing a minimum of 5% of the tract area for either “open space” or “active/passive recreation”. The 5% area to be provided must be contiguous and free from environmental constraints and not include drainage basins. The proposed community center building and two “tot lots” comprise an area of 6,020 s.f.; whereas 34,351 s.f. is required. If the Waiver is granted, the Board should determine if a contribution should be provided in conformance with Section 18-808.D of the Ordinance.

8.The Use Variance approval (Resolution #3694) granted the following:

a.A Waiver from providing a 30 ft. wide buffer area adjacent to lands zoned for residential Use, a 15 ft. wide dense buffer along both the east and west property lines was agreed to. Note no buffering is proposed at the street ends that are common to the east property line.

b.The applicant represented that the basement areas will be utilized for storage for each townhouse unit.

9.The Board should determine if the number of townhouse units (68 units) is appropriate for this site. The number of townhouse units was not addressed during the hearing for the Use Variance.

10.Stormwater basin #2 is at the rear of twelve residential units. The basin has a near vertical drop of seven feet which will be protected by a six ft. high anti-climb chain link fence.

11.Since Chestnut Street is a County Road we will defer to the County Engineer all issues related to traffic, intersection and Chestnut Street improvements.

12.A cursory review of the stormwater management system was performed and it appears that the facilities proposed by the applicant will be adequate to support the proposed development. However, since the applicant proposes to maximize the development on this site we would advise the Board that any approvals granted be conditioned upon a stormwater management system that meets the requirements of the RSIS and the NJDEP Best Management Practices. There may be minor technical issues that remain to be resolved. We will issue a more detailed Technical Review Letter of the plans and calculations to the applicant’s engineer with copies to the Board.

13.Upon the Board’s approval of this application and the receipt of revised plans (if applicable) this office will perform a Technical Engineering Review of the plans. The Technical Review will be sent to the applicant’s Engineer with copies to the Board.

14.The following outside agency approvals are required:

a.Ocean County Planning Board.

b.Ocean County Soil Erosion and Sediment Control.

c.NJDEP (for Stream Encroachment Permit).

**ZONING BOARD OF ADJUSTMENT**

**JULY 6, 2009**

**MINUTES**

**PAGE 14.**

d.NJDEP (for wetlands reduction/addition areas approval and verification of filing deed for conservation restriction).

e.NJDEP (for potable water approval).

f.NJDEP (for sanitary sewer approval).

g.LTMUA approval (for potable water and sanitary sewer approval).

h.The applicant remains responsible to obtain all other Local, State and Federal approvals and permits that may pertain to this project.



I would reserve the right to present additional comments pending the testimony of the applicant before the Board.

Abe Penzer represented applicant.

Brian Flannery, sworn.

Mr. Halberstam announced that there are only 6 members available. Mr. Zaks had to leave.

Mr. Penzer agreed to continue.

A-1

A-2 variance map

A-3 architectural rendering

Mr. Flannery – granted was 72 units and they adjusted the plan with 68 units. Reviewed Mr. Ernsts report. It is 15.7 acres with frontage on Chestnut Street. There are 2 tot lots proposed. There will be public water and sewer. All the units along the westerly property line will not have a 20 foot useable rear yard, there is 30 feet to the property line but 15 feet is impacted by a buffer. They have stacked parking to allow 4 parking spaces per unit and there is a double driveway. The environmental issues have to be approved by the DEP. The developer will not be finishing the basements. Chestnut Street is a county road and they will need County approval. They will provide a landscaping buffer between the street and the units from Chestnut Street. Wetlands cannot be disturbed. They did not fence in the wetlands or the stream. There is fencing around the stormwater facilities. They agreed to fence in any areas that need safety. The tot lots are 1,920 square feet and 1,600 square feet. The community center is 2,500 square feet. The roadway is 30 feet wide. They will recommend to the Township Committee that there be no parking on either side. They will provide a 4 foot berm with evergreens on top on Chestnut Street.

Ms. Goralski – would like to see wider units but less of them.

Open to Public. Closed to Public.

Motion to approve with a minimum 4 foot berm with evergreens on top, fencing around the creek and any other dangerous areas – Mr. Gelley

Second – Mr. Lankry

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

Mr. Halberstam

Resolutions

**Appeal # 3702 – Metro PCS – 220 4<sup>th</sup> Street, Block 246 Lot 1, PH-1 zone.**

Resolution to

approve 8 antennas on rooftop.

Motion to approve – Mr. Gelley

Second – Mr. Lazzaro

Roll call vote: affirmative: Mr. Gelley, Mr. Lazzaro, Mr. Lankry, Ms. Goralski,

Mr. Halberstam

**ZONING BOARD OF ADJUSTMENT  
JULY 6, 2009**

**MINUTES**  
**PAGE 15.**

Motion to pay bills.  
All in favor.

Motion to adjourn.  
All in favor.

Meeting adjourned at 11:00 P.M.

Respectfully submitted,

Fran Siegel, Secretary